



Your ref: PP-2022-1136
Our ref: DOC22/860508-4

Will Oxley
Manager, Central Coast and Hunter Region
Planning and Land Use Strategy
6 Stewart Avenue
Newcastle West NSW 2302

By email: william.oxley@dpie.nsw.gov.au

Dear Mr Oxley,

Subject: Planning Proposal for 231 Pacific Highway and 20 Ashbrookes Road, Mount White, PP-2022-1136

Thank you for your email of the 27 September 2022 seeking comment on the Planning Proposal for 231 Pacific Highway and 20 Ashbrookes Road, Mount White, PP 2022 1136.

Biodiversity and Conservation Division's (BCD) recommendations are provided in **Attachment A** and detailed comments are provided in **Attachment B**. If you have any further questions about this issue, please contact Sarah Warner, Senior Conservation Planning Officer, on 49042748 or at huntercentralcoast@environment.nsw.gov.au

Yours sincerely

A handwritten signature in black ink, appearing to read 'S. Crick'.

Steven Crick
Senior Team Leader Planning
Hunter Central Coast Branch
Biodiversity and Conservation Division
18 October 2022

Enclosure: Attachments A and B

BCD's recommendations

Planning Proposal for 231 Pacific Highway and 20 Ashbrookes Road, Mount White

1. It is recommended that the Biodiversity Assessment be updated such that it includes both planning proposal sites and identifies any areas of high environmental value (HEV). Where proposed future land use is likely to impact biodiversity a Stage 1 Biodiversity Assessment Method (BAM) assessment is recommended including targeted survey in accordance with the departments threatened species guidelines and Threatened Biodiversity Data Collection (TBDC). Implications to land use that may later trigger requirements under biodiversity legislation such as the *Biodiversity Conservation Act 2016* (BC Act) and SEPP (Biodiversity and Conservation) 2021 should also be considered.
2. It is recommended that consideration be given rezoning parts of the site with HEV to C2 Environmental Conservation.
3. It is recommended that a relevant flood assessment is provided with the planning proposal. The report needs to outline the assessment undertaken to confirm the proposal is consistent with the Ministerial Direction 9.1 – 4.1 Flooding.

BCD's detailed comments

Planning Proposal for 231 Pacific Highway and 20 Ashbrookes Road, Mount White

Biodiversity

1. Biodiversity Assessment is recommended

Ministerial Direction 1.1 issued under Section 9.1 of the *Environmental Planning and Assessment Act 1979* outlines that planning proposals should give effect to regional plans. The Hunter Regional Plan 2036 details a number of actions around protecting areas of High Environmental Value (HEV) and therefore impacts to these areas should be avoided, minimised and (where impact is unavoidable).

An assessment in accordance with Stage 1 of the Biodiversity Assessment Method (BAM) and survey of candidate species in accordance with the department's threatened species guidelines and Threatened Biodiversity Data Collection (TBDC), will ensure that areas of HEV are adequately identified and allow for appropriate measures to avoid and minimise impacts to be developed.

While it appears that impacts to biodiversity are likely to be minimal it is recommended that the biodiversity assessment be updated to ensure any areas of HEV are identified early in the planning process and to include assessment of the 20 Ashbrookes Road planning proposal site.

It appears that development has been largely restricted to existing disturbed areas, however; there are threatened ecological communities and threatened species recorded within and in the vicinity of the sites including River Flat Eucalypt Forest on Coastal Floodplains, Coastal Upland Swamp in the Sydney Bioregion, Duffy's Forest Ecological Community of the Sydney Bioregion, *Hibbertia procumbens*, *Grevillea shiressii*, the swift parrot, regent honeyeater, the spotted-tail quoll, red crowned toadlet and giant burrowing frog.

The subject sites also fall within the Central Coast Koala Management Area. Further biodiversity assessment must ensure that koala surveys are consistent with the DPE Koala (*Phascolarctos cinereus*) BAM survey guideline and Chapter 4 Koala Habitat Protection of the State Environmental Planning Policy (Biodiversity and Conservation) 2021.

Recommendation 1

It is recommended that the Biodiversity Assessment be updated such that it includes both planning proposal sites and identifies any areas of HEV. Where proposed future land use is likely to impact biodiversity a Stage 1 BAM assessment is recommended including targeted survey in accordance with the departments threatened species guidelines and TBDC. Implications to land use that may later trigger requirements under biodiversity legislation such as the *Biodiversity Conservation Act 2016* and State Environmental Planning Policy (Biodiversity and Conservation) 2021 should also be considered.

2. Environmental Conservation zone

There are areas of HEV that occur on the subject site that are currently zoned RU1 Primary Production under the Central Coast Local Environmental Plan 2022. BCD considers that these areas should be zoned C2 Environmental Conservation.

It is also noted that Ministerial Direction 1.5 discourages the use of site-specific provisions such as the additional permitted uses proposed. Opportunities to work within the existing zones permissible land uses and / or to assess the merits of a more appropriate land use zone for this land should be considered.

Recommendation 2

It is recommended that consideration be given rezoning parts of the site with HEV to C2 Environmental Conservation.

Flooding and flood risk

3. Flood Assessment

The draft planning proposal report states that the proposal is consistent with Ministerial Directions Section 9.1 – 4.1 Flooding. It is stated the PP development footprint is intended to be out of the flood prone land. No further flooding information / assessment was presented as part of the PP.

Recommendation 3

It is recommended that a relevant flood assessment is provided with the planning proposal. The report needs to outline the assessment undertaken to confirm the proposal is consistent with the Ministerial Direction 9.1 – 4.1 Flooding.