

Our ref: DOC20/780213
Senders ref: SSD-9320662

Ms Susan Fox
Department of Planning, Industry and Environment
4PSQ, 12 Darcy Street
PARRAMATTA NSW 2150

Dear Ms Fox

RE: Request to waive requirement for BDAR under s.7.9 of the Biodiversity Conservation Act 2016 – Yennora Resource Recovery Facility – Cobra Waste Solutions, SSD-9320662

I refer to the request from Cobra Waste Solutions Pty Ltd to waive the requirement for a biodiversity development assessment report (BDAR) to be submitted with the proposed state significant development application for the Yennora Resource Recycling Facility.

I have reviewed the information provided by the applicant in the BDAR waiver application dated 10 September 2020 and Scoping Report dated 14 September 2020 and have determined that the proposed development is not likely to have any significant impact on biodiversity values. The application, therefore, does not need to be accompanied by a BDAR.


The determination is attached for you to provide to the applicant.

Please note that if the proposed development is changed so that it is no longer as described in Schedule 1 of the determination, the applicant will need to lodge a new waiver request or prepare a BDAR.

Also attached for your information is the decision report prepared by Environment, Energy and Science Group (EES). The decision report should not be provided to the applicant without EES approval.

Please contact Janne Grose, Senior Conservation Planning Officer on 02 8837 6017 or at janne.grose@environment.nsw.gov.au should you have any further queries regarding this matter.

Yours sincerely



30/09/2020

Daylan Cameron

A/Director, Greater Sydney Branch

Environment, Energy and Science Group

encl 1. EES, DPIE determination
 2. EES, DPIE recommendation report

BDAR waiver recommendation report

Project Name: RESOURCE RECOVERY FACILITY, 30 LOFTUS ROAD, YENNORA

SSI/SSD Application Number: SSD9320662

Proponent: Cobra Waste Solutions

Date request received:

Biodiversity value	Meaning	Relevant (✓ or NA)	Potential impacts	
			Applicant comment/ justification	EES comment
Vegetation abundance - 1.4(b) BC Regulation	Occurrence and abundance of vegetation at a particular site		Negligible vegetation is present on site, with landscaping with recently planted mature-size gum trees on the northern and western boundary, this vegetation is to be retained. Otherwise the site is fully covered with concrete hardstand	Agreed
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		Negligible vegetation is present on site, with landscaping with recently planted mature-size gum trees on the northern and western boundary, this vegetation is to be retained. Otherwise the site is fully covered with concrete hardstand. Site is in an developed industrial estate	Agreed
Habitat suitability 1.5(2)(b) BC Act	Degree to which the habitat needs of threatened species are present at a particular site		Habitat features for threatened flora or fauna are not present onsite. Habitat suitability is relevant to the due to the presence of human made structures onsite. However, it is unlikely that threatened species (primarily Micro-bats) would use the site as suitable habitat because of its current use (noise, artificial lighting, odours) and industrial setting. No demolition will take place, only additions to the site. Therefore, no human-made habitat features will be lost.	Planted trees may offer foraging habitat, but these are to be retained. Otherwise agreed

Biodiversity value	Meaning	Relevant (✓ or NA)	Potential impacts	
			Applicant comment/ justification	EES comment
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		Negligible vegetation is present on site, with landscaping with recently planted mature-size gum trees on the northern and western boundary, this vegetation is to be retained. Otherwise the site is fully covered with concrete hardstand Vehicle strikes on threatened species of animals/ animals that are part of threatened ecological communities are not expected to increase as a result of the associated traffic with the site, as there is a lack of critical habitats in the immediate vicinity and no nearby sightings of threatened species	Agreed
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 does not contribute towards habitat connectivity as there are no landscape connectivity features. Additionally, there negligible vegetation on site or features that facilitate the movement of threatened species	Agreed
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		Describe how the proposed development avoids impacts on threatened species movement and identify the likelihood and extent of any remaining impacts of development on movement of threatened species that maintains their lifecycle (prescribed under clause 6.1(1)(c) BC Regulation).	Not addressed in the request but it's clear that the site has a minimal contribution to threatened species movement
Flight path integrity 1.4(e) BC Regulation	Degree to which the flight paths of protected animals over a particular site		Protected fauna will not have their flight paths impacted by the site. Additions to the site will not exceed the building height limits and construction fit-out works will be minor.	Agreed

Biodiversity value	Meaning	Relevant (✓ or NA)	Potential impacts	
			Applicant comment/ justification	EES comment
	are free from interference		The immediate surrounding area does not compose of habitat features that protected fauna would access	
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.		There are no water bodies located on site or in the immediate vicinity of the site, therefore the development will not impact any water bodies. Potential run-off from will be contained managed through an environmental management plan.	Agreed

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 OR
 - ~~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.~~



Ray Giddins
A/Senior Team Leader, Compliance and Regulation
Greater Sydney Branch
Department of Planning, Industry and Environment

Date 25 September 2020

Determination for Yennora Resource Recovery facility – BDAR not required

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

I, Daylan Cameron Director Greater Sydney Branch, 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 the BDAR Waiver Request report (DOC20/780213-2) and 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.



30/09/2020

Daylan Cameron
A/ Director Greater Sydney Branch
Environment, Energy and Science Group
Department of Planning, Industry and Environment

Date

SCHEDULE 1 – Description of the proposed development

The proposed development proposes to establish a resource recovery facility at Warehouse B, 30 Loftus Road, Yennora (the site) and legally described as Lot 8 DP 1233715 and is located in Cumberland LGA. Figures 1 and 2 show the location of the subject site and the site plan respectively.

The site is located within a developed industrial area and is surrounded in all directions by existing industrial and commercial facilities. The site contains two warehouse buildings separated by a common concrete wall – Warehouse A and Warehouse B. Warehouse A is not included in the development and is leased by an industrial equipment supplier.

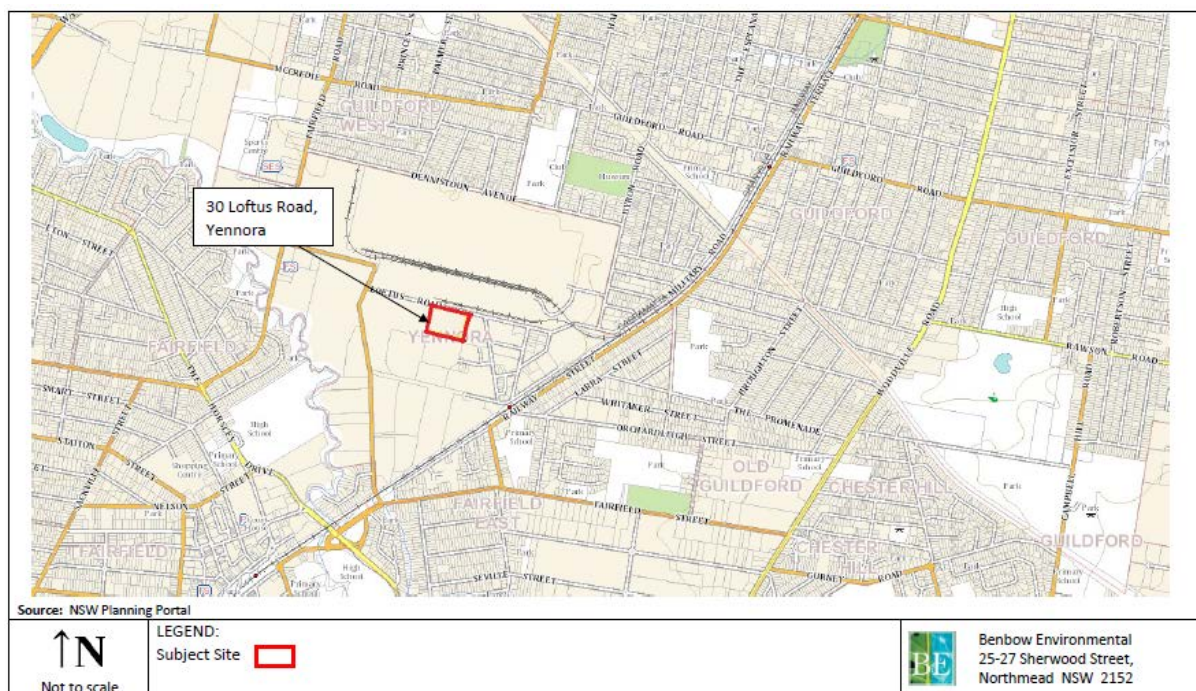
The facility would receive, handle and process Construction and Demolition (C&D) and Commercial and Industrial (C&I) waste. The amount of waste to be received and processed is estimated to be up to 150,000 tonnes per year. the proposed maximum storage capacity for waste at the site at any one time is expected to be 1,500 tonnes.

The facility would be installed within an existing industrial building. All construction work would be confined within the existing building and concrete footprint.

No structural changes to the existing building will be required. Construction is expected to be limited to installation of pre-fabricated components of the resource recovery system, construction of internal storage bunkers and installation of the weighbridges. The weighbridges would require drilled piers or concrete pads (8 to 10 on each bridge) 1m x 1m x 800mm deep. No other excavation is required. On-site car parking would be established in the rear hardstand area. No demolition will take place, only additions to the site.

The proposed facility proposes to operate 24 hours per day, 7 days per week.

Figure 1 – Site location (taken from BDAR Waiver Request report - DOC20/780213-2)



[illegible]

The following process steps would be undertaken:

- There are recently planted mature-size gum trees on the northern and western boundary, this vegetation is to be retained. Otherwise the site is fully covered with concrete hardstand. There would be no changes to the existing landscaped areas of the site and no tree removal is required.