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**To** Joanna Bakopanos, Team Leader, Industry Assessments  
**From** Jeffrey Peng, Senior Environmental Assessment Officer, Industry Assessments  
**Date** 4 February 2022  
**BDAR Register** Yes

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**Subject: Raymond Avenue Multi-level Warehouse Matraville (SSD-31552370)  
– Request to waive the requirements for a BDAR under the *Biodiversity Conservation Act 2016***

### **Purpose**

To consider a request from Hale Capital Partners Pty Ltd (the Applicant) dated 20 December 2021 seeking the Planning Secretary's approval to waive the requirement for a biodiversity development assessment report (BDAR) under section 7.9(2) of the *Biodiversity Conservation Act 2016* (BC Act) for the above development.

### **Background**

Section 7.9(2) of the BC Act requires that an application for development consent under Part 4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) for State significant development (SSD) 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 power to determine whether a SSD proposal is *“not likely to have any significant impact on biodiversity values”* (on behalf of the Secretary Planning, Industry and Environment) has been delegated to Team Leader (and above) within the Planning and Assessment Division and also to Senior Executives in Environment, Energy and Science Group.

### **Consideration**

To determine whether a proposed development is likely to have any significant impact on biodiversity values, the Applicant has carried out an assessment of the proposal against the eight biodiversity values contained within section 1.5 of the BC Act and clause 1.4 of the Biodiversity Conservation Regulation 2017 (**Attachment A**). DPE has evaluated its assessment and it has been documented in the Decision Report (**Attachment B**).

As the development relates to the construction and operation of a two-level warehouse and distribution centre within an existing industrial precinct, it is considered that it is not likely to have any significant impact on biodiversity values.


The delegated officer in the Environment Energy and Science Division of DPE has considered the waiver request and is satisfied the proposed development is not likely to have any significant impact on biodiversity values. Accordingly, the delegate has granted a waiver in a letter received 21 January 2022 (**Attachment C**).

### Recommendation

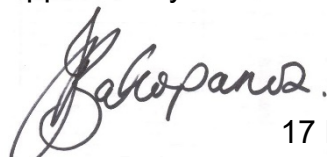
It is recommended the Team Leader, Industry Assessments:

- notes the information provided in this memo;
- determines that the proposed development is not likely to have any significant impact on biodiversity values and therefore a BDAR is not required; and
- signs the determination and accompanying letter (**Attachment D**).

Endorsed by:

  
17 February 2022  
Jeffrey Peng  
Senior Planner  
Industry Assessments

Approved by:

  
17 February 2022  
Joanna Bakopanos  
Team Leader  
Industry Assessments

### Attachments

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Attachment	Title
A	Applicant's request
B	Planning and Assessment's Decision Report
C	Correspondence from Environment Energy and Science Group (including determination)
D	Draft DPE determination and letter to Applicant (to be signed if approved)

## Attachment B – Decision Report

### Impacts on biodiversity values from the proposed development Raymond Avenue Multi-level Warehouse Matraville: SSD-31552370

Biodiversity values	Meaning	Relevant (✓ or NA)	Information provided by the Applicant - significance of likely impacts	DPIE's Planning and Assessment comment
<b>Vegetation integrity</b>  1.5(2) of BC Act	Degree to which the composition, structure and function of vegetation at a particular site and the surrounding landscape has been altered from a near natural state	✓	<p>Historical imagery shows the subject site completely cleared in 1942, with adjacent lot development evident by the 1960s. Both fig and Norfolk pine trees are evident by the 1970s and thought to have been planted sometime in the 1960s.</p> <p>The building present on the subject site was decommissioned and removed in 2020, with a concrete slab remaining that covers the entire site (as shown in Figure 1 and photographic plates enclosed). Other vegetation within the subject site is limited to weed growth along the west and southern boundaries (refer photo plates enclosed).</p>	The Department agrees with the information provided. The vegetation on site is planted so is not in a natural state.
<b>Habitat suitability</b>  1.5(2)(a) of BC Act	Degree to which the habitat needs of threatened species are present at a particular site	✓	<p>Fig trees when fruiting provide foraging habitat for Pteropus poliocephalus (grey-headed flyingfox), which is listed as a vulnerable species under both State and Commonwealth legislation (the BC Act and EPBC Act respectively). The fig trees within the subject site are not considered to provide habitat of importance to the grey-headed flying-fox due as they occur in isolation within a developed environment and are not located near any known important breeding or roosting colonies of the species.</p> <p>The southern basin is artificially constructed and contains a floating stormwater boom, which is periodically cleaned of gross pollutants (see photo plate 8). This maintenance regime substantially limits the potential for the basin to provide aquatic habitat.</p>	The Department agrees with the information provided. The only threatened species that are likely to utilise habitats on site are wide ranging mobile threatened fauna, and the loss of any habitats on site will have a negligible impact on these species.
<b>Threatened species abundance</b>	Occurrence and abundance of threatened species or	✓	There is no known occurrence of threatened species or threatened ecological communities within the subject site and its immediate surrounds. Native vegetation within the locality is limited to street plantings and industrial lot landscaping, which is categorised as	The Department agrees with the information provided. If any threatened species utilise habitats on site, they are likely to be wide-ranging, mobile fauna

**Impacts on biodiversity values from the proposed development**  
**Raymond Avenue Multi-level Warehouse Matraville: SSD-31552370**

<b>Biodiversity values</b>	<b>Meaning</b>	<b>Relevant (✓ or NA)</b>	<b>Information provided by the Applicant - significance of likely impacts</b>	<b>DPIE's Planning and Assessment comment</b>
1.4(a) of BC Regulation	threatened ecological communities, or their habitat, at a particular site		'Urban_E/N:Urban Exotic/Native' in SydneyMetroArea_v3_2016_E_4489 vegetation mapping (OEH, 2016). See Figure 2 and Figure 3.	and the loss of habitats on site would have a negligible impact on the species.
<b>Vegetation abundance</b>  1.4(b) of BC Regulation	Occurrence and abundance of vegetation at a particular site	✓	<p>Native vegetation within the subject site is limited to two large fig trees (<i>Ficus macrophylla</i> var <i>hillii</i>) and four Norfolk Pines (<i>Araucaria heterophylla</i>).</p> <p><i>Ficus macrophylla</i> var <i>hillii</i> naturally occurs in rainforest habitat and is not a locally endemic species. <i>Araucaria heterophylla</i> is endemic to Norfolk Island, an external territory of Australia located in the Pacific Ocean between New Zealand and New Caledonia. Both species have been widely cultivated and planted in Sydney.</p> <p>Plant community types (PCTs) endemic to the locality as mapped in the SydneyMetroArea_v3_2016_E_4489 vegetation mapping (OEH, 2016) includes the following:</p> <ul style="list-style-type: none"> <li>Coastal freshwater wetland (PCT 781) and Coastal freshwater swamp forest (PCT 1232);</li> <li>Coastal mantle heath (PCT 664) and Coastal sandplain heath (PCT 1061);</li> </ul> <p>The subject site does not contain any wetland habitat that would support PCTs 781 or 1232.</p> <p>Constituent species of PCTs 664 and 1061 are not present within the subject site, for example:</p>	The Department agrees with the information provided. Recent aerial photos demonstrate that vegetation on site is limited to planted vegetation only as described.

**Impacts on biodiversity values from the proposed development**  
**Raymond Avenue Multi-level Warehouse Matraville: SSD-31552370**

Biodiversity values	Meaning	Relevant (✓ or NA)	Information provided by the Applicant - significance of likely impacts	DPIE's Planning and Assessment comment
			<ul style="list-style-type: none"> <li>PCT 664 has an upper stratum of <i>Angophora costata</i>; <i>Corymbia gummifera</i>; mid stratum of <i>Leptospermum laevigatum</i>; <i>Banksia aemula</i>; <i>Lambertia formosa</i>; <i>Woollsia pungens</i>; <i>Acacia suaveolens</i>; <i>Banksia ericifolia</i>; <i>Monotoca elliptica</i>; <i>Allocasuarina distyla</i>; <i>Bossiaea heterophylla</i>; <i>Dillwynia retorta</i>; <i>Philotheca buxifolia</i>; and ground stratum of <i>Xanthorrhoea resinosa</i>; <i>Dampiera stricta</i>; <i>Haemodorum planifolium</i>; <i>Lepidosperma laterale</i>; <i>Lomandra glauca</i>; <i>Xanthosia pilosa</i>; <i>Hypolaena fastigiata</i>; <i>Pteridium esculentum</i>; <i>Lomandra longifolia</i>; <i>Eragrostis brownii</i>; <i>Schoenus ericetorum</i>. <i>Isopogon anemonifolius</i>; <i>Lambertia formosa</i>; <i>Allocasuarina distyla</i>; <i>Leptospermum laevigatum</i>; <i>Bossiaea heterophylla</i>; <i>Persoonia levis</i>; <i>Pimelea linifolia</i>; and ground stratum of <i>Xanthosia pilosa</i>; <i>Gonocarpus teucroides</i>; <i>Hypolaena fastigiata</i>; <i>Lomandra glauca</i>; <i>Dampiera stricta</i>; <i>Lepidosperma concavum</i></li> </ul> <p>PCT 1061 has an upper stratum of <i>Corymbia gummifera</i>; mid stratum of <i>Banksia serrata</i>; <i>Bossiaea ensata</i>; <i>Acacia suaveolens</i>; <i>Ricinocarpos pinifolius</i>;</p>	

**Impacts on biodiversity values from the proposed development**  
**Raymond Avenue Multi-level Warehouse Matraville: SSD-31552370**

<b>Biodiversity values</b>	<b>Meaning</b>	<b>Relevant (✓ or NA)</b>	<b>Information provided by the Applicant - significance of likely impacts</b>	<b>DPIE's Planning and Assessment comment</b>
<b>Habitat connectivity</b>  1.4(c) of 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	✓	The subject site does not connect any different areas of habitat.  Figure 2 shows the extent of native vegetation mapped within the locality.	The Department agrees with the information provided. The site does not provide connectivity to other areas. The site would only be useful as a stepping-stone for wide ranging, mobile fauna.
<b>Threatened species movement</b>  1.4(d) of BC Regulation	Degree to which a particular site contributes to the movement of threatened species to maintain their lifecycle	✓	The subject site does not contribute to the movement of any threatened species that would be required to maintain their lifecycle.  Figure 3 shows the large number of records for the grey headed flying-fox, along with records of threatened bird species and other threatened fauna (microbat and marine species) within the locality.  No ground dwelling threatened species are known from the locality.	The Department agrees with the information provided. The only threatened species that are likely to use the site are highly mobile, and their movement across the landscape should not be impacted by the proposal.
<b>Flight path integrity</b>  1.4(e) of BC Regulation	Degree to which the flight paths of protected animals over a particular site are free from interference	✓	The proposal will not affect flight path integrity.	The Department agrees with the information provided. There should be no or negligible impacts on flight path integrity of any species.

**Impacts on biodiversity values from the proposed development**  
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<b>Biodiversity values</b>	<b>Meaning</b>	<b>Relevant (✓ or NA)</b>	<b>Information provided by the Applicant - significance of likely impacts</b>	<b>DPIE's Planning and Assessment comment</b>
<b>Water sustainability</b>  1.4(f) of BC Regulation	Degree to which water quality, water bodies and hydrological processes sustain threatened species and threatened ecological communities at a particular site	✓	<p>The subject site does not contain any water bodies that sustain threatened species and threatened ecological communities. Water quality and quantity will be managed in accordance with an Integrated Water Management Plan for the development to the satisfaction of the Department of Planning and Environment. The Integrated Water Management Plan will:</p> <ul style="list-style-type: none"> <li>• Be prepared in consultation with the local council and any other relevant drainage or water authority (i.e., Sydney Water).</li> <li>• Detail the proposed drainage design for the site including any on-site detention facilities#, water quality management measures and the nominated discharge points, on-site sewage management, and measures to treat, reuse or dispose of water.</li> <li>• Demonstrate compliance with the local council or other drainage or water authority requirements and avoids adverse impacts on any downstream properties.</li> </ul> <p># on-site detention facilities are not required for the proposed development.</p>	The Department agrees with the information provided. There are unlikely to be any impacts on water sustainability as a result of the proposal.

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

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I, Joanna Bakopanos, Team Leader, Industry Assessments of the Department of Planning and Environment, under section 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 a two-level warehouse and distribution centre as detailed in the BDAR waiver application dated 20 December 2021 and prepared by écologique. 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.



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

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**Date** 17 February 2022





Ms Alana Garrick  
Hale Capital Partners Pty Ltd  
246 Pacific Highway  
Crows Nest NSW 2065

Our ref: SSD-31552370  
Your ref: NA

Attention: Holly Rhoades, Urbis

17 February 2022

Dear Ms Garrick

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

I refer to your correspondence received on 20 December 2021 seeking to waive the requirement to prepare a biodiversity development assessment report (BDAR) to be submitted with the state significant development application for the proposed Raymond Avenue Multi-level Warehouse, Matraville (SSD-31552370).

**Description of proposed development**

The developments seeks consent Construction and operation of a two level warehouse and distribution centre at 42 Raymond Avenue, Matraville as detailed in the BDAR waiver application dated 20 December 2021 and prepared by écologique.

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 the biodiversity values".*

This letter is to confirm that the Secretary of the Department of Planning and Environment has determined that the proposed development as described above is not likely to have any significant impact on biodiversity values and that a BDAR is therefore not required to accompany any application for development consent or infrastructure approval for the proposed development.

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 (see determination attached dated 17 February 2022). Evidence that the Delegate of the Secretary within Environment, Energy and Science Division (A/Director Greater Sydney Branch) has made the determination is also attached (dated 21 January 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 Jeffrey Peng, Planning and Assessment, at the Department on (02) 9995 6685.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Joanna Bakopanos'.

Joanna Bakopanos

**Team Leader, Industry Assessments – Planning and Assessment Division**

As delegate of the Planning Secretary

Attachment	Title
1	Determination, Environment, Energy and Science Group
2	Determination, Planning and Assessment Division