



Our ref: SSD 8669

Ashleigh Smith
WillowTree Planning
Suite 4, Level 7
100 Walker Street
North Sydney NSW 2060

-via email-
asmith@willowtp.com.au

Dear Ms Smith

Subject: St Aloysius' College Redevelopment (SSD 8669) – Request to waive the need for a Biodiversity Development Assessment Report under the *Biodiversity Conservation Act 2016*

I refer to your request dated 4 September 2018 for the issue of a waiver for the requirement for a Biodiversity Development Assessment Report (BDAR) to be submitted as part of the state significant development (SSD) application for the St Aloysius' College Redevelopment (SSD 8669).

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" was delegated to Directors within the Planning Services Division of the Department of Planning and Environment (the Department) on 21 December 2017.

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 letter prepared by Cumberland Ecology dated 24 August 2018. 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 St Aloysius' College Redevelopment - SSD 8669).

The delegated "Environment Agency Head" in the Office of Environment and Heritage has also granted a waiver in a letter dated 26 September 2018 and a copy of that letter is attached. I note the comments in the letter regarding inconsistent information in relation to vegetation removal proposed in the development. These comments should be addressed in the Response to Submissions to be submitted in support of the application.

Please note that the waiver is issued in respect of the proposed development detailed in the Environmental Impact Statement submitted on 12 April 2018. 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 Jason Maslen on 8275 1317 or via email to jason.maslen@planning.nsw.gov.au.

Yours sincerely,



27/9/2018

Karen Harragon

Director, Social and Other Infrastructure Assessments

As delegate of the Secretary



Office of
Environment
& Heritage

DOC18/703451
SSD-8669

Mr Jason Maslen
Social and Other Infrastructure Assessments
Department of Planning and Environment
GPO Box 39
SYDNEY NSW 2001

Dear Mr Maslen

St Aloysius' College Redevelopment Concept Master Plan and Stage 1 detailed built form – Main School Campus, Senior School Campus and Junior School Campus, Kirribilli (SSD-8669) – request for determination under Section 7.9(2) of the Biodiversity Conservation Act 2016

Thank you for email dated 4 September 2018. The Office of Environment and Heritage (OEH) has reviewed the Biodiversity Assessment waiver request report from Cumberland Ecology (dated 24 August 2018) on behalf of the proponent (St Aloysius' College) to not require a Biodiversity Development Assessment Report (BDAR) to be submitted with the above State Significant Development (SSD) application.

Under section 7.9(2) of the *Biodiversity Conservation (BC) Act 2016*:

"Any such application [SSD] 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 power to determine whether an SSD is "*not likely to have any significant impact on biodiversity values*" was delegated to the OEH Senior Executive on 4 December 2017.

I note there are some issues with the information provided, for example:

- the aerial photography map in the BDAR waiver report shows vegetation present at the site but it does not identify the area of land/vegetation that is directly impacted by the proposed development
- the EIS and BDAR waiver requests include some inconsistent information in relation to the proposed removal of vegetation. For example, the EIS states no trees are to be removed as part of the Junior Campus (page 41) but the BDAR waiver request indicates there is potential for the loss of trees within the Junior Campus along Crescent Place (page 5). It is unclear how many trees are to be removed but implies 2 trees native to NSW (not locally endemic) will be removed.

Despite the above issues, I have determined that the proposed development is not likely to have any significant impact on biodiversity values and that there is no need for the SSD application to include a BDAR.

Should you have any queries in relation to this matter, please contact Janne Grose on 8837 6017 or by email at janne.grose@environment.nsw.gov.au.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Alex Graham', with a stylized, flowing script.

26/09/2018

ALEX GRAHAM
Director – Greater Sydney
Communities and Greater Sydney Division