

Mrs Jill McLachlan  
Education Director  
Best-Practice Education Group Limited  
1 Rosemead Road  
Hornsby NSW 2077

Dear Mrs McLachlan

**Subject: Blue Gum Community School (SSD-10444) – Request to waive the need for a Biodiversity Development Assessment Report under the *Biodiversity Conservation Act 2016***

I refer to your request dated 1 May 2020 for the issue of a waiver for the requirement for a Biodiversity Development Assessment Report (BDAR) to be submitted as part of the state significant development (SSD) application for the Blue Gum Community School (SSD-10444).

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 Directors within the Planning and Assessment Division of the Department.

Accordingly, 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 considered the information provided in the report prepared by Cumberland Ecology dated 1 May 2020. I have determined that the development is not likely to have any significant impacts on biodiversity values and that the application does not need to be accompanied by a BDAR. A waiver under section 7.9 is therefore granted for the proposed development, being the Blue Gum Community School, located at 1 Rosemead Road, Hornsby (SSD-10444).

The delegated “*Environment Agency Head*” in the Environment, Energy and Science Group of the Department has also granted a waiver in a letter dated 14 May 2020 and a copy of that letter is attached.

Please note that the waiver is issued in respect of the proposed development detailed in the Planning Secretary’s Environmental Assessment Requirements submitted on 20 March 2020. 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 Aditi Coomar on 8217 2097 or via email to [aditi.coomar@planning.nsw.gov.au](mailto:aditi.coomar@planning.nsw.gov.au).

Yours sincerely,



15 May 2020

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



Our ref: DOC20/336651  
Senders ref: SSD 10444

Aditi Coomar  
School Infrastructure Assessments  
Planning and Assessment Group  
NSW Department of Planning, Industry and Environment  
4 Parramatta Square,  
12 Darcy Street  
PARRAMATTA NSW 2150

Dear Ms Coomar,

**Request for Revised Biodiversity Development Assessment Report Waiver for Blue Gum Community School, 1 Rosemead Road, Hornsby (SSD 10444)**

I refer to the request to waive the requirement for a Biodiversity Development Assessment Report (BDAR) to be submitted with the above State Significant Development Application for Blue Gum Community School, 1 Rosemead Road, Hornsby.

I have reviewed the information provided by the applicant in the Revised BDAR waiver application prepared by Cumberland Ecology dated 1 May 2020 and determined that the proposed development is not likely to have any significant impact on biodiversity values. The application, therefore, does not need to be accompanied by a BDAR.

The determination is attached for you to provide to the applicant.

Please note that if the proposed development is changed so that it is no longer as described in Schedule 1 of the determination, the applicant will need to lodge a new waiver request or prepare a BDAR.

Also attached for your information is the decision report prepared by Environment, Energy and Science Group (EES). The decision report should not be provided to the applicant without EES approval.

If you have any questions about this advice, please do not hesitate to contact Bronwyn Smith, Senior Conservation Planning Officer on 9873 8604 or [Bronwyn.smith@environment.nsw.gov.au](mailto:Bronwyn.smith@environment.nsw.gov.au)

Yours sincerely

**14/05/2020**

**Daylan Cameron**  
**A/Director Greater Sydney**  
**Climate Change and Sustainability**  
**Environment, Energy and Science**