



JOHNSTAFF

Appendix D – BDAR Waiver



DOC17/629273
SSD 8677

Mr Peter McManus
Team Leader
Social and Other Infrastructure Assessments
Department of Planning and Environment
via email: peter.mcmanus@planning.nsw.gov.au

Dear Mr McManus

RE: SSD 8677 Alterations and Additions to Fairvale High School - request for determination under section 7.9(2) of the *Biodiversity Conservation Act 2016*

The Office of Environment and Heritage (OEH) has reviewed the request from the NSW Department of Education to not require a biodiversity development assessment report (BDAR) to be submitted with the 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*” has been delegated to the OEH Senior Executive on 4 December 2017.

I have reviewed the information submitted in support of the request including the letter prepared by DFP Planning P/L dated 14 November 2017 and the Biodiversity Assessment prepared by SLR Consulting P/L dated 7 December 2017. 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.

Please note that OEH will have no other comments on the proposal during its public exhibition.

If you have any questions, please contact Ms Marnie Stewart on 9995 6868 or by email at marnie.stewart@environment.nsw.gov.au.

Yours sincerely

23.01.2018

ALEX GRAHAM
Director – Greater Sydney
Regional Operations Division



Zoe Cameron
Project Director
Johnstaff
Level 12, 70 Pitt Street
Sydney, NSW 2000

Our ref: SSD 8677

-via email-

zoe.cameron@johnstaff.com.au

Dear Ms Cameron

Subject: Alterations and Additions to Fairvale High School (SSD 8677) – Request to waive the need for a BDAR under the Biodiversity Conservation Act 2016

I refer to correspondence dated 14 November 2017 regarding the request to waive the need for a Biodiversity Development Assessment Report (BDAR) to be submitted as part of the above referenced State significant development (SSD) application.

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

“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 Services Division of the Department of Planning and Environment on 21 December 2017.

I have reviewed the application of the test of significance under sections 1.5 and 7.3 of the BCA and clause 1.4 of the *Biodiversity Conservation Regulation 2017*, and agree that there is no need to submit a BDAR as part of the SSD application. Therefore, a waiver under section 7.9 is granted for the proposed development (being alterations and additions to Fairvale High School - SSD 8677).

The delegated *Environment Agency Head* in the Office of Environment and Heritage has also granted a waiver in a letter dated 23 January 2018 and a copy of that letter is attached.

This waiver is issued in respect of the proposed development detailed in the Environmental Impact Statement dated 8 December 2017. 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 Navdeep Shergill on 8289 6777 or via email to navdeep.singhshergill@planning.nsw.gov.au.

Yours sincerely,

14/02/2017

Karen Harragon
Director, Social and Other Infrastructure Assessments
As delegate of the Secretary