



Murray Blackburn-Smith
Regional Director
City Plan
Suite 2, Level 2, 21 Bolton Street
Newcastle NSW 2300

Our ref: SSD 9787

-via email-

murraybs@cityplan.com.au

Dear Mr Blackburn-Smith

Subject: Nihon University Newcastle Campus (SSD 9787) – Request to waive the need for a BDAR under the Biodiversity Conservation Act 2016

I refer to correspondence from EMM dated 11 February 2019, regarding the request, on behalf Nihon University, 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 EMM dated 11 February 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 Nihon University Newcastle Campus - SSD 9787).

The delegated *Environment Agency Head* in the Office of Environment and Heritage has also granted a waiver dated 25 February 2019 and a copy of that waiver is attached.

This waiver is issued in respect of the proposed development detailed in a request for Secretary's environmental assessment requirements dated 3 December 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 David Gibson on 9274 6241 or via email to david.gibson@planning.nsw.gov.au.

Yours sincerely,

26/2/2019

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