



URBIS

REEVES STREET, SOMERSBY REZONING REQUEST

PREPARED FOR
**DARKINJUNG LOCAL
ABORIGINAL LAND
COUNCIL**
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EXECUTIVE SUMMARY

PROJECT OVERVIEW

The gazettal of *State Environmental Planning Policy (Aboriginal Lands) 2019* (AL SEPP) and concurrent adoption of the Interim Darkinjung Development Delivery Plan (IDDDP) represents a significant milestone event aimed at enhancing the NSW Planning System's ability to facilitate social and economic outcomes for the Aboriginal Community. This rezoning request represents one of the first major outputs that will initiate a process to realise the economic potential of land in accordance with the IDDDP. Importantly, this rezoning request will concurrently foster better environmental outcomes to the benefit of the wider community by better aligning land use zones to environmental qualities.

This rezoning request has been prepared by Urbis on behalf of Darkinjung Local Aboriginal Land Council (Darkinjung) (the applicant) in relation to land at Reeves Street, Somersby (legally described as Lot 481 in DP 1184693) (the site) (see **Figure 3**). The site has an area of 178.5 hectares (ha) and is located approximately 4.5km north west of Gosford Town Centre.

The site is subject to the recently gazetted AL SEPP. The site is also identified in the IDDDP. This policy framework is intended to streamline the rezoning process of land owned by Local Aboriginal Land Council's (LALC) and hence enhance their economic and social welfare. The process is collaborative and iterative to enable progressive resolution of environmental matters.

In accordance with Planning Circular PS 19-003 this rezoning request is submitted to the Hunter and Central Coast Regional Planning Panel (HCCRPP) for independent review and determination prior to it being submitted to the NSW Department of Planning Industry and Environment (DoPIE) for Gateway Determination.

Given tangible environmental, social, and economic benefits identified within this rezoning request and the demonstrated strategic and site specific merits of the planning proposal, it is our opinion that the HCCRPP should support the proposed LEP amendments and recommend that a Planning Proposal for the site be prepared and forwarded to the DoPIE for Gateway Determination in accordance with the EP&A Act.

THE PROPOSAL

The following amendments (summarised in **Figure 2** and **Figure 6**) are proposed to the *Gosford Local Environmental Plan 2014* (GLEP 2014):

- Rezoning of a portion of the site fronting Reeves Road from RU2 - Rural Landscape to E3 - Environmental Management and amending the Minimum Lot Size control to facilitate the development of a small number of approximately 8-14 rural residential lots. The proposed E3 zone equates to 28.5 ha or approximately 15% of the site (of which approximately 14ha will comprise a buffer zone which is not proposed to be built on)
- Rezone the residual land within the existing RU2 zone to E2 – Environmental Conservation. Darkinjung also intends to explore potential use of a discrete site within this zone for a dwelling house and a building or place in which to undertake cultural activities. This location is expected to be towards the western side of the site near a suitable vehicular access point
- The proposed amendments will result in the conservation of approximately 150 ha or approximately 85% of land within the E2 zone on the site.

STRATEGIC AND SITE SPECIFIC MERITS OF THE PROPOSAL

Significantly the rezoning request report outlines the reasons why the proposal can demonstrate strategic and site-specific merit in accordance with the requirements set out in the relevant Planning Circular.

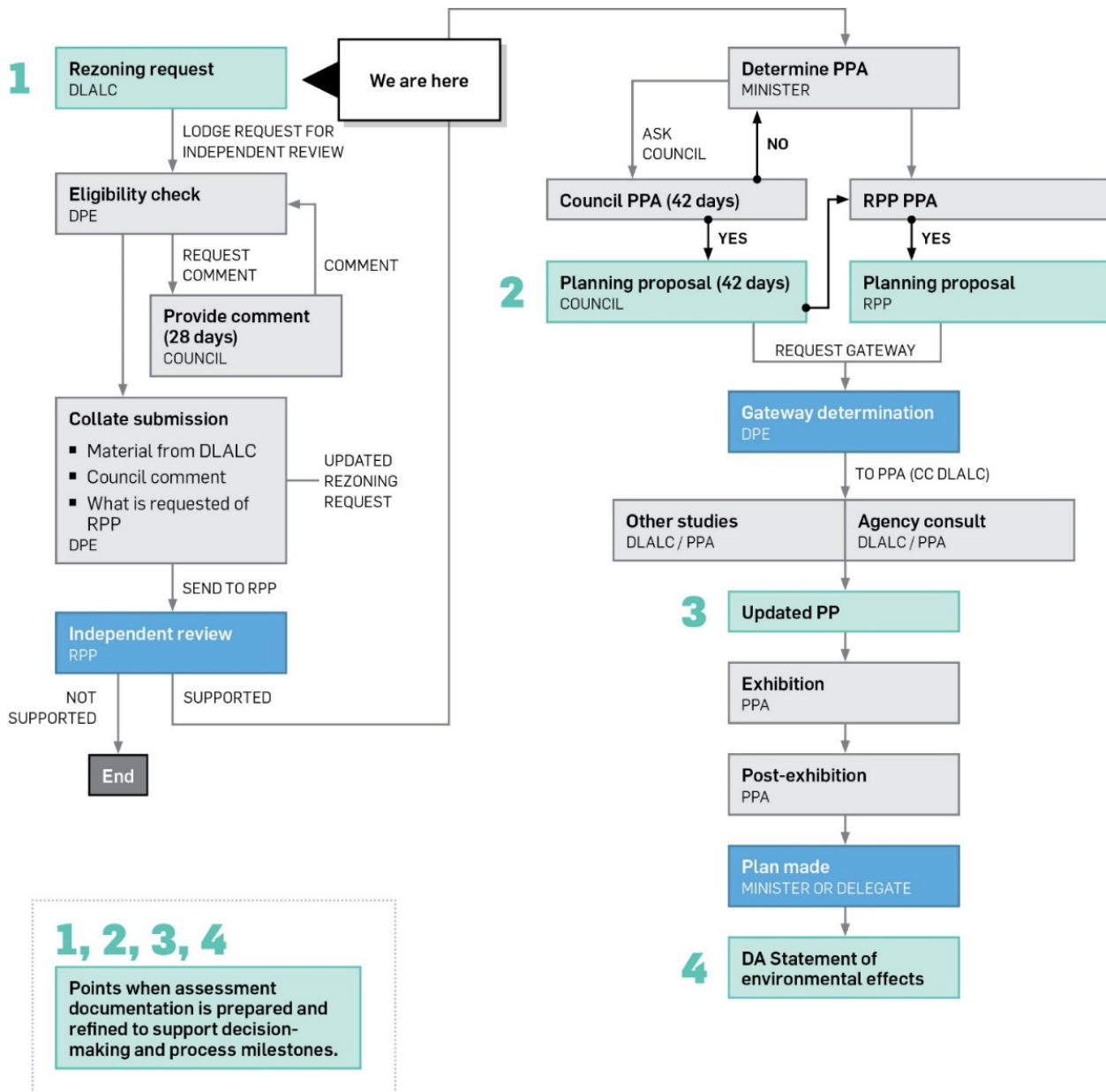
The rezoning request is considered to have strategic and site specific merit for these reasons:

- The request gives affect to Goals and Actions of the *Aboriginal Land Rights Act 1983* (ALR Act.) and Direction 6 of the Central Coast Regional Plan 2036 (CCRP) to '*Strengthen the economic self-determination of Aboriginal communities*'.
- The request is one of the first major proposals under the IDDDP which will enable the LALC to realise the economic potential of the land. The economic benefit derived from the rezoning will be used to fund other projects in Darkinjung's development pipeline.
- This rezoning request will improve the value of the economic resources of Darkinjung land claimed under the ALR act and will provide a basis for a self-reliant and more secure economic future as envisaged by the ALR Act.
- The rezoning request addresses the relevant matters identified in the IDDDP and identifies that the environmental impacts of the proposed LEP amendments can be suitably mitigated through recommendations of the preliminary technical investigations (provided in the Appendices) and summarise within this Executive Summary.
- The site is not considered suitable for agricultural activity and as such the proposed rezoning ensures that uses associated with the existing RU2 zone cannot be achieved on the land. The rezoning request has determined that there would be no loss of productive agricultural land within the region as a result of the rezoning. The proposed rezoning will therefore protect ecologically significant land from potentially irreversible environmental impacts associated with intensive agriculture.
- The site has the potential to provide a dedicated building or place for Darkinjung to undertake cultural activities to the benefit of Darkinjung members and broader Aboriginal and local community for functions, operations and cultural activities.
- Existing biodiversity values present on the site will be conserved and secured through the rezoning of 150 ha (or 85%) of the site currently zoned RU2 to E2. Any loss of threatened species habitat and endangered ecological communities resulting from the development footprint can be offset through the conservation of the remaining 150ha of the site or other Darkinjung land within the region through a Stewardship Agreement.
- The rezoning of land currently zoned RU2 to E2 will ensure that the important biodiversity habitat connectivity function envisaged by the biodiversity corridor linking Strickland Forest to the Brisbane Water National Park will be secured through the proposed rezoning. Biodiversity investigations have confirmed that proposed E3 zone will have minimal impacts on the biodiversity corridor identified in the CCRP 2036 within the eastern portion of the site.
- A preliminary bushfire assessment has determined that the future development footprint is capable of satisfying bushfire protection performance criteria listed in Planning for Bushfire Protection 2006 (amended 2018).
- Engineering investigations have determined that the site has enough capacity to accommodate the proposed future uses on site from a stormwater and flooding perspective.
- Service investigations have determined that there is adequate public infrastructure capacity to support the proposed rezoning of the site.

REZONING PROCESS

The rezoning process and planning pathway is outlined in **Figure 1**.

Figure 1 – Rezoning Process



Source: Urbis

PRELIMINARY ENVIRONMENTAL ASSESSMENT AND IMPACT MANAGEMENT STRATEGIES

Preliminary environmental assessments have been undertaken to guide the process of rezoning the site and include impact management strategies. These strategies will be refined through the rezoning process. The investigations have focussed on the area identified in **Figure 6** along Reeves Street which is proposed to be rezoned to E3.

The results of the preliminary environmental assessments have been compiled in a summary opportunities and constraints map (refer **Figure 7**).

Figure 2 – Land to be rezoned E3 and land to be retained for environmental conservation



Source: Urbis

Detailed environmental assessments will be undertaken to accompany subsequent stages of the rezoning process as identified in **Figure 1**. The purpose of this preliminary environmental assessment is to demonstrate that there are strategic and site-specific merits to support this rezoning request. These preliminary investigations include strategies that can be implemented to manage any potential environmental effects of the proposed rezoning. **Table 1** below summarises these impact management strategies.

Table 1 – Impact Management Strategies Summary

Key Issue for Consideration	Impact Management Strategies
Biodiversity Constraints Assessment	<ul style="list-style-type: none"> • Ensure siting of future rural residential dwellings takes account of and effectively manages impacts to endangered ecological communities, and to the habitat of threatened species. • Prepare and implement a Biodiversity Offset Strategy that appropriately compensates for any loss of biodiversity values as a result of the proposed rezoning in accordance with the <i>Biodiversity Conservation Act 2016</i>. This will be undertaken using one or more of the following options: <ul style="list-style-type: none"> ○ Establishment and retirement of credits within a Stewardship site. ○ Securing required credits through the open credit market and/or payments to the Biodiversity Conservation Fund. • Provide a buffer area within the E3 zone to provide flexibility for the future siting of dwellings to reduce impacts on areas of ecological or archaeological sensitivity. Potential to formally recognise this buffer zone in a future site specific DCP for the E3 land.
Aboriginal and Cultural Heritage Assessment	<ul style="list-style-type: none"> • Implement all impact management strategies identified in the further ACHAR investigations currently being finalised.
Flooding and Riparian Corridor	<ul style="list-style-type: none"> • Provide on-site stormwater management in accordance with best practice and Council Guidelines for rural residential development. • All roof water runoff is to be harvested for on-site reuse. • Provide a vegetated buffer over 250m wide to enable sheeted runoff to infiltrate sub-surface before reaching Fountain Creek. • Undertake detailed modelling of the proposed treatment train required to illustrate compliance with the required pollutant load reduction targets to accompany a DA. • Formally establish riparian corridors along each identified tributary in accordance with Department of Industry Guidelines.
Bushfire Assessment	<ul style="list-style-type: none"> • Identify and implement APZs to manage bushfire risk as part of detailed siting of future rural residential dwellings. • Ensure access and water supply facilities within the subject development site are constructed for firefighting purposes, design and maintenance of this access to water supply. • Document and delineate final APZs when location of dwellings is agreed at DA stage
Servicing and Infrastructure Provision	<ul style="list-style-type: none"> • Provide individual septic systems in accordance with best practice Guidelines and individual rainwater tanks to maximise on-site harvesting potential. • Undertake an on-site sewer disposal assessment to confirm disposal rates as part of the planning proposal stage. • Undertake detailed consultation with electricity and communications providers to extend existing services to the future rural residential dwellings.

1. INTRODUCTION

1.1. OVERVIEW

This rezoning request has been prepared by Urbis on behalf of Darkinjung Local Aboriginal Land Council (Darkinjung) (the applicant), to initiate an amendment to *Gosford Local Environmental Plan 2014* (GLEP 2014) in relation to land at Reeves Street, Somersby (legally described as Lot 481 in DP 1184693) (the site). The site is identified as being land subject to *State Environment Planning Policy (Aboriginal Land) 2019* (AL SEPP).

The AL SEPP requires that a development delivery plan be prepared for land to which the SEPP applies. In accordance with the AL SEPP, it is intended that a development delivery plan be prepared for Darkinjung Land in late 2019, however, to fast track the first stage of the Darkinjung delivery pipeline, the NSW Department of Planning, Industry and Environment (DoPIE) (formerly the Department of Planning and Environment) prepared the Interim Darkinjung Development Delivery Plan (IDDDP) in February 2019. This enables Darkinjung to request an independent review of the proposal to rezone land at the site.

This policy framework is intended to streamline the rezoning process of land owned by Darkinjung and is collaborative and iterative to enable progressive resolution of environmental management matters. Darkinjung and the project team have consulted with the DoPIE throughout the preparation of this rezoning request. This rezoning request represents one of the first major outputs that initiates a process to realise the economic potential of land in accordance with the IDDDP. This consultation will continue between Darkinjung and the DoPIE to facilitate social and economic outcomes for the Aboriginal Community.

The purpose of this rezoning request is to present the findings of the preliminary environmental assessment undertaken to demonstrate that there are site-specific and strategic merits to support this rezoning of the site. It also includes impact management strategies to be implemented to manage any potential environmental effects of the proposed rezoning.

The proposal is to amend GLEP 2014 as follows:

- Rezone approximately 28.5 hectares (ha) of land along the site's frontage to Reeves Street, Somersby from RU2 - Rural Landscape to E3 - Environmental Management;
- Amend the LEP Minimum Lot Size to facilitate future rural style residential lots within the E3 zone; and
- Rezone the remainder of the land within the existing RU2 zone to E2. Darkinjung intends to explore potential use of a discrete site within this zone for a dwelling house and a building or place in which to undertake cultural activities. This location is expected to be on the western side of the site near a suitable vehicular access point.

Part of the site to the east is already zoned E2 and this zoning is to be retained under the proposal.

In accordance with Planning Circular PS 19-003 the proposal is submitted to the Hunter and Central Coast Regional Planning Panel (HCCRPP) for independent review and determination prior to it being submitted to the DoPIE for Gateway Determination. This report sets out the strategic and site-specific merit for the proposed amendment to the LEP in accordance with Section 3.33 of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

1.2. DARKINJUNG LOCAL ABORIGINAL LAND COUNCIL

Darkinjung was established in 1984 under the *Aboriginal Land Rights Act 1983* (ALR Act). The ALR Act was created by the NSW Parliament to establish a network of Local Aboriginal Land Councils (LALCs) within NSW and to give them powers to acquire and manage land for their economic and social welfare.

Darkinjung's vision is:

"To strengthen and empower our community for all generations"

Darkinjung is the LALC within the Central Coast Region. The Metropolitan Local Aboriginal Land Council covers the land to the west of the Central Coast. Darkinjung is one of the largest and fastest growing LALCs in the State, with a direct membership of over 710 persons representing approximately 12,000 Aboriginal

persons within the region. Darkinjung own approximately 3,700 hectares of land within the Central Coast Council (CCC) local government area (LGA) making it a unique and significant landowner within the region.

Darkinjung have prepared a 2016-2019 Community Land and Business Plan (CLBP). The CLBP outlines the aim of pursuing innovative economic opportunities in connection with Darkinjung land in order to:

- *Strengthen Aboriginal Culture and Heritage*
- *Manage, preserve and protect our land and environment*
- *Generate social returns on investments for our community*
- *Promote the Central Coast Aboriginal community*

The Somersby site is the first site proposed to be rezoned under this new process, and the lodgement of this rezoning request is important in promoting and achieving the aims of the ALR Act. The proposal is demonstrative of Darkinjung's commitment to pursuing economic and social advancement and opportunity to the benefit of their members, and broader Aboriginal community for their functions. It is anticipated that this proposed rezoning will provide the momentum and impetus for future rezoning of other Darkinjung held land within the Central Coast region.

1.3. INTERIM DARKINJUNG DEVELOPMENT DELIVERY PLAN

In early February 2019 the Minister for Planning announced a package of new planning measures specifically relating to the Darkinjung landholdings, includes the site subject to the rezoning request. The recently established planning framework includes the AL SEPP, IDDDP, and Planning Circular 19-003.

The IDDDP includes a work program for the period between March – September 2019 which includes the following actions relevant to the site:

“Action 3: Preparation of a planning proposal for the Somersby rural residential proposal

Responsibility: Darkinjung

This includes lodgement of a rezoning proposal including information to satisfy:

- *Need and justification for the proposal*
- *Relationship to strategic planning framework*
- *Consideration of assessment criteria*
- *Environmental, social and economic impacts considered consistent with this Interim Delivery Plan*
- *Mapping provided*

Action 4: Assessment of a planning proposal for Somersby rural residential proposal

Responsibility: Department of Planning and Environment

Assessment of the planning proposal and (if endorsed) recommendation for proceeding to the Gateway for determination.”

A new Section 9.1 Ministerial Direction was also introduced (5.11 Development of Aboriginal Land Council Land). This direction requires that when preparing a planning proposal for land to which the AL SEPP applies, any applicable development delivery plan (and Interim development delivery plan) made under the AL SEPP must be considered. Section 6.1 of this report addresses the IDDDP which is the applicable interim development delivery plan applying to the site.

1.4. PLANNING PROPOSAL BACKGROUND

A previous planning proposal request for the site was prepared on behalf of Darkinjung and lodged with CCC in February 2018. In May 2018, CCC advised that additional information was required to support the request for rezoning of the land. This included additional ecological and Aboriginal cultural heritage assessment to confirm the suitability of the site for rural-residential development. CCC also required further assessment to determine the suitability of soils for on-site effluent disposal to adequately satisfy bushfire planning requirements.

Since the release of the new Darkinjung specific planning measures, a new project team have been engaged by Darkinjung to progress the planning proposal for the site. Since May 2019, the consultant team have been working to prepare preliminary ecological, cultural heritage and bushfire assessments in support of this proposal. The findings of these assessments are detailed in Section 5.1 of this report.

1.5. CONSULTATION WITH COUNCIL AND THE DEPARTMENT OF PLANNING AND ENVIRONMENT

Darkinjung and the project team have been engaged in an ongoing process of consultation with representatives from CCC and the DoPIE. Matters discussed have included:

- Confirmation on the chosen planning process;
- The level of technical inputs required to accompany the rezoning request and identification of documents that may be required to accompany subsequent stages of the rezoning process; and
- The structure and key matters to be addressed in this rezoning request document.

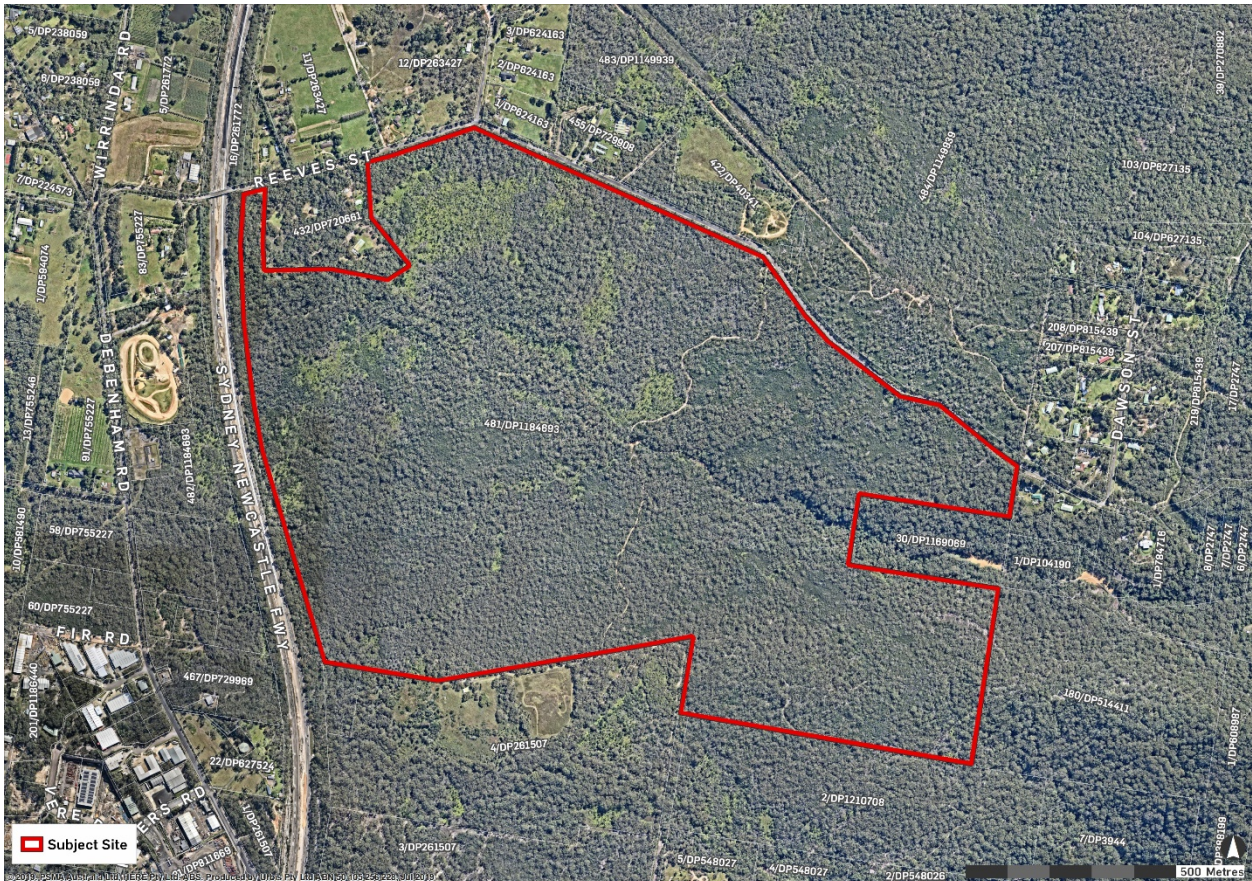
2. SITE AND SURROUNDING CONTEXT

2.1. SITE LOCATION

The site is located on Reeves Street, Somersby and is legally described as Lot 481 in DP 1184693. The site is irregular in shape and has an area of approximately 178.5 ha. The site is bound by Reeves Street to the north, the M1 Pacific Motorway to the west, and bushland to the south and east.

The aerial photograph of the site shown in **Figure 3** below illustrates that the site is comprised of unmanaged vegetation with the watercourse Fountain Creek traversing east – west through the site. Fountain Creek is a tributary of Narara Creek.

Figure 3 – Site



Source: Nearmap

2.2. SURROUNDING CONTEXT

The surrounding locality is illustrated in **Figure 4** below. The site is located approximately 2km north west of the Somersby industrial centre. The M1 Pacific Motorway runs parallel to the western boundary of the site and links to other arterial roads within the region. Gosford Town Centre is located approximately 4km south west of the site which includes regional amenities and services.

The site is surrounded by:

- **To the north** Reeves Street, and beyond are rural residential style lots. To the north – east is The Royal Society for the Prevention of Cruelty to Animals (RSPCA) Central Coast Shelter;
- **To the east** privately owned bushland, and further east approximately 2.5km is West Gosford;
- **To the south** bushland and rural residential style lots. Further south west is the Somersby industrial centre; and

- **To the west** at its north western boundary, is Camp Chapman which is operated by Girl Guides Australia (NSW & Act). Further west, beyond the M1 Pacific Motorway, is the Central Coast Junior Motorway.

Figure 4 – Site Context



Source: Urbis

3. STATUTORY PLANNING FRAMEWORK

3.1. ABORIGINAL LAND SEPP 2019

The AL SEPP applies to the site. The AL SEPP requires that a development delivery plan be prepared for land to which the SEPP applies. In accordance with the SEPP, it is intended that a development delivery plan be prepared for Darkinjung Land in late 2019, however, to fast track the first stage of the Darkinjung delivery pipeline, the DoPIE have prepared an interim development delivery plan. This was issued by the DoPIE in February 2019.

The IDDDP is not a development delivery plan for the purposes of the AL SEPP. It is a strategic document that identifies the first stage of the Darkinjung Development pipeline which includes the site. The IDDDP provides a work program to facilitate the development of the site including identifying a requirement to lodge a planning proposal.

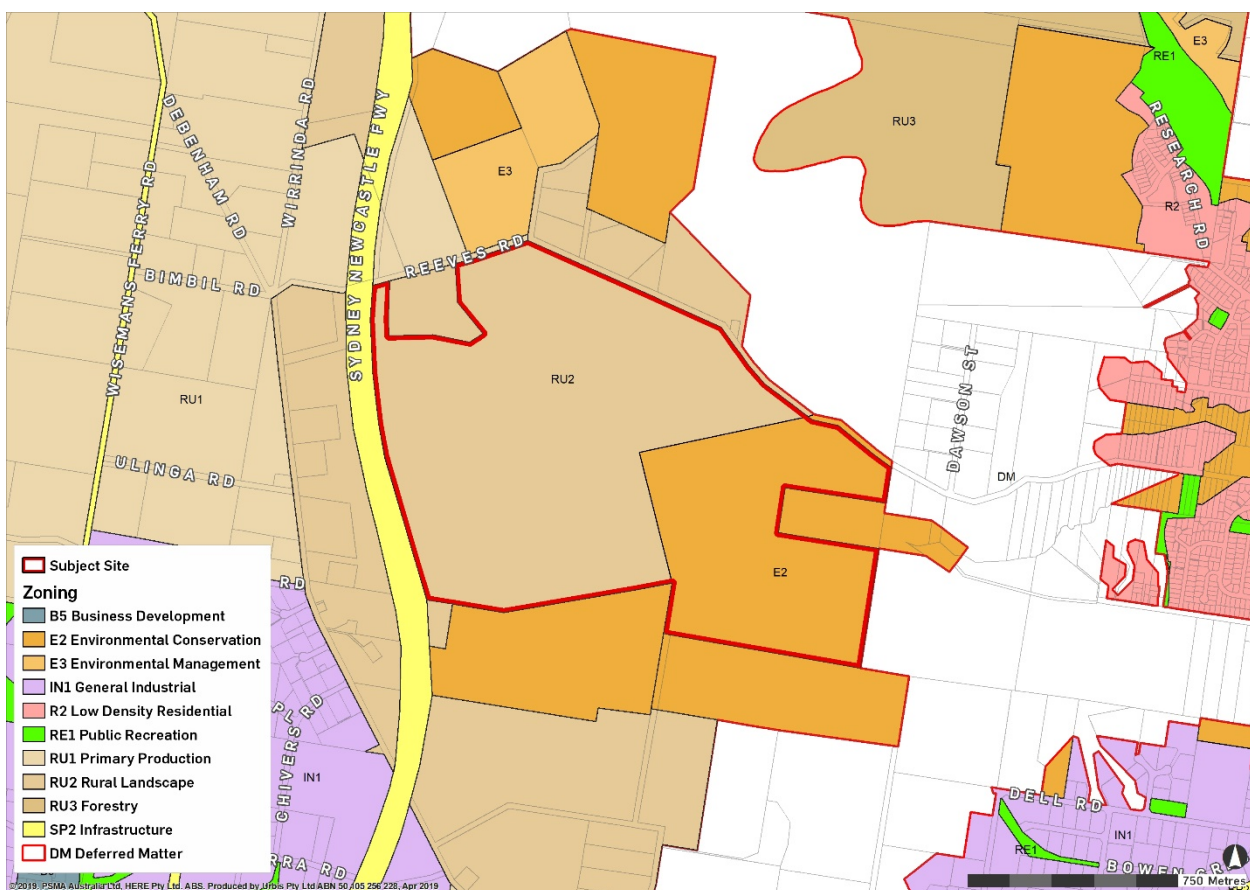
3.2. GOSFORD LOCAL ENVIRONMENTAL PLAN 2014

The Gosford Local Environmental Plan 2014 (GLEP 2014) is the principal Environmental Planning Instrument governing and guiding development within the former Gosford LGA.

3.2.1. Zoning

The majority of the site is zoned RU2 (Rural Landscape) and the remainder is E2 (Environmental Conservation) pursuant to the GLEP 2014 (refer **Figure 5** below).

Figure 5 – Zoning



3.2.2. Development Standards

Table 2 below identifies the key planning controls contained with GLEP 2014 applicable to the site.

Table 2 – Existing planning controls applying to the site

Planning Control	Development Standard
Floor Space Ratio	No relevant controls.
Maximum Height of Building	Area zoned RU2: no relevant control. Area zoned E2: 8.5 metres (m)
Minimum Lot Size	Area zoned RU2: 20 ha. Area zoned E2: 40 ha.
Acid Sulfate Soils	Class 5 acid sulfate soils.
Flood Planning	Not mapped as being flood prone on Council's mapping.
Heritage Conservation	The site does not contain any items of heritage significance listed in the GLEP 2014 nor is it located within a heritage conservation area. The site does, however, share a boundary to the east with a locally listed heritage item (Id. No. 118 (Old railway dams and environs)). The environmental context of the site suggests that Aboriginal archaeological site types such as engravings and grinding grooves may occur, with some potential for rock shelters in areas of steeper inclination. Refer to further discussion at Section 5.1.2 .
Bushfire Prone Land	The site is mapped as containing both category 1 (high risk) and category 2 (low risk) bushfire prone land.

3.3. DRAFT CENTRAL COAST LOCAL ENVIRONMENTAL PLAN 2018

Planning Proposal SI_2017_CCOAS_001_00 was lodged with the DPE in September 2017 to consolidate Wyong LEP 2013, Gosford LEP 2014, Gosford Planning Scheme Ordinance and Gosford Interim Development Order No 122 into the draft Central Coast Local Environmental Plan 2018 (Draft CCLEP).

The Draft CCLEP received gateway by the DPE subject to conditions in October 2017. It was exhibited by CCC in early 2019 and is due to be finalised in the second half of 2019.

The Draft CCLEP (as exhibited) does not affect the existing zoning of the site. However, it does amend the objectives of and permitted uses within the E2 and E3 zones.

Of relevance to the site is that within the E2 zone under the Draft CCLEP bed and breakfast accommodation, home occupation and dwelling houses will be prohibited. The explanatory notes accompanying the Draft CCLEP identify that the CCLEP intends to preserve the existing dwelling rights of property owners who currently own E2 zoned land within the former Gosford LGA.

This clause only applies to presently zoned E2 land. However, Darkinjung do not intend to construct a dwelling on the eastern portion of the site that has the existing E2 zoning. Instead, Darkinjung wish to explore the opportunity to provide a building or place in which to undertake cultural activities, and a dwelling, to be located within the land that is currently zoned RU2. The mechanism required to enact this vision will be further considered at the planning proposal stage. If necessary, an additional local provision concerning Darkinjung owned land or a Schedule 1 additional permitted use may be included in the future planning proposal to ensure that these uses are permissible on this part of the site.

3.4. STRATEGIC PLANNING FRAMEWORK

The following regional, subregional, and local strategies are applicable to the site:

- *Central Coast Regional Plan 2036*
- *One Central Coast - Central Coast Community Strategic Plan 2018-2028*

Consistency with the above applicable regional and subregional strategies is detailed in **Section 6.1** of this rezoning request and will be further addressed in the future planning proposal.

4. PROPOSAL OBJECTIVES

The intent of the proposed rezoning is to better provide for the orderly and economic use of the site for the benefit of the Darkinjung. This will improve their ability to provide cultural, educational, and social services to meet the needs of Aboriginal persons including Darkinjung members. These cultural, educational, and social services include:

- Residential accommodation;
- Education and training;
- Cultural activities;
- Aged care services; and
- Funeral funds.

4.1. DEVELOPMENT OBJECTIVES

The development objectives of this proposal are to:

- Rezone a portion of the site (approximately 28.5 hectares equating to 15%) from RU2 to E3 to enable the future development of 8-14 rural residential style lots fronting the boundary with Reeves Street;
- Rezone the remainder of the RU2 zone to E2 - Environmental Conservation to ensure that currently permissible land use activities such as intensive agriculture are prohibited. Combined with the portion of the site that is already zoned E2, this will mean that approximately 150 hectares or 85% will be zoned for environmental conservation. This will ensure that currently permissible land use activities such as intensive agriculture associated with the existing RU2 rural landscape zone are prohibited, and that the ecological and archaeological values present on the site are protected;
- Locate the E3 zone and area of future rural residential development so as to minimise impacts to threatened species habitat, endangered ecological communities and the biodiversity corridor identified in the CCRP 2036;
- Provide for the establishment of a building or place and a dwelling house in which to undertake cultural activities in a discrete location within the land presently zoned RU2 which is to be zoned E2. The location of these uses is yet to be determined, however they are expected to be located near the to the future rural residential development. The space would be used for community activities and meetings, community art and cultural display facilities, and to hold training for traditional environmental management practices such as cultural burning;
- Ensure that the site appropriately supports the objectives of relevant planning policies and plans namely the Central Coast Community Strategic Plan 2018-2028, the CCRP 2036, and the IDDDP.

The exact boundaries for the future land use zones are yet to be identified. A broad indication of the proposed land use zones is illustrated in **Figure 6** below.

Figure 6 - Indicative land use zones



4.2. REQUIRED AMENDMENTS TO THE LEP

To achieve the development objectives the Planning Proposal will seek the following amendments to GLEP 2014 as shown in **Table 3** below.

Table 3 – Existing controls and proposed amendments

Control	Existing	Intended Amendments
Land Use Zone	RU2 (Rural Landscape)	Rezone certain land along Reeves Street to E3 (approximately 28.5 ha) Rezone remainder of RU2 land to E2.
	E2 (Environmental Conservation)	Retain E2 zoning
Schedule 1 Additional Permitted Uses or an additional Local Provision	No controls for the site.	If necessary, an additional local provision concerning Darkinjung owned land or a Schedule 1 additional permitted use may be included in the future planning proposal to ensure that a dwelling house and a building or place for cultural activities are permissible within the future E2 zone. This will be further considered at the planning proposal stage.

Control	Existing	Intended Amendments
Minimum Lot Size	Portion of site zoned RU2 (Rural Landscape) – 20ha	E3 - amend the minimum lot size control to accommodate 8-14 rural residential style development lots.
	Proportion of the site zoned E2 (Environmental Conservation) – 40ha	No change proposed to minimum lot size.

4.3. SITE SPECIFIC DEVELOPMENT CONTROL PLAN

It is intended that a preliminary concept masterplan will be prepared to support the planning proposal stage. This could be used to inform the preparation of a site specific DCP for the future E3 land.

This site specific DCP would inform the siting of the rural residential dwellings and capture the other impact management strategies identified throughout the planning process. It could also formally characterise the purpose and function of the buffer zone.

We envisage that a site specific DCP, if required, could be included within the existing Part 5 (Location Specific Controls) of the Gosford Development Control Plan 2014 or within the forthcoming consolidated Central Coast Development Control Plan (CCDCP). If required, the site specific DCP would be prepared at the planning proposal stage.

5. KEY ISSUES FOR CONSIDERATION

5.1. PRELIMINARY ENVIRONMENTAL ASSESSMENT

Preliminary environmental investigations have been undertaken to support this rezoning request and are summarised below. These investigations have focussed on the area identified in **Figure 6** along Reeves Street which is to be rezoned to E3.

The future E3 zone is approximately 28.5ha. Of this, a 14ha area of land has been identified as a buffer zone not anticipated to be developed. The incorporation of a significant buffer zone is intended to provide a dual purpose. It allows for flexibility for the future siting of dwellings within the E3 zone to reduce impacts on areas of ecological or archaeological sensitivity. The buffer zone will also serve an environmental management function, providing for infiltration of stormwater runoff.

The findings of the preliminary environmental assessments have been compiled in a summary opportunities and constraints map, refer **Figure 7** below.

Figure 7 – Opportunities and Constraints Map



Source: Urbis

The following section provides a summary of the preliminary investigations undertaken to guide this rezoning request. Further detailed environmental assessment will be undertaken to accompany further stages of the rezoning process as identified in **Figure 1**. The purpose of this preliminary environmental assessment is to demonstrate that there are strategic and site-specific merits to support the rezoning of the site.

These preliminary environmental assessments include strategies to be implemented to manage any potential environmental effects of the proposed rezoning.

5.1.1. Biodiversity Constraints Assessment

Umwelt have prepared a draft Biodiversity Certification Assessment Report (BCAR) for the proposed E3 zone. The findings of this draft BCAR are summarised in a briefing note that accompanies this rezoning request (refer Appendix A).

The purpose of the draft BCAR is to determine if there is sufficient capacity within the wider site or other Darkinjung Landholdings to meet biodiversity credit requirements in accordance with the Biodiversity Offset Scheme. Umwelt has confirmed that whilst the location of the future dwellings has slightly changed from the original planning proposal and will be amended again as the layout is finalised, sufficient offset opportunities continue to be available across the wider site. A final BCAR will be submitted to accompany the planning proposal in accordance with the requirements of the *Biodiversity Conservation Act 2016*. This BCAR will identify the quantum of biodiversity credits required to offset any biodiversity impacts, and further suggest management strategies to avoid any other environmental effects of the proposed future residential use.

As described above, the future E3 – Environmental Management zone incorporates a significant buffer within which rural-residential development is not expected to occur. Therefore, while the ecological assessment has identified that there will be potential effects to endangered ecological communities, and to the habitat of threatened species, through careful siting of the dwellings at the DA stage the extent of these impacts can be effectively managed.

The assessment has identified two threatened species within the proposed E3 zone area; Spreading Guinea Flower *Hibbertia procumbens* and the Red Crowned Toadlet *Pseudophryne australis*. In addition, due to the availability of suitable habitat one other threatened species is considered likely to occur across the area. Four plant community types were present, with one considered representative of Coastal Upland Swamp, an Endangered Ecological Community (EEC) in the Sydney Bioregion.

A biodiversity corridor identified in the CCR 2036 connecting the central National Parks and State Forests (see **Figure 7**) passes through the eastern portion of the site. A minor portion of this biodiversity corridor (approximately 1.5 km) long is to be included in the future E3 zone. Notwithstanding this minor impact on the biodiversity corridor, the proposed rezoning of land currently zoned RU2 to E2 will result in the conservation of approximately 150 ha (or 85%) of land within the site for environmental conservation purposes. This will ensure that the important biodiversity habitat connectivity function envisaged by the corridor will be secured through the proposed rezoning.

It is also noted that the current location for the corridor in the Central CCRP 2036 is at a very high level, and as such there may be flexibility in identifying an appropriate alternative location for the biodiversity corridor when it traverses the site.

Darkinjung is committed to delivering a Biodiversity Offset Strategy that appropriately compensates for the unavoidable loss of biodiversity values as a result of the proposed rezoning, and as required under the *Biodiversity Conservation Act 2016*. This will be undertaken using one or more of the following options:

- The establishment and retirement of credits within a Stewardship site.
- Securing required credits through the open credit market and/or payments to the Biodiversity Conservation Fund.

The ecological assessment concludes that there are sufficient offset opportunities available across the wider site or on other Darkinjung Landholdings to meet the biodiversity credit requirements in accordance with the Biodiversity Offset Scheme. Whilst the proposed Biodiversity Certification will satisfy the requirements of the NSW Biodiversity Conservation Act 2016, a Commonwealth Environmental Protection Biodiversity Conservation Act 1999 (EPBC Act 1999) referral is likely to be necessary at the planning proposal stage.

5.1.1.1. Impact Management Strategies

We have reviewed the preliminary biodiversity constraints assessment prepared by Umwelt and recommend the following impact management strategies to be implemented:

- Ensure siting of future rural residential dwellings takes account of and effectively manages impacts to endangered ecological communities, and to the habitat of threatened species;
- Prepare and implement a Biodiversity Offset Strategy that appropriately compensates for any loss of biodiversity values as a result of the proposed rezoning in accordance with the *Biodiversity Conservation Act 2016*. This will be undertaken using one or more of the following options:
 - Establishment and retirement of credits within a Stewardship site.
 - Securing required credits through the open credit market and/or payments to the Biodiversity Conservation Fund.

- Provide a buffer area within the E3 zone to provide flexibility for the future siting of dwellings to reduce impacts on areas of ecological or archaeological sensitivity. Potential to formally recognise this buffer zone in a future site specific DCP for the E3 land.

5.1.2. Aboriginal and Cultural Heritage

Umwelt has undertaken an aboriginal cultural heritage due diligence investigation to accompany this rezoning request (refer Appendix A). This investigation included reviewing the Desktop Archaeological Assessment and Preliminary Aboriginal Cultural Heritage Advice prepared by Associates Archaeology and Heritage in 2015. The due diligence also included an updated AHIMS site search, review of available site cards, and consideration of the environmental context of the proposed E3 zone.

Sites have not previously been recorded within the proposed E3 zone. However, available contour data and geological information indicates that the environmental context is such that it could be expected that engravings and grinding grooves may occur in sandstone outcrops, with some potential for rock shelters in areas of steeper inclination. If significant sites are located, the initial approach would be to avoid impacts where possible, and if this is not feasible, manage impacts through the Aboriginal Heritage Impact Permit (AHIP) process.

An Aboriginal Cultural Heritage Assessment Report (ACHAR) is currently being prepared for the part of the area proposed to be rezoned as E3 Environmental Management. The ACHAR will accompany the planning proposal.

5.1.2.1. Impact Management Strategies

We have reviewed the aboriginal and cultural heritage due diligence investigation prepared by Umwelt and recommend the following impact management strategies to be implemented:

- Implement all impact management strategies identified in the ACHAR investigations currently being finalised.

5.1.3. Flooding and Riparian Corridor

Northrop have undertaken a preliminary stormwater and flooding assessment to accompany this rezoning request (refer Appendix A). The investigations are summarised as follows:

- Hydrological Investigations: found that flood inundations are not expected to extend beyond the riparian corridor. Based on this assessment, the proposed future use of the site for residential purposes would not be affected by flooding and no further investigation is necessary or recommended.
- Stormwater Management: is proposed to be on-site in accordance with typical mitigation measures for a rural residential development typology. It is anticipated that approximately 5% of the lots will contain impervious materials (predominately the roof) with rainwater to be harvested on-site. A vegetation buffer will filter any sheeted runoff. Modelling of the proposed treatment train to confirm compliance with pollution reduction targets will occur as part of any future DA.
- Riparian Corridor: will be established along each tributary identified in the investigations in accordance with Department of Industry Water guidelines for riparian corridor widths. It is anticipated that the proposed E3 zone will not impact on any riparian corridors.

Preliminary investigations undertaken by Northrop have determined that the that site has sufficient capacity to accommodate the proposed future uses on site from a stormwater and flooding perspective.

5.1.3.1. Impact Management Strategies

We have reviewed the preliminary stormwater and flooding assessment prepared by Northrop and recommend the following impact management strategies to be implemented:

- Provide on-site stormwater management in accordance with best practice and Council Guidelines for rural residential development;
- All roof water runoff is to be harvested for on-site reuse;
- Provide a vegetated buffer over 250m wide to enable sheeted runoff to infiltrate sub-surface before reaching Fountain Creek;
- Undertake detailed modelling of the proposed treatment train required to illustrate compliance with the required pollutant load reduction targets to accompany a DA;

- Formally establish riparian corridors along each identified tributary in accordance with Department of Industry Guidelines.

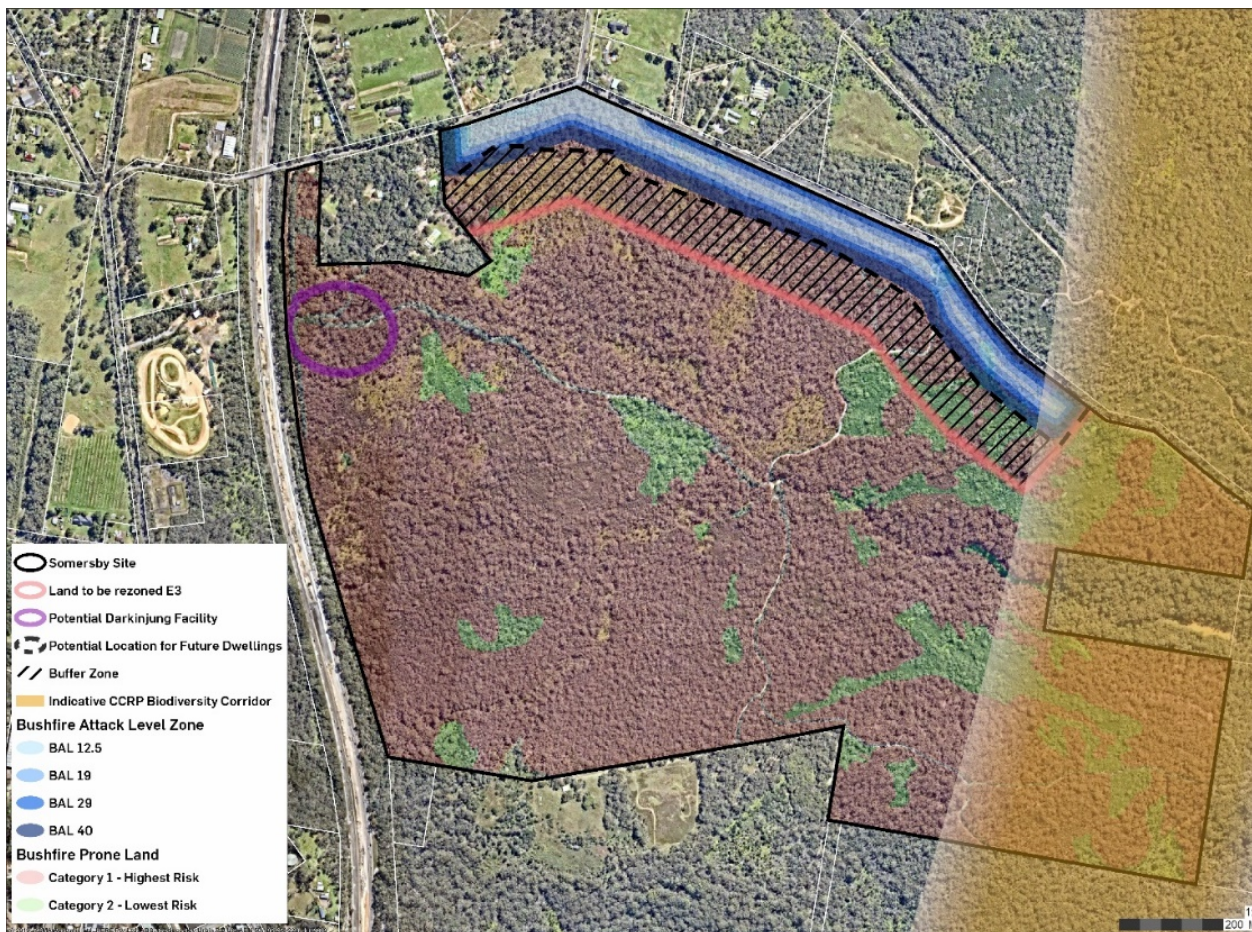
5.1.4. Bushfire Assessment

Umwelt have undertaken a preliminary Bushfire Risk Assessment to support the rezoning request (refer Appendix A). The assessment included modelling of bushfire hazard across the future E3 zone in accordance with Australian Standards for Building in Bushfire Prone Areas. Bushfire mapping indicates that the site contains both category 1 and category 2 bushfire risk refer **Figure 8** below.

The assessment of the proposed E3 zone found that the future development of this part of the site can satisfy the relevant performance criteria listed in Planning for Bushfire Protection 2006 (amended 2018) provided that relevant recommendations are implemented. These recommendations include the provision of an asset protection zone (APZ) and the construction, design and maintenance of access to and supply of water. This APZ is represented by a Bushfire attack level shown in **Figure 8**. More detailed delineation of the required APZ will be required at the DA stage.

The report also recommends that Darkinjung implement cultural burning practices in the areas immediately adjacent to the proposed development footprint. This will both reduce the overall fuel load and maintain environmental values while also maintaining cultural knowledge around fire. Relevant approvals would be sought prior to the undertaking of any cultural burning activities.

Figure 8 – Bushfire Risk Map



Source: Urbis

5.1.4.1. Impact Management Strategies

We have reviewed the preliminary risk bushfire assessment prepared by Umwelt and recommend the following impact management strategies to be implemented:

- Identify and implement APZs to manage bushfire risk as part of detailed siting of future rural residential dwellings;

- Ensure design and maintenance of access to water supply and water supply facilities within the development site are constructed for firefighting purposes,
- Document and delineate final APZs when location of dwellings is agreed at DA stage.

5.1.5. Servicing and Infrastructure Provision

Northrop have undertaken a service infrastructure audit to accompany the rezoning request (refer Appendix A). The report concludes that there is capacity within the existing electricity and communication network to accommodate the proposed uses. There is no potable water or sewer infrastructure mains servicing the subject site. However, the future residential use of the site is capable of being connected to the water supply network.

Future dwellings will be required to provide rainwater tank storage and a water balance assessment is recommended to be undertaken to accompany any development application.

Sewerage will not be available to the site and future dwellings will be required to provide individual septic tank systems. It is anticipated that there will be sufficient space for effluent disposal to be accommodated on-site within individual lots. A preliminary waste water assessment will be undertaken to accompany the planning proposal.

No further servicing or infrastructure investigations are required for the planning proposal stage.

5.1.5.1. Impact Management Strategies

We have reviewed the service infrastructure audit prepared by Umwelt and recommend the following impact management strategies to be implemented:

- Provide individual septic systems in accordance with best practice Guidelines and individual rainwater tanks to maximise on-site harvesting potential.
- Undertake an on-site sewer disposal assessment to confirm disposal rates as part of the planning proposal stage.
- Undertake detailed consultation with electricity and communications providers to extend existing services to the future rural residential dwellings.

5.2. TECHNICAL STUDIES TO BE SUBMITTED

Table 4 outlines the various technical studies currently being prepared and the stage that they will be submitted. Other technical studies can be prepared if requested by the DoPIE in their Gateway Determination.

Table 4 – Technical Studies to be Submitted to the DoPIE

Discipline/Input	Stage to be submitted
Planning Proposal Report	In support of Planning proposal
Site Survey	In support of Planning proposal
Preliminary Concept Masterplan	In support of Planning proposal
On-site Sewer Disposal Assessment	In support of Planning proposal
Water Cycle Management Plan / WSUD / Stormwater Management	Post gateway determination
Preliminary Contamination Assessment	Post gateway determination
Biodiversity Constraints Assessment Report	In support of Planning proposal
Bushfire Assessment	In support of Planning proposal
Preliminary Geotechnical Investigation	Post gateway determination
Preliminary Wastewater Assessment	In support of Planning proposal
Aboriginal Cultural Heritage Assessment Report	In support of Planning Proposal
Transport Impact Assessment	Post gateway determination

5.3. EXPECTED COMMUNITY AND KEY AGENCY CONSULTATION TO BE UNDERTAKEN

Division 3.4 of the EP&A Act requires the relevant planning authority to consult with the community in accordance with the gateway determination. It is anticipated that the future Planning Proposal will be publicly exhibited for at least 28 days in accordance with DP&E's *A Guide to Preparing Local Environmental Plans*.

At a minimum, the notification of the public exhibition of the Planning Proposal is expected to involve:

- A public notice in local newspaper(s);
- Notification on the CCC website; and
- Written correspondence to owners and occupiers of adjoining and nearby properties and relevant community groups.

6. STRATEGIC AND SITE-SPECIFIC MERIT TEST

This section demonstrates the proposal's consistency with the strategic and site-specific merit criteria as per the requirements of Planning Circular PS 19-003.

6.1. STRATEGIC MERIT TEST

The key factor in determining whether a proposal should proceed to a Gateway determination should be its strategic merit. **Table 5** below assesses the strategic merit of the rezoning request as set out in the Planning Circular.

Table 5 – Strategic Merit Test

Criteria	Comment
<i>[The Proposal is] consistent with the relevant development delivery plan for the land to which the proposal applies; or</i>	No development delivery plan has been published. The IDDDP applies to the site.
<i>where no development delivery plan has been published, consistent with any relevant interim development delivery plan, published on the Department's website, or</i>	<p>An IDDDP applies to the site. The IDDDP identifies the broader economic benefits and the social and environment outcomes that the site can deliver for Darkinjung. The IDDDP also states that the increase in land zoned for environmental conservation on the site is a positive public benefit in that it preserves land with important ecological values.</p> <p>A planning proposal is to be submitted for the proposed rezoning of the subject site and this rezoning request has been prepared to initiate this process.</p> <p>The IDDDP includes matters that are specifically required to be addressed in the planning proposal. The relevant matters for consideration are addressed within this report as follows:</p> <ul style="list-style-type: none"> • Planning pathway: Section 1.1. • Central Coast Regional Plan 2036: addressed below. • Statutory matters including Section 9.1 Ministerial Direction and SEPPs: Section 1 and 6. • Biodiversity and habitat connectivity: Section 5.1.1 and Appendix A. • Aboriginal cultural heritage: Section 5.1.2 and Appendix A. • Servicing and infrastructure provision: Section 5.1.5 and Appendix A. <p>Process for extinguishing native title: to be further detailed at the planning proposal stage. The matters for consideration listed in the IDDDP have been adequately addressed within this rezoning request. The matters will be further addressed at the planning proposal stage.</p> <p>This rezoning request is consistent with the outcomes set out in the IDDDP, which identifies that the planning controls that apply to the site be amended to enable the orderly and economic development of the land for the benefit of the Darkinjung.</p>

Criteria	Comment
<p><i>[The Proposal is] consistent with the relevant regional plan outside of the Greater Sydney Region, the relevant district plan, within the Greater Sydney Region, or corridor/precinct plans applying to the site, including any draft regional, district or corridor/precinct plans released for public comment; or</i></p>	<p>The CCRP 2036 establishes the strategic planning framework to deliver a prosperous and sustainable future for the Central Coast's current and future residents. It sets out a vision, goals, directions, and actions for the Central Coast Region. The overarching goals of the Regional Plan are to plan for:</p> <p><i>Goal 1: A prosperous Central Coast with more jobs close to home</i></p> <p><i>Goal 2: Protect the natural environment and manage the use of agricultural and resource lands</i></p> <p><i>Goal 3: Well-connected communities and attractive lifestyles</i></p> <p><i>Goal 4: A variety of housing choice to suit needs and lifestyles</i></p> <p>As demonstrated by the assessment below, the rezoning request is consistent with the following key directions provided by the CCRP:</p> <p><u>Direction 6 – Strengthen the economic self-determination of Aboriginal communities:</u></p> <p><u>Urbis Comment:</u> The proposed rezoning of the site will facilitate the development of a limited number of rural residential lots to the benefit of Darkinjung. Darkinjung will benefit financially from any future disposal of the land and this will assist in providing services for their members and the broader Aboriginal community.</p> <p><u>Direction 8 – Recognise the cultural landscape of the Central Coast:</u></p> <p><u>Urbis Comment:</u> The opportunities and constraints mapping undertaken to inform this rezoning request has demonstrated that the future site development will be appropriate to the cultural landscape in which it is situated. The scenic amenity of the area will be protected with the majority of the land proposed to be zoned for environmental conservation, preserving the majority of the existing vegetation. The rural residential lots will be a low impact use, of a similar character to nearby rural residential uses.</p> <p><u>Direction 9 – Protect and enhance productive agricultural land:</u></p> <p><u>Urbis Comment:</u> The existing portion of the site zoned RU2 (Rural Landscape) has poor agricultural capability and limited resource potential. The proposal to rezone the land for environmental conservation will therefore not result in the loss of productive agricultural land. The rezoning of the majority of the site to E2 represents a better aligned zoning outcome that reflects site conditions.</p> <p><u>Direction 12 – Protect and manage environmental values:</u></p> <p><u>Urbis Comment:</u> The proposed rezoning is a positive outcome as the environmental and cultural heritage values in the majority will be preserved. Under the current planning controls, the RU2 land includes intensive agriculture as a permissible use that can occur without consent. Extractive industries are also permissible with consent. These uses are not appropriate or compatible with the environmental values of the land.</p> <p>The CCRP identifies a biodiversity corridor with the potential to connect the central national parks and state forests. Biodiversity investigations undertaken to</p>

Criteria	Comment
	<p>support this rezoning request have confirmed that proposed development footprint within the site will have minimal impacts on the ability of the corridor to ensure important connectivity and movement habitats. The proposed environmental conservation zoning will result in the conservation of a substantial proportion of the biodiversity corridor along the entire eastern boundary of the site and provide an opportunity to formalise the biodiversity corridor linking Strickland Forest to the Brisbane Water National Park.</p> <p>The rezoning request is also aligned with these CCRP directions:</p> <p><u>Direction 17 – Align land use and infrastructure planning:</u></p> <p><u>Urbis Comment:</u> The site is located adjacent to the M1 Pacific Highway which is a major state road along the NSW east coast. The planning proposal will facilitate a limited number of rural residential lots with access to existing road infrastructure which links to other arterial roads in the surrounding area including major regional centres such as Gosford.</p> <p><u>Direction 19 – Accelerate housing supply and improve housing choice:</u></p> <p><u>Urbis Comment:</u> The planning proposal will facilitate the development of approximately 8-14 rural residential lots which suitably respond to the environmental constraints of the site.</p> <p><u>Direction 20 – Grow housing choice in and around local centres:</u></p> <p><u>Urbis Comment:</u> The site is located approximately 3km north west of Gosford which is a regional centre that can provide jobs and services to meet the needs of future residents of the site.</p> <p><u>Direction 21 – Providing housing choice to meet community needs:</u></p> <p><u>Urbis Comment:</u> The proposal provides for rural residential lots which creates additional housing choice to meet the diverse needs of the Central Coast Community.</p>
<p><i>[The Proposal is] consistent with a relevant local strategy that has been endorsed by the Department; or</i></p>	<p><i>One Central Coast - Central Coast Community Strategic Plan 2018-2028</i> (CCCSP) is a 10-year plan developed by Council to set the priorities and confirm strategies and activities that best achieve the community's desired outcomes for the future. The CCCSP outlines five goals that responded to the ideas and values of the Central Coast. The rezoning request is consistent with and helps contribute to the achievement of these goals in that:</p> <ul style="list-style-type: none"> • The proposal provides opportunities for Darkinjung to develop and sell land which will improve their economic and social position. This will enhance their ability to deliver social welfare programs and community initiatives; • The proposed rezoning will secure the majority of the site as E2 (Environmental conservation). The change in land use zoning will protect the ecological and archaeological values on the majority of the site and will contribute to the proposed biodiversity corridor connecting the central national parks and state forests. • This proposal is the result of consultation and engagement between Darkinjung, Council, and the DoPIE; and

Criteria	Comment
	<ul style="list-style-type: none"> The proposal will facilitate rural/environmental style lots which will provide the opportunity for future residents to lead healthy lifestyles that contribute to the growing community of Somersby and the Central Coast more broadly.
<i>[The Proposal is] responding to a change in circumstances, such as the investment in new infrastructure or changing demographic trends that have not been recognised by existing planning controls.</i>	Not considered a relevant criterion for this site.

6.2. SITE-SPECIFIC MERIT TEST

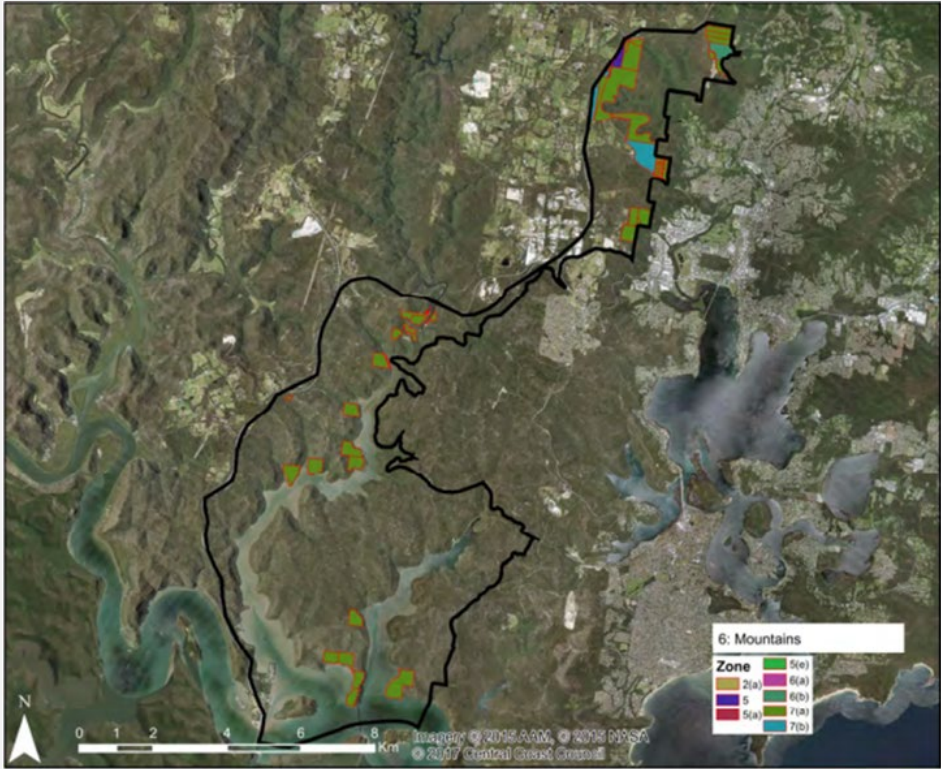
In addition to meeting the strategic merit criteria, the planning proposal is required to demonstrate site specific merit against the following criteria:

Table 6 – Site-Specific Merit Test

Criteria	Comment
<i>the social and economic benefit to the Aboriginal community facilitated by the proposal;</i>	<p>The proposal will contribute positively towards the fulfillment of the Darkinjung 2016-2019 Community Land and Business Plan. The plan outlines an aim of pursuing innovative economic opportunities in connection with Darkinjung land in order to:</p> <ul style="list-style-type: none"> <i>Strengthen Aboriginal Culture and Heritage</i> <i>Manage, preserve and protect our land and environment</i> <i>Generate social returns on investments for our community</i> <i>Promote the Central Coast Aboriginal community</i> <p>Social and economic benefits will be experienced by Darkinjung as a result of the planning proposal including:</p> <ul style="list-style-type: none"> Darkinjung will benefit financially from any future disposal of the land. This will assist them in providing services for their members and the regional Aboriginal community more broadly; Increased opportunities for aboriginal people to pursue economic independence to the benefit of their economic and social welfare.; The opportunity to undertake environmental management practices and cultural traditions within a dwelling or a building or place in which to undertake cultural activities; Allowing Darkinjung to better plan, manage, or develop the subject site in accordance with the IDDDP.

Criteria	Comment
<p><i>the natural environment (including known significant environmental values, resources or hazards);</i></p>	<p>The rezoning request is sympathetic to the important biodiversity features within the site and wider area. Having consideration for the environmental resources, values and hazards, the request displays site specific merit for these reasons:</p> <ul style="list-style-type: none"> • The rezoning of part of the site from RU2 to E2 will ensure that land use activities with the potential to impact ecological and archaeological values of the site are prohibited. • Despite the existing RU2 zoning, the site is not suitable for agricultural activity as envisaged by its existing RU2 (Rural Landscape) zoning. There would, therefore, be no loss of productive agricultural land as a result of the rezoning. • The E2 zone includes objectives for the promotion and protection of the high ecological, scientific, cultural, and aesthetic values of the site. Securing an E2 zone over the majority of the site will also contribute to the proposed biodiversity corridor connecting the central national parks and state forests. • Sufficient offset opportunities are available across the wider site or on other Darkinjung Landholdings to meet the biodiversity credit requirements in accordance with the Biodiversity Offset Scheme and offset any impacts on threatened species habitat and endangered ecological communities arising from the proposed E3 zone. • The proposed E2 environmental conservation zoning will result in the conservation of a substantial proportion of the biodiversity corridor along the entire eastern boundary of the site and provide an opportunity to formalise the biodiversity corridor linking Strickland Forest to the Brisbane Water National Park. • Overall, the rezoning of the majority of the site to E2 Environmental conservation would result in a net beneficial environmental outcome on the site. • The part of the site proposed to be rezoned E3 has been selected due to its proximity to access roads. Rural style residential lots are an appropriate, sensitive and low impact use for this part of the site. The buffer zone provides future flexibility for the siting of dwellings within the E3 zone away from areas of ecological sensitivity. • The future development of the site can satisfy the relevant performance criteria listed in Planning for Bushfire Protection 2006 (amended 2018) provided that relevant recommendations are implemented. • From a stormwater and flooding perspective the site has sufficient capacity to accommodate the proposed future uses <p>Detailed consideration of the above matters is contained in the following sections of this report and in the accompanying information:</p> <ul style="list-style-type: none"> • Preliminary Bushfire Risk Assessment (Appendix A and Section 5.1.4). • Biodiversity Certification Assessment Report (Appendix A and Section 5.1.1). • Preliminary Aboriginal and Cultural Heritage Report (Appendix A and Section 5.1.2).

Criteria	Comment
<i>the existing uses, approved uses and likely future uses of land in the vicinity of the land subject to the proposal; and</i>	<ul style="list-style-type: none"> • Preliminary Stormwater and Servicing Report (Appendix A and Sections 5.1.3 and 5.1.5). <p>Importantly this request has identified a number of impact management strategies that will be implemented during the planning and development phases to ensure that environmental values are protected.</p> <p>The development objectives for the site have been derived with consideration for surrounding existing and approved uses, and future uses of land in the vicinity of the site.</p> <p>Land to the north and south of the site was recently the subject of a planning proposal (ref: PP_2014_GOSFO_001_00). Land in the northern precinct (Reeves Street and Goldsmith Road) was rezoned from RU1 (Primary Production) and RU2 (Rural Landscape) to E2 (Environmental Conservation) and E3 (Environmental Management). A minimum lot size requirement was applied which included lot averaging provisions. Land in the southern precinct (Debenham Road North, Tallara Road, and Debenham Road South) was rezoned from RU2 (Rural Landscape) to E2 (Environmental Conservation). A minimum lot size requirement was also applied which included lot averaging provisions.</p> <p>To the east of the site is land identified as being “Deferred Matter” pursuant to the LEP. The land is currently zoned within the Interim Development Order 122 and Gosford Planning Scheme Ordinance as shown in the below extract. The land is directly adjoining the subject site to the east is zoned 7 (a) Conservation.</p>

Criteria	Comment
	<p data-bbox="416 219 979 246">Figure 9 – Existing Zoning Adjoining the Subject Site</p>  <p data-bbox="416 1041 1318 1068">Source: <i>Environmental and Urban Edge Zone Review (Central Coast Council, 2017)</i></p> <p data-bbox="416 1097 1398 1164">Under the Draft CCLEP land adjoining the site is proposed to be zoned E2 which is consistent with its current zoning displayed in Figure 9.</p> <p data-bbox="416 1193 1437 1261">The proposed zoning for the site is consistent with the Draft CCLEP (refer Section 3.3 of this report).</p>
<p data-bbox="165 1294 389 1697"><i>the services and infrastructure that are or will be available to meet the demands arising from the proposal and any proposed financial arrangement for infrastructure provision.”</i></p>	<p data-bbox="416 1294 1437 1433">The service infrastructure audit (Appendix A) accompanying this rezoning request has confirmed that there is adequate public infrastructure servicing capacity available to support the proposed rezoning. Funding for the required augmentation of services will be derived from developer contributions at the DA stage.</p>

7. JUSTIFICATION

Table 7 below provides a preliminary response to the questions set out in “A Guide to Preparing Planning Proposals”. The questions relate to the need for the planning proposal, its strategic planning context, the environmental, social and economic impacts and the implications for State and Commonwealth Government agencies. Further consideration will be given to each question at the detailed planning proposal stage as more information becomes available

Table 7 – Questions to consider when demonstrating justification for a planning proposal

Question to consider when demonstrating the justification	Comment
Section A – Need for the Planning Proposal	
Q1. <i>Is the planning proposal a result of an endorsed local strategic planning statement, strategic study or report?</i>	Yes. The rezoning request is a result of the IDDDP.
Q2. <i>Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?</i>	<p>Yes. The request facilitates the orderly and economic use of the site for the purposes of rural residential lots, a space for Darkinjung to undertake cultural activities, and environmental conservation is only possible through rezoning of the land to E2 and E3 zones. A planning proposal is therefore the best means for the intended outcomes can be achieved.</p> <p>An existing portion of the site zoned RU2 (Rural Landscape) permits extensive agriculture without consent. Additionally, uses that are permissible with consent include extractive industries. The rezoning of this land for environmental conservation purposes will ensure that the ecological and archaeological values of the site are sufficiently protected into the future.</p> <p>Without an amendment to the LEP, the development objectives for the site cannot be achieved and Darkinjung would not be able to best realise the economic, social and ecological benefits that can be derived from the site.</p>
Section B – Relationship to Strategic Planning Framework	
Q3. <i>Will the planning proposal give effect to the objectives and actions of the applicable regional, or district plan or strategy (including any exhibited draft plans or strategies)?</i>	Yes, see Section 6.1 of this rezoning request for further details.
Q4. <i>Will the planning proposal give effect to a council's endorsed local strategic planning statement, or another endorsed local strategy or strategic plan?</i>	Yes, see Section 6.1 of this rezoning request for further details.
Q5. <i>Is the planning proposal consistent with applicable State Environmental Planning Policies?</i>	The rezoning request demonstrates consistency with the following SEPPs:

Question to consider when demonstrating the justification	Comment
Q6. Is the planning proposal consistent with applicable Ministerial Directions (s.9.1 directions)?	<ul style="list-style-type: none"> • <u>SEPP (Aboriginal Lands) 2019</u>: In accordance with the SEPP, a development delivery plan will be prepared for Darkinjung Land by late 2019. However, to fast track the first stage of the Darkinjung delivery pipeline, the NSW DoPIE have prepared an interim development delivery plan in early 2019. The IDDDP provides detailed guidance for the site including the requirement to lodge a planning proposal. The proposal's consistency with the IDDDP is outlined in Section 6.1 of this report. • <u>SEPP No. 44 Koala Habitat Protection</u>: This SEPP applies to land within the Gosford LGA for development which is over 1 hectare in size. The SEPP will therefore be a relevant consideration for any future DA on the site. <p>Consistency with other applicable SEPPs will be further addressed in the planning proposal and any future Development Applications.</p> <p>The following Section 9.1 Ministerial Directions are applicable to the site:</p> <ul style="list-style-type: none"> • 1.2 Rural Zones. • 2.1 Environmental Protection Zones. • 2.3 Heritage Conservation. • 3.1 Residential Zones. • 3.3 Home Occupations. • 3.4 Integrating Land Use and Transport. • 4.1 Acid Sulfate Soils. • 4.3 Flood Prone Land. • 4.4 Planning for Bushfire Protection. • 5.10 Implementation of Regional Plans. • 5.11 Development of Aboriginal Land Council Land. • 6.3 Site Specific Provisions. <p>Ministerial Direction 5.11 (Development of Aboriginal Land Council Land) has been addressed in Section 1.1 of this report. The rezoning request appropriately addresses the IDDDP as required by this Ministerial Direction.</p> <p>The planning proposal is capable of consistency with the applicable section 9.1 Ministerial Directions. Compliance with above Ministerial Directions will be further detailed in the planning proposal.</p>

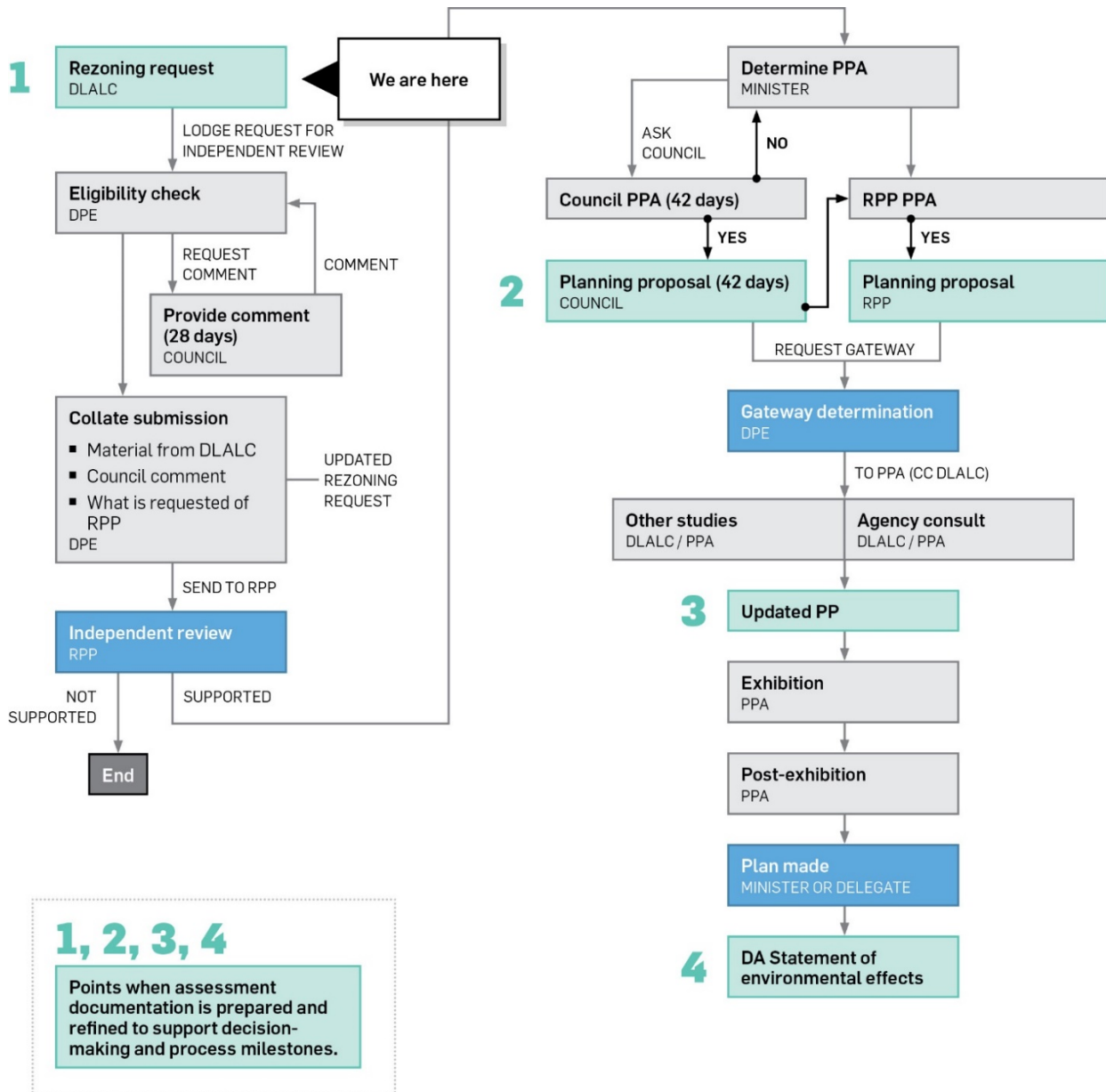
Question to consider when demonstrating the justification	Comment
Section C – Environmental, Social and Economic Impact	
<p><i>Q7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?</i></p>	<p>The biodiversity constraints assessment accompanying this rezoning request has concluded that while development within the proposed E3 zone will result in potential impacts to threatened species habitat and endangered ecological communities. However, these impacts can be offset through the conservation of the remainder of the site or other Darkinjung land within the region through a Stewardship Agreement. The offsets which will ensure a net positive environmental outcome on the site.</p> <p>The CCRP identifies a biodiversity corridor with the potential to connect the central national parks and state forests. Biodiversity investigations undertaken to support this rezoning request have confirmed that proposed development footprint within the site will have minimal impacts on the ability of the corridor to ensure important connectivity and movement habitats.</p> <p>The proposed E2 Zone will ensure the conservation of a substantial proportion of the proposed biodiversity corridor along the entire eastern boundary of the site and provide an opportunity to formalise this corridor linking Strickland Forest to the Brisbane Water National Park.</p>
<p><i>Q8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?</i></p>	<p>The proposed rezoning of the site will protect ecologically significant land from potentially irreversible environmental effects associated with extensive agriculture activities such as commercial grazing of livestock which are currently permissible without consent. The proposed rezoning will not result in a loss of productive agricultural land.</p> <p>The rezoning of the majority of the site for environmental conservation purposes will ensure that land use activities with the potential to impact ecological and archaeological values of the site are prohibited, thus protecting these values.</p> <p>An assessment of the development footprint against bushfire protection performance criteria listed in Planning for Bushfire Protection 2006 (amended 2018) found that the future development of the site can satisfy the relevant criteria provided that relevant recommendations are implemented.</p> <p>The preliminary flooding and riparian corridor assessment undertaken by Northrop has concluded that the site has sufficient capacity to accommodate the proposed future uses on site from a stormwater and flooding perspective.</p> <p>Further environmental investigations to be undertaken to accompany further stages in the rezoning process will further</p>

Question to consider when demonstrating the justification	Comment
<i>Q9. Has the planning proposal adequately addressed any social and economic effects?</i>	<p>detail strategies to manage any environmental effects of the rezoning.</p> <p>The rezoning request will result in social and economic benefits, enabling Darkinjung to develop the subject site and realise its economic gain. The development will assist in providing Darkinjung greater opportunities for economic independence and assist in the delivery of their social welfare programs and community initiatives to benefit Darkinjung members and the broader Aboriginal community.</p>
Section D – State and Commonwealth Interests	
<i>Q10. Is there adequate public infrastructure for the planning proposal?</i>	<p>The service infrastructure audit accompanying the rezoning request confirms there is sufficient capacity for public infrastructure to be connected or extended to meet the needs of the proposed rural residential use (Appendix A).</p>
<i>Q11. What are the views of state and Commonwealth public authorities consulted in accordance with the Gateway determination?</i>	<p>The Gateway Determination will identify the public authorities to be consulted as part of the planning proposal process. Any issues raised will be incorporated into the future planning proposal.</p>

8. PROPOSED REZONING PROCESS

This rezoning request is submitted to the Hunter and Central Coast Regional Planning Panel (HCCRPP) for independent review and determination prior to it being submitted to the NSW Department of Planning Industry and Environment (DoPIE) for Gateway Determination. **Figure 10** below summarises the proposed rezoning process which is in accordance with Planning Circular PS 19-003 and discussions with the DoPIE.

Figure 10 – Rezoning Process



Source: Urbis

It is anticipated that the LEP amendment will be completed within 9-12 months. Further to the above flowchart, **Table 8** below provides indicative timeframes for each of the above identified key processes to be undertaken.

Table 8 – Indicative Project Timeline

Stage	Timeframe and/or Date
Eligibility Check	28 Days
Further Technical Investigations Undertaken and submitted to supplement rezoning request	4 weeks
Independent review by HCCCRPP	4 weeks
Planning Proposal submitted to DoPIE for Gateway Determination	September 2019
Gateway Determination by DoPIE	To be determined
Commencement and completion of public exhibition period	Dates are dependent on Gateway determination. Anticipated timeframe for public exhibition is 28 - 42 days.
Consideration of submissions prepare other studies required at gateway determination	6 weeks
Consideration of the Planning Proposal post-exhibition	6 weeks
Submission to DoPIE to finalise the LEP	To be determined
Gazettal of LEP Amendment	To be determined

9. CONCLUSION

This rezoning request has been prepared to initiate an amendment of GLEP 2014 in relation to the land at Reeves Street, Somersby (legally described as Lot 481 in DP 1184693).

In accordance with Planning Circular PS 19-003 this rezoning request is submitted to the HCCRPP for independent review and determination prior to it being submitted to the DoPIE for Gateway Determination in relation to a proposal to rezone land at the subject site.

The rezoning request confirms at a high level that the project demonstrates sufficient strategic and site - specific merit by virtue of its low intensity nature and capacity to deliver greater certainty of environmental conservation outcomes. The rezoning request identifies:

- The recommended impact mitigation strategies that will be implemented as part of the proposal.
- The additional studies required to “prove-up” the precise location of future rural residential dwellings and to provide greater assessment of any potential environmental impacts.

It is recommended that this rezoning request be favourably determined by the HCCRPP for these reasons:

- This rezoning request represents one of the first major outputs that initiates a process to realise the economic potential of land in accordance with the IDDDP. Any economic benefit of this land can then be leveraged to fund other projects in Darkinjung’s development pipeline. This rezoning request is a step towards improving the value of the economic resources of Darkinjung land claimed under the ALR act, laying basis for a self-reliant and more secure economic future as envisaged by the ALR Act.
- The proposed rezoning has a net positive impact in that it will positively increase environmental conservation footprint within the Central coast by ensure that the existing biodiversity values present on the site will be conserved and secured through the rezoning of 150 ha (or 85%) of the site currently zoned RU2 to E2. The biodiversity constraints assessment accompanying this rezoning request has concluded that while development within the proposed E3 zone will result in some loss of threatened species habitat and endangered ecological communities, this loss is able to be offset through the conservation of the remaining 150ha of the site or other Darkinjung land within the region through a Stewardship Agreement.
- The rezoning request is consistent with regional strategic goals set out in the CCRP 2036, the relevant SEPPs, and Section 9.1 Directions;
- Future development of the site has the capacity to deliver between 8-14 lots for the purposes of rural residential style uses which will facilitate achievement of social and economic outcomes for Darkinjung.
- The site has the potential to provide a dedicated building or place for Darkinjung to undertake cultural activities to the benefit of Darkinjung members and broader Aboriginal and local community for functions, operations and cultural activities.
- The rezoning of land currently zoned RU2 to E2 will ensure that the important biodiversity habitat connectivity function envisaged by the biodiversity corridor linking Strickland Forest to the Brisbane Water National Park will be secured through the proposed rezoning.
- The planning proposal responds to matters for consideration listed in the IDDDP and has concluded that environmental impacts of the proposed LEP amendments can be suitably mitigated through recommendations of preliminary technical investigations.
- The planning proposal has site specific merit due to:
 - Its location and accessibility adjacent to the M1 Pacific Motorway that links to other arterial roads which access major nodal destinations within the Central Coast, including Gosford.
 - The absence of significant environmental impacts and the environmental benefits of increasing the amount of land zoned for the purposes of environmental conservation within the locality;
 - Ability to connect to essential servicing infrastructure; and
 - The development objectives submitted as part of this rezoning request respond appropriately to recent rezoning of land to the north and south of the site which permits rural residential style lots.

In considering the tangible environmental, social, and economic benefits of the proposal, it is recommended that the HCCRPP should resolve to support the proposed LEP amendments and recommend that they be forwarded to the DoPIE for Gateway Determination in accordance with the EP&A Act.

DISCLAIMER

This report is dated 15 July 2019 and incorporates information and events up to that date only and excludes any information arising, or event occurring, after that date which may affect the validity of **Urbis**' opinion in this report. Urbis prepared this report on the instructions, and for the benefit only, of Darkinjung Local Aboriginal Land Council (**Instructing Party**) for the purpose of Rezoning Request (**Purpose**) and not for any other purpose or use. To the extent permitted by applicable law, Urbis expressly disclaims all liability, whether direct or indirect, to the Instructing Party which relies or purports to rely on this report for any purpose other than the Purpose, and to any other person which relies or purports to rely on this report for any purpose whatsoever (including the Purpose).

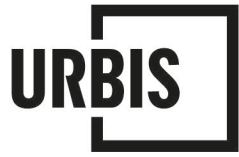
In preparing this report, Urbis was required to make judgements which may be affected by unforeseen future events, the likelihood and effects of which are not capable of precise assessment.

All surveys, forecasts, projections and recommendations contained in or associated with this report are made in good faith and on the basis of information supplied to Urbis at the date of this report, and upon which Urbis relied. Achievement of the projections and budgets set out in this report will depend, among other things, on the actions of others over which Urbis has no control.

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This report has been prepared with due care and diligence by Urbis and the statements and opinions given by Urbis in this report are given in good faith and in the reasonable belief that they are correct and not misleading, subject to the limitations above.



APPENDIX A ENVIRONMENTAL AND HERITAGE CONSTRAINTS BRIEFING NOTE

Briefing Note

To: DLALC
From: Umwelt
Author: Les Seddon
Date: 14 June 2019
Subject: Reeves Road Somersby Rezoning Request Constraints

Purpose

To provide summarised outcomes of Umwelt specialist biodiversity, bushfire and Aboriginal cultural heritage studies at Reeves Road Somersby, NSW.

Outcomes/Key messages

The following key outcomes have been established.

Bushfire: It is feasible that the future proposed development will be able to satisfy the aims, objectives and performance requirements of Planning for Bushfire Protection 2018.

Biodiversity: Whilst the proposal footprint will impact on threatened species habitat and endangered ecological communities, sufficient offset opportunities are likely available across the wider site to meet the biodiversity credit requirements in accordance with the Biodiversity Offsets Scheme. The proposal is also unlikely to substantially impact the biodiversity corridor identified in the Central Coast Regional Plan 2036. The remainder of the wider site can be conserved through a Stewardship Agreement, which will provide in perpetuity conservation of a large section of the identified corridor in the Central Coast Regional Plan 2036.

Whilst Biodiversity Certification will satisfy the requirements of the NSW BC Act, a Commonwealth EPBC Referral is also likely to be required to support the final planning proposal.

Aboriginal Cultural Heritage: While Aboriginal sites have not been formally recorded within the proposed development footprint, the environmental context is such that it could be expected that site types may exist. Further Aboriginal Cultural Heritage Assessment is underway and will be incorporated into final the final planning proposal preparation to avoid and mitigate any impacts on Aboriginal Cultural Heritage.

Recommendations

That the rezoning request considers these findings and incorporates the avoidance of established constraints.

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Teralba NSW 2284

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West Perth WA 6872

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2.0	<i>Aboriginal Cultural Heritage</i>	2
3.0	<i>Biodiversity</i>	3
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Attachments

1. *Figure 1-Reeves Road Somersby Biodiversity and Heritage Constraints*
2. *Figure 2 – Site in relation to Central Coast Regional Plan Biodiversity Corridors*

1.0 Preliminary Bushfire Risk Assessment Report

Umwelt has undertaken a preliminary bushfire risk assessment for the proposed rezoning request. The assessment provides DLALC with information required to plan and manage the threat of bushfire risk. The assessment included and considered the following:

- Modelling of bushfire hazard across the proposed development areas in accordance with AS3959 *Australian Standard for Building in Bushfire Prone Areas*
- Provides a summary of bushfire protection performance criteria and acceptable solutions under the *Planning for Bushfire Protection 2006* (amended 2018)
- Identified opportunities for cultural burning activities in surrounding bushland in accordance with the *NPWS Cultural Fire Management Policy*.

The mapping shows that there are significant areas of the blocks that are viable for residential housing, and that the creation of APZ's will be an effective measure to manage bushfire risk. The assessment found that provided that the proposed development, APZ areas, access and water supply facilities within the subject development site are constructed / designed / maintained in accordance with the recommendations as described in the report, it is a considered opinion that the proposed development can satisfy the aims, objectives and performance requirements PBP 2018.

It is noted that bushfire safety compliance and mitigation (as recommended and/or purported by this report) for the subject development site comprises a package of 'measures in combination' primarily including asset protection zoning, construction standards, property roadway access & adequate water supply for firefighting purposes.

2.0 Aboriginal Cultural Heritage

Umwelt reviewed the Desktop Archaeological Assessment and Preliminary Aboriginal Cultural Heritage Advice (Associates Archaeology and Heritage 2015), conducted an updated AHIMS site search and reviewed available site cards and gave consideration to the environmental context of the proposed development footprint.

AAH (2015) completed a desktop assessment of the LALC's land holdings at Somersby and concluded that, whilst mapping of the previously recorded sites was likely to be inaccurate, the majority of the recorded sites in the local area comprise rock engravings and grinding grooves with a lesser representation of rock shelters with or without art. Based on the review of aerial photograph, AAH (2015) suggested that suitable rock outcrops for rock engravings may be limited in extent to within the assessed area but recommended that archaeological survey and assessment should be undertaken to confirm this.

An updated search of the AHIMS database demonstrates a similar distribution of sites to that identified by AAH (2015) as shown on **Figure 1**. Available contour data and geological mapping indicates that, while sites have not been recorded within the proposed development footprint, the environmental context is such that it could be expected that site types such as engravings and grinding grooves may occur, with some potential for rock shelters in areas of steeper inclination. Sites of these types may occur in sandstone outcrops within the proposed development footprint and, based on discussion with our ecology team who have surveyed the area, this may occur at various locations.

Further Aboriginal Cultural Heritage Assessment is underway and will be incorporated into final the final planning proposal preparation to avoid and mitigate any impacts on Aboriginal Cultural Heritage.

3.0 Biodiversity

Umwelt have prepared a draft Biodiversity Certification Assessment Report (BCAR) to assess the potential biodiversity impacts of the residential subdivision in accordance with the Biodiversity Assessment Method (BAM) and the *Biodiversity Conservation Act 2016*.

The distribution of NSW Bionet Atlas threatened species records, previous biodiversity assessment mapping (Conacher 2015) and Umwelt site inspection results across the wider site are shown in **Figure 1**. The following threatened species were recorded by Umwelt in the proposal footprint (refer **Figure 1**).

- Spreading Guinea Flower *Hibbertia procumbens*
- Red Crowned Toadlet *Pseudophryne australis*

In addition to these species, given the availability of suitable habitat and nearby NSW Bionet Atlas threatened species records, the eastern pygmy possum (*Cercartetus nanus*) is considered likely to occur across the proposal footprint, and species-credits have been generated. In accordance with the Biodiversity Assessment Method (BAM) habitat buffers have also been applied across the proposal footprint for the large-eared pied-bat (*Chalinolobus dwyeri*) and southern myotis (*Myotis macropus*) given the presence of potential breeding/roosting habitat in adjacent areas.

The following Plant Community Types were present in the proposal area (refer **Figure 1**).

- 1641 - Dwarf Apple Scribbly Gum heathy low woodland on sandstone ranges of the Central Coast
- 1642 - Scribbly Gum e Red Bloodwood - Old Man Banksia heathy woodland of southern Central Coast
- 1642 - Scribbly Gum e Red Bloodwood - Old Man Banksia heathy woodland of southern Central Coast - *Pinus radiata* variant
- 1699 - Heath-leaved Banksia a Coral Fern wet heath on sandstone ranges of the lower Central Coast

PCT 1699 is considered representative of Coastal Upland Swamp in the Sydney Bioregion Endangered Ecological Community under both the NSW *Biodiversity Conservation Act 2016* (BC Act) and the Commonwealth *Environmental Protection and Biodiversity Conservation Act* (EPBC Act). The proposal has been located to avoid and minimise impacts to the upland swamps where possible. Whilst Biodiversity Certification will satisfy the requirements of the NSW BC Act, a Commonwealth EPBC Referral is also likely to be required to support the final planning proposal.

Following the application of avoidance and mitigation measures, the BCAR identified the following biodiversity credits required to offset the impacts of the Project:

- 26 ecosystem credits for PCT1641 Dwarf Apple Scribbly Gum heathy low woodland on sandstone ranges of the Central Coast
- 219 ecosystem credits for PCT1642 Scribbly Gum – Red Bloodwood – Old Man Banksia heathy woodland of southern Central Coast
- 20 ecosystem credits for PCT 1699 Heath- leaved Banksia – Coral Fern wet heath on sandstone ranges of the lower Central Coast
- 327 species credits for eastern pygmy possum (*Cercartetus nanus*), 439 species credits for large-eared pied- bat (*Chalinolobus dwyeri*), 327 species credits for spreading guinea flower (*Hibbertia procumbens*), 43 species credits for southern myotis (*Myotis Macropus*) and 93 species credits for red- crowned toadlet (*Pseudophryne australis*).

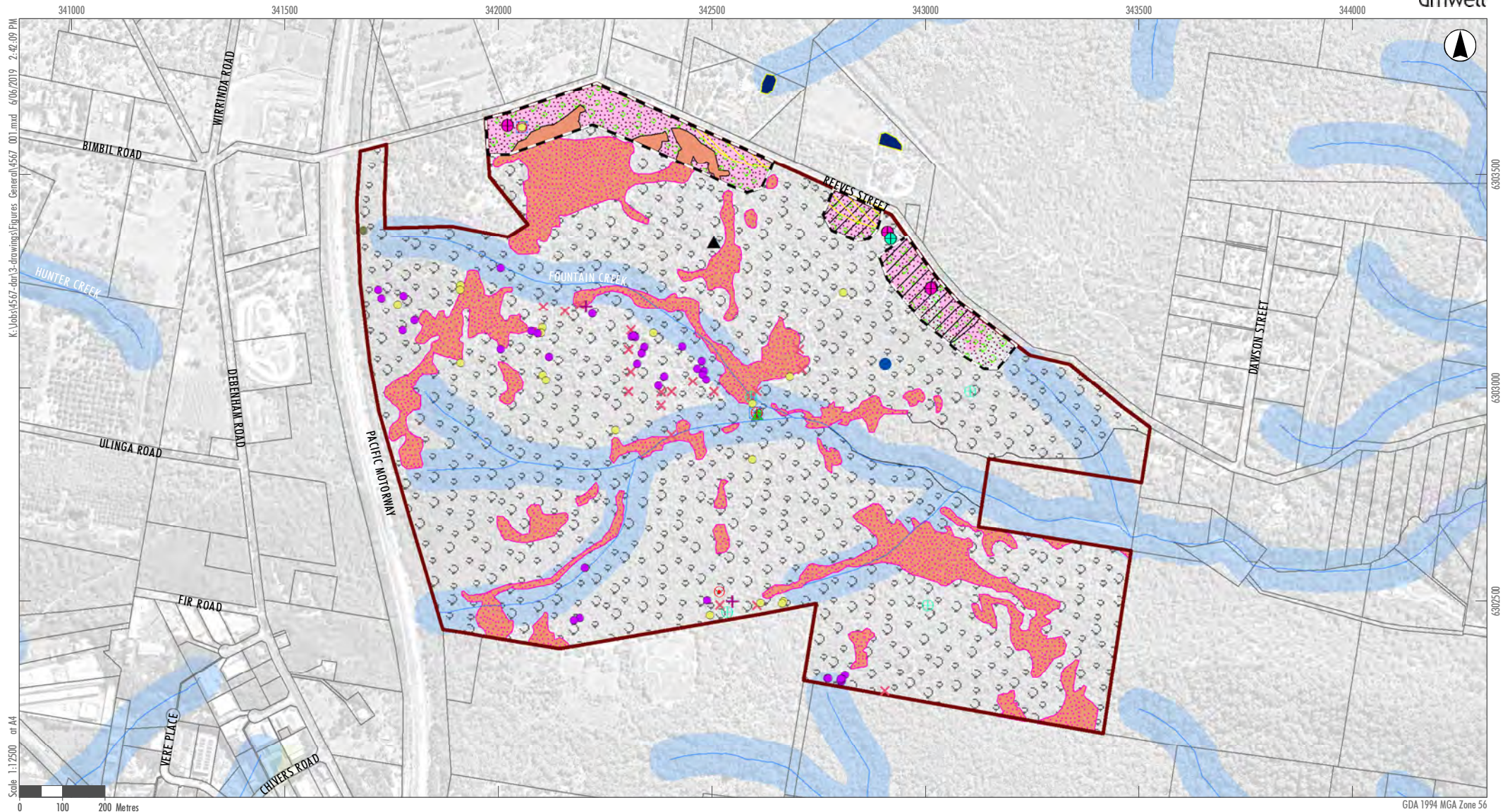
Whilst the proposal footprint will impact on threatened species habitat and endangered ecological communities, sufficient offset opportunities are likely available across the wider site to meet the biodiversity credit requirements in accordance with the Biodiversity Offsets Scheme. Whilst considered unlikely based on the DLALC landholdings, any residual credit requirements not met by the proposed onsite Stewardship Agreement could be provided for via additional Stewardship Agreements on DLALC land, purchasing of credits from the market, and/or via payments to the Biodiversity Conservation Trust Fund.

The proposal footprint is located within the corridor identified in the Central Coast Regional Plan 2036 (NSW Government 2016) as connecting the central National Parks and State Forests (refer to **Figure 2**). The proposal has sought to avoid impacts to this corridor where possible, impacting a relatively minor proportion of this area of native vegetation (approximately 1.5 km long). The corridor itself will remain the same size overall, and minor impacts to connectivity will occur. Important connectivity and movement habitat is unlikely to be substantially impacted by the proposal, considering the remainder of Lot 48 DP118467 can be conserved through a Stewardship Agreement, which would provide in perpetuity conservation of a large section of the identified corridor in the Central Coast Regional Plan 2036 (NSW Government 2016).

4.0 References

Conacher Consulting Pty Ltd, (2015) Ecological Investigation Report, Lot 481 DP 1184693 & Lot 483 DP 1149939, Somersby.

NSW Government (2016) Central Coast Regional Plan 2036



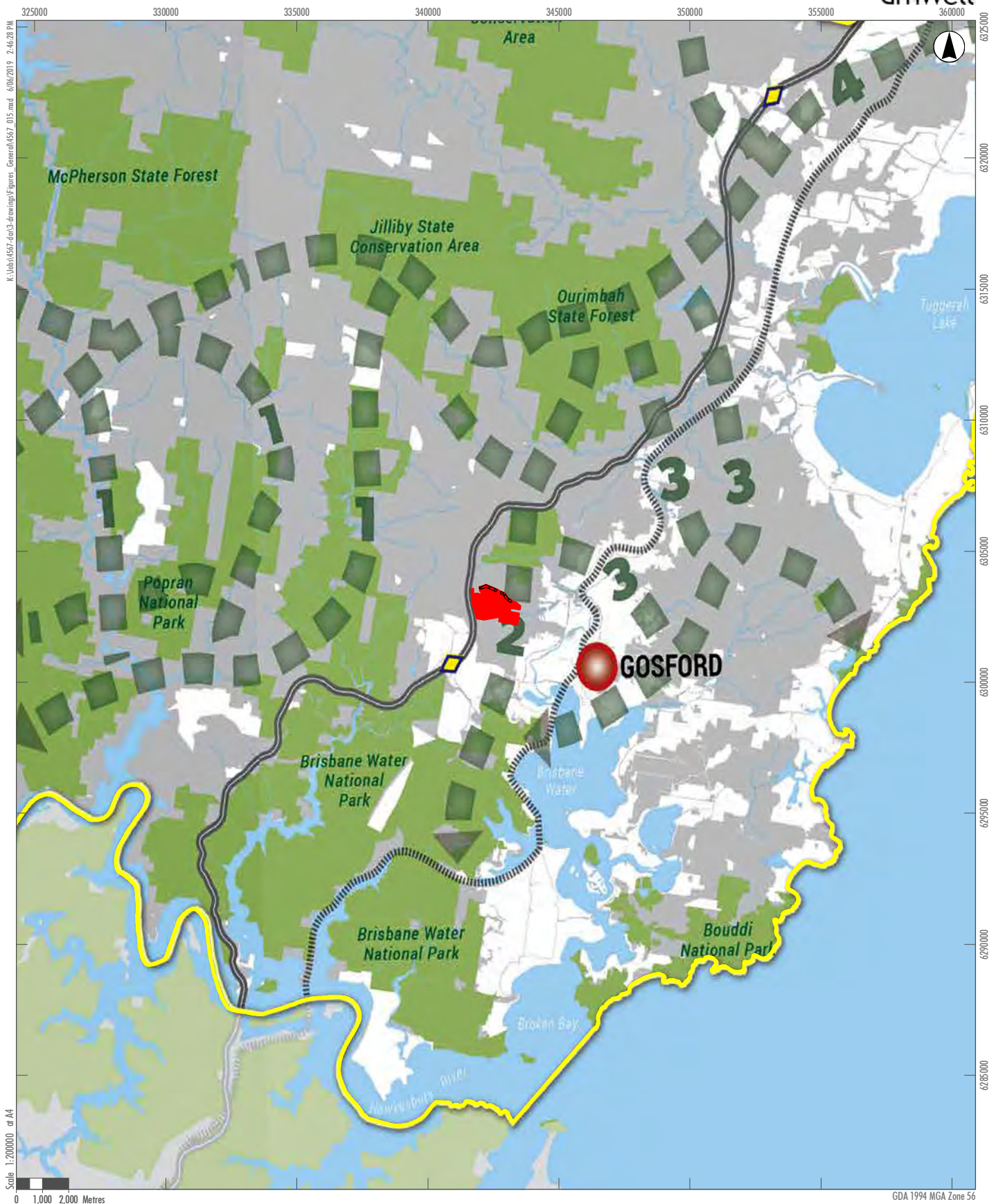
Legend

- | | | | | | |
|--|---------------------------------|-------------------------|-----------------------------|--|--|
| Proposed Site | NSW Bionet Atlas Records | Little Bentwing-bat | AHIMS Search Results | Conacher Mapping (2015) | Umwelt Observations (2019) |
| Lot 48 DP118467 | Camfield's Stringybark | Long-nosed Potoroo | Axe Grinding Groove | Coastal Upland Swamp (EEC under BC Act and EPBC Act) | Coastal Upland Swamp (EEC under BC Act and EPBC Act) |
| DCDB Lots | Eastern Bentwing-bat | Red-crowned Toadlet | Engraving Site | Potential Hibbertia procumbens habitat (Based on Conacher 2015 Vegetation Mapping) | Hibbertia procumbens Habitat |
| Watercourses | Eastern False Pipistrelle | Somersby Mintbush | | | Red Crowned Toadlet Observation |
| Riparian Corridor (50m Watercourse Buffer) | Eastern Pygmy-possum | Spreading Guinea Flower | | | Hibbertia procumbens |
| | Giant Burrowing Frog | Varied Sittella | | | Red Crowned Toadlet Habitat (300m Buffer around Observation) |

- | |
|---|
| Southern Myotis Foraging Habitat Buffer |
| Southern Myotis Foraging Habitat |
| Eastern Pygmy Possum Habitat |
| Large-eared Pied Bat Habitat |

Image Source: Nearmap (March 2019) Data source: Conacher (2015); NSW LPI; Umwelt (2019) Note: Species polygons only shown for Hibbertia procumbens across Lot 48 DP118467. Additional threatened species polygons to be finalised across Lot 48 DP118467.

FIGURE 1
Constraints



Legend

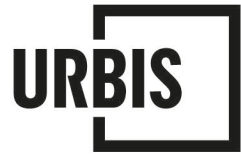
- Proposal Site
- Lot 48 DP118467
- Central Coast Local Government Area

Biodiversity Corridor

- 1 - Linking to Mountains and National Parks to the West
- 2 - Connecting the Central National Parks & State Forests
- 3 - Linking Coastal Hills with valleys and Foreshores
- 4 - Connecting the Coast to the Foothills and Providing an Inter-Regional Landscape Break

FIGURE 2

Proposal Site in Relation to
Central Coast Regional Plan 2036 Biodiversity
Corridors (NSW Government 2016)



APPENDIX B PRELIMINARY STORMWATER AND SERVICING REPORT



Preliminary Stormwater and Servicing Report

for

Reeves Street, Somersby

for Darkinjung Local Aboriginal Land Council

Report Document Control

Project: Darkinjung Lands Planning Proposal – Reeves Street, Somersby
Project Ref: NL191021
Document Ref: E02
File Name: NL191021_E02_Preliminary Stormwater and Servicing Report[B]
Client: Darkinjung Local Aboriginal Land Council
Title: Preliminary Stormwater and Servicing Report - Reeves Street, Somersby

Revision History:

Revision	Report Status	Issue Date	Prepared	Reviewed	Admin
A	Draft Issue	07/06/2019	BH	BC	LB
B	For Approval	04/07/2019	BH	BC	HB

Prepared:



Brittany Hoey

Civil / Environmental Engineer
BEng (Environmental)

Reviewed:



Ben Clark

Principal | Civil Engineer
BEng (Civil) MIEAust CPEng NER RPEQ

Limitation Statement

Northrop Consulting Engineers Pty Ltd (Northrop) has been retained to prepare this report based on specific instructions, scope of work and purpose pursuant to a contract with its client. It has been prepared in accordance with the usual care and thoroughness of the consulting profession for the use by Darkinjung Local Aboriginal Land Council. The report is based on generally accepted practices and standards applicable to the scope of work at the time it was prepared. No other warranty, express or implied, is made as to the professional advice included in this report.

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		Date
Prepared by	BH	04/07/2019
Checked by	BC	04/07/2019
Admin	HB	04/07/2019

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1. Introduction

Northrop Consulting Engineers have been engaged by Darkinjung Local Aboriginal Land Council (DLALC) to prepare a Preliminary Stormwater and Servicing Report to support the Rezoning Proposal for Lot 481, DP 1184693 Reeves Street Somersby. The report provides an overview of the stormwater and flood management requirements for the site as well as the availability of water, sewer, gas, electrical and communication infrastructure. The report aims to demonstrate that the site has capacity to accommodate the proposed rezoning and outline any further investigation that may be required.

1.1 Site Description

The site is located within the Central Coast suburb of Somersby on the southern side of Reeves Street. Illustrated in Figure 1 below, the site is bordered by the M1 Pacific Motorway to the west, existing rural residential properties to the north and bushland to the south and east. Currently undeveloped the land is predominately vegetated with the exception of several fire trails which transverses the site. With a total area of approximately 178ha the land is characterised by gently undulating to moderate slopes with average grades ranging from 4 to 12%.



Figure 1 – Existing Site (Aerial image source <https://maps.six.nsw.gov.au/>)

1.2 Proposed Development

The indented development proposes to subdivide the site to provide approximately 8-11 rural residential/ environmental living allotments and one residual lot for environmental and heritage conservation purposes. The residential allotments are proposed along the Reeves Street site frontage. The remaining site area is to be preserved as bushland to maximise the preservation of the sites environmental and cultural heritage values.

To facilitate this proposal the rezoning application is seeking to:

- Rezone land fronting Reeves Street from RU2 (Rural Landscape) to E3 (Environmental Management);
- Rezone the residual land within the site from RU2 (Rural Landscape) to E2 (Environmental Conservation); and
- Amend the LEP (Local Environmental Plan) Minimum Lot Size to facilitate future rural style residential lots.

2. Stormwater & Flooding

2.1 Existing Catchment

Natural drainage across the site is predominately characterised by Fountain Creek which is a tributary of Narara Creek. Runoff flows in an easterly direction within a number of first order drainage lines before converging into a second order creek prior to crossing the site boundary. The existing watercourses are illustrated below in Figure 2.



Figure 2 – Existing Watercourses (Aerial image source <https://maps.six.nsw.gov.au/>)

2.1.1 Riparian Corridors

To ensure adequate protection is provided to the existing water courses riparian corridors are to be established along each identified tributary. In accordance the Department of Industry Water guidelines the riparian corridor widths have been determined by watercourse order as classified under the Strahler System using current 1:25 000 topographic maps. Drawing SK-01 *Fountain Creek Flooding and Riparian Corridor Extents* provided in Appendix A illustrates the determined creek order and corresponding corridor widths.

2.2 Hydrological Assessment

A preliminary hydrological assessment of the contributing catchment using the RAFTS (Runoff Analysis and Flow Training Simulation) software package was undertaken to establish the existing catchment hydrology during a 1% AEP (Annual Exceedance Probability) storm event. RAFTS uses a deterministic runoff routing model to simulate catchment runoff processes and is recognised in ARR (Australian Rainfall and Runoff) 2016 as one of the available tools for flood routing within Australian catchments.

The runoff hydrographs produced from the RAFTS model were used to determine the peak flows for a range of 1% AEP storm events. The peak median ensemble flow rates were then used to predict the flood inundation across the site.

2.2.1 Methodology

A contributing catchment of 238.4ha was delineated using LiDAR aerial imagery, refer drawing SK-01 provided in Appendix A. The majority of the catchment was modelled to reflect a 100% pervious fraction with the exception of the western sub-catchments which were modelled with an impervious fraction of 5% to represent the existing rural developments and Motorway.

Input parameters for the model were as follows:

- Rainfall data was obtained from the Bureau of Meteorology using 2016 intensities and temporal patterns;
- Initial and continuing losses for the undeveloped pervious areas were set a 58mm and 3.2mm respectively in accordance with the area specific data obtained from ARR2016;
- Initial and continuing losses for the developed areas west of the site were set a 1.5mm and 0mm respectively as recommended in ARR2016;
- Catchment slopes were determined using LiDAR contour data;
- Catchment roughness was estimated at 0.06 based on the degree of vegetation cover; and
- Lag times between sub-catchments were estimated with guidance from the Queensland Urban Drainage Manual (QUDM), based on average channel gradient and longitudinal channel distance.

2.2.2 Results

The peak median ensemble flow rates were determined at three locations along Fountain Creek for the 1% AEP storm event. Table 1 below summaries these flow rates with the three cross-section locations indicated on drawing SK-01. The anticipated flood inundation extents were then determined at each location using these peak flow rates and Manning's Equation. By interpolating between each cross-section the estimated flood extents were deduced, refer drawing SK-01. As illustrated flood inundation waters are not expected to extend beyond the riparian corridors. Based on this preliminary assessment the proposed development is not considered to be affected by flooding and no further investigation is recommended.

Table 1- 1% AEP Peak Flows & Flood Inundation Widths

Cross-Section	1% AEP Flowrate (m ³ /s)	Flow Width (m)	Flow Depth (m)
1	16.3035	15.0	0.8
2	46.4335	18.0	1.0
3	55.4205	28.3	1.4

2.3 Stormwater Management

Stormwater management of the future individual allotments is proposed onsite in accordance with typical mitigation measures for rural residential developments. With an expected average lot size of greater than 1.8ha the post-developed impervious fraction is anticipated to be less than 5%. Development of the lots is therefore not expected to have a significant impact on the downstream flow regime and onsite detention measures are deemed unnecessary.

The majority of the 5% impervious fraction introduced by any future dwelling is anticipated to be roof area. Roof water runoff is to be harvested for onsite reuse, with all opportunities for collection to be optimised. As the proposed allotments fall away from Reeves Street towards Fountain Creek it is anticipated that any hardstand pavements will sheet in a south easterly direction without collection or concentration. Sheeted runoff will infiltrate through a vegetated buffer over 250m wide before reaching Fountain Creek. The buffer will aid in the removal of suspended pollutants and attached nutrients to adequately treat runoff prior to entering the downstream watercourse. Rainwater harvesting in conjunction with infiltration of the sheeting runoff is expected to satisfy the stormwater quality requirements for the proposed development. Modelling of the proposed treatment train to illustrate compliance with the required pollutant load reduction targets is recommended to be undertaken as part of the detailed subdivision application.

3. Service Infrastructure

3.1 Water & Sewer

No potable water or sewer infrastructure mains service the site. In accordance with the stormwater management philosophy future dwellings will be required to provide individual rainwater tanks to maximise the onsite harvesting potential. A water balance assessment to optimise tank storage volumes is recommended to be undertaken as part of the detailed subdivision application.

To manage sewage, waste all dwellings will be required to provide individual septic system. An onsite sewer disposal assessment to confirm disposal rates is recommended to be undertaken as part of the detailed subdivision application. Given the average lot size it is anticipated that ample space for effluent disposal will be accommodated onsite.

3.2 Gas

Jemena have advised that properties along Reeves Street do not currently have access to piped gas. The number and nature of the future lots are not likely to require future extension to mains. Should future lot owners require gas then bottled services can be arranged through local suppliers.

3.3 Electrical

Electrical infrastructure current existing along Reeves Street servicing residential development to the north. Given the number and nature of the proposed future development it is expected that this system will have capacity to service the site. Further detailed investigations and liaison will be undertaken at Development Application Phase of the development.

3.4 Communications

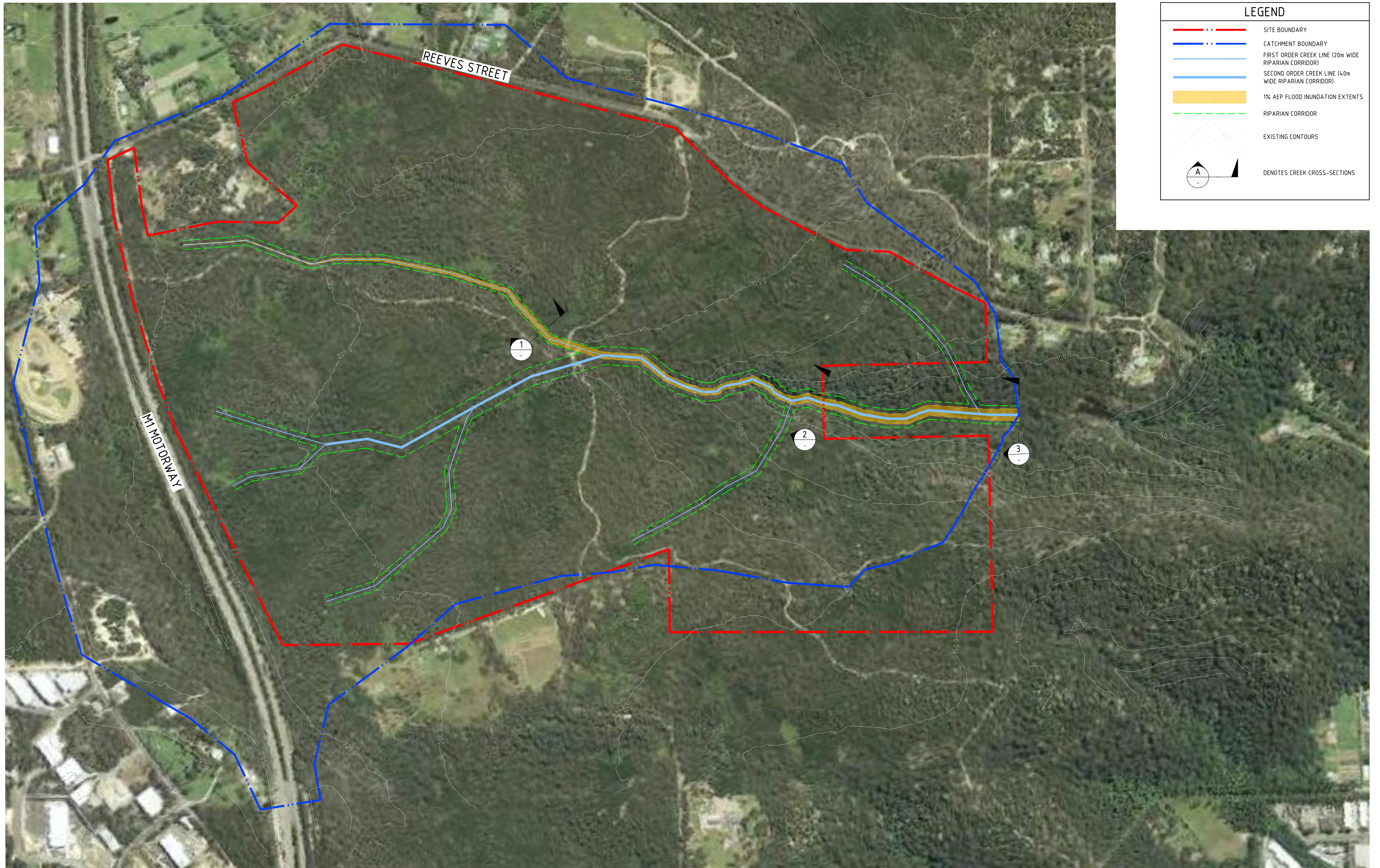
Communications infrastructure current existing along Reeves Street servicing residential development to the north. Given the number and nature of the proposed future development it is expected that this system will have capacity to service the site. Further detailed investigations and liaison will be undertaken at Development Application Phase of the development.

4. Conclusion

Based on the assessment undertaken to date the site is recommended for planning proposal on the grounds of stormwater flooding and essential services. As outlined above the site is considered to have sufficient capacity to accommodate the proposed rezoning with further investigations only required to support the detailed design of the subdivision application.

5. Appendix A

SK-01 Fountain Creek Riparian Corridor & Flood Extents



LEGEND	
---	SITE BOUNDARY
---	CATCHMENT BOUNDARY
---	FIRST ORDER CREEK LINE (20m WIDE RIPARIAN CORRIDOR)
---	SECOND ORDER CREEK LINE (40m WIDE RIPARIAN CORRIDOR)
	1% AEP FLOOD INUNDATION EXTENTS
---	RIPARIAN CORRIDOR
---	EXISTING CONTOURS
	DENOTES CREEK CROSS-SECTIONS

