



Chris Forrester
Ethos Urban
173 Sussex Street
SYDNEY NSW 2000

Our ref: SSD 9510

Dear Mr Forrester,

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

I refer to your correspondence received on 27 November 2018 seeking to waive the requirement to submit a Biodiversity Development Assessment Report (BDAR) with the State significant development application for the University of Newcastle – Honeysuckle Campus Stage 1A (SSD 9510).

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 21 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 9510), 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 10 January 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 James Groundwater, Planning Services, at the Department on (02) 8289 6778.

Yours sincerely



David McNamara
Director
Key Sites Assessments
(as nominee of the Secretary)

Encl: Letter OEH



**Office of
Environment
& Heritage**

DOC18/917383-1

SSD 9510

James Groundwater
Senior Planning Officer, Key Sites Assessments
Department of Planning and Environment
james.groundwater@planning.nsw.gov.au

Dear James

Request to waive requirement for BDAR – University of Newcastle, Honeysuckle City Campus Development – Stage 1A - 16 Honeysuckle Drive, Newcastle (SSD 9510)

I refer to the request from University of Newcastle (prepared by Ethos Urban and dated 27 November 2018) to waive the requirement for a Biodiversity Development Assessment Report (BDAR) to be submitted with the State significant development (SSD 9510) application for Stage 1A of the University of Newcastle's Honeysuckle City Campus Development. The Office of Environment and Heritage (OEH) notes that it issued a previous BDAR waiver (DOC 18/232423-1 and dated 27/4/2018.) for the first stage of a Concept Plan (SSD 9262), which covered a much larger area (but included the current site).

I have reviewed the information provided by the applicant and determined that the proposed development as described in Ethos Urban correspondence is not likely to have any significant impact on biodiversity values. Therefore, the application does not need to be accompanied by a BDAR. The determination is attached for you to provide to the applicant.

Also attached for your information is OEH's decision report.

If you require any further information regarding this matter, please contact Steven Cox, Senior Team Leader, Planning Hunter Central Coast, on 4927 3140.

Yours sincerely



10/1/2019

SHARON MOLLOY

**Director Hunter Central Coast Branch
Conservation and Regional Delivery Division**

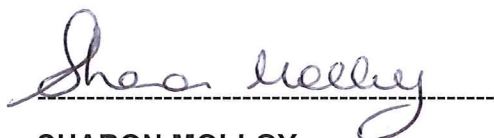
Encl. 1. OEH Determination
2. OEH Decision report

Attachment 1 – OEH DETERMINATION

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

I, Sharon Molloy, Director Hunter Central Coast Branch, 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 Ethos Urban correspondence (dated 27 November 2018) and Schedule 1. If the proposed development is changed so that it is no longer consistent with this description, a further waiver request is required.



SHARON MOLLOY

10-1-2019

Date

Director Hunter Central Coast Branch

Conservation and Regional Delivery Division

SCHEDULE 1 – Description of the proposed development

State Significant Development (SSD 9510) under the *Environmental Planning and Assessment Act 1979* for the Stage 1A development of the University of Newcastle, Honeysuckle City Campus Project, located at 16 Honeysuckle Drive, Newcastle. The proposed development is within the Newcastle City local government area. The Stage 1A Site is legally described as Part Lot 1 in DP 1163346 (as schematically shown on Figure 1).

The SSD application for Stage 1A will seek approval for the development of a new building on the Honeysuckle City Campus that accommodates the University's School of Creative Industries (SOCl) and an 'Innovation Hub'. These facilities will provide learning studios and flexible spaces for co-working, meetings and informal collaboration. In summary, the Stage 1A proposal includes:

- Design and construction of a single standing, multi-storey building on the corner of Worth Place and Honeysuckle Drive;
- Space for the use of the Innovation Hub, SOCl and building fit out to make these spaces suitable for their uses; and
- Associated landscaping and infrastructure works.

A preliminary built form layout plan is provided in Figure 2, delineating the location of Stage 1A in context of the wider Concept Plan for the long term development of the campus.

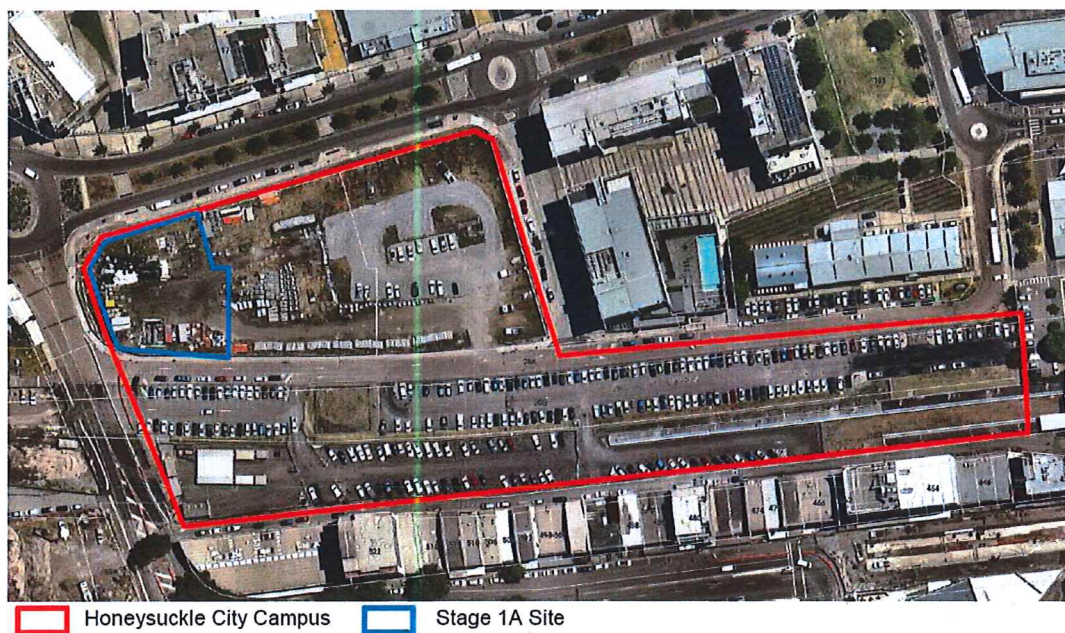


Figure 1 Aerial Image of the Site

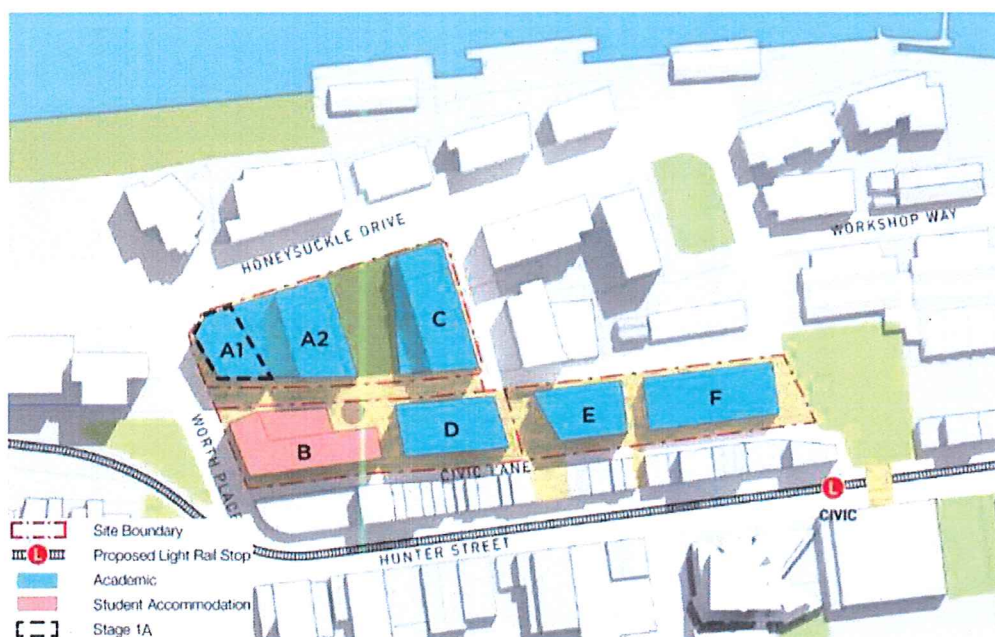


Figure 2 Preliminary Concept Plan Showing Stage 1A

Attachment 2 – BDAR waiver decision report

Project Name: Honeysuckle City Campus Project
SSI/SSD Application Number: SSD 9510
Proponent: University of Newcastle
Date request received: 27 November 2018

	Biodiversity value/ impact	prescribed	Yes/ No	Applicant comment/ justification	OEH comment
1. Is there native vegetation on the development site?			No	<p>The subjects site occurs in an urban environment devoid of any vegetation (native). The site has been used for at-grade parking and storage for nearby construction works for several years. Until recently, the Newcastle heavy rail line also ran through part of the site.</p> <p>The surrounding landscape comprises an urban centre and does not contain any significant vegetation.</p>	OEH concur based on physical site assessment (the subject site is within walking distance of the OEH Newcastle Office). Only very scattered exotic species on site (i.e. weeds).
1(a) If yes, will the proposed development clear or remove any native vegetation, that is, impact vegetation abundance (c1.4(b) BC Reg)?			n/a	n/a	n/a
1(b) If yes, will the proposed development impact the vegetation integrity of an identified plant community (s1.5(a) BC Act)?			n/a	n/a	n/a
2. Are there threatened species or ecological communities or their habitat on the development site?			No	<p>The subjects site occurs in an urban environment devoid of any vegetation (native) or threatened species habitat.</p>	OEH concur based on physical site assessment (the subject site is within walking distance of the OEH Newcastle Office). Subject site offers no threatened habitat. No records of threatened species recorded for subject site.
2(a) If yes, will the proposed development remove or modify threatened species habitat or ecological communities?			n/a	n/a	n/a
2 (b) If yes, will the proposed development impact:	• habitat suitability (s1.5(b) BC Act)?		n/a	n/a	n/a
	• threatened species abundance		n/a	n/a	n/a

	Biodiversity value/ prescribed impact	Yes/ No	Applicant comment/ justification	OEH comment
	(cl1.4(a) BC Reg)?			
	<ul style="list-style-type: none"> • habitat connectivity (cl1.4(c) & cl6.1(b) BC Reg)? 	n/a	n/a	n/a
	<ul style="list-style-type: none"> • threatened species movement (cl1.4(d) & cl6.1(c) BC Reg)? 	No	Subject site has been previously cleared and is located in a dense urban environment which does not facilitate movement of threatened species.	OEH concur based on physical site assessment (The subject site is within walking distance of the OEH Newcastle Office).
	<ul style="list-style-type: none"> • water sustainability (cl1.4(f) & cl6.1(d) BC Reg)? 	No	The proposal will not adversely affect water sustainability or the water bodies surrounding the subject site, including Hunter River.	OEH concur based on physical site assessment (The subject site is within walking distance of the OEH Newcastle Office).
	<ul style="list-style-type: none"> • The following habitat of threatened species or ecological communities: (i) karst, caves, crevices, cliffs and other geological features of significance, (ii) rocks, (iii) human made structures, (iv) non-native vegetation (cl6.1(a) BC Reg) 	No	No suitable habitat on site for threatened species.	OEH concurs that the features are not present on site, nor does the site offer any threatened species habitat.
2(c) Is the proposed development likely to result in vehicle strikes on threatened species of animals or on animals that are part of a threatened ecological community (cl6.1(f) BC Reg)?		No	Subject site does not include roadways etc. that could lead to vehicle strike.	OEH concurs features not characteristic of subject site.
3. Are there flight paths of protected animals over the development site?		No	There is no indication that the flight paths of threatened species will be impacted upon.	OEH concurs with this statement. There are no records of flying threatened species (i.e. birds and bats) within the vicinity of the proposal.
3(a) If yes, will the proposed development impact on flight path integrity (cl1.4(e) BC Reg)?		n/a	n/a	n/a
3 (b) If yes, for proposed wind farms, is the proposed development likely to result in impacts of wind turbine strikes on protected animals (cl6.1(e) BC Reg)?		n/a	n/a	n/a

Recommendation

It is recommended that the delegated officer:

- Considers the matters set out in this report; and
- Makes a decision to:
 - determine that the proposed development is not likely to have any significant impact on biodiversity values and therefore a BDAR is not required



STEVEN COX

10 January 2019

Senior Team Leader Planning

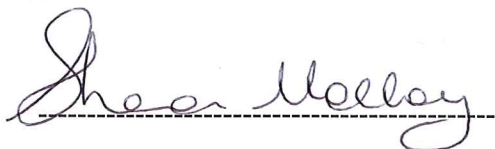
Hunter Central Coast Branch

Conservation and Regional Delivery Division

Decision

I, Sharon Molloy, Director Hunter Central Coast Branch, of the Office of Environment and Heritage, having reviewed this report and the documents attached to it, decide to:

- A. **determine** under clause 7.9(2) of the *Biodiversity Conservation Act 2016* that the proposed development as described in Ethos Urban correspondence (dated 27 April 2018 – DOC18/917383) is not likely to have any significant impact on biodiversity values and therefore a BDAR is not required



SHARON MOLLOY

Director, Hunter Central Coast Branch

Conservation and Regional Delivery Division

Office of Environment and Heritage

10-1-2019

Date