

General Manager
Hunter and Central Coast
PO Box 1226
Newcastle NSW 2300

24 March 2016

Submission on Draft Central Coast Regional Plan

Dear Sir/Madam,

The Nature Conservation Council of NSW (**NCC**) is the peak environment organisation for New South Wales, representing over 150 member societies across the state. Together we are committed to protecting and conserving the wildlife, landscapes and natural resources of NSW.

We welcome the opportunity to comment on the *Draft Central Coast Regional Plan*. This is an important strategy that will shape the future of the Central Coast over the next 20 years and will have significant impacts for the environment and communities. We note that we made an earlier submission on the *Your future, Central Coast, A Discussion Paper*, September 2014

We have previously raised concerns with the Department of Planning and Environment that the current roll out of Regional Plans is happening outside of a clear strategic planning framework. In our view, this does not provide a suitable basis for long term strategic planning that is consistent with the principles of ecologically sustainable development and which requires important environmental assessment and public participation.

We strongly recommend that the Government establishes mandatory requirements for strategic planning including proper environmental assessment, genuine community engagement and appropriate mechanisms for achieving environmental, social and economic outcomes.

Many of our members are concerned that regional plans prepared to date fail to resolve land use conflict or deliver robust protection for environmentally sensitive areas. There are also concerns that Regional Plans fail to adequately address key environmental challenges such as biodiversity loss, clearing of native vegetation and habitat, habitat connectivity, access to green space and infrastructure, population planning, air and water pollution, resource and waste management efficiency and impacts of climate change.

Our **enclosed** submission will outline in more detail:

1. Key concerns with the regional planning process and draft regional plans
2. Specific comments on the *Draft Central Coast Regional Plan*

We strongly support improved strategic planning in NSW and hope to continue to work with Government to ensure that the planning system delivers improved outcomes for the environment and communities, now and for future generations.

Should you require any additional information, please do not hesitate to contact Cerin Loane, Policy and Research Coordinator, on (02) 9516 1488 or cloane@nature.org.au.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Kate Smolski', written in a cursive style.

Kate Smolski
Chief Executive Officer

NCC SUBMISSION ON DRAFT CENTRAL COAST REGIONAL PLAN

1. KEY CONCERNS WITH THE REGIONAL PLANNING PROCESS AND DRAFT REGIONAL PLANS

The Department of Planning and Environment (**DOPE**) is currently rolling out a new set of Regional Plans across eight regions of NSW. We have a number of overarching concerns with the process for developing the regional plans, and the failure of the plans to adequately address environmental challenges facing the regions and incorporate mechanisms for delivering improved environmental outcomes. Our key concerns with the new set of regional plans are outlined below.

Lack of strategic planning framework

The current roll out of Regional Plans is happening outside of a clear legislative framework requiring mandated environmental assessment and public participation. In our view, this does not provide a suitable basis for long term strategic planning, including the proper consideration of vital long term issues such as ecologically sustainable development, biodiversity and connectivity, access to green space and infrastructure, climate change and population planning.

During the NSW Planning System Review process Moore and Dyer noted that:

“During the course of the consultation process, a consistent theme was the lack of early strategic planning under the present planning legislation. A framework of strategic planning would inform local planning, apply across geographic areas wider than one council (potentially on a much wider basis than a small group of councils) and link with plans for infrastructure and its sequencing”.

“Two propositions were also near-universally supported across the spectrum of interests:

- *express provision should be made for strategic planning in any new legislative framework*
- *such legislative provision should be accompanied by practical measures to encourage community engagement with, and participation in, the development of such strategic plans”.*

Moore and Dyer made a number of specific recommendations for strategic planning in a new planning system, including objects for strategic planning (Recommendation 8) and assessment of cumulative impacts (Recommendation 12 and 13)¹.

Our 2012 report *Our Environment, Our Communities - Integrating environmental outcomes and community engagement in the NSW Planning System*, highlights the intrinsic link between land use planning and development, environmental protection, nature conservation and natural resource management².

The report identifies a number of key elements for effective strategic planning, including:

- a whole-of-Government approach to strategic and land use planning,
- baseline studies of environmental and natural resource values to underpin strategic and land use planning,

¹ See further Chapter 4 of the Moore and Dyer report *The Way Ahead for Planning in NSW - Recommendations of the NSW Planning System Review*, Volume 1 – Major Issues, May 2012.

² Nature Conservation Council of NSW, Total Environment Center, EDO NSW, *Our Environment, Our Communities - Integrating environmental outcomes and community engagement in the NSW Planning System* 2012

- strategic environment assessment that includes mandatory consideration of prescribed environmental criteria, and assessment of cumulative impacts,
- sharing of data across sectors,
- consistency with other government strategies, including, for example, in the areas of natural resource management, transport, infrastructure and health,
- identification of competing land uses and values and mechanisms for achieving environmental outcomes,
- early, sustained and genuine community engagement in strategic and land use planning processes,
- appropriate statutory weight for, and hierarchy, between planning instruments.

Without a clear framework for strategic planning that mandates key requirements such as environmental studies and strategic environmental assessment, regional plans will fail to deliver the necessary environmental outcomes that are needed for an ecologically sustainable future.

We strongly recommend that the Government establishes mandatory requirements for strategic planning including proper environmental assessment, genuine community engagement and appropriate mechanisms for achieving environmental, social and economic outcomes.

Failure to effectively integrate environmental outcomes in land use planning

Regional plans fail to adequately identify environmental targets or clear environmental outcomes that are to be achieved within the region.

We have previously recommended that to improve integration between regional planning, natural resource management and environmental protection, regional plans should incorporate environmental targets set by Government³. This is particularly important for achieving environmental outcomes at a regional/landscape scale.

Previous examples of targets that could be incorporated into regional plans include Catchment Action Plans targets or Natural Resources Commission targets. We are particularly concerned that the current Government seems to have moved away from setting targets for the environment (e.g. NRC targets have been abandoned, CAPs will be replaced with new Local Land Service plans).

The current roll out of regional plans is an opportunity for the Government to better integrate environmental outcomes within the planning system and ensure that regional plans support a whole of Government approach to achieving environmental outcomes at a regional scale. This is extremely pertinent given that other Government processes, such as the Biodiversity Legislation Review and coastal protection reforms, are looking to regional plans to achieve certain biodiversity and coastal protection outcomes⁴.

³ See Nature Conservation Council of NSW, Total Environment Center, EDO NSW, *Our Environment, Our Communities - Integrating environmental outcomes and community engagement in the NSW Planning System 2012*

⁴ For example, the Independent Biodiversity Legislation Review Panel (Recommendation 15) recommends that biodiversity objectives and priorities, including priorities identified in a statewide framework or strategy for conservation or in plans prepared by Local Land Services — are: (a) reflected in any new state planning policies prepared under the Environmental Planning and Assessment Act 1979 and (b) incorporated in Regional Growth and Infrastructure Plans and Subregional Delivery Plans, instead of in separate Regional Conservation Plans

Failure to provide adequate protection for areas of high environmental value

We have significant concerns that the NSW planning system is failing to protect areas of high conservation value. In our experience, the Government has failed to implement mechanisms that provide absolute protection for areas of high conservation value (e.g. no-go zones, prohibitions), leaving matters to be considered with significant discretion on a case by case basis at the development assessment stage, where, more often than not, private economic interests outweigh other social and environmental interests.

The current roll out of regional plans is no exception. Although regional plans identify areas of high environmental value there are no clear mechanisms in place that provide protection for those areas (i.e. identification as an 'area of high conservation value) does not provide any additional protection.

Until the Government commits to providing real protections for areas of high conservation value these areas will continue to be impacted by inappropriate and unsustainable development.

Failure to resolve land use conflicts

On a number of occasions, the Government has suggested that upfront strategic planning will identify and better balance competing interests and resolve land use conflicts, however we have failed to see strategic plans or planning reforms achieve this to date (e.g. Strategic Regional Land Use Plans, NSW Planning System Review).

Although Regional Plans identify a range of land use values including areas of high environmental value, primary industries, agricultural land, drinking water catchments and identified and potential mineral resources, they fail to resolve conflicts between these various uses and defer important strategic planning and impact management to a later stage.

Heavy reliance on biodiversity offsetting

Regional plans place too high an emphasis on biodiversity offsetting. Biodiversity offsetting is not appropriate in all circumstances, and should not be seen as a mechanism for justifying high impact development that will destroy areas of high environmental value (e.g. endangered ecological communities, threatened species habitat, wildlife corridors).

We have significant concerns that the existing NSW Biodiversity Offsetting Policy for Major Projects does not meet best practice principles for offsetting, and remain concerned with proposals to expand the use of that policy under new biodiversity conservation legislation. If biodiversity offsetting is to occur, it must meet best practice principles that require 'like for like' offsets and no net loss of biodiversity.

Further, certain areas must be off limits to offsetting (e.g. 'red flag' areas such as coastal catchments, areas of endangered ecological communities or threatened species habitat), and regional plans are one mechanism that could be used to identify those 'red flag' areas.

Failure to adequately address climate change impacts

Regional plans fail to adequately plan for climate change adaptation and mitigation. The only clear action in the plan is for the State Government to continue to support councils to consider the long term implications of climate change in decision-making. There should be more emphasis in Regional Plans on climate change risks as a constraint on development. The Government has a responsibility to the community to map areas that will be impacted adversely by climate change and implement appropriate development controls for those areas. This is particularly important for floodplains, low lying coastal areas and high bushfire risk areas.

Action plan v final strategic planning document

The Regional Plans identify 'Actions' to be carried out, including substantial further work to inform strategic planning outcomes (e.g. establish further strategies, undertake further mapping, develop new methodologies etc.), rather than outcomes to be achieved and mechanisms for achieving those outcomes. That is, Regional Plans read more like a work plan for undertaking further strategic planning work rather than a final strategic planning document that will deliver agreed environmental, social and economic outcomes.

Consideration should be given to using the current iteration of Regional Plans as intermediary documents for undertaking further strategic planning work, and informing a further set of regional planning documents that work to resolve land use conflicts, establish clear outcomes and targets, and establish mechanisms for achieving those outcomes and targets.

Further, a number of the actions relate to State-wide work that the State Government is already planning to do (e.g. implement the Integrated Mining Policy) or general work that State and local governments do in the usual course of planning (e.g. continue to work with councils to protect productive farmland).

2. SPECIFIC COMMENTS ON THE DRAFT CENTRAL COAST REGIONAL PLAN

In addition to our overarching concerns with the regional planning process, we provide the following specific comments on key aspects of the *Draft Central Coast Regional Plan*

RESPONSE TO COMMUNITY FEEDBACK ON THE DISCUSSION PAPER

The Draft Plan suggests that it has been prepared in consultation with community members, industry, interest groups and State and local Government representatives, however there is no detailed information about the outcomes of consultation including what issues have been raised and how the Draft Plan responds to those issue.

In particular, we are concerned that:

- Submissions and feedback made on the 2014 Discussion Paper are not publically available and no consultation summary report has been prepared;
- There has been no explanation of how feedback received during consultation has informed the Draft Plan;
- There has been little ongoing consultation with key stakeholders (such as NCC) in the period between the Discussion Paper and draft Plan;
- It is unclear how the feedback received during consultation on the Discussion Paper (including feedback we provided in our own submission) has been taken into account.

We do not believe that this reflects genuine and meaningful community engagement. Effective strategic planning requires significant investment in community engagement and buy-in from the local community. It is not enough to simply seek feedback from the community as a 'tick-the-box' exercise, without properly considering or responding to feedback. It is important that DOPE acknowledges and responds to key issues raised during consultation and helps the community understand how final decisions have been made. We strongly encourage DOPE to ensure the community is aware of how feedback into the regional planning process has been dealt with, prior to the Central Coast Plan being finalised.

VISION AND GOALS

While we are pleased to see a reference to ecologically sustainable development (ESD) in the Draft Plan (p5), it is important that it is not given a cursory mention, but rather operationalised by the plan. To that end, the principles of ESD should be a core part of the vision and goals for the draft Plan.

For example:

- The vision should be amended to include the term "ecologically sustainable" as follows:

*The vision for the Central Coast region is to protect the natural environment and to capitalise on its productive lands and resources, highly accessible business locations, and attractive coastal lifestyle to achieve **ecologically** sustainable economic growth and liveable communities.*

- The goals should be amended to:
 - enhance community lifestyles and accelerate housing supply;
 - grow and diversify the regional economy **in keeping with the principles of ecologically sustainable development;**
 - sustain productive landscapes; and
 - protect and manage the natural and cultural environment.

It is also important to ensure that the action and outcomes delivered by the plan are consistent with ESD.

EVIDENCE UNDERPINNING THE CENTRAL COAST PLAN

Although the draft Plan refers to the 'comprehensive evidence-base' underpinning the plan and some of the studies that have been relied on to develop the plan (e.g. Urban Feasibility Model, Employment Lands Development Program etc.) (p7), we still believe that it has not adequately captured the important environmental studies and information that should have informed the development of the plan, including, for example:

- Coastal Open Space System (COSS) Strategy, Gosford City Council (2010)
- Draft Wyong Conservation Strategy (2003)
- Draft Central Coast Regional Conservation Plan – developed by OEH and was due for imminent release in 2011
- Hunter Central Rivers Catchment Management Authority - Catchment Action Plan (2013)
- Hawkesbury Nepean Catchment Management Authority – Catchment Action Plan (2013)
- Lower Hunter and Central Coast Regional Biodiversity and Conservation Strategy (2003)
- Vegetation mapping for Gosford and Wyong LGAs
- Numerous Council studies and management plans related to estuary and coastal management

It is unclear if and how this information has been incorporated into the draft Plan.

AREAS OF HIGH CONSERVATION VALUE

As noted in Part 1, we have significant concerns that while regional plans identify areas of high environmental value (e.g. Draft Central Coast Plan, Figure 9, Environmental Assets, p 52) there are no clear mechanisms in place that provide protection for those areas. The Plan must clearly specify how the identified areas of high environmental value will be protected and enhanced. Until the Government commits to providing real protections for areas of high conservation value these areas will continue to be impacted by inappropriate and unsustainable development.

FAILURE TO RESOLVE LAND USE CONFLICTS

The draft Plan identifies a range of land use values including areas of high environmental value (Figure 9: Environmental Assets, p 52), Biophysical Strategic Agricultural Land (Figure 7: Selected Primary Industries, p42) and identified and potential mineral resources (Figure 8: Central Coast Mining, p 45). However the draft Plan fails to resolve conflicts between these various uses and defers important strategic planning and impact management to a later stage.

The draft Plan also leaves the door open for mining in the Central Coast drinking water catchment. After promises from successive governments, it is now time to rule out mining on the Central Coast - and this should be clearly articulated in the Plan.

COASTAL PROTECTION

We recognise that the Government is currently in the process of making substantial changes to coastal protection laws in NSW. These changes will have a significant impact on how the Central Coast region will manage impacts on the sensitive coastal environment into the future, including impacts from coastal hazards and climate change. We suggest that draft Regional Plans anticipate future coastal planning requirements, and incorporate necessary actions and outcomes to meet future coastal management initiatives.

While we generally support the Government's efforts to improve coastal protection mechanisms, we are concerned that the coastal reforms continue to leave it to local councils to assess and plan for climate risks. We believe there is a role for the State and Federal governments to assess climate risks, and to protect the community from their adverse impacts as much as is possible through planning and other mechanisms. Mapping of high risk areas, including updating 1:100 year flood maps to take into account climate change impacts, is an important part of this process.

COASTAL OPEN SPACE SYSTEM (COSS)

The Coastal Open Space System (COSS) is unique to the Central Coast, with Gosford council the only council in NSW to actively acquire and manage bushland as a system of networks to encourage the enhancement and protection of our natural open spaces. The COSS was created in 1984 and council continues to actively purchase identified high nature conservation value land as it becomes available. As at October 2014, 63% of the land (by area) identified for COSS had been acquire by Council.

The COSS is a valuable initiative and should be supported through the regional planning process. For example:

- The Regional Plan should articulate a commitment to fully implement the COSS Strategy including mechanisms to ensure the long-term voluntary acquisition of the remaining 37% of land (by area) currently identified for COSS.

- The COSS should be used as a model for the entire Central Coast region. The Regional Plan should outline actions to undertake investigations, develop a strategy and maps to carry the COSS forward in Wyong LGA.
- The NSW Government has previously made a commitment to introduce an E5 zone to be applied to COSS lands in public ownership. This must be fully implemented in the Regional Plan with an E5 zone gazetted at the same time that the Regional Plan is finalised.

PROTECTION OF WATER RESOURCES

The *Central Coast Regional Plan* needs to ensure the protection of water, including both surface and groundwater ecosystem. The requirement that any development should have neutral or beneficial effect on the region's water quality must be established in law (c.f. *State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011*).

In order to adequately protect the Central Coast's water resources, all coal seam gas and long wall coal mining activities should be banned in the Central Coast drinking water catchments. Specifically, coal seam gas mining in the vicinity of Peats Ridge should not proceed as it has the potential to affect the aquifer.

The Regional Plan should require the implementation of an Operating Licence for the Water Authority(s) for the Central Coast - this does not currently exist. The Operating Licence would ensure transparency and accountability within the water supply operations and protect consumers by prescribing minimum standards of service.

Similar to Sydney Water and Hunter Water, the licence would include requirements for:

- water quality
- asset performance, including system performance standards
- water conservation
- environmental indicators and management
- community consultation
- performance monitoring and auditing

Each year, an independent audit should be undertaken to assess compliance with the Operating Licence.

CLIMATE CHANGE

The draft Plan fails to adequately plan for climate change adaptation and mitigation. The only clear action in the plan is for the State Government to continue to support councils to consider the long term implications of climate change in decision-making. There should be more emphasis in the document on climate change risks as a constraint on development. The State Government has a responsibility to the community to map areas that will be impacted adversely by climate change and protect appropriate development controls for those areas. This is particularly important for floodplains, low lying coastal areas and high bushfire risk areas.

INFRASTRUCTURE PLANNING

The draft Plan fails to adequately outline infrastructure improvements that will accompany growth within the region, particularly in the Gosford town centre. There are significant transport challenges in terms of the transport corridors and facilities to support the Precincts in Gosford and the proposed Somersby to Erina Corridor and these should be resolved before the draft Plan is finalised.

PROPOSAL FOR A WARNERVALE REGIONAL AIRPORT

We are pleased to see that the proposal for a Regional Airport, has been removed from the draft Central Coast Regional Plan. We understand that Wyong Council is continuing to lobby for such a proposal to be implemented.

We support the position of our members on the Central Coast who strongly oppose any move to develop a Regional Airport on the Central Coast on the basis that:

- An airport would negatively impact on community and social amenity and make surrounding housing undesirable to live in. Proposed flight paths are over or adjacent to Wyee, Mountain Road Warnervale, Alison, Watanobbi, North Wyong, Wyong, Bruce Crescent, Warnervale and the new Town Centre.
- The airport site is surrounded by environmentally sensitive land. The proposed 1,800m runway and safety runoff penetrates 900m into the SEPP 14 and E2 zoned Porters Creek Wetland. Porters Creek Wetland is the largest remaining freshwater wetland on the Central Coast and forms part of the drinking water catchment for the region.

ABILITY FOR LOCAL COUNCILS TO EFFECTIVELY DELIVER THE PLAN

The draft Plan relies on ongoing implementation by Gosford and Wyong Councils, working with the NSW Government. Environment and community groups in the region are concerned with the poor track record of both Gosford and Wyong councils in failing to adequately protect areas of high conservation value, habitat corridors and sensitive coastal environments.

Appropriate oversight is needed to ensure that the relevant local councils protect the important environment and coastal values of the Central Coast in accordance with the Plan.

We also note that the draft Central Coast Regional Plan was prepared without regard to the proposed amalgamation of Gosford and Wyong Councils. If the amalgamation goes ahead, this could impact on the short term capacity of the newly amalgamated LGA to deliver on the draft Plan.

IMPLEMENTATION OF THE DRAFT PLAN

The delivery of the final Plan will be by the Coordinating and Monitoring Committee, made of Government and local council representatives (1 from each council). The proposed committee is heavily weighted with NSW Government representatives, and local government representation will be further reduced if Gosford and Wyong Councils amalgamate.

In order to provide improved links with agricultural and natural resource management objectives, representatives from the relevant Local Land Services should also be included on the Coordinating and Monitoring Committee.

Consideration should also be given to community input into the implementation of the plan. For example, Illawarra Environment and Resources Groups have been identified as relevant supporting groups under the Illawarra-Shoalhaven Regional Plan.

ENGAGEMENT WITH LOCAL COMMUNITY ENVIRONMENT GROUPS

NCC has a number of member groups on the Central Coast, including Community Environment Network, which supports individuals and groups in Lake Macquarie, Wyong and Gosford who are working for the environment.

We understand that a number of our member groups have engaged directly with DOPE regional planning officers in relation to the draft Plans and will be providing written submission on the draft Plans. We encourage DOPE to continue to engage with local environment groups and the broader community to address key concerns and recommendations before the Central Coast plans is finalised.

A list of NCC members on the Central Coast can be found on our website: www.nature.org.au/members/