
Appendix H

BDAR waiver determination

Our ref: SSD-71547218

Mr Ray Nielsen
Project Manager
Central Waste Plant Pty Ltd
8 Styles Street
KURRI KURRI NSW 2327

18 September 2024

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

Dear Mr Nielsen

I refer to your correspondence received on 7 May 2024 seeking to waive the requirement to prepare a biodiversity development assessment report (BDAR) to be submitted with the State significant development (SSD) application for the Kurri Kurri Integrated Resource Recovery Centre (SSD-71547218).

Description of the proposed development

Expansion of an existing resource recovery facility in Kurri Kurri (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 and Lot 1 DP 1128108 - 1 Styles Street) within the Cessnock Local Government Area, as described in the BDAR waiver application prepared by EMM Consulting Pty Ltd and dated 7 May 2024.

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 Biodiversity, Conservation and Science (BCS) Group delegate of the Secretary of the Department of Climate Change, Energy, the Environment and Water 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 determination dated 22 August 2024.

As delegate of the Planning Secretary within the Department of Planning, Housing and Infrastructure, I have considered the waiver request and determination of the BCS Group and determined the proposed development as described above, is not likely to have any significant impacts on biodiversity values (see determination attached dated 22 August

2024). 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 28 June 2024, is still required.

Should you have any further enquiries, please contact Ellen Luu, Senior Environmental Assessment Officer, at the Department on (02) 8275 1037 or Ellen.luu@planning.nsw.gov.au.

Yours sincerely,



Lindsey Blecher
Team Leader
Industry Assessments

as delegate of the Planning Secretary

Enclosed:

Attachment	Title
1	Determination, DCCEEW Biodiversity Conservation and Science Group
2	Determination, Department of Planning, Housing and Infrastructure

Attachment 1

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

I, Joe Thompson, Director Hunter Central Coast Branch, of the Department of Climate Change, Energy, the Environment and Water, 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 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.



22/8/2024

JOE THOMPSON
Director Hunter Central Coast Branch
Biodiversity Conservation and Science

Date

SCHEDULE 1 – Description of the proposed development

State Significant Development (SSD-71547218) under the *Environmental Planning and Assessment Act 1979* for the expansion of an existing resource recovery facility in Kurri Kurri (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)) within the Cessnock Local Government Area. With construction and use of a deceleration lane in the road reserve west of the entry to 147 Mitchell Avenue also being required (**Figure 1**).

The SSD application for the project will seek approval for key project components as summarised in **Table 1**.

Table 1 Project Summary

Project element	Summary
Project site	1, 8 and 10 Styles Street, 145 and 147 Mitchell Avenue.
Project changes	Changes at the existing RRF on 8 Styles Street: • Remove demountable offices and weighbridge. • Close off the entry/exit onto Styles Street. • Add additional material storage bays and extend awnings. Changes at the remaining lots (1 and 10 Styles Street, 145 and 147 Mitchell Avenue): • Remove existing infrastructure including sheds and demountable offices. • Install fire and stormwater infrastructure and provide concrete hardstand. • Construct incoming and outgoing weighbridges and associated offices. • Repurpose the existing workshop for use as a metals processing area. • Construct building for further processing of residual waste. • Delineate car and truck parking. • Erect perimeter walls/fencing. • Establish a new access for heavy vehicles into 147 Mitchell Avenue. • Construct a new footpath and provide landscaping along Mitchell Avenue.
Waste types	• General Solid Waste (non-putrescible).
Waste processing	• Automated processing plant (includes shredders, separators, conveyors, magnets, trommels and optical sorting). • Manual sorting, crushing and screening using mobile equipment in the yard. • Residual waste processing building (includes shredders and optical sorting). • Metal processing building.
Waste tonnage	Up to 450,000 tpa.
Waste transport	The increase in throughput will not produce a proportionate increase in truck movements due to the establishment of waste transfer stations in Cardiff and Muswellbrook. The transfer stations will reduce the number of smaller vehicles delivering waste to the IRRC, with waste instead transported to the IRRC in bulk in larger trucks.
Waste storage	Up to 40,000 tonnes and stockpiles up to 6 metres (m) high.
Fire protection	The existing fire protection system will be expanded for the project in accordance with <i>Fire Safety in Waste Facilities</i> guidelines (Fire and Rescue NSW 2020), including fire hydrants, sprinklers, fire detection and alarm, and fire water run-off containment.
Hours of operation	24 hours per day, 7 days per week. Waste processing will be conducted generally over two 8-hour shifts, five days per week.
Operation workforce	It is estimated that the project will generate an additional 80 full time equivalent positions, up to a total of approximately 120.
Sequencing	Construction will be conducted concurrently with existing operations in three general stages over approximately 17 months. The increase in throughput up to 450,000 tpa is projected to occur gradually over approximately ten years.

Figure 1 below shows an aerial photograph of the development site at the Kurri Kurri Integrated Resource Recovery Centre.



Figure 1 Aerial photograph of the development site at the Kurri Kurri Integrated Resource Recovery Centre.

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

I, Lindsey Blecher, Team Leader, Industry Assessments, of the Department of Planning, Housing and Infrastructure, under section 7.9(2) of the *Biodiversity Conservation Act 2016*, determine the proposed development is not likely to have any significant impact on biodiversity values and therefore a Biodiversity Development Assessment Report is required.

Proposed development means the expansion of an existing resource recovery facility in Kurri Kurri (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 and Lot 1 DP 1128108 - 1 Styles Street) within the Cessnock Local Government Area, as described in the BDAR waiver application prepared by EMM Consulting Pty Ltd and dated 7 May 2024.

If the proposed development changes so that it is no longer consistent with this description, you must either prepare a BDAR or lodge a new request to have the BDAR requirement waived.



18/09/2024

Lindsey Blecher
Team Leader
Industry Assessments
Department of Planning, Housing and Infrastructure
(as delegate of the Planning Secretary)

Date