

Mr Peter Doyle
Project Manager, Renewal Statutory Planning
Sydney Opera House Trust
GPO Box 4274
SYDNEY NSW 2001

Dear Mr Doyle

Request to waive the requirement for a Biodiversity Development Assessment Report

I refer to your request dated 7 January 2019 to waive the requirement for a Biodiversity Development Assessment Report (BDAR) for Lower Concourse Shade Covers, Minor Works and Uses at the Sydney Opera House (SSD 9794).

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 power to determine whether a SSD proposal is “not likely to have any significant impact on biodiversity values” (on behalf of the *Planning Agency Head*) has been delegated to Director level within the Planning Services Division of the Department of Planning and Environment (the Department).

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*. I consider that the proposed development (SSD 9794) is not likely to have any significant impact on biodiversity values and therefore it is not necessary to submit a BDAR as part of the SSD application.

The delegated Environment Agency Head in the Office of Environment and Heritage has been consulted and on 13 February 2019 confirmed that the proposed development is not likely to have any significant impact on biodiversity values. A copy of this letter is attached for your reference.

Therefore, under section 7.9(2) of the BC Act, the requirement to submit a BDAR has been waived for the proposed SSD 9794.

This waiver is issued in respect of the proposed development detailed in a request for SEARs dated 21 December 2018. Amendments to the development may require a further waiver to be sought and issued.

Should you have any further enquiries, please contact Karl Fetterplace, Senior Planner, Key Sites Assessments, at the Department on (02) 9274 6263.

Yours sincerely



David McNamara 15/2/19

Director
Key Sites Assessments (as nominee of the Secretary)