



Mark Maund  
Principal Planner  
de Witt Consulting  
PO Box 850  
Charlestown NSW 2290

Our ref: SSD 8937

**-via email-**

[mark.maund@dewittconsulting.com.au](mailto:mark.maund@dewittconsulting.com.au)

Dear Mr Maund

**Subject: The University of Newcastle Bioresources Facility (SSD 8937) – Request to waive the need for a BDAR under the Biodiversity Conservation Act 2016**

I refer to your correspondence dated 24 April 2018, regarding the request, on behalf of The University of Newcastle, 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 de Witt Consulting dated 24 April 2018) 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 The University of Newcastle Bioresources Facility - SSD 8937).

The delegated *Environment Agency Head* in the Office of Environment and Heritage has also granted a waiver in a letter dated 21 May 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 dated November 2017. 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](mailto:david.gibson@planning.nsw.gov.au).

Yours sincerely,

21/5/2018

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