

Matthew Ross 33 Inderan avenue Lake Haven NSW 2263 my submission against Application Number SSD-14082938

Application Number

SSD-14082938

Assessment Type

State Significant Development

Development Type

Educational establishments

Local Government Areas

Central Coast

Exhibition Start-End Date

05/09/2023 - 02/10/2023

This State Significant Development SSD-14082938 will cause an Extinction event if it is given the green light by you Mr. Brent Devine

These are my opening words to the submission I was requested to form Save the A Track Charmhaven by Boris s Branwhite and Deborah Raymont. Deboarh is the photographer who owns copywrite to the photos I am about to share and Boris is the Environmental scientist Corunastylis insignis

These are the environmental scientist team who found it and post on facebook

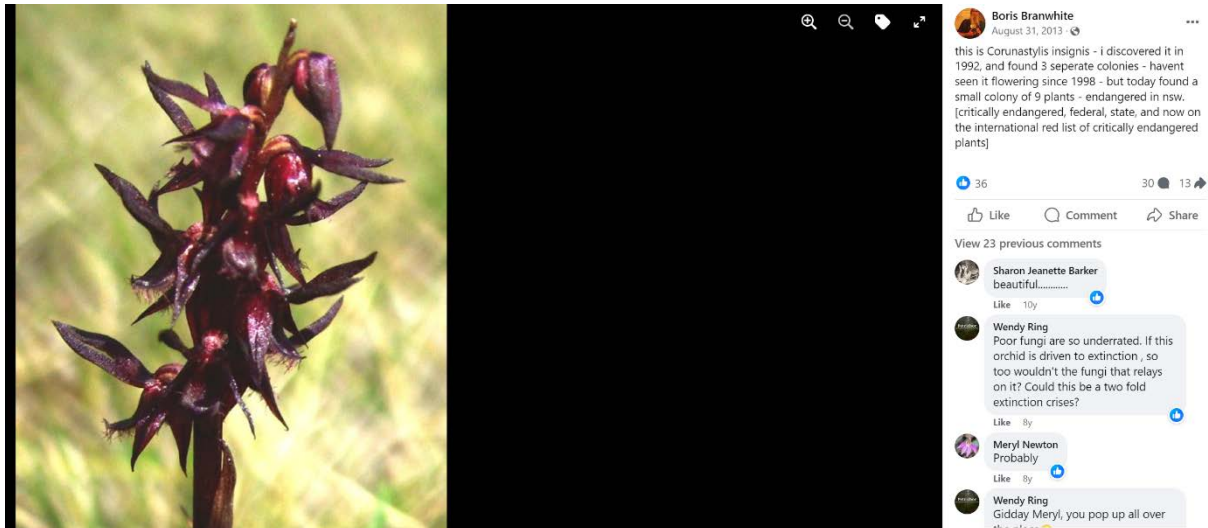
Boris Branwhite August 31, 2013

this is Corunastylis insignis - i discovered it in 1992, and found 3 seperate colonies - havent seen it flowering since 1998 - but today found a small colony of 9 plants - endangered in nsw. [critically endangered, federal, state, and now on the international red list of critically endangered plants]

Deborah I believe took this photo

I advise you to go to facebook posts I will be relying on these vital part of the information that is part of my submission I have screen capture and added this to the document.

<https://www.facebook.com/photo.php?fbid=10151549977366526&set=pb.637016525.-2207520000&type=3>



I will mention that is also a comment on Boris facebook site that talks about extinction by Wendy Ring.

Wendy Ring

Poor fungi are so underrated. If this orchid is driven to extinction, so too wouldn't the fungi that relays on it? Could this be a two fold extinction crises?

So I begin this submission with the scientist that made the request for me to direct a group of people into some form of organised group to put submissions in by October the 2nd.

I draw your attention to Australian Government, Threatened Species Scientific Committee. 2022. *Genoplesium insigne*. The IUCN Red List of Threatened Species 2022: e.T206711897A206712834. Accessed on 28 September 2023.

<https://www.iucnredlist.org/species/206711897/206712834>

Wyong Midge Orchid 1

Genoplesium insigne

ABSTRACT

Wyong Midge Orchid 1 *Genoplesium insigne* has most recently been assessed for The IUCN Red List of Threatened Species in 2014. *Genoplesium insigne* is listed as Critically Endangered under criteria B1ab(i,ii,iii,v)+2ab(i,ii,iii,v); D.

► Australian Government, Threatened Species Scientific Committee. 2022. *Genoplesium insigne*. The IUCN Red List of Threatened Species 2022: e.T206711897A206712834. Accessed on 28 September 2023.

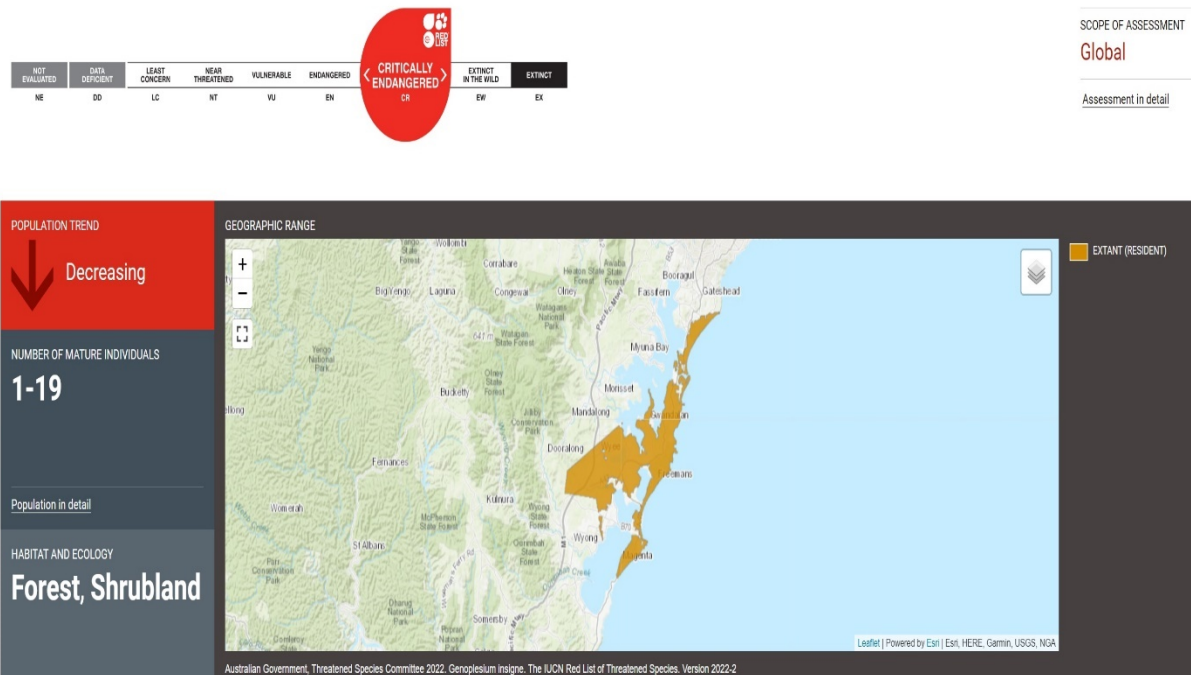
LAST ASSESSED

04 March 2014

SCOPE OF ASSESSMENT

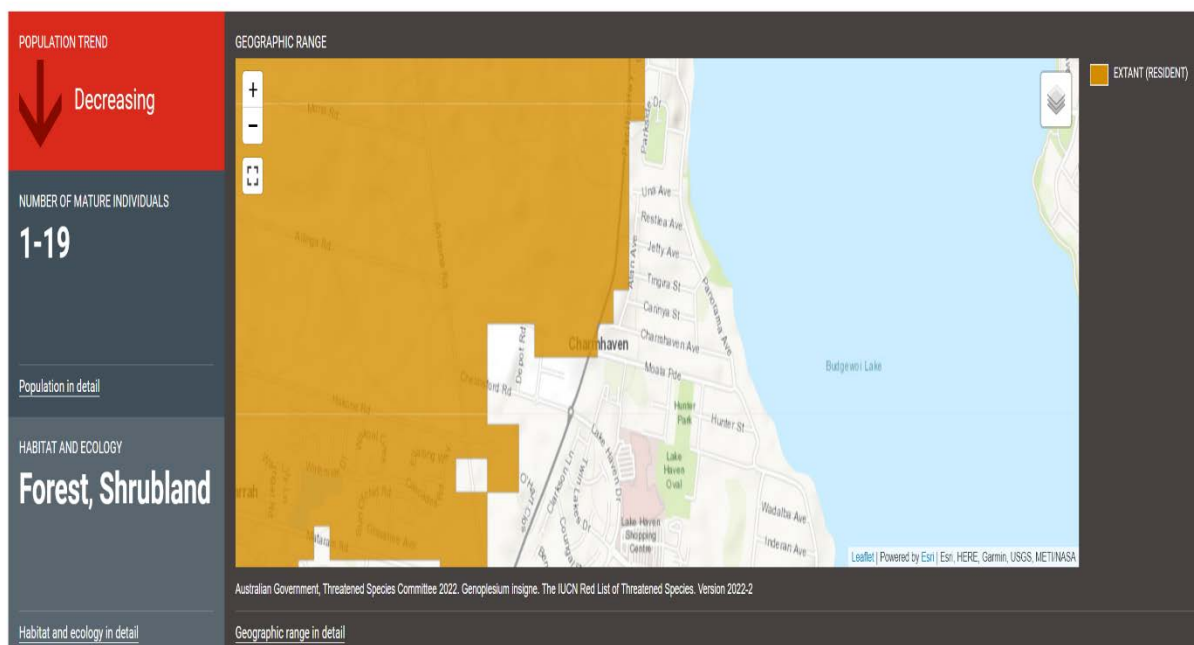
Global

[Assessment in detail](#)



You will notice the size of the map in yellow covers the whole area of The State Significant Development Charmhaven and much of the northern parts of the central coast. Including the red gum forest that was taken to the Privy court of the united kingdom by my family

I have zoomed in to make it more detail for you of course you have the link provided



My process was to go and walk and see what there is I have a hobby of photography and hiking for my own mental health this is one of the areas I hike to I walk seasonally around this area. All information is on the facebook site I have invited the community to Join with flyers.

They came there are now 200 members



<https://www.facebook.com/groups/826025038993414>

Proposed Development of Lot 2 DP 809106 Arizona Road, Charmhaven the Land is C2 Environmental Conservation. RU6 – Transition

Home to Squirrel glider, Microbat Bats, Fishing Bats, Wallum froglet, Swift Parrot and of course the Charmhaven Apple. Countless wild flowers, Orchids that are extremely rare many endangered species live in this habitat.

Please join the facebook and community be informed share we are asking you to write a submission that connects you to the area. We have until October 2
Thank you

The community is informed of all the information and every action was scrutinised by the community. The facebook site work of which is part of the submission to speak against the development applications includes all the basic information of threatened and critical endanger species including the Charmhaven proposed development at Arizona Road is very disturbing this will disturb the homes of squirrel gliders and microbats fishing bats wallum froglet

it is a known site for swift parrot the native flowers are truly beautiful it is a different world when you relax and walk the track and people do go to the A Track to relax walk the dogs and enjoy the native bushland of Charmhaven

every season I have taken photos of flowers from this area since 2019 the local people know what a rare gem this is environmental is scientist and the council My photos of charmhaven are on google map during the bushfires

a tree that takes its name from this area the Charmhaven apple is on the Red list it has only been the last few weeks that illegal clearing has removed the charmhaven apple from San Remo

It is devastating for those who do land care in the state significant development of s ST Philips Christian college it states it will clear over 20 hectares including the charmhaven apple

of which is not only protected by state and federal environmental laws it also is on an international red list

Charmhaven Apple
Angophora inopina

ABSTRACT

Charmhaven Apple Angophora inopina has most recently been assessed for The IUCN Red List of Threatened Species in 2019. Angophora inopina is listed as Near Threatened under criteria A2c.

<https://www.iucnredlist.org/species/133376631/133376633>

There are maps that were shared of the last areas of the Charmhaven apple the issue is land was cleared and there is currently an investigate of how many were removed illegally in San Remo

There is a video and images of the land being illegally removed by an anonymous member of the public link here

<https://www.facebook.com/groups/826025038993414/permalink/837388497857068/>

I draw your attention to comments by Sharon Salmi she states that It is listed as "vulnerable" under the Australian Government Environment Protection and Biodiversity Conservation Act 1999 and the New South Wales Government Threatened Species Conservation Act 1995.

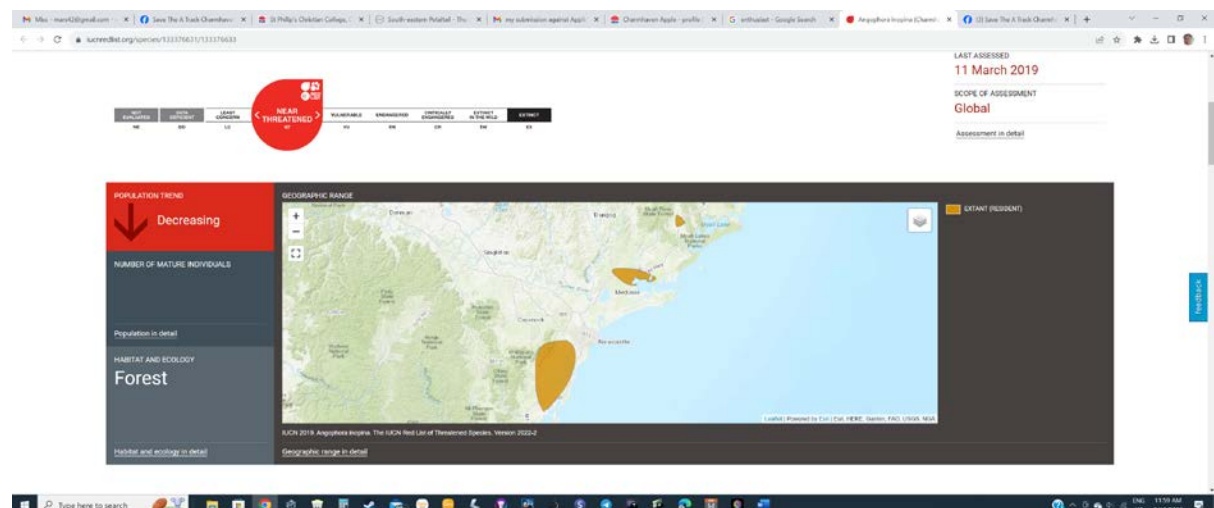
<https://www.facebook.com/groups/826025038993414/permalink/834099541519297/>

I have included Red list assessment links to the Charmhaven apple Charmhaven Apple

Angophora inopina

ABSTRACT

Charmhaven Apple Angophora inopina has most recently been assessed for The IUCN Red List of Threatened Species in 2019. Angophora inopina is listed as Near Threatened under criteria A2c.



<https://www.iucnredlist.org/species/133376631/133376633>

The only place on the planet the last Forest of Charmhaven Apple given in the last month illegal clear occurred at San Remo of which information was shared on our facebook we are talking about an extinction event right Infront of us

Both the Wyong Midge Orchid 1 *Genoplesium insigne* and the Charmhaven Apple *Angophora inopina* trigger the EPBC Environmental minister

I have received advice from the Environmental Defenders office I have posted both emails on the facebook site of that advice simply the advice was under the EPBC I need to put a submission into the Federal Environment minister I have done this with this submission the facebook site includes all endangered species I have researched and it includes local people who have never written submissions we have 200 people who choose to like the facebook some have commented so have not, submit those that have have said to Save the A Track I hope this work matters when you weight up St Philips inability to understand we care

Facebooksite here <https://www.facebook.com/groups/826025038993414>

JUSTINE EMERSON

Mon, Sep 25, 10:02 AM

Dear Matthew,

Thank you for contacting EDO in relation to the proposal to build a school at Arizona Road, Charmhaven. We understand that your concerns relate to:

1. Clearing of native vegetation from the site
2. Impacts on threatened and endangered species including the Swift Parrot

We note that the Environmental Impact Statement (**EIS**) is currently on exhibition and submissions can be made until **2 October 2023**. Unfortunately whilst we do not have the capacity to review the EIS in detail we have provided some information below that we hope will assist in drafting your submission. We suggest you review our guide to writing a submission which outlines the information that should be included. You can access the factsheet [here](#).

Assessment Pathway and site rezoning:

The project has been designated as State Significant Development (**SSD**). We have attached our factsheet on [How to have your say on development in NSW](#) which provides information on the assessment pathway (you can find information relating to SSD applications on pages 8-9). You will note that the consent authority is required to consider the matters set out in s4.15 of the [Environmental Planning and Assessment Act 1979 \(NSW\)](#) (**EPA Act**) when assessing the proposal.

We note that the area is currently zoned RU6 Transitional with a portion zoned as C2 – Environmental Conservation. The SSD Application indicates that a planning proposal to rezone the land to SP2 Educational Establishment, B6 Enterprise Corridor and C2 Environmental Conservation - will be carried out concurrently to the SSD Application. Generally, when a development application and a planning proposal are lodged concurrently, the planning proposal should be exhibited at the same time or as close together as practical. Planning Proposals are exhibited on the Department of Planning website that you can access here: [Planning Proposals | Planning Portal - Department of Planning and Environment \(nsw.gov.au\)](#).

If you are interested in making a submission regarding the proposed change to the Local Environment Plan and cannot identify the planning proposal on the Planning Portal, we

suggest you telephone the contact planner Brent Devine on 9995 5667 to obtain further information regarding the planning proposal including the exhibition period.

Clearing of Native Vegetation and impacts on threatened species:

The EIS indicates that an area of 21.84 hectares will be cleared and that this is likely to directly impact threatened species and ecological communities. It is proposed that offset credits be used to mitigate these impacts. The EDO has raised concerns about the integrity of the Biodiversity Offset Scheme in NSW, we have attached a copy of our [Submission to the inquiry into the Integrity of the NSW Biodiversity Offsets Scheme - Environmental Defenders Office \(edo.org.au\)](#) which may provide some useful information.

We also suggest you review the Biodiversity Development Assessment Report (**BDAR**) and raise your concerns regarding the clearing and impacts in your submission. The BDAR is attached to the [EIS \(Appendix G14\)](#) and you can obtain more information about threatened species and ecological communities listed under the NSW *Biodiversity Conservation Act 2016* (NSW) here: [Schedules of the Biodiversity Conservation Act | NSW Environment and Heritage](#).

Appealing a decision to approve the project:

There are no merit appeal rights available for opponents of the project. However, if you believe that there has been some error in the decision-making process, you can seek judicial review of the consent. An application for Judicial Review must be made within **3 months of the date on which public notice of the decision was given** (s 4.59 of the *Environmental Planning and Assessment Act 1979*). As judicial review proceedings are time consuming and costly and there is a risk that costs orders may be made against you, we strongly recommend you obtain private legal advice before commencing proceedings.

We have included our [factsheet](#) which provides additional information on appeals to the Land and Environment Court.

Referral under the EPBC Act:

Finally, where a project is likely to have a significant impact on a matter of national environmental significance approval under the federal environmental legislation, the *Environment Protection and Biodiversity Conservation Act 1999* (Cth) (**EPBC Act**) is required. Matters of National Environmental Significance include impacts on species and ecological communities listed as threatened under the EPBC Act. You can access this information via the Department of Climate Change, Energy, the Environment and Water : [Threatened species under the EPBC Act - DCCEEW](#).

We note that the EIS suggests that the proposal will be referred to the Minister for assessment under the *Environment Protection and Biodiversity Conservation Act 1999* (Cth) (**EPBC Act**). We have included our factsheet on the [EPBC Act Referrals](#) which provides further information on the referral and assessment process. You will note that there will be opportunity for public comment at this point however you can write to the Minister at an earlier stage urging her to determine that the proposal is a controlled action for the purposes of the EPBC Act.

Further assistance:

You can access further legal resources via our website: [Legal resources - Environmental Defenders Office \(edo.org.au\)](#). If you have any further questions regarding the assessment process, please contact us and we will endeavour to assist if we are able to do so. We otherwise wish you all the best with the matter.

Kind regards,



Justine Emerson — National Intake Solicitor

, Gadi/Sydney NSW 2000

I use she/her pronouns.

Ministers Tanya David and Paul members of parliament staff people in the planning department Brent Devine please do not let this development go ahead The community loves this area it matters its beautiful the photos are there the people are there the scientist are there the ABC now has a story on this and there will be an interview Tuesday I will pay respect to everyone but don't mistake my respect as being submissive. ABC story and interview link

<https://www.facebook.com/photo/?fbid=799708108829148&set=a.396234989176464>

I need to Thank Boris and Deb for inviting me to take action for them I need to thank Sharon Clarke Sharon Salmi Craig Hungerford Kevin Armstrong and most importantly Chris Bourke who without his local knowledge none of this would of come together lastly my wife who is my rock and pillar of support Winda Hunag Ross

Thank you for your patients

Matthew Ross

33 Inderan Avenue

Lake Haven NSW 2263

Mars42 @gmail.com

0412309378