

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

I, Katrine O'Flaherty, A/Director Hunter Central Coast Branch, of the Biodiversity and Conservation Division, 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 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.



11.11.2019

Katrine O'Flaherty
A/Director
Hunter Central Coast Branch
Biodiversity and Conservation Division
Department of Planning Industry and Environment

Date

SCHEDULE 1 – Description of the proposed development

Mixed use development including a hotel and commercial office development - 42 Honeysuckle Drive, Newcastle, SSD- 10378, and associated alterations and additions (Lot 22 DP 1072217). The entire development is a nine-storey hotel and commercial office building.

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

I, Anthony Witherdin, Director Key Sites Assessments, 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 of a seven-storey mixed-use development comprising hotel and commercial office uses (including ground floor reception, retail and hotel amenities) as detailed in the BDAR waiver application dated 11 October 2019.

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.



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

Date: 2 December 2019



Ms Naomi Weber
KDC Pty Ltd
125 Bull Street
NEWCASTLE WEST 2302

Our ref: SSD 10378

Dear Ms Weber,

**42 Honeysuckle Drive (SSD 10378)
Biodiversity Development Assessment Report**

I refer to your correspondence received on 11 October 2019 seeking to waive the requirement to submit a Biodiversity Development Assessment Report (BDAR) with the State significant development application for 42 Honeysuckle Drive (SSD 10378).

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 10378), 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 11 November 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 Lewis Demertzi, Key Sites Assessments, at the Department on (02) 8275 1191.

Yours sincerely

Anthony Witherdin
Director
Key Sites Assessments