



**Regional Assessments**

Contact: Louise Starkey  
Phone: (02) 4345 4410  
Email: Louise.Starkey@planning.nsw.gov.au

Our Ref: SSD-9813

6 September 2019

Mr Patrick Hall  
Portfolio & Development Manager  
Lederer Group Pty Ltd  
Suite 34.01, L34, 201 Elizabeth St  
SYDNEY NSW 2000

Dear Mr Hall

**Request to waive requirement to prepare a Biodiversity Development Assessment Report for Kibbleplex site redevelopment, 136-148 Donnison Street, Gosford (SSD-9813)**

I refer to your request dated 14 August 2019, prepared by Wildthing Environmental Consultats, seeking to waive the requirement to prepare a Biodiversity Development Assessment Report (BDAR) for the State Significant Development (SSD) application for Kibbleplex site redevelopment at 136-148 Donnison Street, Gosford (SSD-9813).

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 of the Department on 21 December 2017.

I have reviewed your request having regards 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 is not likely to have any significant impacts on biodiversity values.

The delegated Environment Agency Head in the Biodiversity and Conservation Division (formerly known as the Office of Environment and Heritage) has been consulted and confirmed that the proposed development is not likely to have any significant impacts on biodiversity values in correspondence dated 28 August 2019. A copy of that letter is attached, including the determination.

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 Louise Starkey on (02) 4345 4410.

Yours sincerely

A handwritten signature in black ink, appearing to read 'A. Witherdin', written in a cursive style.

Anthony Witherdin  
**Director**  
**Regional Assessments**

(as nominee of the Secretary)

Encl: Planning Agency Determination dated 6 September 2019  
Environment Agency (BCD) Letter & Determination dated 28 August 2019

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

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I, Anthony Witherdin, Director Regional Assessments, 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 State Significant Development (SSD-9813) at 136-148 Donnison Street, Gosford and as described in the 'Biodiversity Development Assessment Report Waiver Application' prepared by Wildthing Environmental Consultants dated 14 August 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.



Anthony Witherdin  
**Director Regional Assessments**  
**Department of Planning, Industry and Environment**

6 September 2019

**Date**

(as nominee of the Secretary)

Our ref: DOC19/715121-6

Your ref: SSD 9813

Louise Starkey

28 August 2019

Senior Planning Officer  
Regional Assessments  
Department of Planning Industry and Environment  
[louise.starkey@planning.nsw.gov.au](mailto:louise.starkey@planning.nsw.gov.au)

Dear Ms Starkey

**Request to waive requirement to prepare a Biodiversity Development Assessment Report for Kibbleplex site redevelopment, 136-148 Donnison Street Gosford (SSD 9813)**

I refer to your correspondence dated 21 August 2019 to the Biodiversity and Conservation Division of the Department of Planning, Industry and Environment, requesting consideration of a Biodiversity Development Assessment Report (BDAR) waiver for Kibbleplex site redevelopment at 136-148 Donnison Street, Gosford (SSD 9813).

The information provided by the applicant has been reviewed and determined that the proposed development as described in the '*Biodiversity Development Assessment Report Waiver Application*' (prepared by Wildthing Environmental Consultants and dated 14 August 2019) is not likely to have any significant impact on biodiversity values. The application does not need to be accompanied by a BDAR.

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.

The determination is attached for you to provide to the applicant (**Attachment 1**).

Also attached for your information is the decision report (**Attachment 2**). The decision report should not be provided to the applicant without our approval.

If you require any further information regarding this matter, please contact Steven Cox, Senior Team Leader Planning, on 4927 3140 or via email at [rog.hcc@environment.nsw.gov.au](mailto:rog.hcc@environment.nsw.gov.au)

Yours sincerely



**SONYA ERRINGTON**  
**Director Hunter Central Coast Branch**  
**Biodiversity and Conservation Division**

Encl. 1. BCD Determination  
2. BCD Decision Report

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

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I, Sonya Errington, Director Hunter Central Coast Branch, of the Biodiversity and Conservation Division, 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 the 'Biodiversity Development Assessment Report Waiver Application' (prepared by Wildthing Environmental Consultants and dated 14 August 2019) and 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.



**SONYA ERRINGTON**

**Director Hunter Central Coast Branch  
Biodiversity and Conservation Division**

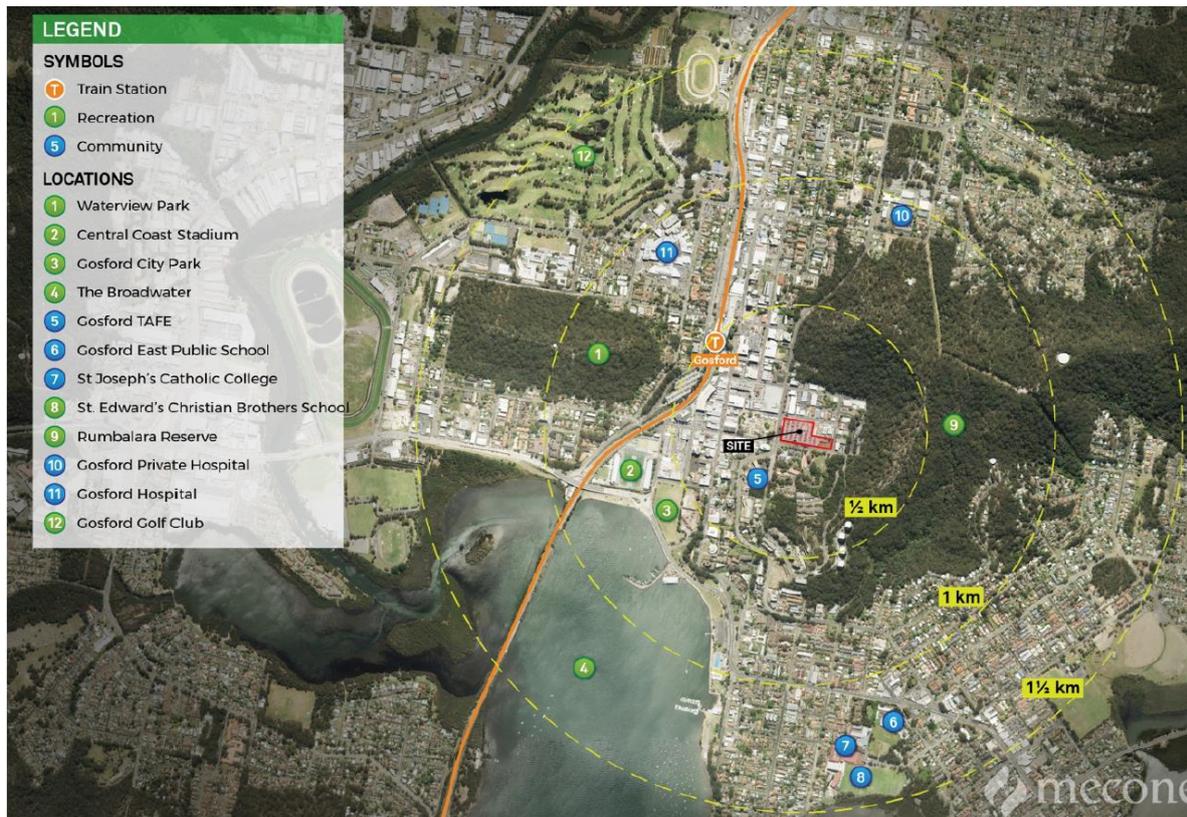
28 August 2019

**Date**

## SCHEDULE 1 – Description of the proposed development

State Significant Development (SSD 9813) under the *Environmental Planning and Assessment Act 1979* for a proposed mixed-use redevelopment of the Kibbleplex site at 139-148 Donisson Street, Gosford. The site is legally described as Lot 6 DP 598833 and Lot 1 DP 540292, within the Central Coast local government area (Figure 1).

The subject site is located within Gosford City Centre, and is the location of the former Kibbleplex shopping centre, which has been used solely for the purpose of carparking for a number of years. The proposed redevelopment comprises five residential towers above a podium, with a mix of uses including residential, retail, entertainment, leisure, food and beverage proposed.



**Figure 1** Locality of Proposed Development – SSD 9813 (Redevelopment of Kibbleplex site, 136-148 Donisson Street Gosford)



Figure 2 Aerial photograph showing the current development (carpark) overlain with proposed redevelopment area (in yellow) – SSD 9813 (Redevelopment of Kibbleplex site, 136-148 Donnison Street Gosford)