

17/14031

Glen Rabbitt
University of Technology Sydney
PO Box 123
ULTIMO NSW 2007

Dear Glen,

I refer to your correspondence received on 22 February 2018, seeking to waive the need for a Biodiversity Development Assessment Report (BDAR) for the State Significant Development (SSD) application for the proposed change of use and fit out of the UTS Graduate School, Block 4N, Central Park, Chippendale (SSD 8976).

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

"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 your request having regard to sections 1.5 and 7.3 of the BC Act 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(2) of the BC Act is granted for the proposed SSD 8838.

The delegated *Environment Agency Head* in the Office of Environment and Heritage has also granted a waiver in a letter dated 5 March 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 received 11 December 2017. Amendments to the development may require a further waiver to be sought and issued.

Should you have any further enquiries, please contact Genevieve Hastwell, Planning Services, at the Department on (02) 9274 6457.

Yours sincerely,



20/3/18

Ben Lusher
Director
Key Sites Assessments

DOC18/108998
SSD 8976

Genevieve Hastwell
Planning Officer – Key Sites Assessments
NSW Department of Planning and Environment
GPO Box 39
SYDNEY NSW 2001

**UTS Graduate School change of use from commercial to educational establishment and fit out
- Request for Biodiversity Development Assessment Report waiver (SSD 8976)**

Dear Mrs Hastwell,

The Office of Environment and Heritage (OEH) has reviewed the request from Urbanac dated 21 February 2018, to waive the requirement for a Biodiversity Development Assessment Report (BDAR) to be submitted with the State significant development application.

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

“Any such application [SSD] 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 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 assessment of the biodiversity values of the site as described by the consultant Urbanac in the report titled *Biodiversity Development Assessment Report - Request for Waiver*. I have determined that the proposed development is not likely to have any significant impact on biodiversity values and that there is no need for the SSD application to include a BDAR.

Please contact Svetlana Kotevska on 8837 6040 or at Svetlana.kotevska@environment.nsw.gov.au should you have any further queries regarding this matter.

Yours sincerely



5/03/2018

ALEX GRAHAM
Director - Greater Sydney
Regional Operations