



Our ref: DOC20/210768-9

Your ref: SSD-10378

Mr Lewis Demertzi

Student Para Planner
Key Sites Assessments
Department of Planning, Industry and Environment

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Dear Lewis

Mixed-use Development, 42 Honeysuckle Drive, Newcastle (SSD-10378) – Review of Environmental Impact Statement

I refer to your email dated 12 March 2020 in which Planning and Assessments Group (P&A) of the Department of Planning, Industry and Environment (the Department) invited Biodiversity and Conservation Division (BCD) of the Department for advice in relation to the proposed mixed-use development at 42 Honeysuckle Drive (Lot 22 Deposited Plan 1072217), Newcastle (SSD-10378).

BCD has reviewed the *'Environmental Impact Statement: Construction of a Mixed Use Development, Including Commercial / Retail Uses and Hotel Accommodation – 42 Honeysuckle Drive, Newcastle NSW 2300'* (prepared by KDC Pty Ltd and dated February 2020), including relevant appendices, annexures and attachments in relation to impacts on biodiversity, Aboriginal Cultural Heritage and flooding.

BCD's recommendations are provided in **Attachment A** and detailed comments are provided in **Attachment B**. If you require any further information regarding this matter, please contact Steve Lewer, Senior Regional Biodiversity Conservation Officer, on 4927 3158 or via email at rog.hcc@environment.nsw.gov.au

Yours sincerely

8 April 2020

STEVEN COX
Senior Team Leader Planning
Hunter Central Coast Branch
Biodiversity and Conservation Division

Enclosure: Attachments A and B

BCD's recommendations

Mixed-use development, 42 Honeysuckle Drive, Newcastle (SSD-10378) – Review of Environmental Impact Statement

Biodiversity

1. BCD recommends the proponent applies for a new Biodiversity Development Assessment Report waiver for SSD 10378.

Aboriginal Cultural Heritage

2. BCD recommends that the test excavation results and the Aboriginal cultural heritage management plan (ACHMP) are provided for review.
3. BCD recommends that evidence of the consultation undertaken with the registered Aboriginal parties for the SSD 10378 application be provided for review.
4. BCD recommends that the extent and depth of the development footprint for the SSD 10378 application area be provided and includes a comparison of the development footprint of the current and previous projects.

Flooding and flood risk

5. All critical electrical infrastructure should be located above the flood planning level in accordance with Council's Development Control Plan requirements

BCD's detailed comments

Mixed-use development, 42 Honeysuckle Drive, Newcastle (SSD-10378) – Review of Environmental Impact Statement

Biodiversity

1. A new BDAR waiver request is required

A new Biodiversity Development Assessment Report (BDAR) waiver request is required as the previous waiver applied specifically to the previous State Significant Development (SSD) project.

A BDAR waiver was obtained for SSD 10251 from the Biodiversity and Conservation Division (BCD) on 11 November 2019 under section 7.9(2) of the *Biodiversity Conservation Act 2016*. A copy of this waiver is in Appendix Q of the EIS. As the proposed development listed in Schedule 1 of the BDAR Waiver Determination has changed, a new BDAR waiver request is required.

Recommendation 1

BCD recommends the proponent applies for a new Biodiversity Development Assessment Report Waiver for SSD 10378.

Aboriginal cultural heritage

2. Test excavation results and ACHMP should be provided

The EIS for the current SSD Application (SSD 10378) refers to test excavation results and an Aboriginal cultural heritage management plan (ACHMP) that have not been supplied for review.

The two documents are associated with a previous SSD application (SSD 8840) at 42 Honeysuckle Drive prepared by Archaeological Management & Consulting Group Pty Ltd (AMAC). Neither of the documents were provided with the EIS.

Recommendation 2

BCD recommends that the test excavation results and the Aboriginal cultural heritage management plan (ACHMP) are provided for review.

3. Evidence of Aboriginal consultation has not been provided

Evidence of consultation with the registered Aboriginal community parties has not been provided. The EIS states that the relevant guidelines that provide protection for Aboriginal objects have been addressed in the ACHMP for the site but have not provided evidence of that consultation for review (Section 4.2.11 of the EIS).

Recommendation 3

BCD recommends that evidence of the consultation undertaken with the registered Aboriginal parties for the SSD 10378 application be provided for review.

4. The development footprint has not been identified

The EIS for the current SSD application (SSD 10378) refers to additional earthworks being required which include, but are not limited to, six new piles, capping and step-downs. Details of the location and extent of these earthworks have not been provided.

It is not clear whether the extent and depth of the development footprint for the current SSD application (SSD 10378) exceeds that of the previously approved SSD area (SSD 8840).

Recommendation 4

BCD recommends that the extent and depth of the development footprint for the SSD 10378 application area be provided and includes a comparison of the development footprint of the current and previous projects.

Flooding and flood risk

5. Critical infrastructure should be located above the Flood Planning Level (FPL).

The Flood Risk Assessment (Northrop 2020) shows that the substation is located in the carpark. Insufficient information has been provided to show that the substation is above the flood planning level (FPL). All critical electrical infrastructure should be located above the FPL in accordance with Council's Development Control Plan (DCP) requirements.

Recommendation 5

All critical electrical infrastructure should be located above the flood planning level in accordance with Council's DCP requirements.