



Your ref: PP-2022-3770
Our ref: DOC24/117930-2

Rianan Rush
Senior Strategic Planner
Central Coast Council

By email: Rianan.Rush@centralcoast.nsw.gov.au

Dear Rianan

Request for Advice – Review of Environmental Zones for the Deferred Lands – Central Coast LGA

I refer to your email, dated 12 February 2024, requesting Biodiversity and Conservation Division's (BCD) input into the deferred lands planning proposal. The Proposal seeks to integrate 3,438 lots currently zoned under the *Interim Development Order 122* (IDO 122) and *Gosford Planning Scheme Ordinance* (GPSO) which are identified as 'Deferred Lands' into the Central Coast Local Environmental Plan 2022 (CCLEP).

BCD has reviewed the planning proposal and the current and proposed zoning displayed on the Central Coast Council online mapping portal. BCD notes the following:

- Reducing the ability for further subdivision of land with high ecological value, bushfire risk, flood risk or coastal risk should be considered as a priority,
- Split zoning of lots as well as the inconsistency of proposed zoning of C2 Environmental Conservation and C3 Environmental Management as proposed in the exhibition layer on the mapping portal is not likely to facilitate the objectives of the zones under the CCLEP.

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

Neil Kelleher
**A/Director Hunter Central Coast Branch
Biodiversity and Conservation Division**
14 March 2024
Enclosure: Attachment A

BCD's comments

Deferred lands planning proposal

Biodiversity

1. The proposed zone boundaries, particularly between C2 and C3 zones are impractical and unlikely to achieve the objectives of these zones.

The Environmental Attribute Analysis (EAA) appears to be incomplete and has produced zone boundaries that will be difficult to implement and manage for land proposed to be C2 and C3 zoned. The proposed C2 zones are irregularly shaped and show no consistency with lot boundaries or limits of vegetation. Additionally, several of the proposed zones do not meet the minimum lot size recommended for these zones. In practice, it will be difficult for landowners and land managers to determine the limits of each zone and correctly apply the permitted land uses associated with each zone.

Whilst the EAA does identify some sections of land with High Environmental Values (HEV), it does not consider connectivity of these HEV to allow movement of threatened entities, threatened entities that are not detectable via existing map layers or appropriate buffers to these values.

In addition, significant additional permitted uses will be added to land currently zoned IDO 122 Zone 7(a) Conservation and Scenic Protection (Conservation), IDO Zone 7(c2) Conservation and Scenic Protection (Scenic Protection - Rural mail Holdings) to C3 Environmental Management and C4 Environmental Living. The potential effects of these additional permitted uses are not consistent with the objectives of the current zoning and should be considered further.

Recommendation 1

Further technical analysis and review of the Deferred Matter – Exhibition (DM) spatial layer should be undertaken to ensure that the proposed rezonings are consistent with the objectives of each zone and provide practical and transparent outcomes for landholders, managers and relevant agencies.

Coastal

2. Further information is required to ensure that the proposal satisfies the mandatory requirements of the NSW Coastal Design Guidelines 2023.

The proposal includes rezoning of a large number of lots within the coastal zone as defined by the Coastal Management Act 2016. Under Local Planning Direction 4.2 (Coastal Management), a planning proposal in the coastal zone must be consistent with the requirements and recommendations set out in Section 3.2 of the NSW Coastal Design Guidelines. The planning proposal claims consistency with these guidelines with limited justification. BCD is concerned that the proposed changes to land zoning will enable further subdivision of constrained lots which has the potential to expose larger numbers of occupants to coastal hazards. Further information is required to demonstrate that the proposal is consistent with the following mandatory requirements of the NSW Coastal Design Guidelines:

- Outcome E. 2a Account for natural hazard risks: Identify areas on and near the proposal that are affected by current or projected future coastal hazards. Ensure that the proposal is compatible with any identified threat or risk.
- Outcome E.3a Demonstrate that the proposal applies a 100-year planning horizon for the full range of climate change projections for coastal hazards. This approach recognises that sea level is projected to continue to rise for centuries because of climate change.
- Outcome E.6 Change land uses to manage legacy issues and avoid creating new ones

Recommendation 2

It is recommended that the proposal is revised to include completion of the Appendix 1: Assessment checklist of the NSW Coastal Design Guidelines 2023 to ensure the proposal satisfies these mandatory requirements.

Flooding and flood risk

3. The proposal may result in inconsistencies with Ministerial Direction 4.1 Flooding.

The proposal is considered to be inconsistent with a number of directions issued by the Minister under section 9.1(2) of the *Environmental Planning and Assessment Act 1979*, namely:

(2) A planning proposal must not rezone land within the flood planning area from Recreation, Rural, Special Purpose or Conservation Zones to a Residential, Employment, Mixed Use, W4 Working Waterfront or Special Purpose Zones, and

(3)(d) A planning proposal must not contain provisions that apply to the flood planning area which permit a significant increase in the development and/or dwelling density of that land.

The proposed C4 Environment Living zone has been applied to a number of lots which have significant flooding constraints, including access issues during flood events. BCD is concerned that the C4 zoning will encourage further subdivision of constrained lots which will expose larger numbers of occupants to flood hazards. Consideration should be given to limiting the extent of C4 zoning on flood impacted lots to an area around the existing dwelling with C2 Environment Protection or C3 Environmental Management applied to the remainder of the lot.

In addition, BCD is concerned that application of CCLEP 2022 cl.4.1E Exception to minimum subdivision lot sizes for certain split zones may permit an increase in the development and/or dwelling density of flood prone land through subdivision.

Recommendation 3

Further technical analysis and review of the Deferred Matter – Exhibition (DM) spatial layer against flood constraint mapping is required to ensure that the proposed rezonings are consistent with Ministerial Direction 4.1 Flooding.