

# Appendix F

**BDAR Waiver**

Our ref: SSD-79933225

Mr Karl Rosen  
Technical Director  
GHD Pty Ltd  
Level 15, 133 Castlereagh Street  
Sydney NSW 2000

Email: karl.rosen@ghd.com

24 October 2025

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

Dear Mr Rosen

I refer to your correspondence received on 18 September 2025 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 Lucas Heights Bioenergy Facility.

**Description of the proposed development**

Construction and operation of a new bioenergy facility at Lot 102 DP 1009354, as described in the BDAR waiver application prepared by GHD Pty Ltd and dated 18 September 2025.

**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 Conservation Programs, Heritage and Regulation (CPHR) Group delegate of the Secretary of the Department of 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 October 2025.

As delegate of the Planning Secretary within the Department of Planning, Housing and Infrastructure, I have considered the waiver request and determination of the CPHR Group and determined the proposed development as described above, is not likely to have any significant impacts on biodiversity values (see determination attached dated 24 October 2025. 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.

Should you have any further enquiries, please contact Rose Jones, Planning Officer, at the Department on (02) 8275 1721 or [rose.jones@dpie.nsw.gov.au](mailto:rose.jones@dpie.nsw.gov.au).

Yours sincerely,



David Schwebel  
Acting 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***

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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 the proposed SSD-79933225 – Lucas Heights Resource Recovery Park, at Lot 102 DP 1009354, Little Forest Road, Lucas Heights 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 DOC25/827098 and Schedule 1. If the proposed development changes so that it is no longer consistent with this description, a further waiver request is required.



22/10/2025

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**Louisa Clark**  
**Director Greater Sydney**  
**Regional Delivery**  
**Conservation Programs, Heritage, and Regulation Group**

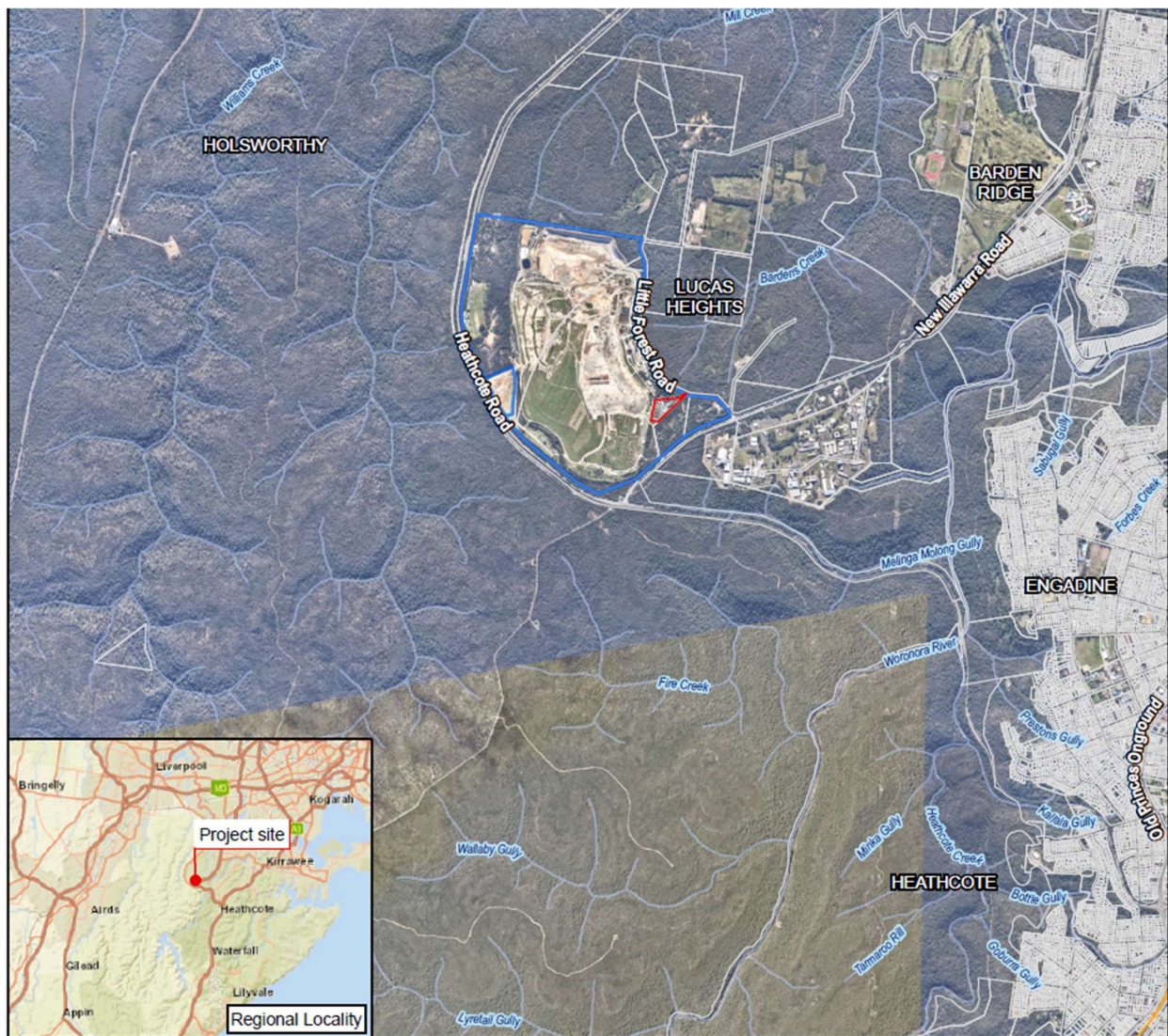
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**Date**

## SCHEDULE 1 – Description of the proposed development

The State Significant Development Application (SSDA) SSD-79933225 – Lucas Heights Resource Recovery Park, proposes the construction and operation of a new bioenergy facility to replace the existing landfill gas infrastructure as detailed in the amended BDAR waiver request, prepared by, GHD Pty Ltd dated 18 September 2025.

Refer to:

- Figure 1 Location Map
- Figure 2a Vegetation and Site Map
- Figure 2b Vegetation – Exotic and PCTs
- Figure 3 Proposed Plan
- Figure 4 Threatened Species Records



<p>Paper Size ISO A4 0 200 400 600 800 Metres</p> <p>Map Projection: Transverse Mercator Horizontal Datum: GDA 1994 Grid: GDA 1994 MGA Zone 56</p>	 	<p><b>LMS Energy</b> Bioenergy facility BDAR waiver</p> <p><b>Location map</b></p>	<p>Project No. <b>12649882</b> Revision No. <b>0</b> Date <b>11/09/2025</b></p> <p><b>FIGURE 1</b></p>
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Print date: 11 Sep 2025 - 13:18

Data source: GHD: Site Boundary (2025), Site Features (2025), NSWGS: SVTM (2025), NPWSR (2025), Cadastre (2025), World Street Map: Esri, HERE, Garmin, NGA, USGS  
Neomaps WMS Server

**Figure 1 Location Map**



Figure 2 Location key of vegetation and potential biodiversity values within the project site (Nearmap, 2025)

### Figure 2a Vegetation and Site Map

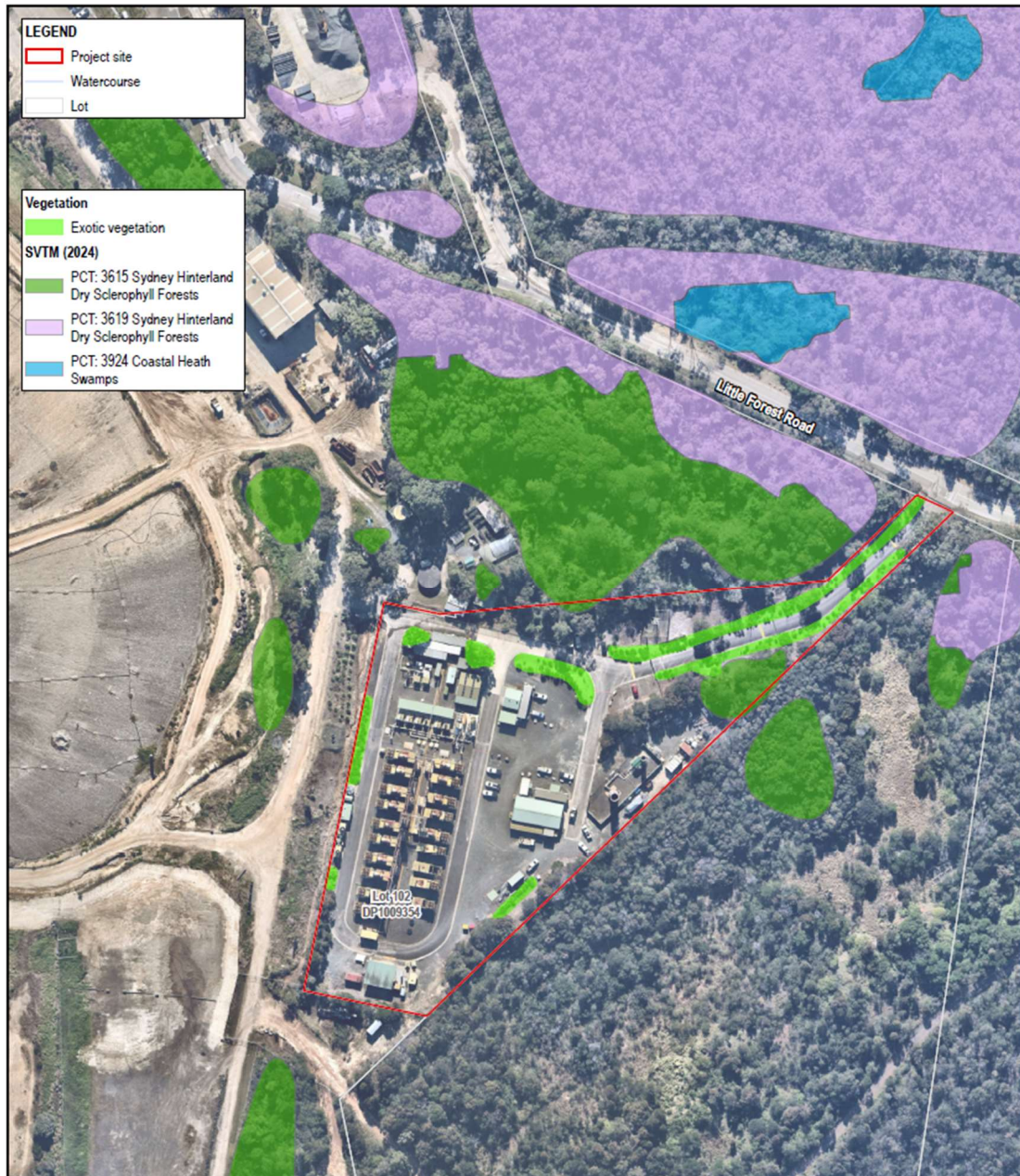


Figure 2b Vegetation – Exotic and PCTs



Figure 3 Proposed Plan



Figure 4 Threatened Species Records

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

I, David Schwebel, Acting 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 (BDAR) is not required.

**Proposed development** means the construction and operation of a new bioenergy facility at Lot 102 DP 1009354 as described in the BDAR waiver application prepared by GHD Pty Ltd and dated 18 September 2025.

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.



24 October 2025

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David Schwebel  
**Acting Team Leader**  
**Industry Assessments**  
**Department of Planning, Housing and Infrastructure**  
(as delegate of the Planning Secretary)

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**Date**