

7 May 2024

Department of Planning, Housing and Infrastructure
4 Parramatta Square
12 Darcy Street
Parramatta NSW 2150

Re: BDAR Waiver Request - Central Waste Plant Integrated Resource Recovery Centre

Dear Sir/Madam,

Central Waste Plant Pty Ltd (CWP) is seeking approval for the expansion of an existing resource recovery facility in Kurri Kurri, New South Wales (NSW). CWP proposes to expand the existing facility to form an Integrated Resource Recovery Centre (IRRC) with a throughput of up to 450,000 tonnes of waste per annum. In accordance with the State Environmental Planning Policy (Planning Systems SEPP) 2021, the project is defined as State Significant Development (SSD).

The project site ('the site') consists of five separate land lots within the heavy industrial precinct of Kurri Kurri, approximately 40 kilometres (km) north-west of Newcastle. Vegetation within and immediately adjacent to the project site comprises of riparian vegetation associated with Swamp Creek, a small isolated patch of remnant vegetation in the Mitchell Avenue road corridor, landscape planting of non-native trees along Styles Street and a grassed verge in the road corridor. The land within the site that will be disturbed as part of construction and/or forms part of the operational footprint of the project is referred to as the 'development footprint'. All disturbance will be restricted to the development footprint, which is comprised of previously disturbed areas of hardstand, cleared land and industrial buildings. No direct or indirect impacts to riparian vegetation along Swamp Creek or any other vegetation within the project site will result from the project.

This letter is a request to waive the requirement to complete a biodiversity development assessment report (BDAR) for the IRRC project as there is no vegetation on the site that will need to be removed as part of the project.

This BDAR waiver request has been prepared in accordance with: *How to apply for a biodiversity development assessment report waiver for a Major Project Application* (DPIE 2019). The information as required in the publication is provided in Table 1 and Table 2, below. The waiver request has been prepared by Jason Brown, a qualified Senior Ecologist with EMM Consulting Pty Limited, on behalf of the applicant, Central Waste Plant.

We request that the Department of Planning, Housing and Infrastructure waive the BDAR requirement for the application.

We are happy to discuss any questions in relation to the project.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'J. Brown', with a stylized flourish extending to the right.

Jason Brown

Associate

jbrown@emmconsulting.com.au

Table 1 **BDAR waiver request information requirements**

Admin	1. Proponent name and contact details Central Waste Plant Pty Ltd 8 Styles Street Kurri Kurri NSW 2327 Australia 2. Project ID Pre-Development Application number 68430965. 3. Name/ecological qualifications of person completing TABLE 2 Jason Brown – Senior Ecologist, Accredited Assessor (BAAS21017) – preparation of the report. Nathan Garvey – Associate, Accredited Assessor (BAAS17037) – report review.
Site details	1. Street address, Lot and DP, local government area The project site is located across five Lots in Kurri Kurri, New South Wales, 2327 in the Cessnock Local Government Area, as follows: • Part Lot 5 DP 1251190 (8 Styles Street) • Part Lot 6 DP 1251190 (10 Styles Street) • Lot 3 DP 586741 (147 Mitchell Avenue) • Lot 4 DP 586741 (145 Mitchell Avenue) • Lot 1 DP 1128108, (1 Styles Street). Construction and use of a deceleration lane in the road reserve west of the entry to 147 Mitchell Avenue will also be required. The land where development and construction will occur will be restricted to existing hardstand areas within these lots and the road verge (the ‘development footprint’). This excludes the creek and associated vegetation along the north of the project site. 2. Description of existing development site The project site was agricultural land prior to industrial development and has been developed from about 1990. A summary of development for each lot is as follows: • 1 Styles Street is used as a storage area, with hardstand installed across the entire lot in about 2020. • 8 Styles Street was established as an inert waste recycling facility since about in 2008. The facility and land were purchased by Central Waste Property in 2015. This lot is largely hardstand with recycling facility buildings and offices. The lot includes riparian vegetation along the northern boundary. This vegetation will not be disturbed as part of the project (see TABLE 2). • 10 Styles Street was used as a storage area, with hardstand installed across the majority of the lot in about 2016. The lot includes riparian vegetation along the northern boundary. This vegetation will not be disturbed as part of the project (see TABLE 2). • 145 Mitchell Avenue is used as a storage area, with hardstand installed across the entire lot in about 2017. • 147 Mitchell Avenue was established as a workshop and storage yards prior to 2004. This lot currently has two buildings (to be demolished as part of the project) and is entirely hardstand. A map of the project site is provided in Appendix A. This also shows the development footprint in which all demolition, construction and operations will occur. Images of the site are provided in Appendix B.

Table 1 **BDAR waiver request information requirements**

Proposed development	The existing Central Waste resource recovery facility (RRF) is capable of a significantly higher throughput than is permitted under the existing development approval. The facility currently operates to reduced hours to avoid exceeding the annual throughput tonnage limit. As such, CWP is applying for an expansion of the RRF operations in Kurri Kurri to allow: • a material throughput of up to 450,000 tonnes per annum • on site storage of up to 40,000 tonnes of material • operating hours of 24 hours per day, 7 days per week. The RRF operational processes will remain generally the same. However, some changes to the site layout and infrastructure are proposed to optimise the RRF operations, including: • removal of some existing infrastructure, including sheds, demountable offices and a weighbridge • provision of additional material storage bays and extension of awnings • adjustment to internal plant and equipment to allow the workshop to be repurposed as a metals recovery building • construction of a new shed for further processing of residual waste • installation of fire and stormwater infrastructure • installation of incoming and outgoing weighbridges and associated offices • delineation of car and truck parking, erecting perimeter walls/fencing and providing landscaping • close off the entry/exit at 8 Styles Street and establish a new access at 147 Mitchell Avenue. All construction will be restricted to the development footprint, i.e. the existing hardstand areas, and a cleared section of the road corridor. No clearing of native vegetation will occur.
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Table 2 Impacts of the proposed development on biodiversity

Biodiversity value	Meaning	Relevant (yes or no)	Explain and document potential impacts including additional impacts prescribed under the BC Regulation Attached additional supporting documentation where appropriate
Vegetation abundance s1.4(b) Biodiversity Conservation Regulation 2017	Occurrence and abundance of vegetation at a particular site.	Yes	Vegetation within and immediately adjacent to the project site comprises of the following: - Riparian vegetation associated with plant community type (PCT) 4039: Hunter Range Creekflat Apple-Red Gum Forest, along the northern boundary, associated with Swamp Creek (shown on Photographs 4 to 8). - A small isolated patch of remnant vegetation adjacent to the project site in the Mitchell Avenue road corridor (shown on Photographs 1 to 3), that is mapped as having association with PCT 4039 and PCT3630: Kurri Sand Heathy Woodland. - Landscape planting along the southern boundary of 8 Styles Street (shown on Photograph 9). - A grassed verge along the road corridor adjacent to 147 Mitchell Avenue (shown on Photographs 1 to 3). All disturbance will be restricted to the development footprint, which is comprised of hard stand, cleared land, buildings associated with existing industrial uses and a small section of the road corridor comprising gravel and grassed verge. No remnant native vegetation will be removed as part of the project. No direct or indirect impacts to riparian vegetation along Swamp Creek or any other vegetation within the project site will result from the project.
Vegetation integrity s1.5(2)(a) Biodiversity Conservation Act 2016	Degree to which the habitat needs of threatened species are present at a particular site.	Yes	The habitat associated with the riparian vegetation along Swamp Creek may have the potential to offer suitable habitat for threatened species, such as birds and bats, and could be used by mammals that can tolerate human disturbances. The riparian vegetation may contain suitable features to support threatened species like breeding hollows. No direct or indirect impacts to this remnant native vegetation will occur as a result of the project. Vegetation along Mitchell Avenue is considered highly degraded and modified with limited features to support threatened species. Vegetation consists of a single row of trees and shrubs surrounded by high-intensity development. No vegetation or features suitable to support threatened species will be removed as part of the project.
Threatened species abundance s1.4(a) BC Regulation	Occurrence and abundance of threatened species or threatened ecological communities, or their habitat, at a particular site.	Yes	PCT 4039 is associated with the listed endangered ecological community (EEC) River-Flat Eucalypt Forest on Coastal Floodplains of the New South Wales North Coast, Sydney Basin and South East Corner Bioregions. PCT 3630 is associated with the listed EEC Kurri Sand Swamp Woodland in the Sydney Basin Bioregion. Vegetation along Swamp Creek may be representative of the River-Flat Eucalypt Forest EEC. Vegetation along Mitchell Avenue is so highly degraded and isolated that it is not considered representative of any threatened ecological community. No previous records of threatened species listed on BioNet occur within the development footprint. If present, threatened species may be associated with the riparian vegetation located along the northern boundary associated with Swamp Creek. This area will not be subject to any direct or indirect impacts. Landscape planting and vegetation along Mitchell Avenue are unlikely to support suitable habitat for threatened species given the small area of vegetation, and the degraded and isolated nature of the vegetation. No remnant native vegetation is to be removed, as such no habitat to support threatened species will be directly impacted as part of the project.

Table 2 **Impacts of the proposed development on biodiversity**

Biodiversity value	Meaning	Relevant (yes or no)	Explain and document potential impacts including additional impacts prescribed under the BC Regulation Attached additional supporting documentation where appropriate
Habitat connectivity s1.4(c) BC Regulation	Degree to which a particular site connects different areas of habitat of threatened species to facilitate the movement of those species across their range.	No	The northern boundary of the subject land adjoins riparian vegetation associated with Swamp Creek. To the west and south-west, Swamp Creek runs into residential areas in the suburb of Weston, where this riparian corridor becomes narrow, partially cleared and heavily impacted by disturbance, before reconnecting to area of intact native vegetation approximately 2 km south-west of the site. To the east, Swamp Creek is connected to areas of semi-cleared farmland, as well as large areas of intact native vegetation. Threatened species may use the riparian vegetation as a corridor; however, where the creek runs through residential areas in Weston, it is less likely these species will use the riparian vegetation due to the level of disturbance. No direct or indirect impacts to the Swamp Creek corridor will result from the project and the project will not impact on the ability of species to move across their range. The area of native vegetation along Mitchell Avenue provides no habitat connectivity value to support the movement of threatened species.
Threatened species movement s1.4(d) BC Regulation	Degree to which a particular site contributes to the movement of threatened species to maintain their lifecycle.	No	As outlined above, movement corridors within the site are restricted to Swamp Creek. No direct or indirect impacts to the Swamp Creek corridor will result from the project and the project will not impact on the ability of species to move across their range. The area of native vegetation along Mitchell Avenue provides no habitat connectivity value to support the movement of threatened species.
Flight path integrity s1.4(e) BC Regulation	Degree to which the flight paths of protected animals over a particular site are free from interference.	No	No structures that impact flight paths will be constructed. The project will largely use existing buildings on 8 Styles Street, with minimal changes in the project site between these buildings and Swamp Creek. No buildings will be constructed on the northern Portion of 10 Styles Street. It is anticipated that the flight path integrity will not be altered as a result of the project, with all proposed activities remaining similar to current operations. Accordingly, the project will not impact on or interfere with the flight path integrity of protected animals.

Table 2 **Impacts of the proposed development on biodiversity**

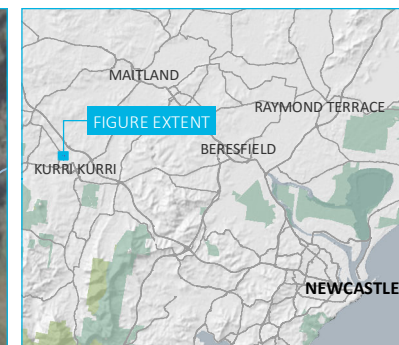
Biodiversity value	Meaning	Relevant (yes or no)	Explain and document potential impacts including additional impacts prescribed under the BC Regulation Attached additional supporting documentation where appropriate
Water sustainability s1.4(f) BC Regulation	Degree to which water quality, water bodies and hydrological processes sustain threatened species and threatened ecological communities at a particular site.	No	Swamp Creek runs along the northern boundary of the site. The riparian vegetation is associated with EEC River-Flat Eucalypt Forest on Coastal Floodplains of the New South Wales North Coast, Sydney Basin and South East Corner Bioregions. The primary water quality controls that are currently implemented include: • Source controls – including covering waste sorting and processing areas, regular cleaning of hardstand areas to minimise leachate formation. • Water management basin – runoff drains to a water management basin located in the eastern portion of the RRF (8 Styles Street). Following rainfall, water captured in the basin is used for dust suppression within the hardstand area. This reduces the volume and frequency of overflows from the basin. • Water treatment: – an oil and grease separator upstream of the water management basin treats runoff entering the basin – a water treatment plant treats water from the basin. Treated water is either used for dust suppression or returned to the basin to improve water quality (as required). No controlled discharges to Swamp Creek occur. Overflows from the basin occasionally occur due to either intense rainfall events or prolonged periods of wet weather. The basin water quality is generally similar to water in Swamp Creek. Hence, occasional overflows from the basin are not expected to materially change or degrade the water quality of Swamp Creek¹. The water controls will be expanded as part of the proposed development, including the provision of awnings over all waste storage bays and the installation of additional stormwater management infrastructure. As such, the project is expected to have a beneficial impact on water quality.

¹ EMM 2021 Central Waste Station – Kurri Kurri Resource Recovery Facility Expansion Surface Water Assessment, prepared for Central Waste Station Pty Ltd, February 2021.

Appendix A

Site maps

\\emmm.local\drive\2023\IE230029 - CWS Kurri Kurri Integrated Resource Recovery Centre\GIS\02 Maps\ BDAR\BDAR001 LocationMap_ 20240319_ 02.mxd 21/03/2024



KEY

- Site boundary
- Development footprint
- Existing environment
 - Minor road
 - Vehicular track
 - Named watercourse

INSET KEY

- Major road
- NPWS reserve
- State forest

Location map

CWS Kurri Kurri Integrated
Resource Recovery Centre
BDAR waiver
Figure 1.0

\\emm.local\drive\2023\230029 - CWS Kurri Kurri Integrated Resource Recovery Centre\GIS\02 Maps\ BDAR\BDAR002 SiteMap_20240319_01.mxd 21/03/2024



KEY

- Site boundary
- Development footprint
- Existing environment
- Minor road
- Watercourse/drainage line

Site map

CWS Kurri Kurri Integrated
Resource Recovery Centre
BDAR waiver
Figure 2.0

Appendix B

Site photographs



Photographs 1, 2 and 3 Vegetation along 145 and 147 Mitchell Avenue



Photographs 4 and 5 **Development footprint adjacent to Swamp Creek vegetation**



Photographs 6 and 7 Swamp Creek vegetation outside of development footprint



Photograph 8 Swamp Creek vegetation outside of development footprint



Photograph 9 Landscape planting along 8 Styles Street