

Mr Cameron Rubenach  
Development Manager  
Goodman Property Services (Aust) Pty Ltd  
1-11 Hayes Road  
Roseberry NSW 2018

26 September 2022

Dear Mr Rubenach

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

I refer to your correspondence received on 1 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 the proposed Gardeners Road Multi-Level Warehouse, Alexandria (SSD-42544484).

**Description of proposed development**

Construction and operation of a multi-level warehouse and distribution centre with associated offices as detailed in the BDAR waiver application dated September 2022 and prepared by SLR Consulting Australia Pty Ltd.

**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 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”.*

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 15 September 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 26 September 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.

While a BDAR is not required for the proposed development, an assessment of the proposal's biodiversity impacts in accordance with the Planning Secretary's Environmental Assessment Requirements issued for the SSD application on 16 May 2022, is still required.

Should you have any further enquiries, please contact Catriona Shirley, Planning and Assessment, at the Department on (02) 9995 6869.

Yours sincerely,



Joanna Bakopanos

**Team Leader**  
**Industry Assessments – Planning Group**  
As delegate of the Planning Secretary

Enclosed:

| <b>Attachment</b> | <b>Title</b>   |
|-------------------|--|
| 1                 | Determination, Department of Planning and Environment,<br>(delegated position within Environment and Heritage Group) |
| 2                 | Determination, Department of Planning and Environment,<br>(delegated position within Planning Group)                 |

## Attachment 1

### Recommendation

It is recommended that the delegated officer:

- Considers the matters set out in this report; and
  - determines that the proposed development is not likely to have any significant impact on biodiversity values and therefore a BDAR is not required
  - ~~determines that, based on the information provided, it cannot be concluded that the proposed development is not likely to have any significant impact on biodiversity values and therefore a BDAR is required.~~



14/09/2022

Sarah Burke  
Senior Team Leader, Compliance & Regulation, Greater Sydney Branch  
Environment and Heritage Group

Date

### Decision

I, Louisa Clark, Acting Director Greater Sydney, of the Department of Planning and Environment, having reviewed this report and the documents attached to it:

- A. determine under section 7.9(2) of the *Biodiversity Conservation Act 2016* that the proposed development as described in DOC22/789720 and Schedule 1 is not likely to have any significant impact on biodiversity values and therefore a BDAR is not required.
- B. ~~determine that, based on the information provided, it cannot be concluded that the proposed development as described in DOC22/789720 and Schedule 1 is not likely to have any significant impact on biodiversity values and therefore a BDAR is required.~~



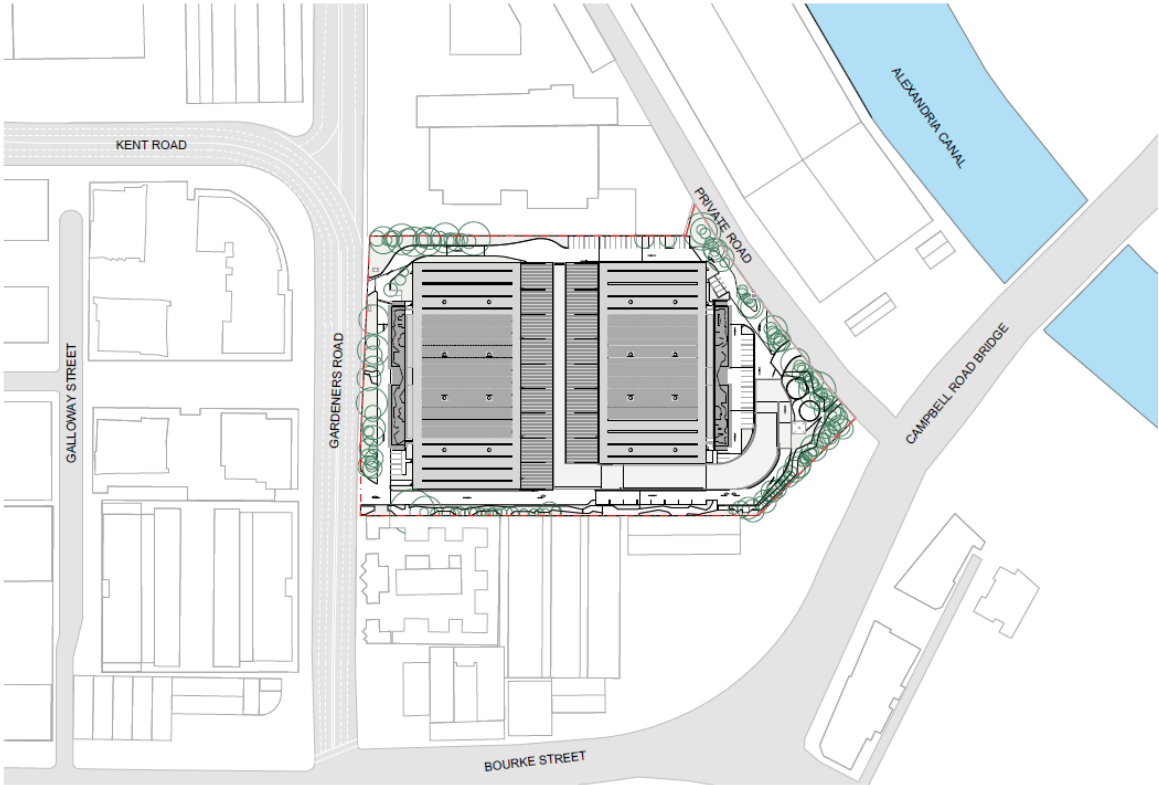
15/09/2022

Louisa Clark  
Acting Director Greater Sydney Branch  
Environment and Heritage Group

Date

**Schedule 1 – Description of the proposed development**

The proposed development is the redevelopment of an existing industrial site at 546-548 Gardeners Road, Alexandria to a warehouse and distribution facility, as detailed in the BDAR waiver application dated September 2022.



**Existing Development**

Existing industrial site to a warehouse and distribution facility at 546-548 Gardeners Road, Alexandria.



## Attachment 2

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

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 multi-level warehouse and distribution centre with associated offices as detailed in the BDAR waiver application dated September 2022 and prepared by SLR Consulting Australia Pty Ltd. 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.



26 September 2022

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

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**Date**