

The need for a Public Conservation Zone to protect Central Coast COSS lands, and other NSW public lands of environmental significance.

What is required:

Amendment of the NSW Standard Instrument – Principal Local Environment Plan (SI LEP) to include a Public Conservation zone to ensure the long-term protection of public lands of high ecological, scientific, cultural or aesthetic values.

Why this is required:

1. To provide the ‘Coastal Open Space System’ (COSS) lands of the NSW Central Coast with robust and long-term protection.

The COSS covers more than 2500 Ha. It consists of over 70 natural reserves set aside for plant and animal habitats and nature-based recreation and includes woodland ridgelines, gallery rainforests, steep cliffs, wetlands and creeks.

These lands have been set aside and / or purchased since 1984 by the Gosford Council and supported by an annual levy on ratepayers and developer contributions. The former Gosford Council and the current Central Coast Council have lobbied hard for a Public Conservation zone to permanently protect the COSS.

2. To provide all NSW with a zoning to protect public lands of high ecological or aesthetic value.

The current SI LEP, has no adequate mechanism to provide robust, long-term protection of public lands that have these values and lie outside the National Parks system.

While the COSS lands are an outstanding example of such lands that need this protection, it is likely that every LGA has lands suitable for Public Conservation zoning. A proposal for a specific Public Conservation Zone was unanimously endorsed at the 2017 LGNSW Annual Conference.

History

- 2011 SI LEP becomes law
- 2012-13 Gosford Council considered the available zonings insufficient to protect COSS lands and lobbied the State Government to add a Public Conservation zoning to the SI LEP.
- 2013 Dept of Planning agrees and the proposed zoning was exhibited in 2014
- 2014-16 NSW Dept of Planning withdraws the legislation between 2014 and 2016
- 2017 Local Government conference unanimously supports the provision of a Public Conservation zone

Why is the E2 zone inadequate?

1. An E2 zone (Environmental Conservation) was introduced in the 2011 SI LEP legislation to cover both private and public land. Unfortunately, the protection provided by the E2 zoning is broadly defined and open to interpretation. We argue that in NSW this zoning is inadequate to provide the robust long-term protection that these lands require.
2. It is also our view that the planning objectives for private and public lands are essentially different. Public lands are communally owned, held in trust by various levels of government, and their long-term management has the long-term interests of the community as a priority.

Private lands on the other hand, give the owner certain rights that allow planning decisions to be made that can over-ride the interests of the general community. Planning controls must balance the rights of the owner with the rights of the general public.

When it comes to long-term conservation of land with a high environmental value, the differences between the planning controls required for public and private lands are incompatible with a single zoning. The relevant statutory authorities must balance the different needs of private owners and the public by interpreting a set of rules designed to accommodate both. Too often the persistence and tenacity of developers overcomes the resolve of councils. The final umpire, the Land and Environment Court, is inconsistent and has at times favoured the interests of the developers rather than protecting the environment.

3. There is already pressure to make E2 land more amenable to development:
 - to reduce the minimum lot size (currently 40 Ha)
 - to remove E2 and E3 zoning from private land and shooting ranges (Shooters and Fishers amendment to LEP - defeated)
 - to remove scenic values from objectives of E2 (still under discussion)
 - to allow extensive agriculture in E2 lands in some LGAs.

The broader argument for environmental protection

We need to ensure our remaining fragments of healthy native vegetation are protected to prevent further destruction. Australia is second only to Indonesia in the rate of loss of habitat and biodiversity.

At least 61% of the original native vegetation of New South Wales has been cleared, thinned or substantially or significantly disturbed since 1788. In the case of some types of native environments, this figure exceeds 90%.

A Public Conservation Zone would provide a powerful tool to protect the precious remnants of healthy ecosystems that we have left. The E2 zone is inadequate to perform this vital function.

Options for incorporating a Public Conservation Zone into the SI-LEP

1. The Zone could simply be added as an extra E zone - E5. This is the option put forward by the Central Coast Council. It has the advantage of simplicity but is out of step with the numerical order of the other E zones that have less protection as the number increases.
 2. The E1 zone could be broken up into two sub-zones. E1a for National Parks and E1b for other public lands. This puts the Public Conservation into the category with the strongest protection but is contrary to the Planning Department's wish to have no sub zones.
 3. The E1 zone could be re-written so it is suitable for all public lands including National parks
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