



DATE OF DECISION	Wednesday, 2 October 2019
PANEL MEMBERS	Jason Perica (Chair), Michael Leavey, Cr Chris Burke and Cr Kyle MacGregor
APOLOGIES	Kara Krason
DECLARATIONS OF INTEREST	None

INDEPENDENT PROPOSAL REVIEW

2019HCC030 – Central Coast Council – RR_2019_CCOAS_002_00 - AT Reeves Street, Somersby (AS DESCRIBED IN SCHEDULE 1)

Reason for Review:

- ☒ Local Aboriginal Land Councils can request an independent body to give advice on planning proposals if no development delivery plan has been published, the interim development delivery plan for the land, published on the Department's website

PANEL CONSIDERATION AND DECISION

The Panel considered: the material listed at item 4 and the matters raised and/or observed at meetings and site inspections listed in Schedule 1.

Based on this review, the Panel determined that the proposed instrument:

- ☒ **should** be submitted for a Gateway determination because the proposal has demonstrated strategic and site specific merit.

The decision was unanimous.

REASONS FOR THE DECISION

Strategic Merits:

- The proposal is consistent with *the Central Coast Regional Plan 2036* relating to both lands owned by the Darkinjung LALC, supporting economic self-determination of Aboriginal Communities and securing biodiversity corridors;
- The proposal is consistent with Ministerial Directions, including Direction 5.11 relating to Development of Aboriginal Land;
- The proposal is consistent with the *Interim Darkinjung Development Delivery Plan (February 2019)*.

The proposal is also strategically important in facilitating a strategic review of the Darkinjung land holdings in the Central Coast in a systematic, co-ordinated and rational way, while also supporting core aims and values for greater self-determination and economic independence for local aboriginal communities and its governing Land Council.

Site-Specific:

- The proposal will provide social and economic benefit to the Aboriginal community;
- The current zoning is inappropriate, particularly as the RU2 zoning facilitates potential conflict between permissible land uses and the ecological values of the site. The proposed significant increase in Environmental Conservation zoning (E2) for the site, and a framework to allow its ongoing conservation at no cost to Government, while also allowing a modest potential increase in dwelling houses on a smaller footprint of land, is a positive overall planning outcome;

- The location of a smaller “developable” area to the north of the site, with frontage to a local road, has overall merit. The proposed zoning of E3 – Environmental Management is appropriate and signifies the importance of the environmental qualities of the land, while allowing some modest development;
- The overall balance of environmental impacts and outcomes is likely to be positive;
- The existing, approved and likely future uses of surrounding uses are not incompatible with the proposal;
- The site has services and infrastructure able to support the development, with local augmentation as may be needed;
- The intention to provide a “buffer” to the rear 50m/rear half depth of the E3 zoning, and the intention to retain 34 significant trees in the E3 zoning is supported. The implementation options to best secure this outcome, and for the ongoing protection of vegetation in the buffer zone should be developed in the planning proposal;
- Similarly, measures to avoid and mitigate impacts on areas of high ecological value in the E3 zoning, while allowing rational dwelling locations and footprints, should be explored in the Planning Proposal, including appropriate options to guide future development in a clear way and implications for the governing environmental planning instrument.





The Panel Noted:

- The applicant’s intention to revise the Planning Proposal in response to the issues raised by Council (by a submission tabled at the Panel meeting dated 2 October 2019), including:
 - Removal of the E3 zoning from the conservation corridor to the north-eastern portion of the site;
 - Not proposing additional uses in the E2 zone.

These intended changes were noted and supported by the Panel.

Panel Recommendations:

1. The proposal proceed to a Gateway determination.
2. The intended changes to the proposal outlined in a submission by the applicant dated 2 October 2019 be reflected in the Planning Proposal.
3. Implementation options to best secure the intention to provide a “buffer” to the rear 50m/rear half depth of the E3 zoning, and retain approximately 34 significant trees in the E3 zoning, should be explored in the Planning Proposal
4. Similarly, Implementation options to avoid and mitigate impacts on areas of high ecological value in the E3 zoning, while allowing rational dwelling locations and footprints should be explored in the Planning Proposal, including considering appropriate options to guide future development in a clear way.
5. A Stage 1 Preliminary Site Investigation be included with the Planning Proposal and information to consider and address potential noise impacts from an adjoining RSPCA pet facility and a nearby driver training facility.

PANEL MEMBERS	
 Jason Perica (Chair)	 Michael Leavey
 Cr Chris Burke	 Cr Kyle MacGregor

SCHEDULE 1		
1	PANEL REF – LGA – DEPARTMENT REF - ADDRESS	2019HCC030 – Central Coast Council – RR_2019_CCOAS_002_00 - AT Reeves Street, Somersby
2	LEP TO BE AMENDED	Gosford Local Environmental Plan 2014
3	PROPOSED INSTRUMENT	<p>The proposal seeks to:</p> <ul style="list-style-type: none"> • Rezone land fronting Reeves Street from RU2 Rural Landscape to E3 Environmental Management and amend the Minimum Lot Size map to facilitate the development of approximately 8-14 rural residential lots. • Rezone the remaining RU2 Rural Landscape land to E2 Environmental Conservation. • Maintain the E2 Environmental Conservation zone on land currently zoned E2 Environmental Conservation • Allow a site within the E2 Environmental Conservation land to be used for a dwelling house and a building or place to undertake cultural activities.
4	MATERIAL CONSIDERED BY THE PANEL	<ul style="list-style-type: none"> • Independent Proposal Review request documentation • Briefing report from Department of Planning, Industry and Environment • Interim Darkinjung Development Delivery Plan February 2019 • PS 19-012 (Independent Review of Planning Proposal for identified ABORIGINAL Land), 8 February 2019 • Submission from Central Coast Council (14/8/2019)
5	BRIEFINGS AND SITE INSPECTIONS BY THE PANEL/PAPERS CIRCULATED ELECTRONICALLY	<ul style="list-style-type: none"> • Site inspection: Wednesday, 2 October 2019 <ul style="list-style-type: none"> ○ Panel members in attendance: Jason Perica (Chair), Michael Leavey, Cr Chris Burke and Cr Kyle MacGregor ○ Department of Planning, Industry and Environment (DPIE) staff in attendance: Garry Hopkins and Greg Sullivan • Briefing with Department of Planning, Industry and Environment (DPIE): Wednesday, 2 October 2019 at 1:00pm

	<ul style="list-style-type: none"> ○ Panel members in attendance: Jason Perica (Chair), Michael Leavey, Cr Chris Burke and Cr Kyle MacGregor ○ Department of Planning, Industry and Environment (DPIE) staff in attendance: Garry Hopkins and Greg Sullivan ● Briefing with Council: Wednesday, 2 October 2019 at 1:30pm <ul style="list-style-type: none"> ○ Panel members in attendance: Jason Perica (Chair), Michael Leavey, Cr Chris Burke and Cr Kyle MacGregor ○ Council representatives in attendance: Lucy Larkins and Jenny Mewing ● Briefing with Proponent: Wednesday, 2 October 2019 at 2:00pm <ul style="list-style-type: none"> ○ Panel members in attendance: Jason Perica (Chair), Michael Leavey, Cr Chris Burke and Cr Kyle MacGregor ○ Proponent representatives in attendance: Matthew West, Alison Riely, David Hoy, Ben Mah-Chut and Tim Flemming ● Papers were circulated electronically between Thursday, 3rd October 2019 – Wednesday, 10 October 2019
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