



14 August 2019

Greg Sullivan
Central Coast and Hunter Planning and Assessment
PO Box 1148
GOSFORD NSW 2250

Dear Mr Sullivan,

Independent Review - Reeves Street, Somersby

Thank you for the opportunity to comment on the independent proposal review for the Darkinjung Local Aboriginal Land Council (DLALC) site at Reeves Street, Somersby.

Council generally supports the intended outcome of the proposal, i.e. to rezone the subject site from RU2 Rural Landscape and E2 Environmental Conservation to E3 Environmental Management and E2 Environmental Conservation under *Gosford Local Environmental Plan 2014 (GLEP 2014)*.

Council does not support the proposed additional use of both Dwelling House in conjunction with Community Facility on the site.

Council has several concerns which have not been addressed by the available information. Primarily, these concerns relate to impacts on threatened species habitat and endangered ecological communities and regional biodiversity corridors.

These concerns, and others are further detailed in the Attachment to this letter.

Should you require further information relating to this response, please contact me on 02 4350 5547 or email Scott.Duncan@centralcoast.nsw.gov.au.

Yours faithfully

A handwritten signature in blue ink, appearing to read "S. Duncan".

Scott Duncan
Section Manager
LOCAL PLANNING & POLICY

LL / Lucy Larkins
Your Reference: DOC19/626763

Attachment

1. Council Response – DLALC Proposal – Reeves Street, Somersby



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Central Coast Council Submission

Darkinjung Local Aboriginal Land Council (DLALC) Proposal – Reeves Street, Somersby



1. Instrument to be amended

The proposal seeks to amend *Gosford Local Environmental Plan 2014 (GLEP 2014)*. As identified however, Council has exhibited a draft Central Coast Local Environmental Plan (CCLEP), which consolidates the existing and deemed Environmental Planning Instruments applicable across the Local Government Area (LGA), inclusive of GLEP 2014.

Council recommends:

- a) that in the event a gateway determination be issued for the proposal, the determination should seek an amendment to either GLEP 2014 or CCLEP, depending on which instrument is in effect at the time of plan finalisation.

2. Threatened Species and Endangered Ecological Communities

The comprises native vegetation which provides suitable habitat for a number of threatened and non-threatened flora and fauna species as well as Endangered Ecological Communities (EECs).

A number of threatened fauna species have been recorded from the site (including but not limited to) the Giant burrowing Frog, Red-crowned Toadlet, Long-nosed Potoroo, Eastern Pygmy-possum, Varied Sittella, Eastern False Pipistrelle, Little Bentwing-bat and Eastern Bentwing-bat.

In addition, a number of threatened flora species have been recorded from the site (including but not limited to) *Darwinia glaucophylla*, *Eucalyptus camfieldii*, *Hibbertia procumbens* and *Prostanthera junonis*.

Lot 481 DP 1184693 is identified under the approved Recovery Plan for *Prostanthera junonis* as Population 3 – Reeves Road. Duffy's Forest EEC, Sandstone Hanging Swamp EEC and Coastal Upland Forest EEC have also been mapped as occurring within Lot 481. The Saving Our Species Program has a site within Lot 481 to improve and enhance the *Prostanthera junonis* Population 3 – Reeves Road.

Whilst the proposed rezoning of RU2 Rural Landscape to E3 Environmental Management (28.5 ha) and E2 Environmental Conservation (150 ha) for environmental conservation provides a positive environmental outcome, Biocertification of the site in its entirety should be a consideration. This will streamline the assessment of future development applications on the site.

Council recommends:

- a) The site in its entirety be Biocertified in accordance with the provisions of the *Biodiversity Conservation Act, 2016*.

3. Proposed E3 Environmental Management Zone

The proposed E3 Environmental Management intends to accommodate between eight and 14 rural residential allotments. This would result in a net loss of approximately 15% of the native vegetation within Lot 481.



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The proposed rezoning document indicates that roughly half of the proposed E3 Environmental Management zone will be built upon with the remainder retained as a 'buffer zone'.

The majority of the vegetation within the proposed E3 Environmental Management buffer zone is known habitat for the threatened Eastern Pygmy Possum. There is very little habitat for this species within the site other than the vegetation along the northern boundary of the site. In addition, portions of the Sandstone Hanging Swamp EEC and Duffys Forest EEC are also located within this area.

The assessment submitted has not considered the impacts of vegetation removal required within the buffer zone to accommodate for the on-site sewage management systems (OSSMs), bush fire protection measures and the installation of services associated with future development within the front portion of the proposed E3 Environmental Management zone.

Additionally, the proposed minimum lot size in the proposed E3 Environmental Management zone has the potential to cause fragmentation and degradation of adjoining land.

Council recommends:

- a) that the full impacts of development are taken into consideration when assessing the likely impacts to biodiversity values and native vegetation, and
- b) that the proposed E3 Environmental Management zone be reduced in size, by a reduction to at most eight proposed rural residential lots.

4. Regional Biodiversity Corridor

The subject site adjoins a key regional biodiversity corridor that links Jilliby State Conservation Area through Strickland State Forest and DLALC holdings to Brisbane Water National Park.

the proposed E3 Environmental Management zone should be sited with consideration to the larger landscape scale context to ensure that the proposal does not undermine the regional biodiversity corridor. Furthermore, ensuring that the proposed E3 zone is outside of the regional biodiversity corridor would maintain viability and value of the corridor

Council recommends:

- a) that the proposed E3 Environmental Management zone boundary be repositioned away from the regional corridor to avoid edge effects on the corridor arising from development.

5. Proposed E2 Environmental Conservation Zone

The proposed E2 Environmental Conservation zone covering the remaining 150ha (85% of the site) has not been accurately described.

This figure does not include the proposed development of an additional dwelling and cultural centre in this zone, nor does it discuss the additional requirements for OSSM, services and bush fire protection measures including appropriate access and egress. Given that the proposed additional uses are proposed within a high bush fire hazard area, isolated from the main road and upslope from the hazard – the bush fire requirements needed to facilitate the development are likely to be substantial in terms of clearing.

The proposal seeks to enable additional permitted uses, inclusive of a dwelling and cultural centre, within the proposed E2 Environmental Conservation zone. Neither use is proposed as a permissible

land use within the draft CCLEP within the E2 Environmental Conservation zone. Whilst a dwelling house is easily defined, the cultural centre may be defined as several land uses, the Community Facilities definition appears to be the most relevant:

"means a building or place:

(a) owned or controlled by a public authority or non-profit community organisation, and

(b) used for the physical, social, cultural or intellectual development or welfare of the community,

but does not include an educational establishment, hospital, retail premises, place of public worship or residential accommodation.

Council does not support land use terms including educational establishments, medical centres or seniors housing to achieve the intended outcome given the relative isolation of the site and potential scale of development.

Further, Council is not willing to support both land uses within the E2 Environmental Zone portion of the site given the potential cumulative impacts within a sensitive and constrained locality.

Council recommends:

- a) that the full impacts of development are taken into consideration when assessing the likely impacts to biodiversity values and native vegetation within the proposed E2 Environmental Conservation zone,
- b) that in the event biocertification of the site in its entirety is not pursued, the E2 Environmental Conservation zoned area of the site should be established as a Biodiversity Stewardship Site,
- c) That a "dwelling house" and "community facility" be supported as additional permitted uses within the proposed E2 Environmental Conservation zone, subject to only one use occurring within the E2 Environmental Zone.

6. Cultural Heritage

The Land and Environment Court have recognised the Landscape Cultural Values within Somersby, with a considerable number of culturally sensitive Aboriginal sites previously recorded within the subject site.

Council recommends:

- a) that additional Cultural Heritage investigations occur through the planning proposal process to identify cultural values on the subject site, with the view to refining the proposed rezoning and development footprints as necessary to avoid impacts to these values and sites

7. Coastal Open Space System (COSS) Lands

The site is identified for acquisition as part of Council's Coastal Open Space System (COSS) due to its significant environmental and cultural values.

Council recommends:

- a) this be further explored with relevant units of Council.

8. Contamination Assessment

The supporting documentation proposes to undertake an assessment of the potential likelihood of contamination of the site be undertaken following the receipt of a gateway determination. The proposal is likely to generate a change in class of potential land uses other than those permitted within the RU2 Rural Landscape zone.

Council recommends:

- a) that an assessment of the potential likelihood of contamination of the site be undertaken prior to any Gateway Request being considered.