

DFP Planning
Attention: Mr Henry Burnett
dfp@dfpplanning.com.au

Our ref: EF24/5389

8 Augsut 2025

Subject: Mixed-use development 35-37 Dwyer Streer and 327-374 Mann Street, North Gosford (SSD-69773460) – Request to waive requirement to prepare a Biodiversity Development Assessment Report

Dear Henry,

I refer to your request dated 8 April 2025, regarding the request to waive the requirement for a Biodiversity Development Assessment Report (BDAR) to be submitted as part of the above referenced State significant development (SSD) application.

Description of proposed development

The SSD application will seek approval for the demolition of existing structures on site and construction of a mixed-use development comprising:

- site preparatory works including tree removal, demolition of existing structures and earthworks
- Construction of:
 - three buildings ranging in height between 7 and 21 storeys
 - a total of 249 apartments comprising:
 - 81 x 1 bedroom apartments
 - 137 x 2 bedroom apartments
 - 31 x 3 bedroom apartments
 - a ground floor commercial premises (213m²)
 - basement parking
- public domain works to Dwyer Street and Mann Street.

Under section 7.9(2) of the *Biodiversity Conservation Act 2016* (BCA):

“Any such application is to be accompanied by a biodiversity development 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 biodiversity values.”

This letter is to confirm that the Secretary of the Department of Planning, Housing and Infrastructure has determined that the proposed development as described above is not likely to have any significant impact on biodiversity values and that a BDAR is therefore not required to accompany any application for development consent or infrastructure approval for the proposed development.

I, as Delegate of the Planning Secretary within the Development Assessment and Sustainability division have determined that the proposed development is not likely to have any significant impacts on biodiversity values. Evidence that the Delegate of the Secretary within the NSW Department of Climate Change, Energy, the Environment and Water (Director Hunter Central Coast in NSW DCCEEW) has made the determination is attached (dated 4 April 2025).

If there are any amendments to the proposed development, a fresh request for a BDAR waiver determination will be required or a BDAR may need to be prepared.

Should you have any further enquiries, please contact Renah Givney on (02) 8275 1824 or via email to renah.givney@dpie.nsw.gov.au

Yours sincerely,

A handwritten signature in black ink, appearing to read "Erin Murphy".

Erin Murphy
Team Leader, Regional Assessments
As delegate of the Planning Secretary

Encl: CPHR of NSW DCCEEW determination



Your ref: your email dated 16 July 2025
Our ref: DOC25/588364

Renah Givney
Senior Planning Officer
Regional Assessments, Housing & Key Sites Assessment
Department of Planning, Housing and Infrastructure

By email: renah.givney@dpie.nsw.gov.au

Dear Renah,

Request to waive requirement for BDAR under s.7.9 of the Biodiversity Conservation Act 2016 – Mixed Use Development, North Gosford (SSD-69773460)

Thank you for your email request dated 16 July 2025 seeking advice from the Conservation Programs, Heritage & Regulation Group (CPHR) of the NSW Department of Climate Change, Energy, the Environment and Water (DCCEEWS).

CPHR have reviewed your request to waive the requirement for a Biodiversity Development Assessment Report (BDAR) to be submitted with the proposed State Significant Development (SSD-69773460) application for Mixed Use Development, North Gosford, located at 35-37 Dwyer Street and 327-374 Mann Street, North Gosford.

Based on the information provided by the applicant in the BDAR waiver application dated 8 April 2025, CPHR have determined that the proposed development is not likely to have any significant impact on biodiversity values. The application, therefore, does not need to be accompanied by a BDAR. However, it is recommended that mitigation measures described in Table 4 of section 6 in the BDAR waiver application are included in the Environmental Impact Statement for the project.

The determination is attached (see **Attachment 1**) for you to provide to the applicant. Please note that if the proposed development is changed so that it is no longer as described in Schedule 1 of the determination, the applicant will need to lodge a new waiver request or prepare a BDAR.

Also attached for your information is the decision report (see **Attachment 2**, sent separately) prepared by CPHR. The decision report should not be provided to the applicant without CPHR approval. If you have any further questions about this issue, please contact our Hunter Central Coast Planning Team at huntercentralcoast@environment.nsw.gov.au.

Yours Sincerely

Lucas Grenadier

**A/Director Hunter Central Coast
Conservation Programs, Heritage & Regulation Group (CPHR)
25 July 2025**

Enclosure – Attachment 1 and Schedule 1

Attachment 1

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

I, Lucas Grenadier, A/Director Hunter Central Coast Branch, of the 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 **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.



25 July 2025

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Lucas Grenadier	Date
A/Director Hunter Central Coast Branch	
Conservation Programs, Heritage & Regulation Group (CPHR)	

SCHEDULE 1 – Description of the proposed development

State Significant Development (SSD-69773460) under the *Environmental Planning and Assessment Act 1979* for a proposed mixed-use development known as Mixed Use Development, North Gosford, and located at 35-37 Dwyer Street and 327-374 Mann Street, North Gosford. The proposed development is within the Central Coast local government area. The site is legally described as Lot 4-5 in DP 15954, Lot 2A in DP 407164 and Lot 31 in DP 553523 (as schematically shown on **Figure 1**).

The SSD application for the project will seek approval for construction of a mixed using development including:

- three buildings ranging in height between seven (7) and 21 storeys
- a total of 249 apartments comprising:
 - 81 x 1 bedroom apartments
 - 137 x 2 bedroom apartments
 - 31 x 3 bedroom apartments
- a ground floor commercial premises (213m²)
- three (3) to six (6) levels of basement including 353 parking spaces
- public domain works to Dwyer Street and Mann Street

Figure 1 below shows an aerial photograph of the Mixed Use Development, North Gosford at 35-37 Dwyer Street and 327-374 Mann Street, North Gosford.



Figure 1 Aerial Photograph of the development site for the Mixed Use Development, North Gosford, (SSD-69773460) at 35-37 Dwyer Street and 327-374 Mann Street, North Gosford.