



Mr Ian Colvin  
GeoLink  
PO Box 119  
LENNOX HEAD, NSW 2478

Our ref: SSD 10300

Dear Mr Colvin,

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

I refer to your correspondence received on 11 April 2019 seeking to waive the requirement to submit a Biodiversity Development Assessment Report (BDAR) with the State significant development application for 23-31 Gordon Street, Coffs Harbour – Coffs Harbour Cultural and Civic Space (SSD 10300).

Under section 7.9(2) of the Biodiversity Conservation Act 2016 (BC Act);

*“Any such application is to be accompanied by a biodiversity 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”.*

The authority of the “*Planning Agency Head*” to determine whether a proposed development is “*not likely to have any significant impact on biodiversity values*” was delegated to Directors within the Planning Services Division on 2 December 2017.

I have reviewed your request having regard to Sections 1.5 and 7.3 of the BC Act and Clause 1.4 of the Biodiversity Conservation Regulation 2017, and have determined that the proposed development (SSD 10300), as described in your waiver request, is not likely to have any significant impacts on biodiversity values.

The delegated Environment Agency Head in the Office of Environment and Heritage has also determined that the proposed development is not likely to have any significant impacts on biodiversity values in a letter dated 7 May 2019 and a copy of that letter is attached.

Therefore, a waiver under section 7.9(2) of the BC Act is granted for the proposed development and a BDAR is not required to accompany the SSD application.

If there are any amendments to the proposed development, this BDAR waiver determination will not be valid. You will need to either prepare a BDAR or lodge a new request to have the BDAR requirement waived.

Should you have any further enquiries, please contact Rodger Roppolo, Key Sites Assessment, at the Department on (02) 8289 6876.

Yours sincerely

David McNamara 13.5.19

**Director**  
**Key Sites Assessments** (as nominee of the Secretary)

**Attachment 1: BDAR Waiver determination – Proposed Coffs Harbour Cultural and Civic Space (SSD 10300)**

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

I, Gabrielle Pietrini, Director North East, of the Office of Environment and Heritage, 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 is not required

**Proposed development** means the development as described in the letter from GeoLINK dated 11 April 2019 and Attachment A to that letter and Schedule 1 to this determination. If the proposed development changes so that it is no longer consistent with this description, a further waiver request is required.



**GABRIELLE PIETRINI**  
North East Branch  
Office of Environment and Heritage

7-5-19

**Date**

### SCHEDULE 1 – Description of the proposed development

[Note: If a proposed development is changed so that it is no longer consistent with this description, a fresh request for a BDAR determination waiver may be required.]

The proposed development is the Coffs Harbour Cultural and Civic Space and will include a Regional Gallery, Central Library, Regional Museum, multi-purpose meeting rooms, co-working space, shop, café, function space (including use as Council Chambers), customer service area, Council staff office accommodation and car parking, located as per the map below.



**LEGEND**  
 Proposed Cultural and Civic Space boundary



**Location Map**