



8 September 2021

de Witt Consulting
obo Newcastle Jockey Club
c/- David Read
Avid Project Management Pty Ltd
PO BOX 206
CARRINGTON NSW 2294

Our ref: SSD 12982045
Your ref: EC057
CM9 file: SF21/103090

Via david.read@avidpm.com.au

Dear Mr Read,

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

I refer to your correspondence dated 15 July 2021 and 5 August 2021 seeking to waive the requirement to prepare a biodiversity development assessment report (BDAR) to be submitted with the State Significant Development Application for the Newcastle Jockey Club – New Stables Complex (SSD-12982045).

Description of proposed development

The SSD application for the project seeks approval to construct seven two-storey stable blocks, horse walkers, a site office, equipment shed, equine pool, wash bays, sand roll bays and feed bays, storage and equipment sheds and associated infrastructure including roads, carparks, stormwater detention basins, ramps, landscaping and fencing. The existing equine pool and stable buildings and structures are proposed to be demolished.

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”.

This letter is to confirm that the Secretary of the Department of Planning, Industry and Environment has determined that the proposed development as described above is not likely to have any significant impact on biodiversity values and that a BDAR is therefore not required to accompany any application for development consent or infrastructure approval for the proposed development.

I, as Delegate of the Secretary within Planning and Assessment Division have determined that the proposed development is not likely to have any significant impacts on biodiversity values (see determination enclosed dated 8 September 2021). Evidence that the Delegate of the Secretary within Environment, Energy and Science Group (Director Hunter Central Coast Branch,

Biodiversity and Conservation Division) has made the determination is enclosed (dated 16 August 2021).

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 Kendall Clydsdale, Planning and Assessment, at the Department on (02) 9585 6366.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Louise Starkey', with a stylized, cursive script.

Louise Starkey
Acting Director, Regional Assessments
Planning and Assessment

As delegate of the Secretary

Encl: 1. Determination DPIE Environment Energy and Science Group
2. Determination DPIE Planning and Assessment Division

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

I, Louise Starkey, Acting Director Regional Assessments, 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 development as described in **Schedule 1**. 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.



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

8 September 2021

The SSD application for the project seeks approval to construct seven two-storey stable blocks, horse walkers, a site office, equipment shed, equine pool, wash bays, sand roll bays and feed bays, storage and equipment sheds and associated infrastructure including roads, carparks, stormwater detention basins, ramps, landscaping and fencing. The existing equine pool and stable buildings and structures are proposed to be demolished (as identified in **Figure 1**).

LEGEND

- Study Area
- Buildings to be Demolished
- Rapid Data Point (RDP)
- Tree Locations
 - To be removed
 - To be retained
- Hollow-bearing tree (HBT)
- Anabat Location
 - Anabat Detector Only
 - Stag Watch / Fly-out Survey with Anabat Detector

FIGURE 1

Newcastle Jockey Club Location and Ecological Features

0 60 120 180 m

de Wilt Ecology
7 Canberra Street
PO Box 8042
Charlestown NSW 2260
P 02 4942 5451
F 02 4942 5551
E admin@newcastleecology.com.au
www.newcastleecology.com.au
NSW 04 636 056 055

de Wilt Ecology
87 Herbert Street
PO Box 532
Bogangra NSW 2822
P 02 4942 5451
F 02 4942 5551
E admin@newcastleecology.com.au
www.newcastleecology.com.au
NSW 04 636 056 055

de Wilt Ecology
125 CHATAM STREET, BROADMEADOW
NEW SOUTH WALES | AUSTRALIA
CLIENT: de Wilt Consulting c/- A/DPH Project Management Services
A3 SCALE: 1:500
PLAN DATE: 04/08/2021
DRAWN: AR
CHECKED: AM
JOB REF: FC057
ISSUE: 02

Figure 1 Aerial Photograph of the development site for the Newcastle Jockey Club, located at 125 Chatham Street, Broadmeadow, NSW (SSD-12982045).



Our ref: DOC21/601095-5

Your ref: SSD-12982045

Ms Lauren Saunders

Senior Planning Officer
Regional Assessments
Department of Planning, Industry and Environment
Lauren.Saunders@planning.nsw.gov.au

Dear Lauren

**Request to waive requirement for BDAR under s.7.9 of the Biodiversity Conservation Act 2016
– Newcastle Jockey Club – New Stables Complex (SSD-12982045)**

I refer to the request from de Witt Consulting on behalf of Newcastle Jockey Club Ltd to waive the requirement for a Biodiversity Development Assessment Report (BDAR) to be submitted with the proposed State Significant Development (SSD–12982045) application for the new stables complex at Newcastle Jockey Club, located at 125 Chatham Street (Lot 13 DP 227704, Lot 14 DP 227704, and Lot 82 DP 1138209) Broadmeadow NSW.

I have reviewed the information provided by the applicant in the BDAR waiver application dated 5 August 2021 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 (see **Attachment 1**) 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 (see **Attachment 2**) prepared by the Biodiversity and Conservation Division (BCD). The decision report should not be provided to the applicant without BCD approval.

Please contact Jayme Lennon, Senior Conservation Planning Officer, on 02 9585 6935 or via email at huntercentralcoast@environment.nsw.gov.au, should you have any further queries regarding this matter.

Yours sincerely

JOE THOMPSON
Director Hunter Central Coast Branch
Biodiversity and Conservation Division
Date: 16/8/21

Enclosure: Attachments 1 and 2

Attachment 1

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

I, Joe Thompson, Director Hunter Central Coast 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 **is not required**

Proposed development means the development as described in **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 Biodiversity Assessment Report (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.



16/8/21

JOE THOMPSON
Director Hunter Central Coast Branch
Biodiversity and Conservation Division

Date

SCHEDULE 1 – Description of the proposed development

State Significant Development (SSD-12982045) under the *Environmental Planning and Assessment Act 1979* involves development ancillary to the existing Newcastle Jockey Club, located at 125 Chatham Street, Broadmeadow, NSW. The proposed development is within the Newcastle local government area. The site is legally described as Lot 13 in DP 227704, Lot 14 in DP 227704, and Lot 82 in DP 1138209 (as schematically shown on **Figure 1**).

The SSD application for the project seeks approval to construct seven two-storey stable blocks, horse walkers, a site office, equipment shed, equine pool, wash bays, sand roll bays and feed bays, storage and equipment sheds and associated infrastructure including roads, carparks, stormwater detention basins, ramps, landscaping and fencing. The existing equine pool and stable buildings and structures are proposed to be demolished (as identified in **Figure 1**).

Figure 1 below shows an aerial photograph of the proposed development at the Newcastle Jockey Club, located at 125 Chatham Street, Broadmeadow, NSW.

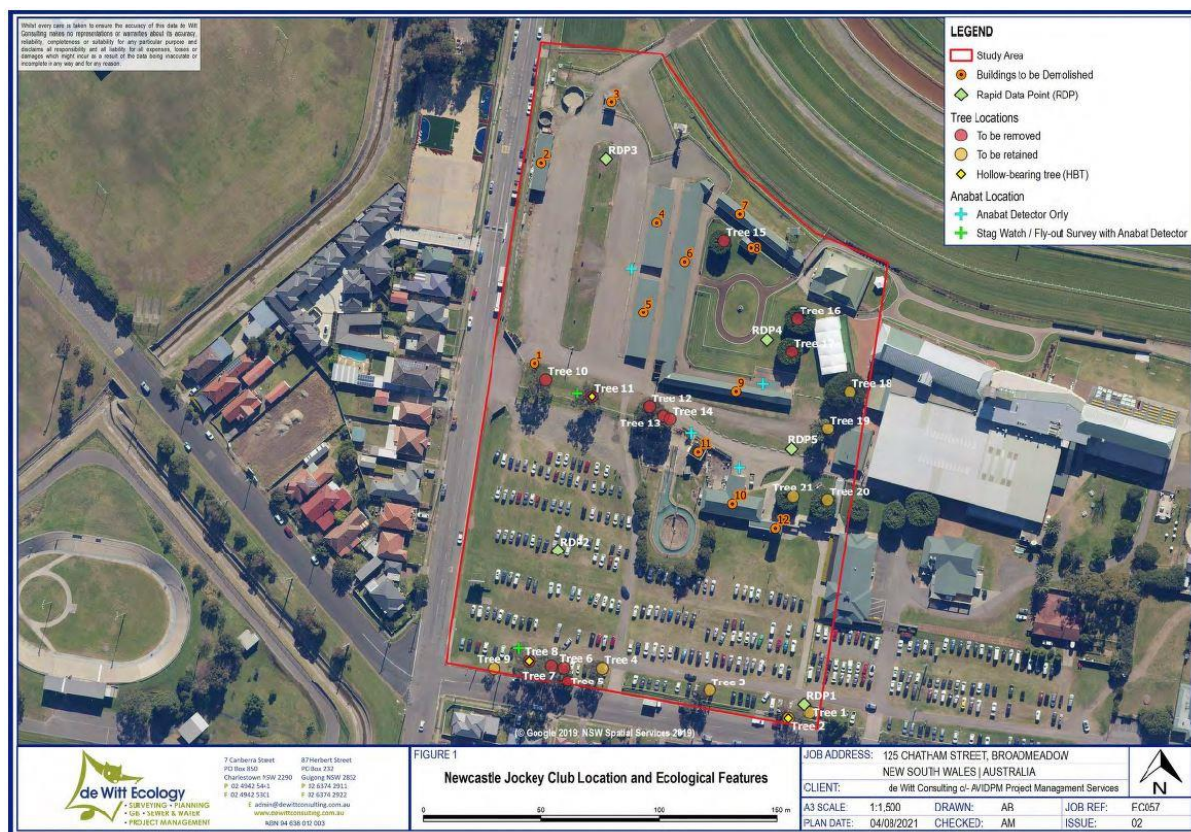


Figure 1 Aerial Photograph of the development site for the Newcastle Jockey Club, located at 125 Chatham Street, Broadmeadow, NSW (SSD 12982045).