



Niche Environment and Heritage
C/- SH Gosford Residential Pty Ltd
GPO BOX 5370
Sydney NSW 2001

Our ref: SSD-23588910
Your ref: 6835
CM9 ref: EF21/9921 (SF21/98079)

17 August 2021

Dear Mr Katsanevas,

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

I refer to your correspondence received on 21 July 2021, with an amended report received 29 July 2021 seeking to waive the requirement to prepare a biodiversity development assessment report (BDAR) to be submitted with the State Significant Development (SSD) application for Central Coast Quarter – Northern Tower, the first stage proposed development of Central Coast Quarter Concept Approval SSD-10114.

Description of proposed development

Construction of a 25-storey (26 level) mixed use building which will accommodate a range of uses including retail, residential, parking, storage and communal open space.

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

“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 the biodiversity values”.

This letter is to confirm that the Secretary of the Department of Planning, Industry and Environment 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 Secretary within Planning and Assessment Division have determined that the proposed development is not likely to have any significant impacts on biodiversity values (see determination attached dated 17 August 2021). Evidence that the Delegate of the Secretary within Environment, Energy and Science Division (Director Hunter Central Coast Branch, Biodiversity and Conservation Division) has made the determination is also attached (dated 3 August 2021).

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.

Important Note: This BDAR waiver does not negate any obligation to comply with the requirements of the Central Coast Quarter Concept Approval SSD-10114 and its supporting documentation, including condition C10, which states:

'Biodiversity

C10. Future development application(s) shall consider biodiversity impacts, including the removal of existing vegetation on the site and the requirement to address ecosystem credits in accordance with the Biodiversity Development Assessment Report prepared by Niche Environment and Heritage dated 29 August 2019.'

Should you have any further enquiries, please contact Kendall Clydsdale or Teresa Gizzi, Planning and Assessment, at the Department on (02) 9585 6366.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'K T' followed by a long horizontal stroke.

Keiran Thomas

Director, Regional Assessments, Planning and Assessment Division

As delegate of the Secretary

Encl: Determination, Department of Planning, Industry and Environment, (delegated position within Environment Energy and Science Group)

Determination, Department of Planning, Industry and Environment, (delegated position within Planning and Assessment Division)

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

I, Keiran Thomas, Director Regional Assessments, Planning and Assessment, of the Department of Planning, Industry and Environment, under section 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 described in **Schedule 1**. 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.



**Director
Regional Assessments
Planning and Assessment
Department of Planning, Industry and Environment**
(as delegate of the Secretary)

17 August 2021

SCHEDULE 1 – Description of the proposed development

State Significant Development (SSD-23588910) under the Environmental Planning and Assessment Act 1979 for a proposed mixed-use development known as Stage 1 of the Central Coast Quarter – Northern Tower, and located at 26-30 Mann Street, Gosford, NSW. The proposed development is within the Central Coast local government area. The site is legally described as Lot 111, DP 1265226, Lot 469, DP 821073 and Lot 7, DP 14761 (as schematically shown on **Figure 1**).

The SSD application for the project seeks approval to construct a 25-storey (26 level) mixed use building which will accommodate a range of uses including retail, residential, parking, storage and communal open space. This development includes earthworks and excavations to 1.3m to level the site and accommodate the ground floor structure. The existing retaining wall will be demolished and three existing Brush Boxes (*Lophostemon confertus*) will be removed.

Figure 1 below shows an aerial photograph of the Central Coast Quarter at 26-30 Mann Street, Gosford.



**Figure 1 Aerial Photograph of the development site for the Central Coast Quarter, with Stage 1 highlighted in blue – SSD-23588910
(26-30 Mann Street, Gosford)**



Our ref: DOC21/615009-1

Your ref: SSD-23588910

Mr Kendall Clydsdale

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

Kendall.Clydsdale@dpie.nsw.gov.au

Dear Kendall

Request to waive requirement for BDAR under s.7.9 of the Biodiversity Conservation Act 2016 – Stage 1, North Tower, Central Coast Quarter, Gosford (SSD-23588910)

I refer to the request from Niche Environment and Heritage Pty Ltd on behalf of SH Gosford Residential Pty Ltd to waive the requirement for a Biodiversity Development Assessment Report (BDAR) to be submitted with the proposed State Significant Development (SSD-23588910) application for Stage 1, North Tower of the Central Coast Quarter, located at 26-39 Mann Street (Lot 111, DP 1265226, Lot 469, DP 821073 and Lot 7, DP 14761) Gosford NSW.

I have reviewed the information provided by the applicant in the BDAR waiver application dated 20 July 2021 and 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.

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**) prepared by the Biodiversity and Conservation Division (BCD). The decision report should not be provided to the applicant without BCD approval.

Please contact Jayme Lennon, Senior Conservation Planning Officer, on 02 9585 6935 or via email at huntercentralcoast@environment.nsw.gov.au, should you have any further queries regarding this matter.

Yours sincerely

JOE THOMPSON
Director Hunter Central Coast Branch
Biodiversity and Conservation Division

Date: 3/8/21

Enclosure: Attachments 1 and 2

Attachment 1

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

I, Joe Thompson, 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.



3/8/2021

JOE THOMPSON
Director Hunter Central Coast Branch
Biodiversity and Conservation Division

Date

SCHEDULE 1 – Description of the proposed development

State Significant Development (SSD-23588910) under the *Environmental Planning and Assessment Act 1979* for a proposed mixed-use development known as Stage 1 of the Central Coast Quarter – Northern Tower, and located at 26-30 Mann Street, Gosford, NSW. The proposed development is within the Central Coast local government area. The site is legally described as Lot 111, DP 1265226, Lot 469, DP 821073 and Lot 7, DP 14761 (as schematically shown on **Figure 1**).

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Figure 1 Aerial Photograph of the development site for the Central Coast Quarter, with Stage 1 highlighted in blue – SSD-23588910

(26-30 Mann Street, Gosford)