



Our ref: DOC22/263201-1
Your ref: MP 06_0183 MOD 2

Jonathan Kerr
A/Senior Planning Officer
Regional Assessments
Department of Planning and Environment
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Dear Mr Kerr

Subject: Response to Submissions Report – Mixed Use Residential / Tourist Development – 147 Soldiers Point Road, Soldiers Point (MP 06_0183 MOD 2)

I refer to your email dated 1 April 2022 in which Planning and Assessment Group invited Biodiversity and Conservation Division (BCD) of the Department of Planning and Environment (the Department) to comment on the response to submissions report for the proposed Mixed Use (Residential / Tourist) Development (MP 06_0183 MOD 2) located at 147 Soldiers Point Road, Soldiers Point; in the Port Stephens local government area.

BCD has reviewed the 'MP06_0183 MOD 2 – Section 75W Modification Application to Modify Concept Plan MP06_0183 – Mixed Use Residential / Tourist Development: Response to Submissions' letter on response to submissions as prepared by Milestone (Australia) Pty Ltd (dated 29 March 2022), including relevant appendices (e.g. 'Salamander Shores Biodiversity Development Assessment Report – Streamlined Assessment Module (Small Area)'), annexures and attachments in relation to impacts on biodiversity. Flooding impacts were assessed in our review of the Environmental Assessment report (dated 17/01/2022).

BCD's detailed comments are provided in Attachment A. BCD is satisfied that recommendation 1 of BCD's biodiversity comments in the Environmental Assessment (dated 17 January 2022) have been satisfactorily addressed in the response to submissions letter.

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

Senior Team Leader - Planning
Hunter Central Coast Branch
Biodiversity and Conservation Division
6 April 2022

BCD's detailed comments

Mixed Use Residential / Tourist Development – 147 Soldiers Point Road, Soldiers Point (MP 06_0183 MOD 2)

Biodiversity

1. Further information has been provided to address previous recommendations on biodiversity

Further information has been provided on recommendation 1 raised in BCD's letter dated 17 January 2022 (DOC22/14445-16). In this correspondence BCD requested that the proponent submit either: (i) a Biodiversity Assessment Development Report (BDAR) done in accordance with the Biodiversity Assessment Methodology 2020; or (ii) a BDAR waiver under section 7.9 of the *Biodiversity Conservation Act 2016*.

BCD notes that the option of producing a BDAR has been followed, in accordance with Appendix C of the BAM 2020, '*Streamlined assessment module – Small area*'. This is due to the fact the amount of clearing is < 1ha (in this case less 0.14 ha) within a lot size of less than 40 ha (in this case 1.27 ha). BCD concurs that this fits the 'streamlined approach' within BAM 2020, and supports its use.

BCD has assessed the BDAR and concurs it has been prepared in accordance with BAM 2020, and the biodiversity credit requirement has utilised the BAM-C (credit calculator). The proposal is not likely to result in a significant impact, and the development site does not meet the habitat constraints of any of the candidate species credit species that are candidate Serious and Irreversible Impact (SII) species. As such BCD concurs BAM 2020 has been applied correctly and has no further comment.

Recommendation 1

BCD is satisfied that recommendation 1 of BCD's biodiversity comments in the Environmental Assessment (dated 17 January 2022) have been satisfactorily addressed in the response to submissions letter.