



Lynda Hirst
Principal Strategic Planner
Central Coast Council

By email: lynda.hirst@centralcoast.nsw.gov.au

Dear Lynda,

Request for advice – Tuggerah Gateway Scoping Proposal – Central Coast LGA

I refer to your planning portal request, dated 14 November 2023 seeking input into the Tuggerah Gateway Planning Proposal. This proposal directly relates to 42 hectares (ha) of land currently zoned a combination of RU6 Transition, MU1 Mixed Use and C2 Environmental Conservation at 60 Wyong Road, Tuggerah (Lot 2 DP1056960 and Lot 3 DP1084221). This proposal seeks to rezone the majority of the RU6 Transition land to R1 General Residential, with the remainder to be rezoned to C2 Environmental Conservation.

Biodiversity and Conservation Division (BCD) has reviewed the response prepared by Urbis, dated 13 November 2023 and appendices, including the updated Biodiversity Certification Assessment Report (BCAR), dated 10 November 2023; updated Stormwater Report, dated 10 November 2023 and updated Urban Design Report dated 13 November 2023.

In context of previous advice provided by BCD, dated 23 June 2023 (DOC23/427117-12), BCD notes the following key issues remain outstanding:

- The BCAR has not been submitted in connection with a relevant application.
- Consideration of the avoid, minimise and offset hierarchy for biodiversity values has not been adequately demonstrated. Avoided land cannot be subjected to direct impacts resulting from the proposed development. Biodiversity issues can be resolved via the BCAR process which will need to be certified prior to the submission of a Development Application (DA).
- If the planning proposal is to progress to public exhibition, the open space and recreation areas proposed to be located within the drainage corridor should be removed from the urban design report. Matters such as these, however, would ideally be considered prior to public exhibition.
- Likewise, stormwater management and retaining wall design considerations would ideally be resolved prior to public exhibition. These matters require resolution prior to any lodgement of a DA.



BCD's detailed comments are provided in **Attachment A**. If you have any further questions about this issue, please contact Jayme Lennon, Senior Conservation Planning Officer, on 9585 6935 or at huntercentralcoast@environment.nsw.gov.au

Yours sincerely

A handwritten signature in black ink that reads 'Joe Thompson'.

Joe Thompson
**Director Hunter Central Coast Branch
Biodiversity and Conservation Division**

12 December 2023

Enclosure: Attachment A

BCD's comments

Tuggerah Gateway Scoping Proposal

1. The Biodiversity Certification Application (BCA) is yet to be formally lodged.

BCD has conducted a preliminary review of a BCA and BCAR (dated 10 November 2023) for the Tuggerah Gateway Site; however the BCA is yet to be formally submitted to BCD. BCD notes that in accordance with Clause 6.15 of the *Biodiversity Conservation Act 2016*, a BCAR cannot be submitted in connection with a relevant application unless the accredited person certifies in the report that the report has been prepared on the basis of the requirements of (and information provided under) the biodiversity assessment method as at a specified date and that date is within 14 days of the date the report is so submitted.

BCD notes that a full review of the BCA and accompanying BCAR will only occur once these have been formally submitted.

Recommendation 1

The BCA should be formally submitted for review to ensure that the BCA and planning proposal assessment processes align. The BCAR should be certified and submitted within 14 days of the relevant application. The alignment of these processes is shown in *Biodiversity Certification Fact Sheet #4* which can be found at <https://www.environment.nsw.gov.au/topics/animals-and-plants/biodiversity-offsets-scheme/about-the-biodiversity-offsets-scheme/biodiversity-certification/biodiversity-certification-support>

2. Consideration of the avoid, minimise and offset hierarchy for biodiversity values has not been adequately demonstrated. Avoided land cannot be subjected to direct impacts resulting from the proposed development.

The purpose of avoidance under the *Biodiversity Offset Scheme* is to protect biodiversity by not impacting on areas of high biodiversity value. Avoided land cannot have direct impacts resulting from the proposed development. Section 6.1.1 of the Biodiversity Certification Assessment Report (dated 10 November 2023) states that the development has been located to avoid impacts to areas of higher biodiversity values, including the rocky outcrops in the north western area of the Biodiversity Certification Area. It is additionally stated on page 67 that “the land proposed for conservation (proposed C2) will not be impacted, therefore has not been included in calculations”. This area is proposed to be rezoned to C2 Environmental Conservation.

Figure 25 and Table 4 of the Urban Design Report (dated 13 November 2023) identifies the rocky outcrop to be part of a ‘Rocky Outcrop Adventure Park’, with the C2 land proposed to include a playground. Shared Pedestrian/cycleways are proposed to transect the existing C2 zone in the southeast of the subject site. These are direct impacts to areas of high biodiversity value that would not be acceptable for avoided lands. Additionally, these impacts have not been assessed in the BCAR.

Recommendation 2

Avoided lands should not be subject to direct impacts as part of the planning proposal. The BCAR and planning proposal must have consistent outcomes for impacted and avoided

lands. All impacts to biodiversity resulting from the proposed development must be assessed in the BCAR.

3. **The proposed Central Green Park recreation area may be subject to high flood hazards with little warning time.**

The proposal has incorporated active and passive recreation areas within the Central Green Park open space, which is located within the designated drainage corridor. While this presents an improvement to the previous design in terms of amenity, it results in safety concerns.

The flood mapping included in Appendix D of the Flood Assessment Report indicates that during all flood events modelled, including the 20% Annual Exceedance Probability (AEP), there will be localised patches of hazard classification H3 (or higher) within the Water Sensitive Urban Design (WSUD) Corridor, the Central Green Park and the Mardi Creek Riparian Corridor. This means flood depths and velocities will reach conditions that are unsafe for children. The pixelated and discontinuous mapping outputs are likely being influenced by the adopted flood model grid size of 8m. The model grid size may not provide sufficient resolution to accurately simulate the continuous nature of flow within the channel and the influence of features such as check dams.

The site will be subject to flash flood conditions, with little to no flood warning. It is expected peak conditions would be reached rapidly following the onset of flood producing rainfall.

Recommendation 3

Due to the flash flood conditions at the site, recreation areas should be located away from floodwater that would present a risk to the safety of children and adults. The interpretation of flood modelling outputs needs to consider potential limitations of the model resolution. The proposed open space areas require review and will need to be refined. Until this occurs, useable open space located within the drainage corridor should be removed from the urban design report prior to public exhibition of the planning proposal.

4. **Stormwater basins are proposed to be located within the designated drainage corridor.**

The location of all bioretention basins included on the Concept Stormwater Management Plan (Drawing 21-008-DA-C2100) in the infrastructure drawing package have not been included on the flood maps (namely basin M1 and basin M3). These basins are located within the designated drainage corridor and may be impacted by floodwaters.

Recommendation 4

Stormwater basins will need to be located, designed and constructed to withstand expected flows within the drainage corridor.

5. **Bioretention basin are likely to be ineffective due to ongoing sediment loads.**

The Urbis letter (dated 16 August 2023) responding to previous BCD correspondence suggests that Gross Pollutant Traps (GPTs) will capture sediment upstream of the stormwater bioretention basins. A GPT does not have the capacity to manage the volume of sediment expected from a subdivision of this size, particularly during construction.

Recommendation 5

The impact of ongoing sediment load needs to be considered in bioretention design and may require pre-treatment of stormwater via settling ponds, particularly for the construction phase. If the planning proposal is to progress, stormwater management design considerations will need to be resolved prior to lodgement of any Development Application (DA) for the site.

6. Infrastructure assets must be designed in accordance with relevant Council guidelines.

The proposed design incorporates gabion retaining walls at the edge of the drainage corridor. All retaining walls are to be designed in accordance with Council's Civil Works Specification Design Guidelines and must be designed to withstand expected floodwaters.

Recommendation 6

Retaining walls are to be designed in accordance with relevant Council guidelines. Arrangements for ownership and maintenance of civil infrastructure will need to be agreed with Council prior to lodgement of any DA for the site.