



Office of Environment & Heritage

Your reference: SSD 6913
Our reference: DOC15/303694-6
Contact: Ziggy Andersons, 4927 3151

Mr David Gibson
Team Leader, Social Infrastructure
Department of Planning and Environment
GPO Box 39
SYDNEY NSW 2001

Attention: Peter McManus

Dear Mr Gibson

RE: OEH COMMENT - ENVIRONMENTAL IMPACT STATEMENT FOR THE GOSFORD HOSPITAL REDEVELOPMENT

I refer to your letter dated 6 August 2015 inviting the Office of Environment and Heritage (OEH) to provide comment on the Environmental Impact Statement (EIS) for the Gosford Hospital Redevelopment (SSD 6913). OEH has reviewed the relevant documents and provided comments below.

Aboriginal cultural heritage

OEH has reviewed the 'Proposed Redevelopment of Gosford Hospital, Preliminary Aboriginal Heritage Assessment, Report to City Plan Heritage, prepared by Artefact Heritage, June 2015', with respect to potential Aboriginal cultural heritage constraints. The assessment asserts that there are no known Aboriginal objects, sites, or areas for potential subsurface deposits located within the proposed development footprint, and as such the study area can be classified as being of low archaeological potential. OEH concurs with this assessment of archaeological potential. In addition the conclusion that there are no known Aboriginal archaeological heritage constraints associated with the proposed redevelopment has the support of Darkinjung Local Aboriginal Land Council. Therefore, OEH has no additional concerns or recommendations with respect to Aboriginal cultural heritage for the proposed Gosford Hospital Redevelopment.

Biodiversity

OEH has undertaken a review of the document titled 'Flora and Fauna Assessment for Gosford Hospital Redevelopment Project', prepared by Cumberland Ecology, 4 June 2015. Within the Flora and Fauna Assessment there are a number of incorrect assertions, missing considerations, and errors. Detailed comments on the Flora and Fauna Assessment are provided below.

The assessment utilised an Atlas of Wildlife search that was restricted to a five kilometre radius when it is standard practice to conduct a 10 kilometre search. As a result the assessment has the potential to have inadequately considered threatened species during surveys, likelihood of occurrence assessments, assessment of significance, and therefore the impact assessment. In regards to *Eucalyptus scoparia* and *Syzygium paniculatum* the report states that "*both these species are not considered to be locally indigenous to the subject land and therefore their conservation significance is reduced*". For *E. scoparia* that is correct, however, the *Threatened Species Conservation Act 1995* does not differentiate between planted and

naturally occurring threatened species. In regards to *S. paniculatum* (Magenta Lilly Pilly), likely due to the inappropriate Wildlife Atlas search, the assessment fails to acknowledge records in remnant vegetation within the locality. The assessment report was selective in quoting the habitat requirements of *S. paniculatum*. It failed to present more relevant information even though it was included in the likelihood of occurrence table (Table 2) that "*on the central coast Magenta Lilly Pilly occurs on gravels, sands, silts and clays in riverside gallery rainforests and remnant littoral rainforest communities*". The report states that all the *S. paniculatum* have been planted but does not detail how this was determined, as the species occurs within surrounding remnant vegetation and the site is habitat and even though in a disturbed state there is the potential that these individuals have naturally colonised the site. The likelihood of occurrence table (Table 2) incorrectly states that for *S. paniculatum* that "*No suitable habitat present. Not recorded during surveys. Unlikely to occur within the subject site*".

OEH acknowledges that the biodiversity values to be impacted upon by the proposal are unlikely to be significant due to the scale and context of the impact. This is reflected in the lack of native vegetation and the site value score of 0.0. However, OEH is bound to apply the Framework for Biodiversity Assessment (FBA) and current offset policy as they are written. As *S. paniculatum*, a species credit species, occurs within the site a strict application of the FBA means that an assessment for this species would still be required contrary to the assertion made within the report. Based on the timing of public exhibition of the EIS, the project falls under the 'NSW Biodiversity Offsets Policy for Major Projects' (OEH, 2014a). This policy has a transitional implementation period, as a result the Department of Planning and Environment has discretion in how the new policy is applied to projects where strict application of the FBA may result in perverse outcomes.

Flooding

The following comments are offered on the floodplain management components of the EIS for the Gosford Hospital Redevelopment (Including stage 1 of the Health and Wellbeing Precinct). The Secretary's Environmental Assessment Requirements (SEARs) related to water management are numbers 15 and 16.

SEAR 15 relates to drainage and stormwater management of the proposal. The proposed mitigation measures include on-site detention, retention of rainwater for re-use with the development and the construction of stormwater treatment devices that will be owned and maintained by NSW Health Infrastructure. These proposed mitigation measure seem generally in accordance with Gosford City Council requirements as detailed in the Councils Development Control Plan. It is assumed that relevant Council officers have reviewed this part of the proposal in detail and are satisfied it meets all of Council's requirements.

SEAR 16 relates to water quality and hydrology impacts of surface water and groundwater on downstream developments, including any potential flooding impacts. This includes consideration of the potential impacts of climate change, sea level rise and increase in rainfall intensity. As stated above, water quality impacts are proposed to be managed with proprietary tertiary stormwater treatment devices. The site is located at the top of a hill and is currently not impacted by flooding. The proposal includes controlling stormwater run-off flow patterns and rates from the site at existing rates up to and including the 1% Annual Exceedance Probability (AEP). This will be done by construction of stormwater drainage system that that has been designed to convey the 1% AEP design flow, with relevant blockage considerations, and will ensure overland flow paths are maintained at existing rates. Thus, there will be no adverse flooding impact on downstream properties.

In its current form, the floodplain management components of the EIS are generally supported by OEH.

If you have any further questions in relation to this matter, please contact Ziggy Andersons, Conservation Planning Officer, on 4927 3151.

Yours sincerely

A handwritten signature in black ink, appearing to read 'R Bath', with a long horizontal flourish extending to the right.

8 SEP 2015

RICHARD BATH
Senior Team Leader Planning, Hunter Central Coast Region
Regional Operations

