



Our ref: DOC22/17294-25

Your ref: SSD-10321 MOD 1

Chris Eldred

Senior Planning Officer  
Regional Assessments  
Department of Planning, Industry and Environment  
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Dear Chris

**Building design modifications – 89 John Whiteway Drive, Gosford (SSD-10321 MOD 1) – Review of Modification Report**

I refer to your email dated 13 January 2022 in which Planning and Assessments Group (P&A) of the Department of Planning and Environment (the Department) invited Biodiversity and Conservation Division (BCD) of the Department for advice in relation to the proposed building design modifications to the approved residential buildings (SSD-10321 MOD 1) located at 89 John Whiteway Drive, Gosford; in Central Coast local government area.

BCD has reviewed the '*Section 4.55(1A) Modification - SSD 10321 - 89 John Whiteway Drive, Gosford*' Modification Report (prepared by Urban Ethos and dated 22 December 2021), including relevant appendices, annexures and attachments in relation to impacts on biodiversity and flooding.

BCD's recommendations on biodiversity and flooding 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.

Yours sincerely

A handwritten signature in black ink, appearing to read 'S. Crick'.

**STEVEN CRICK**  
**Senior Team Leader Planning**  
**Hunter Central Coast Branch**  
**Biodiversity and Conservation Division**  
24 January 2022

Enclosure: Attachments A and B

## BCD's recommendations

### Building design modifications – 89 John Whiteway Drive, Gosford (SSD-10321 MOD 1)

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#### Biodiversity

1. BCD requires the proponent to either submit: (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*; which are to be appended to the Environmental Assessment report.

#### Flooding and flood risk

2. No further flooding or flood risk assessment is required.

## BCD's detailed comments

### Building design modifications – 89 John Whiteway Drive, Gosford (SSD-10321 MOD 1)

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#### Biodiversity

1. Proponent needs to assess the proposal in accordance with the Biodiversity Assessment Methodology 2020 OR provide a BDAR Waiver

BCD acknowledges that the Modification Report (Urban Ethos dated 22 December 2021) states in Section 5.7 '*The modification does not have any impact on the existing areas of biodiversity including the wildlife corridor. Accordingly, there are no biodiversity impacts to assess*'. However, biodiversity impacts for State Significant Developments, including Modifications are required to be assessed in accordance with either:

- The Biodiversity Assessment Method 2020 and documented in a Biodiversity Development Assessment Report (BDAR). The BDAR must include information in the form detailed in the *Biodiversity Conservation Act 2016* (s6.12), Biodiversity Conservation Regulation 2017 (s6.8) and Biodiversity Assessment Method 2020;

OR

- A BDAR waiver under section 7.9 of the *Biodiversity Conservation Act 2016*. Under this scenario a proposed development is not likely to have any significant impact on biodiversity values.

BCD cannot assess the biodiversity impacts of the proposal until one of the approaches outlined above is undertaken.

#### Recommendation 1

BCD requires the proponent to either submit: (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*; which are to be appended to the Environmental Assessment report.

#### Flooding, flood risk and coastal processes

2. BCD is satisfied with the flooding, flood risk assessment

BCD is satisfied with the flooding and floor risk assessment in the EA. No further assessment is required.

#### Recommendation 2

No further flooding or flood risk assessment is required.