

STATE ENVIRONMENTAL PLANNING POLICY 44 - KOALA HABITAT PROTECTION REPORT

DATE: 4 FEBRUARY 2020

PREPARED FOR:
MacKellar Excavations Pty Ltd

PREPARED BY:
Stewart Surveys Pty Ltd
107-109 Conadilly Street,
PO Box 592
GUNNEDAH NSW 2380
office@stewartsurveys.com

REPORT PREPARATION

Name: **Kathryn Yigman**

Qualifications: Bachelor of Landscape Architecture (UNSW)
Masters of Environmental Management (UNSW)
Registered Landscape Architect (#001493)

Company: **Stewart Surveys Pty Ltd**
ABN: 65 002 886 508
PO Box 592, Gunnedah NSW 2380
(02) 6742 2966
office@stewartsurveys.com

This SEPP 44 Assessment report has been prepared by our office to accompany a council application. To the best of our knowledge, the content of this statement is true in all material particulars and does not, by its presentation or omission of information, materially mislead.

SITE PARTICULARS

Lot Particulars: **Lot 1 in DP 1226992**

Address: **16 Torrens Road, Gunnedah**

Local Government Area: **Gunnedah**

Report prepared for: **MacKellar Excavations Pty Ltd**

Date: **4th February 2020**

STATE ENVIRONMENTAL PLANNING POLICY 44 – KOALA HABITAT PROTECTION ASSESSMENT

Kathryn Yigman of Stewart Surveys has been engaged by MacKellar Excavations to conduct a State Environmental Planning Policy 44 (SEPP 44) assessment to accompany a development application on Lot 1 and 2 in DP 1226992, located at 16 Torrens Road, Gunnedah and 17-21 Allgayer Drive, Gunnedah.

Gunnedah Shire Council is listed as containing Koala habitat under SEPP 44. This policy states that before Council may grant consent to an application to carry out development on land 1 hectare in size or greater, it must first determine whether or not the land is a potential koala habitat. A potential koala habitat is defined as:

“Areas of native vegetation where the trees listed in Schedule 2 of SEPP 44 (Table 1) constitute at least 15% of the total number of trees in the upper and lower strata of the tree component”.

Scientific Name	Common Name
<i>Eucalyptus tereticornis</i>	Forest red gum
<i>Eucalyptus microcorys</i>	Tallowwood
<i>Eucalyptus punctata</i>	Grey Gum
<i>Eucalyptus viminalis</i>	Ribbon or manna gum
<i>Eucalyptus camaldulensis</i>	River red gum
<i>Eucalyptus haemastoma</i>	Broad leaved scribbly gum
<i>Eucalyptus signata</i>	Scribbly gum
<i>Eucalyptus albens</i>	White box
<i>Eucalyptus populnea</i>	Bimble box or poplar box
<i>Eucalyptus robusta</i>	Swamp mahogany

Table 1: List of SEPP 44 – Schedule 2 preferred koala Feed Trees

The subject site has an area of 2.779 hectares, with Lot 1 having an area of 1.826 hectares and Lot 2 having an area of 9,530m² and therefore the development application triggers SEPP 44.

In order to determine if the site meets the definition of potential koala habitat, a field survey over Lot 1 in DP 1226992 was carried out by Kathryn Yigman of Stewart Surveys on the 23rd May 2019 and over Lot 2 in DP1226992 on the 3rd February 2020.

Site Investigation Lot 1 in DP1226992

The site can be described in three areas. The MacKellar Excavations depot and offices are located in the western section of the site. Along the western boundary is a planted row of Casuarina trees and along the northern boundary and through the middle of the site is a row of planted Iron Bark trees. These trees separate the MacKellar Excavations depot area from the eastern section of the site which is currently underutilised. The site contains an area of grass with native trees at the junction of Torrens and Allgayer Drive, gravel car parking area and vacant land used for material storage. A manager's residence is located in the southern section of the site, fronting Torrens Road, which is surrounded by mature plantings. The species in this area of the site are a mix of exotic and native planted trees and shrubs. The site photographs in this report illustrate the site character.



Figure 1: Plantings around the Managers Residence from Torrens Road



Figure 2: Row of Planted Iron Barks between the proposed waste transfer station and existing MEX depot



Figure 3: Stand of White Box Trees at the corner of Torrens Road and Allgayer Drive

The following tree species were observed on the site.

Scientific Name	Common Name
<i>Brachychiton populneus</i>	Kurrajong
<i>Callistemon sp.</i>	Bottlebrush
<i>Casuarina</i>	She Oak
<i>Corymbia torelliana</i>	Cadaghi
<i>Eucalyptus albens</i>	White Box
<i>Eucalyptus cladocalyx</i>	Sugar Gum
<i>Eucalyptus crebra</i>	Iron Bark
<i>Eucalyptus populnea</i>	Bimble Box
<i>Eucalyptus sp.</i>	Gum Trees (non SEPP 44 Listed)
<i>Fraxinus 'Raywoodii'</i>	Claret Ash
<i>Livistona australis</i>	Cabbage Palm Tree
<i>Melaleuca sp.</i>	Paperbark
<i>Olea europaea</i>	Olive Tree
<i>Pyrus sp.</i>	Ornamental Pear
<i>Robinia pseudoacacia</i>	Mop Top
<i>Schinus molle</i>	Peppercorn

Table 2: List of vegetation observed at the site.

Two Koala feed tree species listed under SEPP 44 was observed on Lot 1. These were the *Eucalyptus populnea*, Bimble Box tree and *Eucalyptus albens*, White Box.

It is estimated that these species comprise approximately 5% of the tree species makeup at the site.

During the site inspection all eight Koala feed tree species were inspected for Koala's or evidence of Koala activity. Table 3 shows the location and species of each tree inspected. There were no Koalas observed on the site during this inspection and there was no evidence of use of vegetation at the site, by means of scats at the base of the tree or scratch marks on the trunk, observed at any of the trees inspected.

Easting	Northing	Name	Evidence of Koala's	Tree Species
234384	6571469	W1	No evidence	<i>Eucalyptus albens</i>
234379	6571448	W2	No evidence	<i>Eucalyptus albens</i>
234380	6571448	W3	No evidence	<i>Eucalyptus albens</i>
234368	6571446	W4	No evidence	<i>Eucalyptus albens</i>
234347	6571453	W5	No evidence	<i>Eucalyptus populnea</i>
234373	6571471	W6	No evidence	<i>Eucalyptus albens</i>
234401	6571464	W7	No evidence	<i>Eucalyptus albens</i>
234405	6571473	W8	No evidence	<i>Eucalyptus albens</i>

Table 3: Koala Site Inspection

Field Investigations Lot 2 in DP1226992

Generally Lot 2 was a cleared level block with a large gravel pad and a refuelling station on the northern side. There were seven trees observed on the site. Two large Eucalyptus trees within the gravel pad area and a row of trees planted along the western boundary of the site. The following photos illustrate the character of Lot 2. There were three Eucalyptus species (not SEPP 44 Koala feed tree eucalyptus) and four Kurrajong trees (*Brachychiton populneus*). There were no SEPP 44 feed trees species observed on Lot 2.



Figure 4: Lot 2 from Allgayer Drive



Figure 5: View from the back of the gravel pad towards Allgayer Drive



Figure 6: Tree plantings along the western boundary of Lot 2

Historical records of Koala activity in the site vicinity

A search of the BioNet Atlas of NSW Wildlife for Koala species sightings in the site's vicinity showed no Koalas observed on site. There was one sighting in close proximity to the site, located approximately 50 metres east of the property on Lot 637 in DP755503. The Koala was observed between 2004 and 2006. Table 4 shows the details of this record. Figure 7 is a 10 kilometre square area around the site.

Easting	Northing	Date of Record	Location
234475	6571445	30.06.2006	Quia Road

Table 4: BioNet Atlas of NSW Wildlife observations.

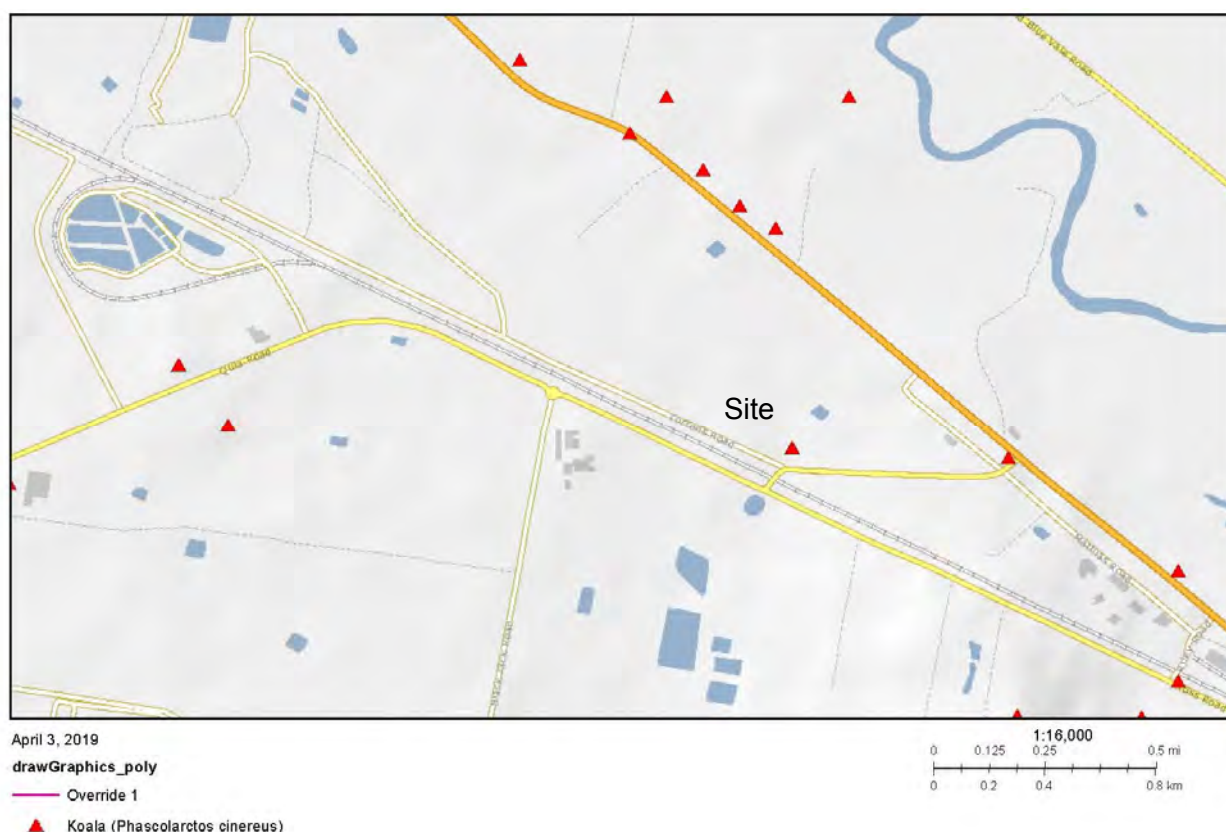


Figure 1: Atlas of NSW Wildlife record of Koala sightings

The subject site is covered by the Gunnedah Koala Strategy which was endorsed by Gunnedah Shire Council on the 21st October 2015. The site is located in the Gunnedah focus area. The vegetation on the site is not mapped as being Koala habitat. Figure 8 shows the site on the Gunnedah Focus Area map.

Gunnedah Koala Strategy

Distribution and Classification of Regional Vegetation Communities across the Gunnedah Study Area in terms of Koala Habitat Classifications (Greenloaning Biostudies)

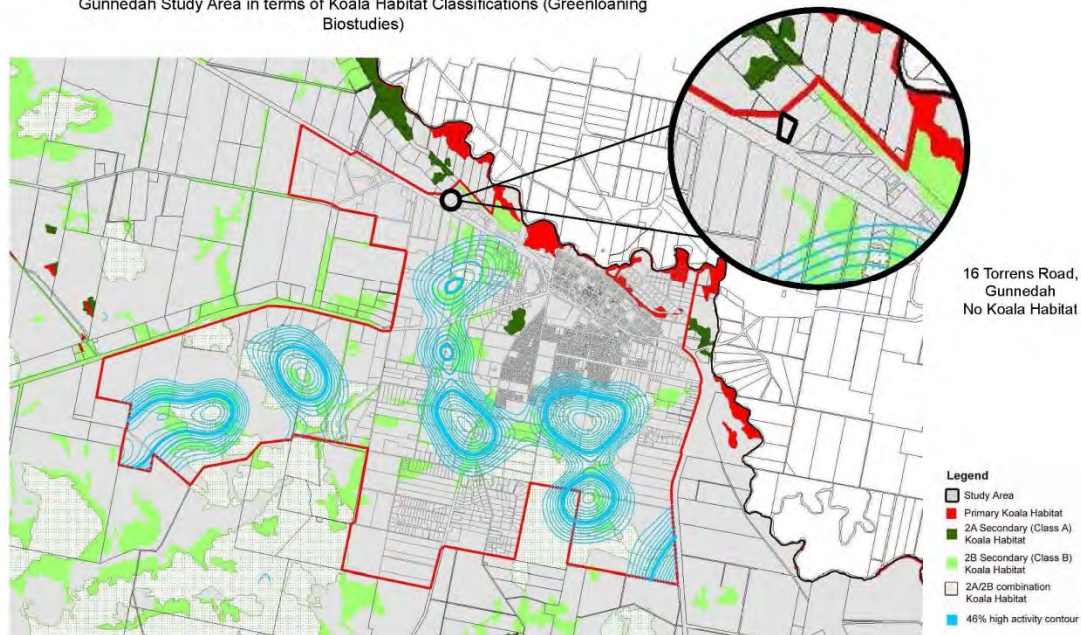


Figure 2: Site on Figure 4.1 of the Koala Strategy Gunnedah Focus Area (modified from Greenloaning)

This assessment concludes the following:

1. A site investigation carried out on 23rd May 2019 and 3rd February 2020 did not encounter any Koala's on the site, or any evidence of past use of the vegetation on the site as Koala habitat.
2. Historical observations of Koala activity on the site did not record any sightings on the subject site. There was one sightings east of the site between 2004 and 2014.
3. The Gunnedah Koala Strategy does not map the vegetation on the subject site as being Koala habitat.
4. The SEPP 44 Koala Feed tree species are estimated to make up 5% of the tree species on the site.

Based on the above, the site is not considered to be Potential or Core Koala habitat as defined by SEPP 44.

Clauses 7 & 8 of SEPP 44, states that if council is satisfied that the land is not potential or core Koala habitat, it is not prevented, because of this policy, from granting consent to the development application.

Yours faithfully

STEWART SURVEYS PTY LTD

Kathryn Yigman

Registered Landscape Architect #001493

Bachelor Landscape Architecture (UNSW)

Masters of Environmental Management (UNSW)

REFERENCES

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Stewart Surveys, Pty Ltd

107-109 Conadilly Street,
PO Box 592
GUNNEDAH NSW 2380

Ph. (02) 6742 2966

office@stewartsurveys.com

<http://www.stewartsurveys.com>

BDAR Waiver Request

Resource Recovery Facility and Waste Transfer Station

16 Torrens Rd, Gunnedah, NSW.



Author:	David Carr, Stringybark Ecological dbcarr@bigpond.com 02 6772 4841 0418 651 263
Versions:	1. 15/6/2020 2. 16/6/2020
Scientific licence for collection of specimens:	SL102094
Original records and voucher specimens stored at:	7 Taylor St, Armidale, 2350.
Client:	Mackellar Equipment Hire Pty Ltd 16 Torrens Rd, Gunnedah, NSW, 2380.

While reasonable care has been taken in preparing this report to ensure the information is true and correct, the author gives no assurance as to the accuracy of any information in this report.

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BDAR Waiver Request

The proponent, Mackellar Equipment Hire Pty Ltd, of the proposed Resource Recovery and Waste Transfer Station at 16 Torrens Rd Gunnedah, requests a BDAR waiver for the project.

The proponent is Mackellar Equipment Hire Pty Ltd, 16 Torrens Rd, Gunnedah, NSW, 2380. ABN: 97 129 678 815. Telephone: 02 6742 4222.

This waiver request has been prepared by David Carr, principal ecologist with Stringybark Ecological. David is an accredited BAM Assessor and a practicing member of the NSW Ecological Consultants Association. He is a Certified Ecological Restoration Practitioner (Society for Ecological Restoration) and has over 30 years experience in environmental assessment in northern NSW. David is an experienced botanist and ecologist with a Bachelor of Science (UNE), A Masters of Resource Science (UNE) and an Advanced Certificate in Urban Horticulture (TAFE).

Site Details

The site of the proposed waste facility (Project Site) is within a recently constructed industrial estate located to the west of Gunnedah, in the Gunnedah local government area (LGA) (Fig.1).

The Project Site comprises Lots 1 and 2 in Deposited Plan (DP) 1226992 at No.16 Torrens Road, Gunnedah, having a combined area of 2.779ha with a frontage to Torrens Road of approximately 75 metres and to Allgayer Drive of just over 200 metres. The land has a depth from Allgayer Drive ranging from about 75m to 140m. Lots 1 and 2 both have drainage easements 6m wide along their northern boundaries. Lot 1 has an area of 1.826ha and Lot 2 has an area of 0.9530ha (Fig. 2).

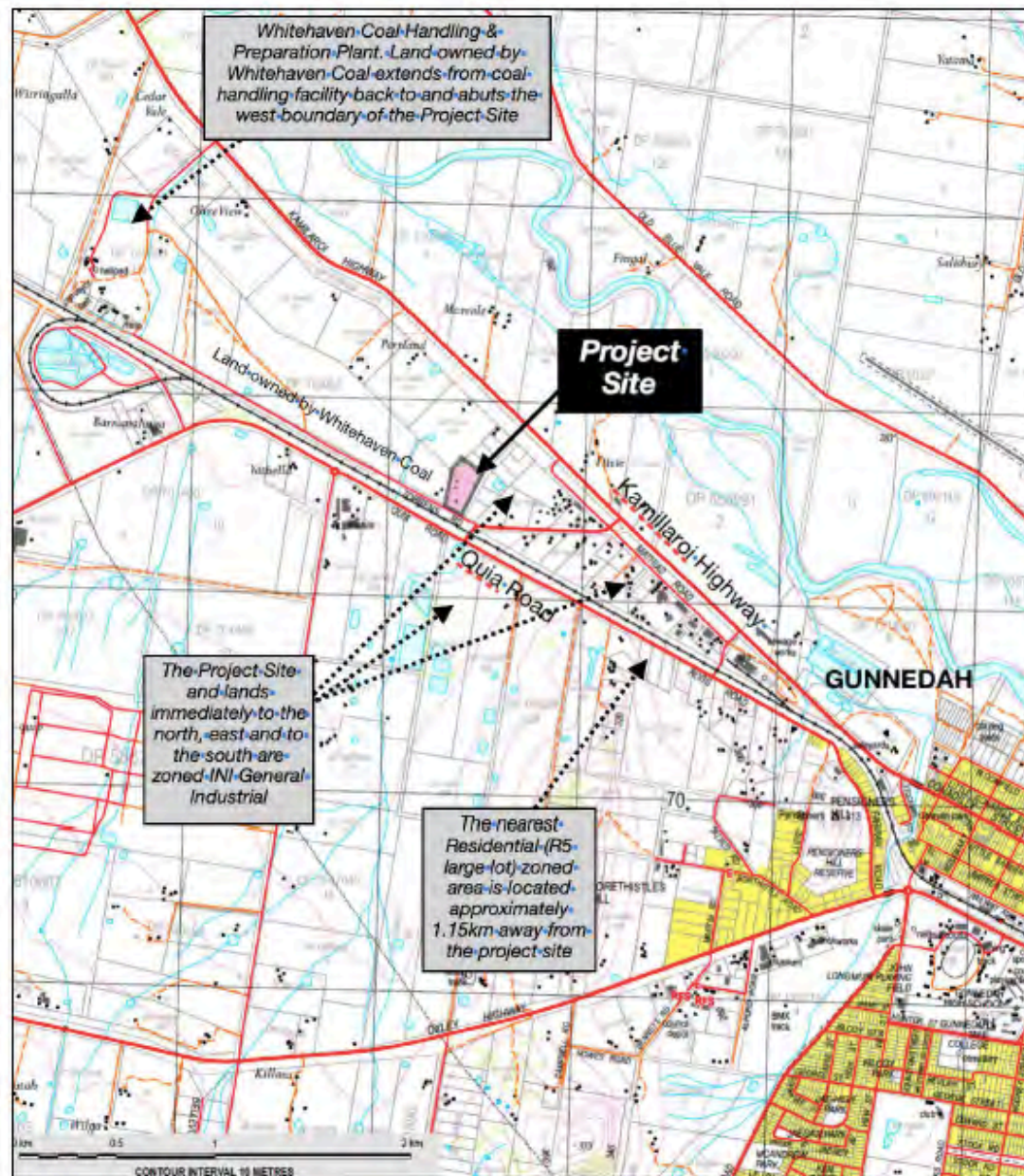


Figure 1: Location of the project site

Proposed Waste Recovery Facility
16 Torrens Rd, Gunnedah



Figure 2: Lot and DP of the project site

MacKellar Excavations Pty Ltd (MEX), Gunnedah Quarry Products (GQP) and Mackellar Equipment Hire Pty Ltd ("Mackellar Group") are privately owned earthmoving, plant hire and quarrying companies based in the Gunnedah area of north-west New South Wales. The Mackellar family business is headquartered at No. 16 Torrens Drive, Gunnedah. Current infrastructure at this location consists of a main office, manager's residence along with associated storage sheds, parking area and hardstand, large storage shed, fuel tank, as well as workshop. A new waste facility will complement the above businesses, in particular in the treatment of contaminated soil, given that MEX already has processing equipment, including screens, as well as other mobile plant and equipment capable of being used in the proposed facility. Access to the Project Site is directly from Torrens Road, with side access to an industrial subdivision road, Allgayer Drive. Torrens Road then connects with Quia Road and thence to Kamillaroi Highway. All roads are bitumen sealed. The Gunnedah LEP 2012 identifies the land as being flood free.

Proposed Development

The proposal is for a waste management facility including resource recovery and waste transfer facility handling up to 250,000 tonnes per annum of waste for separating and sorting, processing or treating, temporary storage or transfer of recovered resources including:

- Contaminated soil being Solid General Waste,
- Co-mingled and separated Construction and Demolition waste,
- Commercial and Industrial Waste,
- Limited quantities of sealed asbestos waste,
- Lithium batteries.

For full details of the nature of the project please refer to the accompanying Request for SEARS.



Figure 3: Set out of the proposed development at 16 Torrens Rd

Figure 3 shows the layout of the development in relation to the existing site infrastructure. Figure 4 below shows proposed vehicle sweep through the site, including location of trees to be removed.

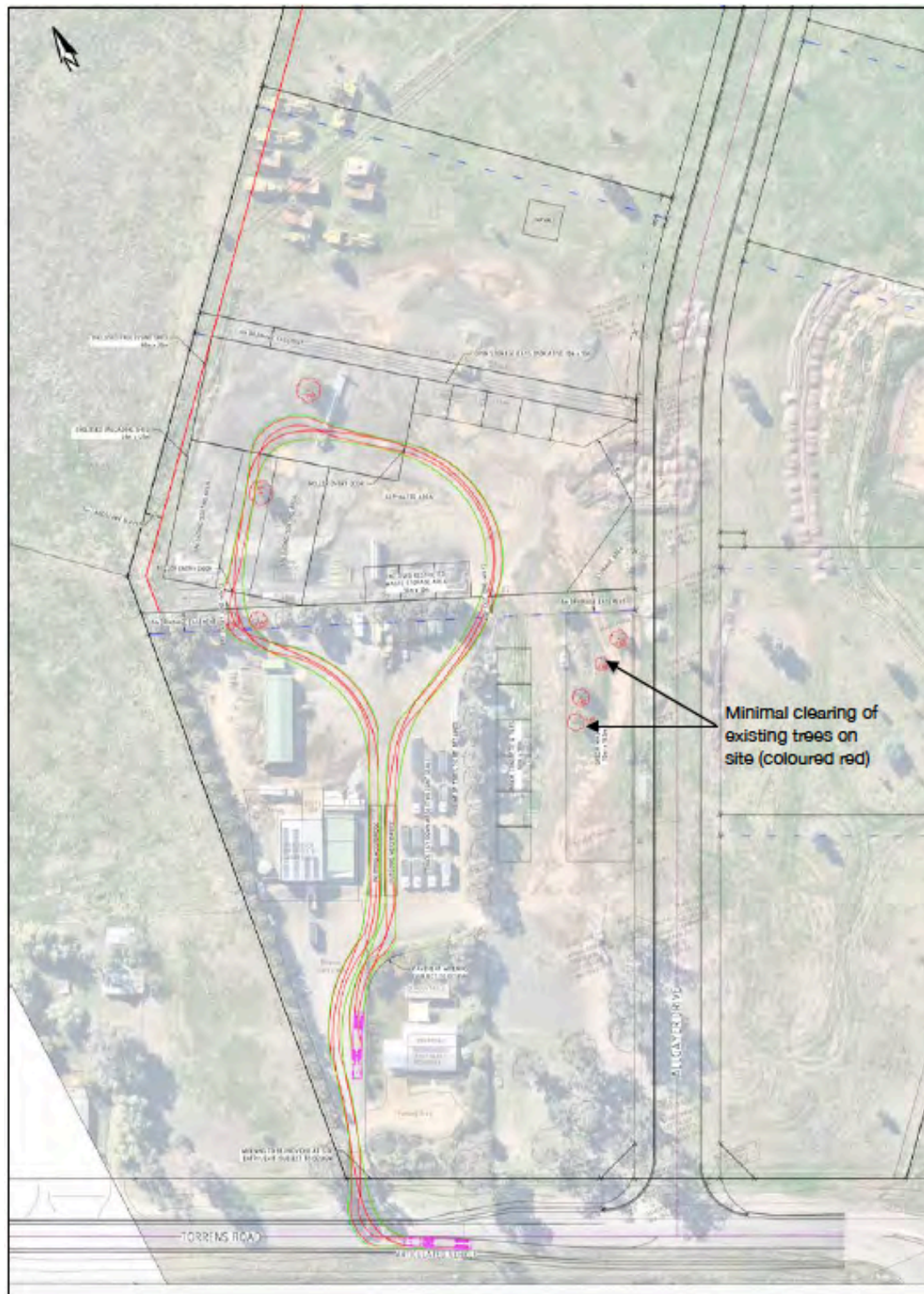


Figure 4: Vehicle sweep path through the proposed development

From a biodiversity perspective, the site is highly degraded. The most significant biodiversity asset on site is a stand of mature (>50cm dbh) *Eucalyptus*

pilligaensis trees in Lot 1 near the corner of Torrens Rd and Allgayer Drv. These trees will not be directly or indirectly impacted by the development. There is also a narrow (6m) strip of degraded grassland on the western boundary of the site which will not be impacted.

Most of the site which will be disturbed or altered as a result of the development has no natural or planted vegetation. The development will result in the removal of four planted trees in the path of the vehicle sweep path (Fig. 4) and four planted trees on the eastern side of the site.



Figure 5: Two Eucalyptus sideroxylon trees to be removed.

Proposed Waste Recovery Facility
16 Torrens Rd, Gunnedah



Figure 6: Two planted trees to be removed as part of the development



Figure 7:2 of the 4 trees on the eastern side of Lot 1 to be removed.



Figure 8: 2 of the 4 trees to be removed on the eastern side of Lot 1

The impact of removing these trees is the subject of Table 1.

Impacts of the proposed development on biodiversity values

Table 1: Impacts of the proposed development on biodiversity values, "Table 2"

Biodiversity value	Meaning	Relevant (✓ or NA)	Explain and document potential impacts including additional impacts prescribed under the BC Regulation Attach additional supporting documentation where appropriate
Vegetation abundance - 1.4(b) BC Regulation	Occurrence and abundance of vegetation at a particular site	Yes	4 trees will be removed from the path of the vehicle sweep. These include 2 <i>Eucalyptus sideroxylon</i> (48 and 49cm dbh) (Fig 5), 1 <i>E. argophloia</i> (39cm) (Fig 6) and 1 <i>E. camaldulensis</i> (53cm) (Fig 6). <i>E. argophloia</i> is not native to NSW (definition from LLS Act, 2013). All of these trees were planted on the site and would not have naturally occurred on the site. None of the trees have hollows. On the side of the site adjacent to Allgayer Drv there are 4 small trees with dbh 18-30cm (Figs 7 & 8). These include 3 <i>E.camaldulensis</i> and 1 <i>Eucalyptus sideroxylon</i> . In the context of this site, none of these plants is a threatened or protected species and does not form part of a threatened ecological

			community.
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	N/A	There is no natural vegetation to be removed on site. The natural vegetation has been substantially altered firstly by agricultural practices, then by industrial development. An example of the pre-existing vegetation community is retained on the site and will not be impacted. Compared to benchmark values for the pre-existing community, the planted vegetation has vegetation condition very low, structure value very low and the function value would be near zero. In a BAM Assessment, the Vegetation Integrity Score would be below thresholds for both threatened and non-threatened PCTS requiring the scheme to enter the Biodiversity Offsets Scheme.
Habitat suitability 1.5(2)(b) BC Act	Degree to which the habitat needs of threatened species are present at a particular site	N/A	37 threatened species were recorded in a search of a 10 x 10km square centred on Gunnedah (see Table 2). Some of the tree species to be removed may be used by threatened species including Regent Honeyeater and Swift Parrot when flowering, but even if they are visited by these species, the removal of such a low number of planted trees and the retention of >95% of planted and remnant trees will have a negligible impact on the species viability. Koalas are known to occur in the area, but a 2 minute search within 1m radius of the base of each tree failed to find any koala scats near the trees to be removed.
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	N/A	37 threatened species occur within a 10km radius of the site (see Bionet search results below). Of these only Painted Honeyeater, Regent Honeyeater, Swift Parrot, Little Lorikeet and Koala are likely to use the trees that will be removed. Records show that of these only the koala has been recorded close to, but not at, the site (Figs 9, 10 & 11).
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	N/A	The trees to be removed are either isolated (Figs. 6, 7, 8) or are part of a planted border of trees (Fig 5). The gap in the planted line of trees will increase from 6m to 15m, an inconsequential change for any species using the trees for connectivity. Koalas may use the vegetation at the site occasionally to move between habitat areas, but the removal of the few trees will have no impact on their

			ability to continue to do this.
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	N/A	There is no evidence that the vegetation at the site contributes to the movement of threatened species. Koalas may use the vegetation at the site occasionally to move between habitat areas, but the removal of the few trees will have no impact on their ability to continue to do this.
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	N/A	The project will have no impact on the flight paths of any protected animals.
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.	N/A	No hydrological processes that sustain threatened species or TECs will be affected by the development.

Mr Brendon MacKellar
Mackellar Equipment Hire Pty Ltd
16 Torrens Road
GUNNEDAH New South Wales 2380

EF20/26138

10 September 2020

Dear Mr MacKellar,

Request to waive requirement to prepare a Biodiversity Development Assessment Report

I refer to your correspondence received on 16 June 2020 seeking to waive the requirement to prepare a biodiversity development assessment report (BDAR) to be submitted with the state significant development application for Gunnedah Waste Facility (SSD 8530563).

Description of proposed development

Establish and operate a resource recovery facility and waste transfer station with capacity to receive up to 250,000 tonnes per annum (tpa) of waste, including excavated natural materials, contaminated soils, construction and demolition waste, commercial and industrial waste, asbestos and lithium batteries

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”.

This letter is to confirm that the Secretary of the Department of Planning, Industry and Environment has determined that the proposed development as described above is not likely to have any significant impact on biodiversity values and that a BDAR is therefore not required to accompany any application for development consent for the proposed development.

I, as Delegate of the Secretary within Planning and Assessment Division have determined that the proposed development is not likely to have any significant impacts on biodiversity values (see determination attached (dated 10 September 2020). Evidence that the Delegate of the Secretary within Environment, Energy and Science Division (Director North West) has made the determination is also attached (dated 13 August 2020).

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 Mary Ellen Trimble on (02) 9274 6213.

Yours sincerely,



10/09/2020

Chris Ritchie
Director, Industry Assessments
Planning and Assessment Division

As delegate of the Secretary

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

I, Chris Ritchie, Director, Industry Assessments of the Department of Planning, Industry and Environment, 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 (BDAR) **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.



Chris Ritchie
Director
Industry Assessments
Planning and Assessment
Department of Planning, Industry and Environment
(as delegate of the Secretary)

Date: 10/09/2020

SCHEDULE 1 – Description of the proposed development

As described in the BDAR Waiver Request for the Resource Recovery Facility and Waste Transfer Station at 16 Torrens Road, Gunnedah, dated 16 June 2020 prepared by Stringybark Ecological, the proposal is for a waste management facility including resource recovery and waste transfer facility handling up to 250,000 tonnes per annum of waste for separating and sorting, processing or treating, temporary storage or transfer of recovered resources including:

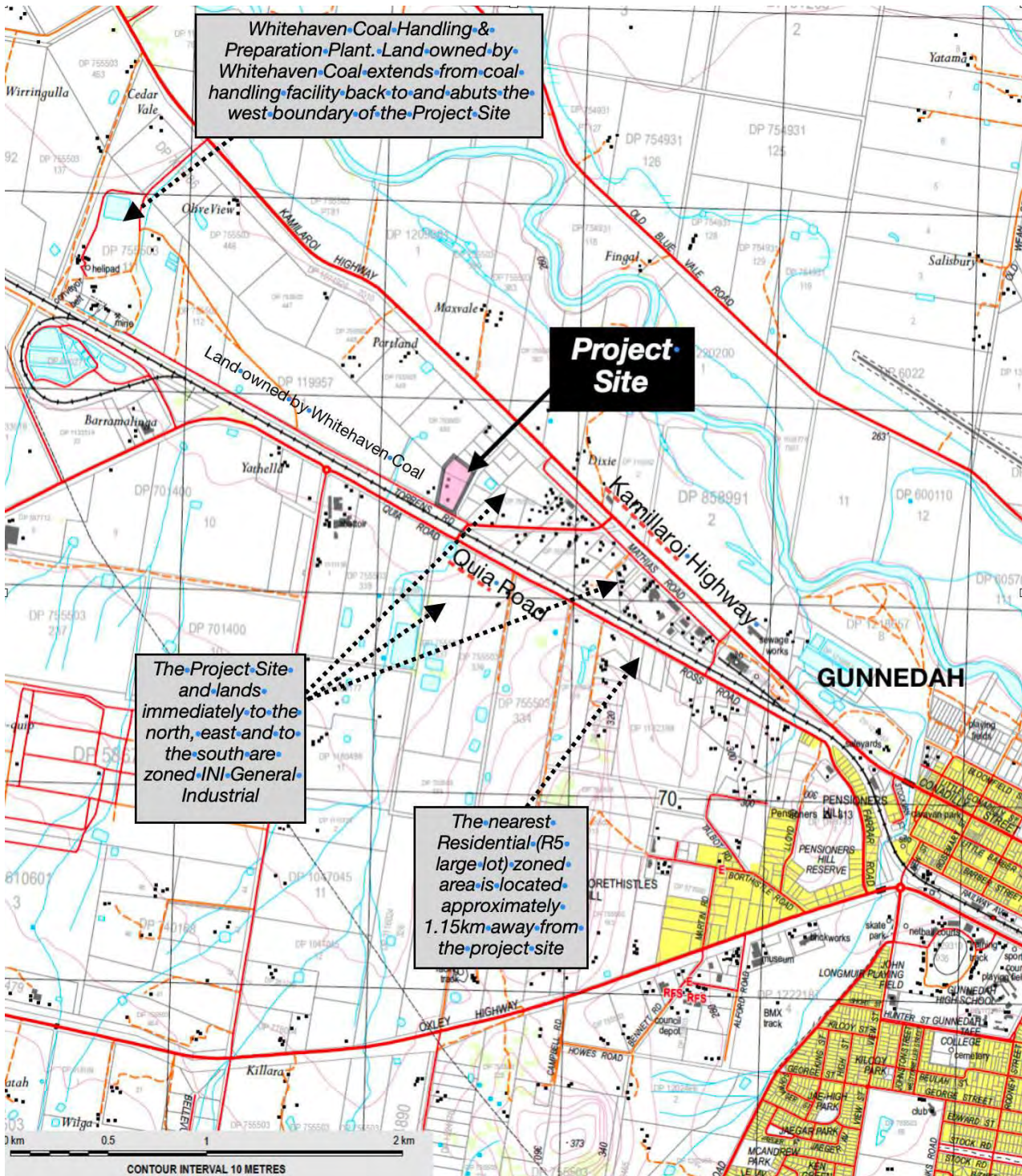
- Contaminated soil being solid general waste,
- Co-mingled and separated construction and demolition waste,
- Commercial and industrial waste,
- Limited quantities of sealed asbestos waste,
- Lithium batteries.

The Project Site comprises Lots 1 and 2 in Deposited Plan (DP) 1226992 at No. 16 Torrens Road, Gunnedah, having a combined area of 2.779ha.

The project site has been disturbed by extensive site works and establishment of hardstand areas and construction of sheds, buildings and other structures over most of the project site.

Current infrastructure at this location consists of a main office, manager's residence along with associated storage sheds, parking area and hardstand, large storage shed, fuel tank, as well as workshop. The new waste facility will complement the above businesses, in particular in the treatment of contaminated soil. Processing equipment, including screens, as well as other mobile plant and equipment capable of being used in the proposed facility are already present on the site.

Much of the western boundary has been planted with trees. Trees have also been planted within the site itself including along the northern boundary of Lot 1. A total of eight trees will be removed. Most of the existing tree plantings will be retained.







Set out of the proposed development

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

I, Sarah Carr, Director North West, Biodiversity and Conservation Division of the Department of Planning, Industry and Environment, 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 (BDAR) **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.



Date: 13 August 2020

Sarah Carr
Director North West
Biodiversity and Conservation Division
Energy, Environment and Science Group

SCHEDULE 1 – Description of the proposed development

As described in the BDAR Waiver Request for the Resource Recovery Facility and Waste Transfer Station at 16 Torrens Road, Gunnedah, dated 16 June 2020 prepared by Stringybark Ecological, the proposal is for a waste management facility including resource recovery and waste transfer facility handling up to 250,000 tonnes per annum of waste for separating and sorting, processing or treating, temporary storage or transfer of recovered resources including:

- Contaminated soil being solid general waste,
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Much of the western boundary has been planted with trees. Trees have also been planted within the site itself including along the northern boundary of Lot 1. A total of eight trees will be removed. Most of the existing tree plantings will be retained.



Set out of the proposed development