

Our ref: SSD-31822612

Ms Georgina Augustesen  
Projects Manager  
Barker College  
91 Pacific Highway

14 November 2022

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**Subject: Alterations and additions to Barker College (SSD-31822612) – Request to waive the need for a Biodiversity Development Assessment Report under the *Biodiversity Conservation Act 2016***

Dear Ms Augustesen

I refer to the request received from Urbis Pty Ltd, on behalf of The Council of Barker College (the Applicant) seeking to waive the need for a Biodiversity Development Assessment Report (BDAR) to be submitted as part of the State significant development (SSD) application for Alterations and Additions to Barker College (SSD-31822612).

Section 7.9(2) of the *Biodiversity Conservation Act 2016* (BC Act) provides the following in relation to an application for SSD:

*“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 Team Leaders within the Planning and Assessment Division of the Department of Planning and Environment (the Department).

I have reviewed the application of the test of significance under sections 1.5 and 7.3 of the BC Act and clause 1.4 of the Biodiversity Conservation Regulation 2017 and determine that the development (as described in the BDAR Waiver request prepared by Cumberland Ecology and dated 7 November 2022) 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 (SSD-31822612).

The delegated “Environment Agency Head” in the Biodiversity and Conservation Division of the Department’s Environment and Heritage Group has also granted a waiver (see attached).

This waiver is issued in respect of the proposed development detailed in the Secretary’s Environmental Assessment Requirements dated 15 December 2021. Amendments to the development may require a further waiver to be sought and issued.

If you have any questions, please contact Brent Devine on (02) 9995 5667 or via email at [brent.devine@planning.nsw.gov.au](mailto:brent.devine@planning.nsw.gov.au).

## Department of Planning and Environment



Yours sincerely,

A handwritten signature in black ink that reads "A. Coomar".

**Aditi Coomar**

Team Leader

School Infrastructure Assessments

as delegate for the Planning Secretary

Attached: EHG Determination