



Mr. David Riches
Head, Projects NSW
PO Box R220
Roya Exchange
NSW 1225

Our ref: SSD-9835

-via email-
moliver@ethosurban.com

Dear Mr Riches

Subject: Sydney Football Stadium Redevelopment Stage 2 (SSD-9835) – Request to waive the need for a BDAR under the Biodiversity Conservation Act 2016

I refer to your correspondence dated 7 May 2019 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 you dated 7 May 2019) 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 Redevelopment of Sydney Football Stadium Stage 2 (detailed design, construction and operation of the new stadium) – SSD 9835).

The delegated *Environment Agency Head* in the Office of Environment and Heritage (OEH) has also granted a waiver in a letter dated 20 June 2019 and a copy of that letter is attached.

This waiver is issued in respect of the proposed development detailed in the Environmental Impact Statement (EIS) dated 12 June 2019. 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 Aditi Coomar on 8217 2097 or via email to aditi.coomar@planning.nsw.gov.au.

Yours sincerely,



27/06/2019

Karen Harragon

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

Attachment: OEH Waiver



Office of
Environment
& Heritage

DOC19/395307
SSD 9835

Aditi Coomar
Principal Planning Officer
Social and Other Infrastructure Assessments
Division of Priority Projects Assessments
NSW Department of Planning and Environment
GPO BOX 39
SYDNEY NSW 2001

Email: Aditi.Coomar@planning.nsw.gov.au

Dear Ms Coomar,

Request for Biodiversity Development Assessment Report Waiver for SSD 9835 – Sydney Football Stadium Stage 2

The Office of Environment and Heritage (OEH) has reviewed the request from Infrastructure New South Wales (INSW) dated 7 May 2019, and additional information received on 6 June 2019 to waive the requirement for a Biodiversity Development Assessment Report (BDAR) to be submitted with the above State Significant Development Application SSD 9835.

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

'Any such application [SSD] is to be accompanied by a biodiversity development 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 application of the test of significance under Section 7.3 of the BC Act, that was prepared by INSW dated 7 May 2019, and additional information received 6 June 2019, and agree that there is no need for the SSD application to submit a BDAR as part of the application. Therefore, a waiver under s7.9 is granted for the Sydney Football Stadium Stage 2 SSD 9835 project.

Should you have any queries regarding this matter, please contact Bronwyn Smith, Senior Conservation Planning Officer, on 9873 8604 or Bronwyn.Smith@environment.nsw.gov.au.

Yours sincerely

20/06/2019

ALEX GRAHAM
Director Greater Sydney
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