

Department of Planning and Environment

Our ref: EF21/18174

Mr Greg Murphy
Project Engineer
Manildra Group
36 Bolong Road
Bomaderry NSW 2541

14 June 2022

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

Dear Mr Murphy

I refer to your request dated 6 April seeking to waive the requirement to prepare a biodiversity development assessment report (BDAR) for the Port Kembla Bulk Liquids Facility State significant development application (SSD-33042483).

Description of the proposed development

Construction and operation of a bulk liquid terminal for beverage grade ethanol, comprised of six potable ethanol storage tanks, two pipelines, administration buildings, gantry structures, landscaping and a carpark, as detailed in the BDAR waiver application dated 8 March 2022.

BDAR waiver determination

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”.

The Environment and Heritage Group delegate of the Secretary of the Department of Planning and Environment (the Department) 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 dated 10 May 2022.

As delegate of the Planning Secretary within the Planning Group of the Department, I have considered the waiver request and determination of the Environment and Heritage Group and determined the proposed development as described above is not likely to have any significant impacts on biodiversity values (see determination attached dated 14 June 2022). Therefore, a BDAR is not required to accompany any application for development consent for the proposed development.

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. If you do not lodge the development application related to this determination for the proposed development within two 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.

Should you have any further enquiries, please contact Sally Munk, Principal Planner, Industry Assessments, at the Department on (02) 9274 6431 or via email at sally.munk@planning.nsw.gov.au.

Yours sincerely,



Joanna Bakopanos

Team Leader

Industry Assessments – Planning Group

As delegate of the Planning Secretary

Enclosed:

Attachment	Title
1	Determination, Department of Planning and Environment, (delegated position within Environment and Heritage Group)
2	Determination, Department of Planning and Environment, (delegated position within Planning Group)

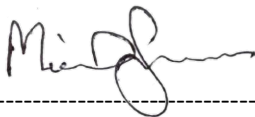
Determination template – BDAR not required

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

I, Michael Saxon, Director South East Branch, Biodiversity and Conservation Division of the 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 (BDAR) **is not required**.

Proposed development means the development as described in Schedule 1. If the proposed development changes so that it is no longer consistent with this description, a further request to waive the requirement for a BDAR must be lodged or a BDAR prepared.

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.



Michael Saxon
South East Branch
Biodiversity and Conservation Division

10/05/2022

Date

SCHEDULE 1 – Description of the proposed development

Construction and operation of a bulk liquid fuel terminal, comprised of six potable ethanol storage tanks, two pipelines, administration buildings, gantry structures, landscaping and carpark, and as detailed in the BDAR waiver application dated 6 April 2022

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

I, Joanna Bakopanos, Team Leader, Industry Assessments, of the 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 a bulk liquid fuel terminal, comprised of six potable ethanol storage tanks, two pipelines, administration buildings, gantry structures, landscaping and carpark, as detailed in the BDAR waiver application dated 8 March 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 two 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.

A handwritten signature in black ink, appearing to read "Joanna Bakopanos", written over a horizontal dashed line.

Joanna Bakopanos
Team Leader
Industry Assessments
Planning Group
Department of Planning and Environment
(as delegate of the Planning Secretary)

14 June 2022

Date