



Our ref: DOC19/972724

Senders ref: SSD 10383

Mr Jason Maslen
Planning and Assessment Group
Department of Planning, Industry and
Environment
GPO Box 39
SYDNEY NSW 2001

Dear Mr Maslen

Request to waive requirement for BDAR under Section 7.9(2) of the Biodiversity Conservation Act 2016 – Westmead Catholic Community Education Campus, 2 Darcy Road, Westmead – SSD 10383

I refer to the request from Cumberland Ecology to waive the requirement for a biodiversity development assessment report (BDAR) to be submitted with the proposed State significant development (SSD 10383) for the Westmead Catholic Community Education Campus.

I have reviewed the information provided by the applicant in the BDAR waiver application dated 18 October 2019 and determined that the proposed development is not likely to have any significant impact on biodiversity values. The application therefore, does not need to be accompanied by a BDAR.

The determination is attached for you to provide to the applicant.

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.

Also attached for your information is the decision report prepared by Energy, Environment and Science Group (EES). The decision report should not be provided to the applicant without EES approval.

Please contact Janne Grose (Senior Conservation Planning Officer) at janne.grose@environment.nsw.gov.au or on 02 8837 6017 should you have any further queries regarding this matter.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Alex Graham'.

19/11/2019

ALEX GRAHAM
Director – Greater Sydney
Climate Change and Sustainability

encl 1. EES, DPIE decision report
2. EES, DPIE determination

Mr Mark DeSylva
Schools Development Manager
Catholic Education Office Diocese of Parramatta

via email: mdesylva@parra.catholic.edu.au

Dear Mr DeSylva

Subject: Westmead Catholic Community Education Campus (SSD-10383) – Request to waive the need for a Biodiversity Development Assessment Report under the Biodiversity Conservation Act 2016

I refer to your request submitted on 30 October 2019 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 Westmead Catholic Community Education Campus (SSD-10383).

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” has been delegated to Directors within the Planning and Assessment Division of the Department.

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 18 October 2019. 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 Westmead Catholic Community Education Campus (SSD-10383)).

The delegated “Environment Agency Head” in the Environment, Energy and Science Group of the Department has also granted a waiver in a letter dated 19 November 2019 and a copy of that letter is attached.

Please note that the waiver is issued in respect of the proposed development detailed in the Secretary’s Environmental Assessment Requirements submitted on 30 October 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 Jason Maslen on 8275 1317 or jason.maslen@planning.nsw.gov.au.

Yours sincerely,



22/11/2019

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