

Our ref: DOC20/300521-6

Your ref: SSD-10321

Ms Louise Starkey

Senior Planning Officer
Regional Assessments
Department of Planning, Industry and Environment
Louise.Starkey@planning.nsw.gov.au

Dear Louise

Re - Residential Development, 89 John Whiteway Drive, Gosford (SSD-10321 – Review of Environmental Impact Statement

I refer to your email dated 15 April 2020 in which Planning and Assessments Group (P&A) of the Department of Planning, Industry and Environment (the Department) invited Biodiversity and Conservation Division (BCD) of the Department for advice in relation to the proposed residential development at 89 John Whiteway Drive (Lot 100 DP 1075037, Lot 1 DP 45551 and SP 72557), in Gosford (SSD-10321).

BCD has reviewed the '*Environmental Impact Statement, 89 John Whiteway Drive, Gosford - SSD 10321*' (EIS; prepared by Urban Ethos Pty Ltd and dated 26 March 2020), including relevant appendices, annexures and attachments in relation to impacts on biodiversity, Aboriginal cultural heritage, flooding and flood risk.

Recommendations are provided in **Attachment A** and detailed comments are provided in **Attachment B**. If you require any further information regarding this matter, please contact Steve Lewer, Senior Regional Biodiversity Conservation Officer, on 4927 3158 or via email at rog.hcc@environment.nsw.gov.au

Yours sincerely



7 May 2020

STEVEN COX
Senior Team Leader Planning
Hunter Central Coast Branch
Biodiversity and Conservation Division

Enclosure: Attachments A and B

BCD's recommendations

Residential Development, 89 John Whiteway Drive, Gosford (SSD-10321 – Review of Environmental Impact Statement

Biodiversity

1. BCD recommends that the accredited assessor correct the inconsistencies in impact area presented in the Biodiversity Development Assessment Report (BDAR).
2. BCD recommends that the accredited assessor update the BDAR to include measures proposed to address the offset obligations.

Aboriginal Cultural Heritage

3. BCD recommends that an Aboriginal cultural heritage management plan should be prepared to ensure the mitigation and management of any unexpected finds that may be found during the construction and development of the project area.

Flooding and flood risk

4. BCD recommend that the proponent provide independent testing that verifies the efficacy of the proposed treatment solution. Consideration should also be given to use of water sensitive urban design elements to achieve the required water quality treatment goals.
5. The proponent should demonstrate that Council's downstream connection has the capacity to receive the proposed flow from the OSD.
6. BCD recommend that a maintenance covenant is established over the OSD installation to allow for routine maintenance.

BCD's detailed comments

Residential Development, 89 John Whiteway Drive, Gosford (SSD-10321 – Review of Environmental Impact Statement)

Biodiversity

1. There are inconsistencies in the BDAR with respect to the size of the development

BCD notes that there are inconsistencies in the Biodiversity Development Assessment Report (BDAR) with respect to the overall size of the proposed development. Table 1.1 (Site Details) states the development footprint area is approximately 2.31 hectares, whilst Table 3.1 which lists the Plant Community Types and their respective size, totals the impact area as 2.27 hectares. Although this is a small discrepancy, it may impact the credit yield. BCD notes that the credit calculator uses the smaller figure of 2.27 hectares.

Recommendation 1

BCD recommends that the accredited assessor correct the inconsistencies in impact area presented in the Biodiversity Development Assessment Report (BDAR).

2. The BDAR should include details of the measures proposed to address the offset obligation

The BDAR does not provide any details of the measures proposed to address the offset obligations. BCD's Secretary's Environmental Assessment Requirements (dated 17 May 2019) indicate that the BDAR must include details of the measures proposed to address the offset obligation such as:

- The total number and classes of biodiversity credits required to be retired for the development/project;
- The number and classes of like-for-like biodiversity credits proposed to be retired;
- The number and classes of biodiversity credits proposed to be retired in accordance with the variation rules;
- Any proposal to fund a biodiversity conservation action;
- Any proposal to conduct ecological rehabilitation (if a mining project);
- Any proposal to make a payment to the Biodiversity Conservation Fund.

Recommendation 2

BCD recommends that the accredited assessor update the BDAR to include measures proposed to address the offset obligations.

Aboriginal cultural heritage

3. An Aboriginal Cultural Heritage Management Plan should be prepared to manage any unexpected finds

An Aboriginal cultural heritage management plan should be prepared to manage any unexpected finds that may be found during the construction and development of the site.

The Aboriginal cultural heritage assessment report (ACHAR) prepared by RPS (2020) states that, although no Aboriginal objects or places were identified during the archaeological survey, the area was utilised by Aboriginal people of the past. The ACHAR recommend that cultural heritage inductions be undertaken by all personnel involved in the impact works to ensure any unexpected finds are managed.

Recommendation 3

BCD recommends that an Aboriginal cultural heritage management plan should be prepared to ensure the mitigation and management of any unexpected finds that may be found during the construction and development of the project area.

Flooding and flood risk

4. The performance of the propriety stormwater treatment device has not been verified

The proposed landscaping plan indicates the site has the potential to use garden areas for bioretention or other methods more compatible with water sensitive urban design criteria; with deep soil planting across 49% of the site with an additional 27% being landscaped. This approach has not been adopted however, and it is proposed to capture and prevent pollutants from entering waterways using eight online Ocean Protect StormFilter insert products located in the on-site detention tank (OSD). MUSIC modelling results provided with the application indicate that this approach will meet Central Coast Council's required pollutant reduction. However, the proponent has not provided independent testing that verify the efficacy of the proposed propriety products. The suitability of inserts in a fully submerged environment within a tank is unknown. Filtration inserts generally work as a flow through system and are best if placed offline so that they receive low flows only. Nutrients could potentially be resuspended if the inserts are fully submerged. Independent testing is required to prove the proposed propriety stormwater treatment solution will meet regulatory requirements set by Central Coast City Council.

Recommendation 4

BCD recommend that the proponent provide independent testing that verifies the efficacy of the proposed treatment solution. Consideration should also be given to use of water sensitive urban design elements to achieve the required water quality treatment goals.

5. Council's existing stormwater network may not have the capacity to receive the discharge from the proposal

Council's existing drainage may not have the capacity to receive concentrated flow from the OSD. The proposed OSD discharges via a two 300 diameter pipes into a single 375 diameter Council stormwater pipe on John Whiteway Drive. The OSD will concentrate two thirds of the site's runoff to a single discharge point. The existing council system may not have the capacity to receive this concentrated flow.

Recommendation 5

The proponent should demonstrate that Council's downstream connection has the capacity to receive the proposed flow from the OSD.

6. **The proposed stormwater treatment solution will require ongoing maintenance**

A covenant will be required over the OSD installation as the proprietary inserts will require regular maintenance.

Recommendation 6

BCD recommend that a maintenance covenant is established over the OSD installation to allow for routine maintenance.