



Mr Stevan Pejic
NSW Department of Education
Schools Infrastructure NSW
Level 8, 259 George Street
Sydney NSW 2000

Our ref: SSD 9671

-via email-
stevan.pejic1@det.nsw.edu.au

Dear Mr Pejic

Subject: Young High School Redevelopment (SSD 9671) – Request to waive the need for a BDAR under the Biodiversity Conservation Act 2016

I refer to your correspondence dated 9 October 2018, 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 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 determine that the development as described in the letter from Ethos Urban on behalf of the NSW Department of Education dated 9 October 2018 is not likely to have any significant impact on biodiversity values. The application, therefore, does not need to be accompanied by a BDAR. Accordingly, a waiver under section 7.9 is granted for the proposed development (being Young High School Redevelopment – SSD 9671).

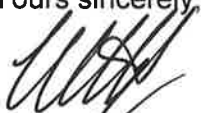
The delegated *Environment Agency Head* in the Office of Environment and Heritage (OEH) has also granted a waiver in a letter dated 13 November 2018 and a copy of that letter is attached.

This waiver is issued in respect of the proposed development detailed in a request for Planning Secretary’s environmental assessment requirements (SEARs) dated (9 October

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 Jasmine Tranquille on 9860 1539 or via email to Jasmine.Tranquille@planning.nsw.gov.au.

Yours sincerely



20/11/2018

Karen Harragon

Director, Social and Other Infrastructure Assessments

As delegate of the Secretary

Attachment: OEH Waiver



**Office of
Environment
& Heritage**

Your reference: SSD 9671
Our reference: DOC18/837532-8
Contact: Nicola Hargraves (02) 6229 7195

Jasmine Tranquille
Social and other Infrastructure Assessment
320 Pitt Street
GPO Box 39
Sydney NSW 2001

Email: Jasmine.Tranquille@planning.nsw.gov.au

Dear Jasmine

**RE: Request to waive requirement for BDAR under s.7.9 of the Biodiversity
Conservation Act 2017 – Young High School Redevelopment, Campbell Street, Young
SSD 9671**

I refer to the request from The Department of Education to waive the requirement for a biodiversity development assessment report (BDAR) to be submitted with the proposed state significant development application for Young High School redevelopment.

I have reviewed the information provided by the applicant and determined that the proposed development as described in the Flora and Fauna Assessment provided by NGH Environmental is unlikely to have a significant impact on biodiversity values. The application, therefore, does not need to be accompanied by a BDAR.

Please note that if the proposed development is changed so that it is no longer as described in Schedule 1 of the determination, the applicant will need to lodge a new waiver request or prepare a BDAR.

The determination is attached for you to provide to the applicant. Also attached for your information is OEH's decision report. The decision report should not be provided to the applicant without OEH approval.

Please contact Allison Treweek – Senior Team Leader Planning, South East, should you have any further queries regarding this matter.

Yours sincerely,

13.11.2018

Michael Saxon
South East Branch – Conservation & Regional Delivery
Office of Environment and Heritage

encl 1. OEH Determination
 2. OEH Decision report
 3. OEH Decision table

Attachment 1 - OEH Determination

Determination under clause 7.9(2) of the Biodiversity Conservation Act 2016

I, Michael Saxon, Director South East Branch, of the Office of Environment and Heritage, under clause 7.9(2) of the *Biodiversity Conservation Act 2016*, determine that the proposed development is unlikely to have a significant impact on biodiversity values and therefore a Biodiversity Development Assessment Report is not required

Proposed development means the development as described in the SEAR's Input – letter to OEH & The Flora and Fauna Assessment provided by NGH Environmental and Schedule 1. If the proposed development changes so that it is no longer consistent with this description, a further waiver request is required.



Michael Saxon
Director South East Branch
Conservation & Regional Delivery
Office of Environment and Heritage

13.11.2018

Date