

Our ref: SSD-62855708

Ms Victoria Hale  
Senior Environmental Planner  
EME Advisory  
17 Carlotta St  
GREENWICH NSW 2065

1 December 2023

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**Subject: Request to Waive Requirement to Prepare a Biodiversity Development Assessment Report**

Dear Ms Hale

I refer to your request dated 22 September 2023 seeking to waive the requirement to prepare and submit a biodiversity development assessment report (BDAR) with the State significant development (SSD) application for the Waste Management Facility, Botany (SSD-62855708).

**Description of the proposed development**

The proposed development comprises the construction and operation of a waste transfer station, as described in the BDAR waiver application prepared by Anderson Environment Planning and dated 22 September 2023.

**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 16 November 2023.

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 15 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 25 October 2023, is still required.

Should you have any further enquiries, please contact Elke Tuckfield, Industry Assessments, at the Department on (02) 8275 1641 or via [elke.tuckfield@dpie.nsw.gov.au](mailto:elke.tuckfield@dpie.nsw.gov.au).

Yours sincerely



Sally Munk  
**Principal Planner**  
**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)

BDAR waiver decision report

**Project Name:** Waste Management Facility, Botany

**SSI/SSD Application Number:** SSD-62855708

**Proponent:** Coombes Property Group

**Date request received:** 20 October 2023

Biodiversity value	Meaning	Relevant (✓ or NA)	Potential impacts	
			Applicant comment/justification	EHG comment
Vegetation abundance  1.4(b) BC Regulation	Occurrence and abundance of vegetation at a particular site	✓	<p>The vegetation on site primarily consists of small landscape strips along the north-eastern and western boundaries, as well as along Hale Street. Only a small number of standalone native trees were identified on site, located on Hale Street, with the remaining small vegetation strips predominantly occupied by exotic species. The native trees were identified as <i>Casuarina glauca</i> (Swamp She-oak), however, due to the heavily modified nature of the site, no vegetation community (NSW PCT) could be allocated.</p> <p>The proposal aims to retain the existing vegetation as much as possible, although some tree removal may be necessary. Importantly, no native vegetation communities will be affected by the proposed changes.</p>	Supported. There appears to be no remnant vegetation on site.
Vegetation integrity  1.5(2)(a) 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>The site is an area that has been subject to extensive disturbance from current uses, including the operation and storage of heavy machinery/vehicles.</p> <p>State Vegetation Mapping (SVTM 2022) maps the Subject Site as 'Not native vegetation' with Plant Community Types (PCTs) identified within the adjoining vicinity of the Subject Site.</p> <p>Vegetation within the Subject Site is limited to a narrow strip of vegetation along the north-eastern, southern, and western boundaries. The majority of these areas will be unaffected by the proposed development.</p>	Supported. There appears to be no vegetation on site in a natural state.
Habitat suitability  1.5(2)(b) BC Act	Degree to which the habitat needs of threatened species are present at a particular site	✓	<p>The site contains minimal habitat features that could be utilised by threatened species. No hollows, standing water, woody debris, stick nests or any other notable habitat feature was identified on site.</p> <p>Two microbat species have been recorded as occurring within 1500m of the site through the</p>	Supported. The site is unlikely to provide habitat for

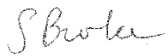
Biodiversity value	Meaning	Relevant (✓ or NA)	Potential impacts	
			Applicant comment/justification	EHG comment
			<p>NSW threatened species database (TBDC); Southern Myotis and Large Bent-winged Bat. Structures are present on site which may have some potential to be utilised by microbats.</p> <p>However, these man-made structures on site are not considered likely roosting habitat for these species, given the industrial levels of noise, vibration, and light, unsuitable building thermal properties, and noted presence of exotic and urban species such as Pigeons and Miner birds which would preferentially use these structures.</p> <p>Existing activities on the site limit the suitability for threatened or non-threatened species due to the amount of existing noise, vibration, disturbance and lack of vegetation around the site.</p>	threatened species.
Threatened species abundance 1.4(a) BC Regulation	Occurrence and abundance of threatened species or threatened ecological communities, or their habitat, at a particular site	✓	<p>As described above, with very limited habitat suitability for threatened species it is considered unlikely that any threatened species would utilise the site to any notable degree.</p> <p>Existing activities on the site limit the suitability of the site to be used by any threatened or non-threatened species.</p> <p>No records of threatened species occur within the site and no threatened species were identified during the site inspection.</p>	Supported. Threatened species are unlikely to occur on site.
Habitat connectivity 1.4 (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	✓	The site occurs within a highly industrialised and fragmented area. While trees on site may be occasionally utilised by more mobile species, any use is considered marginal.	Supported. The site does not provide habitat connectivity.
Threatened species movement 1.4(d) BC Regulation	Degree to which a particular site contributes to the movement of threatened species to maintain their lifecycle	✓	<p>The Subject Site provides marginal habitat and foraging opportunities. It is highly unlikely to contribute in any meaningful way to threatened species life cycles.</p> <p>It is noted that Green and Golden Bell Frog records occur within the nearby Mills Stream. As the site is fenced off and lacks aquatic habitats, this species is not considered likely to utilise the site. This species has not been recorded in the surrounding area since 2007.</p>	Supported. The site would not be important for species movement.

Biodiversity value	Meaning	Relevant (✓ or NA)	Potential impacts	
			Applicant comment/justification	EHG comment
Flight path integrity  1.4(e) BC Regulation	Degree to which the flight paths of protected animals over a particular site are free from interference	NA	Development as proposed is unlikely to affect any flight path integrity for protected animals. It is noted that the site occurs within close proximity to Sydney Airport.	Supported.
Water sustainability  1.4(f) BC Regulation	Degree to which water quality, water bodies and hydrological processes sustain threatened species and threatened ecological communities at a particular site.	✓	<p>A flood and surface water impact assessment will be undertaken to ensure reduction targets recommended for urban development in the Botany Bay Catchment are met, and development of a water management plan which incorporates Water Sensitive Urban Design (WSUD) is proposed to manage stormwater runoff.</p> <p>Ensuring WSUD principles are adhered to, there is not anticipated to be a negative impact to any aquatic habitat in Mills Stream.</p>	Supported.

## 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.~~



27/10/2023

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

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**Date**

## Decision

I, Louisa Clark, 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 DOC23/925510-2 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 DOC23/925510-2 and Schedule 1 is not likely to have any significant impact on biodiversity values and therefore a BDAR is required.~~



15/11/2023

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Louisa Clark  
**Director Greater Sydney Branch**  
**Environment and Heritage Group**

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**Date**

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

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I, Louisa Clark, Director Greater Sydney, of the Department of Planning and Environment, under section 7.9(2) of the *Biodiversity Conservation Act 2016*, consider that based on the information provided, it can be concluded that the proposed development is not likely to have any significant impact on biodiversity values. Therefore, a Biodiversity Development Assessment Report is not required.

Proposed development means the development as described in DOC23/925510-2 and Schedule 1. If the proposed development changes so that it is no longer consistent with this description, a further waiver request is required.



15/11/2023

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**Louisa Clark**  
**Director**  
**Greater Sydney**  
**Environment and Heritage Group**

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**Date**

## SCHEDULE 1 – Description of the proposed development

The State Significant Development Application (SSDA) SSD-62855708 seeks approval for the development of a Waste Management Facility at 2-4 Hale Street, Botany as detailed in the BDAR waiver request prepared by AEP dated 22 September 2023 (DOC23/925510-2).

The development includes:

- demolition of existing warehouses, hardstands, and crossovers
- establishment of a purpose-built waste transfer station, featuring a new warehouse, on-site office with amenities, and a lunchroom.
- expansion of the existing narrow landscaped setback along Hale Street in width to 6 metres.

The site map is shown at Figure 1 and development layout at Figure 2.

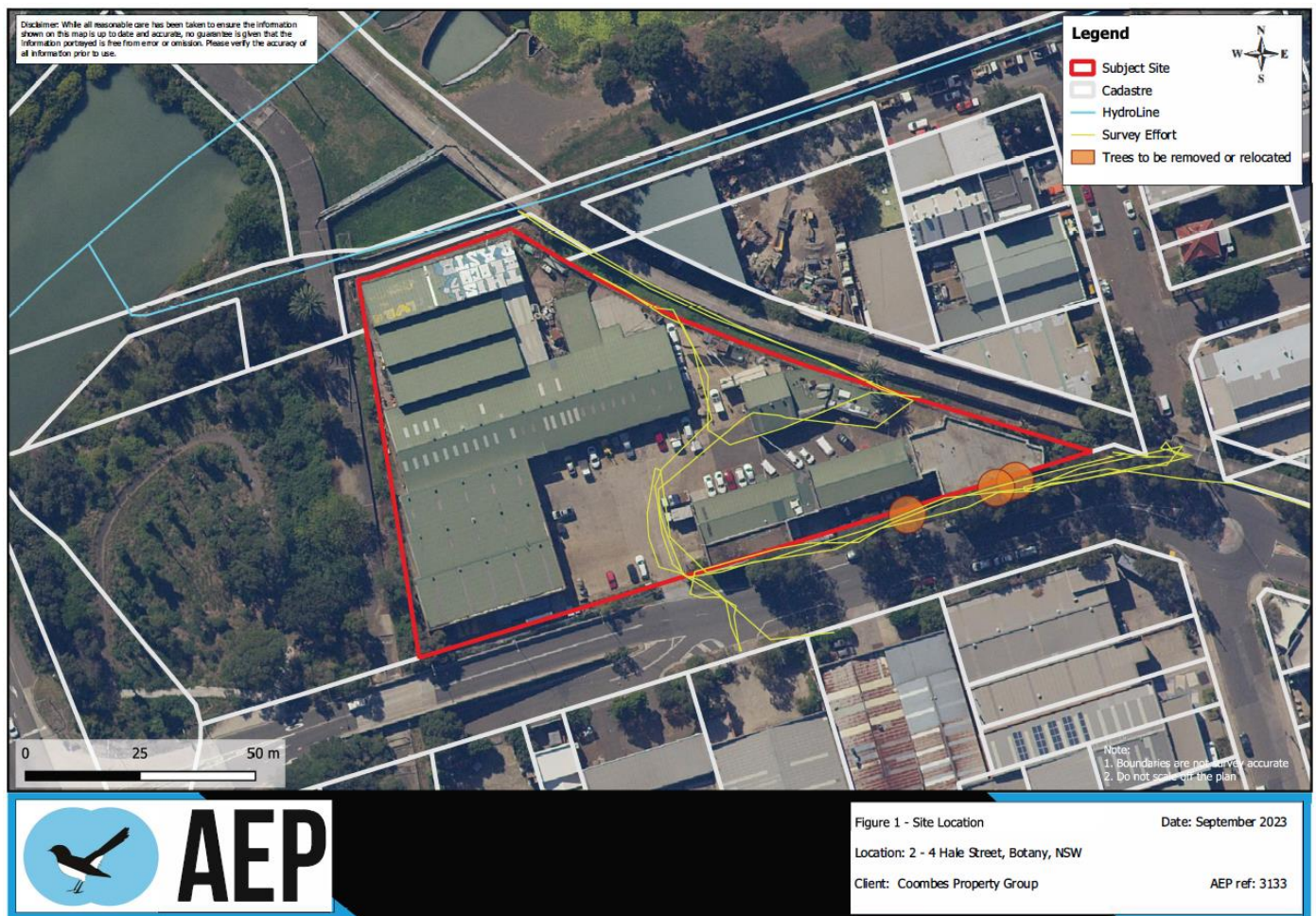


Figure 1: Site map

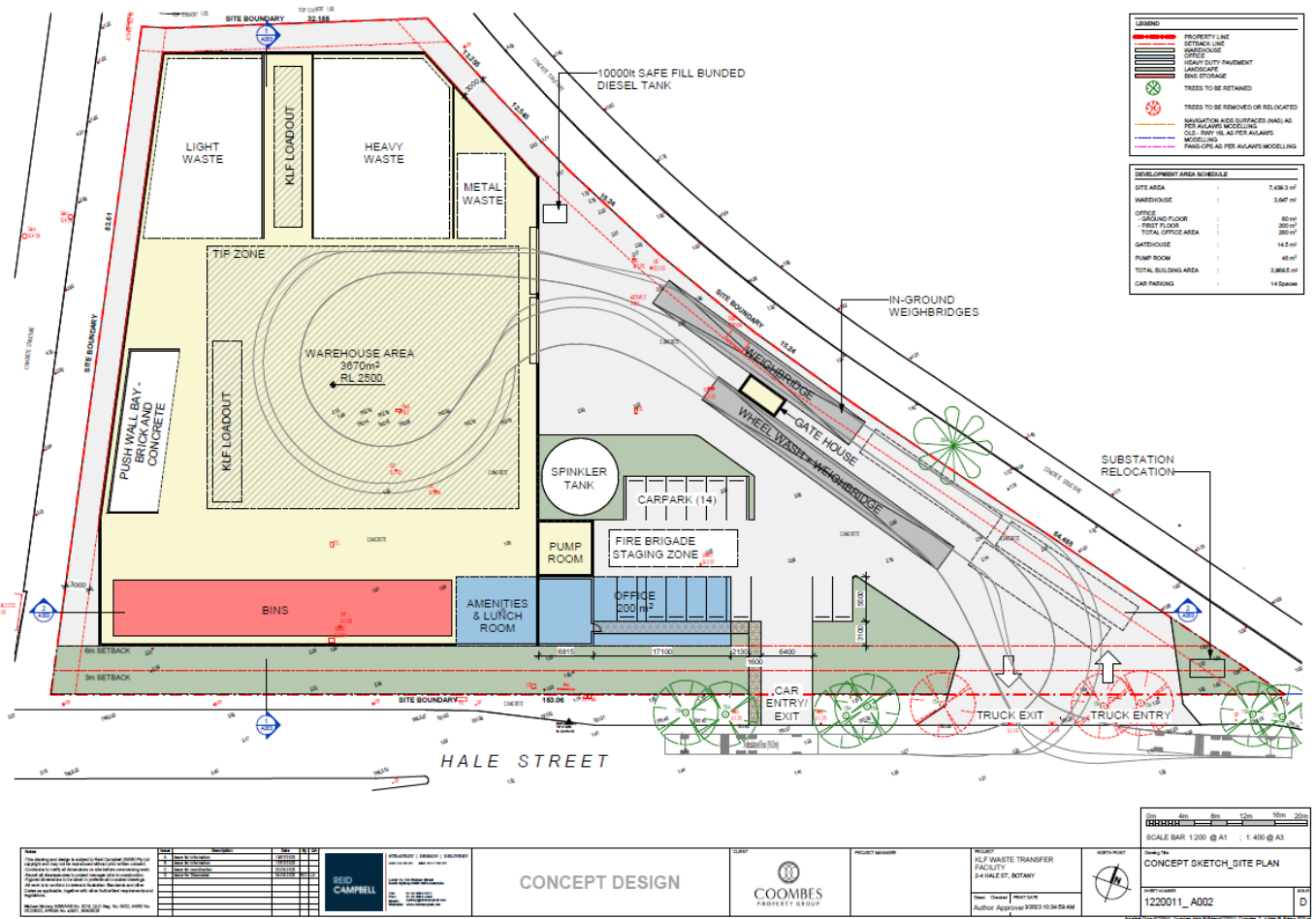


Figure 2: Development layout

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

I, Sally Munk, Principal Planner, 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 development as described in Schedule 1. 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.



1 December 2023

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**Sally Munk**  
**Principal Planner**  
**Industry Assessments**  
**Planning Group**  
**Department of Planning and Environment**  
(as delegate of the Planning Secretary)

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**Date**