



Our Ref: 20NEW0035

22 May 2020

Darkinjung LALC
168 Pacific Highway
Watanobbi NSW 2259

Submitted via email: lee.shearer@dlalc.org.au

Dear Lee,

Darkinjung - Kariong Planning Proposal, Woy Woy Road

Thank you for your instructions to provide a letter of response to matters raised by the Hunter and Central Coast Regional Planning Panel (The Panel) in their consideration of the above proposal at their meeting of 29 April 2020.

These matters, recorded in the document titled "Independent Proposal Review – Record of Decision – Hunter and Central Coast Regional Planning Panel" with file reference "2020HCC004", and our response to each, are summarized as below.

It is important to note that the Panel was of the opinion that the Kariong proposal has strategic merit, and their concerns related to matters of site-specific merit.

Urban design

Issue raised by panel	Proponent response
<p>A site specific Urban Design Analysis for the whole site needs to be prepared that addresses:</p> <ol style="list-style-type: none">1. Urban design principles and controls to guide the interface with adjoining land uses including: Street frontage presentation, indicative lot sizes/layout, setbacks, APZ treatments, and landscape treatments along Woy Woy Road.	<p><i>An indicative concept subdivision plan, prepared by consultants Urbis, demonstrates that a number of the issues raised by the panel have been considered and reflected in the layout. This concept plan is included at <u>Attachment 1</u> to this letter. It is nonetheless understood that a number of details relating to urban design (including Street frontage presentation, indicative lot sizes/layout, setbacks, and APZ treatments) will require further consideration as the Planning Proposal progresses, and that analysis should be reflected in site-specific development controls.</i></p>

2. Access and connectivity principles for pedestrians and vehicles.	<i>The indicative concept subdivision plan demonstrates consideration of site access principles for vehicles and pedestrians. (This issue is discussed further under the heading Servicing and Access.)</i>
3. Landscape principles to create a visual transition between the vegetated gully and proposed development.	<i>Landscaping was considered in the preparation of the concept subdivision plan, however it is acknowledged that this will require further consideration, in conjunction with resolution of asset protection zones, as the planning proposal progresses.</i>
4. Principles for the treatment of aboriginal cultural significance	<i>An Aboriginal Cultural Heritage Assessment Report has been prepared which includes management actions that will be incorporated into any site specific DCP prepared for the site. (This issue is discussed further under the heading Environmental.)</i>
A site-specific Development Control Plan needs to be prepared and accompany the Planning Proposal	<i>Acknowledge that a site specific DCP would provide greater certainty to Council and the community as to how the land may be developed. Preparation of a DCP could be made a condition of a Gateway determination.</i>

Environmental

Information requested by panel	Proponent response
Biodiversity Development Assessment Report (BDAR) for the proposed development footprint.	<p><i>A Biodiversity Certification Assessment Report (BCAR) for the site has been prepared by consultants Umwelt and is included at <u>Attachment 2</u>. (It is noted that a BCAR uses the same assessment methodology to a BDAR.)</i></p> <p><i>In relation to the panel's specific concerns, that report:</i></p> <ul style="list-style-type: none"> ✓ <i>Illustrates the extent and location of plant community types, threatened species observations and likely threatened species habitat</i> ✓ <i>Found that no species or ecological communities listed as entities for Serious and Irreversible Impacts (SII) are likely to occur within the development footprint and no further assessment of SII is required</i> ✓ <i>Details the biodiversity credits required to offset the impacts of the project</i>



Comprehensive Bushfire Assessment Report (containing details of APZs and location of perimeter road, access trails etc.)	<i>A preliminary bushfire report has already been prepared by Umwelt who have concluded that the site can be developed in compliance with Planning for Bushfire Protection. The report contains a map of Bushfire Attack Levels that would apply to the proposed development footprint, which would form the basis for the establishment of Asset Protection Zones (APZs). This report is included at Attachment 3. An updated bushfire report and confirmation of site access requirements will be prepared once there is more certainty regarding zone footprint and lot layout.</i>
Aboriginal Cultural Heritage report and management plan	<i>An up-to-date Aboriginal Cultural Heritage Assessment Report has recently been completed by consultants Heritage Now and is included as Attachment 4. It confirms there are no Aboriginal sites within the impact area of the proposal and contains clear management actions relating to protection of sites proximate to the impact area. It also highlights the need for further inspection of archaeologically sensitive sandstone sheets following any vegetation removal on the site.</i>

It is noted that consultation with relevant Government Agencies would occur following a Gateway approval, providing the opportunity for those agencies to comment on the adequacy of these reports.

Servicing and Access

The Panel expressed a need to consider a range of access options and a desire that more than one point of site access to be provided. Access from the north east was particularly to be investigated.

Response:

The concept subdivision design was informed by initial traffic advice from Urbis. Further advice has recently been obtained from traffic consultants SECA Solution and is included at [Attachment 5](#). As indicated in this advice, vehicular access from Woy Woy Road is feasible and provides the most practical point of vehicular access to the site..

Consideration has been given to alternative vehicular access to the site, including to the north east. Bearing in mind the minimum width for a residential road corridor is 15 metres, it would not be possible to create a road connection from the site to Brittany Crescent without negotiating with / acquiring land from three other landowners.

It should be noted that the Tank Fire Trail encroaches on several Aboriginal sites which the development is seeking to avoid, hence construction of a road in its vicinity is not appropriate. The fire trail also traverses National Park, further complicating the prospect of its being upgraded to a public road. Consequently, while a connection from the proposed development to the existing tank fire trail may be provided it would likely function as an emergency access route and informal pedestrian route only.



Realistically, the only circumstance in which a road connection to Brittany Crescent may be practical is if the three large lots adjoining the site to the north were to be rezoned and subdivided. As stated in the response below under the heading Lands Adjoining the Site to the North, we believe that a Planning Proposal for the Darkinjung land should not be made contingent on the rezoning of land owned by multiple additional landowners. This is especially the case given the site can be adequately serviced independently of the adjoining land to the north. Nevertheless, the Darkinjung site could be subdivided in such a way as to preserve the opportunity for a future road connection to the land to the north (for example by the provision of a stub road terminating at the lot boundary). The requirement to do so could be included as a control in a site-specific DCP.

Lands adjoining the Site to the North

The panel has agreed with comments made previously by Central Coast Council that the land immediately north of the site (currently a Deferred Matter within Gosford LEP 2012, but functioning as a form of large lot residential) should be considered concurrently with the Planning Proposal for the Darkinjung Lands.

Action/response:

It is acknowledged that rezoning of the land immediately north of the site may have a bearing on how development of the Darkinjung land addresses the interface between sites. However, the current Planning Proposal request expressly applies to land identified in the Interim Darkinjung Development Delivery Plan and consequently should not be hindered by having to incorporate multiple additional land holdings. Ultimately, resolution of the zoning of land to the north is a matter for Council and the Department of Planning and Environment to consider and should not delay the progress of a Planning Proposal for the DLALC land. Nevertheless, as stated above, should a DCP be required to be prepared, it may be appropriate for this plan to indicate potential future connections to the deferred matter land to the north.

Council Comments

Other matters raised by Council which the Panel concurred required further information, and our response to each are included in the table below.

Topic of request for further information	Response
Built transition to the south and eastern faces i.e. large lots	<i>While some consideration has been given to potential lot sizes and lot layout, this type of detail will be further considered as the proposal progresses.</i>
Provide for a range of lot sizes that respond to the site's constraints and adjoining context	<i>As above.</i>
Revised Servicing Strategy	<i>Preliminary advice from engineering consultants Northrop states that while some augmentation of the network may be necessary, infrastructure connections are available. An updated water/sewer servicing strategy will be prepared once there is more certainty regarding zone footprint and lot layout.</i>

Traffic Impact Assessment	<i>Initial traffic advice from Urbis has recently been supplemented by further advice from traffic consultants SECA Solution (included at Attachment 5). This information would form the basis for a traffic impact assessment, which would logically be prepared in support of a development application for the site.</i>
Aboriginal Cultural Heritage Assessment	<i>See response above and ACHA report at Attachment 4.</i>
Bushfire Risk	<i>See response above and Preliminary Bushfire report at Attachment 3.</i>
SEPP 55 Contamination Assessment	<i>Consultants RCA Australia have been engaged to prepare a Phase 1 Contamination Assessment. Preliminary advice (based on site inspection) is that there is minimal evidence of contamination apart from a small amount of dumped material in one location. Some soil stockpiles, relating to an encroaching use from a residential property adjoining the northern site boundary, were also observed. Samples have been collected for analysis with a report to be provided in the coming weeks.</i>
Discussion with Council regarding use of land for access	<i>As noted above in response to Servicing and Access issues, it is not presently proposed to utilize Council land for any formal site access.</i>

It is noted that Council will have further opportunity to provide expert comment on the proposal post-Gateway determination.

If you have any queries regarding this information, please do not hesitate to contact me using my details below.

Yours sincerely



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