

**Our Ref:** 1930  
**Date:** 13 May 2019

**THE DIRECTOR-GENERAL  
DEPARTMENT OF PLANNING & ENVIRONMENT  
C/- KDC**

**ATTENTION: SAMUEL NEWMAN**

**Via Email:** samuel@kdc.com.au

Dear Samuel

**RE: BDAR WAIVER REQUEST LETTER  
PROJECT ID: SSD 10251  
MIXED USE DEVELOPMENT  
42 HONEYSUCKLE DRIVE, NEWCASTLE**

As requested, AEP herewith present a Biodiversity Development Assessment Report (BDAR) Waiver Request for the above SSD application. The requirement for a BDAR or a BDAR Waiver Request is set by the SEARs, which have been generated due to amending the development application (DA) to convert the approved residential dwellings to serviced apartments, including alterations and additions.

As per Departmental advice, any request for a BDAR Waiver must include:

***a) Applicant name and contact details***

KDC Pty Ltd C/O DOMA GROUP Pty Ltd  
Samuel Newman (samuel@kdc.com.au)  
Suite 2B, 125 Bull Street, Newcastle West NSW 2302

***b) Project ID (Information to identify which SSD or SSI project the request relates to and where the project is up to in the assessment process)***

Project ID: SSD 10251. The project is currently subject to an amendment.

***c) A description of the development site and Site Map  
&***

***d) A description of the proposed development and Proposed Site Plan***

The development site is currently an active construction site and is devoid of native vegetation. The site is located immediately to the east of Cottage Creek, a concrete lined tidal channel adjacent to the site. The development site is shown in photo plates 1 to 4 attached. A site map and proposed site development plan are also attached.

The site is subject to a change of use of the upper levels of the building from Residential Flat Building to Serviced Apartments.

***e) An explanation of why the proposed development is not likely to have any significant impacts on biodiversity values.***

<b>Impacts on Biodiversity Values from the Proposed Development</b>			
<b>Biodiversity values</b>	<b>Meaning</b>	<b>Relevant (✓ or NA)</b>	<b>Explain and document significance of likely impacts</b>
<b>Vegetation integrity</b>	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	✓	<p>The site is an active construction site with development currently under construction. There are no remnant native vegetation communities on this developed and highly altered inner-city site.</p> <p>The very limited vegetation that does occur on the peripheries of the site is restricted to exotic grasses and herbaceous weeds associated with disturbed areas (see attached photos).</p>
<b>Habitat suitability</b>	Degree to which the habitat needs of threatened species are present at a particular site	✓	<p>As per above, the site contains no remnant native vegetation communities.</p> <p>Construction activities on the site limit the suitability of the site to be used by any threatened or non-threatened species.</p>
<b>Threatened species abundance</b>	Occurrence and abundance of threatened species or threatened ecological communities, or their habitat, at a particular site	✓	<p>It is considered unlikely that any threatened species would utilise the site at any point in time.</p>
<b>Vegetation abundance</b>	Occurrence and abundance of vegetation at a particular site	✓	<p>No remnant native vegetation remains on site, and hence no native vegetation communities will be affected by the proposal.</p> <p>The very small amount of vegetation present is exotic and typical of disturbed sites within the urban landscape.</p>

### Impacts on Biodiversity Values from the Proposed Development

Biodiversity values	Meaning	Relevant (✓ or NA)	Explain and document significance of likely impacts
<b>Habitat connectivity</b>	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 is not part of any habitat connection and is highly unlikely to act as such for any threatened species.  Only highly mobile threatened species could realistically visit the site, and such mobility enables the wider urban matrix and surrounding estuary adjacent open spaces to be accessed preferentially to the site.
<b>Threatened species movement</b>	Degree to which a particular site contributes to the movement of threatened species to maintain their lifecycle	✓	The site is highly unlikely to contribute in any meaningful way to threatened species movements.
<b>Flight path integrity</b>	Degree to which the flight paths of protected animals over a particular site are free from interference	N/A	Development as proposed will not affect any flight path integrity for protected animals.
<b>Water sustainability</b>	Degree to which water quality, water bodies and hydrological processes sustain threatened species and threatened ecological communities at a particular site	✓	Cottage Creek occupies the western boundary of the site along the existing, engineered channel edge which will be retained and as such natural hydrological processes will not be affected by the proposal any further than the existing artificial regime.

***f) Any supporting documentation required to explain the likely impacts on any biodiversity values relevant to the development site.***

The absence of both remnant native vegetation communities, and habitat resources that may potentially be important to threatened species, shows that no relevant thresholds under the *Biodiversity Conservation Act* would be triggered to cause the need for a BDAR to be prepared.

This can be evidenced by further analysis of the Biodiversity Values Map and Threshold Report which is attached which indicates that if the clearing threshold is not exceeded, that the Biodiversity Offset Scheme is not triggered for this development/amendment.

## Test of Significance

### **BC Act s7.3 Test for determining whether proposed development or activity likely to significantly affect threatened species or ecological communities, or their habitats**

The following is to be taken into account for the purposes of determining whether a proposed development or activity is likely to significantly affect threatened species or ecological communities, or their habitats:

- (a) in the case of a threatened species, whether the proposed development or activity is likely to have an adverse effect on the life cycle of the species such that a viable local population of the species is likely to be placed at risk of extinction,*

The information presented in the report herewith clearly shows that no remnant vegetation occurs on site nor are any threatened species known or likely to utilise the site.

As such, it is unlikely that a viable local population of any threatened species is likely to be placed at risk of extinction.

- (b) in the case of an endangered ecological community or critically endangered ecological community, whether the proposed development or activity:*

- (i) is likely to have an adverse effect on the extent of the ecological community such that its local occurrence is likely to be placed at risk of extinction, or*
- (ii) is likely to substantially and adversely modify the composition of the ecological community such that its local occurrence is likely to be placed at risk of extinction*

Not applicable, no EEC vegetation present.

- (c) in relation to the habitat of a threatened species or ecological community:*
- (i) the extent to which habitat is likely to be removed or modified as a result of the proposed development or activity, and*

No native vegetation occurs on the site, of either remnant or landscaping origin.

The small area of exotic grasses and herbs occupying exposed ground between Cottage Creek and the construction site is considered unlikely to be notable habitat for any threatened species.

- (ii) whether an area of habitat is likely to become fragmented or isolated from other areas of habitat as a result of the proposed development or activity, and*

Due to location in the urban environment, the site is essentially isolated except for highly mobile species. Movements of such species would not be notably impacted by proposed development.

- (iii) *the importance of the habitat to be removed, modified, fragmented or isolated to the long-term survival of the species or ecological community in the locality,*

The habitat present is not considered important, being entirely disturbed and isolated from unmanaged natural areas.

- (d) *whether the proposed development or activity is likely to have an adverse effect on any declared area of outstanding biodiversity value (either directly or indirectly),*

No part of the site or immediate surrounds is a declared area of outstanding biodiversity value.

- (e) *whether the proposed development or activity is or is part of a key threatening process or is likely to increase the impact of a key threatening process.*

The proposal may contribute to KTP “Entanglement in or ingestion of anthropogenic debris in marine and estuarine environments” via refuse and debris associated with construction and an increased population density adjacent to the Hunter River. Given the highly disturbed nature and developed urban nature of the locality, contribution to this KTP in this instance is considered negligible.

As such, no significant impacts will result as per Section 7.3 of the BC Act, and as such the Test of Significance threshold is not triggered.

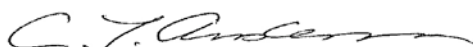
**Summary:**

The information presented in the report clearly shows that no threatened species, ecological communities and/or their habitats will be notably affected by the development as proposed.

Based on the information presented herewith, we seek Departmental agreement to a BDAR Waiver for this project.

Should you require any further details or clarification, please do not hesitate to contact the writer.

Yours faithfully,  
**ANDERSON ENVIRONMENT & PLANNING**



**CRAIG ANDERSON**  
**DIRECTOR**  
**Biodiversity Accredited Assessor BAAS: 17002**



**Photo Plate 1: Looking west towards construction site**



**Photo Plate 2: Looking south-west towards construction site**

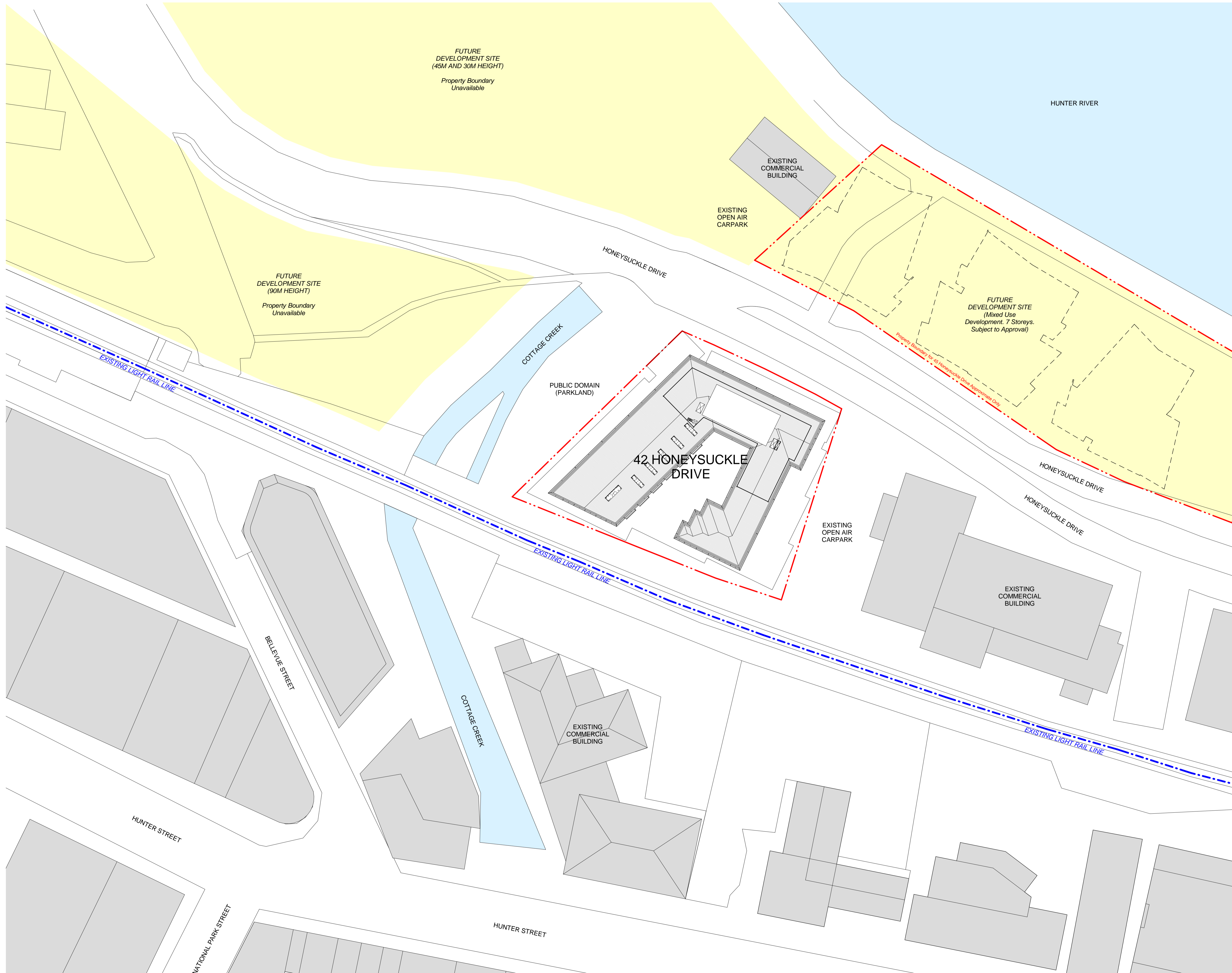


**Photo Plate 3: Looking south-east towards site with Cottage Creek in foreground**



**Photo Plate 4: Looking south-east towards site.**

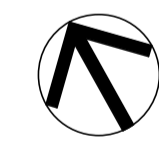
Check all dimensions and site conditions prior to commencement of any work, the purchase or ordering of any materials, fittings, plant, services or equipment and the preparation of shop drawings and or the fabrication of any components.  
 Do not scale drawings - refer to figured dimensions only. Any discrepancies shall immediately be referred to the architect for clarification.  
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B	03/05/19	ISSUED FOR DA	BS	DOMA
A	05/03/19	ISSUED FOR SEARS	BS	DOMA
Revision	Date	Description	Initial	Checked

**42 Honeysuckle Drive**  
 42 Honeysuckle Drive,  
 Newcastle

Site  
 Site Plan



Status	DA
Scale	1 : 500 @ A1
Drawn	JT Checked JC
Project No.	s12109
Plot Date	3/05/2019 4:06:47 PM
Plot File	42HONEYSUCKLEDRIVE_ARCH
Drawing no.	AD.01.0001
Revision	B

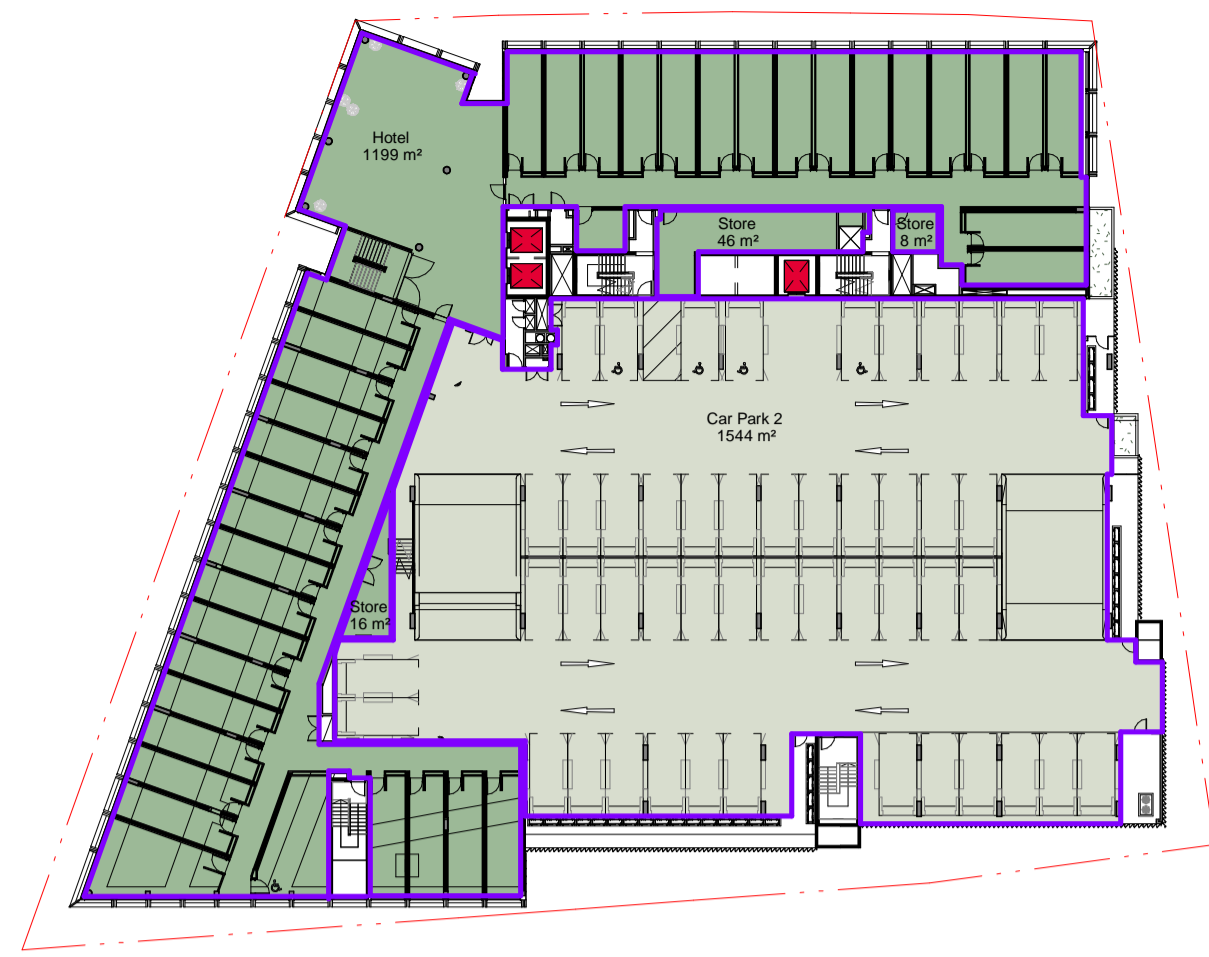
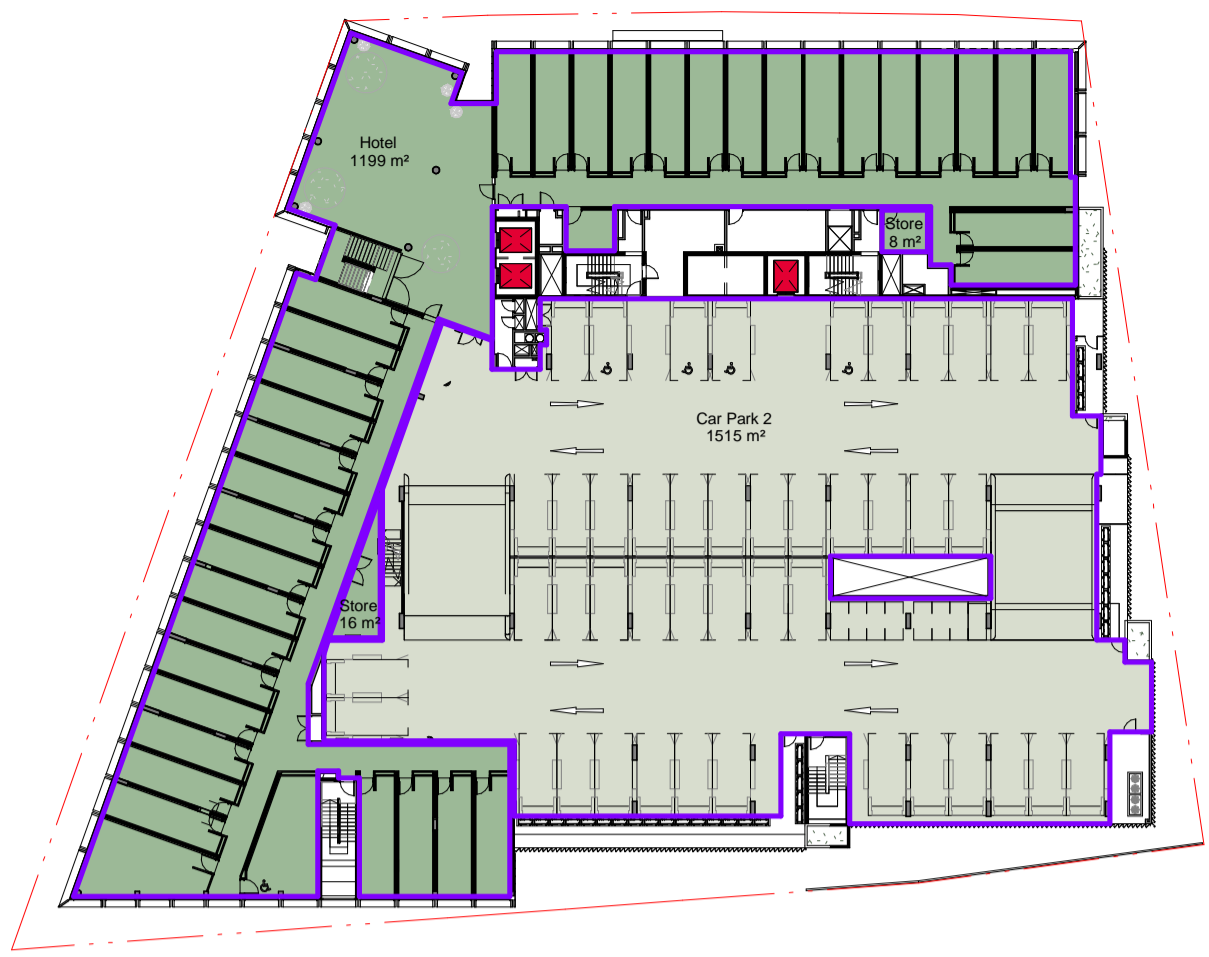
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**Bates Smart** Pty Ltd ABN 70 004 999 400

**NOT FOR CONSTRUCTION**

**BATESSMART**



1 Ground Level 1: 500

2 Level 01 1: 500

3 Level 02 1: 500

**Area Schedule (GFA)**

Building Use	Area (m2)
Ground Level	
Car Park 2	1207 m <sup>2</sup>
Hotel	679 m <sup>2</sup>
Retail	187 m <sup>2</sup>

Level 01	
Car Park 2	1515 m <sup>2</sup>
Hotel	1199 m <sup>2</sup>
Store	8 m <sup>2</sup>
Store	16 m <sup>2</sup>

Level 02	
Car Park 2	1544 m <sup>2</sup>
Hotel	1199 m <sup>2</sup>
Store	8 m <sup>2</sup>
Store	46 m <sup>2</sup>
Store	16 m <sup>2</sup>

Level 03	
Car Park 1	1034 m <sup>2</sup>
Car Park 2	508 m <sup>2</sup>
Hotel	1099 m <sup>2</sup>
Lobby	29 m <sup>2</sup>
Store	16 m <sup>2</sup>
Store	11 m <sup>2</sup>
Store	8 m <sup>2</sup>

Level 04	
Car Park 1	1532 m <sup>2</sup>
Hotel	1199 m <sup>2</sup>
Store	17 m <sup>2</sup>
Store	4 m <sup>2</sup>
Store	2 m <sup>2</sup>
Store	8 m <sup>2</sup>
Store	11 m <sup>2</sup>

Parking 05	
Car Park 1	595 m <sup>2</sup>
Store	15 m <sup>2</sup>
Store	12 m <sup>2</sup>
Store	26 m <sup>2</sup>
Store	24 m <sup>2</sup>
Store	8 m <sup>2</sup>
Store	5 m <sup>2</sup>
Store	22 m <sup>2</sup>
Store	7 m <sup>2</sup>

Level 05	
Corridor	76 m <sup>2</sup>
Corridor	54 m <sup>2</sup>
Residential	712 m <sup>2</sup>
Residential	237 m <sup>2</sup>
Residential	201 m <sup>2</sup>
Residential	58 m <sup>2</sup>

Level 06	
Corridor	76 m <sup>2</sup>
Corridor	54 m <sup>2</sup>
Residential	712 m <sup>2</sup>
Residential	237 m <sup>2</sup>
Residential	201 m <sup>2</sup>
Residential	58 m <sup>2</sup>

Level 07	
Corridor	76 m <sup>2</sup>
Corridor	54 m <sup>2</sup>
Residential	712 m <sup>2</sup>
Residential	237 m <sup>2</sup>
Residential	239 m <sup>2</sup>
Residential	58 m <sup>2</sup>

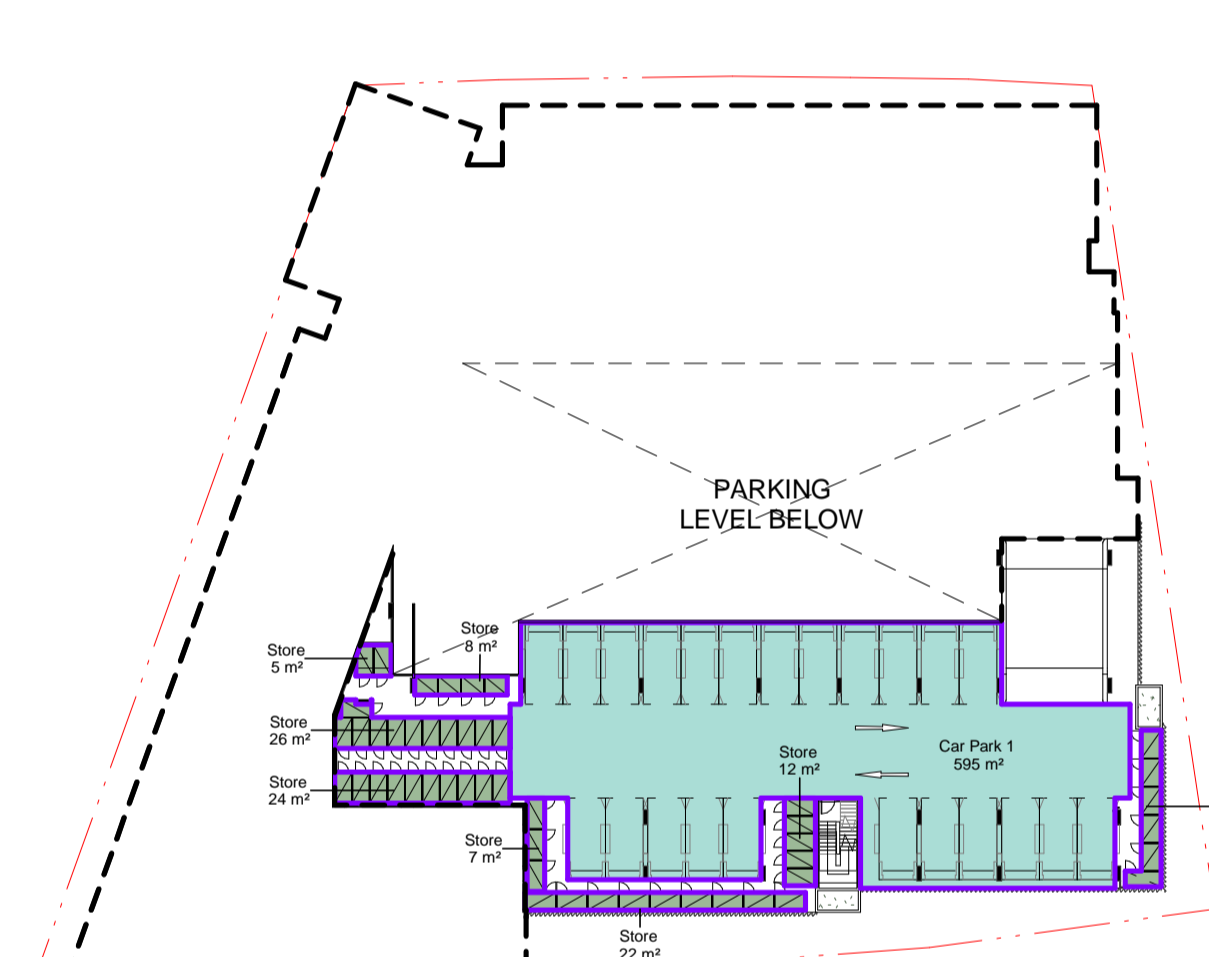
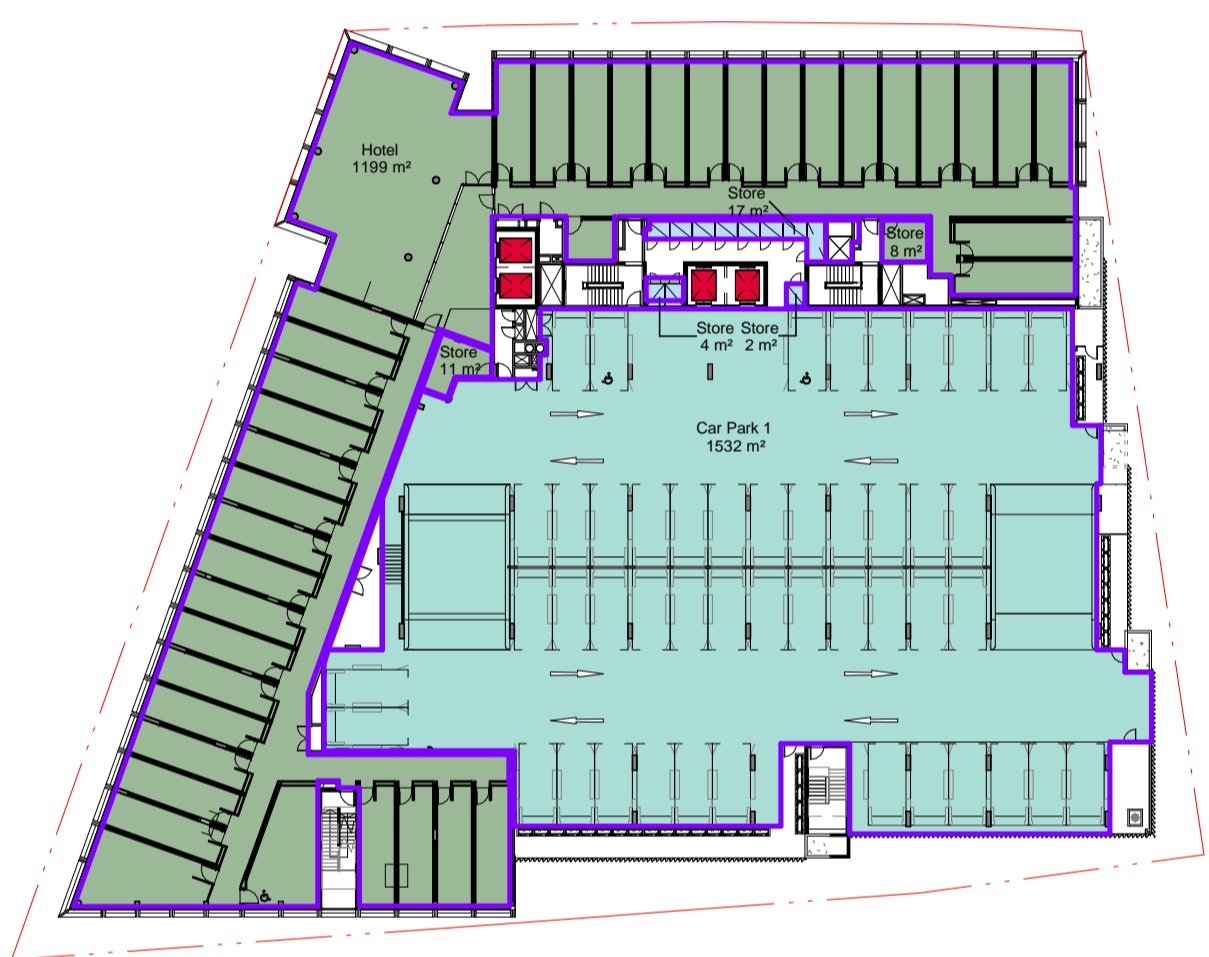
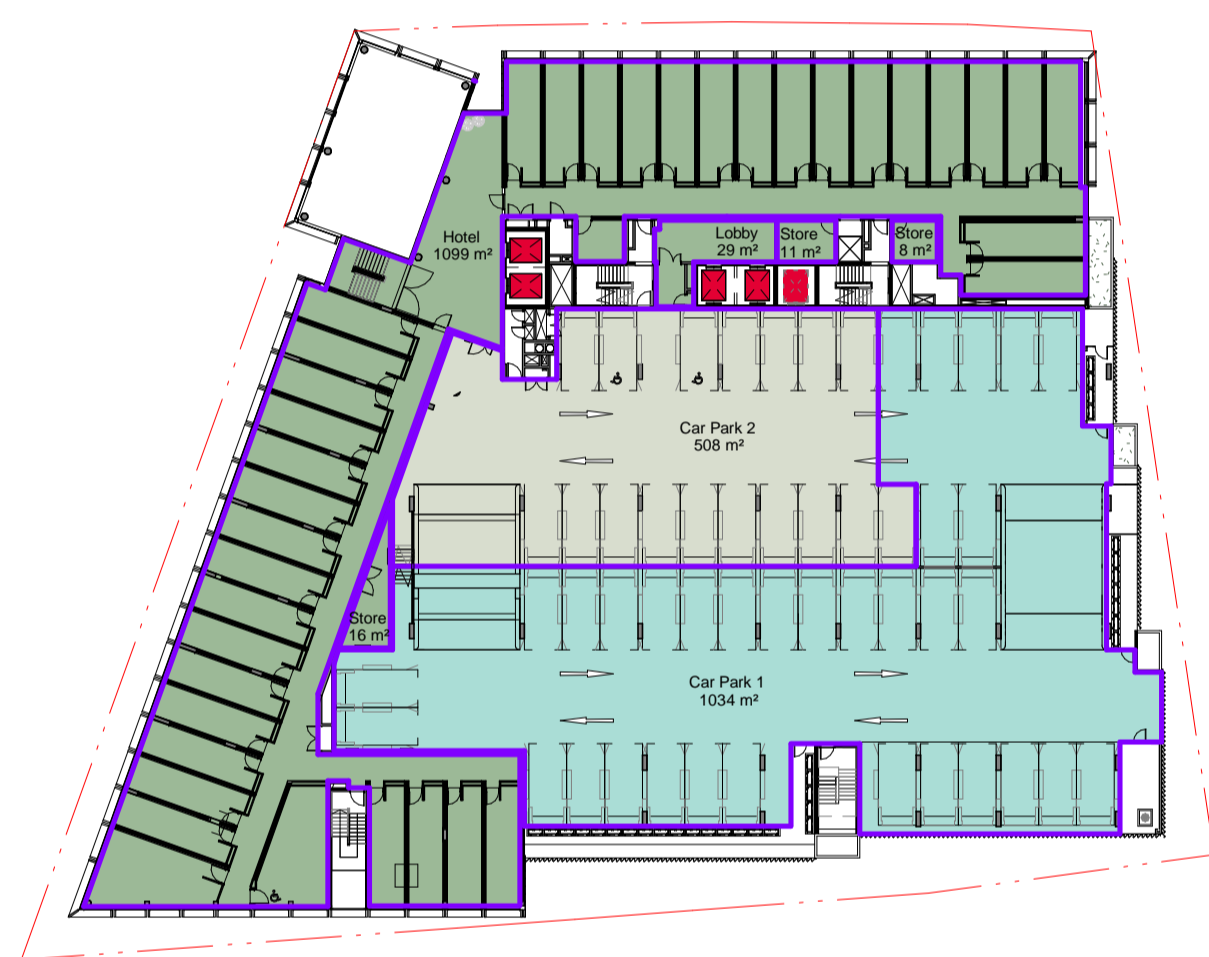
Level 08	
Corridor	76 m <sup>2</sup>
Corridor	54 m <sup>2</sup>
Residential	712 m <sup>2</sup>
Residential	237 m <sup>2</sup>
Residential	199 m <sup>2</sup>
Residential	58 m <sup>2</sup>

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**Area Schedule (GFA) Totals**

Building Use	Area (m2)
Car Park 1	3162 m <sup>2</sup>
Car Park 2	4773 m <sup>2</sup>
Corridor	520 m <sup>2</sup>
Hotel	5376 m <sup>2</sup>
Lobby	29 m <sup>2</sup>
Residential	4870 m <sup>2</sup>
Retail	187 m <sup>2</sup>
Store	288 m <sup>2</sup>
	19205 m <sup>2</sup>

NOTE: OPEN CORRIDORS EXCLUDED  
RESIDENTIAL STORAGE INCLUDED

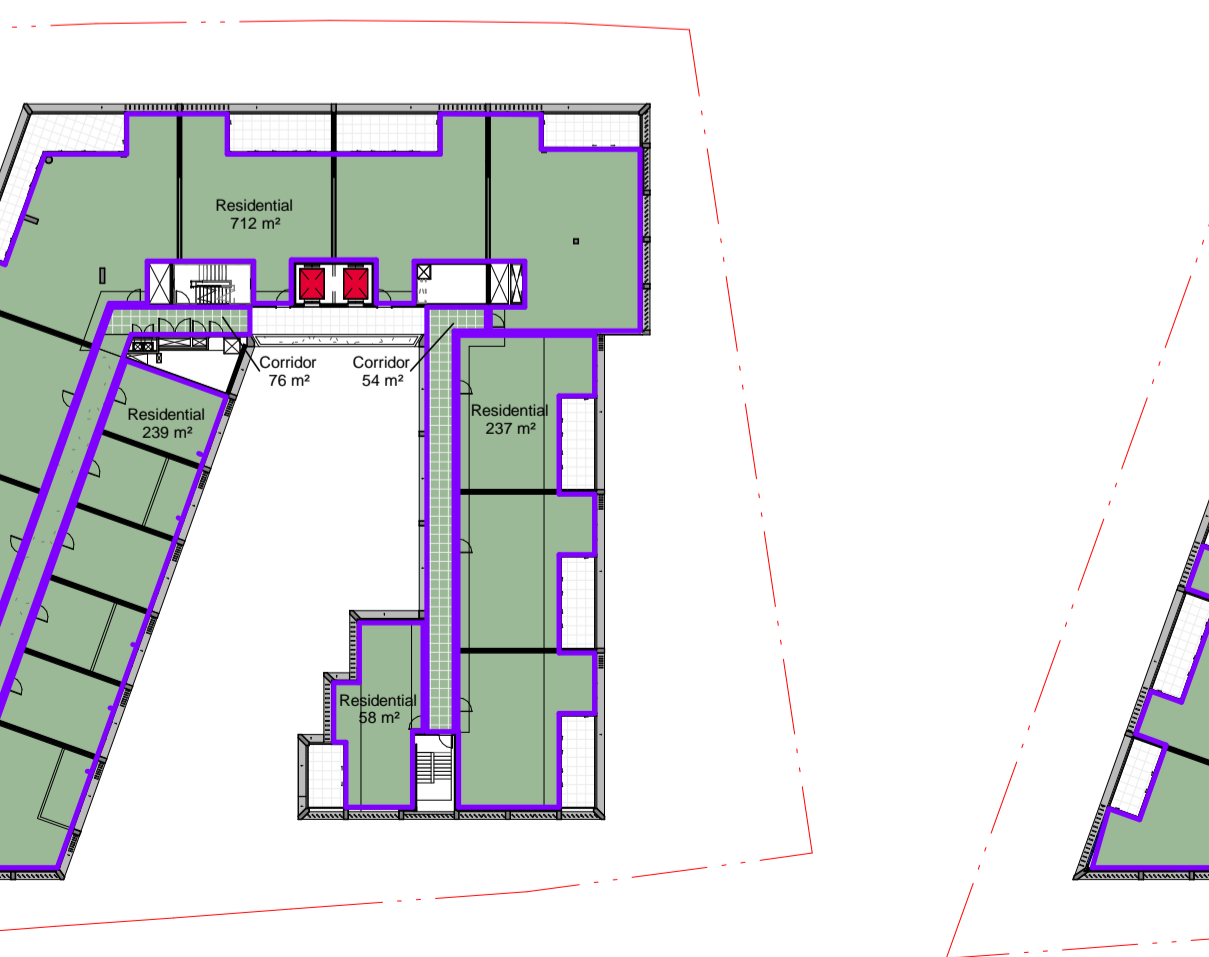
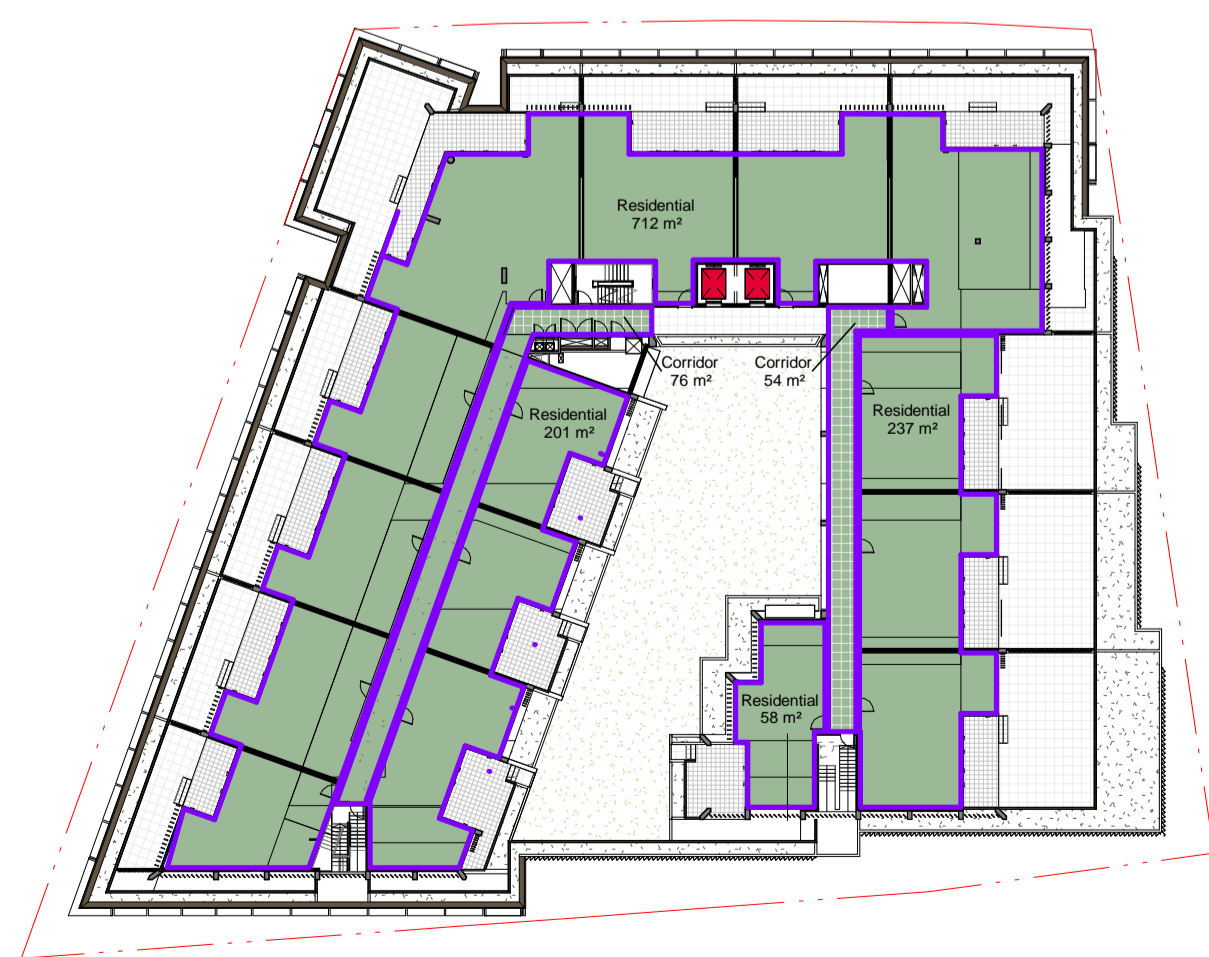


4 Level 03 1: 500

5 Level 04 1: 500

6 Parking 05 1: 500

Revision	Date	DA Draft	Description	Initial	Checked
B	03/05/19	ISSUED FOR DA		BS	DOMA
5	04/03/19	ISSUED FOR DA MODIFICATION		BS	DOMA
4	17/10/18	ISSUED FOR INFORMATION		JT	DE
3	28/05/18	ISSUED FOR DA COMMENTS		CQ	DE
2	22/05/18	ISSUED FOR DA COMMENTS		CQ	DE
1	10/05/18	ISSUE FOR DA COMMENTS		CQ	DE
A	27/09/17	DA Draft		CQ	DE



7 Level 05 1: 500

8 Level 06 1: 500

9 Level 07 1: 500

10 Level 08 1: 500

**42 Honeysuckle Drive, Newcastle**



**GFA Plans**

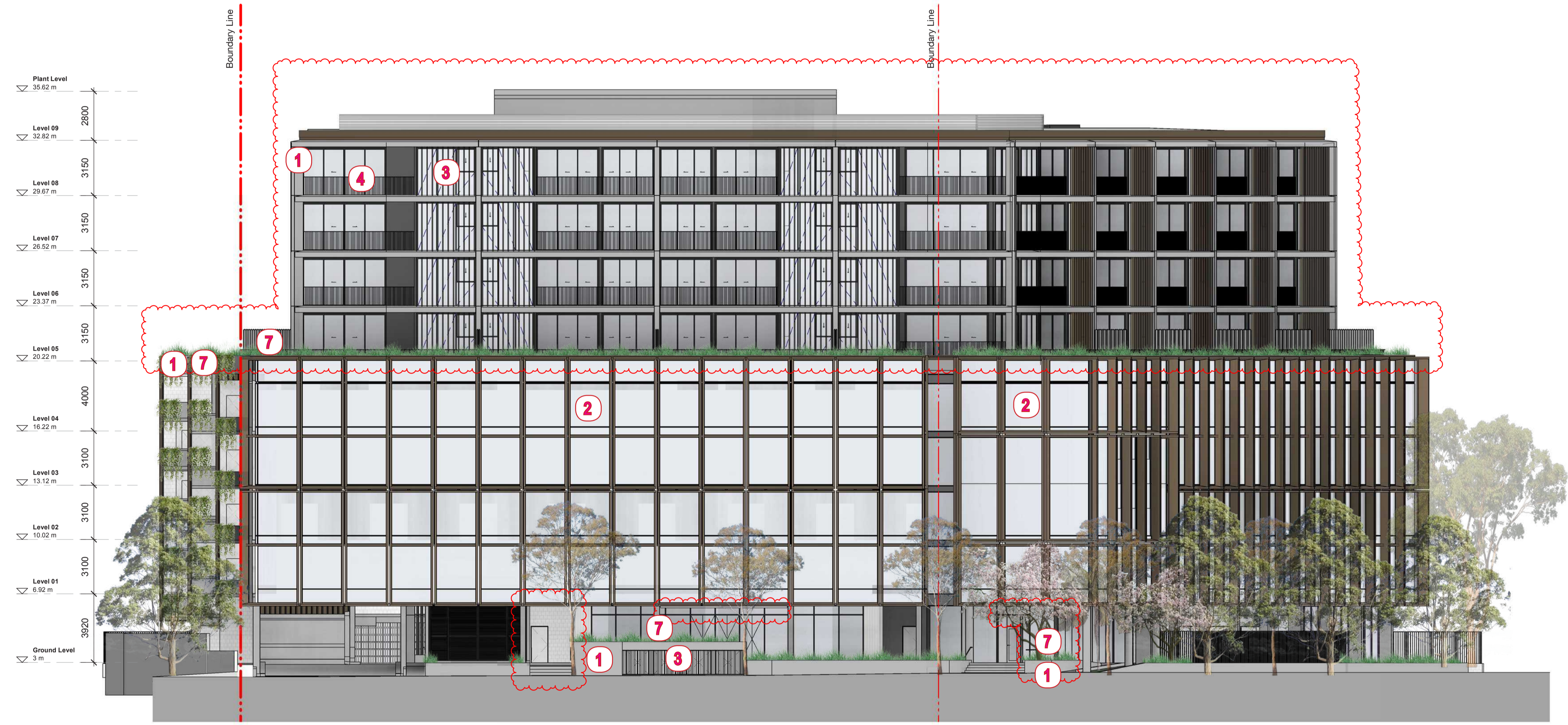
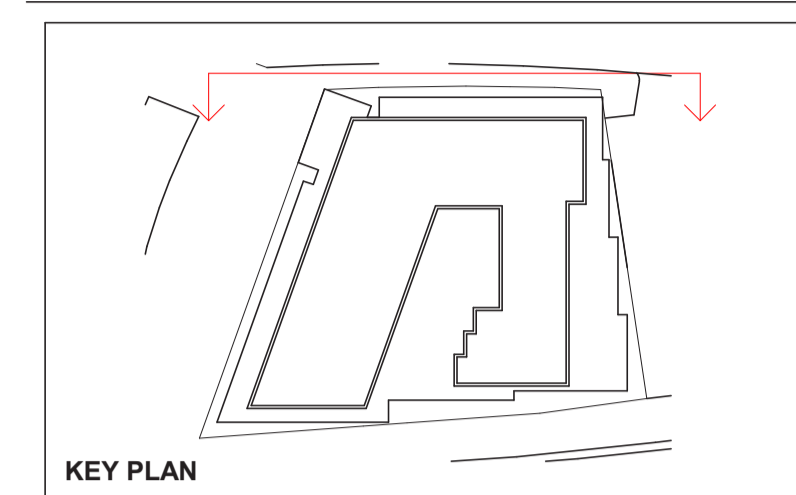
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Project No.	s12109
Plot Date	3/05/2019 4:08:42 PM
Plot File	42HONEYSUCKLEDRIE_ARCH
Drawing no.	AD.05.0001
Revision	B

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B	03/05/19	ISSUED FOR DA	BS	DOMA
A	05/03/19	ISSUED FOR SEARS	BS	DOMA

**NOT FOR CONSTRUCTION**

42 Honeysuckle Drive  
 42 Honeysuckle Drive,  
 Newcastle

Building Elevation  
 North Elevation

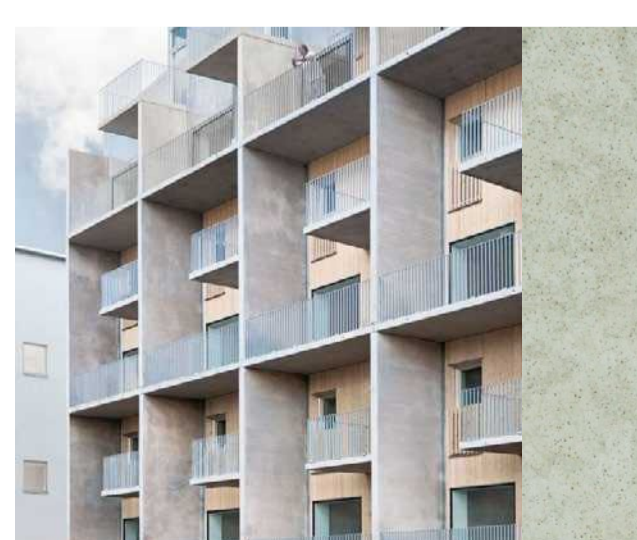


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Project No.	s12109		
Plot Date	3/05/2019 4:10:46 PM		
Plot File	42HONEYSUCKLEDRIE_ARCH		
Drawing no.	AD.09.0001	Revision	B

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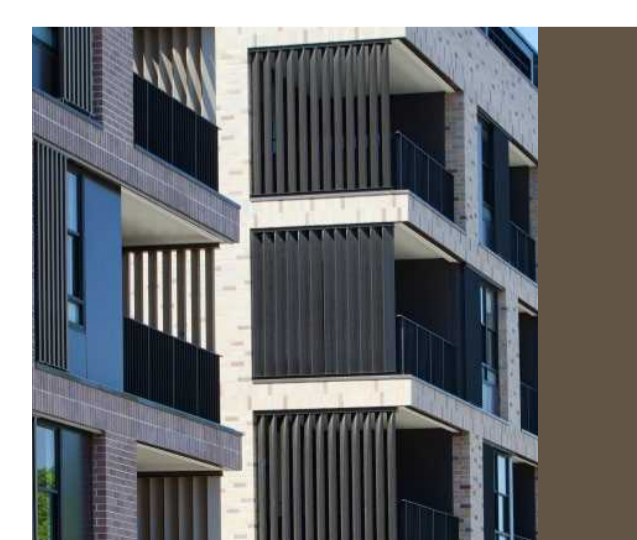
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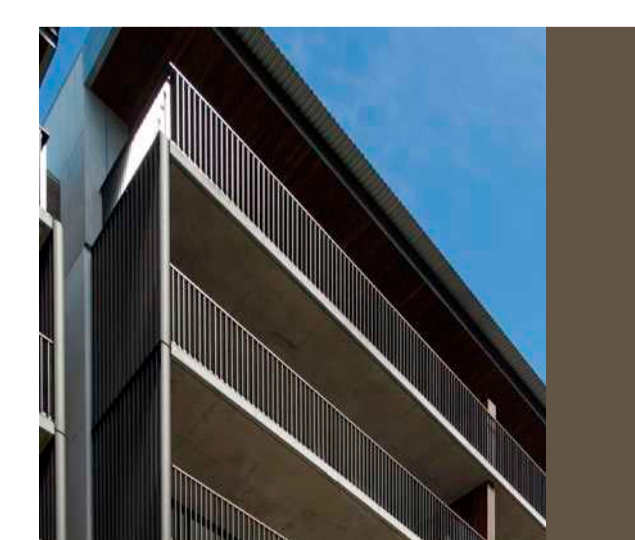
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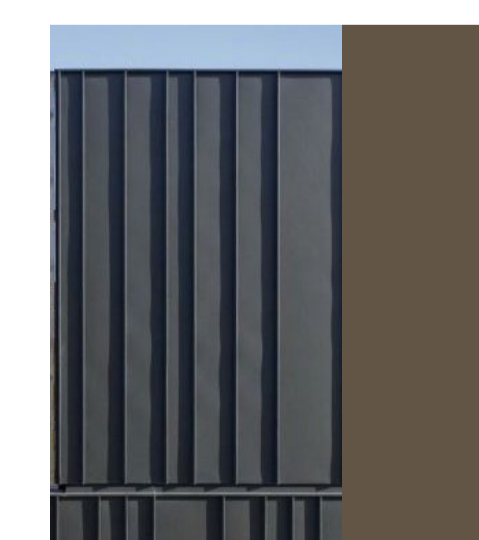
2 - ALUMINIUM FINS & SHADOW BOX SPANDRELS



3 - ALUMINIUM LOUVRES



4 - ALUMINIUM BALUSTRADES



5 - ALUMINIUM PANELS



6 - LOUVRES - CAR PARK



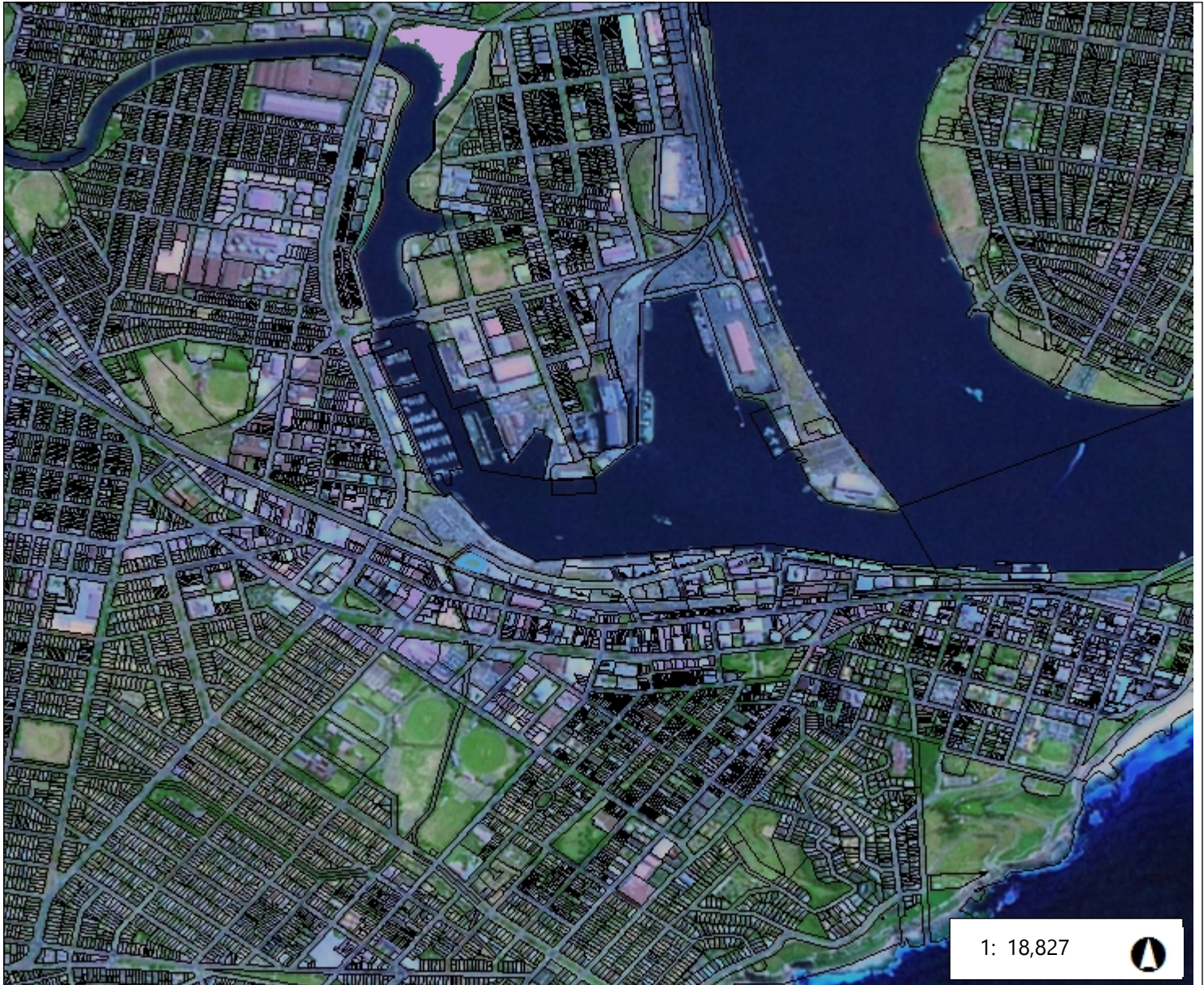
7 - PLANTERS



8 - FEATURE BLOCKWORK

**BATESSMART**

## Biodiversity Offset Scheme (BOS) Entry Threshold Map



1: 18,827



1.0 0 0.48 1.0 Kilometers

GCS\_GDA\_1994

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

### Legend

- Biodiversity Values that have been mapped for more than 90 days
- Biodiversity Values added within last 90 days

### Notes

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NSW Environment & Heritage

## Biodiversity Values Map and Threshold Report

### Results Summary

<b>Date of Calculation</b>	13/05/2019 11:07 AM	<b>BDAR Required*</b>
<b>Total Digitised Area</b>	0.24 ha	
<b>Minimum Lot Size Method</b>	Lot size	
<b>Minimum Lot Size</b>	0.38 ha	
<b>Area Clearing Threshold</b>	0.25 ha	
<b>Area clearing trigger</b> Area of native vegetation cleared	Unknown #	Unknown #
<b>Biodiversity values map trigger</b> Impact on biodiversity values map(not including values added within the last 90 days)?	no	no
<b>Date of the 90 day Expiry</b>	N/A	

\*If BDAR required has:

- at least one 'Yes': you have exceeded the BOS threshold. You are now required to submit a Biodiversity Development Assessment Report with your development application. Go to <https://customer.lmbc.nsw.gov.au/assessment/AccreditedAssessor> to access a list of assessors who are accredited to apply the Biodiversity Assessment Method and write a Biodiversity Development Assessment Report
- 'No': you have not exceeded the BOS threshold. You may still require a permit from local council. Review the development control plan and consult with council. You may still be required to assess whether the development is "likely to significantly affect threatened species' as determined under the test in s. 7.3 of the Biodiversity Conservation Act 2016. You may still be required to review the area where no vegetation mapping is available.

# Where the area of impact occurs on land with no vegetation mapping available, the tool cannot determine the area of native vegetation cleared and if this exceeds the Area Threshold. You will need to work out the area of native vegetation cleared - refer to the BOSET user guide for how to do this.

On and after the 90 day expiry date a BDAR will be required.

## Disclaimer

This results summary and map can be used as guidance material only. This results summary and map is not guaranteed to be free from error or omission. The State of NSW and Office of Environment and Heritage and its employees disclaim liability for any act done on the information in the results summary or map and any consequences of such acts or omissions. It remains the responsibility of the proponent to ensure that their development application complies with all aspects of the *Biodiversity Conservation Act 2016*.

The mapping provided in this tool has been done with the best available mapping and knowledge of species habitat requirements. This map is valid for a period of 30 days from the date of calculation (above).

## Acknowledgement

I as the applicant for this development, submit that I have correctly depicted the area that will be impacted or likely to be impacted as a result of the proposed development.

Signature \_\_\_\_\_ Date: 13/05/2019 11:07 AM