



Mr Alex Godina
Project Development Lead
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via email: alex.godina@maoneng.co

Dear Mr Godina

Subject: Lismore Battery Energy Storage System (SSD- 27165998) – Request to waive the need for a Biodiversity Development Assessment Report under the *Biodiversity Conservation Act 2016*

I refer to your correspondence dated 1 February 2022 requesting the issue of a waiver from the requirement for a Biodiversity Development Assessment Report (BDAR) to be submitted as part of the state significant development (SSD) application for the Lismore Battery Energy Storage System (SSD-27165998).

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 BDAR waiver request. 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 Lismore Battery Energy Storage System (SSD-27165998)).

The delegated *Environment Agency Head* of Biodiversity Conservation and Science Directorate of the Department (BCS) has also granted a waiver dated 17 February 2022, and a copy of that waiver is attached.

This waiver is issued in respect of the proposed development detailed in the BDAR waiver request for the proposed Lismore Battery Energy Storage System, dated 1 February 2022. 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 Lander Robinson on (02) 9274 6052 or via email to lander.robinson@planning.nsw.gov.au.

Yours sincerely,

– 14/03/2022

Nicole Brewer
Director, Energy Assessments
As delegate of the Secretary

Attached: BCD BDAR Waiver Lismore Battery Energy Storage System Determination 17/2/2022