

Our ref: SSD-72775222

Mr Luke Farrell
Principal Environment Scientist
Element Environment
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Email: luke@elementenvironment.com.au

10 September 2024

Subject: BDAR waiver request – Demast Sludge Dewatering Plant, 7 Long Street, Smithfield (SSD-72775222)

Dear Mr Farrell

I refer to your correspondence received on 2 July 2024 seeking to waive the requirement to prepare a biodiversity development assessment report (BDAR) to be submitted with the abovementioned State significant development (SSD) application.

Description of the proposed development

Increase to the approved processing limit of the Sludge Dewatering Plant to 300,000 tpa and introduction of additional wastes for processing at the site as described in the BDAR waiver application prepared by Element Environment and dated 21 February 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 24 July 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 10 September 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 29 July 2024, is still required.

Should you have any further enquiries, please contact Isabella Giraldo, Student Planner at the Department on (02) 8217 2075 or via Isabella.giraldo@dpie.nsw.gov.au.

Yours sincerely,



Lindsey Blecher
Team Leader
Industry Assessments

as delegate of the Planning Secretary

Enclosed:

Attachment	Title
1	Determination, DCCEEW
2	Determination, Department

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 not required.

Proposed development means an increase to the approved processing limit of the Sludge Dewatering Plant to 300,000 tpa and introduction of additional wastes for processing at the site as described in the BDAR waiver application prepared by Element Environment and dated 21 February 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.



10 September 2024

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

Date:

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

I, Louisa Clark, Director Greater Sydney, of the Department of Climate Change, Energy, the Environment and Water, under section 7.9(2) of the *Biodiversity Conservation Act 2016*, consider that SSD-72775222 for the upgrade to the Demast Sludge Dewatering Plant at 7 Long Street, Smithfield to increase the processing capacity 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 DOC24/527163 and Schedule 1. If the proposed development changes so that it is no longer consistent with this description, a further waiver request is required.



24/07/2024

Louisa Clark
Director
Greater Sydney
Regional Delivery Biodiversity, Conservation and Science Group

Date

SCHEDULE 1 – Description of the proposed development

The State Significant Development Application (SSDA) SSD-72775222 for the upgrade to the Demast Sludge Dewatering Plant at 7 Long Street, Smithfield to increase the processing capacity as detailed in the Request for SEARs dated 2 July 2024 and BDAR waiver request prepared by Element dated 21 February 2024.

Refer to Figures:

- Figure 1 Regional context
- Figure 2 The Site
- Figure 3 Existing Plan
- Figure 4 Bionet records



Figure 1 Regional context



Figure 2 The Site

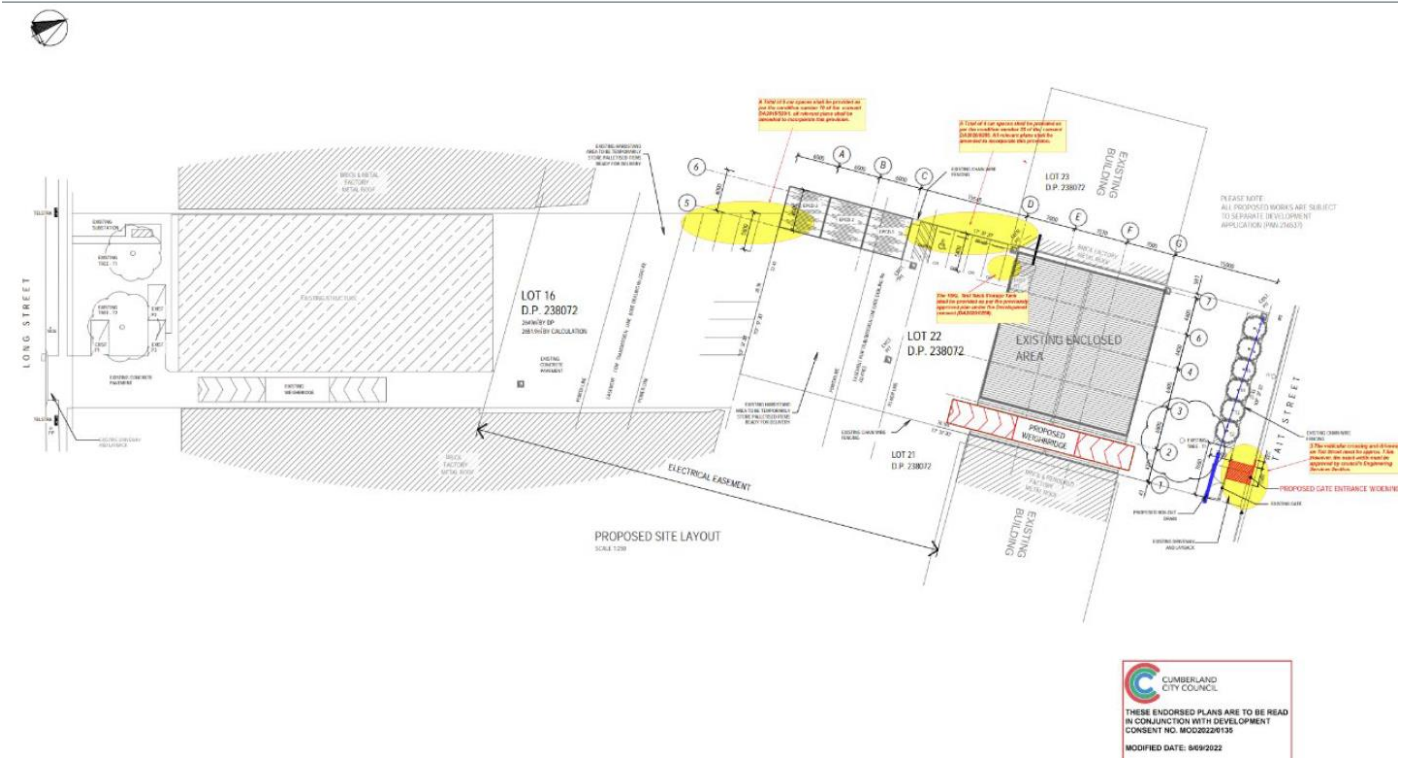


Figure 3 Existing Plan



Figure 4 Bionet records