

Date 2/04/2020
To Fei Chen (Tactical Group)
From Ed Cooper (Arcadis)
Copy to Steve Ryan (Tactical Group), Tracy Davey (Tactical Group), Jamie Crawford (Arcadis)
Subject Moorebank Precinct West (MPW) Stage 3 EIS– Flora and fauna advice

Introduction

The Sydney Intermodal Terminal Alliance (SIMTA) are seeking development consent for Stage 3 of the Moorebank Precinct West (MPW) Project as State significant development (SSD) under Part 4 of the Environmental Planning and Assessment Act 1979 (EP&A Act). An Environmental Impact Statement (EIS) has been prepared to assess the impacts of the MPW Stage 3 development (the 'Project') which extends across Lot 1 DP 1197707, and Lots 100 and 101 DP1049508.

The Project comprises:

- Establishment of a works compound to facilitate approved site development works for the MPW Site (as per SSD 5066 and SSD 7709) as well as progressive and future MPW Site development works, and includes hardstand, laydown and materials stockpile areas, temporary and permanent access roads, utilities and services.
- Progressive subdivision of the MPW Site to create nine allotments for the purpose of separating the IMT and warehousing, establishing of a biodiversity conservation allotment and long-term tenanting of individual warehouses.
- Ancillary works to facilitate establishment, access and servicing of the construction compound and site subdivision, including:
 - temporary and permanent access roads
 - earthworks
 - fencing and preliminary establishment facilities
 - utilities installation/connection
 - stormwater and drainage infrastructure, and
 - signage and landscaping.
- Mitigation installations and activities for noise, dust, weed, biodiversity, soil and water management across the MPW Site.

Figure 1 present the proposed development plan for the MPW Stage 3 Project.

Qube Holdings Pty Ltd (the Proponent) applied for a Biodiversity Development Assessment Report (BDAR) waiver under section 7.9 of the *Biodiversity Conservation Act 2016* (BC Act) on 5 February 2020. The application for a BDAR waiver prepared by Arcadis (2020) for the MPW Stage 3 Project has been included in **Appendix A**. A BDAR waiver is granted if the *Planning Agency Head* and the *Environment Agency Head* determine that the proposed development is not likely to have any significant impact on biodiversity values.

The waiver was granted on behalf of the *Planning Agency Head* on the 17 March 2020 (**Appendix B**), and by the delegated *Environmental Agency Head* on the 13 March 2020 (**Appendix C**). The EIS for MPW Stage 3 therefore does not need to be supported by a BDAR.

On 24 December 2019, a Scoping Report was lodged with NSW Department of Planning Industry and Environment (DPIE) seeking the issue of Secretary's Environmental Assessment Requirements (SEARs) for MPW Stage 3. The SEARs were subsequently issued on 20 March 2020. Those relevant to biodiversity are summarised in **Table 1**.

Table 1: Biodiversity SEARs for the MPW Stage 3 proposal

Reference	SEAR	Where addressed	How addressed
14. (a)	Biodiversity impacts related to the proposal and the preparation of a Biodiversity Assessment are to be addressed in accordance with the requirements of the Biodiversity Conservation Act 2016	This memo MPW Stage 3 – SSD 1043 BDAR Waiver under Section 7.9 (BC Act)	This memo and the associated appendices have been prepared to consider the potential direct, indirect and cumulative impacts of the MPW Stage 3 proposal on biodiversity values listed under the BC Act.
14. (b)	Where a Biodiversity Development Assessment Report (BDAR) is not required, engage a suitably qualified person to assess and document the flora and fauna impacts related to the proposal.	Addressed in this memo MPW Stage 3 – SSD 1043 BDAR Waiver Section 7.9 (BC Act)	This memo has been prepared by a suitably qualified person (Ed Cooper – BAAS18047) and documents the potential direct, indirect and cumulative impacts of the MPW Stage 3 proposal on biodiversity values

This memorandum has been prepared to inform the EIS for MPW Stage 3 by considering the potential direct, indirect and cumulative ecological impacts of the MPW Stage 3 proposal, in accordance with the SEARs.

MPW Stage 3 Flora and Fauna Assessment

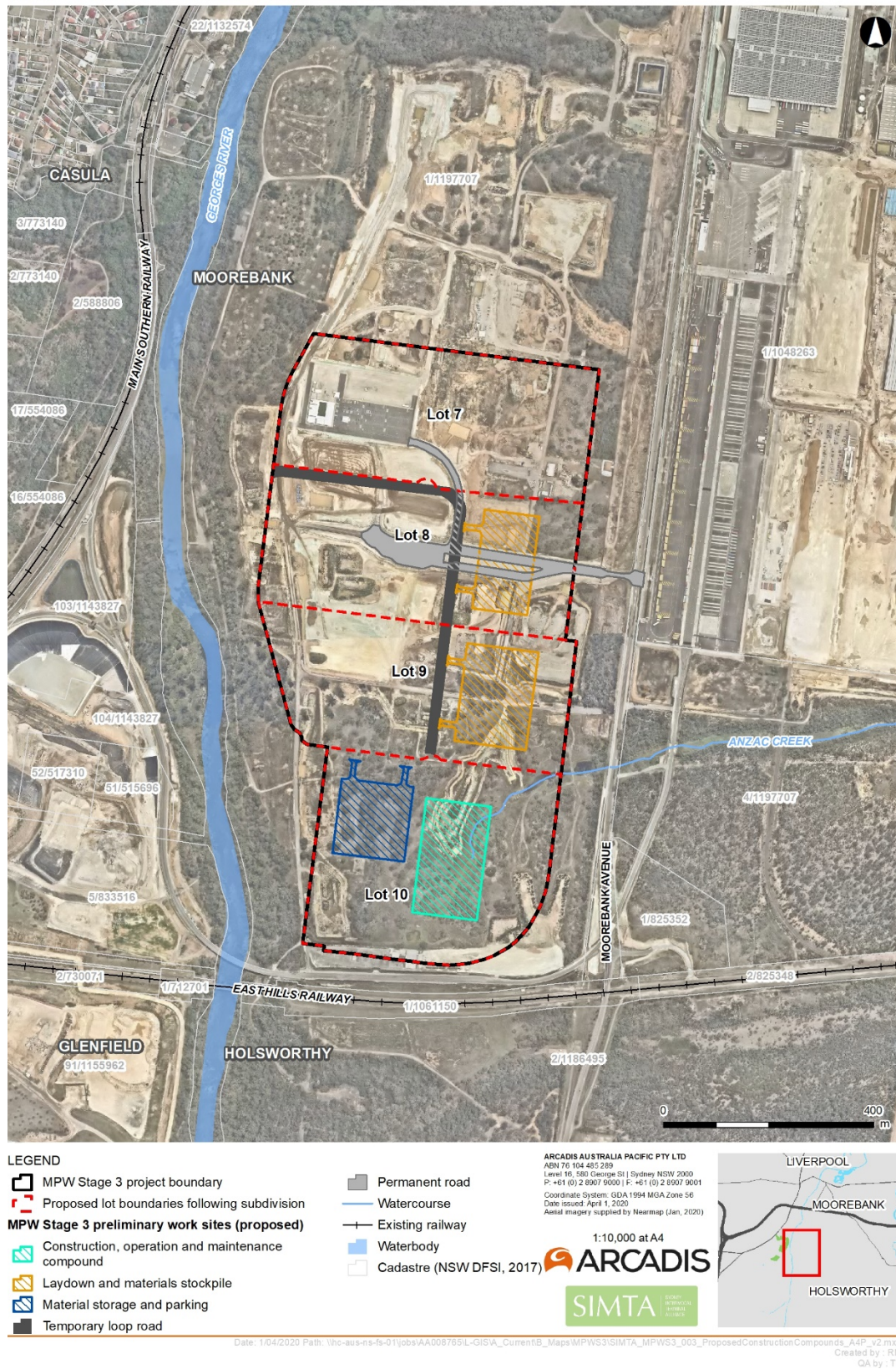


Figure 1. Proposed MPW Stage 3 Project

Proposed impacts to biodiversity from MPW Stage 3

Direct impacts

The MPW Stage 3 Project is nested entirely within the MPW Stage 2 Project site and the MPW Concept Approval site (**Figure 2**). Therefore, the impacts associated with this Project have been assessed under MPW Stage 2 and subsequently offset under SSD 7709 CoC B157. MPW Stage 3 would not result in any direct impacts to ecological communities, threatened species or their habitat that have not already been assessed and approved.

Impacts to biodiversity from MPW Stage 3 are assessed on vegetation, threatened species and their habitat present within the site at the time of Project commencement. Whilst vegetation within the MPW Stage 2 site has not yet been completely cleared, the site will be entirely cleared at the time that MPW Stage 3 commences. The MPW Stage 3 site is unlikely to contain any native vegetation of fauna habitat upon Project commencement, given the area will consist of a cleared landscape.

Indirect impacts

Whilst the direct impacts of the MPW Stage 3 Project are located within the MPW Stage 2 site, there is the potential for elements of the MPW Stage 3 Project to result in indirect impacts to adjoining bushland that will be retained in operation. Such indirect impacts could include the spread of weeds and disturbance of wildlife by light, noise and vibration. These impacts were assessed in detail in the MPW Stage 2 assessment. The mitigation measures that would be incorporated into the MPW Stage 3 Construction Flora and Fauna Management Plan (CFFMP) would be based on those in the MPW Stage 2 CFFMP which are considered adequate to mitigate these potential indirect impacts.

Cumulative impacts

There would be no direct impacts to native vegetation or threatened species habitat associated with MPW Stage 3 therefore the cumulative impacts would be no greater than those assessed for MPW Stage 2.

Biodiversity offset credits

No direct impacts to biodiversity are anticipated as a result of the MPW Stage 3 Project and, therefore, no biodiversity offset credits are required.

Impacts to vegetation, threatened ecological communities, threatened species and threatened species habitat which existed or currently exists within the footprint have been offset as a part of the MPW Stage 2 Project in accordance with the SSD 7709 CoC B157.

Direct offsets for threatened species and communities impacted by the MPW Stage 2 Project have been delivered through the retirement of biobanking credits generated from both onsite (BA341) and offsite sources. All biodiversity credits required for the MPW Stage 2 Project have been retired, therefore the credit obligation associated with CoC B157 has been met. No further biodiversity values requiring offset occur within the MPW Stage 3 site.

MPW Stage 3 Flora and Fauna Assessment



Figure 2. The MPW Stage 3 Project nested completely within the MPW Stage 2 project footprint

Conclusion

A BDAR Waiver was granted under section 7.9 of the BC Act by the *Planning Agency Head* and *Environmental Agency Head* for the MPW Stage 3 Project as the proposal is not anticipated to result in significant impacts to biodiversity values.

This memo has demonstrated that the MPW Stage 3 Project is located entirely within the MPW Stage 2 (SSD 7709) Project construction boundary and within the MPW Concept Approval (SSD 5066 and 5066 MOD1) boundary. Therefore, the construction and operational impacts to threatened species and ecological communities in this area have been assessed under the MPW Stage 2 Project and MPW Concept Approval. The proposed works associated with MPW Stage 3 Project would not result in any additional loss of threatened species and ecological communities beyond those assessed for the MPW Stage 2 Project.

Further, the biodiversity offsets required for the MPW Stage 2 Project are documented in SSD 7709 CoC B157. This condition requires that the requisite number of biodiversity credits are retired prior to the impact to the associated threatened species or ecological community taking place. All credits required for the MPW Stage 2 Project have been retired, therefore the requirements of CoC B157 for the footprint associated with the MPW Stage 3 Project have been met.

APPENDIX A. BDAR WAIVER APPLICATION (ARCADIS 2020)

Date 5/02/2020
To Karen Harragon (DPIE)
From Ed Cooper (Arcadis), Nathan Banks (Arcadis)
Copy to Tracy Davey (Tactical Group), Richard Johnson (Aspect Environmental), Steve Ryan (Tactical Group), Jamie Crawford (Arcadis), Mark Griffiths (Qube), Danielle Eloss (Qube).
Subject SIMTA MPW Stage 3 – BDAR Waiver Application

Introduction

SIMTA (the Applicant) are seeking development consent for Stage 3 of the Moorebank Precinct West (MPW) Proposal as State significant development (SSD) under Part 4 of the Environmental Planning and Assessment Act 1979 (EP&A Act). MPW Stage 3 comprises the following elements:

- Establishment of a construction compound to facilitate site development works for MPW Stages 2 and 3 and future stages of the MPW development.
- Ancillary works including permanent and temporary access roads, earthworks, utilities and services, stormwater and drainage, signage and landscaping.
- Subdivision of the MPW site into nine allotments.

A Scoping Report seeking provision of the Secretary's Environmental Assessment Requirements (SEARs) from NSW Department of Planning Industry and Environment was lodged 24 December 2019.

The footprint for MPW Stage 3 is located entirely within that of the MPW Stage 2 assessment area and approved construction boundary. As such, it is not anticipated that the MPW Stage 3 project would have any construction and operational impact on biodiversity beyond those assessed for the MPW Stage 2 project.

Background

MPW Concept Plan and Stage 1 Early Works Approval (State significant development (SSD) 5066) was granted under what was then Part 4, Division 4.1 of the *Environmental Planning and Assessment Act* 1979 (EP&A Act) to develop the Moorebank Precinct West (MPW), which is located on the western side of Moorebank Avenue, Moorebank.

The greater MPW Project involves:

- The development of intermodal freight terminal facilities (IMT) linked to Port Botany, the interstate and intrastate freight rail network;
- Associated commercial infrastructure i.e. warehousing;
- A rail link connecting the MPW site to the Southern Sydney Freight Line (SSFL); and
- A road entry and exit point from Moorebank Avenue.

The development of the MPW site as an IMT and warehousing facility is now well progressed. The site has been mostly cleared, remediated and prepared for the construction of MPW Stage 2 (SSD 7709), as approved by the Independent Planning Commission (IPC) on 11 November 2019.

This Proposal represents the third stage of development for the MPW site, as per the Concept Approval. The key components of the Proposal are (Figure 1):

- Establishment of a construction compound to facilitate approved site development works for the MPW site (as per the MPW Concept Plan and Stage 1 Early Works Approval (SSD 5066), MPW Stage 2 Approval (SSD 7709)) and future MPW site development, and includes hardstand, laydown and materials stockpile areas, permanent and temporary access roads, and utilities and services;
- Progressive subdivision of the MPW site to create nine (9) allotments for the purpose of creating separate lots for the IMT, warehousing, and biodiversity conservation allotment (being proposed lots 5 to 13 inclusive); and
- Ancillary works to facilitate establishment, access and servicing of the proposed application.

As noted in the fact sheet *'How to apply for a BDAR waiver for a Major Project Application'* (2019) published by the DPIE, the *Biodiversity Conservation Act 2016* (BC Act) requires that an SSD application be accompanied by a Biodiversity Development Assessment Report (BDAR) unless the Planning/Environment Agency Head determine that the proposed development is not likely to have any significant impact on biodiversity values. This memo seeks to provide information to assist the Planning/Environment Agency Head in making this determination.

Currently the Proposal site supports vegetation and other landscape features which may contain threatened species, threatened ecological communities or their habitat. Additionally, the Proposal site contains High Biodiversity Value mapped lands under the BC Regulation, on the Biodiversity Values Map (BV Map). This assessment will not consider these biodiversity assets as they have been approved for removal within the MPW Stage 2 project and will be removed prior to commencement of this MPW 3 Proposal. Prior to commencement, the Proposal site will therefore ultimately consist of a cleared landscape with no vegetation or biodiversity assets.

This memo has been prepared to demonstrate that the Proposal would not impact on biodiversity values. As such, a BDAR is not required and the Proposal should be considered exempt from satisfying Clause (2) of Section 7.9 of the BC Act.

MPW Stage 3



LEGEND

- MPW Stage 3 project boundary
- Lot boundaries
- Watercourse
- Existing railway

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Coordinate System: GDA 1994 MGA Zone 56
Date issued: February 3, 2020
Aerial imagery supplied by Nearmap (Sep, 2019)



Figure 1: MPW Stage 3 project site

Potential impacts to biodiversity values

The Proposal site is located within the construction footprint of the MPW Stage 2 project (SSD 7628). All native vegetation and threatened species habitat has been assessed and subsequently offset as a part of that project. Offsetting of impacts to biodiversity resulting from the MPW Stage 2 project has been achieved through the purchase and retirement of Biobanking Credits in accordance with SSD 7709 CoC B157. These credits were, in part, generated through the establishment of the Moorebank biobank site (BA341) within the Moorebank Precinct in addition to acquiring them from off site sources.

Whilst the vegetation within the MPW Stage 2 site has not yet been completely cleared, the site will be entirely cleared at the time that MPW Stage 3 commences. Therefore, this BDAR waiver application considers the impacts of the Proposal on biodiversity values that will be present at the time of commencement.

Section 1.5 of the BC Act provides a description of biodiversity values, relevant to the Act. A description of additional biodiversity values is also provided in Section 1.4 of the *Biodiversity Conservation Regulation 2017* (BC Regulation).

Table 1 below provides an assessment of the Proposal against these defined biodiversity values. This assessment has been undertaken by a suitable qualified person in accordance with the requirements in DPIE's fact sheet.

Table 1 Assessment of potential impacts of the Proposal on biodiversity values

Biodiversity value	Meaning	Relevance	Potential impacts
Vegetation abundance - 1.4(b) BC Regulation	Occurrence and abundance of vegetation at a particular site	NA	<p>The Proposal is unlikely to have an impact on the occurrence and abundance of vegetation.</p> <p>The entire footprint of the Proposal is situated within the assessment area and approved construction boundary of the MPW Stage 2 project. Subsequently, all vegetation within the Proposal site has been previously approved for removal and will not be considered as present for this assessment.</p> <p>At the time of commencement of MPW Stage 3, the Proposal site will be cleared of vegetation.</p>
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	NA	<p>The Proposal is unlikely to have an impact on vegetation integrity within the Proposal site or the surrounding area.</p> <p>Upon commencement of the Proposal the development site will be clear of vegetation. The composition, structure and function of the vegetation and seed bank will be removed prior to commencement of the Proposal, approved as a part of the MPW Stage 2 project.</p> <p>Vegetation surrounding the Proposal site is unlikely to be impacted further than that which has already resulted from the MPW Stage 2 project.</p>
Habitat suitability 1.5(2)(b) BC Act	Degree to which the habitat needs of threatened species are	NA	<p>The Proposal is unlikely to have an impact on habitat suitability.</p> <p>Prior to commencement, the Proposal site will be clear of vegetation and no threatened species habitat will be</p>

Biodiversity value	Meaning	Relevance	Potential impacts
	present at a particular site		present. Therefore, no removal of suitable habitat features will be required to facilitate the Proposal.
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	NA	<p>The Proposal is unlikely to have an impact on threatened species abundance.</p> <p>The Proposal site will be cleared of all threatened species, threatened ecological communities and/or their habitat under the MPW Stage 2 project approvals. Subsequently, there will be no threatened species, threatened ecological communities, or their habitat present within the Proposal site upon commencement.</p> <p>It is unlikely that the Proposal will increase indirect impacts to threatened species, threatened ecological communities and/or their habitat than which already exists, and has been assessed and approved, from MPW Stage 2 project.</p>
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	NA	<p>The Proposal is unlikely to have a significant impact on habitat connectivity.</p> <p>Upon commencement, the Proposal site will be a bare landscape clear of vegetation and other features which may otherwise provide habitat connectivity.</p> <p>The establishment of a construction compound and associated ancillary infrastructure may cause a physical barrier to fauna movement and seed dispersal across a bare landscape that would be in a stabilised state post-MPW2 approved works. However, as there is no suitable habitat located immediately to the north, south or east of the Proposal site, no areas of habitat will be further fragmented or isolated.</p> <p>Habitat connectivity will continue to exist along the western boundary which will facilitate the movement of threatened species across their range.</p>
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	NA	<p>The Proposal is unlikely to have a significant impact on threatened species movement.</p> <p>Similar to habitat connectivity, the Proposal site provides no habitat that contributes to the movement of any threatened species. The establishment of a construction compound and associated ancillary infrastructure will not result in the further fragmentation or isolation of threatened species or their habitat.</p>
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	NA	<p>The Proposal is unlikely to have a significant impact on flight path integrity.</p> <p>The Proposal site is situated in an already modified regional/local landscape comprised of industrial units and container storage yards.</p> <p>It is possible that threatened species would fly over the Proposal site whilst moving within their home range. This is most likely the case for threatened microbats, raptors, woodland birds and potentially forest owls.</p>

Biodiversity value	Meaning	Relevance	Potential impacts
			The Proposal is unlikely to interfere with the flight path of protected animals beyond that which has been assessed as part of the MPW Stage 2 project.
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.	NA	<p>The Proposal is unlikely to have a significant impact on water sustainability.</p> <p>Water quality, water bodies and hydrological process are unlikely to be significantly impacted by the Proposal such that threatened species and threatened ecological communities are adversely impacted.</p> <p>Prior to commencement of the Proposal, site drainage and flows otherwise flowing to Anzac Creek would be redirected through stormwater detention basins (located outside of the Proposal site) prior to entering the natural drainage watercourse (Anzac Creek or Georges River) under MPW Stage 2 conditions. No other waterbodies are located on the Proposal site or would be affected directly or indirectly by the Proposal.</p> <p>No vegetation or other biodiversity assets will be present within the Proposal site which could be impacted by changes to groundwater levels as a result of drawdown of groundwater from root zone as a result of earthworks and geotechnical construction activities.</p> <p>The increase in stormwater runoff from the Proposal will be managed in existing stormwater management and flow paths and on-site detention basins approved for construction as a part of MPW Stage 2. Stormwater will be directed through treatment systems and detention basins before being discharged into the Georges River. Run off from construction compounds and works areas will be managed through sediment basins, prior to entering the site OSDs established under MPW Stage 2.</p>

Summarising information from Table 1, it is considered unlikely that any threatened species or communities occur within the Proposal site, therefore it is unlikely that there would be a significant impact when considering the criteria in Section 1.5 of the BC Act and Section 1.4 of the BC Regulation.

Biodiversity Values Map

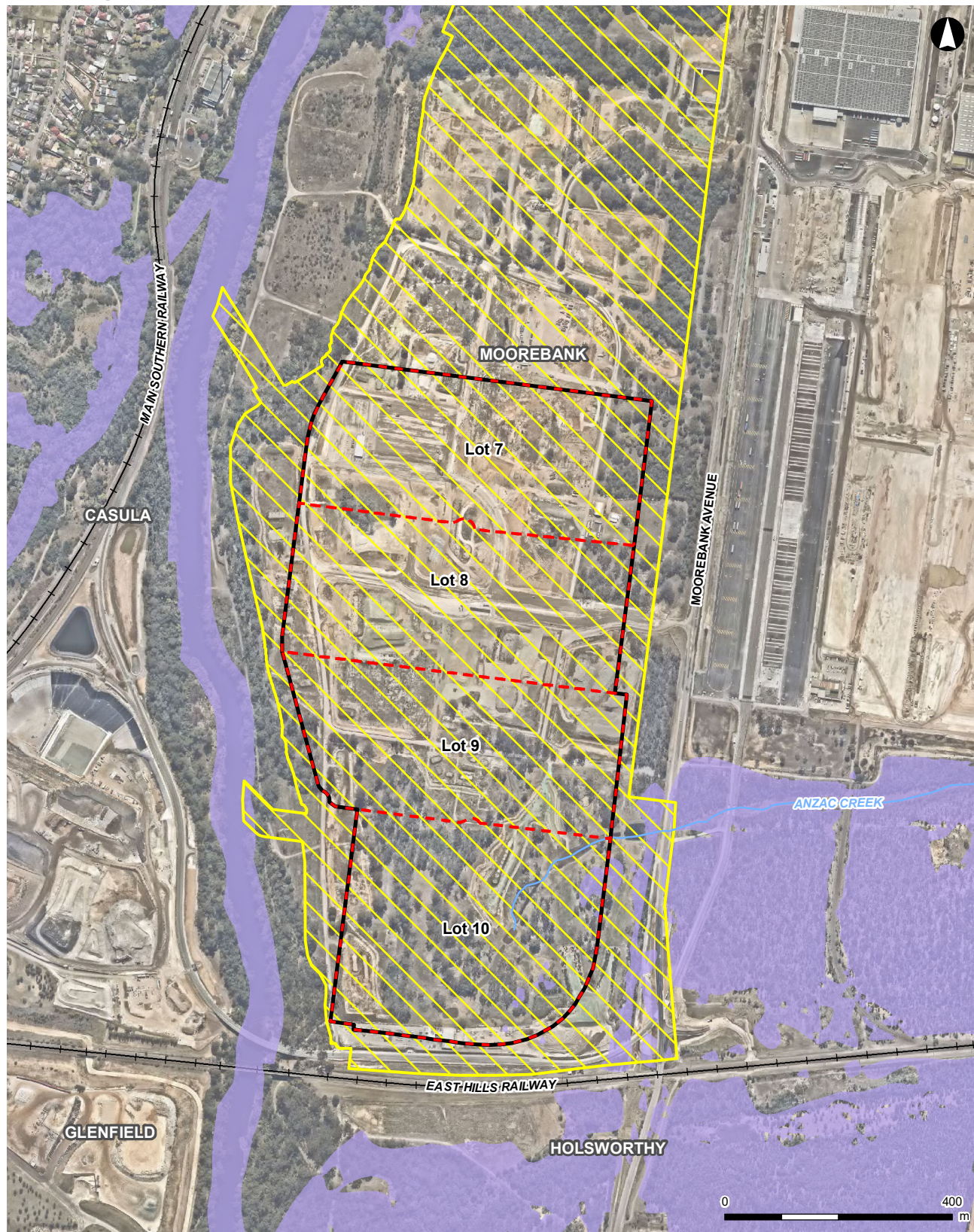
The Biodiversity Values Map (BV Map) has been produced by DPIE and is used to identify land with high biodiversity value, as defined by the BC Regulation. It is used as one of the triggers for entry into the Biodiversity Offset Scheme (BOS) for proposals being assessed under Part 4 of the EP&A Act, except Division 4.1 SSD proposals. The biodiversity values map is a compilation of datasets that have been identified in Section 7.3 of the BC Regulation as being of high biodiversity value.

Querying the map is not typically required for SSD proposals since Section 7.9 of the BC Act requires entry into the BOS for all SSI and SSD proposals. Since the purpose of this memo is to demonstrate that a BDAR is not required for the Proposal, the BV Map has been queried to identify any parts of the Proposal site that have been mapped as being of High Biodiversity Value.

Figure 2 identifies land mapped as High Biodiversity Value within the Proposal site. These areas have been considered and assessed within the MPW Stage 2 assessment and have been approved for land clearing. All vegetation and other biodiversity assets within areas mapped as High Biodiversity Value within the MPW 2 developable area (which excludes the dedicate biobanking conservation area) will be cleared during the MPW Stage 2 project.

The biodiversity values associated with these mapped areas will no longer exist prior to the commencement of the Proposal and therefore are not required to be considered.

MPW Stage 3



LEGEND

- | | |
|---|------------------|
| MPW Stage 3 project boundary | MPW Stage 2 site |
| Lot boundaries | Watercourse |
| Biodiversity Values Mapping (NSW Gov. 2019) | Existing railway |

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 Coordinate System: GDA 1994 MGA Zone 56
 Date issued: February 3, 2020
 Aerial imagery supplied by Nearmap (Sep, 2019)



Figure 2: Biodiversity Values Map

Conclusion

This memo has considered the potential impacts of the Proposal on biodiversity values prescribed in Section 1.5 of the BC Act, Section 1.4 of the BC Regulation and the BV Map. The Proposal is unlikely to have an impact on these biodiversity values, given the area will consist of a cleared landscape as approved under the MPW Stage 2 project (SSD 7628).

The Proposal does not require the removal of vegetation or other biodiversity features including threatened species, threatened ecological communities, or their habitats. Development of the proposed construction compound and associated ancillary infrastructure will not impact upon biodiversity assets and is unlikely to impact adjacent biodiversity areas. No prescribed impacts, as defined under the BC Regulation, will result from the Proposal.

Areas of High Biodiversity Value have been mapped within the Proposal site, however, impacts to these areas as a result of land clearing, have been approved within the MPW Stage 2 assessment and consent. Subsequently, the biodiversity values associated with these mapped areas will no longer exist prior to the commencement of the Proposal and therefore are not required to be considered.

In light of the above findings, it is requested that the Proposal be considered exempt from Clause (2) of Section 7.9 of the BC Act, meaning that the EIS need not be accompanied by a BDAR, prepared in accordance with the *Biodiversity Assessment Method 2017*. It is therefore requested that the SEARs do not include the requirement for a BDAR.

References

- Arcadis (2019) Moorebank Precinct West (MPW) – Stage 2 Amended Proposal. Biodiversity Assessment Report
- Department of Planning, Industry and Environment (DPIE) (2019) *Fact Sheet: How to apply for a BDAR waiver for a Major Project Application*. NSW Government, October 2019.
- New South Wales Government (NSW Gov.) (2019) Biodiversity Values Map and Threshold Tool. Accessed at <https://www.lmbc.nsw.gov.au/Maps/index.html?viewer=BOSETMap>
- Office of Environment and Heritage (OEH) (2019) *Biodiversity Value Map and Threshold Tool*. Accessed on 31 January 2020 from: <https://www.lmbc.nsw.gov.au/Maps/index.html?viewer=BVMap>
- Tactical Group (Tactical) (2020) Moorebank Precinct West Stage 3 Consultant Brief

APPENDIX B. BDAR WAIVER APPROVAL: *PLANNING AGENCY HEAD*



17 March 2020

Our ref: SSD-10431

SIMTA
C/- Mr Richard Johnson
Director
Aspect Environmental Pty Limited

-via email-
richard@aspectenvironmental.com.au

Dear Mr Johnson

Moorebank Intermodal Precinct West Stage 3 (SSD 10431) – Request to waive Biodiversity Development Assessment Report

I refer to your correspondence of 11 February 2020, seeking to waive the requirement for a biodiversity development assessment report (BDAR) to be submitted with the above State Significant Development (SSD) application for Moorebank Intermodal Precinct West (MPW) Stage 3.

Under section 7.9(2) of the *Biodiversity Conservation Act 2016* (BCA):

“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 biodiversity values.”

The authority of the “*Planning Agency Head*” to determine whether a proposed development is “*not likely to have any significant impact on biodiversity values*” has been delegated to Directors within the Planning Services Division on 21 December 2017.

I have reviewed the application of the test of significance under section 1.5 and 7.3 of the BCA and clause 1.4 of the *Biodiversity Conservation Regulation 2017* and determine that the development as described in a memo from Arcadis, on behalf of Sydney Intermodal Terminal Alliance (SIMTA), dated 5 February 2020 is not likely to have a significant impact on biodiversity values. The application, therefore, does not need to be accompanied by a BDAR. Accordingly, a waiver under section 7.9 is granted for the proposed development (being Moorebank Precinct West Stage 3 – SSD 10431).

The delegated *Environment Agency Head* within the Environment, Energy and Science Division has also granted a waiver in a letter dated 13 March 2020 and a copy of that letter is attached.

This waiver is issued in respect of the proposed development detailed in a request for Secretary’s environmental assessment requirements dated 20 February 2020. Amendments to the development may require a further waiver to be sought and issued.

If you have any further enquiries, please contact Nathan Heath, Planning Officer, Social and Infrastructure Assessments on (02) 8289 6617 or via email at nathan.heath@planning.nsw.gov.au.

Yours sincerely

 17/3/20

Karen Harragon
Director, Social and Infrastructure Assessments
as nominee of the Secretary

APPENDIX C. BDAR WAIVER APPROVAL: *ENVIRONMENT AGENCY HEAD*

Our ref: DOC20/121500
Senders ref: SSD 10431

Mr Nathan Heath
Planning Officer
Social and Infrastructure Assessment
NSW Department of Planning, Industry and Environment
4 Parramatta Square,
12 Darcy Street
PARRAMATTA NSW 2150

Dear Mr Heath,

Request to waive requirement for Biodiversity Development Assessment Report under s.7.9 of the Biodiversity Conservation Act 2016 for Moorebank Precinct West Stage 3 (SSD 10431)

I refer to the request to waive the requirement for a biodiversity development assessment report (BDAR) to be submitted with the above State Significant Development (SSD) application for Moorebank Precinct West Stage 3.

The power to determine whether an SSD is '*not likely to have any significant impact on biodiversity values*', has been delegated to the Environment, Energy and Science Group (EES) Senior Executive.

I have reviewed the information provided by the applicant in the BDAR waiver application prepared by Arcadis dated 5 February 2020 and the Scoping Report prepared by Aspect Environmental dated 23 December 2019 and 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. Also attached for your information is the decision report prepared by EES. The decision report should not be provided to the applicant without EES approval.

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.

If you have any questions about this advice, please do not hesitate to contact Richard Bonner, Senior Conservation Planning Officer on 9995 6917 or richard.bonner@environment.nsw.gov.au

Yours sincerely



13 March 2020

Daylan Cameron
A/Director Greater Sydney Branch
Climate Change and Sustainability
Environment, Energy and Science