

Our ref: SSD-46516461

Mr Daniel Brook  
Senior Development Manager  
Mirvac Projects Pty Ltd  
123 Pitt Street  
Sydney NSW 2000

17 November 2022

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**Aspect Industrial Estate Stage 3 Development (Warehouse 9)**

**Request to waive requirement to prepare a Biodiversity Development Assessment Report**

Dear Mr Brook

I refer to your correspondence dated 20 September 2022 seeking to waive the requirement to prepare a biodiversity development assessment report (BDAR) to be submitted with the state significant development application for Aspect Industrial Estate Stage 3 Development (Warehouse 9).

The proposed development includes construction and operation of Warehouse 9 in the Aspect Industrial Estate with a Gross Floor Area of 66,341 m<sup>2</sup> and associated offices, loading docks, hardstand areas, car parking areas, landscaping, services and utilities.

Under section 7.9(2) of the *Biodiversity Conservation Act 2016* (BC Act):

*“Any such application is to be accompanied by a biodiversity 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 the biodiversity values”.*

I, as Delegate of the Secretary within Planning and Assessment Division have determined that the proposed development is not likely to have any significant impacts on biodiversity values and a BDAR is therefore not required to accompany any application for development consent for the proposed development (see determination attached dated 17 November 2022). I have also attached a letter from the Delegate of the Secretary within Environment and Heritage Group (A/Director Greater Sydney Branch) including their determination (dated 8 November 2022).

If there are any amendments to the proposed development, a fresh request for a BDAR waiver determination will be required or a BDAR may need to be prepared.

Should you have any further enquiries, please contact Susanna Cheng on (02) 9274 6026.

Yours sincerely

A handwritten signature in dark ink, appearing to be 'J. Blundell' or similar, written in a cursive style.

**Team Leader**  
**Industry Assessments, Planning and Assessment**  
(as delegate of the Secretary)

Encl: 1. Determination, Department of Planning and Environment, A/Director Greater Sydney Branch within Environment and Heritage Group  
2. Determination, Department of Planning and Environment, Team Leader, Industry Assessments within Planning and Assessment Division

## Department of Planning and Environment

Our ref: DOC22/891607  
Your ref: SSD-46516461

Susanna Cheng  
Senior Environmental Assessment Officer  
Industry Assessments  
Department of Planning and Environment  
4 Parramatta Square,  
Parramatta NSW 2150

**Subject: BDAR waiver request, Aspect Industrial Estate Stage 2 Warehouse 9 (SSD-46516461)**

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Dear Susanna,

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 the Construction and operation of Warehouse 9 in the Aspect Industrial Estate and associated offices, loading docks, hardstand areas, car parking areas, landscaping, services and utilities (SSD-46516461).

I have reviewed the information provided by the applicant in the BDAR waiver application prepared by Eco Logical Australia dated 20 September 2022 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 and Heritage Group. The decision report should not be provided to the applicant without EHG approval.

Should you have any queries regarding this matter, please contact the Greater Sydney Planning Team via [rog.gsrplanning@environment.nsw.gov.au](mailto:rog.gsrplanning@environment.nsw.gov.au).

Yours sincerely



Louisa Clark 8/11/2022

**A/Director**  
**Greater Sydney Branch**  
**Biodiversity and Conservation**

Encl 1. DPE, EHG determination  
2. DPE, EHG recommendation report

***Determination under clause 7.9(2) of the Biodiversity Conservation Act 2016***

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I, Lindsey Blecher, Team Leader, Industry Assessments, Department of Planning and Environment, under clause 7.9(2) of the *Biodiversity Conservation Act 2016*, determine that the proposed development is not likely to have any significant impact on biodiversity values and therefore a Biodiversity Development Assessment Report is not required.

**Proposed development** means the construction and operation of Warehouse 9 in the Aspect Industrial Estate and associated offices, loading docks, hardstand areas, car parking areas, landscaping, services and utilities as detailed in the BDAR waiver application dated 20 September 2022. If the proposed development changes so that it is no longer consistent with this description, a further waiver request is required.

If you do not lodge the development application related to this determination for the proposed development within 2 years of the issue date of this determination, you must either prepare a BDAR or lodge a new request to have the BDAR requirement waived.



**Lindsey Blecher**  
**Team Leader**  
**Industry Assessments**  
**Department of Planning and Environment**  
(as delegate of the Planning Secretary)