

## **APPENDIX E DPIE BDAR Waiver Letter**



Rob Hayes  
Operations Manager  
Malabar Coal  
PMB 9  
Muswellbrook NSW 2333

Dear Mr Hayes

**Maxwell Solar Farm Project (SSD 9820)  
Request to waive the need for BDAR under the Biodiversity Conservation Act 2016**

I refer to your correspondence dated 26 April 2019 regarding the request to waive the need for a Biodiversity Development Assessment (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 (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 “*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 request, including the assessment of biodiversity values under sections 1.5 and 7.3 of the BC Act and clause 1.4 of *Biodiversity Conservation Regulation 2017*, and agree that there is no need to submit BDAR as part of the SSD application. Therefore, a waiver under section 7.9 is granted for the proposed Maxwell Solar Farm Project (SSD 9820).

In the letter dated 5 June 2019 (please find copy attached) the delegated Environment Agency Head in the Office of Environment and Heritage has determined that a waiver can be granted.

This waiver is issued in respect of the proposed development detailed in a request for Secretary's environmental assessment requirements dated 8 March 2019. Amendments to the development may require a further waiver to be sought and issued.

Should you have any inquiries regarding the above matter, please contact Tim Stuckey on 9274 6319.

Yours sincerely



1/7/2019

Nicole Brewer  
**A/ Director,  
Energy and Resources  
As delegate of the Secretary**