

Ms Sarah Kelly  
Principal Planner  
Department of Education

-via email-  
[Sarah.Kelly97@det.nsw.edu.au](mailto:Sarah.Kelly97@det.nsw.edu.au)

Dear Ms Kelly,

**Subject: Request to waive the requirement for a biodiversity development assessment report (BDAR) under the *Biodiversity Conservation Act 2016* (BC Act) for the New Primary School at Murrumbateman (SSD-11233241)**

I refer to your request received on 10 December 2020 for the issue of a waiver for the requirement for a Biodiversity Development Assessment Report (BDAR) to be submitted as part the State Significant Development (SSD) application for the New Primary School at Murrumbateman (SSD-11233241).

Section 7.9(2) of the *Biodiversity Conservation Act 2016* (BC Act) provides the following in relation to an application for SSD:

*“Any such application is to be accompanied by a biodiversity development assessment report unless the Planning Agency Head and the Environment Agency Head determine that the proposed development is not likely to have any significant impact on biodiversity values.”*

The authority of the “*Planning Agency Head*” to determine whether a proposed development is “*not likely to have any significant impact on biodiversity values*” has been delegated to Directors within the Planning and Assessment Division of the Department of Planning, Industry and Environment (the Department).

Accordingly, I have reviewed the application of the test of significance under sections 1.5 and 7.3 of the BC Act and clause 1.4 of the Biodiversity Conservation Regulation 2017 and considered the information provided in the ecology assessment by Eco Logical Pty Ltd. dated 9 December 2020. I have determined that the development is not likely to have any significant impacts on biodiversity values and that the application does not need to be accompanied by a BDAR. A waiver under section 7.9 is therefore granted for the proposed development (being the New Primary School at Murrumbateman (SSD-11233241)).

The delegated “*Environment Agency Head*” in the Environment, Energy and Science Group (EESG) of the Department has also granted a waiver in a letter dated 28 January 2021 and a copy of that letter is attached.

Please note that the waiver is issued in respect of the proposed development detailed in the Secretary’s Environmental Assessment Requirements issued on 8 December 2020. Amendments to the development may require a further waiver to be sought and issued.

Should you have any enquiries regarding the above matter, please contact Jenny Chu on 8275 1327 or via email to [jenny.chu@planning.nsw.gov.au](mailto:jenny.chu@planning.nsw.gov.au).

Yours sincerely,



19 February 2021

Karen Harragon  
**Director, Social and Infrastructure Assessments**  
**As delegate of the Planning Secretary**  
**Attached: signed EESG waiver**