



Dan Keary
Director
Keylan Consulting Pty Ltd
Suite 2, Level 1
1 Rialto Lane
Manly NSW 2095

Our ref: SSD 8894

-via email-
dan@keylan.com.au

Dear Mr Keary

Subject: Tower B, St Leonards, Stage 2 Design and Construction (SSD 8894) – Request to waive the need for a BDAR under the Biodiversity Conservation Act 2016

I refer to your correspondence dated 16 January 2018, regarding the request from Keylan 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 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 Tower B, St Leonards, Stage 2 Design and Construction - SSD 8894).

The delegated *Environment Agency Head* in the Office of Environment and Heritage has also granted a waiver in a letter dated 30 January 2018 and a copy of that letter is attached.

This waiver is issued in respect of the proposed development detailed in a request for Secretary’s environmental assessment requirements dated November 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 David Gibson on 9274 6241 or via email to david.gibson@planning.nsw.gov.au.

Yours sincerely,

30/1/2018

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