

Raed Ykmour
Cobra Waste Solutions Pty Ltd
30 Bent Street
ST MARYS NSW 2760

Our ref: SSD-9320662

28 October 2021

Dear Mr Ykmour,

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

I refer to your correspondence received on 18 September 2020 seeking to waive the requirement to prepare a biodiversity development assessment report (BDAR) to be submitted with the state significant development application for Cobra Waste Solutions Resource Recovery Facility at Yennora.

Description of proposed development

The proposed development is for the construction and operation of a Resource Recovery Facility with the capacity to process up to 150,000 tonnes per annum of construction and demolition (C&D) and commercial and industrial (C&I) waste.

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”.

I, as Delegate of the Secretary within the 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 28 October 2021. Evidence that the Delegate of the Secretary within Environment, Energy and Science Division, Director Greater Sydney has made the determination is also attached (dated 30 September 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 Chris Fraser, Environmental Assessment Officer, Planning and Assessment, at christopher.fraser@planning.nsw.gov.au or on (02) 9995 6321.

Yours sincerely,



Chris Ritchie

Director, Industry Assessment Planning and Assessment Division

As delegate of the Secretary

Enclosed:

1. Determination, Department of Planning, Industry and Environment, (delegated position within Environment Energy and Science Group

2. Determination, Department of Planning, Industry and Environment, (delegated position within Planning and Assessment Division

Enclosure 1:

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

Enclosure 2:

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

I, Chris Ritchie, Director Industry, Planning and Assessment, of the Department of Planning, Industry and Environment, under section 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 is not required.

Proposed development means the construction and operation of a Resource Recovery Facility with the capacity to process up to 150,000 tons per annum of construction and demolition (C&D) and commercial and industrial (C&I) waste as detailed in the BDAR waiver application dated 10 September 2020. If the proposed development changes so that it is no longer consistent with this description, a further waiver request is required.

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.



28/10/2021

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

Date