

Our ref: SSD-45121248

Mr Chris Forrester
Associate Director Planning
Ethos Urban

--via email--

cforrester@ethosurban.com

15 November 2022

Subject: Neringah Seniors Housing & Hospital (SSD-45121248) - Request to waive the need for a Biodiversity Development Assessment Report under the *Biodiversity Conservation Act 2016*

Dear Mr Forrester

I refer to your correspondence dated 17 August 2022 and 17 October 2022 requesting the issue of a waiver from the requirement for a Biodiversity Development Assessment Report (BDAR) to be submitted as part of the state significant development (SSD) application for the Neringah Seniors Housing and Hospital (SSD-45121248).

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 Team Leaders within the Planning and Assessment Division of the Department of Planning 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 report prepared by Biosis. 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 Neringah Seniors Housing and Hospital (SSD-45121248)).

The delegated *Environment Agency Head* in the Biodiversity and Conservation Division of the Department’s Environment and Heritage Group has also granted a waiver in a letter dated 28 October 2022 and a copy of that approval is attached.

This waiver is issued in respect of the proposed development detailed in a request for the Secretary's Environmental Assessment Requirements (SEARs), dated 24 June 2022. 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 Caleb Ball on (02) 9274 6186 or via email at caleb.ball@planning.nsw.gov.au

Yours sincerely

A handwritten signature in black ink that reads "G Wardenburg". The signature is written in a cursive, slightly slanted style.

Gabriel Wardenburg
Team Leader, State Significant Acceleration

as delegate of the Planning Secretary