

**LIVEABLE COMMUNITIES**

**ATTACHMENT 3**

**RURAL STRATEGY SUBMISSIONS –  
REZONING REQUESTS, VILLAGES AND  
URBAN RELEASE AREAS**

**ORDINARY MEETING**

**25 MAY 2022**

**From:** [haveyoursay@midcoast.nsw.gov.au](mailto:haveyoursay@midcoast.nsw.gov.au)  
**To:** [MidCoast Council](#)  
**Subject:** Make an online submission - Draft MidCoast Rural Strategy Form Submission  
**Date:** Wednesday, 13 October 2021 2:45:17 PM

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## Make an online submission - Draft MidCoast Rural Strategy Form Submission

There has been a submission of the form Make an online submission - Draft MidCoast Rural Strategy through your Have Your Say website.

**First Name**

**Last Name**

**Your email address**

**Your best contact phone number**

**Suburb**

**Postcode**

**Property address of interest**

**Property suburb of interest**

Coomba Park

## Submission subject

Draft MidCoast Rural Strategy

### **Please provide your submission here and/or upload your supporting documents below.**

Submission on Draft Rural Zoning Strategy

I thank you for the opportunity to provide comment on the draft rural strategy. Please find outlined below my response to the draft strategy.

Section 5

National Level Considerations - This should include the Convention on Biological Diversity  
Section 8

Local Policy Considerations - This should include the Biodiversity Framework and the Greening Strategy.

Goal 2 Enhance rural lifestyles and livelihoods

Provide accommodation and services for rural communities - If we are going to allow Air BnB as a part of the range of accommodation options, then we need to increase the regulations on noise pollution. We live where we do, in an area zoned as Environmental Living, partly for its peacefulness but (prior to COVID-19 travel restrictions) we were being driven mad by loud all weekend parties by people who have no connection with the local area and no respect. I do not think that Air BnB is consistent with a zoning of Environmental Living. If we have to have it then it must be better regulated. I support the intent to focus residential and tourism accommodation within existing villages and towns.

Preserve natural landscapes and cultural connections - While people may appreciate the aesthetics of the visual environment, scenic beauty is not synonymous with environmental integrity. Much of the rural scenic landscapes are actually quite degraded. More thought needs to be given to what the strategy is seeking to achieve and make sure that the goals are internally consistent.

Enhance access and experiences in the "Green Grid" - Given that MidCoast's biodiversity, nature and scenic values are viewed as assets to be leveraged for economic development, there should also be investment in protecting and restoring these precious natural assets which underpin the quality of life not only of local residents but all people who rely on healthy ecosystems (i.e., everybody)? We need investment in the natural assets – not just infrastructure and the built environment.

Goal 3 Protect Natural Landscapes

Prioritise planning for ecological health and biodiversity –

If we simply respond to increasing pressure due to the desirability of and demand for our natural environment then ultimately we will destroy the asset. We need to set absolute limits on the human population size, and the size and location of the development footprint on our precious landscapes. Without clear limits we will just have ongoing incremental erosion of environmental integrity due to increasing demand for development.

Connectivity is not something that is simply addressed by corridors. The connectivity of landscapes is also an important consideration.

Act on the national biodiversity target – The national target (17%) protection of natural landscapes is old and does not take account of the current combined climate change and biodiversity crisis. Right now governments from across the planet are meeting to discuss

increasing the conservation target for both land and seas to 30%. We should be aiming for at least 30%. Considerable investment in protecting our natural assets will be required to meet this target.

Secure biodiversity offsets - I am strongly opposed to the use of biodiversity offsets. This is simply a tool for enabling more development. While I acknowledge that this has led to improvements in some areas, these improvements have come at the cost of habitat loss elsewhere and we can no longer afford to lose any habitat anywhere. We need to be increasing investment in conservation full stop.

Prioritise planning to protect water quality and resources – If we are to have any hope of maintaining or improving waterways then we need to include consideration of soil erosion hazards in development assessments across the entire MidCoast LGA and particularly in areas around our waterways. Consideration of soil erosion hazard should not be limited to consents for septic systems. All new developments should be considered within the context of cumulative impacts on water quality.

That said, I support all of the following LEP recommendations:

- Sites in National Park estate are included in the national parks and nature reserves zone
- Areas of identified environmental significance or subject to existing protection mechanisms are included in an environmental zone (this should be environmental conservation).
- Rural lifestyle properties not used for agricultural purposes, located within or adjoining an area of environmental significance are to be included in an environmental living zone.
- Investigate opportunities for mapping and guidelines for be provided in planning instruments to inform national priority areas for biodiversity protection and facilitate long term outcomes and appropriate mechanisms for dedication and conservation
- Land identified as part of an in-perpetuity conservation site is to be included in an environmental protection zone.
- Include a local clause that requires consideration of biodiversity and supports appropriate protection mechanisms through development and subdivision processes.
- Include a local clause and mapping of wildlife corridors and biodiversity conservation areas to require consideration and use of protection mechanisms through assessment processes
- Update existing local clause on stormwater management and water sensitive design to ensure clear and consistent assessment outcomes.
- Update the local clause on riparian land and watercourses to ensure it is appropriate and provides clear and consistent assessment outcomes.
- Reserves and foreshores in public ownership are to have an environmental or recreation zone appropriate to the existing and anticipated future use and value to the community and environment.
- Incorporate a local clause that requires consideration of potential impacts of development and subdivision on watercourses, waterbodies and significant water catchments.
- Update local clause and mapping of priority drinking water catchments and aquifer catchments to enable identification, management and protection of water quality and resources.
- Apply an appropriate environmental zone to land within significant aquifer catchments to ensure intensive agriculture, rural industries and other activities that may compromise these water resources are excluded.



# Submission 11

- Ensure all waterways within the national park estate are in the national parks and nature reserves zone.
- Apply an environmental zone to coastal wetland and littoral rainforests mapped in the Coastal Management SEPP.

A final comment - The zoning of properties in Attunga Place, Coomba Park as RU5 is inconsistent with surrounding land uses. These properties should be also zoned Environmental Living EL4.

To view all of this form's submissions, visit

[https://haveyoursay.midcoast.nsw.gov.au/index.php/dashboard/reports/forms\\_new/data/46](https://haveyoursay.midcoast.nsw.gov.au/index.php/dashboard/reports/forms_new/data/46)

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**From:** david@colonialhp.com.au  
**Sent:** Tue, 31 Aug 2021 12:34:10 +1000  
**To:** "Rural Strategy" <rural@midcoast.nsw.gov.au>  
**Cc:** "MidCoast Council" <council@MidCoast.nsw.gov.au>; "Coastplan Group" <gavin@coastplan.com.au>  
**Subject:** Big4 Colonial Holiday Park& Leisure Village  
**Attachments:** Submission sent to Council for the change of park zoning.cleaned.pdf

To whom it may concern.

I have received councils' notification regarding the MidCoast region, we have developed a draft Rural Strategy, have your say.

On the 21/02/2020 I sent to council a submission in response to the "zoning in on our future" which I attach again.

I have yet to receive a decision or feedback from council regarding my request. I would appreciate a response from council concerning my request to re-zone both of our titles to RE2 before I invest time into the Rural strategy which I believe holds no relevance to the present land use and ongoing activity. We believe that a rural zoning is totally inappropriate for both of our titles, especially given that lot 373 is approx. 4000sqm far less than the minimum requirement under RU zones and the area is integral to the ongoing activity of the business. If it would assist council, we would be prepared to look at amalgamating the two titles to create one title zoned RE2.

Kind Regards

David Callagher

Big4 Colonial Holiday Park

Email; [david@colonialhp.com.au](mailto:david@colonialhp.com.au)

Mobile; 0400455499

Office; 02 65563312

Fax; 02 65563211

Free Call; 1800 931 822

Email Office; [enquiries@colonialhp.com.au](mailto:enquiries@colonialhp.com.au)

Web; [www.colonialhp.com.au](http://www.colonialhp.com.au)

Facebook; [www.facebook.com/colonialhp](http://www.facebook.com/colonialhp)

Address; Colonial Holiday Park & Leisure Village, 716 Harrington Rd Harrington, 2427  
NSW Australia.



**BIG4 COLONIAL**  
HOLIDAY PARK



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An Independent member of BIG4 Holiday Parks of Australia Pty Ltd.

5/4 South St  
TUNCURRY NSW 2428

PO Box 568  
FORSTER NSW 2428

Phone: 02) 6555 2178  
Fax: 02) 6555 2741

21 February 2020

The General Manager  
MidCoast Council  
PO Box 482  
TAREE NSW 2430

**Our Ref: 5300**

Dear Sir,

**RE: 'ZONING IN ON OUR FUTURE' – 716 HARRINGTON ROAD, HARRINGTON**

I am writing to you on behalf of the owners of the Colonial Leisure Village located at 716 Harrington Road, Harrington, in response to the exhibition of the proposed new zoning proposed to affect their land.

The subject property is comprised of 2 lots (titles) as follows:

1. Lot 1 DP 34304
2. Lot 373 DP 720801

The lands are currently zoned RU1 – Primary Production under the provisions of *Greater Taree Local Environmental Plan 2010*. Under the proposed zonings exhibited, the land will be subject to the following zonings:

- Lot 1 DP 34304 – change of zoning to RE2 – Private Recreation
- Lot 373 DP 720801 – no change and zoning remains RU1 – Primary Production

The proposed zoning changes are shown in the following map extracted from Council exhibited mapping:



It is apparent that the change of zoning for Lot 1 has occurred in recognition of the caravan park existing on the land. It appears, however, that Lot 373 may have been erroneously left out, given that it is part of the caravan park.

The consents for the caravan park establishment include Lot 373 in the caravan park area, noting the following consents and approvals apply for the caravan park:

- DA 353/2004- Providing for conversion of 5 short term sites to long term sites – Consent issued for both lots (1 and 373)
- DA 692/2008 – Long term sites (x 8) - Consent issued for both lots (1 and 373)
- DA 199/2015 – 31 camp sites - Consent issued for both lots (1 and 373)
- DA 335/2017 – 10 short term sites to long term sites - Consent issued for both lots (1 and 373)

The current community map for the land also includes all of Lot 373 as recreational area for the park and both lots are noted on the approval to operate the caravan park.

The area of Lot 373 has previously been used for a variety of uses within the caravan park, including sewer treatment/disposal and outdoor storage. The land is currently maintained by the caravan park and used for park recreation spaces, as well as for temporary storage of materials used in construction/management of the park.

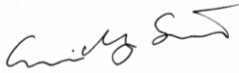
Lot 373 is lawfully used for caravan park purposes and currently enjoys existing use rights for this purpose. It appears that the purpose of the RE2 zoning of the land over Lot 1 is to provide an appropriate land use zoning for the existing caravan park use. As such, that land use zone should also be extended over Lot 373 which is part of the same caravan park.

In addition, it should be noted that the small area of Lot 373 (approximately 4,000m<sup>2</sup>) makes it unsuitable for agriculture or other primary production uses. It is also disconnected from other primary production areas and the current RU1 zoning is considered inappropriate for the land.

On behalf of the owners, it is requested that the RE2 zone be extended over Lot 373.

I would be pleased to discuss this matter with you. Please contact me if you require any further information.

Yours faithfully



**GAVIN MABERLY-SMITH**  
Coastplan Group Pty Ltd  
email: [gavin@coastplan.com.au](mailto:gavin@coastplan.com.au)

DRAFT

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**From:** stuart@siterd.com.au  
**Sent:** Wed, 1 Sep 2021 09:12:18 +1000  
**To:** "MidCoast Council" <council@MidCoast.nsw.gov.au>  
**Subject:** Submission -Rural Strategy SPR 02/04  
**Attachments:** Submission Rural Strategy SPR 0204 31082021.cleaned.pdf

Dear Council,

Please accept this submission for consideration in the assessment of the Draft Rural Strategy currently on public exhibition.

Kind Regards,



**M:** 0400 103 044

**E:** [stuart@siterd.com.au](mailto:stuart@siterd.com.au)

**P:** P O Box 134 KOTARA NSW 2289.

Email secured by Check Point



Tuesday 31<sup>st</sup> of August 2021.

The General Manager  
Midcoast Council  
P O Box 482  
**TAREE NSW 2430**

**Attention: Mr Gerard Tuckerman, Manager Natural Systems & Land Use Planning**

Dear Mr Tuckerman,

**Re: Rural Strategy SPR 02/04- Various Holdings, Forster.**

We act on behalf of the group of companies listed within the table below and related properties and make formal submission relating to the inclusion and the proposed zoning for those holdings under the Draft Rural Strategy.

Firstly, thank you for the provision of the documents in relation to the holdings under the Lampo Pty Ltd, Bombala Pty Ltd, Carnivora Pty Ltd and Forster Lakeside Unit Trust.

We would like to draw your attention to the imprecisions in the draft Rural Strategy, the exhibited Midcoast Housing Strategy and the recently adopted Midcoast Urban Release Areas in as far as these documents relate to the subject properties identified in this submission.

These properties are all identified on Pages 30 and 31 of the Midcoast Housing Strategy in figures 1 of 2 and 2 of 2, Forster and Green Point. They were assigned a category of Potential Residential Land.

In the report to Council of July 2021, the Midcoast Urban Release Areas Report again identified these holdings as Midcoast Council Urban Release Areas as per pages 31, 36 and 39 of those documents.



In that report it was recommended that:

***Page 31, Area 1- “Recommendation: That this area be nominated as an Urban Release Area to be rezoned in the Short Term (1-5 years) to provide a mix of employment, residential and environmental opportunities, subject to a Planning Proposal”***

***Page 36, Area 2- “That this area be nominated as an Urban Release Area to be rezoned in the ShortTerm (1-5 years) to provide low density residential and environmental opportunities and drainage improvements, subject to a Planning Proposal.”***

***Page 39, Area 3- “That this area be nominated as an Urban Release Area to be rezoned in the Short Term (1-5 years) to provide low density residential and environmental opportunities, subject to a Planning Proposal.”***

With reference to the table below you will note inconsistencies within the documents and the relation to the subject lands.

<b>Address/ Property Folio</b>	<b>Current Zone</b>	<b>Draft Rural Strategy</b>	<b>Urban Release Strategy (adopted)</b>
107 The Lakes Way, 371/1219519	RU2	E4	Priority short term 1- 5 years, Area 1
101 The Lakes Way, 372/1219519	RU2	E4	Priority short term 1- 5 years, Area 1
91 The Lakes Way, 377/1245776	E2 & RU2	E2 & E4	Priority short term 1- 5 years, Area 1
87 The Lakes Way, 376/1245776	E2 & RU2	E2 & E4	Priority short term 1- 5 years, Area 1
151- 189 The Lakes Way, 378/1245776	B5, E2, RU2	B5, E2, E4	Priority short term 1- 5 years, Area 1
The Southern Parkway, 2/1264355	RU2	E4	Priority short term 1- 5 years, Area 2
25 Burrawan Street, 5/244306	RU2	E4	Priority short term 1- 5 years, Area 3
51a Lakeview Crescent, 3/244306	RU2	E4	Priority short term 1- 5 years, Area 3
Wamara Crescent, 288/1231587	R2 and RU2	E4 & R2	Priority short term 1- 5 years, Area 3

**Table 1- clients properties.**

Our client is committed to ensuring the properties listed above and identified in Midcoast Councils Urban Release Area document as adopted by Council, are developed in accordance with that embraced plan and in line with Councils recommendations for delivery within the first 5 years.

We submit to council that these holdings listed above be omitted from the Draft Rural Strategy considering their position within the adopted Midcoast Councils Urban Release Area, to save confusion as to the future applicable land use zones and intended uses for these properties to meet Councils urban needs in the future.

If you have any queries, please feel free to contact the undersigned on mobile 0400103044, or email [stuart@siterd.com.au](mailto:stuart@siterd.com.au).

Yours Faithfully,  
**SITE R& D Pty Ltd**

A handwritten signature in black ink that reads "Stuart M Murray". The signature is written in a cursive style with a large, decorative flourish at the end.

Stuart M Murray  
**DIRECTOR**

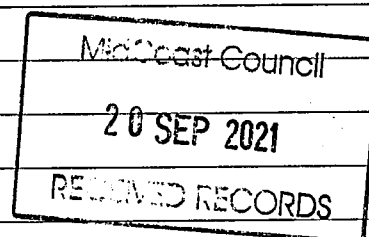


P O Box 134  
**KOTARA NSW 2289**  
M 0400 103044  
F 49577548  
E [stuart@siterd.com.au](mailto:stuart@siterd.com.au)  
W [www.siterd.com.au](http://www.siterd.com.au)

Dear Alesse

IN Relation to Bundock Rural Strategy  
SPR 02-04 we are Requesting the Removal of  
fences obstructing the minor roads through our  
village. If these roads were to be unblocked and  
a light gravel Road constructed the overall  
view to the village would be enhanced and  
Drawing more people to the village to buy and  
build in our lovely village, we encourage  
more Progress.

Thanks yours



# Submission 60

**From:** [Have Your Say](#)  
**To:** [Rural Strategy](#)  
**Subject:** FW: REF Rural Strategy SPR 02/04  
**Date:** Tuesday, 21 September 2021 1:20:46 PM

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Good afternoon,

Please see below direct email confidential submission, for your attention.

Thank you

Regards,  
Melisha

**From:** [REDACTED]  
**Sent:** Tuesday, 21 September 2021 12:27 PM  
**To:** Have Your Say <haveyoursay@midcoast.nsw.gov.au>  
**Subject:** REF Rural Strategy SPR 02/04

Good morning,

I would like to make a confidential submission regarding the Draft Rural Strategy as follows. **I request that none of my personal details (including my name) be published on any public forum. Please redact my personal details from any publicly available version of this submission.**

Land adjoining Myall Lakes National Park at Girvan should be considered for rezoning to E4 Environmental Living. There is very little commercial agricultural activity occurring on these lots, many of which are already well under the minimum lot size of 40 ha. Most lots are steep with gullied/riparian areas - which if preserved would promote habitat connectivity, stabilise soil health and hydrate the landscape. Native re-vegetation would improve habitat for threatened species including the Koala and Eastern quoll, both of which I have observed recently in the area.

Girvan is attracting more and more tree changers, including those able to commute to Newcastle (1 hour away) and those working from home full-time. This shift in demographic represents an increased appetite for improving biodiversity on private land. Rezoning this area to E4 would improve collective focus to that intent.

The proposed zone of E4 is under-represented in the western part of the LGA (particularly Girvan-Booral-Stroud), despite plenty of lots buffering reserved land being suitable for this zone.

Kind regards

[REDACTED]  
[REDACTED]  
[REDACTED]

**Harry Lloyd**

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**From:** haveyoursay@midcoast.nsw.gov.au  
**Sent:** Wednesday, 22 September 2021 6:53 PM  
**To:** MidCoast Council  
**Subject:** Make an online submission - Draft MidCoast Rural Strategy Form Submission



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## Make an online submission - Draft MidCoast Rural Strategy Form Submission

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**First Name**

[REDACTED]

**Last Name**

[REDACTED]

**Your email address**

[REDACTED]

**Your best contact phone number**

[REDACTED]

**Suburb**

Hallidays Point

**Postcode**

2430

**Property address of interest**

[REDACTED]

**Property suburb of interest**

Hallidays Point

**Submission subject**

REF Rural Strategy SPR 02/04

Review of zoning of property [REDACTED] Hallidays Point

**Please provide your submission here and/or upload your supporting documents below.**

We would like council to please review the zoning, current RU1 Primary Production, Proposed E4 Environmental Living at [REDACTED] Hallidays Point.

I have been in contact with council and a member of the rural strategy team, who agreed that our property has been potentially incorrectly zoned as it is not conjusive in size or potential uses of its current or proposed zoning. It was advised that I put in a submission to have it reviewed while our local area rural zones are currently being assessed.

We believe our property should be zoned RU5 large lot residential which is the same zoning as the rest of the residential estate we are in and would therefore reflect the current use of the surrounding area, allowing us the opportunity to subdivide as per the rest of the residential estate we are a part of. We would like the opportunity to subdivide into 3 or 4 lots as per directives on sizes and allowable building envelopes from council. We have both power and sewer to the property so access to essential services is not an issue.

Our property is 2Ha in size with Class 5 Acid Sulphate soils which is the same as the property directly across the road (DP 259168) that is zoned RU5.

Our property [REDACTED] has no current ecological sensitivity, has no existing nature corridores, does not adjoin wetlands, rainforest or national parks. We are bordered by neighbouring properties on all 4 sides. We have a 79m - 121m buffer to the Darawank

National Park from the back border of our property.

I have attached photos, as suggested, as evidence that our property is identical to neighbouring R5 zoned properties across the road, in size, appearance and vegetative state.

We look forward to discussing this further with you.

### **Upload Submission details and/or supporting documents**

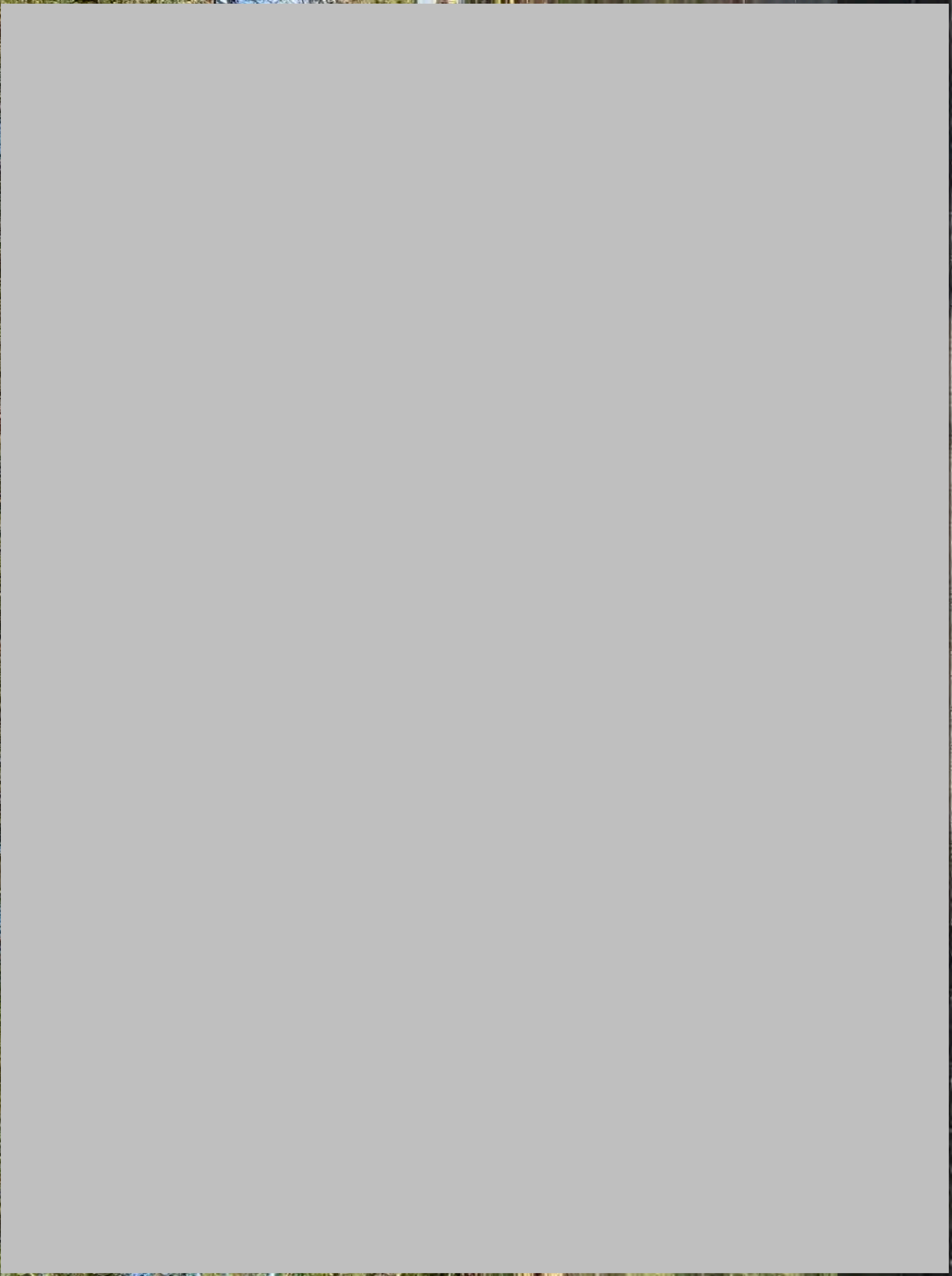
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- [2.JPG](#)
- [3.jpg](#)
- [4.jpg](#)
- [5.jpg](#)
- [6.jpg](#)

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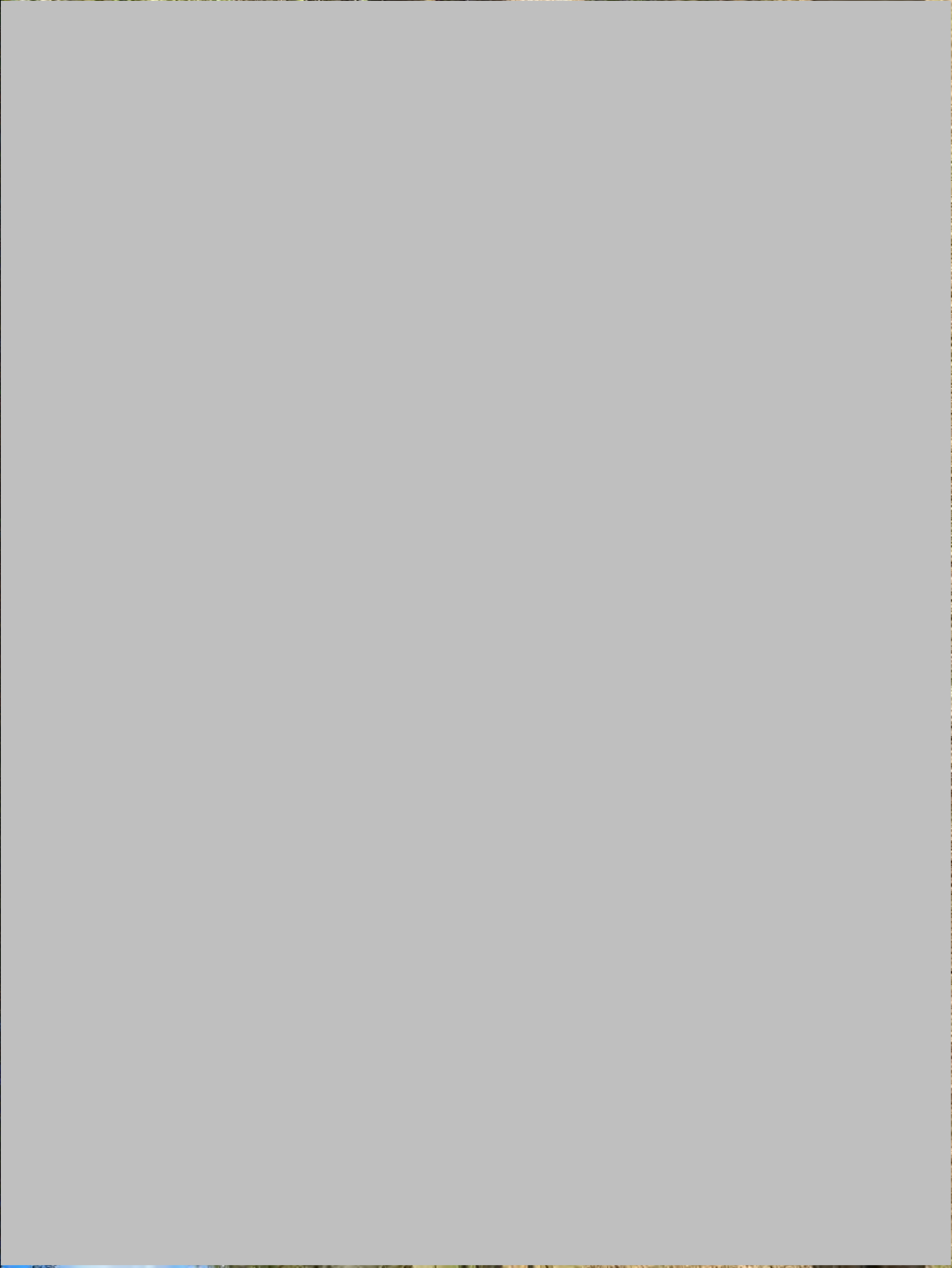
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# Submission 77

**From:** [REDACTED]  
**Sent:** Mon, 27 Sep 2021 16:09:13 +1000  
**To:** "MidCoast Council" <council@MidCoast.nsw.gov.au>  
**Subject:** submission to the Midcoast Rural strategy

Dear Council,

Thanks for the opportunity to comment.

I have looked at the proposed change of zoning for both Glenthorne and a property at Elands.

Both of these locations showed a change of zonings which I think will be beneficial to the areas.

My main concerns are conservation of the flora and fauna that we have left in Midcoast and the quality of life for residents.

So, briefly, congratulations on your decisions which I think will benefit the Midcoast area,  
yours sincerely,

[REDACTED]

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**From:** [haveyoursay@midcoast.nsw.gov.au](mailto:haveyoursay@midcoast.nsw.gov.au)  
**To:** [MidCoast Council](#)  
**Subject:** Make an online submission - Draft MidCoast Rural Strategy Form Submission  
**Date:** Wednesday, 6 October 2021 8:52:12 PM

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██████

**Last Name**

██████

**Your email address**

████████████████████

**Your best contact phone number**

██████████

**Suburb**

██████

**Postcode**

██████

**Property address of interest**

████████████████████

**Property suburb of interest**

Mount George

**Submission subject**

Proposed changes to Mount George Village zoning

**Please provide your submission here and/or upload your supporting documents below.**

I agree with the changes to the zoning of Mount George Village, I have owned a 1000sqm block on the South Eastern end of the village for over 30 years and for seven years worked at the Mount George Duncans/Boral Timber mill before its closure in 1996, I have always wanted to build a house on this site and more so getting closer to my retirement but have been restricted by previous zoning requirements, It has always frustrated me that I have a block of land that is within the village with Tar road access and power, the same size as my neighbors on both sides and pay the same rates but have been told that i need 40 hectares to build on it, I think when the previous zoning was created they should had allowed for building within the village. I feel this has restricted any progress within the village zone to expand and hasn't allowed any Tourism opportunities for the future. it would be a shame to see such a wonderful and beautiful village slowly deteriorate because of lack of support. i also agree with keeping the rural charm outside of the village by the proposed Strategy

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**From:** [REDACTED]  
**Sent:** Tue, 5 Oct 2021 10:40:44 +1100  
**To:** "Rural Strategy" <rural@midcoast.nsw.gov.au>  
**Cc:** [REDACTED]  
**Subject:** Fwd: RE: Draft Rural Strategy  
**Attachments:** Coastplan Consulting.cleaned.pdf

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Good Morning,

My father-in-law is having some technical difficulties with his email - webmail won't allow the attachment.

On behalf of my father-in-law [REDACTED], please find the attachment regarding his submission as requested.

Kind regards,



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----- Forwarded message -----

From: [REDACTED]  
Date: Tue, Oct 5, 2021 at 10:37 AM  
Subject: Fwd: RE: Draft Rural Strategy  
To: [REDACTED]

----- Original Message -----

**From:**  
"Rural Strategy" <[rural@midcoast.nsw.gov.au](mailto:rural@midcoast.nsw.gov.au)>

**To:**

**Sent:**  
Mon, 4 Oct 2021 20:01:24 +0000

**Subject:**  
RE: Draft Rural Strategy

Good morning [REDACTED],

Thank you for your email. The email mentions attachments, though there was nothing attached. Can you please resend the email with attachments?

Thank you,

Michael – Land Use Planning Team

**Rural Strategy**  
**Land Use Planning Team**



[rural@midcoast.nsw.gov.au](mailto:rural@midcoast.nsw.gov.au)

[www.midcoast.nsw.gov.au](http://www.midcoast.nsw.gov.au) or follow us





We acknowledge the traditional custodians of the land on which we work and live, the Gathang-speaking people and pay our respects to all Aboriginal and Torres Strait Islander people who now reside in the MidCoast Council area. We extend our respect to elders past and present, and to all future cultural-knowledge holders.

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**From:** [REDACTED]  
**Sent:** Monday, 4 October 2021 4:59 PM  
**To:** Rural Strategy <[rural@midcoast.nsw.gov.au](mailto:rural@midcoast.nsw.gov.au)>  
**Cc:** [REDACTED]  
**Subject:** Draft Rural Strategy

Good Afternoon,

I'm writing in regards to the Draft Rural Strategy **REF SPR 02/04**.

I am the owner of the property at [REDACTED], Rainbow Flat and engaged Coast Plan Consulting to submit a draft for rezoning of my property.

Please find attached documents for your reference.

I have been advised that Gavin Maberly-Smith is no longer working for Coast Plan Consulting and as such, I request a written response as to the outcome of the rezoning of this property.

I note that submissions close on 19th November 2021. Can you please confirm that you have received my submission and also provide written advice of an outcome?

Kind regards,



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- Development Applications
- Engineering
- Town and Environmental Planning
- Rezoning
- Local Government Liaison
- Building Code of Australia Advice
- Bushfire Assessments and Management Plans

5/4 South St  
TUNCURRY NSW 2428

PO Box 568  
FORSTER NSW 2428

Phone: 02) 6555 2178  
Fax: 02) 6555 2741

6 April 2020

The General Manager  
MidCoast Council  
PO Box 482  
TAREE NSW 2430

**Our Ref: 19231**

Dear Sir,

**RE: 'ZONING IN ON OUR FUTURE' – LOT 18 DP 255386  
96 AND 126 OLD SOLDIERS ROAD, RAINBOW FLAT**

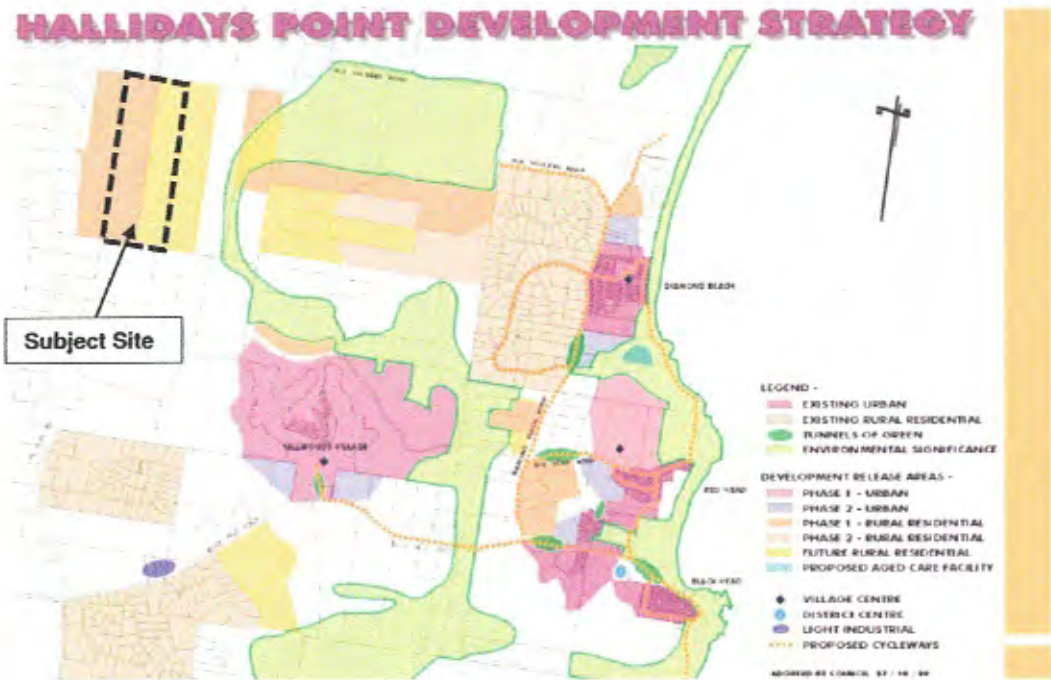
I am writing to you on behalf of the owners of the above properties which are located in the Rainbow Flat area adjoining the existing rural residential subdivision along Treeview Drive. The site is comprised of two long narrow rural properties.

The subject site is comprised of two (2) titles (Lots 18 & 19 DP 255386) each in separate ownership with a combined area of approximately 92.31 hectares.

The land is currently zoned RU1 (Primary Production) under the provisions of *Greater Taree Local Environmental Plan 2010* and no future zone for the land has been shown on the 'Know your Zone Maps' exhibited by Council. The immediately adjoining land to the west is zoned R5 (Large Lot Residential) and contains lots between approximately 8,000m<sup>2</sup> and 3.5 hectares.

The current land use strategy for the area is the *Hallidays Point Development Strategy 2000* which identified future growth areas in the Hallidays Point and Rainbow Flat area. Under this strategy, the subject property is mapped as Phase 1 and 2 Rural Residential as can be seen in the extract from the strategy map below. The land has the same designation as the immediately adjoining land to the west which has been rezoned to R5 (Large Lot Residential) and subdivided into rural residential lots as currently exist.





The lands in the area were identified for future rural residential area based on a coordinating Master Plan as follows:



The subdivision of the adjoining land was undertaken in accordance with the coordinating Master Plan for the development of the two sites and include allowances for road and services connections between

**Michelle Jobson**

---

**From:** haveyoursay@midcoast.nsw.gov.au  
**Sent:** Friday, 15 October 2021 10:04 AM  
**To:** MidCoast Council  
**Subject:** Make an online submission - Draft MidCoast Rural Strategy Form Submission



## Make an online submission - Draft MidCoast Rural Strategy Form Submission

There has been a submission of the form Make an online submission - Draft MidCoast Rural Strategy through your Have Your Say website.

**First Name**

[REDACTED]

**Last Name**

[REDACTED]

**Your email address**

[REDACTED]

**Your best contact phone number**

[REDACTED]

**Suburb**

Wallabi Point

**Postcode**

2430

**Property address of interest**

[REDACTED]

**Property suburb of interest**

Wallabi Point

**Submission subject**

Re: Rezoning [REDACTED] Wallabi Point (MidCoast Rural Strategy).

**Please provide your submission here and/or upload your supporting documents below.**

In regard to [REDACTED], we would like to propose this block to be rezoned Residential. To allow for the expansion of Wallabi Point.

To view all of this form's submissions, visit

[https://haveyoursay.midcoast.nsw.gov.au/index.php/dashboard/reports/forms\\_new/data/46](https://haveyoursay.midcoast.nsw.gov.au/index.php/dashboard/reports/forms_new/data/46)

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# Submission 111

**From:** [REDACTED]  
**Sent:** Fri, 15 Oct 2021 10:25:05 +1100  
**To:** "MidCoast Council" <council@MidCoast.nsw.gov.au>  
**Cc:** [REDACTED]  
**Subject:** Midcoast Rural Strategy Submission  
**Attachments:** Submission-V4-May-2021.cleaned.pdf

---

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Click [here](#) if the original attachments are required (justification needed).

---

Dear Midcoast Council Rural Strategy Committee,

Attached is our submission for rezoning of [REDACTED], Wallaby Point 2430 to residential zoning.

Best regards,

[REDACTED]

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## Submission details

# Submission 111

Reference number

Submission relating to

Address (if applicable)

## Your submission

**Additional information may be attached**

## How to lodge this form

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Phone 02 7955 7777 | email [council@midcoast.nsw.gov.au](mailto:council@midcoast.nsw.gov.au)

[www.midcoast.nsw.gov.au](http://www.midcoast.nsw.gov.au)

## Office use only

Reference number

Submission number

**Michelle Jobson**

---

**From:** haveyoursay@midcoast.nsw.gov.au  
**Sent:** Tuesday, 19 October 2021 8:32 PM  
**To:** MidCoast Council  
**Subject:** Make an online submission - Draft MidCoast Rural Strategy Form Submission



## Make an online submission - Draft MidCoast Rural Strategy Form Submission

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**First Name**

[REDACTED]

**Last Name**

[REDACTED]

**Your email address**

[REDACTED]

**Your best contact phone number**

[REDACTED]

**Suburb**

Coomba park

**Postcode**

2428

**Property address of interest****Property suburb of interest**

Coomba park

**Submission subject**

Protect environment from chemical pollution.

**Please provide your submission here and/or upload your supporting documents below.**

WHO's International Agency for Research on Cancer have concluded that glyphosate is probably carcinogenic humans. Many EU countries have banned or are in the process of banning glyphosate.

Many local people, business, farmers and especially the council are still using these products to temporarily kill unwanted vegetation. Worse weeds reappear soon after in freshly poisoned land, which itself has had its micro organisms destroyed/changed. The runoff from storms transport this poison to our waterways.

from my observations, council is the worst offender with its spraying on the roadside.

The risks from this is pollution of the land and waterways and killing of insect life. Also it puts council at risk of having to deal with future claims from cancer victims.

I recommend that council stops using glyphoshate immediately and starts promoting reduced use by others with a plan to ban it completely.

To view all of this form's submissions, visit

[https://haveyoursay.midcoast.nsw.gov.au/index.php/dashboard/reports/forms\\_new/data/46](https://haveyoursay.midcoast.nsw.gov.au/index.php/dashboard/reports/forms_new/data/46)

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**Michelle Jobson**

---

**From:** haveyoursay@midcoast.nsw.gov.au  
**Sent:** Wednesday, 20 October 2021 2:55 PM  
**To:** MidCoast Council  
**Subject:** Make an online submission - Draft MidCoast Rural Strategy Form Submission



## Make an online submission - Draft MidCoast Rural Strategy Form Submission

There has been a submission of the form Make an online submission - Draft MidCoast Rural Strategy through your Have Your Say website.

**First Name**

██████████

**Last Name**

██████████

**Your email address**

██

**Your best contact phone number**

██████████████████

**Suburb**

Tinonee

**Postcode**

2430

**Property address of interest**

[REDACTED]

**Property suburb of interest**

Tinonee

**Submission subject**

Subdivision of land under proposed RU2 zone

**Please provide your submission here and/or upload your supporting documents below.**

Having read through the proposed zoning changes i am questioning the future potential of some land in Tinonee. Much of the land in the immediate surrounds of View Place and northern end of Bull Hill Rd is situated on heavy clay / shale and features poor pasture and limited agricultural potential. This area mostly consists of small land holdings under 5 hectares and as such is unlikely to be developed for any significant agricultural purpose. It is my thought that this particular area would be a prime candidate for potential subdivisions like those associated with the Large Lot Residential category. In the interest of transparency, I have an interest of this nature with regards to my own property and think that this type of development would be well suited to the future growth of Tinonee Village. Your feedback would be greatly appreciated.

To view all of this form's submissions, visit

[https://haveyoursay.midcoast.nsw.gov.au/index.php/dashboard/reports/forms\\_new/data/46](https://haveyoursay.midcoast.nsw.gov.au/index.php/dashboard/reports/forms_new/data/46)

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**From:** [REDACTED]  
**Sent:** Sat, 20 Nov 2021 07:43:38 +1100  
**To:** "MidCoast Council" <council@MidCoast.nsw.gov.au>  
**Subject:** Rural Strategy SPR 02/04

re SUBMISSION TO RURAL STRATEGY

dear Alex Mc Vean,

I am writing in regard to an area of Council owned land [I believe] which I would like to see rezoned from Public Recreation, to an appropriate conservation zone. The address is

Tinonee, 7 Park street, Lot 1-15 dp 758 979. [but not the sports oval and ground]

This is an area of land presently vegetated, that Council has requested Taree landcare plant koala food trees in. About 80 such trees have been planted so far. It is next to the sports ground.

My reasons are-

1. this fits with Council policy to create more koala habitat in and around Tinonee
2. As volunteers work on this land over the next year, I do not want to see this work destroyed, in the event of some residents requesting an extension of sports fields..etc. I realise it would have to go on public exhibition.
3. One landcare site at the corner of Hargreaves drive and Wingham road is being planned for a new road to go through, destroying much of our work, so I know that Council can change their intentions despite landcare work. I don't want this to happen again.
- 4 I believe that this area is a benefit to residents as it is. Many people walk through, and/or walk their dogs in this area.
5. Council's Greening Strategy and Climate Change efforts will be enhanced by this change of zone.

Thanks for your consideration,

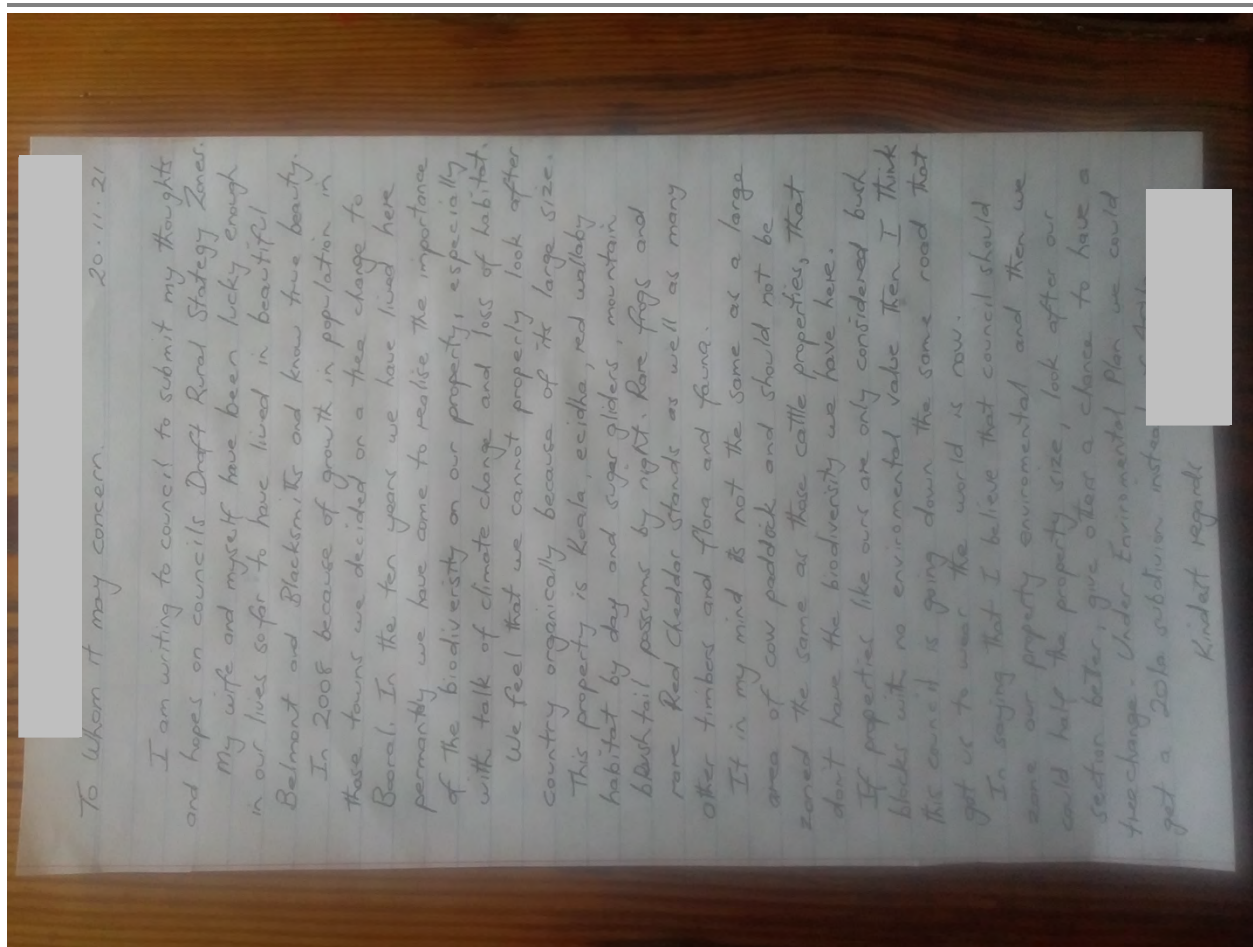
[REDACTED]

Email secured by Check Point

**From:** "Terry Robbs" <terryrobbs8@gmail.com>  
**Sent:** Mon, 22 Nov 2021 13:09:31 +1100  
**To:** "MidCoast Council" <council@MidCoast.nsw.gov.au>  
**Subject:** REF Rural Strategy 02/04  
**Attachments:** 20211122\_130452.jpg

Dear Sir or madam please except this as my written submission on haveyoursay.

Email secured by Check Point





**From:** Alisa Gupte  
**Sent:** Wed, 27 Jan 2021 10:15:23 +1100  
**To:** MidCoast Council  
**Cc:** Kate Mirow; Sera Taschner  
**Subject:** RE: TfNSW request for information SP2 rezoning at Jericho Road, Moorland (Lots 1 & 2 DP1217323)

Hi,

I wanted to follow up with my earlier email on a request for information for a SP2 rezoning. I understand there was some system/mapping issues last time I called so please let me know if that is still the case.

Thanks,

Alisa.

**UNCLASSIFIED**

Alisa Gupte  
Graduate  
Property Strategy & Planning  
Commercial Performance and Strategy  
Infrastructure and Place  
**Transport for NSW**

M +61 428 212 015  
33 James Craig Road, Rozelle NSW 2039



I acknowledge the traditional owners and custodians of the land in which I work and pay my respects to Elders past, present and future.

---

**From:** Alisa Gupte  
**Sent:** Tuesday, 12 January 2021 2:53 PM  
**To:** council@midcoast.nsw.gov.au  
**Cc:** Kate Mirow <Kate.Mirow@transport.nsw.gov.au>; Sera Taschner <Sera.TASCHNER@transport.nsw.gov.au>  
**Subject:** TfNSW request for information SP2 rezoning at Jericho Road, Moorland (Lots 1 & 2 DP1217323)

Hello,

As discussed earlier on the phone today confirming the following information, in regards to rezoning at Jericho Road, Moorland (Lots 1 & 2 DP1217323). I understand there was some system issues and different zoning information in Council's maps, which your GIS team will be checking.

Would you be able to confirm for the following properties:

- a) The former zoning that applied the section of the land zoned SP2, including the name relevant environmental planning instrument (LEP); and
- b) an extract of the previous zoning map.

TfNSW is looking to put a request in to remove SP2 zoning from the land as it is no longer required for road purposes. The new zone will be consistent with the underlying/former zone that applied to the land (or equivalent) prior to the land being zoned SP2.

Thanks,  
Alisa Gupte.

**UNCLASSIFIED**

Alisa Gupte  
Graduate  
Property Strategy & Planning  
Commercial Performance and Strategy  
Infrastructure and Place  
**Transport for NSW**

M +61 428 212 015  
33 James Craig Road, Rozelle NSW 2039



I acknowledge the traditional owners and custodians of the land in which I work and pay my respects to Elders past, present and future.

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# Submission 160

**From:** [REDACTED]  
**Sent:** Sun, 28 Nov 2021 17:13:32 +1100  
**To:** "MidCoast Council" <council@MidCoast.nsw.gov.au>  
**Subject:** Submission relating to Rural Strategy SPR 02/04  
**Attachments:** Midcoast Zoning Submission 20211121.pdf

---

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Please accept the attached submission on behalf of my father [REDACTED].

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## Submission details

Reference number

Rural Strategy SPR 02/04

Submission relating to

Midcoast Rural Strategy

Address (if applicable)

Markwell 2423

## Your submission

Please see attached information.

**Additional information may be attached**

## How to lodge this form

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## Office use only

Reference number

Submission number

Submission - V4 May 2021

To whom it may concern

I have grave reservations regarding the proposed changes to our current rural zoning. Our current right to subdivide will be taken away. Our current choices are being taken away. It is not just the village area being impacted. Taking away the right to subdivide from these areas means that the subdivision of further rural land must come from outside these 'village' areas. This will have a negative impact on farming land as well.

At present the village of Markwell is made up of smaller blocks with some larger blocks - none of them reaching the 40 hectare minimum. In fact, the largest of them is about 9.8 hectares. Your argument that the change in zoning will provide the 'same opportunity to start or expand agricultural activity' on our properties does not really apply in Markwell village as the majority of properties are too small. By limiting the opportunity to subdivide in smaller village zoned areas like Markwell and Newell's Creek you are encouraging the cutting up of larger farms into smaller areas that some people will not use for agricultural purposes, effectively taking away opportunities for economies of scale as you propose will occur with your rezoning efforts.

Encouraging larger farming properties to be cut into smaller 40 hectare lots does not create economies of scale. It stretches out sights and increases the number of dealings within the same specified area. Physically the scale of each property will be decreased which flies in the face of increasing scale to create economies.

You say one objective of your proposal is to protect agricultural activities and support the right of farmers to operate without conflict or interference, however interspersing non farmers throughout larger farms would increase the risk of conflict or interference. Some people disagree with many common farming methods not to mention with the production of livestock for meat. Already having an impact are a couple of my neighbour's objections to chemical weed control, burning off, phosphorous fertiliser application and the culling of wild dogs. Even the need for appropriate fencing is being argued by some non-farmers which greatly impacts our ability to get on with business.

Smaller properties should be concentrated within certain areas to avoid a decrease in economies of scale and an increase in the risk of conflict or interference from non-farmers. It seems logical that decreasing the size of farming properties outside village type areas would only increase conflict and the farmers right to produce in those areas.

An argument also used is that smaller villages such as Markwell lack the facilities of larger villages and towns. We have all the facilities we need. Part of the appeal of villages like Markwell are the lack of facilities, with properties having the feel of the country without the need to maintain a larger number of hectares. Such places I feel encourage tourism as well. Oftentimes people travel to destinations that they hope to retire in. Allowing smaller blocks in areas such as Markwell would encourage more of this type of tourism.

I live within the village of Markwell, but I also have properties within the Myall Valley much greater than 40 hectares. Our right to subdivide in the village has existed for as long as I can remember and I'm 84 years of age. I do not want to lose this right now. If anything, progress should expand one's rights, not decrease or limit them.

# Submission 164

**From:** [REDACTED]  
**Sent:** Mon, 22 Nov 2021 20:40:05 +1100  
**To:** "Rural Strategy" <rural@midcoast.nsw.gov.au>  
**Cc:** [REDACTED]  
**Subject:** Proposed rezoning of [REDACTED], Barrington

Dear Midcoast Council,

Re Rezoning [REDACTED], Barrington [REDACTED]

This lot was created by a boundary re-alignment allowing the residence and access road to be excised from the original 80 hectare property. The size of this lot is only 10 hectares.

This property adjoins [REDACTED] subdivision in Barrington Village. The land immediately to the south of the Thunderbolts Way ( over the road)has also been developed as a rural small lot subdivision .

The size of the property is not capable of providing an income to justify its current land zoning of RU1 (Primary Production)

The proposed land use zoning of RU2 (Rural Landscape) is a rather odd category given the proximity of [REDACTED] to both these adjoining subdivisions and given its small area making it an uneconomic agricultural holding. What are the restrictions does the zoning of RU2 ?

Wouldn't a more appropriate zoning be as a future rural , small lot subdivision as an extension of the current growth of Barrington village towards Gloucester?

I note that other adjacent holdings have not also been given a RU2 zoning yet they are also part of the "rural landscape", perhaps even more so!

I feel the zoning proposed should be reconsidered considering the above points. A more appropriate zoning should be for small lot residential development considering the current lack of such properties. The current availability of small lot subdivision in Barrington and Gloucester district is limited owing to the desirability of this type of land subdivision. Most of the current small lot subdivision land has been sold with no newly zoned land for such use been approved.

Yours sincerely

[REDACTED]

[REDACTED]

[REDACTED]

Barrington

Sent from my iPhone

Email secured by Check Point

# Submission 168

**From:** "Daniel Garton" <dgarton@ljhtaree.com.au>  
**Sent:** Thu, 2 Dec 2021 11:29:10 +1100  
**To:** "MidCoast Council" <council@MidCoast.nsw.gov.au>  
**Subject:** Rural Strategy SPR 02/04.

Good morning,

Working in Real-estate in the Halliday's Point Rainbow Flat area predominantly I've have been requested hundreds of times to contact buyers who are looking for small acreage.

We have abundant of residential lots and approvals available in our area and I understand rates would be higher given these approvals but small acres R5 zoning is what is in not only high demand but more suitable for our community. You just need to look at places like Failford ( Highlands estate, Bullocks run and Bluckbutt dr) Figtree dr Diamond Beach and Homestead estate to name just a few of these areas that don't turn our nice coastal community into another Central Coast! The mass exodus in areas like these are because of the greed of councils and not the areas best interest. I implore you to consider allowing more RU1 Properties to be changed to R5 Zoning to allow for our area not to be turned into so many failed now high density along the East coast.

Or simply reducing the minimum lot size of RU1 like it was a couple of decades ago such as 634 Wingham rd Taree to give an example.

Kind Regards,



## Daniel Garton

Licensed Real Estate Specialist



**0428 337 171**

[dgarton@ljhtaree.com.au](mailto:dgarton@ljhtaree.com.au)

227 Victoria Street, Taree NSW 2430

[taree.ljhooker.com.au](http://taree.ljhooker.com.au)



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- 7 DEC 2021

RECEIVED RECORDS



# TUNCURRY LAKES RESORT

CHAPMANS ROAD TUNCURRY

Mailing Address:

PO Box 32 TUNCURRY NSW 2428

P (02) 6554 6575

F (02) 6554 5366

e office@tuncurrylakesresort.com.au

W www.tuncurrylakesresort.com.au

25 November 2021

General Manager  
Midcoast Council  
PO Box 482  
TAREE NSW 2430

Dear Sir

**Draft Rural Strategy: Proposed application of Environmental Living Zone to Tuncurry Lakes Resort, 84 Chapmans Road, Tuncurry**

Thank you for your letter dated 25 August 2021 notifying the Co-operative of the proposed Draft Rural Strategy and inviting submissions. We also thank Council staff for providing additional advice by telephone including that the period for submissions has been extended until 28 January 2022.

The Board of Directors of Tuncurry Lakeside Village Co-operative Society Limited has considered the strategy. We support the Council's efforts to make the local environmental plans of the amalgamated councils into a consistent document and to protect our sensitive environment.

Tuncurry Lakeside Village Co-operative Society Limited, trading as Tuncurry Lakes Resort (TLR) is proud to be the longest continuously operating timeshare resort in Australia and to be still going strongly. Commencing in December 1978, it has served its 600 members and their guests for 43 years and has injected significant direct tourism expenditure into the Forster/Tuncurry economy. It has nine direct employees and has engaged many local contractors and suppliers during that time and will continue to do so.

The resort is conscious of its sensitive environmental location and strives to minimise its impacts. The whole TLR site is declared a wildlife sanctuary under the Co-operative's By-Laws and domestic pets are not permitted on site. Development on the resort site is low rise, low density and visually unobtrusive. Invasive non-native vegetation along the river front has been removed and kept at bay. Energy and water consumption is constantly being monitored and minimised. Significant investments in solar panels and rainwater tanks are presently being assessed.



Risk management plans for bushfire, flood, and occupational health and safety have been prepared, adopted, reviewed, and improved over time. These continue to be updated to ensure the safety of staff, owners, guests, and the community at large.

Prior to being developed in its current form, the TLR site known as 84 Chapmans Road Tuncurry was an unviable dairy farm. The site is affected by two existing zonings (E2 and RU2) and is proposed in the Strategy to be zoned E2 and E4. In a telephone call with Council on 14 October 2021, we were advised that the zone boundary between E2 and E4 is proposed in the Strategy to be the same as the existing boundary between E2 and RU2 on our site. The *Draft Rural Strategy* also sets out the proposed land use table for the E4 zone and includes optional items in blue that have been added by Council.

We note that *Camping grounds* and *Caravan parks* are proposed to be included as permitted uses. These uses cover part of our existing operations but do not cover the 48 accommodation units we have onsite. While continuation of TLR in its present form under *existing use rights* is presently allowed, the history of the principles under which *existing use rights* has been applied have gradually become less and less flexible. We ask that consideration be given to including *Tourist and visitor accommodation* as a permitted use at 84 Chapmans Road. This would ensure that TLR could continue to operate for the benefit of its members and the Forster/Tuncurry economy without relying on *existing use rights*, which may be further eroded over time, thereby creating an existential threat to the resort. We are confident that, for historical and economic reasons, MidCoast Council would not want that outcome.

Similarly, TLR is somewhat unique in that it has an artificial lagoon with moorings, a boat ramp and jetties for the safe and convenient enjoyment of boating on the Wallamba river and the Wallis Lakes. With the threat of sea level rise in mind, these facilities may eventually need alteration. With the potential for future changes to the application of *existing use rights* being out of Council's control, we have some concern that such alterations or extensions may not be permitted. We therefore request that *Moorings* and *Wharf or boating facilities* be retained in the list of permitted uses at 84 Chapmans Road.

## Submission

The Board of Tuncurry Lakeside Village Co-operative Society Limited has no objection to the proposed rezoning of the RU2 part of the site to E4 provided:

1. The existing zone boundary remains as it is, and
2. the proposed land use table is amended to include *Tourist and visitor accommodation*, *Moorings*, and *Wharf or boating facilities* as permitted uses at 84 Chapmans Road.

Thank you for the opportunity to comment on the Draft Rural Strategy.

Yours faithfully



**L Sutherland**  
**Secretary**  
**Tuncurry Lakeside Village Co-operative Society Limited**

**Michelle Jobson**

---

**From:** haveyoursay@midcoast.nsw.gov.au  
**Sent:** Sunday, 19 December 2021 3:54 PM  
**To:** MidCoast Council  
**Subject:** Make an online submission - Draft MidCoast Rural Strategy Form Submission



---

## Make an online submission - Draft MidCoast Rural Strategy Form Submission

There has been a submission of the form Make an online submission - Draft MidCoast Rural Strategy through your Have Your Say website.

**First Name**

[REDACTED]

**Last Name**

[REDACTED]

**Your email address**

[REDACTED]

**Your best contact phone number**

[REDACTED]

**Suburb**

NABIAC

**Postcode**

2312

## Property address of interest

[REDACTED]

## Property suburb of interest

Nabiac

## Submission subject

Submission re change of [REDACTED] Nabiac from RU1 Primary Production to RU4 Small Lot Subdivision or 2 X 20 hectare lots.

## Please provide your submission here and/or upload your supporting documents below.

Preferences

1. We would prefer that [REDACTED] be considered for RU4 Small Lot Subdivision
2. If the above is not approved, we would like to submit that [REDACTED] Nabiac be considered for conversion to 2 lots of 20 hectares.

- [REDACTED], formerly known as [REDACTED]', was previously 2 x 50 acre (20 hectare) portions with the creek being the boundary. It was amalgamated into 1 at the request of the council around 36 years ago. When we wanted to build a new house closer to Wallanbah Road, council said it would be easier if we amalgamated 2 portions whereas we should have just built on the top portion and kept it as 2 portions with one home on each.

- Already has 2 existing homes.
- The property is not viable as an income generating proposition for dairying or beef.
- Council had previously approved the development of a concrete plant with access from Wallanbah Road midway along the frontage of the property. Council provided the new access point with a culvert and tarred entrance. This is a further access point which could be utilised.
- There are 3 existing access points to the property directly from Wallanbah Road.
- Smaller lot sizes exist directly across the road.

- There is already an existing lack of available blocks of land for residential purposes within the village.
- There is a shortage of small acreage lots available close to town in the Nabitac area
- The lack of residential lots and small lot acreages makes it difficult for young families to remain in their local area if they choose to do so.
- Young families who identify strongly with the area are forced to move away because of the lack of affordable land. This leads to an ageing township putting the viability of existing services such as schools and pre-schools at risk.

To view all of this form's submissions, visit

[https://haveyoursay.midcoast.nsw.gov.au/index.php/dashboard/reports/forms\\_new/data/46](https://haveyoursay.midcoast.nsw.gov.au/index.php/dashboard/reports/forms_new/data/46)

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**From:** "Bryan" <bryan@meridianbc.com.au>  
**Sent:** Thu, 13 Jan 2022 13:06:03 +1100  
**To:** "MidCoast Council" <council@MidCoast.nsw.gov.au>  
**Subject:** Submission - draft Rural Strategy - Environmental Living Zone  
**Attachments:** MC Council submission Enviro Living 22.01.12.docx

I enclose as an attachment, the submissions of my company objecting to the proposed inclusion of Lots 1-7 DP 249361, and Lot1 DP 1229374 in Council's proposed Environmental Living Zone.

A hard copy of this submission has also been filed with your Forster office.

Please acknowledge receipt of this submission before close of date for submissions of 28 January 2022.

Yours faithfully,

Bryan Baker.

Email secured by Check Point

## INQUIRY PROPERTY INVESTMENTS PTY LTD - SUBMISSION TO MID COAST COUNCIL:

### Draft Rural Strategy – proposed Environmental Living Zone

My company is Inquiry Property Investments Pty Ltd.

It is the registered proprietor of Lots 1-7 (incl) in DP 249361, and also Lot 1 in DP 1229374.

My company has received a notification dated 25 August 2021 from Council, advising that these lots are proposed to be re-zoned to an Environmental Living Zone.

My company records its strongest objection to this proposal.

- A. In Council's own proposal of "*Liveable Communities – Attachment B*" of its *Ordinary Meeting of 16 December 2020*", it was proposed by Council –

**5. Lots 1-7 DP249361 (Submission 282)** Request that the whole site be included as 'potential urban land' in the Housing Strategy rather than the front 3 lots, consistent with the Mid North Coast Regional Strategy 2006-2031. The South Forster Structure Plan 2006 identified significant constraints for Lots 4-7 on DP249361. As a result, only the front portion of the site was identified as having potential to be developed for residential purposes. The Housing Strategy reflects this work undertaken.

**Recommendation:** no change

- B. Further, as recently as 28 July 2021, Council resolved that these lots (referred to as "Bert's Farm") be included as an Urban Release Area in the short term 5-10 years within the Mid-Coast Council Urban Release Areas Report, which is a companion document to the Housing Strategy. Please refer to the full resolution of Council on that day.
- C. Since that resolution, construction has commenced on a new roundabout at the Palm Lakes Resort, and will join that roundabout with the extension of the Southern Parkway Forster. That roundabout will be but 1.4 km from the entrance of our property.
- D. Since that resolution of Council of 28 July 2021, I have now received a copy of the Draft Hunter Regional Plan 2041 issued by the Department of Planning, Industry and Environment, Newcastle, noting that "Bert's Farm" is included as **proposed urban release areas (refer to page 118 of that Regional Plan, and figure 29)**. I request that you check this Draft Regional Plan with that the Department of Planning Industry and Environment.
- E. I have also been advised by another source, that the inclusion of Lots 1-7 DP 294361, and Lot 1 in DP 1229374, and Lot 50 adjoining, was a clerical error in the preparation of the proposed Environmental Living Zone, and will be excluded.
- F. An earlier objection was raised by Council staff that the land was subject to endangered ecological communities. On 29 June 2017 Great Lakes Council granted approval for a fire trail over lots 1,3 and 7 in DP 249361. No objection was raised on the approval



about EEC on those lots. Further, by its letter dated 1 April 2008, Great Lakes Council (ref R Busby) requested... *an opinion from the Department of Environment & Climate Change as to the validity of the claims by ....Orogen Pty Ltd that non (sic) of the vegetation is EEC.* I understand that Council did not receive a reply (or a satisfactory reply) to that letter. A copy of that letter is available, if Council does not have its own copy.

G. In preparatory notes, Council staff have referred to sugar gliders and wallum froglets being abundant on this property. I refer to the various ecological report referred to hereunder, which negate those claims. I also understand that the McCloy Group is preparing additional ecological reports for both these lots, and the adjoining Lot 50, also to that effect.

1. These lots, and Lot 50, are surrounded on 3 sides by the Palm Lakes Resort development, by the Seven Mile Beach development, and by Wallis Lake. These 2 major developments are not *low impact residential development, but are noted to be in this proposed environmentally sensitive location...see MC Council referral from its Environmental Living Zone pamphlet.*

I repeat the submissions previously made in my company's address to Council on 28 July 2021, when Council resolved to include these lots as an Urban Release Area in the short term 5-10 years.

I therefore invite Council to remove Lots 1-7 in DP 249361, and Lot 1 in DP 1229374 from any proposed application of an Environmental Living Zone.

## **I REPEAT MY EARLIER SUBMISSIONS TO COUNCIL ON 28 July 2021:**

**This property – Lots 1-7 DP 249361 (and also Lot 1 DP 1229374)** has been the subject of a number of expert reports commissioned by both my company, and also by the then Great Lakes Council. In late 1997(98)?, the then Great Lakes Council joined in with inter alia my company, to commission various expert reports for re-zoning lots 1-7 DP 249361 by independent Town Planner Mr Jock Palmer of Jock Palmer & Associates Pty Ltd, Box 6749 PO Coffs Harbour 2450. I urge Mid Coast Council to consider those reports considered by Mr Palmer before his commission was discontinued. A number of those reports were ordered by Great Lakes Council, as is referred to hereunder in my submission. Further, Great Lakes Council resolved to prepare a collaborative Master Plan following the judgment of Assessor Mr C. Brown in the LEC decision of Inquiry Property Investments Pty Ltd v Great Lakes Council [2014] NSWLEC 1056 (1 April 2014)

I will refer to these various reports in my undermentioned submissions.

**FLOODING:** My company submits that DP 249361 (owned by my company) is *not 95% subject to flooding.*



I note that Bert's Farm (p.32) is ruled out as an Urban Release Area because 95% of it is identified as Flood Prone Land, but 'Harrington Growth Area 1' is 100% FPL and is identified as Medium Term (p.82).

I refer Council to the report of BMT WBM Water Management Investigation Report, dated Feb 2009, commissioned by Great Lakes Council (see the document control sheet of the report following), *which treats the preliminary investigations to identify existing flooding, drainage, stormwater quality and groundwater conditions at Bert's Farm....*

## DOCUMENT CONTROL SHEET

### BMT WBM Pty Ltd

BMT WBM Pty Ltd  
126 Belford Street  
BROADMEADOW NSW 2292  
Australia  
PO Box 266  
Broadmeadow NSW 2292  
Tel: +61 2 4940 8882  
Fax: +61 2 4940 8887  
ABN 54 010 830 421 003  
[www.wbmpl.com.au](http://www.wbmpl.com.au)

#### **Document :**

#### **Project Manager :**

R.N1453.001.01

Mark Wainwright

#### **Client :**

#### **Client Contact:**

#### **Client Reference**

#### **Great Lakes Council**

#### **Roger Busby**

**Title :** Berts Farm Site, South Forster Water Management Investigations

**Authors :** Mark Wainwright, Darren Lyons, Phillip Hitchcock (Environ)

**Synopsis :** This Stage 1 report presents the outcomes of preliminary investigations to identify existing flooding, drainage, stormwater quality and groundwater conditions at the Berts Farm site, South Forster. The existing conditions assessment will be utilised for comparison with future developed conditions for the site.

I draw the attention of Council, to the whole of that report, and in particular, to that part of this report at .....

## 4 GROUNDWATER

### 4.1 Stage 1 Existing Scenario

#### 4.1.1 Scope

The objective of Stage 1 of the study involved a review of existing reports prepared for the site to confirm that existing groundwater characteristics have been identified and potential adverse impacts of future development in the study area are identified. The outcomes of this review were to provide advice on whether it is considered necessary to address any outstanding groundwater issues prior to completing the additional investigations.

Environ Australia Pty Ltd (Environ) completed the review of groundwater related issues associated with the re-zoning. It is understood that the proponent appointed Robert Carr and Associates Pty Ltd (RCA) to undertake groundwater investigations. The following reports were provided for review:

- RCA (2006) Baseline Groundwater Assessment, Lots 1-7 DP249361, The Lakes Way, South Forster (ref: 5226-003/0, 9<sup>th</sup> March 2006);

- RCA (2006) Baseline Groundwater Assessment, Lots 1-7 DP249361, The Lakes Way, South Forster (ref: 5226-003/1, 1<sup>st</sup> June 2006);
- RCA (2007) Groundwater Assessment April 2006-February 2007, Lots 1-7 DP249361, The Lakes Way, South Forster (ref: 5226-004/1, 26<sup>th</sup> April 2007);
- RCA (2006) Geotechnical Investigation, Lots 1-7 DP249361, The Lakes Way, South Forster (ref: 5226-002/1, 21<sup>st</sup> June 2006);
- RCA (2006) Geotechnical Investigation, Lots 1-7 DP249361, The Lakes Way, South Forster (ref: 5226-002/2, 23<sup>rd</sup> October 2007); and
- Connell Wagner (2007) Berts Farm peer review of geotechnical and groundwater reports. Letter report dated 20 June 2007.

#### 4.1.2 Existing groundwater characteristics

Baseline monitoring by RCA indicates the depth to groundwater varies between 0.15m below ground surface (bgs) and 1.5m bgs or 0.3m AHD to 2.89m AHD within sandy estuarine basin muds and intertidal deposits. This information is from site investigations, including drilling and installation of 8 monitoring wells to depths ranging between 1.1m bgs and 7.15m bgs. Four rounds of groundwater level gauging were completed between April 2006 and February 2007 following baseline monitoring in January 2006. The depth to groundwater varied up to 1.05m from the baseline data. The data presented is considered suitable to assess groundwater levels and variations.

RCA indicated that principal drainage is via infiltration into sandy surface soils, with some drainage via natural shallow drainage paths towards Wallis Lake. This is considered to be a reasonable conclusion. RCA has not commented on the type of aquifer present at the site. Based on the information provided, the aquifer is likely to be an unconfined estuarine aquifer of interbedded silts and sands.

#### GROUNDWATER 20

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RCA indicates that from the baseline monitoring, groundwater flows from east to west across the site towards Wallis Lake. The groundwater flow direction was the same during monitoring rounds 2 and 3. Monitoring rounds 1 and 4 showed a flattening of the groundwater hydraulic gradient and a slight change in the groundwater flow direction, with groundwater beneath part of the site flowing south to north. The data presented is considered suitable to assess groundwater flow directions.

The depth to groundwater was expected to be influenced by both tide and rainfall events. RCA installed data loggers to log water levels in 3 monitoring bores and compared the results to tidal data and rainfall data. RCA indicates that the rainfall events correlate with fluctuations in groundwater levels, whereas the influence of tides on groundwater levels is considered minimal. RCA considered that variations due to tides would have minimal impact on groundwater flow rates and direction. Based on the data, this is considered to be a reasonable conclusion.

No hydraulic conductivity (permeability) testing was completed as part of the RCA assessment. This testing should be undertaken.

Groundwater physical parameters, including electrical conductivity and pH were collected using a water quality meter during monitoring rounds. A discussion of groundwater quality results was included and indicated the following:

- Groundwater trends from relatively fresh on the eastern part of the site to brackish on the western part of the site,
- Groundwater is slightly acidic;
- Concentrations of nitrogen and phosphorus in the baseline study were below the ANZECC 2000 Estuarine Water Quality Guidelines; and
- Comparison of data from baseline monitoring and the 4 monitoring rounds indicates there were no significant changes in groundwater quality between January 2006 and February 2007.

This above testing and results are suitable to assess baseline conditions.

Quality of Analytical Data Records of the field quality assurance methodologies indicate the following:

- a minimum of 3 bore volumes were purged from groundwater bores and purging continued until pH and EC readings stabilised prior to sampling;
- sampling was undertaken using a Teflon disposable bailer;
- the bailer was decontaminated prior to sampling by rinsing with Decon90 and potable water;
- 1 intra-laboratory duplicate sample was collected and submitted for analysis;

- Samples were stored in appropriately preserved containers supplied by Labmark; and
- Samples were cooled prior to transportation to the laboratory.

The above methods/results are suitable and provide confidence that the data can be relied upon.

#### 4.1.3 Potential impacts of development on groundwater

It is noted that this review is preliminary, and the information provided in the RCA report relating to impacts to groundwater of the proposed development is limited. It is noted that RCA has not

#### GROUNDWATER 21

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provided any comments on the impacts of the development on groundwater but the data presented is considered a suitable basis on which to assess the impacts of the development on groundwater with the exception that no permeability testing has been undertaken

### **VEGETATION AND THREATENED SPECIES:**

It is submitted that Bert's Farm is not subject to constraints of vegetation and threatened species on the site.

Dealing with vegetation, there are many references in the numerous expert reports engaged by both Great Lakes Council, and also from my company, confirming that lots 1-7 DP 249361, was first used as a dairy farm for the town of Forster (by the Stanfield family), later it was extensively mined for rutile and zircon, with substantial mine drains on the property (and with a registered mining lease on the titles), and thereafter, was used as a grazing property by my company. My company's grazing operations are also confirmed in its income tax records, and Local Land Service rates as a grazing company. The whole of the land is annually and regularly managed by slashing for bushfire control.

Great Lakes Council granted consent on 29 June 2017 for a fire trail over lots 1,3 and 7 in DP 249361. At no time was any objection raised by Council in that approval, about constraints of vegetation or threatened species.

Dealing with threatened species constraints, a report dated 10 March 2008 from Orogen Pty Ltd was served on Great Lakes headed ...***ASSESSMENT OF OCCURRENCE OF ENDANGERED ECOLOGICAL COMMUNITIES ON THE SOUTH EASTERN FORESHORE OF WALLIS LAKE NSW*** ..., and I produce Clause 10 of that report hereunder. If Mid Coast Council has not had recourse to that report, I am happy to furnish another copy to Council in support of this submission.

### **10. Conclusion**

Based on the detailed analysis of the descriptors, the vegetation adjoining the south-eastern foreshore of Wallis Lake does not on first principles satisfy the definition of the EEC's as this landform has been concisely determined not to be a Coastal floodplain. This is further supported by the geological and soil mapping and soil descriptors referring to silts and clay based soil textures rather than sand based substrates.

It is further concluded that this area is not consistent with the reasons for listing as these areas are low productivity soils and have not been cleared to the extent that Coastal floodplains have subject to for agriculture purposes. This is further supported by the lack of occurrences of these EEC's in the sandplain reserves identified in the determination of which, notably the adjoining Booti Booti National Park is not listed as containing these EEC's.

Yours faithfully

Inq Prop MC Council submission Enviro Living 22.01.12

Orogen Pty Ltd  
BRETT CAMPBELL  
Project Director  
Attachments – Figures

Earlier – in December 1997, a report of Mitchell ERM McCotter was served on Great Lakes Council, headed ***EIGHT PART TEST – LOTS 4-7 DP 249361, SOUTH FORSTER***. That report dealt with the results of the eight matters for consideration under the eight part test, and was addressed in that report. Again, if Mid Coast Council has not had recourse to that report, I am happy to furnish another copy to Council in support of this submission.

On 22 August 2008, a report from Orogen Pty Ltd headed ***ENVIRONMENT PROTECTION AND BIODIVERSITY CONSERVATION ACT 1999 ASSESSMENT*** was served on Great Lakes Council.

I refer Mid Coast Council to item 1.5 of that report which is produced hereunder:

## **1.5 Potential for Significant effect on Matters of NES**

The subject site does not contain any EPBC listed Endangered Ecological Communities and the subject site contains very limited habitat resources for Threatened fauna species. The subject site does not contain an important area of habitat for listed migratory species and no World Heritage Areas or other listed heritage items occur within or adjoining the subject site.

It is submitted that development of the site in accordance with the development principles is not likely to cause the potential for significant effect on matters of National Environmental Significance and it is therefore considered that the proposed activity would not require Commonwealth approval under the provisions of the *EPBC Act*.

Again, if Mid Coast Council has not recourse to that report, I am happy to furnish another copy to Council in support of this submission.

## **BUSHFIRE:**

A Bushfire Hazard Assessment Report dated 6 July 2006 was commissioned from Orogen Pty Ltd, in respect of Lots 1-7 DP 249361, and was served on Great Lakes Council. I draw the attention of Council, to the whole of that report, and in particular, to that part of this report at Items 5.1 and 5.2 produced hereunder -

## **Conclusions & Recommendations**

### **5.1 Conclusions**

The proposed development scenarios would alleviate the risk of bushfire threat within the site with the exception of the proposed corridor, however, future development would not alter the bushfire risk from the vegetation adjoining the site. As a result, the provision of APZ's must be incorporated into any

development design prior to the Rural Fire Service issuing a Section 100B certificate and all buildings must comply with the construction standards as outlined in this report.

The majority of the land within the site would also be subject to low bushfire attack, however, some developable areas adjoining the APZ are subject to an extreme bushfire attack (**Appendix B**). Final construction standards for each dwelling would need to be reviewed at DA stage of each dwelling.

It is concluded, therefore, that the proposed residential and or tourist/aged-care development would be able to satisfy the planning requirements of the Rural Fire Service without adversely impacting on the ecological attributes of the area.

The following recommendations are provided in this report and are summarised below.

## **5.2 Recommendations**

The following recommendations are made with respect to the proposed development described in this report. Design criteria for new subdivisions are outlined by RFS/PlanningNSW (2001). Several points need to be considered in the design of the proposed development in areas subject to bush fire attack. These are as follows:

- New electrical transmission lines should be located underground where possible;
- Water supply should be delivered to the internal road and public access road by a ring main system. Fire hydrants must be located so that a 20 m long fire hose can service them;
- Habitable buildings must be located so that a fire at the furthest extreme can be attacked using a 60 m hose and 10 m jet of water;
- Locations of any external fire hydrants must be in accordance with *AS2419.1-1994*. In addition, unobstructed distances between the hydrant and the most distant point of any building must not exceed 90 m. Distances between houses and hydrants must comply with *AS 2419*. If compliance cannot be demonstrated, then a static supply of water (5000 L minimum) or an additional hydrant must be supplied;
- Details regarding external taps and piped are provided in Chapter 6 of the Planning for Bushfire Protection guidelines (RFS/Planning NSW, 2001). External taps and pipes should meet specifications outlined in the guidelines;
- A perimeter fire trail is required for the site, and these areas will be maintained by individual landholders on whose land the fire trails and APZ's are located via means of a Section 88B instrument; and

The internal road system should be designed to cater for fire tankers as specified in the guidelines (RFS/PlanningNSW, 2001).

**NOTE: SEE NOW THE APPROVED FIRE TRAIL** granted by Great Lakes Council on 29 June 2017 for a fire trail over lots 1,3 and 7 in DP 249361.

If Mid Coast Council has not recourse to that Bushfire Hazzard Report report, I am happy to furnish another copy to Council in support of this submission.

## **COASTAL WETLAND AND BUFFER AREA:**

No development is proposed within the Coastal Wetlands area at this stage. Development may occur within the buffer area with no impact on the Coastal Wetlands being justified as part of the Rezoning or DA process.

A review of Council's mapping indicates that the subject land does NOT contain Coastal Wetlands, however a small portion of the site is mapped as Coastal Wetlands Buffer.

## **Clause 11 of State Environmental Planning Policy (Coastal Management) 2018 states:**

Development consent must not be granted to development on land identified as "proximity area for coastal wetlands" or "proximity area for littoral rainforest" on the *Coastal Wetlands and Littoral Rainforests Area Map* unless the consent authority is satisfied that the proposed development will not significantly impact on—

- (a) the biophysical, hydrological or ecological integrity of the adjacent coastal wetland or littoral rainforest, or
- (b) the quantity and quality of surface and ground water flows to and from the adjacent coastal wetland or littoral rainforest.

It should be noted that the provisions of the SEPP do NOT exclude development of land that is within a Wetland buffer. Given the extensive nature of environmental investigation on the land to date, the issues raised above can be appropriately addressed during rezoning of the land.

## **COASTAL ENVIRONMENTAL AREA:**

No development is proposed within the Coastal Environmental Area Map area at this stage. Note that the majority of Forster including the newly approved MHE development adjoining our site next door is affected by the Coastal Environmental Area Map.

Approximately 40% of the western part of the site is within the Coastal Environmental Area as indicated on Council's mapping.

## **Clause 13 of State Environmental Planning Policy (Coastal Management) 2018 states:**

- (1) Development consent must not be granted to development on land that is within the coastal environment area unless the consent authority has considered whether the proposed development is likely to cause an adverse impact on the following—
  - (a) the integrity and resilience of the biophysical, hydrological (surface and groundwater) and ecological environment,
  - (b) coastal environmental values and natural coastal processes,
  - (c) the water quality of the marine estate (within the meaning of the *Marine Estate Management Act 2014*), in particular, the cumulative impacts of the proposed development on any of the sensitive coastal lakes identified in Schedule 1,
  - (d) marine vegetation, native vegetation and fauna and their habitats, undeveloped headlands and rock platforms,
  - (e) existing public open space and safe access to and along the foreshore, beach, headland or rock platform for members of the public, including persons with a disability,
  - (f) Aboriginal cultural heritage, practices and places,
  - (g) the use of the surf zone.
- (2) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that—

- (a) the development is designed, sited and will be managed to avoid an adverse impact referred to in subclause (1), or
- (b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or
- (c) if that impact cannot be minimised—the development will be managed to mitigate that impact.

It should be noted that the provisions of the SEPP do NOT exclude development of land that is within the Coastal environment area. Given the extensive nature of environmental investigation on the land to date, the issues raised above can be appropriately addressed during rezoning of the land.

## **STORMWATER AND WATER QUALITY:**

I refer Council to the report of BMT WBM Water Management Investigation Report, dated Feb 2009, commissioned by Great Lakes Council and more fully set out in the earlier item **FLOODING** (and see the document control sheet of that report which was commissioned by Council), *which treats the preliminary investigations to identify existing flooding, drainage, stormwater quality and groundwater conditions at Bert's Farm*. I submit it is not necessary to repeat again, the submission made by me in that earlier item above.

I also refer Council to the report of RCA Australia dated June 2006, and served on Great Lakes Council, and in particular to item 10 which is produced hereunder.....

## **10 CONCLUSIONS**

This report presents a summary of baseline conditions for investigation undertaken at Lots 1-7 DP249361, The Lakes Way, South Forster.

The site generally comprises topsoil/fill material overlying sand with traces of fine silt, overlying indurated sand.

Groundwater was identified at shallow depth, varying between approximately 0.15 to 1.5m below existing surface level. Groundwater flow was identified to be in a west to northwesterly direction, towards Wallis Lake.

Groundwater is fresh to slightly brackish, with a slightly acidic pH. Low concentrations of Nitrogen and Phosphorous were noted, below estuarine guideline levels.

If Mid Coast Council has not recourse to that report, I am happy to furnish another copy to Council in support of this submission.

## **ISOLATED/SEPARATED FROM FORSTER:**

It is submitted that Bert's Farm is not isolated nor separated from Forster. Great Lakes Council has earlier granted a tavern hotel development approval in 2012 for lot 2 DP 249361. Bert's Farm is directly opposite the approved and substantially commenced development of the Seven Mile Beach Resort, and is some 700 metres south of the recently approved Palm Lakes Resort Forster Lakes. I refer Council to the website of the Palm Lakes Resort ([www.forsterlakes.com.au](http://www.forsterlakes.com.au)) for details of the proximity to amenities advertised therein to the Forster attractions including a major shopping complex, clubs, hospital and medical facilities. The Summergreen residential development is also an approved residential subdivision on

The Lakes Way South Forster, partly opposite the Palm Lakes Resort development (www.summergreen.com.au).

I also refer to the traffic report of GHD dated October 2010 filed in conjunction with the tavern hotel development approval noted hereunder (see Item .. **ACCESS to The Lakes Way FORSTER**) which also addresses matters of proximity to Forster. If Mid Coast Council has not recourse to that report, I am happy to furnish another copy to Council in support of this submission. I produce the conclusions of the GHD report hereunder:

## 5. Summary and Conclusions

The following conclusions are drawn based on the above investigations:

- The proposed development is mainly expected to impact on The Lakes Way. Future traffic for The Lakes Way has been forecasted on the assumption that background traffic will grow at a rate of 4.5% per annum. This is considered as the worst-case scenario and thus, provides a conservative estimate for the analysis. It has been noted, though, that the observed growth rate from 2004 to 2009 was less than 1% per annum while previous network modelling undertaken for the Great Lakes Council has reported a potential growth rate of 8.9% per annum. The RTA's permanent count station, situated in the urban area of Forster, recorded liner growth trend with an average traffic growth rate of 3.6% per annum. This average was taken over the period from 1976-2003;
- The traffic generation potential of the proposed residential development was calculated based on the *RTA Guide for Traffic Generating Developments, 2002.*;
- The additional traffic on The Lakes Way as a result of the proposed development will not adversely effect on the level of traffic activity on The Lakes Way;
- The estimated future volumes has taken into account anticipated traffic generation from the proposed Tavern Development and the Seven Mile Beach development, and the traffic generation from the proposed residential and retirement village development;
- The proposed access driveway off The Lakes Way for the proposed residential development has been assessed for future operational performance and safety. The intersection configuration was assumed to be patterned after the Austroads Type "CHR" intersection with a left turn deceleration lane on the northbound approach of The Lakes Way. The analysis indicate that the proposed access intersection will have the capacity to accommodate the potential traffic generation and peak future traffic volume on The Lakes Way and the approaches on The Lakes Way will operate satisfactorily at acceptable levels of service during the AM and PM peak periods;
- The proposed access driveway to the development meets the minimum Approach Sight Distance (ASD) requirement and would require vegetation clearing to achieve the desirable minimum Safe Intersection Sight Distance (SISD) based on the criteria outlined in Austroads;
- It has also been recommended that initiatives be established to expand the public transport services and/or shuttle services to promote transport sustainability; and
- Strategies should be identified to promote the establishment of pedestrian and cycling networks.

Lots 1-7 DP 249361 – the property Bert's Farm – fronts The Lakes Way Forster. In 2012, Great Lakes Council granted a tavern hotel approval for lot 2 DP 249361, and in the course of that approval, considered inter alia, a traffic report of GHD filed as a requirement of that development application.



I refer to that report of GHD dated October 2010 which is referred to above (in the item **ISOLATED/SEPARATED FROM FORSTER**), and draw your attention to the conclusions of that report. Adequate provisions in that report addressed all access requirements of both Council, and Roads and Maritime Services.

It should also be noted that the following services are already connected to DP 249361, viz:

1. Town water, from MidCoast Council Water.
2. Electricity
3. Internet/broadband.
4. Council's sewer line to Pacific Palms passes along The Lakes Way fronting the property.

As to demand for land – I note in the Report's discussion of Karuah (p.134) having no demand. We know there is demand on the western side of the Karuah River because Port Stephens Council has been reviewing their Karuah Growth Strategy over the past 12 months due to a number of planning proposals being lodged with Council.

### **CONSTRAINT LEVEL – HIGH:**

Constraints will be determined as part of any Rezoning or DA process. In view of the various reports previously served upon Great Lakes Council for this land, it is submitted that constraint levels are at best, of a minimum nature, and clearly, those reports appear to have not been considered by Council staff in making the current proposed “*Recommendation: That this area NOT be nominated as an Urban Release Area*”.

### **OPPORTUNITY – SECURING AN ENVIRONMENTAL CORRIDOR:**

Preservation of an Environmental Corridor can/will form part of the master plan design for the area.

Future development of the land does not preclude the opportunity to establish an environmental corridor. In fact, during the rezoning process an appropriate corridor can be identified and secured. If no rezoning occurs the opportunity for the securing of the corridor will be lost, as ongoing agricultural use of the land will continue.

### **IN CONCLUSION:**

I respectfully submit that the proposed Environmental Living Zone relating to Bert's Farm – should not proceed

**INQUIRY PROPERTY INVESTMENTS PTY LTD**

Per:

(Hilton Mason and Bryan Baker – Directors)

**From:** [REDACTED]  
**Sent:** Sun, 16 Jan 2022 09:12:58 +1100  
**To:** "MidCoast Council" <council@MidCoast.nsw.gov.au>  
**Subject:** Draft Midcoast Rural Strategy

[REDACTED]  
Koorainghat NSW 2430

To : Midcoast Council  
Attention Alex Macvean, Michael Griffith

Re : Draft Midcoast Rural Strategy - have your say -

Dear Madam/Sir.

We, as the owners of [REDACTED] would like to apply for a E4 zoning of our Land.

The property is of outstanding natural beauty, directly bordering the Khappinghat National Park on two sides. One of which is the Koorainghat creek to the south west. It is also very close to the Khappinghat Nature Reserve to the southeast.

The property is our permanent residence currently used by us as rural lifestyle. With approx. 40 HA in size it takes some effort to look after and maintain the Land. Yet we know from our previous rural experience that it is very difficult to make commercial agriculture financially viable on a block like ours without clearing trees and changing the landscape.

To be more in tune with our natural landscape and surrounds we envisage a mix of light agricultural use and offering some eco tourism.

Say running 6 to 8 steers mainly as grass eaters /fertilisers next to the small flock of sheep and few chickens we already have.

We are thinking of building a couple of self sustained, if possible carbon neutral cabins for holiday lettings.

Over all, we strongly believe that our parcel of land is perfectly suited for a E4 zoning, which also will allow us to derive some small income to help maintain [REDACTED] and look after the property with minimal impact to its eco system.

Looking forward to hearing from you.

Yours sincerely  
[REDACTED]

Email secured by Check Point

# Submission 247

**From:** [REDACTED]  
**Sent:** Tue, 25 Jan 2022 10:22:58 +1100  
**To:** "MidCoast Council" <council@MidCoast.nsw.gov.au>  
**Subject:** REF Rural Strategy SPR 02/04  
**Attachments:** MidCoast Council Draft Rural Strategy Plan.docx

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Good Morning

Please see attached document for our comments

[REDACTED]

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To MidCoast Council

Re Draft Rural Land Strategy SPR 02/04

Firstly, this is a very complex document to read and understand.

- 1) The use of RU2 for most rural land including small lots seems to be an easy way out of assessing lots that are currently rural residential and may not allow their continuing present use/lifestyle.
- 2) The strategy appears to favour development over lifestyle. Again, using RU2 as a generic land use it enables small businesses to be established that are more suited to light industrial areas.
- 3) The definition of rural industries is far too broad.
- 4) Can see that this wide use of RU2 will cause land use conflicts
- 5) Don't believe enough consideration has been given to our flora and fauna. We live in an area which is a known habitat for koalas. Nothing has been included to safeguard their area through partial zoning of land at the most appropriate environmental level. Current wild life corridors are not recognised.
- 6) There is not enough consideration for E4 zoning. As stated in the draft this zoning would be suitable for properties that are low density, rural residential. We drive through a National Park to our property and yet none of the properties near the park are zoned E4 but all are RU2.
- 7) The fact sheet states that Mid Coast Council wants to keep the rural landscape but the generically applied RU2 zoning will allow for extractive industries close to properties. The basic description in rural landscape fact sheet encourages the keeping of this flavour for MidCoast. When reading the actual draft strategy "extractive" businesses and light industrial activities would be allowed, neither of these are compatible with rural lifestyle and activities. Farming grazing and ecotourism and many home businesses are mutually compatible as is selling produce at the farm gate, see page 25. In one of the objectives, page 37, 13.1-13.4 allows mining. Also, page 42  
Page 65 mentions existing primary production and avoiding land use conflict, but pages 37 and 42 contradict this in page 76 council does not want to get involved in quarry applications even though the criteria the basic core of councils' rural land description.

In summary, we contend that our property and many others are actually being operated under the description on E4 and should not be changed to RU2



**Harry Lloyd**

---

**From:** haveyoursay@midcoast.nsw.gov.au  
**Sent:** Tuesday, 25 January 2022 11:45 AM  
**To:** MidCoast Council  
**Subject:** Make an online submission - Draft MidCoast Rural Strategy Form Submission

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

			
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## Make an online submission - Draft MidCoast Rural Strategy Form Submission

There has been a submission of the form Make an online submission - Draft MidCoast Rural Strategy through your Have Your Say website.

**First Name**

**Last Name**

**Your email address**

**Your best contact phone number**

**Suburb**

PAMPOOLAH

**Postcode**

2430

**Property address of interest**

[REDACTED]

**Property suburb of interest**

PAMPOOLAH

**Submission subject**

Submission to detail our interest for further investigation of R5 Large Lot Residential zoning for part of our RU1 zoned land

**Please provide your submission here and/or upload your supporting documents below.**

See attached

**Upload Submission details and/or supporting documents**

- [SPR02.04 Submission \[REDACTED\].docx](#)
- [Info Map Sheet \[REDACTED\].pdf](#)

To view all of this form's submissions, visit

[https://haveyoursay.midcoast.nsw.gov.au/index.php/dashboard/reports/forms\\_new/data/46](https://haveyoursay.midcoast.nsw.gov.au/index.php/dashboard/reports/forms_new/data/46)

This is not SPAM. You are receiving this message because you have submitted feedback or signed up to Have Your Say.

Reference - RURAL STRATEGY SPR 02/04

[REDACTED] Current Land Zone RU1 – Primary Production

[REDACTED] [REDACTED] Pampoolah

Contact Details - Phone [REDACTED]

Mobile – [REDACTED]

Email – [REDACTED]

In response to Council's draft Rural Strategy currently on exhibition we make the following submission to detail our interest for further investigation of R5 Large Lot Residential zoning for part of our land which adjoins existing R5 land.

The supply of R5 Large Lot Residential land is limited east of the Pacific Highway and is in high demand. There is potential for subdivision within the coastal region by utilising the existing land holdings, under say 20 hectares, which have not been used for agriculture for the last 40-50 years (at least) and are owned by people who sought a rural outlook and lifestyle, not to work the land.

We seek the support of Council planning staff and Councillors, to recommend the rezoning of the western portion of our land to R5 to better reflect the existing pattern of land use and occupation which already exists and maximise the use of existing infrastructure whilst negating any future land use conflict to the five adjoining neighbours.

The neighbouring R5 zoned developed land of 57 lots has 75% of the total subdivision with lot sizes less than the 'minimum lot size' currently advocated of 1.5 hectares ie 43 lots . Of the 43 lots there are 22 lots of 1 hectare or under and 21 lots over 1 – 1.5 hectares. The remainder of the subdivision has 6 blocks 1.6 & 1.7 ha and 8 blocks over 2.3 hectares. The lots over 1 hectare were primarily designed and governed by natural constraints, adjoining land to the south and the freeway. All lots are currently occupied and no vacant land is available. Malcolms Road follows the path of the Right of Way which was a previously established roadway and subdivided the two R5 rezoned properties for this subdivision.

To the north, our adjoining neighbours/owners of [REDACTED], [REDACTED], [REDACTED], have expressed interest in a boundary adjustment/joint subdivision with us of their R5 1.5 ha holding. Their Lot has 'a finger' of unusable land along Malcolms Road by default with the subdivision design. It is proposed part of this 'finger' of their land be added to the north eastern corner of our land to create a fourth block in the proposed subdivision, whilst they retain a minimum of 1.0 ha, and utilise the private access road already in place.

The new 4 blocks created are proposed to be roughly 1 ha each. Essentially, the original [REDACTED] (2.009 ha) is to be divided into two 1 ha blocks. The boundary

# Submission 248

adjustment to [REDACTED] (1.395 ha) to be a third 1 ha block with the fourth created with the new boundary adjustment above. It is proposed to have a shared common concrete access road to service the entry to the 2 rear lots off Malcolms Road not a new Council/public road with the front lot access adjacent/combined.

An alternative subdivision option is to subdivide the 3.404 hectares on the western side of Malcolms Road into three blocks. The original land holding - [REDACTED] (2.009 ha) be divided into two blocks. The first boundary adjustment completed to make Lot [REDACTED] (1.395 ha), to be the third block. It is proposed to have a shared common concrete access road to service the entry to the 3 lots off Malcolms Road and not a Council/public roadway.

The remainder of our land on the eastern side of Malcolms Road (3.768 ha) will retain the existing zoning of RU1 – Primary Production or the proposed new zone of RU2 – Rural Landscape.

We believe our property on the western side of Malcolms Road should be allocated the most appropriate zone, R5, based on site characteristics, nil constraints and requested development potential allowed at no, or limited cost to Council, now or in the future.

Please do not hesitate to contact us if you require any further information or clarification regarding our submission.

Kind regards

[REDACTED]  
[REDACTED]  
[REDACTED]

Attachment – Information Map Sheet

Please note in the Large Lot Residential Supply and Demand Analysis it is listed there are only 20 lots with water out of 59 in Pampoolah which is incorrect - Page 36



## SUMMARY

The holding is already subdivided by [REDACTED]

Land to the west adjoins existing R5 zoned land and has 5 adjoining lots – 4 R5 lots

Provision of reticulated water, power and garbage service in place

Suitable access and road frontage to existing Council road in place

Disturbed and predominantly cleared land due to historical land use

Opportunity to mitigate bushfire constraints through implementation of suitable measures

MidCoast Council rate revenue increases with every lot created for no or little cost

MidCoast Council water rates revenue increases in addition to new service charges imposed

Malcolms Road is only 2km east on Old Bar Road with the majority of traffic movements going into Taree. Intersection and turning lanes in place.

Provision of privately owned access road /area to service lots maintained by owners, not Council

Boundary adjustment with adjoining neighbour

## PROPERTY INFO

*Ppty Details* - [REDACTED] - 7.172 ha

*Ppty Division* - [REDACTED]  
3.404 ha western side - 3.768 eastern side

*Land Use* - western side

[REDACTED]

- eastern side

[REDACTED]

Property Acquisition History

[REDACTED]  
Original parcel of land purchased 1986 one of three concessional allotments – western side Malcolms Road - 2.009 ha

### **Lot 19 DP 7732427**

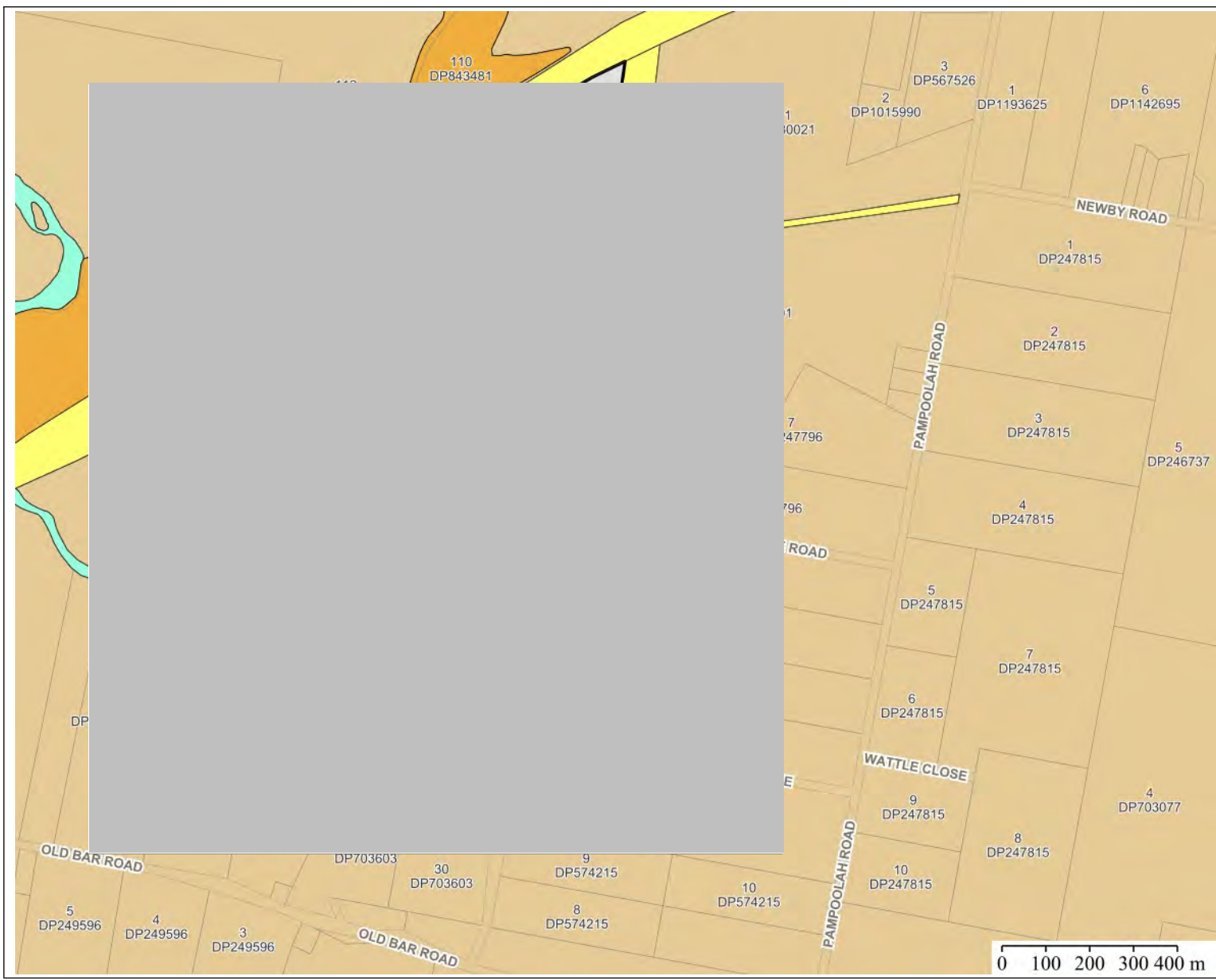
Boundary adjustment 1987 – 1.395 ha (3 ½ acres to the north) consolidated with Lot 15 = 3.404 ha

Note – submitted in conjunction with subdivision of adjoining land into 2 lots which was rezoned and developed as a rural residential subdivision with all lots now being built on

[REDACTED]  
Boundary adjustment 1993 – 3.482 ha eastern side of Malcolms Road consolidated with Lot 19 = 6.886 ha

[REDACTED]  
Boundary adjustment 2002 – 0.286 ha added to eastern side of Malcolms Road = 3.768 ha

# Submission 248



Property	
Property Address	[REDACTED] PAMPOOLAH NSW 2430
Current Land Zone	RU1 - Primary Production
Proposed Land Zone	RU2 - Rural Landscape
Current Lot Size	40.0ha
Proposed Lot Size	40ha

**MidCoast Council**  
 PO Box 482  
 Yalawanyi Ganya  
 2 Biripi Way  
 TAREE NSW 2430  
 Telephone: 02 7955 7777  
 Email:  
 council@midcoast.nsw.gov.au



**Important Notice!**  
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**Projection:** GDA94 / MGA zone 56  
  
**Date:** 24/01/2022  
  
**Drawn By:** anonymous

## A4 Information Map Sheet

Map Scale: 1:13748 at A4

# Submission 249

**From:** [REDACTED]  
**Sent:** Tue, 25 Jan 2022 12:22:02 +1100  
**To:** "MidCoast Council" <council@MidCoast.nsw.gov.au>  
**Subject:** Rural Strategy Submission Ref 02/04  
**Attachments:** MCCRuralStrategySubmission.docx

---

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Dear MidCoast Planning Team  
Please find attached - our submission re Rural Strategy  
Kind Regards  
[REDACTED]

----- Forwarded message -----

**From:** [REDACTED]  
**Date:** Mon, 24 Jan 2022, 11:37 PM  
**Subject:** RuralStrategyRevised - send this one  
**To:** [REDACTED]

Email secured by Check Point

**Rural Strategy Submission – REF Rural Strategy SPR 02/04**

**Request to have property included in E4 zoning**

**Re:** [REDACTED] **Topi Topi.**

Dear Mid Coast Planning Team,

We request to have our property included in the E4 zoning which is being applied to nearby properties on [REDACTED] and elsewhere in the district.

We believe that our property has many of the characteristics and qualities associated with E4 zoning, as described in the Draft Rural Strategy document.

The environmental attributes, the ways in which the property has been historically used for many decades, our vision for the property and our desired future usage of the property auger with the descriptions and objectives of the E4 zoning.

By way of example, the said property forms a ‘buffer’ that is ‘between significantly vegetated and protected areas, for example, wetlands and national parks, state forests, lakes and waterways’. Our property shares a 1.3km boundary with Wallingat National Park, hence can be described as “adjoining environmentally sensitive areas.”

We note that E4 zoning: ‘identifies land with special ecological scientific, cultural or aesthetic qualities that are generally compatible with limited or low impact residential development, and visitor accommodation and extensive agricultural uses that are compatible with the environmental sensitivity of the site and surrounding environment’. We believe that [REDACTED] Topi Topi reflects this description of lands deemed appropriate for E4 zoning, given its ecological and aesthetic qualities.

With reference to the recommendation in the Draft Rural Strategy that: “E4 land needs to be managed to ensure it is best used to achieve a balance across a number of functions such as buffers to land of high biodiversity value and retention of this land; protection of scenic areas; opportunities for environmental lifestyle living where suitable; and economic activities such as eco-tourism”. This directive encapsulates our vision for the property and desired usage.

Also in concert with our desired usage and vision for the property is the recommendation in the Draft Rural Strategy to:

*“Allow the land zoned E4 Environmental Living to continue to provide a diverse housing mix and continue the role in protecting and enhancing environmental functions.”*

With reference to the Strategic Goals:

Goal 2: Enhance Rural Lifestyles and Livelihoods

Goal 3: Protect Natural Landscapes

We believe that an E4 zoning would more closely align with the way that the property has been historically used – as a ‘lifestyle’ property – and describes our desired future usage of the property.

### Property Description:

Sharing a boundary with Wallingat National Park, the property has a 1.3-km frontage to Teatree Creek - thus forming the *headwater of the Wallingat River*, which flows into Wallis Lake.

We own up to the centre of the creek. For the majority of this extensive boundary, tree branches emanating from our property form a shared canopy with trees on the Wallingat National Park side of the boundary, thus functioning as part of a *contiguous habitat* alongside Wallingat National Park.

The property forms a ‘*buffer zone*’ between Wallingat National Park and surrounding properties. Due to the untrammelled nature, extensive and vigorous regeneration and the variety, quality and

extent of present vegetation cover- along with ensuing habitat value- the property also has significant '*scenic value*'.

The property has a *high bio-diversity value*, arising from the diversity of habitat that has been allowed to flourish in an untrammelled state and the active regeneration that has occurred and is ongoing.

The Property is *fragmented* in that it is divided by both [REDACTED] and [REDACTED] (which was compulsorily acquired). The property is comprised of 3 separate parcels of land, each quite distinct in terms of vegetation and landforms.

### Primary Use of Property:

For at least two generations – more than 40 years – the property has not been used for any form of agriculture and has functioned wholly as a 'lifestyle' property. The clay based soil is of very poor quality and is not considered suitable for agricultural pursuits.

To the west, south and east, the property is surrounded by private properties that are exclusively used as 'lifestyle properties'. It is presently zoned RU2 – Rural Landscape in the Great Lakes LEP 2014.

At present there are two horses living on the property. The grass is of such poor quality they must be fed twice daily and are given mineral supplements daily due to the poor quality soil. So as to keep the paddocks clean and minimise environmental effects, the *horses are kept in a restricted area* and manure is picked up on a regular basis, hence the horses have a minimal impact on the ecology of the property.

Unlike many other landholders in the district, we have not economically benefited from the very generous tax advantages offered to those able to claim involvement in "primary production". We have chosen not to go down this path in light of the quite extreme

environmental damage that would result from such pursuits, as discussed with Mid Coast Council Senior Ecologist Mathew Bell and outlined later in this submission.

My partner [REDACTED] and I have cared for this land for 20 years and worked very hard to actively re-generate the property and keep it as pristine as possible and to create a future that protects the aesthetic and environmental attributes of the property.

[REDACTED], who we purchased the property from, likewise did not engage in any form of agricultural activity, bar keeping 3 horses who we assumed the care of when we purchased the property. Hence, for 2 generations at least, this property has functioned wholly as a ‘lifestyle property’ and we have enjoyed it entirely for its lifestyle, environmental and scenic attributes.

We believe that it is advantageous from an environmental and scenic point of view for the property to continue to be a ‘lifestyle’ property.

We would like to have our legacy perpetuated and to know that the care that we have taken with the property is reflected in a zoning that encourages ecological protection and provides greater scope for property usage other than agriculture and livestock grazing.

*Our vision for the property is to enhance the scenic and ecological values of the property.*

#### Ecological features of the property:

# The land features extensive *Tidal Waterways* – in the form of Teatree Creek and one of its tributaries, the largest of which we have named ‘Wallaby Creek’. Wallaby Creek crosses Barbies Rd and, as is the case with TeaTree Creek, features several sections of *rainforest gully*.

The property forms the *headwaters of Wallingat River*, which flows into *Wallis Lake*. Hence the activities conducted on this property have a major impact on wider regional watercourses and thus water quality.

Because there is a *long history of no agricultural activity* occurring on the land, the water quality is very clear and the areas around the creeks are in a pristine state, attracting extensive birdlife and wildlife.

All the *numerous watercourses on the property have been left in their natural state* – with grasses, reeds and natural vegetation acting as a filter– further contributing to water quality.

We have sighted Stingrays and quite large fish in Tea Tree Creek, and frequently see fish in ‘Wallaby Creek’. Apex species, such as Sea Eagles, are frequently – and increasingly- sighted around Tea Tree Creek. Other Apex species, such as Powerful owls, Wedge Tail Eagles, Quolls and Pythons are frequently seen on other parts of the property.

Because there is no powerboat activity or human disruption of any type impacting upon TeaTree Creek, the fallen logs and branches further enhance the habit value and nursery potential of this area which directly borders Wallingat National Park.

# There are also numerous unnamed watercourses present on the land, all of which have been left in a natural state.

# The property features extensive areas of *mangroves*.

According to MCC Senior Ecologist Mathew Bell; “Mangroves are a highly important and productive ecosystem type. They provide a range of ecosystem services values, are important fish and prawn nursery areas and contain high levels of animal biodiversity”.

Mathew Bell added that the property could potentially contain several endangered frog species, depending on the nature of the habitats. This may include the green-thighed frog or the wallum froglet.

# There are numerous *permanent water holes* dotted throughout the property – providing extensive habitat for a wide variety of species.



Even during times of drought, these waterholes did not dry up and continued to provide habitat and water for native flora and fauna.

These permanent water holes, like the *rainforest gullies*, are typically shaded by dense rainforest canopy; providing, according to MCC Senior Ecologist Mathew Bell, a very important network of ‘*cool zones*’ for endangered species such as koalas and other heat – sensitive species.

# The land is partly mapped as a Coastal Environment Area in the SEPP (Coastal Management) 2018.

# The land is mapped as part of a key regional wildlife corridor, which links Bulahdelah State Forest and Wallingat National Park / Wallingat State Forest.

# The property is situated in quite close proximity to the RAMSAR listed wetlands of Myall Lakes National Park, hence it has importance for both migratory and local bird species.

# A *wide variety of habitat vegetation* is featured on the property; including extensive tracts of Old Growth Forest, rainforest, heathland, sclerophyll, floodplain forest and important species such as cabbage tree palms, which have been depleted in the area due to earlier use in constructing oyster farms.

Both Mid Coast Council Senior Ecologist Mathew Bell and experts at Local Land Services have identified many important plant species and communities on the property, including- but not limited to- those listed above.

In addition, there are numerous and extensive communities of casuarina dotted throughout the property – which are an important source of food and habitat for threatened glossy Black Cockatoos, especially in light of habitat loss resulting from bushfires. When he recently visited the property, David Bearup -Head Ranger of Wallingat National Park - commented on the extent of casaurinas on the property and their importance.

According to Mid Coast Council Senior Ecologist Mat Bell: “the native vegetation of the land would provide important ecosystem services values, including for water quality protection (for the Wallingat River and Wallis Lake), as well as biodiversity, carbon sequestration together with a range of additional scenic and cultural values.”

Following his visit to the property, Mathew Bell explained that: “The following Threatened Ecological Communities do occur (I saw occurrences of these): Lowland Rainforest, Lowland Rainforest on Floodplain and Swamp Sclerophyll Forest on Coastal Floodplain. There may be occurrences of the Subtropical Coastal Floodplain Forest.”

Mr Bell visited the property for about 1.5 hours and due to the size of the property and the variety and complexity of the vegetation, there was a great deal that he did not see. We expect that if time had allowed Mr Bell to observe more of the property, his observations would have been even more far reaching in terms of habitat value and diversity of vegetation.

According to Mathew Bell: “The land is mostly naturally vegetated with a variety of dry to wet sclerophyll forest types, covering approximately 55.6-hectares. There are lowland rainforest elements in the riparian / gallery of Teatree Creek. A powerline easement traverses the property and there are minor areas of grassland / active natural regeneration present (totalling about 8.0-hectares). ”

*Dotted throughout the property are tree hollows and fallen logs, which provide habitat for species such as the numerous Glider species seen on the property. When he visited the property, Mathew Bell commented upon the quantity and quality of such habitat on the property.*

# *Several Threatened Species* have been cited on the property. Melaluca Biconvexa and Trailing Woodruff were both sighted by Mathew Bell. Both of these threatened species are found in numerous locations throughout the property and are expanding their range. The extent of these threatened species exceeds the current approximations shown in various mapping tools.

The owners of the property have sighted further Threatened Species on the property - Stephens Banded Snake, Spotted Tailed Quoll, Gliders and Sea Eagles.

The Rainforest sections of property – which, according to Mathew Bell would provide very important shade for koalas and other heat – sensitive species – are expanding in scope.

Analysis conducted by NSW Local Land Services predicted these Threatened Ecological Communities to pertain to the property:

- Hunter Lowland Redgum forest
- Lowland Rainforest
- River – Flat Eucalypt forest
- Subtropical Coastal Floodplain forest
- Swamp Oak Floodplain Forest
- Swamp Sclerophyll Forest

Please find details about these forest types – and associated habitat value – in attached documents.

# Because several of the properties around us feature a great deal more clearing, *our property represents a ‘green oasis’*, thus attracting a concentration of species.

When I spoke with Mathew Bell about this, he commented: “Remnants of habitat are all the more important in heavily-cleared localities or sub-regions. They do provide a sanctuary or oasis effect, providing for wildlife that has been lost from surrounding landscapes because of clearing. This is widely recognised in ecological practice. They function as *ecological refuges*.”

# Because the property has been allowed to regenerate for the past 40 years and has not been disturbed by agricultural pursuits, important habitat such as undergrowth -habitat for smaller bird species- and important nesting sites such as fallen logs have been maintained.

# Only a *very small portion of the property is cleared*. These grasslands that attract kangaroos, wallabies and prey / Apex - species such as wedge tail eagles and sea eagles.

Other than the relatively small areas that have been fenced off for horses, the bush has been actively regenerating and is totally untrammled. Even the paddocks used by the horses feature a wide range of vegetation, including old - growth Flooded Gums, Red Gums and melaleucas that draw a wide range of birds.

Senior Ecologist Mathew Bell cited that; an analysis of the records available on the BioNet database has identified the following threatened plant and animal species within a 5-kilometre radius of the land:

- Biconvex Paperbark (*Melaleuca biconvexa*) – immediately adjacent to the land and expected to occur
- Spotted-tailed quoll
- Yellow-bellied glider
- Greater glider
- Koala
- Red-legged pademelon
- Grey-headed flying-fox
- Golden-tipped bat
- New Holland mouse
- Stephens banded snake
- Glossy black-cockatoo
- White-bellied Sea-eagle
- Square-tailed kite
- Masked owl
- Sooty owl
- Powerful owl
- Little lorikeet
- Speckled warbler and Varied Sitella

Scope for Protection:

# We would like to have the property rezoned as E4 so as to *diversify away from agriculture* and be in position to investigate other uses of the land that reflect its particular environmental and scenic attributes.

Our understanding is that agricultural pursuits – most likely limited to cattle farming due to poor quality, clay- based soil – would negatively impact the property in many ways, including:

- > Run-off from cattle manure
- > ‘Pasture – improvement’ via use of various fertilizers, which would encourage weeds and have a very negative impact on water quality.

Both ‘pasture improvement’ and runoff containing cattle manure contribute to ‘eutrophication’ of waterways, which leads to problems such as algae.

- > interfere with natural seeding processes
- > extensive clearing of vegetation required to create paddocks
- > clearing of habitat in the form of hollows and aggregated debris
- > The effects of cattle trampling - affecting seedling and vegetation

Given that the Local Land Services nominates a ‘carrying capacity’ of 200 head of cattle on the property, we believe that great damage would result from agricultural activity.

As the current RU2 zoning describes land that is compatible with ‘commercial primary production, intensive livestock and intensive plant agriculture’ we feel that a zoning that provides scope for uses other than livestock grazing – and associated environmental consequences - would be reflect and enhance the environmental and scenic values of this particular property.

We note that in respect to RU2 Zoning: ‘the focus of this zone will be facilitating land uses and activities associated with the ongoing agricultural use of these lands’. We suggest that, in light of the fact that there has been no agricultural use of this land for many generations and considering environmental impacts of any potential

agricultural use of this property, a zoning that gives wider scope for alternative uses of the property more in keeping with its scenic and ecological attributes would have wider benefit.

When I spoke with MCC Senior Ecologist Mathew Bell about the potential damages that would result from keeping cattle on the property, he commented:

“You are correct in your opinions of the impacts of grazing stock on the environment. It is very positive and beneficial that the former owner and now you and your partner have not simplified and modified the landscapes and environment through broadscale agriculture. The land is of relatively low productivity in relation to soil fertility and soil type.”

“From my understanding, while there is regular rainfall, the soil fertility of your landscape is relatively poor and so the landscape is not considered to be high value agricultural land,” he said.

In light of the extensive regeneration that we have facilitated on the property – and resultant thriving state of the flora and fauna – the long history of the property being used exclusively as a lifestyle property, the profound damage that would result from agricultural activity, the environmental significance of the headwaters of the Wallingat River, along with our desired future use of the property, we feel that an E4 zoning would more closely reflect the attributes and values of this property.

Further Information:

Please find attached, photographs showing some of the features of the property mentioned in this submission along with further details about some of the species of vegetation found on the property.

For the sake of brevity, we have not included all available documentation. Please let me know if you would like any further information or additional details.

Kind Regards,



# Submission 253

**From:** [REDACTED]  
**Sent:** Tue, 25 Jan 2022 17:37:33 +1100  
**To:** "MidCoast Council" <council@MidCoast.nsw.gov.au>  
**Subject:** Rural Strategy submission  
**Attachments:** MCC Rural Strategy 2022. submission.doc

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see attached

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[REDACTED]

Email secured by Check Point

MCC

## Rural Strategy Submission Jan 2022

### Conclusion

Overall the strategy is a good broad document.

Time to move and get the LEP and DCP finalised and ready for public comment.

### Comment

Stick to guns and no manufactured homes on rural land.

I await the details in the final LEP and DCP as to how a 1 rural zone will operate.

Continue to contribute to state government public submissions on mining and extractive industry proposals.

What can be done about sleeper developments? Cover in new LEP and DCP. Some in Taree date back to 2004 and can be activated with minor activity.

Good to see strong comments on bio diversity.

Page 22 I await how Climate Change Emergency declaration is shown as a high priority in the LEP & DCP.

Page 46. Q = "How will we know we are on track?"

A = *The community is satisfied with land use planning decisions*".

Look forward to MCC listening and taking notice of public comments and submissions.

Page 102

*"In the long-term, recognising the importance of visual connectivity to natural features and landscapes is critical. These connections allow people to orient themselves, adds to their positive experience and impression of an area, and offers a sense of familiarity and attachment with a place. Identifying where our scenic landscapes and vistas are, will allow development to be managed in a manner that preserves interesting and attractive view corridors"*.

Orientation of the house is the key to a sustainable building.

Page 212

*"Protection of Wildlife Corridors Rural Strategy Objective 3.1 Prioritise planning for ecological health and biodiversity Background Wildlife corridors may be established through strategic land use planning and investigation processes, planning proposals to rezone land, or through master planning for subdivision and development applications. During any of these processes, the identification and protection of wildlife corridors can not only ensure connectivity between national parks, state forests, conservation lands and remnant vegetation across the rural landscape; it also contributes to the health and sustainability of our local wildlife; and community connection to places and environmental spaces across the MidCoast. Current LEP's Great Lakes LEP 2014 Clause 7.9 Protection of wildlife corridors (1) The objective of this clause is to ensure that proper regard is given to wildlife corridors in carrying out development on land to which this clause applies. (2) This clause applies to land identified as "Protection Corridor" on the Protection of Wildlife Corridors Map. (3) Development consent must not be granted to development on land to*



*which this clause applies unless the consent authority is satisfied that— (a) any wildlife corridors will be maintained (or regenerated where necessary) to ensure their continued protection, and (b) the development will not negatively impact on any wildlife corridor (whether directly or indirectly)”*

All LG's can embrace the private rural landowners. Many farmers today follow ecological land management. They look at creating shelter belts and linking across their land and adjoining properties.

LEP & DCP is important and will need further public display.



27/1/22

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The original attachments were not modified.

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**From:** [REDACTED]  
**Sent:** Wed, 26 Jan 2022 11:59:26 +1100  
**To:** "MidCoast Council" <council@MidCoast.nsw.gov.au>; [REDACTED]

[REDACTED]  
**Subject:** Planning Submission letter  
**Attachments:** midcoast council letter 24 jan No 2.docx

Attached is a letter for submission in relation to the current draft rural strategy document for the Mid Coast.

We look forward to hearing from council.

Regards  
[REDACTED]

Sent from [Mail](#) for Windows

Email secured by Check Point

24 January 2022

MidCoast Council

Rural Strategy SPR 02/04

PO Box 482

Taree NSW 2430

Email [council@midcoast.nsw.gov.au](mailto:council@midcoast.nsw.gov.au)

We write to you as owners of [REDACTED], a [REDACTED] property on [REDACTED] Old Bar.

There is currently a request from council to lodge submissions in relation to the Draft MidCoast Rural Strategy for future land use in the area.

This land has been in the ownership of this family for quite a long time and as certain members of the family pass away, the land has been passed through generations, to family members, to a point where now there are many owners on the title. This has resulted in confusion as to what to do with this land as at present there can only be one building on the land and there are more than 20 owners.

We would request that the council consider this land to be rezoned as R5 (Large Lot Residential), eventually leading to a subdivision, so that the family can take advantage of such a beautiful destination. Seeing as land on either side of the property is currently zoned as such, a rezoning of our property would not disrupt the existing character of the locality.

We understand that the LGA's population is forecasted to grow to over 100,000 by 2041, with a requirement for approximately 8,000 more dwellings. As Old Bar-Wallabi Point has been identified as a Coastal Centre in the MidCoast Local Strategic Planning Statement, it is likely that the area will need to accommodate for a considerable proportion of this growth.

We understand that the natural environment is a key value of the MidCoast LGA. The owners of this property are committed to protecting the natural assets and ecosystems currently present on the site, where possible, in order to achieve this rezoning and subdivision, for example, the creation of a 'Koala Corridor'. This action would allow each property owner to build a sustainable property, hopefully bringing about flow on economic and social benefits to the community of Old Bar. These benefits may include increased housing choice and diversity, and increased viability of local businesses due to the presence of new residents and workers.

We have also noticed newspaper articles recently that there is a real housing shortage on the north coast of NSW. As council are no doubt aware this housing crisis will only get worse as more and more people move out of Sydney due to covid 19 and the opportunities of remote working have become real with other lifestyle choices and new developments are approved like the new movie precinct in Coffs Harbour.

There are other real risks associated with leaving the property in its currently state including but not limited to the bushfire risk to the community.

We are keen to get this moving and would like council to consider the above request and if council would like any further information or documentation we are more than happy to engage a planning expert to review the site and supply further supporting planning information for the proposed rezoning.

We look forward to hearing from you.

Kind Regards

[Redacted]

[Redacted]

[Redacted]

[Redacted]

# Submission 297

**From:** [REDACTED]  
**Sent:** Thu, 27 Jan 2022 12:44:50 +1100  
**To:** "MidCoast Council" <council@MidCoast.nsw.gov.au>  
**Subject:** Rural Strategy SPR02/04  
**Attachments:** Submission-V4-May-2021.pdf

Attention:- Micheal Griffiths

Hi Micheal,

Following our conversation on Tuesday 25/01/2022 please find attached our submission for the Rural Strategy SPR02/04

We thank you for your consideration of this matter and look forward to hearing from you in the future.

Regards,

[REDACTED]

Email secured by Check Point

Reference number

Submission relating to

Address (if applicable)

Wallabi Point NSW 2430

## Your submission

As the owners of  Saltwater Rd, Wallabi Point we note that our property is currently zoned RU1 Primary Production and if the Draft Rural Strategy is adopted by Council that the property will be rezoned as RU2 Rural landscape. However, respectively we would like Council to consider that this property be rezoned for Tourism for the following reasons.

1. Culturally, Saltwater National Park is considered a spiritual landscape of great importance to our local Biripi people. It contains Aboriginal sites and a section of the park is declared an Aboriginal place.

The lagoon provides safe swimming and canoeing and is a great recreational fishing spot. Wildlife includes wallabies, monitor lizards, echidnas and a vast array of bird life. While the beaches provide safe swimming for families, Saltwater Point is a well known surfing spot for the surfing community both locally and internationally. Currently there is no accomodation for tourists to stay in the area to enjoy the beauty and laid back vibe of the area. With no camping, caravan sites, nor motel or hotel the area is extremely limited for tourist accomodation therefore a small eco village with self contained cabins, so close to the beach, would be ideal for tourists to stay while holidaying.

Because there is no overnight accommodation tourists at present tend to just spend the day and leave.

Developing the property keeps the tourist dollars in the area and what better place to stay while they enjoyed the Five Islands Walking Track.

2. The site has great potential for future development however, it is our opinion that this development must be respectful of the environment and therefore must be kept to a small scale such as the addition of a small cafe and art gallery with an emphasis on the Saltwater/Freshwater indigenous aspect of our unique area.

Historically, Saltwater is a significant cultural space for our Biripi people, an art galley which showcases our local and indigenous artists would attract a wide range of tourists and local guests.

With its closeness to the beach the property lends itself to be developed into a small tourism site similar to the extremely successful 'The Farm' in Byron Bay. This would give recognition and prestige to the area.

3. Lot 4 is situated at the gateway to Wallabi Point, it is heavily treed with native vegetation and attracts a variety of native wildlife. Guests could be encouraged to explore the environment by walking on raised platforms thereby minimising disruption to local wildlife. Improvements to infrastructure can be kept to a minimum with services all ready in place on the property. If a small tourist destination is established disruption to local traffic can be kept at a minimum by using the existing roundabout on Saltwater Road as an entrance.

4. The existing home could be developed into a much needed conference centre or wedding venue thereby increasing employment for many locals and adding growth to the economy.

By granting a tourism zone for this property and it being subsequently developed both Objective 2.1 and 2.2 of the Draft Strategy Plan would be addressed by facilitating the growth of tourism and adding to the economic growth of the area. Opportunities would then be given for future visitors to the area.

### Additional information may be attached

### How to lodge this form

Save this form to your computer and then attach, with any other additional information, to an email to [council@midcoast.nsw.gov.au](mailto:council@midcoast.nsw.gov.au). The Email subject will be 'Submission relating to [Reference]'

Forward by Post; or

Lodge at our Customer Service Counters - Monday to Friday (Excluding Public Holidays).

**Privacy:** This information is required to assist with your application and will not be used for any other purpose without seeking your consent, or as required by law. Your application will be retained in our Records Management System and disposed of in accordance with current legislation. Your personal information can be accessed and corrected at any time by contacting us.

MidCoast Council | Yalawanyi Ganya | 2 Biripi Way Taree | PO Box 482 Taree

Phone 02 7955 7777 | email [council@midcoast.nsw.gov.au](mailto:council@midcoast.nsw.gov.au)

[www.midcoast.nsw.gov.au](http://www.midcoast.nsw.gov.au)

### Office use only

Reference number

Submission number

# Submission 299

**From:** [REDACTED]  
**Sent:** Thu, 27 Jan 2022 12:19:08 +1100  
**To:** "MidCoast Council" <council@MidCoast.nsw.gov.au>  
**Subject:** Submission for Draft Rural Strategy - [REDACTED] Darawank  
**Attachments:** Submission for Draft MidCoast Rural Strategy [REDACTED]

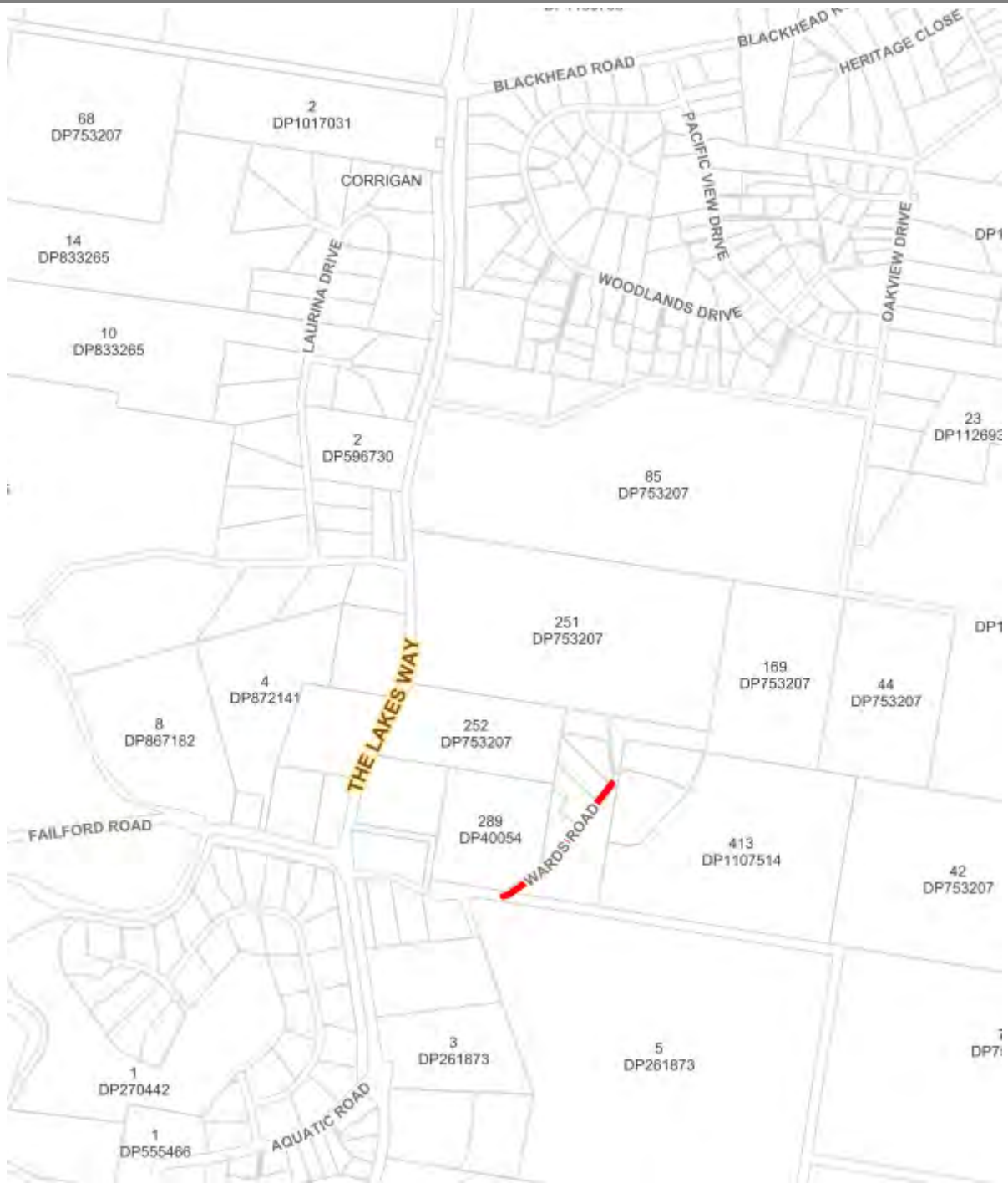
Submission for Draft MidCoast Rural Strategy

From [REDACTED]  
[REDACTED]  
[REDACTED]

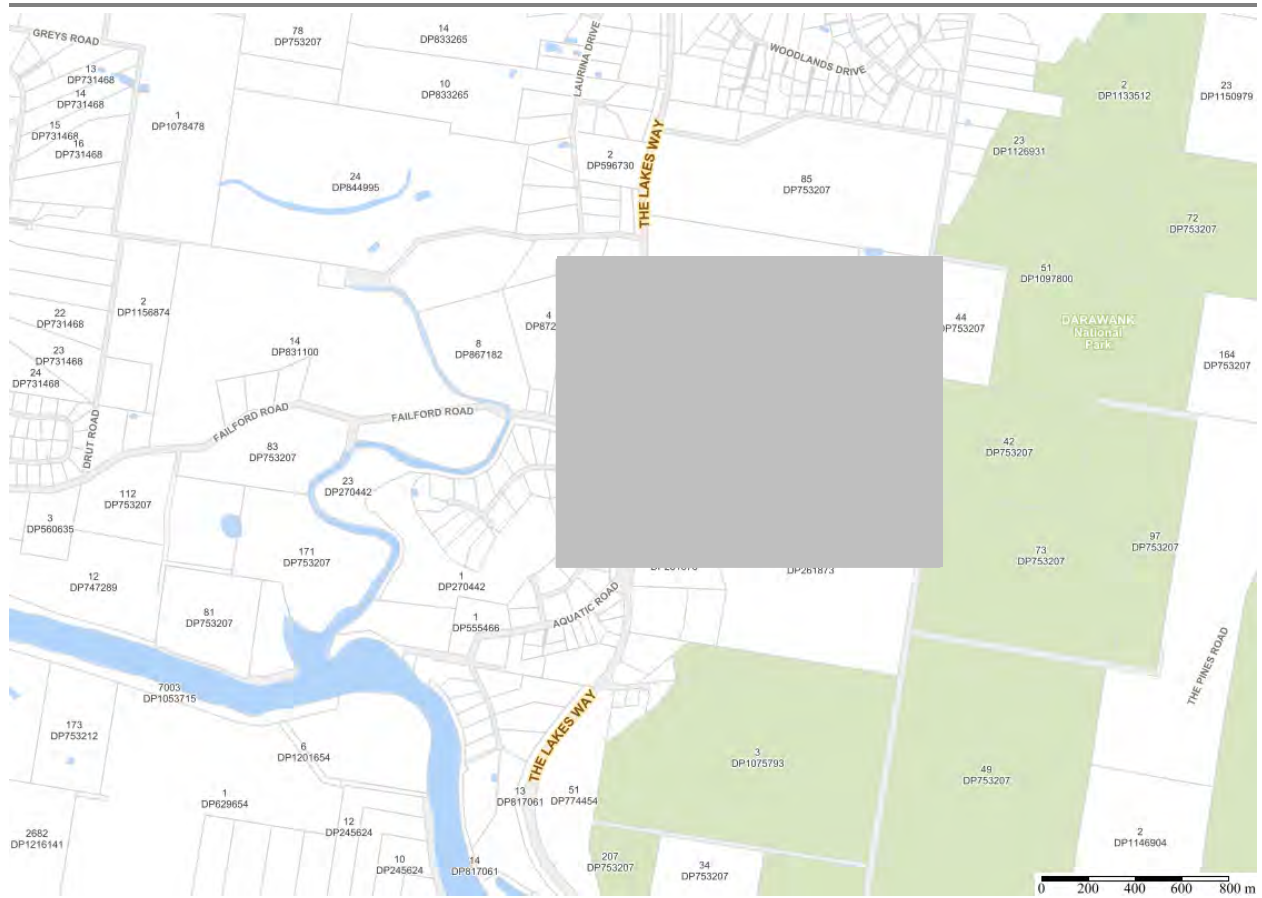
Submission contained in Attachments:-

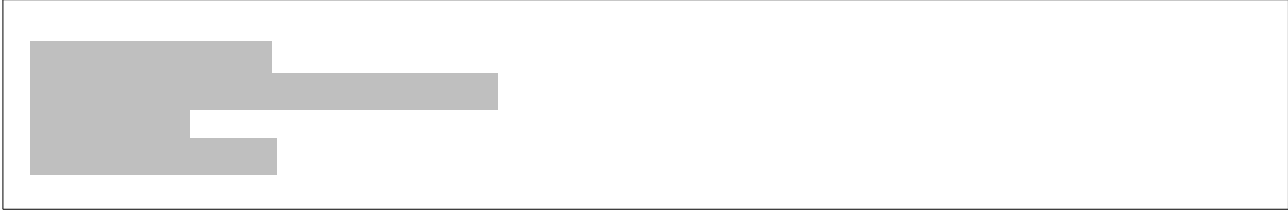
Regards [REDACTED]

Email secured by Check Point









To whom it may concern

### Introduction

I'd like to take this opportunity to make a submission to council regarding my allotment at Darawank. There [REDACTED] is currently zoned RU2 Rural. In light of the draft changes to the region on display at present, it would be appreciated if council could review and consider this for a zone change to an R5 Large Lot Residential.

### Location

It is situated approximately [REDACTED] north from Tuncurry/Forster next door to [REDACTED] [REDACTED] and is [REDACTED] east from the [REDACTED] on The Lakes Way Darawank. The location is a cleared block adjacent to R5 neighbours on [REDACTED] and backs onto Darawahk Forest, and is on well drained sandy soils with safe elevations.

### Details

I believe this 3.62ha block has a number of good advantages for rural residential housing in a beautiful rural cluster area and would serve to contain development to pre-existing housing areas with the available utilities in place.

The land has been pre-cleared and slashed for the last 40 years and has minor agricultural value and the aesthetic natural landscape of the area and street would not be devalued. I am on town water, power and septic.

A previous submission for zone changes and inclusion into the regional planning was made for this block back in 2012. We were placed under consideration by council at the time but the venture was not prioritised or pursued post draft.

### Summary

It is my opinion that it would be conducive for a small development that could accommodate 5/6 new allotments similar in size to adjacent properties on Wards Rd, and have a low impact on the existing cleared land and the environment and be a balanced addition for the Wards Rd cluster. This is why a limited Large Lot Residential should be considered for this land.

Yours Faithfully

[REDACTED]

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The original attachments were not modified.

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**From:** [REDACTED]  
**Sent:** Thu, 27 Jan 2022 19:14:59 +1100  
**To:** "Bruce Moore" <Bruce.Moore@MidCoast.nsw.gov.au>  
**Cc:** "MidCoast Council" <council@MidCoast.nsw.gov.au>  
**Subject:** ZONING SUBMISSIONS SPR 02/04 REQUEST FOR CHANGE OF ZONING FROM  
RU2 TO E4  
**Attachments:** MidCoast Council Draft Rural Strategy Plan.docx  
**Importance:** High

Please see attached request, deadline for submissions 28/02/22 4.30pm

Email secured by Check Point

27/01/22

MidCoast Council

Rural Land Strategy SPR 02/04

REQUEST FOR CHANGE OF ZONING FROM RU2 TO E4

The RU2 strategy appears to favour development over lifestyle. Using RU2 as a generic land use enables small businesses to be established that are more suited to light industrial areas.

Fact Sheets from Midcoast council state that enabling the establishment of value add and complimentary land use and activity which can increase inherent value, productivity and profitability of these lands (page 160) opens this area up to 'extractive' (mining) and light industrial industries which is in direct conflict with maintaining rural landscape character of the land (page161)

Not enough consideration has been given to flora/fauna in this area. We have sightings of koalas on our property. There has been nothing in the documents from Midcoast council about preservation of wildlife corridors in the immediate area if for example extractive industries are approved

River ways that lead to the Karuah River (eg Deep Creek) exist in this area and are at risk not to mention that we personally drive through a National Park to reach our property yet we are zoned RU2 when reading your Rural Strategy draft we should in fact be zoned as E4

Unfortunately RU2 leaves too many concerns for contention in regards to lifestyle/wild life and fauna protection/water way pollution and safety and health for residents if light industrial or extractive industries were approved under the current zoning.

We request that the CURRENT ZONING BE CHANGED to E4 for us and our surrounding community.

On behalf of

[Redacted signature]

**From:** [REDACTED]  
**Sent:** Thu, 27 Jan 2022 21:25:42 +1100  
**To:** "MidCoast Council" <council@MidCoast.nsw.gov.au>  
**Subject:** REF Rural Strategy SPR 02/04

To Whom it may concern,

As a landholder of an acreage that is currently classified as 'primary production', I am writing to indicate our desire to be able to subdivide this land into 6 lots. It is currently 23.7 ha which falls outside all references to rural land in the Midcoast Council guidelines. We would like to have it considered for subdivision into 5 lots with a size of less than 4 acres and one lot to form the remainder.

We have lived on this land for the past 21 years and we have not used it for any form of primary production. The ground constitutes mostly quarry rock and is unsuitable for many uses. We are looking to subdivide this land for our 5 children who are looking for small rural residential blocks in this area-their hometown.

Two factors have made it extremely difficult for them to obtain small acreages to enjoy the lifestyle they have grown up with. The factors include:

- Recently significant price hikes, due to an influx of city residents, have pushed the prices phenomenally high making it difficult for our children to live the lifestyle in which they are accustomed.
- A distinct lack of small acreage properties available east of the Pacific Motorway in the Old Bar area to purchase.

Our current land holding, and neighbouring acreages have been in our family for 3 generations. We are a local family with significant links to this community. My husband has been in his Taree/Old Bar based electrical business for 30 years with one of our sons looking to continue this business in the future, our eldest son has recently begun his own Old Bar based building business, myself and one of our daughters teach in the local primary and high schools, with another daughter working for the local Department of Community and Justice. Our eldest daughter currently teaches in Brisbane and is hoping to return in the future.

Our land is adjacent to the State Forest, and we are aware of bushfire hazards and the need to preserve timbered areas. On this property we have adhered to council regulations in regard to clearing and we believe this was a significant factor in saving our property during the recent bushfires. Each of our family members would be respectful of the guidelines set down by council if these lots could be established.

As you could imagine, working in the trades requires a certain amount of storage that is not possible in normal residential lots. A rural residential lot would be more practical for our purposes. It would also allow us to continue to pass on our land to the 4<sup>th</sup> generation.

Looking forward to your consideration of this matter,

On behalf of the [REDACTED]

**Harry Lloyd**

---

**From:** haveyoursay@midcoast.nsw.gov.au  
**Sent:** Friday, 28 January 2022 1:11 AM  
**To:** MidCoast Council  
**Subject:** Make an online submission - Draft MidCoast Rural Strategy Form Submission

**Categories:** Linda



---

## Make an online submission - Draft MidCoast Rural Strategy Form Submission

There has been a submission of the form Make an online submission - Draft MidCoast Rural Strategy through your Have Your Say website.

**First Name**

[Redacted]

**Last Name**

[Redacted]

**Your email address**

[Redacted]

**Your best contact phone number**

[Redacted]

**Suburb**

[Redacted]

**Postcode**

[Redacted]

**Property address of interest**

[REDACTED]

**Property suburb of interest**

Glenthorne

**Submission subject**

Implications for retention of RU1 criteria, especially minimum lot sizes, in proximity to the Taree CBD. Minimum lot sizes in the Glenthorne area prohibit any growth as the zone attributes are more conducive to outlying rural areas where large lots are appropriate, rather than these fringe areas that have good amenity to the town centre and adjacent nodes.

**Upload Submission details and/or supporting documents**

- [2022.01.27 Letter to Midcoast Council.pdf](#)

To view all of this form's submissions, visit

[https://haveyoursay.midcoast.nsw.gov.au/index.php/dashboard/reports/forms\\_new/data/46](https://haveyoursay.midcoast.nsw.gov.au/index.php/dashboard/reports/forms_new/data/46)

This is not SPAM. You are receiving this message because you have submitted feedback or signed up to Have Your Say.

27 January, 2022

Midcoast Council  
2 Biripi Way,  
TAREE, NSW, 2430  
[council@midcoast.nsw.gov.au](mailto:council@midcoast.nsw.gov.au)

**Draft Rural Strategy for Midcoast Council -  
Re: Property at address [REDACTED], Glenthorne**

To whom it may concern,

Thank you for the opportunity to submit a response to the Draft Rural Strategy and Overview for Midcoast Council. I write to you to raise concerns I have in relation to how the Draft Strategy and indeed current zoning and LEP constraints directly affects [REDACTED], Glenthorne, and how other properties with similar attributes may be affected. This specific property is owned by my parents, [REDACTED] whom I represent.

I am familiar with both the current LEP and zoning assignments and the related DCP controls that apply to the subject property. I have also spoken with planning staff in respect to this proposal, the Draft Strategy, and what appropriate measures could be taken to engage in a discussion with Council. I was advised by staff to submit this brief outline.

The subject property is approximately 11 acres in lot size, and falls within *RU1 – Primary Production* zone according to Midcoast Council zoning maps. Old Bar Road is the main arterial road and runs parallel to [REDACTED], separated by a row of residences fronting Old Bar Rd, also zoned RU1. The Purfleet town centre, and Pacific Highway interchange are situated to the immediate west. Larger rural allotments extend to the east along Old Bar Road, along both sides. In the area of Malcolms Road on the northern side of Old Bar Rd, within the Pampoolah locality, are a large number of properties zoned *R5 – Large Lot Residential* and in the order of approximately 2 – 3 acres in size. Khappinghat National Park is to the immediate south and acts as a natural boundary to all of the properties lining Old Bar Rd in the area.

I understand from my own discussions with Council Staff with whom I have consulted that at present the RU1 zone criteria and minimum lot size is not being reconsidered below the 40ha limit as part of the Draft Strategy, nor is any consideration being given to reassign zones of properties within MidCoast Council. However, the current and draft criteria impose disproportionate constraints on such properties, and would appear to be contrary to the Council's aspirations for growth in that they prohibit any opportunities to subdivide.

The *RU1* minimum lot size is set at 40ha (99 acres). This is well in excess of the subject lot size and all lots in the immediate area. It does not permit any subdivision of the lot into smaller lots. The subject site is prohibitively small for any type of primary production, and its proximity to the Taree CBD also does not lend itself to a large rural function pertinent to the *RU1* zone. Further, the proximity of the forest to the south prevents any meaningful access to the rear of the lot that might otherwise facilitate rural functions, and site proportions result in an undesirable width:length ratio further inhibiting use as a primary production lot.

Instead the larger existing lots in this vicinity are more conducive to rezoning similar to R5, to permit finer grain allotments that will facilitate some modest growth in this area. Being a rural fringe to a country town these areas provide opportunity to activate more growth by virtue of being not quite in town, but also not too far away from town. They would also still retain natural attributes where connection to nature and environment is important, and where dwelling-to-dwelling amenity is important. Subtle densification in



# Submission 329

proximity to Taree CBD will benefit from the short travel distances to the CBD and Pacific Highway interchange, and to the beaches to the east. Larger residential lots in the order of 1,500 – 3,000sqm (0.15 – 0.3ha / 0.4 – 0.7acre) would serve to activate more considered development along this Old Bar Rd spine without introducing a population overload to the area and corresponding sharp increase in services. Such subdivisions would also emulate the successful subdivisions in the Pampoolah and Warwiba Rd areas.

In short we request that Council reconsiders either the RU1 zone assigned to this lot as part of a broader strategy to target growth to the town fringes, and applies a more suitable pre-existing zone category that permits the subdivision into smaller lots. Or, Council reconsiders the minimum lot sizes in this area. I am not aware of the detail of the mechanisms in place but I am aware that Council can create special zones where specific attributes of the LEP are modified to suit specifics of the area in question.

## **Lot Plan Study**

For the purpose of initial consultation with Council I have prepared some diagrammatic studies that illustrate the potential introduction of new subdivisions of the subject lot. The subject lot is Lot [REDACTED], [REDACTED]. The following are diagrammatic overlays of current planning maps, overhead photos and cadastral plans. The red tone area is the Vegetation Buffer Zone, orange area is Vegetation Category 1, sourced from Council's Online Mapping Portal. The dwelling house on the subject site has been shown in dark tone, while potential notional dwelling footprints are shown in grey.

## **Appendix A –**

Placement of a series of 1,500 sqm lots fronting [REDACTED] is ideal in that it would create a series of dwellings and large-lot yards fronting the drive. Views of the adjacent forested hill and Kappinghat beyond are maintained by virtue of the segregation between dwellings. This arrangement also preserves the largest portion of the existing lot with the existing dwelling house retained.

## **Appendix B –**

Placement of two 3,100 sqm lots fronting [REDACTED] provides a larger lot size that more closely aligns with the Pampoolah lot size. Whilst the growth is less and the dwelling count reduced, it still retains dwellings along the street and frontal boundary proportions that reflect the semi rural setting.

Other versions were tested that considered lot sizes closer to the Pampoolah R5 1.5ha minimum. However a combination of factors prevent a successful alternative due to retention of the existing dwelling, available site width constraints, and limitations in servicing of lots via driveways / cul de sacs deeper into the site. Also, referring to the *NSW RFS Planning For Bushfire Guideline*, planning for dead-end streets / driveways has limitations driven by maximum distances for fire fighting appliances which would further constrict the planning.

I would greatly appreciate an opportunity to discuss this proposal and the plans in the appendix in more detail with the appropriate Council representatives in the near future, and if required introduce staff to the subject site. In my discussions with planning staff I had sought to gain clarity on whether this type of subdivision proposal could form either a Pre-DA to discuss the potential implications with Council, or to resolve a potential way forward via a subdivision DA. Please also respond in this regard.

Yours Faithfully,



**Appendix A – Frontal Lots**

Preliminary

OLD BAR ROAD

Submission 329

30

24

16

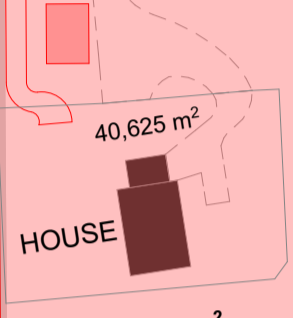
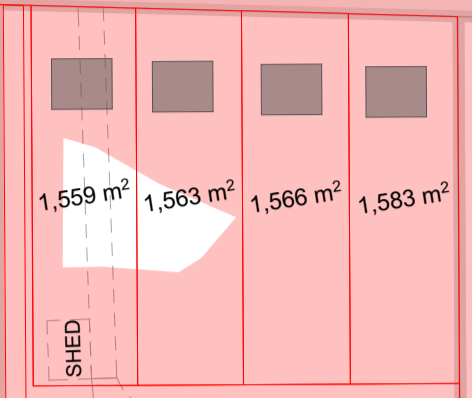
10

59

2

63

91,629



46,890 m<sup>2</sup>

VEGETATION BUFFER ZONE

25

DP611653

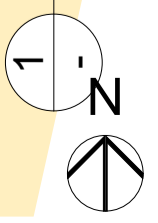
46,626 m<sup>2</sup>

VEGETATION CATEGORY 1

3

WOOLLARDS ROAD

Frontal Lots  
1:1500



Feasibility  
June/2021 SK.01.07

Proposal - Frontal Lots

17 Kookaburra Drive, Glenthorne

**Appendix B – 2x Frontal Lots**

OLD BAR ROAD

30

24

16

10

59

2

63

91,629

3,134 m<sup>2</sup>

3,136 m<sup>2</sup>

SHED

HOUSE

46,890 m<sup>2</sup>

VEGETATION  
BUFFER  
ZONE

25

DP611653

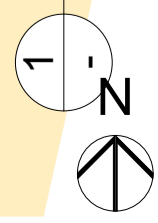
46,626 m<sup>2</sup>

VEGETATION  
CATEGORY 1

WOOLLARDS ROAD

Preliminary

Frontal x2  
1:1500



**Harry Lloyd**

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**From:** haveyoursay@midcoast.nsw.gov.au  
**Sent:** Friday, 28 January 2022 12:10 PM  
**To:** MidCoast Council  
**Subject:** Make an online submission - Draft MidCoast Rural Strategy Form Submission

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged



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## Make an online submission - Draft MidCoast Rural Strategy Form Submission

There has been a submission of the form Make an online submission - Draft MidCoast Rural Strategy through your Have Your Say website.

**First Name**

Ariel

**Last Name**

Johnson

**Your email address**

mongriella@bigpond.com

**Your best contact phone number**

0411852452

**Suburb**

ELIZABETH BEACH

**Postcode**

2428

**Property address of interest**

REF Rural Strategy SPR 02/04

**Property suburb of interest**

REF Rural Strategy SPR 02/04

**Submission subject**

REF Rural Strategy SPR 02/04

**Please provide your submission here and/or upload your supporting documents below.**

From Ariel Johnson MEG Midcoast Environment Group

42 Jacaranda Ave

Elizabeth beach 2428

0411 852 452

mongriella@bigpond.com

Submission to the Rural Strategy 280122

First, thank you for the huge effort and amount of work which has gone into creating and explaining the Rural Strategy. The many conflicting interests that Council has to try and manage makes this a most complicated and difficult project.

Sadly, many of us who are interested in this subject may not have had the time during the last few months to 'get the act together' and write submissions. An election period stretching out for those months when the Strategy was being discussed etc didn't help! My observations won't be comprehensive or maybe even understandable but here are a few comments anyway. The italics are extracts from the Strategy etc.

How can general natural environmental considerations be applied to particular 'zones'?

Like the air we breathe they apply across a range of water and territory. Everywhere in our MidCoast Council should be a zone where native floras, fauna and aquatic life is encouraged and fostered.

We need to always include terms like appreciation, protection, conservation and

enhancement of our unique natural environment. Too often 'use' seems to lead to exploitation.

<https://greens.org.au/nsw/policies/marine-environment>

<https://hdp-au-prod-app-midcst-haveyoursay-files.s3.ap-southeast->

[2.amazonaws.com/4516/2986/1352/Paper\\_Subdivisions\\_Analysis\\_Report.pdf](https://hdp-au-prod-app-midcst-haveyoursay-files.s3.ap-southeast-2.amazonaws.com/4516/2986/1352/Paper_Subdivisions_Analysis_Report.pdf)

extract: When planning legislation came into force in the 1960s, irrespective of the conceptual subdivision plans, an urban zone was generally only applied to those areas where existing development was identified. As a result, our towns and villages were recognised in planning legislation, but the remaining areas became 'non-urban' paper subdivisions, that did not have the same development rights. When the land in these paper subdivisions was sold by the original companies, evidence from the time shows that most lots were on-sold to mum-and-dad investors on the promise that the land would be rezoned for urban purposes to allow a dwelling on their land. As a result, some families have owned land in paper subdivisions for several decades in the belief that the land would be rezoned...

Despite advice from Council that planning legislation does not allow urban development in these areas and that rezoning is highly unlikely due to legislative, policy and locational constraints, land owners continue to question when the land will be rezoned to allow development. The enquiries about rezoning land in paper subdivisions have been exacerbated in recent years as a result not only of increasing property prices in metropolitan areas and a growing interest in making a sea- or tree-change to the MidCoast, but increased property pressures in regional areas as a result of the desire to relocate in response to the social and economic impacts of COVID 19. At the commencement of the Rural Strategy program, MidCoast Council recognised that the ongoing uncertainty about the future of land in paper subdivisions must be addressed and that clear and consistent recommendations must be provided as part of the new MidCoast planning framework. This resolve has only increased with the more recent pressures, ongoing concern and interest from the owners of land within paper subdivisions about the future use of their land.....

In locations where this has occurred since the Guidelines were introduced in 2014, it is noted that the paper subdivisions are generally near other existing urban lands, able to be integrated into existing services and infrastructure, and are located in areas where the demand for urban growth has been demonstrated. These areas generally are identified for



urban expansion as part of an urban growth strategy....

The most important objective for strategic planning is to identify whether new development is appropriate subject to the identified bush fire risk on a landscape scale. An assessment of proposed land uses and potential for development to impact on existing infrastructure is also a key element of the strategic planning process in bush fire prone areas. Land use planning policies can be introduced to limit the number of people exposed to unacceptable risk. 4.1 Strategic princi

WHAT is irreplaceable?? Surely some of our natural areas, flora, fauna and other creatures unique to this area are truly irreplaceable. If human life is endangered that's important of course. Perhaps we need to much more careful about where we build homes that could be swallowed up by flood or fire...

- Biodiversity Conservation Act 2016 and requirements for offsets;

Offsets are a total farce – ask any koala..- <https://www.theguardian.com/australia-news/2021/oct/26/nsw-environmental-offsets-to-be-reformed-after-appalling-practices-revealed-minister-says>

## LEVIES

We strive to be recognised as a place of unique environmental and cultural significance. Our strong community connection, coupled with our innovative development and growing economy, builds the quality of life we value. Critically, we also recognised that balancing development and conservation was important to maintain our lifestyle and that we provide information to our community so that they can better understand our land use planning decisions changed and by transferring the road over to another responsible authority, such as a Council, the road can be maintained to a suitable standard thereby providing access to local communities and the public.

Good sentiments but what is really driving the rezoning push?? Is the NSW and federal governments' desire to make as much land as possible available for development and concreting. To provide houses etc when we have limited migration since Covid?? Who needs all these developments?? People who want somewhere affordable to live eg nurses, fieries, council and health workers and many others not in the Investors bracket..but are THEY getting affordables?? Or are the investor class getting bargains to further exploit the 'public'??

A full explanation of the Environmental zones is provided overleaf. E2 Environmental

Conservation: This zone is used to protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values. It will be applied to littoral rainforests, coastal wetlands, vegetation listed as an endangered ecological community, biodiversity conservation areas and areas legally required to be restored and protected.

The wet heath or whatever eg around Tuncurry industrial part has unique and beautiful small native plants – are these being protected at all?? The sliver of wet heath (an Eco zone) which runs behind the Karnang drive and Boomerang at Boomerang beach is pathetically small ..if it still exists because it has probably been starved of water since all these inordinately huge houses have drained the swamp..as it were and not in a good way. Medium density might be a much better for the natural environment to give plants a chance!!! What do people come here for? Your research indicated that many come for the natural beauty and wild areas so keeping them viable must be a priority.

In the ZONING pie on MCC website there is no place for natural environment that I can see. To effectively retain any hope of keeping the natural environment alive and vibrant, it must be seen as a whole world and treated holistically. Cause and effect must be recognised. – the air and water and soil can't be arbitrarily zoned. Zoning like setting aside an area for a park -ette and off – setting doesn't work ..it's about incorporating the Natural environment into everything you think about and plan as a GIVEN,..not as an extra little optional frill...

we are currently in the process of developing a single, contemporary set of planning controls - including a Local Environmental Plan (LEP) and a Development Control Plan (DCP) - that will cater for our community now and into the future... all the while ensuring we maintain the unique character of our existing towns, villages and rural areas.

As some of us said back in 2018 and before ..why go with the lowest common denominator of the 3 amalgamated Councils?? The Great Lakes Tree and Veg strategy was a bit better than the other 2 in terms of conserving and caring for Trees and Vegetation, as I understand it..why not use that as the standard when 'harmonising' Council's approach? You haven't though..

A holistic approach is essential – that's why division into zones is often an impractical and unfeasible distinction,,Water quality is affected by most developments and by effluvia from animals and fertilisers. What has been the effect on Wallis lake of the Follyfoot farm hard surface, tree-removing, vegetation free residential development? What is the effect on Deep Creek of quarries etc? We have heard from fisherfolk and others that the Wallis

Lake water quality has degenerated significantly. It will continue to do so if the nearby developments like Bert;'s farm – a wetland area next to the lake and others across the Lakes Way which are under sea level and must affect the water table.

To repeat: air, water, and many native flora and fauna and aquatic life are not capable of containment in zones. Heat from unlimited hard surfaces (roofs, concrete, roadways etc ) affect the environment substantially and lead to climate change. Air quality is reduced by the removal of native vegetation and biodiversity is converted into monocultures (eg lawns, yucca plants) and reduced to near zero.

Some recommendations would be:

1. Consider the effects overall of any changes of land use, rezoning, and developments – not separating slices of the big pie into senseless small unrelated bits.
2. Any residential or other buildings/developments should not take up more than 2/3 of any block of land. The rest should be as green as possible – not a bunch of pebbles or concreted driveways! Swimming pools should be using natural minerals not chlorine.
3. Every development must have increased Basix = water tanks, solar or other renewable heating/cooling/energy sources.
4. Rural properties should be further encouraged to leave/plant trees – greenie idea that cattle and other animals should have natural shade and protection from the heat makes perfect sense if you're a cow or even a farmer! Less stress and less risk of water evaporating in the heat too.

Example of failure: EXTRACT: Great Lakes Water Quality Improvement Plan 2009 Former Great Lakes Council “The southern end of Wallis Lake is in a High conservation value or near-pristine state. It supports a wide variety of seagrass, healthy algae and brackish water plant (macrophyte) communities to a depth in excess of 3m. All these benthic (bottom-dwelling) plant communities are dependent on clear, clean water with very low nutrient loads. These near-pristine conditions have allowed the continued survival of the ecologically important seagrass and macrophyte communities, with their associated biodiversity (including the increasingly threatened estuarine sponges found to be present). The long-term target identified for the southern end of the lake was to maintain its current near-pristine condition.” “In Coomba Bay area, chlorophyll-a measurement showed elevated concentrations when compared with the southern bays of the main Wallis Lake body. A large gully estimated to be up to 300m long, 3–4m wide and 2m deep – which resulted from a failed dam – exported a large volume of sediment into the waters of the

bay. In this event, seagrass communities were killed due to burial and the resuspension of the deposited sediments that caused long-term turbidity. The impact of a seemingly small failure in catchment management emphasises the scale of risk that can stem from localised catchment conditions. The long-term target identified for Coomba Bay is to improve its current condition to more closely resemble High conservation value conditions. This means chlorophyll-a levels need to be reduced by 41%.”...

<https://www.domain.com.au/advice/thousands-of-owners-on-narrow-blocks-set-to-benefit-under-nsw-government-changes-to-housing-code-20180410-h0ykdz/>

## EDITORIAL

The discrete charm of McMansions in a pandemic

The Herald's View

January 15, 2022 — 5.03am

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Australia builds houses that are as big as anywhere in the world and during the COVID-19 pandemic that has often been a good thing.

The average size of new houses built in 2020-21 was about 229 square metres, according to Commsec. That is about the same floor space as the US, home of the McMansion. It is almost 50 per cent bigger than the average new house in Australia in 1985 and about a third larger than the typical European house.

The trend to large new houses with multiple bathrooms and bedrooms is decades old but they have proved especially handy over the past two years because lockdowns and quarantine rules have forced people to stay indoors more than usual.

Home schooling and working from home is easier with a separate dining room or living room and the hundreds of thousands of people now forced to isolate at home will be glad if their house has extra bathrooms.

“Many households are wanting larger homes than they did before the pandemic. The combination of the time confined at home during lockdowns and the likely future of more working from home has brought the quality and size of one’s home sharply into view,” Reserve Bank of Australia assistant governor Luci Ellis told the federal inquiry into housing

affordability in November.

Yet once the pandemic passes, one of many aspects of Australian life that may come up for discussion is whether we need to keep building such big houses.

As Shannon Battisson, the incoming president of the Australian Institute of Architects, says in the Herald today, the amount of floor space in many Sydney homes is “crazy” considering the average household consists of just 2.8 persons.

An Australian Bureau of Statistics analysis in 2016 found that about 50 per cent of Australia’s housing stock had two or more spare bedrooms.

One problem with building huge houses is first that they are more expensive. The increase in size of houses contributes to the crazy house prices of the past two decades.

Ms Battisson says large houses are also likely to be much less sustainable. They are harder to heat and cool. There is less room for vegetation or shade trees on the block which makes the surrounding area hotter, uglier and less likely to attract wildlife.

Rainwater that falls on concrete is more likely to flood.

## Advertisement

In NSW, architects are trying to raise consciousness of the issue by making sustainability a criterion in awards for design excellence.

The pandemic seems to have slowed the recent trend to living in apartments which most studies suggest are more energy efficient, not to mention cheaper.

Construction of new apartments has slumped over the past two years while house building has held up well. This partly reflects the collapse in demand for apartments from the foreign student population and is also due to the structure of the federal housing stimulus payments which favoured stand-alone homes.

Moreover, a lot of people are keen to buy big houses because they are tired of living in overcrowded apartments which are much less likely to have spare rooms.

Rents for both houses and apartments slumped last year when borders closed but the Domain rent report released this week found that asking rents in Sydney in the past year have recovered twice as fast for houses as flats, rising 9.1 per cent compared to 4.3 per cent.

The choice of house size will depend on people’s specific circumstances, from the size and composition of households to their work arrangements. Everyone will have their own preferences.

## RELATED ARTICLE

## Architecture

'That's a crazy amount of floor area': Top architect on boom in big homes

Yet people should certainly factor in the costs both to their own pockets and to the environment when deciding how big a house they need.

The financial sums could be about to change. For the past few decades, the rise in house prices has made buying a large house a solid investment because homebuyers expected strong capital appreciation.

But housing might not be such a sure thing in the next few years because the Reserve Bank is expected to start raising interest rates from the zero-floor where they have been stuck for the past two years.

Governments have a role to play by removing inefficiencies in the housing market. The tax and pension systems are often a disincentive for older Australians, who own large family homes with empty bedrooms, to downsize. The number of spare rooms increases with the age of the head of the household. When they are over 60, the average is about 1.5 spare bedrooms.

Premier Dominic Perrottet can help downsizers by pushing ahead with his plan to replace stamp duty on property sales with a broad-based land tax.

One of the unexpected side effects of the pandemic has been a return to the golden era of the freestanding home on the quarter-acre block. But the trend could well dissipate along with the virus.

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McCloy Forster Pty Ltd - ACN 626 440 542

28 January 2022

Mid Coast Council  
PO Box 482  
TAREE NSW 2420

Via email: [council@midcoast.nsw.gov.au](mailto:council@midcoast.nsw.gov.au)

Dear Sir or Madam,

**Re: Submission to the Draft Mid-Coast Rural Strategy**

This letter is a submission to Mid-Coast Council, who have invited written submissions to the Draft Mid-Coast Rural Strategy (the Draft Strategy) until Friday, 28 January 2022.

The McCloy Group has a particular interest in South Forster, which is the result of either ownership or options to purchase Lot 50, DP 753168; Lot 100, DP 1280253; Lot 1, DP 1229374; and Lots 4, 5, 6 & 7, DP 24936 (the site), which is land commonly known as 'Bert's Farm' (**FIGURE 1**). The entire site is currently zoned RU2 – Rural Landscape (**FIGURE 2**).

The Draft Strategy identifies the following for the site:

1. Proposed change from the Zone RU2 – Rural Landscape to part Zone E2 – Environmental Conservation and part Zone E4 – Environmental Living (**FIGURE 3**), and
2. Proposed change in the Minimum Lot Size from 40ha to 20ha.

The McCloy Group understands that these proposed changes have been informed by the E4 Environmental Living Zone Report (2020), which provided the following recommendations:

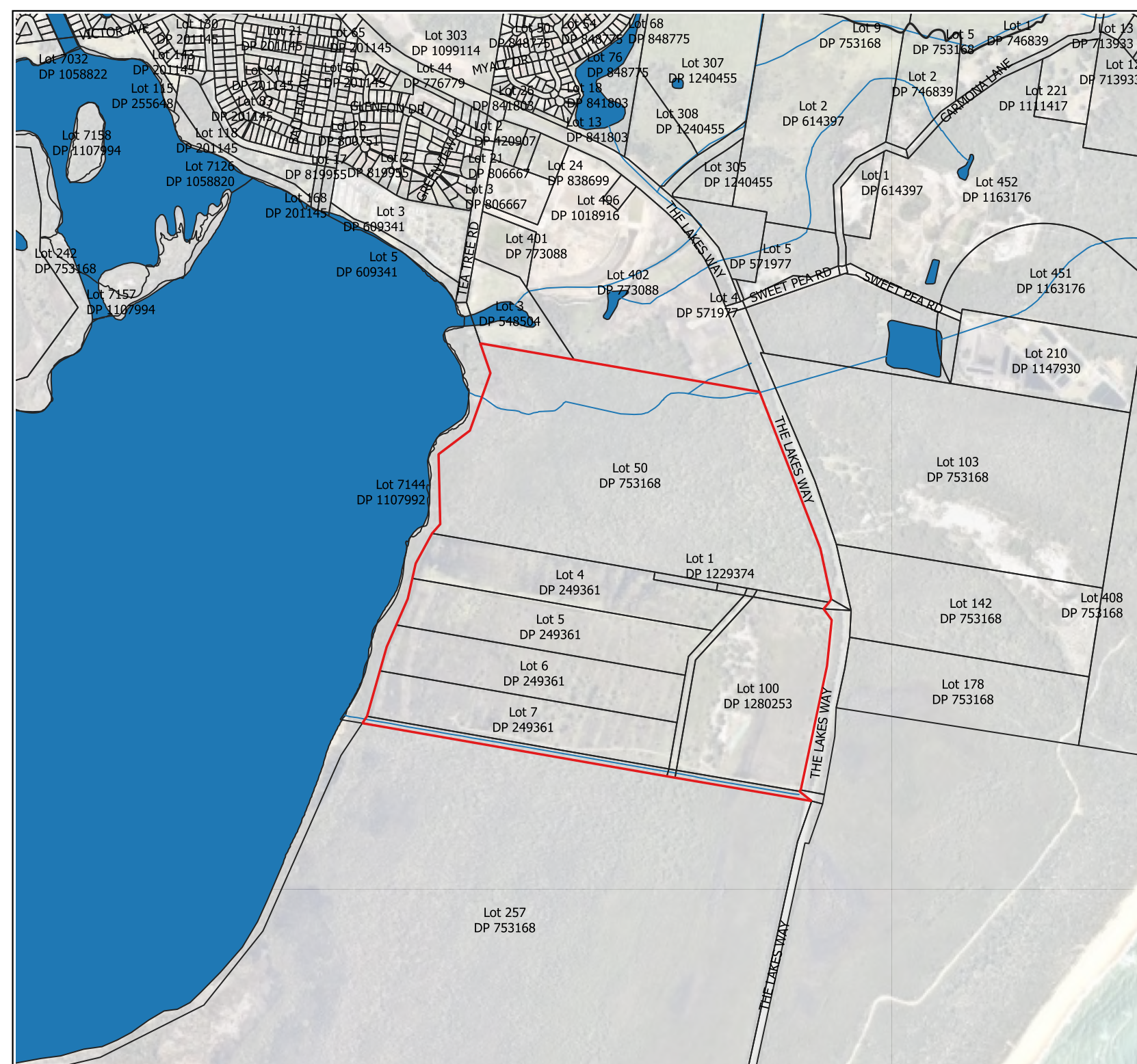
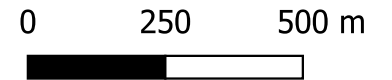
- *Allow the land zoned E4 Environmental Living to continue to provide a diverse housing mix and continue the role in protecting and enhancing environmental functions.*
- *Consider increasing the minimum lot size of 10ha to 20ha or greater to encourage protection of environmental values and minimise the potential for fragmentation.*
- *Use the E4 zone as a buffer between 'urban' development and highly significant environmental land to avoid land-use conflict (like E2 and E3 zoned land).*



# Figure 1 - Site Map








- Site Boundary
- Cadastre
- Watercourses
- Waterbodies

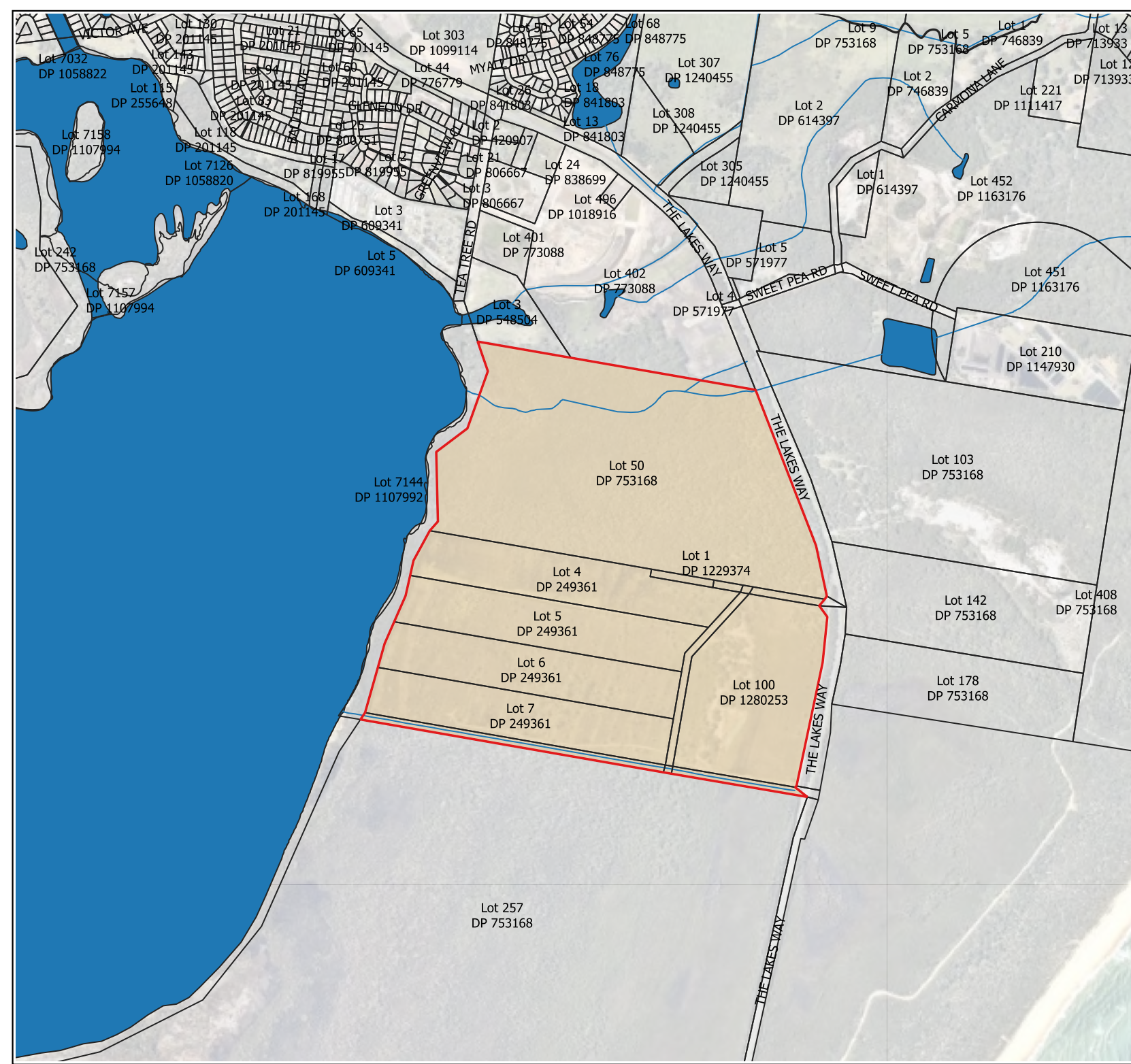
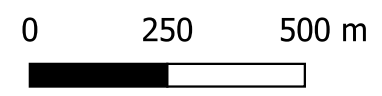




# Figure 2 - Existing Zoning



-  Site Boundary
-  Cadastre
-  Watercourses
-  Waterbodies
-  RU2 - Rural Landscape





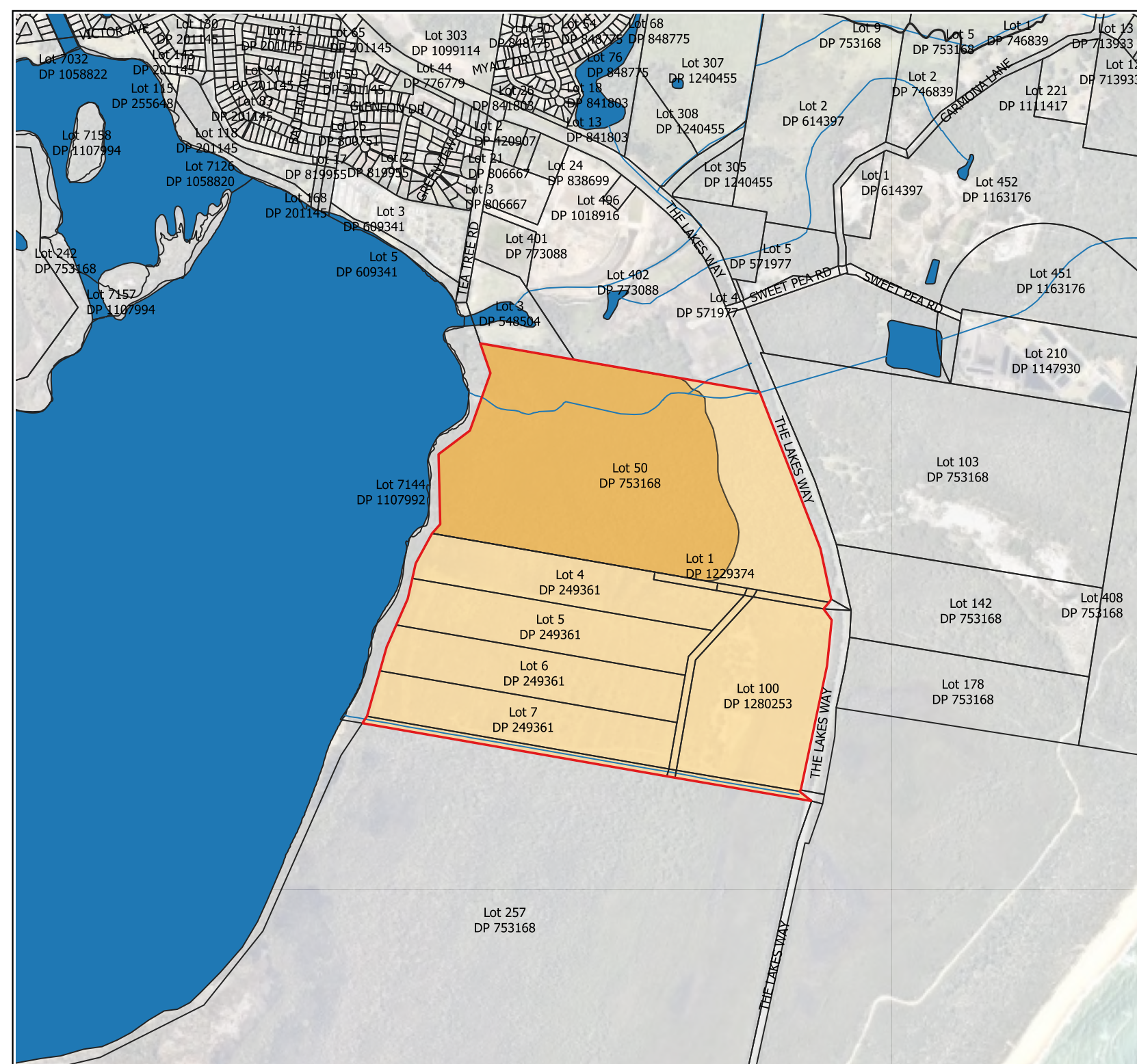
# Figure 3 - Draft Rural Land Strategy Map



- Site Boundary
- Cadastre
- Watercourses
- Waterbodies
- E4 - Enviro Living
- E2 - Enviro Conservation



0 250 500 m



- *Increase the coverage of the E4 zoned land. It is important that the messaging around this zone addresses the negative stigma that can come from having 'environmental' in a zone title'. (p.181).*

These above recommendations have then been 'generally' carried over to the Draft Strategy, which proposes to apply the Zone E4 – Environmental Living to lands that:

- *are located within or between significantly vegetated and protected areas, for example, wetlands and national parks, state forests, lakes, and waterways;*
- *have historically been used for low-intensity farming, or occupied and maintained as rural lifestyle blocks where the rural zone is no longer appropriate and more intensive forms of agricultural activity would be supported; and/or*
- *would be inappropriate and unsuitable for additional or intensified development, in terms of impact, access, infrastructure and susceptibility to natural hazards (p.182).*

The McCloy Group **OBJECTS** to the proposed Zone E4 – Environmental Living for Bert's Farm because this land has been identified by Government for over 15 years as being 'appropriate for intensified residential and tourism development' (**ATTACHMENT 1**).

The proposal to rezone Bert's Farm to E4 – Environmental Living would therefore be inconsistent with the above criteria provided by Council for zoning land E4 – Environmental Living.

The McCloy Group has previously provided a submission in June 2021 to the Draft Urban Release Areas Report and have had subsequent emails and phone conversations with Mr. Paul De Szell, Director Livable Communities and Mr. Richard Pamplin, Principal Land Use Planner that outline how the McCloy Group is currently preparing a planning proposal for Bert's Farm.

This planning proposal process provides an avenue to undertake detailed site investigations, which then provides an evidenced based approach to the future zoning of Bert's Farm. Until those rezoning investigations are complete, we would please request that the zoning of Bert's Farm remains zoned RU2- Rural Landscape in accordance with (**FIGURE 2**).

Please contact me on 0428 067 328 or via email at [jeffrey.bretag@mccloygroup.com.au](mailto:jeffrey.bretag@mccloygroup.com.au) should you have any questions and/or an opportunity exists to discuss these matters further in person.

Yours sincerely,

A handwritten signature in black ink that reads 'Jeffrey Bretag'.

JEFFREY BRETAG  
PLANNING DIRECTOR

ATTACHMENT 1 – History of Identification of the Site for Residential

1. February 2006 – South Coast Structure Plan

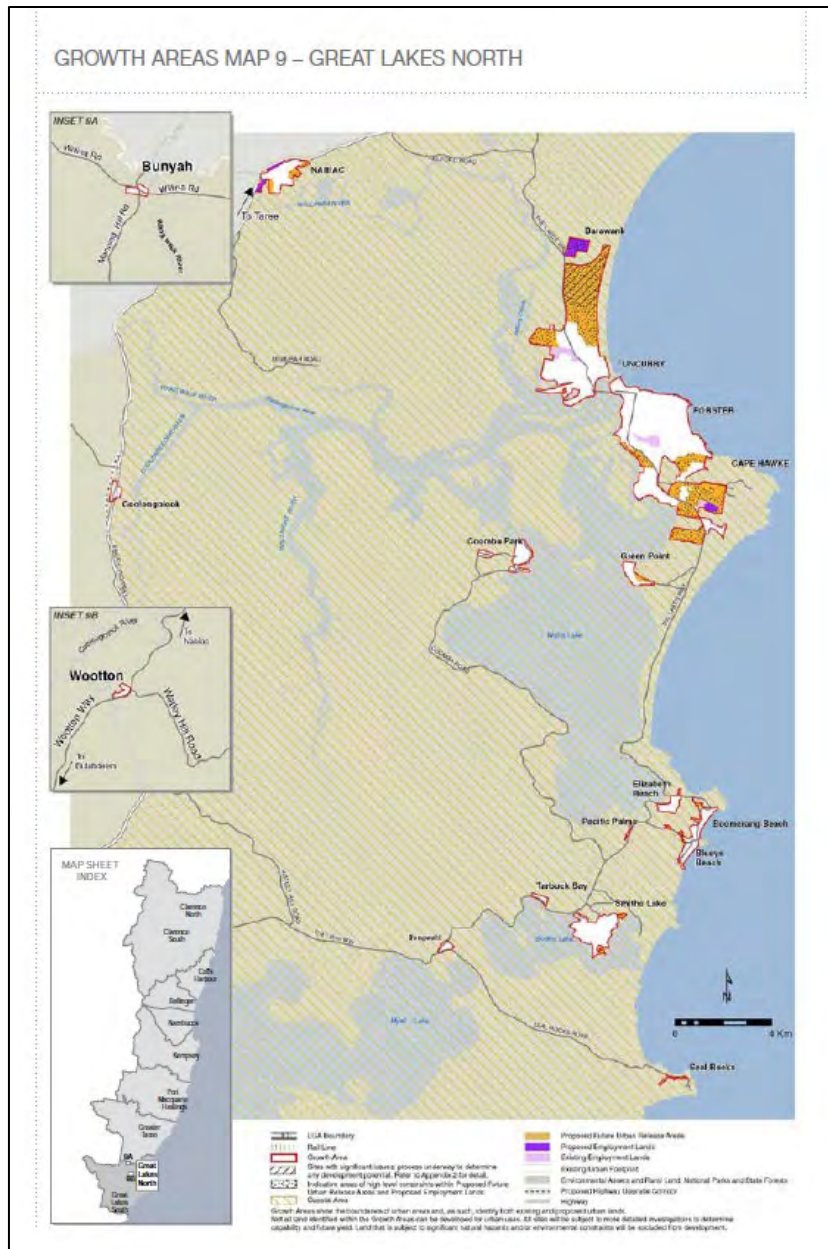
The South Coast Structure Plan was adopted by Council in 2006. The Plan identifies the site for a mixture of residential, environmental and tourism uses (p.123)





2. 2006 - Mid-Coast Regional Strategy

The Mid-Coast Regional Strategy was adopted by the NSW Department of Planning in 2006. The Strategy identifies the site as a Proposed Future Urban Release Area (p.58).

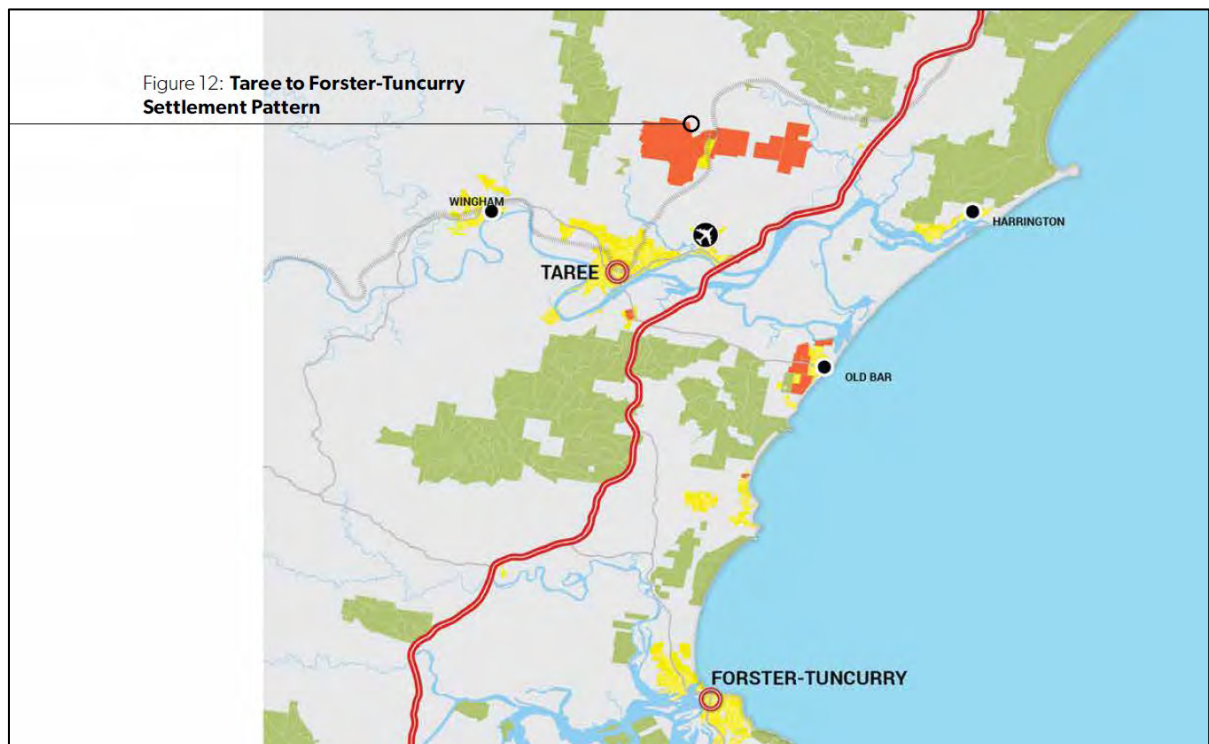


3. 2018 – Hunter Regional Plan

The Hunter Regional Plan does not specifically identify the site because it only maps current URAs and Gateway Determination Sites (p.52).

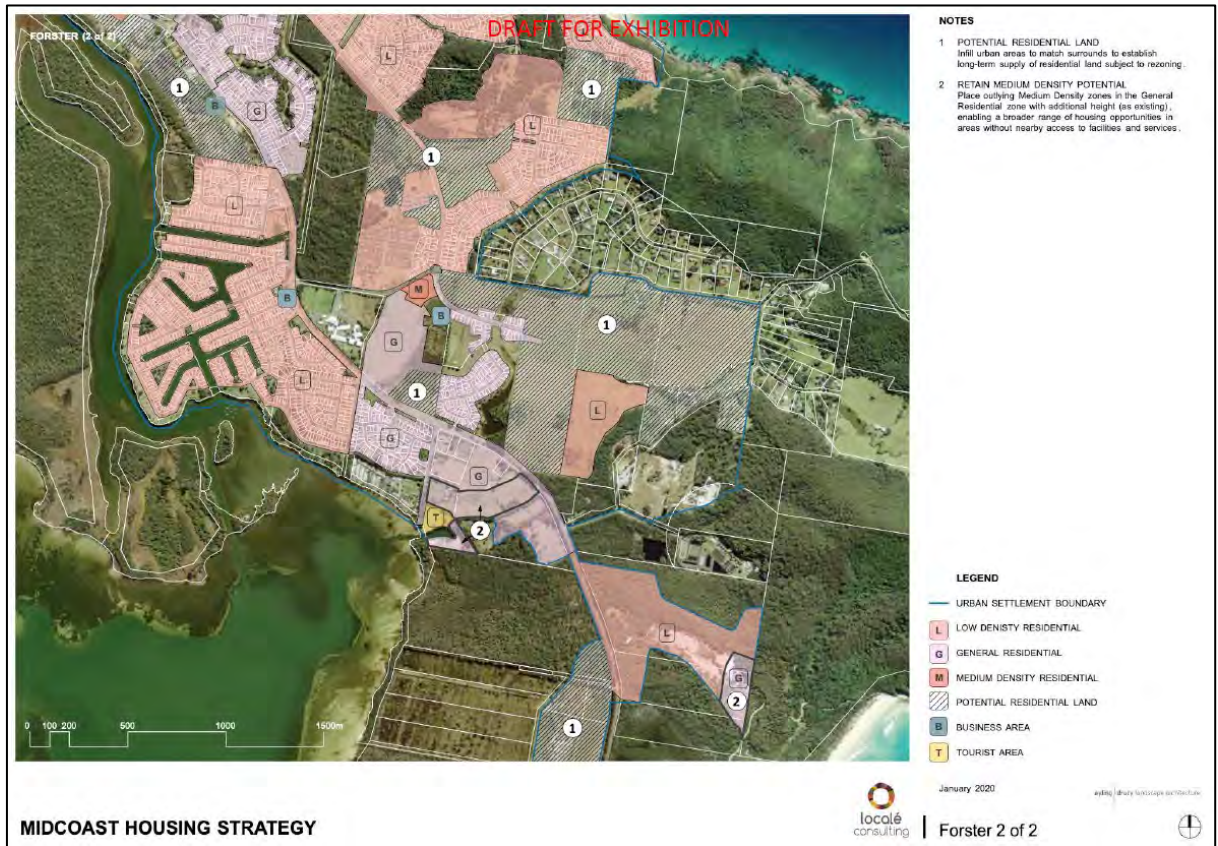
However, Action 21.1 states: 'Focus development to create compact settlements in locations with established services and infrastructure, including....in existing towns and villages and sites identified in an endorsed regional or local strategy' (p.54).

The wording 'endorsed regional or local strategy' was intended to capture the remainder of the Mid-Coast Regional Strategy 2006, which as previously stated has identified the site as a Proposed Future Urban Release Area.



#### 4. December 2020 – Mid-Coast Housing Strategy

The Mid-Coast Housing Strategy was adopted by Council on 16 December 2020. Bert's Farm is identified as Potential Residential Land (p.31).



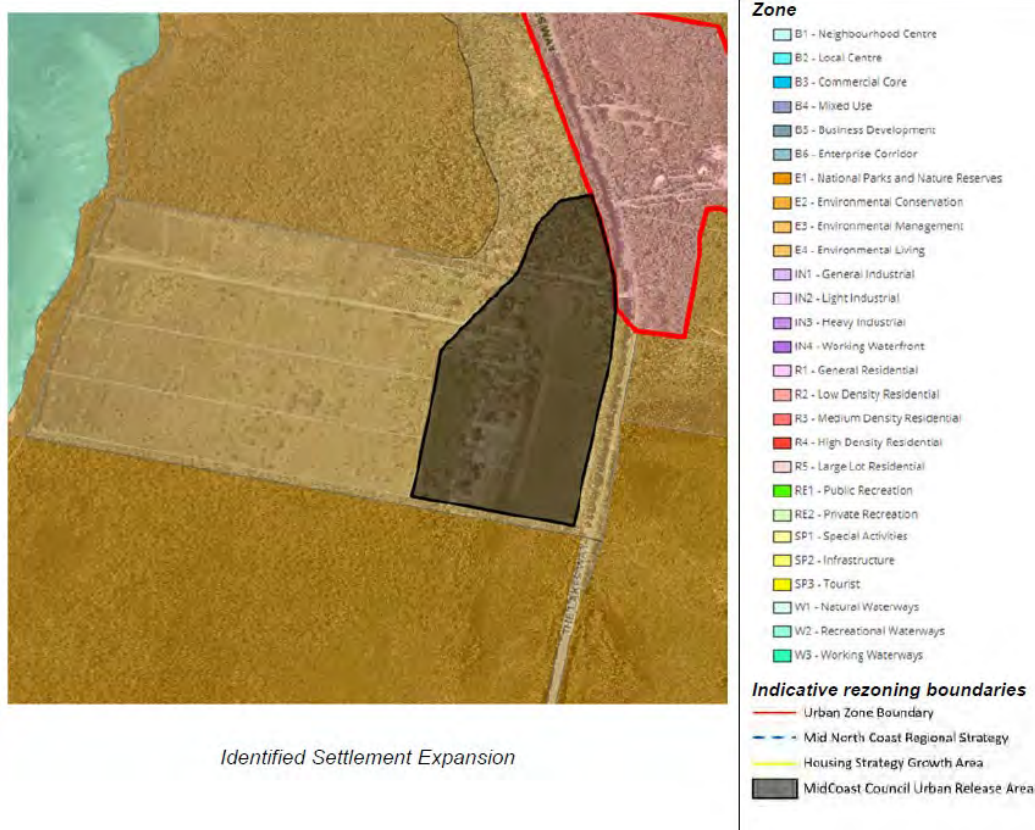
5. July 2021 – Mid-Coast Urban Release Areas Report

The Mid-Coast Urban Release Areas Report was adopted by Council on 28 July 2021. Bert’s Farm is identified as a URA in the short term 6-10 years (p.47).



**Recommendation:**

**That this area be nominated as an Urban Release Area to be rezoned in the Medium-Term (6-10 years) to provide low density residential development, subject to a Planning Proposal.**



**6. December 2021 to March 2022 – Draft Hunter Regional Plan 2041**

The Draft Hunter Regional Plan is currently on public exhibition from 1 December 2021 to 4 March 2022. Bert’s Farm is identified as a Proposed Urban Release Area (p.116).





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**From:** [REDACTED]  
**Sent:** Fri, 28 Jan 2022 14:28:26 +1100  
**To:** "MidCoast Council" <council@MidCoast.nsw.gov.au>  
**Subject:** Submission for Draft MidCoast Rural Strategy [REDACTED] Hallidays Point  
[REDACTED]  
**Attachments:** Submission for Draft MidCoast Rural Strategy.pdf

To whom it may concern,

Please find the attached PDF submission for Draft MidCoast Rural Strategy  
[REDACTED] Hallidays Point 2430 NSW

Regards [REDACTED]

[REDACTED]

Email secured by Check Point

## Submission for Draft MidCoast Rural Strategy

28th January 2022



To Whom it may concern

### **Introduction**

We would like to take this opportunity to make a submission to council regarding our allotment in Hallidays Point. Lot [redacted] in Deposited Plan [redacted] is currently zoned RU1 Primary Production. In light of the draft change to the region on [redacted] at present, it would be appreciated if council could review and change this for a zone change to an R5 Large Lot Residential.

### **Location**

It is situated approximately 7 km west from Black Head, the block adjacent to R5 neighbours and adjoining Homestead Estate to the west and south, Heritage Estate to the north, and backs onto Darawank Nature Reserve to the East. The location has cleared land of 3.8 Ha. The remainder coastal forest of mainly She-oaks with some well established Gumtrees. This block is on well drained sandy soils with safe elevations and a flowing creek. We feel this will result in a good outcome for both estates with the added advantage of greatly increasing bush fire management in this area.

### **Details**

We believe this 11.7ha block has a number of good advantages for rural residential housing as the surrounding estates demonstrate. A beautiful rural cluster area with the available utilities in place, already connected to electricity, town water and sewerage.

The land has little agricultural value due to the nature of the sandy soil. The aesthetic natural landscape of the area and street would not be devalued, rather increased with selective removal of the She-oak sections and leaving the gums to be managed in accordance with fire regulations.

### **Summary**

It is our opinion that it would be conducive for a small development that could accommodate 5/6 new allotments similar in size to adjacent properties in the neighbouring estates.

Yours faithfully



# Submission 370

**From:** [REDACTED]  
**Sent:** Fri, 28 Jan 2022 14:34:40 +1100  
**To:** "MidCoast Council" <council@MidCoast.nsw.gov.au>  
**Subject:** REF Rural Strategy SPR 02/04  
**Attachments:** Submission - Mid Coast Council Rural Zoning - [REDACTED].cleaned.pdf

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Please find attached my submission to Council's draft Midcoast Rural Strategy.  
With kind regards,



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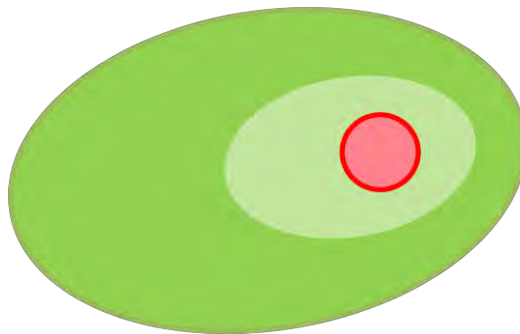
## Submission in response to Draft Midcoast Rural Strategy

I am writing in response to Council's invitation for submissions regarding the *Draft* Midcoast Rural Strategy. From the outset, I would like to state that the Draft Rural Strategy is an excellent document and reflects a number of changes and goals that will enhance the overall rural landscape; including a 100ha minimum lot size for subdivision and the rezoning of Bundook as a village.

### Zoning around Bundook Village

That said, the zoning of land adjoining the proposed Bundook Village transitions directly from the minimal lot size of a village to the proposed RU2 zoning of 40ha (100 acres). This appears a very 'abrupt' transition and one that may continue to hamper the development of the Village.

As an alternative, it is suggested that a more gradual scaling of lot sizes be adopted, radiating out from the village centre (as has been adopted around other villages). Figure 1 shows the theory of this scaled zoning around a central village.



*Figure 1 – Graduated zoning around a village*

Bundook has languished when it comes to residential growth and development with as few as 2 houses constructed in the past decade (for low-cost rental).

While acknowledging the lack of services and facilities available in Bundook and the only recent sealing of Bundook Road to the town; the availability of lots suitable for 'small holding' appears a significant impediment. Discussing Bundook with Gloucester Real Estate agents, I'm told that what buyers are seeking is rural properties but sized to suit small holdings, hobby farms and weekend owners. The demand appears to be in the lot size from approximately 5ha to 15ha. One local estate agent told me, "*.. give me a 30-acre lot and I'll sell every one of them*". It appears that Bundook offers little that can't already be found in Gloucester, but without the services, health and sporting facilities.

It therefore proposed to add to the village zoning an area where smaller *rural* lots are available for hobby farmers, retirees, and those who cannot manage a 100acre farm on their own.

## Proposed zoning around Bundook Village

To make available smaller rural lots around Bundook Village, it is suggested that an area *adjoining* the village be identified.

As can be seen from Figure 2, an area bounded by Bundook Road, Bundook Village and Bakers Creek is proposed for such zoning. Adding to the overall land offering of village lots (consolidated or not), then hobby farms and small holdings and larger rural lots.

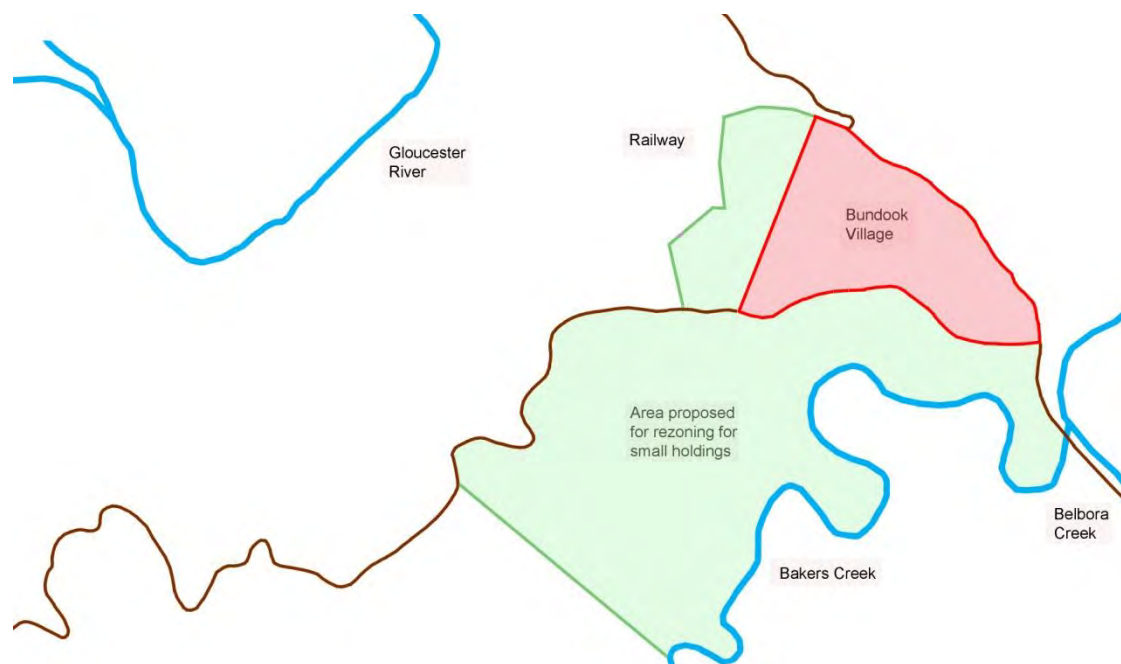
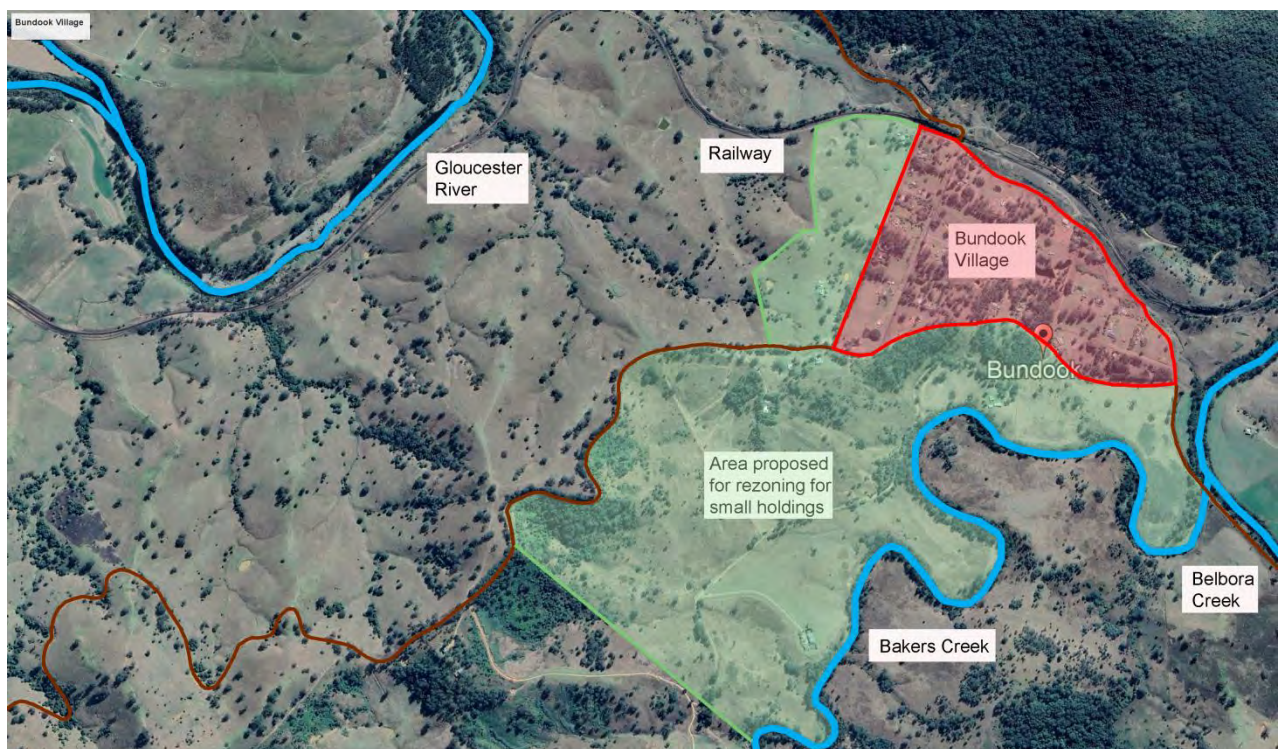


Figure 2 – Proposed area for zoning for small holdings



Fortunately, this area is bounded by roads and by Bakers Creek which provides for easy access to all potential lots without any need for *any* council works. Direct access to lots is available from Bundook Road, Bakers Creek Road, Bilbora Creek Road and from Baker Street.

The satellite image below, Figure 3, shows how this proposed area, while not extensive, comfortably adjoins Bundook and is well served with available power, direct road access and an 'all weather' road directly to Gloucester where health, sports, shopping and entertainment are available.



*Figure 3 – Proposed area for re-zoning, showing topography*

While exact boundaries would need refining, this location has been chosen because:

- It adjoins Bundook Village
- It has all-weather access, supporting the school bus service
- Is well served with direct lot access from roads
- Does not require crossing of any creeks or rivers
- Is well drained
- Presents a minimal fire risk, and
- Has been selected to exclude very undulating hills and gullies to the west and south.

Figure 4, courtesy of the Midcoast Council web site, shows current land subdivisions:

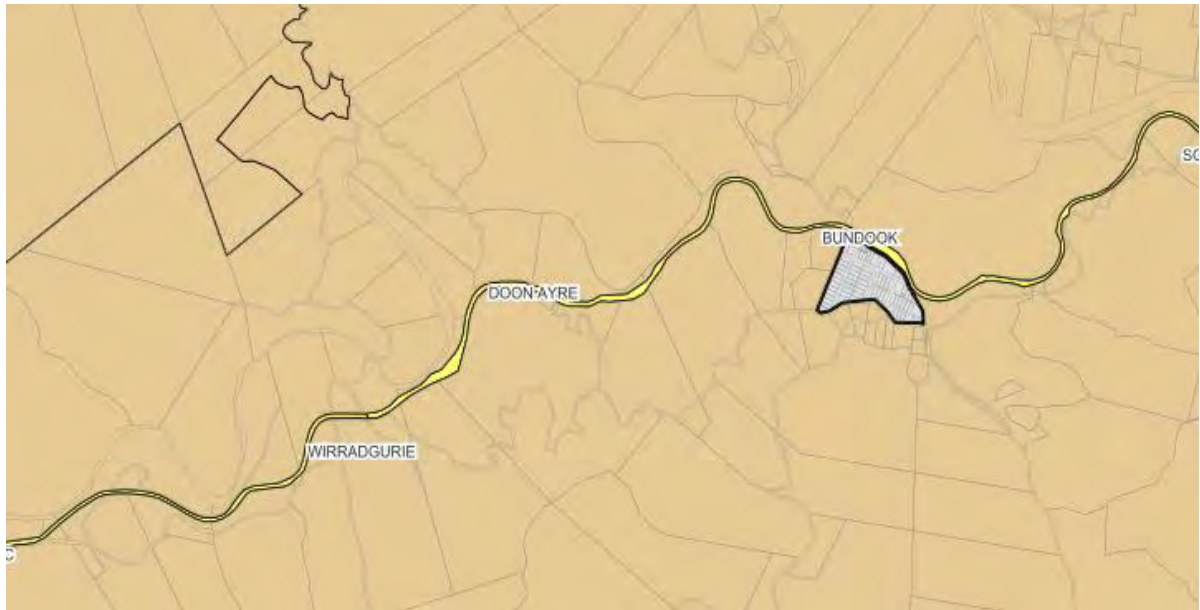


Figure 4 – Current Land Sub-divisions in the Bundook area

## Development of Bundook as a Village

The success of any village is dependent upon a great number of factors. Apart from the location, environmental amenity, views and the like, also important are:

### 1. **Access**

Bundook is fortunate to have an all-weather road directly to Gloucester without the need to cross creeks or other impediments. Regular maintenance of this road is, however, important for attracting and maintaining residents.

Sealing of the perimeter and internal roads in Bundook should also be planned as a matter of urgency, to minimise noise and dirt/dust drifting over vehicles and houses every time a vehicle drives by!

### 2. **Services and Facilities**

The 'Village' zoning of Bundook will enhance its attractiveness as a residential option, an alternative and more competitively priced choice when compared to the other Gloucester villages. The ability to have small number of services available to the village; that may include a general store, café, liquor outlet and in time fuel, would greatly enhance the attraction as both a destination and somewhere to live.



### 3. **A Destination**

Recreational motor-bike riding and rural excursions have become a popular tourism activity and if a café were to be available in Bundook, it is without a doubt that the 'road to Bundook' would be well travelled and Bundook a popular destination.

### 4. **Support of Tourism**

With the stated goal within the draft Rural Strategy of "*Providing a range of tourist accommodation and experiences*", and recognising that "*rural tourism relies on changes to planning controls that allow for new tourism development*", unless there is potential for the purchase of small (5ha to 15ha) rural holdings, Bundook will be excluded from participating in what is one of Gloucester's major economic activities. Tourism involves not only the facility operators, but also employment of staff, transport of goods, purchases from local suppliers to name just a few.

For Bundook to prosper, it needs to develop some income generating activities and be able to attract new residents and the development that comes with that.

While Council's plan to reduce the minimum lot size for subdivision from 100ha to 40ha across the LGA is certainly applauded; however, to achieve a number of the goals stated within the draft Strategy, further planning adjustments are urgently required; particularly when planning to grow Bundook as a Village.

It is appreciated that Council will be undertaking a large lot rural residential study, however, the need for small holdings and for hobby farms fall into the purview of the Rural Strategy. The growth and development of Gloucester Tourism and its rural villages, is dependent upon the ability to establish smaller holdings.

**From:** [REDACTED]  
**Sent:** Fri, 28 Jan 2022 14:46:52 +1100  
**To:** "MidCoast Council" <council@MidCoast.nsw.gov.au>  
**Subject:** REF Rural Strategy SPR 02/04

Dear Council, thank you for the well organised extended consultation period and appointment times.

The following comments relate to the draft document [https://haveyoursay.midcoast.nsw.gov.au/download\\_file/538/472](https://haveyoursay.midcoast.nsw.gov.au/download_file/538/472) acknowledging that it was prepared with many key data areas (such as mapping of Agricultural Land) unavailable or incomplete.

I would be happy to clarify them at any time with councillors or staff and look forward to the updated strategy being implemented. We moved from the Upper Hunter to the MidCoast because of health issues from open cut coal mining and have firsthand experience of dust, odours, noise and water access problems and seeing communities, farms and environment deteriorate rapidly from losing sight of diversity and sustainability.

Kind regards,



## SPECIFIC CLAUSE COMMENTS

- **G1 Objective 02 Improve planning for energy and mineral resource industries**  
Being extractive, mineral resource industries are inherently unsustainable and should not be prioritised above sustainable/renewable economies.  
Creating isolated zones of intense activity by companies based outside the LGA make rural communities less resilient to future markets and disasters than enabling landholders (R zones) to participate in diverse markets without being impacted by pollution, dust, noise and water access restrictions.  
Council is in a great position to assist landholders and community groups to access existing and new markets for products and services that Midcoast has the natural and social resources for.  
This could be done by forming an agency to aggregate suppliers of biodiversity/environmental/renewable energy services integrated with their farming and forestry operations. At present, landholders are at the mercy of various brokers who deal across many areas and internationally without being accountable to local people.
- **Outcome 2.1.1. Focused planning for rural village life and Outcome 2.1.2. Enable diverse housing for rural communities**  
I support the recommended LEP & DCP provisions.  
Seniors housing needs to be integrated with multi-aged or family accommodation, especially in rural situations, not "silo" developments like "over 55s". There are already many problems with people coming to rural areas too old to manage the property or support their community because they have taken so many years to save up the money to afford the property of their dreams.
- **Outcome 2.3.1. Identify and maintain rural landscape characteristics**
- I support the recommended LEP & DCP provisions.

Council should actively encourage and facilitate repair of riparian corridors by working with landholder groups to develop and implement catchment and sub-catchment scale projects which are beyond the resources of individual landholders. Major issues include privet, lantana, tobacco bush and camphor laurel.

- **4.1 Establish planning controls that reflect long-term outcomes - Site Responsive Subdivision**

I am very much in support of subdivision processes reflecting the physical characteristics of the site, rather than the fixed, inflexible lot sizes which have caused many many problems of sterilising productive land and damaging sensitive land.

The Yass LGA clause could be a very effective way to manage the transition away from previous minimum lot sizes. The problem will be establishing transparent and affordable data processes for the assessments, which State Govt agencies appear to be very slow in providing.

Council should ensure that fees and processes encourage positive outcomes, eg a small boundary adjustment to enable neighbours to better manage their land by avoiding erosion should be easily achieved at low cost.

Guidelines in line with DPI and other recognised community groups (eg Permaculture and Universities) should be applied so that neighbouring farms and communities interact effectively, and have access to emergency services (RFS), nature reserves and open space and leave scope for future generations to adapt.

## **GENERAL COMMENTS**

### **1. Environment “E” and “R” Zoning and supporting rural production**

E zoning restrictions in practice appear to be something of a last resort on paper which can alienate landholders and deliver perverse outcomes – for example increase activities in advance of re-zoning; antagonistic clearing confident that Council can/will never impose significant penalties even if reported. They do not in themselves enable landholders to address the environmental issues of weeds, feral animals and climate change that landholders need income streams to deal with.

I support Council focus less on E zonings and more on increasing proactive work and permitted activities so that landholders with R group zonings actively engage in environmentally beneficial activities/enterprises – many of which are new and emerging markets. A cultural of landcare and stewardship along with sustainable profitable production.

For example more projects like composting chicken manure (so it is safer), Turtle conservation, and working with industry and govt to develop biodiversity and conservation markets in the MidCoast region to even great levels than those in other LGAs (capitalise on natural assets).

### **2. Fees and rating structures**

The strategy should support landholder costs reflecting the scale of their operations and impacts, rather than number of properties on which they are carried out. With so many smaller properties, viable enterprises (stock/forestry/ecotourism and value-adding) will required access to multiple properties which may or not belong to the one person/company. Council can support sustainable rural production by ensuring there are no issues like multiple fees (DA/inspection/registration) arising for the one activity simply because it needs more than one property to be involved.

### **3. “Dormitory” regions**

Already many Midcoast landholders either work in other LGAs and only spend nights or breaks here. Strategy should support initiatives to assist people to spend more time in Midcoast, so there is less travelling (road accidents, covid spread, stress) and more time to engage with local communities (schools, volunteering, sporting clubs). By encouraging local hubs for renewable energy, transport and telecommunication.

## Michelle Jobson

---

**From:** haveyoursay@midcoast.nsw.gov.au  
**Sent:** Friday, 28 January 2022 3:08 PM  
**To:** MidCoast Council  
**Subject:** Make an online submission - Draft MidCoast Rural Strategy Form Submission

**Categories:** Blue Category



---

## Make an online submission - Draft MidCoast Rural Strategy Form Submission

There has been a submission of the form Make an online submission - Draft MidCoast Rural Strategy through your Have Your Say website.

**First Name**

**Last Name**

**Your email address**

**Your best contact phone number**

**Suburb**

Coomba park

**Postcode**

2428

## **Property address of interest**

Clive manners foreshore walk and surrounding reserve

## **Property suburb of interest**

Coomba Park

## **Submission subject**

Clive Manners foreshore walk and surrounding area Coomba Park

The area boundary between kirrabilli ave to the north and the aquatic club boundary to the south

Locally referred to as the disputed zone. (DZ)

## **Please provide your submission here and/or upload your supporting documents below.**

I [REDACTED] on behalf of the Coomba park village residents submit that the Clive Manners foreshore walk and surrounding area be maintained by the newly formed Clive Manners Maintenance Mob a mob of local volunteers committed to maintaining the area.

### 1/Bushfire prevention

Keep the land floor clear and clean from fire fuel.

Many community resident's are fearful the (DZ) provides a corridor for fire that would Prevent rescue and escape. (Isolation)

### 2/Public thoroughfare

The lack of safe pedestrian access through the disputed zone forces the pedestrians on to the road and the ever increasing obstacles that presents.

Maintenance of the (DZ) has shown the if it's clean the residents will use the (DZ) instead.

### 3/Fauna

All natives to stay.

With the increase of maintenance the(DZ) now has less hares,snakes and other naughty bitey

critters.

#### 4/Plan of management

The Clive Manners foreshore mob is to clean and maintain the (DZ)

All volunteers to be inducted into the council's volunteer program.

The Clive Manners foreshore mob will operate under the same guidelines as the many other parks and recreation mowing groups within the village.

Source: Coomba park a community plan 2019/2030

#### Appendix 8 The Clive Manners foreshore walk

#### 5/Equipment

The Clive Manners foreshore mob will use their private suitable equipment.

#### 6/Appearance

Neighbour's to the north and south of the disputed zone have maintained grounds.

#### 7/Survey

I personally have surveyed the community and it is unanimous the disputed zone needs to be maintained.

8/ Mr Clive Manners approves.

On behalf of the village

I eagerly await a response



To view all of this form's submissions, visit

[https://haveyoursay.midcoast.nsw.gov.au/index.php/dashboard/reports/forms\\_new/data/46](https://haveyoursay.midcoast.nsw.gov.au/index.php/dashboard/reports/forms_new/data/46)

This is not SPAM. You are receiving this message because you have submitted feedback or signed up to Have Your Say.

**From:** "Simon Carroll" <simon@accuplan.com.au>  
**Sent:** Fri, 28 Jan 2022 16:11:34 +1100  
**To:** "Have Your Say" <haveyoursay@midcoast.nsw.gov.au>; "MidCoast Council" <council@MidCoast.nsw.gov.au>  
**Cc:** "Accuplan" <office@accuplan.com.au>; "Jane Morgan" <jsam5@bigpond.com>  
**Subject:** REF Rural Strategy SPR 02/04  
**Attachments:** 22027\_MCCsubm\_RuralStrat\_179MurrayRoadWingham\_280122.pdf

Please see attached submission on behalf of Mrs J Morgan in relation to the property at 179 Murray Road, Wingham.

Please let me know if any questions.

Regards

Simon Carroll

**Accuplan**

[www.accuplan.com.au](http://www.accuplan.com.au)

Level 1 Building Q – Head Street Carpark  
Head Street, Forster NSW 2428 (next to carpark end of Forster Arcade)  
PO Box 34, Forster NSW 2428  
(t) [02 6555 5522](tel:0265555522)  
(e) [simon@accuplan.com.au](mailto:simon@accuplan.com.au)

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accuplan

PO Box 34 FORSTER NSW 2428

Level 1 Building Q, Head Street Carpark  
Head Street Forster 2428

Phone: (02) 6555 5522

28 January 2022

General Manager  
Mid-Coast Council  
PO Box 482  
Taree NSW 2430

*Our Ref: 22027*

**Attention:** Land Use Planning Team

Dear Sir/Madam,

**SUBMISSION IN RELATION TO “DRAFT MIDCOAST RURAL STRATEGY, JUNE 2021”  
(REF RURAL STRATEGY SPR 02/04)**

**SUBJECT PROPERTY: LOT 21 DP 701811, 179 MURRAY ROAD, WINGHAM**

Accuplan has been engaged by Mrs J Morgan (our client) to prepare a submission in relation to the “Draft MidCoast Rural Strategy, June 2021”. Our client is a joint owner of the subject property.

Our client has instructed that we make this submission by way of expression of interest for future consideration of the subject property as part of any rezoning to R5 Large Lot Residential.

Our client has noted that, as exhibited, the draft Strategy presently identifies a change in the zoning of the subject land from RU1 Primary Production to RU2 Rural Landscape.

The context of the subject property is that:

- (i) It has a limited land area and no inherent agricultural production potential.
- (ii) The landholding was fragmented by past subdivision which, notably, resulted in the reduction of the landholding to create an allotment for the establishment of the Wingham Public School. The subject property surrounds the northern and western boundary of the Wingham Public School grounds at 157 Murray Road.
- (iii) Land immediately to the south-east of the school grounds is zoned R1 General Residential under the current Greater Taree Local Environmental Plan 2010 (LEP). Existing R1 zoned land is within about 140 metres of the eastern parts of the subject property.
- (iv) Land to the south-west of the subject property – being land on the southern side of Wingham Road and properties fronting Helmich Close – is zoned R5 Large Lot Residential under the current LEP.
- (v) Landholdings to the east (along the western side of Skyline Drive) have areas ranging generally from 2-2.5 hectares. These landholdings are used for rural residential/rural lifestyle uses.

While these lands are identified for a change in zoning from RU1 Primary Production to RU2 Rural Landscape by the draft Strategy, the land extending to the eastern boundary of those landholdings is zoned R1 General Residential. It is not unreasonable to assume that there is a relatively high likelihood that the landholdings along the western side of Skyline Drive (adjoining the eastern boundary of the subject property) will be identified for rezoning to R5 Large Lot Residential (or some other residential zone given the existing R1 zone extending to the eastern boundary of those landholdings) in future.



- (vi) Landholdings to the south (on the southern side of Murray Road, east of the R5 zoned land identified in the point (iv)) have areas ranging generally from 4000-4500m<sup>2</sup>. These landholdings are used for rural residential/rural lifestyle uses.

As per the above point (v), while these lands are identified for a change in zoning from RU1 Primary Production to RU2 Rural Landscape by the draft Strategy, it is not unreasonable to assume that there is a relatively high likelihood that these landholdings will be identified for rezoning to a zone such as the R5 Large Lot Residential zone in future. This would bring the zoning into line with the existing R5 zoning applying to land to the west.

The following outlines points relevant to this submission:

- (a) Consideration of a future rezoning of the subject property to R5 Large Lot Residential will not impair the ability to achieve the goals of the draft Strategy with respect to protection of established agricultural industries. For example, in relation to stated Outcome 1.1.1 of the objectives to Goal 1 of the draft Strategy, our client's submission will not result in any cumulative loss of valuable agricultural land and/or activities.
- (b) With consideration of the first objective to Goal 2 of the draft Strategy, which is to "provide accommodation and services for rural communities", the existing characteristics of the site and surrounds are such that the land use can be characterised as already being for a rural residential use.

The subject property is on the periphery of the Wingham township.

- (c) Access to the subject property is available directly from the northern side of Murray Road and can also be formalised via (presently) unformed road reserves which adjoin the length of the northern and western boundaries of the site.
- (d) Reticulated water service is available to the subject property and water mains extend along Murray Road to the north-west of the land.
- (e) Reticulated sewerage is available to the adjacent Wingham Public School land which adjoins the south-eastern part of the subject property. Our client advises that this line drains north through the eastern part of the subject property and then east through the unformed road reserve to the north of the site towards Skyline Drive.
- (f) As per Section 10.6 (Rural Lifestyle Zones in the MidCoast), lands zoned (or intended to be zoned) R5 Large Lot Residential are considered to more closely reflect a rural than urban residential lifestyle.

The existing use of the subject property is consistent with a rural residential lifestyle. Thus, any consideration of rezoning to R5, will not result in any urban residential character for the subject property.

- (g) The statement in Section 10.3 (Rural zones in the Standard Instrument LEP), within the table headed "Rural Zone selection guide", that land will generally be considered unsuitable for urban development and rural residential uses where the RU2 Rural Landscape zone applies, is not considered to be justified in its entirety when applied to the subject property.

The land use of the subject property can be characterised as already being consistent with that of a rural residential use.

- (h) Section 10.3.2 (RU2 Rural Landscape Zone) of the draft Strategy (at Section 10.3.2) notes that the RU2 Rural Landscape zone has been broadly applied to *land adjoining urban settlements*; and *variable environments, not just productive agricultural lands, and enabled a broad range of land uses*. Section 10.3.2 also notes that:
- o With reference to the Agriculture and Rural Industries Background Report, the RU2 Rural Landscape zone (and associated 40ha minimum lot size) is recommended to be applied generally, except where environmental or urban zones are more appropriate based on existing site characteristics and land

uses. The existing site characteristics and land use of the subject property indicates that consideration should be given to the appropriateness of an R5 Large Lot Residential zone for the land; and

- the focus of the RU2 zone will be facilitating land uses and activities associated with the ongoing agricultural use of (these) lands. This is not necessarily a basis for the change in zoning of the subject property to RU2 as there is no ongoing agricultural use of the subject property. There is also no agricultural use of adjacent lands.
- (i) Section 10.6.5 (Application of Rural Lifestyle Zones in the MidCoast) states where land within the rural zone has already been subdivided to such an extent that agricultural potential has been lost to a rural lifestyle outcome, these areas should be reviewed and rezoned to the most appropriate rural lifestyle zone.

The subject property is an example of where this has occurred. Within the table headed “Rural Living Zone selection guide”, the R5 Large Lot Residential zone *identifies land within a rural setting that has a predominantly residential use and is of insufficient size to accommodate agricultural or other rural land uses.*

While still a larger landholding (compared to lands to the east and south), the subject property is not of sufficient size to support any viable agricultural activity. In this regard, the prevailing land use of the subject property (plus other lands to the east, south and south-west) have tended away from agricultural activities and towards rural lifestyle outcomes. This is evidenced by points that have been discussed above, as well as the:

- Establishment of the R5 Large Lot Residential zone over the land to the south-west of the subject property (the land on the southern side of Wingham Road and properties fronting Helmich Close); and
  - The zoning of land as R1 General Residential over land to within about 140 metres from eastern and south-eastern parts of the subject property.
- (j) The draft Strategy, at Section 10.6.4, describes the vision for the R5 Large Lot Residential zone (with reference to the draft MidCoast Housing Strategy 2020) as to:

*provide opportunities to transition between urban and rural locations. Enabling larger lots will accommodate those seeking lifestyle choices that provide for space and separation without being in more isolated rural areas.*

Notably, the subject property and other lands to the east and south of the subject property are already in a state of transition from ‘rural’ to ‘rural residential’ activities. Evidence of this transition includes the adjacent public school which caters for students from the Wingham township as well as surrounding rural areas. Residential zoned land in the Wingham township extends to the eastern boundary of the school grounds.

- (k) Our client’s submission does not give rise to the issue raised in Section 10.3.2 of the draft Strategy. The effective transition from ‘rural’ to ‘rural residential’ activities, which has prevailed notwithstanding the current land use zoning, has not resulted in any land use conflicts between any existing farms and residents of the subject property (nor between any existing farms and the primarily rural residential uses on land to the east and south of the subject property).

It is submitted that the above points provide a basis for the subject property to be considered as a candidate for future rezoning to R5 Large Lot Residential under a future LEP for the Mid-Coast local government area.

Please advise if you have any questions, or require any further information, in relation to this submission.

Yours faithfully



**Simon Carroll**

*Registered Planner (RPIA)*

**Accuplan**

**email to:** [simon@accuplan.com.au](mailto:simon@accuplan.com.au)

**From:** "Daniel Barber" <daniel@paroconsulting.com.au>  
**Sent:** Fri, 28 Jan 2022 20:35:24 +1100  
**To:** "MidCoast Council" <council@MidCoast.nsw.gov.au>  
**Subject:** SUBMISSION TO RURAL STRATEGY SPR 02/04 – 1 TALLAWALLA ROAD, COOMBA PARK  
**Attachments:** SUBMISSION TO RURAL STRATEGY SPR 0204 – 1 TALLAWALLA ROAD, COOMBA PARK.cleaned.pdf

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This email's attachments were cleaned of potential threats by Check Point SandBlast. Click [here](#) if the original attachments are required (justification needed).

---

Dear Sir/Madam,

Please find enclosed a submission to the rural Strategy SPR 02/04 in relation to the land at 1 Tallawall Road, Coomba Park.

Kind regards,

Daniel Barber

B.Plan (Hons), M.ProDev, CPP MPIA

Director

T: 0422 983 710 | W: [paroconsulting.com.au](http://paroconsulting.com.au)



Paro Consulting acknowledges Traditional Owners of Country throughout Australia and recognises the continuing connection to land, water and community. We pay our respect to Aboriginal and Torres Strait Islander cultures; and to Elders past, present and future.

Email secured by Check Point



28 January 2022

General Manager  
MidCoast Council  
PO Box 482 Taree NSW 2430

[via email: [council@midcoast.nsw.gov.au](mailto:council@midcoast.nsw.gov.au)]

Attention: Executive Manager Innovation & Sustainable Futures

To whom this concerns,

**RE: RURAL STRATEGY SPR 02/04 – 1 TALLAWALLA ROAD, COOMBA PARK**

## 1. Introduction

This submission has been prepared by Paro Consulting Pty Ltd (Paro Consulting) on behalf of the owner of the land located at 1 Tallawalla Road, Coomba Park. The submission relates to the MidCoast Council (Council) Rural Strategy SPR 02/04 which was recently included on public exhibition until Friday 28 January 2022.

We understand the MidCoast Council draft Rural Strategy sets out a proposed framework for clear and consistent land use planning principles to sustainably manage the use of land and water resources outside of the region's towns and villages and is the final body of work to inform a single MidCoast Local Environmental Plan (LEP) and Development Control Plan (DCP). The draft strategy addresses ways to identify and protect productive land and water resources, provide accommodation and services for rural communities, and manage development in rural environments into the future.

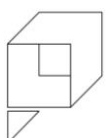
We understand the draft Rural Strategy sets out to achieve four key goals:

- Sustaining primary production opportunities;
- Enhancing rural lifestyles and livelihoods;
- Protecting natural landscapes; and
- Improve planning and plan-making in practice.

Among other proposed changes, it is understood the draft Rural Strategy will provides rezoning recommendations in some areas.

The following submission seeks to outline Paro Consulting's support of the planning proposal subject to seeking to recommend a number of potential refinements & additions which aim to support the fundamental objectives outlined above including the timely implementation of the planning proposal, including:

- Identification of the site, context and relevant history,
- Provide an Environmental Assessment including heritage, context, access etc).
- Provide an Assessment against the MidCoast Council (Council) Rural Strategy SPR 02/04.
- Provide an Assessment against the DPIE Guide to preparing planning proposals (including relevant strategies, ministerial directions, metropolitan strategy, district plan, Local Planning Statement etc).
- Provide a recommendation for potential refinements and additions to the planning proposal including a re-zoning of the site and revised development standards.



## 2. The Site and Context

Details of the site are provided in the table below.

**Table 1. The Site and Context Description**

Details	Description
Address	1 Tallawalla Road, Coomba Park
Legal Description	Lot 14 / DP263471
Site Area	Approx. 74,300m <sup>2</sup>
Existing building and structures	The site contains a dwelling house and shed.
Existing Vegetation	The site includes a number of existing trees and dam.
Topography	The site appears to slope from the south to the north.
Local Site Context	<p>North: To the north of the site includes Wallis Lake and land interface.</p> <p>West: To the west of the site includes two farms including the properties 2 and 26 Kiewa Place.</p> <p>South: To the south of the site is a farm at the property 86 Moorrooba Road.</p> <p>East: To the east of the site are several residential properties which are zoned RU5 Village. The lots are around 550m<sup>2</sup> on average and include an average width of 18m. The land is subject to an 8.5m height standard and 0.4:1 FSR.</p>
Regional Site Context	The site is located within the town of Coomba Park which is within the MidCoast Council LGA. The site is positioned along Wallis Lake and located 7m from Forster and 13km to Boomerang Beach.



**Figure 1. Aerial Map of the Site and local context**

Source: Sixmaps

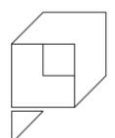






Figure 2. Aerial Map of the Site and Regional Context

Source: Sixmaps

### 3. Background

There is no recent planning history in relation to the site relevant to this assessment. However, some details of the history of the town of Coomba Park are included below.

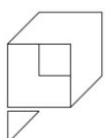
The Worimi are the traditional owners of the area and continue to have a special connection with the Aboriginal cultural sites that exist in the area.

European settlement of the area dates from 1826, initially for the purpose of grazing which from the mid 1800's progressed into the establishment of farming, timber and fishing industries.

In the 1960's, Sydney property developer Charles H. Degotardi, had grand plans drafted for "Australia's Rarest Tourist Land Development" at Coomba Park. While Degotardi's visions had some impact on the growth of the area, the grand development of Coomba never reached full potential. Over the years as the population slowly grew, the Coomba area gave birth to a community of active volunteers who established much of the infrastructure that exists within the village today.

The 1960s vision of 6,000 house lots did not materialise as at the time as the first stage of lots did not sell out.

Council decided to take a staged approach to the second stage and wait until the existing plots were developed and populated prior to realising the later sub-division stage. This has meant that the Coomba Park suburb remained unfinished, leaving the village "disconnected" and a lack of services and infrastructure for local residents. There are 261 houses in Coomba Park (2016 ABS Census).



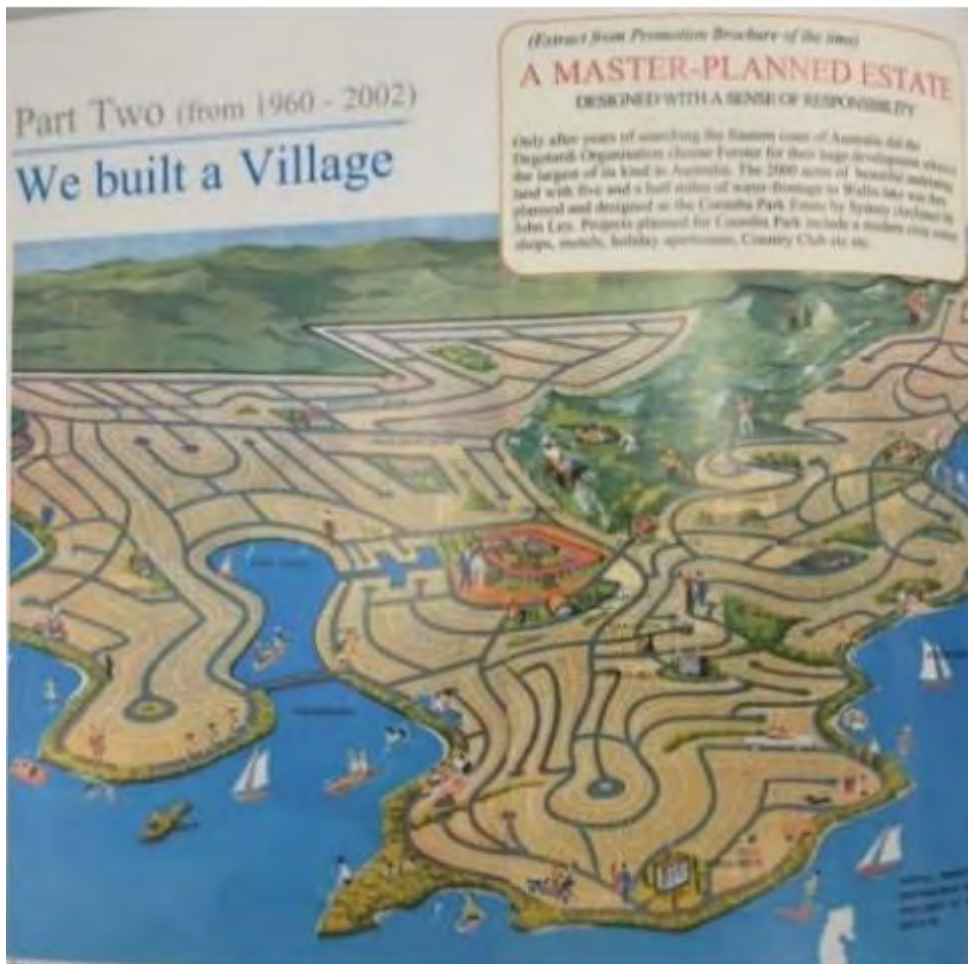


Figure 3. Extract from a 1960s promotional brochure  
Source: Property developer, Charles H. Degotardi

#### 4. Planning Review of Existing Controls

A summary of the existing zoning and key development standard and controls are identified in this section under the Great Lakes LEP 2014 and Great Lakes DCP.

##### 4.1. Great Lakes LEP 2014

The Great Lakes LEP 2014 is the principle Environmental Planning Instrument that applies to the site. The existing planning controls that apply to the site are outlined below in Table 2.

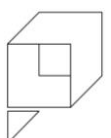
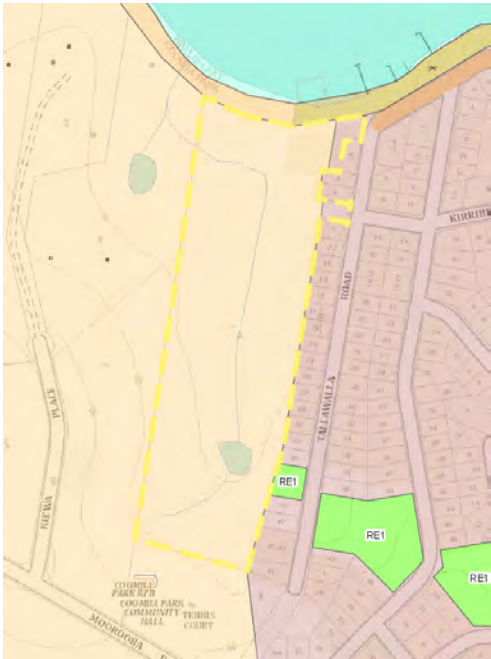
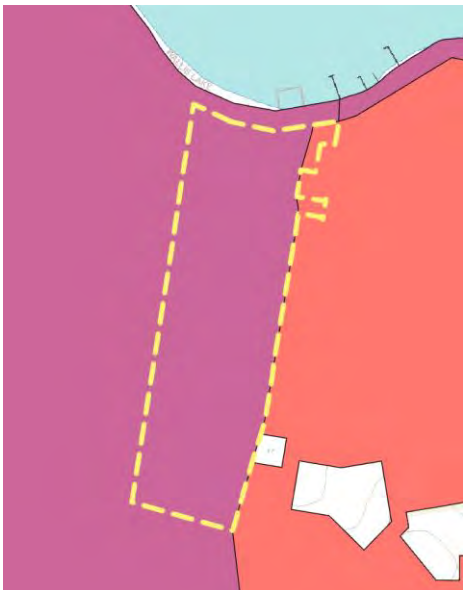
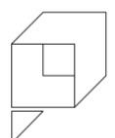
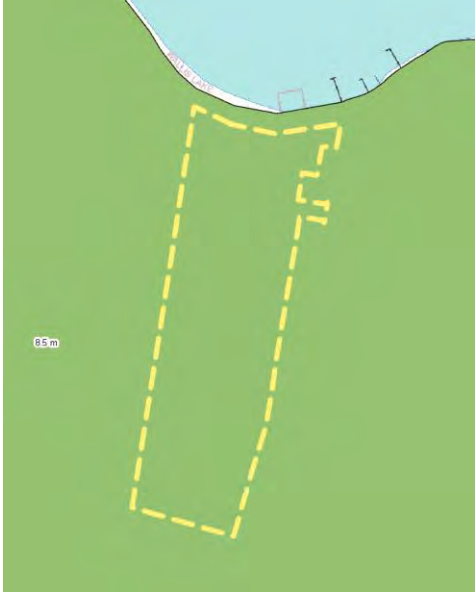


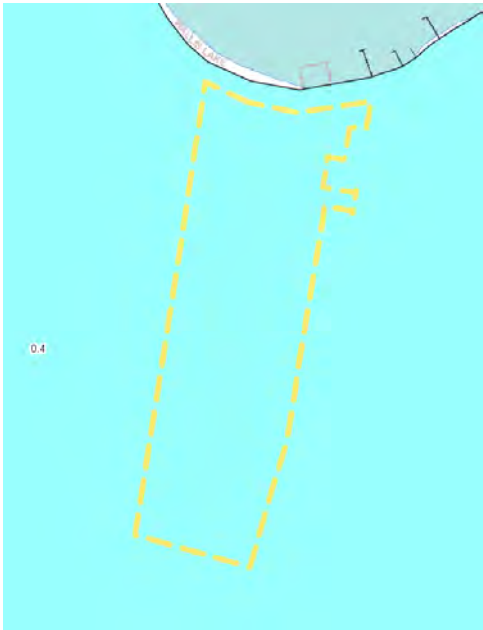


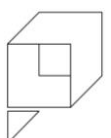
Table 2. Existing controls under the Great Lakes LEP 2014


Clause	Control	Map
Zoning	The land is currently zoned RU5 Village and C4 Environmental Living (formally E4 Environmental Living).	
4.1 Minimum Lot Size	The land is subject to a 1,000m <sup>2</sup> and 100,000m <sup>2</sup> minimum lot size.	

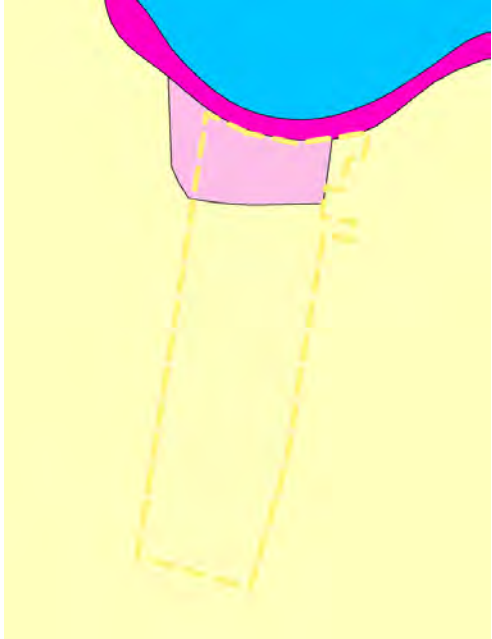


Clause	Control	Map
4.3 Height of Building	Maximum height of building of 8.5m	 A map showing a site boundary outlined with a dashed yellow line. The site is located on a green slope. A small pink rectangle indicates a building footprint. A label '8.5m' is placed on the green area, indicating the maximum height control for the building.

4.4 Floor Space Ratio	Maximum FSR of 0.4:1	 A map showing the same site boundary as the previous map, outlined with a dashed yellow line. The site is on a cyan slope. A small pink rectangle indicates a building footprint. A label '0.4' is placed on the cyan area, indicating the maximum Floor Space Ratio (FSR) control.
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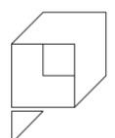


Clause	Control	Map
<p>5.21 Flood planning</p>	<p>The site is identified as being located within the 1 in 100 year flood planning area.</p> <p>This clause identifies several considerations which must be given to permit development within a flood planning area.</p>	 <p>The map displays a residential area with streets including 'MULLEN PLACE', 'MULLIN ROAD', and 'KIRKBY'. A large blue area at the top represents a water body. A yellow dashed line outlines the site boundary, which is situated adjacent to the water body. A label at the bottom of the map reads 'COLUMBIA PARK TENNIS COURT COMMUNITY TENNIS BALL COURT'.</p>

<p>7.1 Acid sulphate soils</p>	<p>The site is identified as containing Class 3 and Class 5 acid sulphate soils. This clause identifies several considerations which must be given to permit development with land identified as containing acid sulphate soils.</p>	 <p>The map shows a yellow background representing land with acid sulphate soils. A pink area at the top indicates a water body. A yellow dashed line outlines the site boundary, which is located near the water body.</p>
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#### 4.2. Great Lakes DCP 2014

The site is not identified as including a character statement or including an area specific development control plan. There are a new of environmental constraints which apply to the site and built form controls which apply to the current use which have are not relevant to this submission.



## 5. A Case for Change

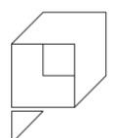
The table below outlines the relevant changes proposed within the draft MidCoast Rural Strategy in relation to the site and its context.

Clause	Current	Draft	Proposed
Zoning	C4 Environmental Living & RU5 Village	C4 Environmental Living & RU5 Village  Note. Council is proposing to rezone the civic precinct to RE1 Public Recreation and portion of foreshore to RE1 Public Recreation.	Retain a portion of land C4 and rezone a portion off land to RU5 Village & RE1 Public Recreation
			
4.1 Minimum Lot Size	RU5 Village = 1,000m <sup>2</sup> C4 Environmental Living = 10,000m <sup>2</sup>	RU5 Village = 1,000m <sup>2</sup> C4 Environmental Living = 10,000m <sup>2</sup>	RU5 Land = 700m <sup>2</sup> C4 Environmental Living = 10,000m <sup>2</sup>

The concept plan for the site currently explores rezoning the portion of the land currently C4 Environmental Living to RU5 Village and RE1 Public Recreation and the introduction of a 700m<sup>2</sup> minimum lot size standard to the RU5 Village portion of the land.

The key opportunities arising from the redevelopment of the site are as follows:

- The proposal includes the rezoning of land to rural residential which is located adjacent to an existing rural residential zoned area and which is a minor and contiguous extension of the existing urban area. This provides greater utilisation of existing services and utilities and prevents urban sprawl which is in accordance with the draft updated Hunter Regional Plan 2041;
- The proposal includes the dedication and embellishment of public open space to Council to improve access and passive recreation of the foreshore area in accordance with the Community Strategic Plan 2018-2030 (CSP);
- The proposal provides an opportunity to provide a pedestrian and cycling green link from the public recreational facilities at 86 Moorrooba Road and Tallawalla Road to improve public access;
- The proposal would result in a significant amount of development monetary contributions to fund the upgrade Tidal Pool Precinct and the public recreational facilities at Lot 13/DP263471 in accordance with the Community Strategic Plan 2018-2030 (CSP) are of great need of funding;
- Residential accommodation in this location will have minimal impact on the natural environment or resource lands. This is because the site is already largely cleared and are not constrained by natural hazards. The proposal is consistent with the scale supported by Council through its adopted Planning Study; and
- There is an opportunity to stimulate the local economy by creating jobs during construction and support local businesses through the creation of new customers.



## 4 Planning Proposal Review

### 4.1 Introduction

A Planning Proposal (PP) is the first step in preparing a Local Environmental Plan (LEP). A Planning Proposal is a document that explains a request or intended effect of a proposed LEP and sets out the justification for making that plan. Generally, the proposed MidCoast Council draft Rural Strategy seeks to amend Council's principal LEP being the Great Lakes Local Environmental Plan 2014. If a landowner or group of landowners (the proponent) wish to change provisions in the LEP that apply to their land (e.g. the zoning, minimum lot size, or maximum height of buildings) they will need to submit a formal PP request to Council.

Given that Council has already initiated a PP to amend the current LEP, Paro Consulting is seeking that Council consider seeking a number potential refinements & additions to the Council-initiated PP.

From a preliminary review of the sites, there is an opportunity to rezone a portion of the land RE1 Public Recreation which would be dedicated to Council and the land to RU5 Village and include a 700m<sup>2</sup> minimum lot size and retain the maximum 8.5m height of building standard and maximum 0.4:1 Floor Space Ratio Standard.

This section outlines the strategic and statutory planning framework within which the development outcomes for the land have been considered and provides commentary on how the proposal responds to each of these documents.

### 4.2 The Need for a Planning Proposal

*Q1 – Is the Planning Proposal a result of any strategic study or report?*

#### 4.2.1 Draft updated Hunter Regional Plan 2041

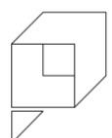
The site is not the direct result of a strategic study or report. However, the Draft updated Hunter Regional Plan 2041 which is currently on public exhibition between 1 December 2021 to 4 March 2022 identifies opportunities for rezoning suitable land within the specific region. This includes land which is located adjacent to an existing rural residential zoned area and which is a minor and contiguous extension of the existing urban area.

This submission intends to inform both the Draft updated Hunter Regional Plan 2041 and the Draft Mid Council Rural Strategy to ensure a future planning proposal will be guided by a Council endorsed strategic study.

#### 4.2.2 Community Strategic Plan 2018-2030 (CSP)

The proposal identifies a number of actions that are relevant to the proposal relating to creating a connected community and growing the economy. Key relevant actions identified in the Plan includes the following:

- Bring the village together by installing a 1kmfoot/bike "all access" path between the two sections.
- The following upgrades to the Tidal Pool Precinct:
  - Pool perimeter netting support structure to floating pontoons
  - Increase depth & remove weed growth
  - Remove coffee rock ledge near the shoreline
  - Renourishment of sand
  - Improve/provide sunshade
  - Relocate two volunteer storage sheds from pool foreshore area to more central off leash dog reserve
  - Install all access septic toilet & changeroom facility – a safety initiative to avoid children crossing busy launching ramp to access toilets.
  - Install disabled parking at entrance to pool & upgrade footpath to all access
- MidCoast Council to acquire 430m<sup>2</sup> of land at the subject site to reflect existing use.
- MidCoast Council consult with community to update and implement the existing civic centre precinct plan including the following:
  - Main carpark – enlarge & level, improve drainage, tar seal & include disabled parking
  - Improve access to Moorrooba Rd for improved safety
  - Drainage upgrade for entire reserve to accommodate planned usage
  - Install signage highlighting facilities in reserve
  - Install a perimeter fence around the precinct
  - Install security cameras



- o Install multi-use court (netball/basketball/volleyball etc)
- o Replace water tanks at hall
- o Extend the hall veranda
- o Replace skate ramp
- o Install contemplative area / Chapel
- o Replace tennis court fencing
- o Install LED flood lights at tennis court
- o Make precinct accessible for people with disabilities
- o Concrete access & turning area at Coomba RFS to allow fully laden fire trucks to manoeuvre in confined space
- o Concrete ramp driveway to Men's shed
- o Expand precinct by council acquisition of land (part Lot 12 of DP263471) at top of Tallawarra
- o Street for future growth & community use

The proposal can become the economic catalyst to contribute to a number of these actions as follows:

- Embellishment of the existing foreshore area and upgrade of the existing public baths;
- Dedication of 430m<sup>2</sup> of land to Council to enable an increase to the size of the public foreshore;
- The future development will provide developer contributions which would enable to upgrade the existing civic centre precinct; and
- Create a new pedestrian and cycling link which will provide access between the civic centre precinct at 86 Moorrooba Road and Tallawalla Road

## ***Q2 – Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?***

In order to facilitate the increase of additional housing to meet future dwelling capacity targets a Local Environmental Plan (LEP) amendment or State Environmental Planning Policy (SEPP) is the only statutory mechanisms available. An LGA wide planning proposal is the best means of achieving the intended outcome because community consultation has already commenced and can be expanded upon during the rezoning process.

## **4.3 Relationship to Strategic Planning Framework**

### ***Q3 – Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?***

The Planning Proposal demonstrates strategic merit through its consistency with the objectives and actions of the applicable regional strategic plans and policies discussed below.

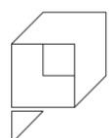
#### **4.3.1 NSW State Plan 2021**

The New South Wales State Plan sets the strategic direction and goals for the NSW Government across a broad range of services and infrastructure. The State Plan nominates one of the key challenges for the State as being the planning challenges that arise from continued population growth. The increased density proposed, and future redevelopment of the site is consistent with the State Plan. This is because the proposal will provide jobs and encourage housing diversity in a location close to nearby services and facilities.

#### **4.3.2 Mid North Coast Regional Strategy 2009**

The land is identified within the Mid North Coast Regional Strategy 2009 as within the Coomba Park Coastal Village which is located within the Coastal Area. The land is not identified in the Mid North Coast Regional Strategy for urban development. Notwithstanding this, the proposal is consistent with the Strategy's key aims to:

- Protect high value environments, including significant coastal lakes, estuaries, aquifers, threatened species, vegetation communities and habitat corridors by ensuring new development avoids these important areas and their catchments;
- limit development in places constrained by coastal processes, wetlands, and landscapes of high scenic and conservation value; and
- The land can be made suitable by leveling of the land to prevent flooding,
- The Strategy's key action for local environmental plans to protect and zone land with high environmental, vegetation, habitat, riparian, aquatic, coastal or corridor values for environmental protection.





### 4.3.3 Hunter Region Plan 2016

The Hunter Regional Plan 2016 (HRP) applies to the MidCoast LGA, specifically the following directions:

*"Direction 6 – Grow the economy of MidCoast and Port Stephens is relevant to the proposal".*

The proposal will provide housing supply and diversity for the area which will have a positive economic impact on the community and local services and therefore is considered consistent with this direction. The proposal would enable the embellishment of the foreshore area and which is an important local passive recreation facility and provides services and activities for the community and visitors.

*"Direction 14 – Protect and connect natural areas is relevant to the proposal".*

The proposal will remove some regrowth vegetation from the site and includes no serious or irreversible impacts and identifies appropriate avoidance and mitigation measures. The site does not contain any Endangered Ecological Communities (EEC). The future proposal will supported by a future Biodiversity Development Assessment Report (BDAR) which identify natural vegetation which should be protected and opportunities to revegetate the land and contribute to creating a riparian corridor at the site.

The proposal is consistent with this Direction.

*"Direction 16 – Increase resilience to hazards and climate change is relevant to the proposal".*

The site is not located on Council's Coastal Risk Planning map, however the site contains a number of site specific constraints that are further assessed in this submission. To ensure the potential impacts are fully understood and consistent with this direction, a future detailed flood study and geotechnical report will be provided as part of a future planning proposal. Notwithstanding this, the outcomes of these studies are not considered to significantly impact on the proposal.

*"Direction 18 – Enhance access to recreational facilities and connect open spaces is relevant the proposal".*

The rezoning of the site provides an opportunity to enhance access and recreational facilities along the foreshore and provided continued pedestrian and cycling access from the existing park at 37 Tallawalla Road and future park at 86 Moorrooba Road.

*"Direction 22 – Promote housing diversity is relevant to the proposal".*

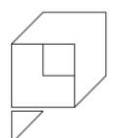
The Large Lot Residential Supply and Demand Analysis prepared by MidCoast Council identifies there is a significant demand for Large Lot Residential development across the LGA with the data showing a trend for lots being developed soon after they are released. Specifically, the HRP includes a housing action for MidCoast to investigate renewal and infill housing opportunities that respond to changing demographics. The proposal implements the outcomes envisaged in this direction.

### 4.3.4 Draft updated Hunter Regional Plan 2041

The land is located within a Coastal Village within the Coastal District of the draft updated Hunter Regional Plan 2041 which is on public exhibition between 1 December 2021 to 4 March 2022. The land is not directly identified within the Mid North Coast Regional Strategy, see the figure extracted from the Draft updated Hunter Regional Plan 2041.



Figure 4. Housing Strategy Growth Areas  
Source: Draft updated Hunter Regional Plan 2041



The draft strategy stipulates the following:

*"The coastal towns and villages set amongst this pristine natural landscape draw new residents and tourists that can create development pressure. Urban development will need to be consolidated and confined to existing urban areas.*

*This will maintain the distinct character of individual communities; avoid biophysical constraints and natural hazards; protect environmental values and landscape features; protect natural resources and quality farming land; and plan for the effective and efficient delivery of infrastructure and services.*

*To safeguard the sensitive coastal environment, rural residential development will be limited to existing rural residential zoned areas, and **only minor and contiguous extensions to existing urban areas will be considered**".*

The rezoning of the subject land is considered consistent with the aim of the draft strategy for the following reasons:

- The site is located adjacent to an existing rural residential zoned area and a minor and contiguous extension of the existing urban area;
- The rezoning would retain the FSR and height standard which applies to the land ensuring it would maintain the distinct character of the Coomba Park communities;
- The proposal would protect high value environments, including significant coastal lakes, estuaries, aquifers, threatened species, vegetation communities and habitat corridors by ensuring new development avoids these important areas and their catchments;
- The proposal would limit development in places constrained by coastal processes, wetlands, and landscapes of high scenic and conservation value; and
- The land can be made suitable by leveling the small portion of the land subject to flooding.
- The land is currently used as a holiday home and not used for natural resources or as farming land;
- It would be suitable to expand the residential use adjacent to the existing village to ensure effective and efficient delivery of infrastructure and services.

**Q4 – Is the planning proposal consistent with a Council’s local strategy or other local strategic plan?**

#### **4.3.5 Great Lakes Active Ageing Strategy 2015-2018**

As previously identified, the former Great Lakes LGA has the highest proportion of people over 50 years and Council has responded by adopting the Active Ageing Strategy to assist in managing the aging population. The proposal is consistent with this Strategy as it will provide for the needs of this demographic by providing additional housing supply and diversity.

In addition, the proposal also seeks to improve cycleways/footpaths and connections to the future park and foreshore. The proposal addresses the requirement of providing increased connectivity.

#### **4.3.6 Community Strategic Plan 2018-2030 (CSP)**

The proposal identifies a number of actions that are relevant to the proposal relating to creating a connected community and growing the economy. The proposal is consistent with this action of the CSP.

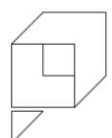
The CSP also has a direction relating to improving the capacity of industry and the community to achieve the best possible outcomes for the natural environment. The proposal provides an opportunity to provide a green pedestrian/cycling link between the Civic Community Precinct at 86 Moorrooba Road to the Tidal Pool Precinct via Tallawalla Road and provide a means to fund the upgrade both precincts.!

**Q5 – Is the planning proposal consistent with applicable State Environmental Planning Policies?**

The proposals consistency with current State Environmental Planning Policies (SEPPs) and Regional Environmental Plans (REPs), which are deemed SEPPs, are summarised in the table below.

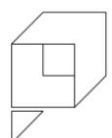
**Table 7. Consistency with SEPPs and REPs**

State Environmental Planning Policy	Assessment
SEPP (Koala Habitat Protection) 2020	The site is unlikely a Koala Habitat as the land includes limited native gum trees and predominantly cleared and includes regrowth vegetation no greater than 4m in height.

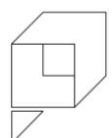




State Environmental Planning Policy	Assessment
	The proposal provides an opportunity to provide riparian corridor and to revegetate the site to create a future Koala habitat.
SEPP (Koala Habitat Protection) 2021	<p>This SEPP applies to the Great Lakes local Area.</p> <p>The SEPP encourages the conservation and management of natural vegetation areas that provide habitat for koalas to ensure permanent free-living populations will be maintained over their present range.</p> <p>Historical records of koalas exist in the LGA, however there has never been a Koala sighting at the site. Further, throughout the study area and spotlighting also failed to detect the flora and fauna assessment as constituting Core Koala Habitat as defined within the SEPP.</p> <p>A Core Koala Habitat assessment can be provided with the future planning proposal which will examine historical records, targeted scat findings and scratching.</p> <p>The proposal provides an opportunity to provide riparian corridor and to revegetate the site to create a future Koala habitat.</p>
SEPP (Aboriginal Land) 2019	An archaeological study of the land can be provided as part of a future planning proposal to investigate and consultant to determine if there are any potential aboriginal archaeology located at the site. There is currently no known aboriginal archaeology located at the site.
SEPP (Activation Precincts) 2020	Not applicable
SEPP (Concurrences and Consents) 2018	Not applicable
SEPP (Educational Establishments and Child Care Facilities) 2017	Not applicable
SEPP (State and Regional Development) 2011	Not applicable
SEPP (Sydney Drinking Water Catchment) 2011	Not applicable
SEPP (Urban Renewal) 2010	Not applicable
SEPP (Western Sydney Parklands) 2009	Not applicable
SEPP (Exempt and Complying Development Codes) 2008	Not applicable
SEPP (Western Sydney Employment Area) 2009	Not applicable
SEPP (Kosciuszko National Park – Alpine Resorts) 2007	Not applicable
SEPP (Infrastructure) 2007	The future development application will potentially trigger a referral to the RMS and Ausgrid.
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	Not applicable
SEPP (Sydney Region Growth Centres) 2006	Not applicable
SEPP (State Significant Precincts) 2005	Not applicable
SEPP (Building Sustainability Index: BASIX) 2004	The BASIX SEPP requires residential development to achieve mandated levels of energy and water efficiency.
SEPP (Housing) 2021	Not applicable
SEPP (Penrith Lakes Scheme) 1989	Not applicable
SEPP (Kurnell Peninsula) 1989	Not applicable



State Environmental Planning Policy	Assessment
SEPP No. 19 Bushland in Urban Areas	Not applicable
SEPP No. 21 Caravan Parks	Not applicable
SEPP No. 33 Hazardous and Offensive Development	Not applicable
SEPP No. 36 Manufactured Home Estates	Not applicable
SEPP No. 47 Moore Park Showgrounds Not applicable	Not applicable
SEPP No. 50 Canal Estate Development	Not applicable
SEPP No. 55 Remediation of Land	A detailed contamination assessment can be provided as part of a future planning proposal to determine if there is any contamination of the land and to provide recommendations which would form part of a Remediation Action Plan.
SEPP No. 64 Advertising and Signage Not applicable	Not applicable
SEPP No. 65 Design Quality of Residential Apartment Development	Not applicable
SEPP No. 70 Affordable Housing (Revised Schemes)	Not applicable
SEPP Vegetation in Non-Rural Areas	Not applicable
SEPP Coastal Management 2018	Not Applicable
SEPP (Gosford City Centre) 2018	Not Applicable
Draft Environment SEPP	Any existing significant vegetation at the site is able to be retained as part of any future proposal. The future masterplan for the land can provide a green pedestrian/cycling link between the Civic Community Precinct at 86 Moorrooba Road to the Tidal Pool Precinct via Tallawalla Road.
Draft SEPP Primary Production and Rural Development	The current C4 Environmental Living land use zone prohibits primary production at the site and primary production would not be suitable for the land given its location to a natural lake. Therefore, the proposed rezoning will not reduce potential primary production in the locality.
Sydney Regional Environmental Plan No. 8 – Central Coast Plateau Areas	Not applicable
Sydney Regional Environmental Plan No. 9 – Extractive Industry	Not applicable
SREP No. 16 – Walsh Bay Not applicable	Not applicable
SREP No. 20 – Hawkesbury-Nepean River	Not applicable
SREP No. 24 – Homebush Bay Area	Not applicable
SREP No. 26 – City West	Not applicable
SREP No. 30 - St Marys	Not applicable
SREP No. 33 – Cooks Cove	Not applicable
Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005	Not applicable
Greater Metropolitan REP No. 2 – Georges River Catchment	Not applicable



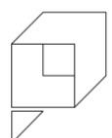
State Environmental Planning Policy	Assessment
Willandra Lakes REP No. 1 – World Heritage Property	Not applicable
Murray REP No. 2 – Riverine Land	Not applicable

## Q6 – Is the planning proposal consistent with applicable Ministerial Directions (s9.1 directions)?

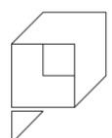
The Planning Proposal's consistency with applicable section 9.1 Ministerial Directions is outlined in Table 8.

**Table 8. Consistency with SEPPs and REPs**

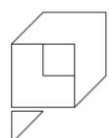
Ministerial Direction	Assessment
<b>Employment and Resources</b>	
1.1 Business and Industrial Zones (a) encourage employment growth in suitable locations, (b) protect employment land in business and industrial zones, and (c) support the viability of identified strategic centres	There is an opportunity to provide a small portion of retail at the site to encourage employment growth in the suburb and support the viability of the town.
1.2 Rural Zones	Not Applicable, the site is zoned C4 Environmental Living
1.3 Mining, Petroleum Production and Extractive Industries	Not Applicable.
1.4 Oyster Aquaculture Not applicable	Not Applicable.
1.5 Rural Lands	Not Applicable, the site is zoned C4 Environmental Living
<b>Environment and Heritage</b>	
2.1 Environmental Protection Zones	This direction aims to conserve and protect environmentally sensitive areas. The site is largely cleared and there is a small portion of remnant existing vegetation regrowth. The proposal is able to retain significant mature trees where possible and provide an opportunity to provide a riparian corridor which can connect the existing park, future park and foreshore area. Therefore, the proposal will not result in any serious or irreversible impacts  A biodiversity Study and Vegetation Management Plan will be provided with the future planning proposal to address biodiversity impacts and koala habitat.  The proposal is consistent with this Direction.
2.2 Coastal Management	Not applicable
2.3 Heritage Conservation	Not applicable
2.4 Recreation Vehicle Areas	Not applicable
2.5 Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs	Not applicable
2.6 Remediation of Contaminated Land	It is proposed to retain the zoning of the site and the proposed additional storey would not increase the potential risk of contamination in relation to the land.
<b>Housing, Infrastructure and Urban Development</b>	



Ministerial Direction	Assessment
3.1 Residential Zones	<p>The Planning Proposal is consistent with the direction for the following reasons:</p> <ul style="list-style-type: none"> <li>▪ The proposal can provide a mix of dwelling types to meet future population needs. The site is well placed to accommodate low density residential uses.</li> <li>▪ The proposal will make efficient use of existing services and infrastructure adjoining any existing village. It will provide sufficient housing to help meet infill housing targets and reduce the need for land release on the metropolitan fringe.</li> <li>▪ Residential accommodation in this location will have minimal impact on the natural environment or resource lands. This is because the site is already largely cleared and are not constrained by natural hazards. The proposal is consistent with the scale supported by Council through its adopted Planning Study.</li> </ul>
3.2 Caravan Parks and Manufactured Home Estates	Not applicable
3.4 Integrating Land Use and Transport	Not applicable
3.5 Development Near Licensed Aerodromes	Not applicable
3.6 Shooting Ranges	Not applicable
3.7 Reduction in non-hosted short term rental accommodation period	Not applicable
<b>Hazard and Risk</b>	
4.1 Acid Sulphate Soils	<p>Section 6 of the Direction states that a planning authority must not prepare a planning proposal that proposes an intensification of land uses unless an acid sulphate soils study assessing the appropriateness of the change of land use has been prepared. The preparation of Acid Sulphate Soil Study can be provided as part of a future planning proposal ensuring consistency with this Direction.</p>
4.2 Mine Subsidence and Unstable Land	Not applicable
4.3 Flood Prone Lane	<p>A small portion of the site is identified as being located within the 1 in 100 year flood planning area.</p> <p>The ministerial direction stipulates a planning proposal must not rezone land within the flood planning area from Recreation, Rural, Special Purpose or Environmental Protection Zones to a Residential, Business, Industrial or Special Purpose Zones.</p> <p>Notwithstanding this, the Ministerial Direction stipulates a planning proposal may be inconsistent with the terms of this direction only if the planning proposal authority can satisfy the Secretary of the Department of Planning, Industry and Environment (or their nominee) that:</p> <p><i>“(a) the planning proposal is in accordance with a floodplain risk management study or plan adopted by the relevant Council in accordance with the principles and guidelines of the Floodplain Development Manual 2005, or</i></p> <p><i>(b) where there is no council adopted floodplain risk management study or plan, the planning proposal is consistent with the flood study adopted by the council prepared in accordance with the principles of the Floodplain Development Manual 2005 or</i></p> <p><i>(c) the planning proposal is supported by a flood and risk impact assessment accepted by the relevant planning authority and is prepared in accordance with the principles of the Floodplain Development Manual 2005 and consistent with the relevant planning authorities’ requirements, or</i></p> <p><i>(d) the provisions of the planning proposal that are inconsistent are of minor significance as determined by the relevant planning authority”.</i></p> <p>The future planning proposal will be supported by a flood and risk impact assessment in consultation with the MidCoast Council and prepared in accordance with the principles of the Floodplain Development Manual 2005.</p> <p>It is planned that a portion of the land fronting the foreshore will not include residential development and/or level designed to support a residential use.</p>



Ministerial Direction	Assessment
	A portion of the land within flood zone can be retained as the C4 Environmental Living zoning, alternatively the entire site can be rezoned to RU5 Village and the flood planning area map and site specific DCP can be designed to ensure no residential floor area is located below the flood planning level.
4.4 Planning for Bushfire Protection	Not applicable
<b>Regional Planning</b>	
5.2 Sydney Drinking Water Catchments Not applicable	Not applicable
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	Not applicable
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	Not applicable
5.9 North West Rail Link Corridor Strategy	Not applicable
5.10 Implementation of Regional Plans	The proposal is consistent with this Direction. This proposal outlines an assessment demonstrating the achievement of the objective of this Direction
5.11 Development of Aboriginal Council land	Not applicable
<b>Local Plan Making</b>	
6.1 Approval and Referral Requirements	This is an administrative requirement for Council.
6.2 Reserving Land for Public Purposes	This is an administrative requirement for Council.
6.3 Site Specific Provisions	The proposal is consistent with this direction.  The proposal does not seek to impose multiple unnecessarily restrictive site-specific land use zones, rather a single RU5 Village zoning with specific constraints to be addressed by a site specific DCP.
<b>Metropolitan Planning</b>	
7.3 Parramatta Road Corridor Urban Transformation Strategy	Not applicable
7.4 Implementation of Northwest Priority Growth Area Land Use and Infrastructure Implementation Plan	Not applicable
7.5 Implementation of Wilton Priority Growth Area Interim Land use and Infrastructure Implementation Plan	Not applicable
7.6 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	Not applicable
7.7 Implementation of Glenfield to Macarthur Urban Renewal Corridor	Not applicable
7.8 Implementation of Western Sydney Aerotropolis Plan	Not applicable
7.9 Implementation of Bayside West Precincts 2036 Plan	Not applicable



Ministerial Direction	Assessment
7.10 Implementation of Planning Principles for the Cooks Cove Precinct	Not applicable
7.11 Implementation of St Leonards and Crows Nest 2036 Plan	Not applicable
7.12 Implementation of Greater Macarthur 2040	Not applicable
7.13 Implementation of the Pyrmont Peninsula Place Strategy	Not applicable

## 1.1 Environmental, Social and Economic Impact

***Q7 – Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats will be adversely affected as a result of the proposal?***

The site does not include any significant coastal lakes, estuaries, aquifers, known threatened species or vegetation communities, habitat corridors, wetlands, and landscapes of high scenic or conservation value. The site is predominantly cleared, though includes remnant regrowth vegetation which contributes to the village.

The rezoning of the land is able to accommodate the retention of any existing vegetation and provide a green link between the existing park, future park and foreshore providing a wildlife corridor and pedestrian link. Therefore, the proposal provides an opportunity to significantly improve the existing critical habitat or threatened species, populations or ecological communities by revegetating the site and providing a riparian corridor. An ecology and biodiversity study will be provided with any future planning proposal.

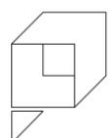
***Q8 – Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?***

The site is free of major constraints. There are no likely environmental effects associated with the future development of the land that cannot be suitably mitigated through further design development. Preliminary investigations have been undertaken as outlined below.

### **4.3.7 Flooding**

The Wallis Lake Foreshore (Flood plan) Risk Management Study has been prepared by the MidCoast Council and identifies the site is subject to flooding. The figures below illustrate the different extents of flooding impacts which apply to the site based on the existing flood studies and by the year 2060 and 2100 as a result of climate change. It is evident that by the year 2100 a greater portion of the land will be flooded during a 5 year ARI event given the current land level. It is proposed to restrict residential development within the foreshore area which will include a floor level less than the 100 Year ARI 2100 flood level. There are two options to address this which are outlined below:

A portion of the land located within the 1 in 100 year ARI for the year 2100 could be retained as the zone C4 Environmental Living and the portion of the land containing the Probable Maximum Floodlevel (PMF) could be partly filled and/or includes dwelling designs which ensure a 500mm freeboard above the 1 in 100 year ARI for the year 2100. Alternatively, the entire site could be rezoned to RU5 Village and the restrictions in relation to the flooding be included within the LEP and a site specific DCP detail the desired future indicative layout for the masterplan and include specific flood mitigation measures. The future planning proposal will include a detailed flood study with recommendations.



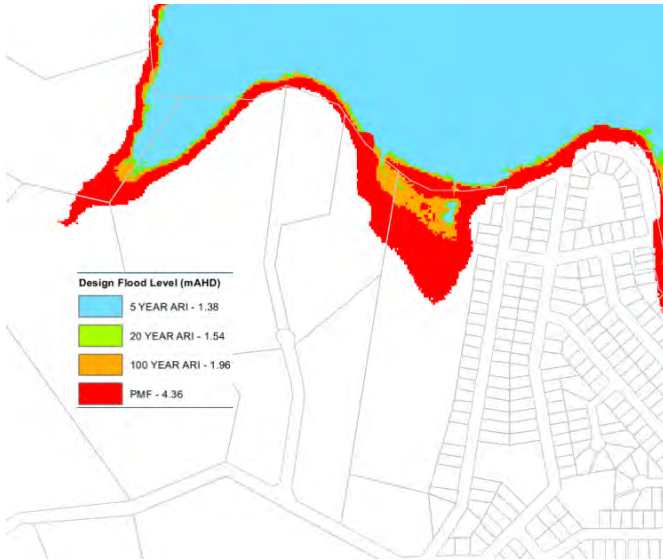


Figure 5. Design Flood Level Existing  
Source: MidCoast Council

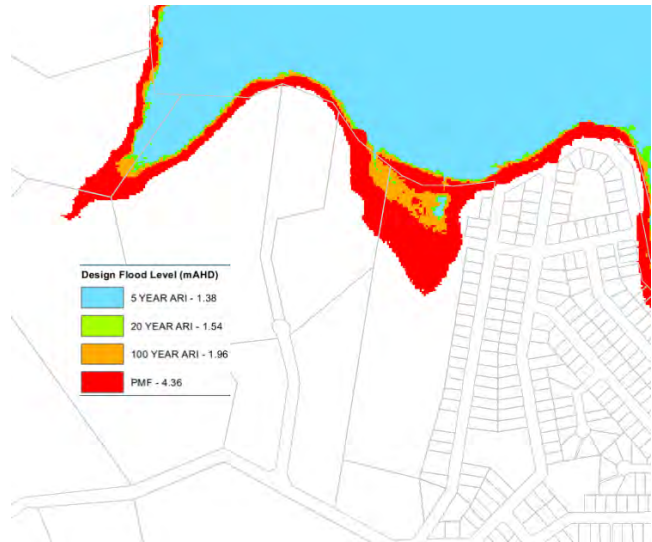


Figure 6. The Design Flood level at the year 2060  
Source: MidCoast Council

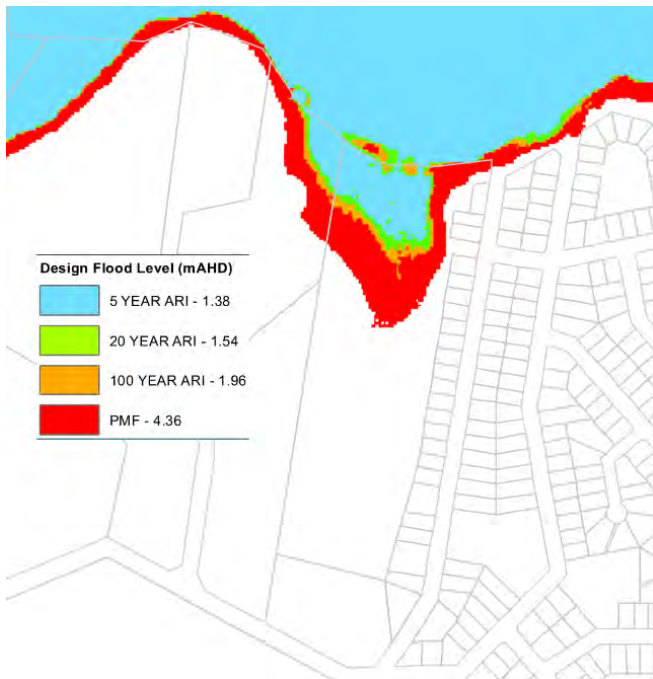


Figure 7. Design Flood Level 2100  
Source: MidCoast Council

### 4.3.8 Bushfire

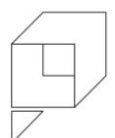
The site is currently not identified as being affected by bushfire.

Notwithstanding this, a draft bushfire threat assessment for the subject site will be provided as part of a future planning proposal. The assessment will be undertaken in accordance with relevant legislation and Planning for Bushfire Protection 2006 guidelines.

### 4.3.9 Aboriginal Archaeology

A Cultural Heritage assessment will be provided for the site as part of a future planning proposal.

A search of the OEH Aboriginal Heritage Information Management System (AHIMS) has been provided which covered a radius of 50m surrounding the study area. The search revealed sites in the regional area but no sites had been previously recorded in the immediate study area.



#### 4.3.10 Traffic

A Traffic Impact Assessment will be provided with a future planning proposal. The assessment will review the existing traffic network, likely increase in traffic and proposed future road and footpath connections to the existing road network.

Whilst there will be a net increase in traffic generation when compared to current conditions, this increase is considered to be negligible and we do not envisage any adverse impacts to the performance of surrounding intersections and therefore the surrounding road network is expected to operate at current levels. The proposal is considered supportable on traffic related considerations.

#### 4.3.11 Soils and Groundwater

A Preliminary Site Contamination Assessment will be provided for the site as part of a future planning proposal. There is unlikely any widespread contamination or high concentrations of contamination at the site given the historical use of the site.

#### 4.3.12 European Heritage

A Cultural Heritage assessment will be provided for the site as part of a future planning proposal. There is unlikely any significant European Heritage relating to the subject site given the historical use of the land.

#### 4.3.13 Stormwater and Hydrology

A Stormwater and Hydrology assessment will be provided for the site as part of a future planning proposal. Consideration will need to be given as part of the future DCP of the future drainage network of the site and to the foreshore. The future DCP will establish a water quality principles to manage water quality discharge from the site to any receiving waters.

*Q9 – Has the planning proposal adequately addressed any social and economic effects?*

#### 4.3.14 Economic and Social Benefits

A Social and Economic Assessment for the proposal will be provided as part of a future planning proposal. The assessment will examine the impacts of the proposal of the potential future residential lots upon Coomba Village.

A review of the local housing market concluded that Coomba Village has a number of attributes that make it attractive and that it would be able to sustain the subject proposal.

The existing social infrastructure was reviewed in the light of the changing population. The local area is well served by community facilities and services however existing public transport options are poor, so the services will mainly be accessible via private motor vehicle. Dependence on the motor vehicle is common in rural areas and has a number of social costs, including social exclusion because fewer mobile people are cut off from accessing services and engaging with the community. To mitigate these costs, there are the following potential economic and social benefits to be provided:

- Dedication of land along the foreshore area to Council to enable a larger public open space area adjoining the foreshore bath facilities and public park;
- Embellishment of the foreshore area and existing bath facilities which are in need of repair and upgrades.
- providing a green pedestrian/cycling link between the Civic Community Precinct at 86 Moorroba Road to the Tidal Pool Precinct via Tallawalla Road; and
- The potential provision of neighbourhood shops and café/restaurant to provide additional retail options for residents and support the use of the public baths.

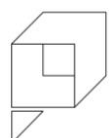
The local provision of some facilities within the study area will be considered in the detailed design and information about existing services should be provided to new residents.

Overall, the subject proposal will also have positive economic impacts, through flow-on effects of construction and the increased retail spending in the township. It is anticipated that development will have a positive social impact and is likely to have a net economic benefit.

#### 4.3.15 State and Commonwealth Interests

*Q10 – Is there adequate public infrastructure for the planning proposal?*

Reticulated sewer and water, electricity and telecommunications infrastructure are available to the subject site and hence it is considered that there is adequate public infrastructure available or suitable capacity for upgrading at the proponents expense.





## Q11 – What are the views of state and Commonwealth public authorities consulted in accordance with the Gateway determination?

No consultation with State or Commonwealth authorities has been carried out to date on the Planning Proposal.

The Gateway Determination will advise the public authorities to be consulted as part of the Planning Proposal process. Any issues raised will be incorporated into this Planning Proposal following consultation in the public exhibition period.

In accordance with the Gateway Determination, public exhibition of the planning proposal is required for a minimum of 28 days. North Sydney Council must comply with the notice requirements for public exhibition of planning proposals in Section 5.5.2 of A guide to preparing local environmental plans.

## 6. Recommendations

The following amendments are recommended to the Great Lakes LEP 2014 in relation to the land at 1 Tallawalla Road, Coomba Park:

- Rezone a portion of the land from C4 Environmental Living to RU5 Village;
- Rezone 430m<sup>2</sup> of the land from C4 Environmental Living to RE1 Public Recreation;
- Retain a portion of the land to the foreshore as C4 Environmental Living; and
- The portion of the land zoned RU5 Village includes a 700m<sup>2</sup> minimum lot size.

It is envisaged that a future site specific DCP would include a pedestrian / cycling green link from the Community Civic Precinct at 86 Moorrooba Road to the Tidal Pool Precinct via Tallawalla Road to improve public access. Further, the site specific DCP would include controls to ensure the masterplan is designed to mitigate any future flood impacts to future dwellings which are currently identified within the 1 in 100 year 2100 PMF.

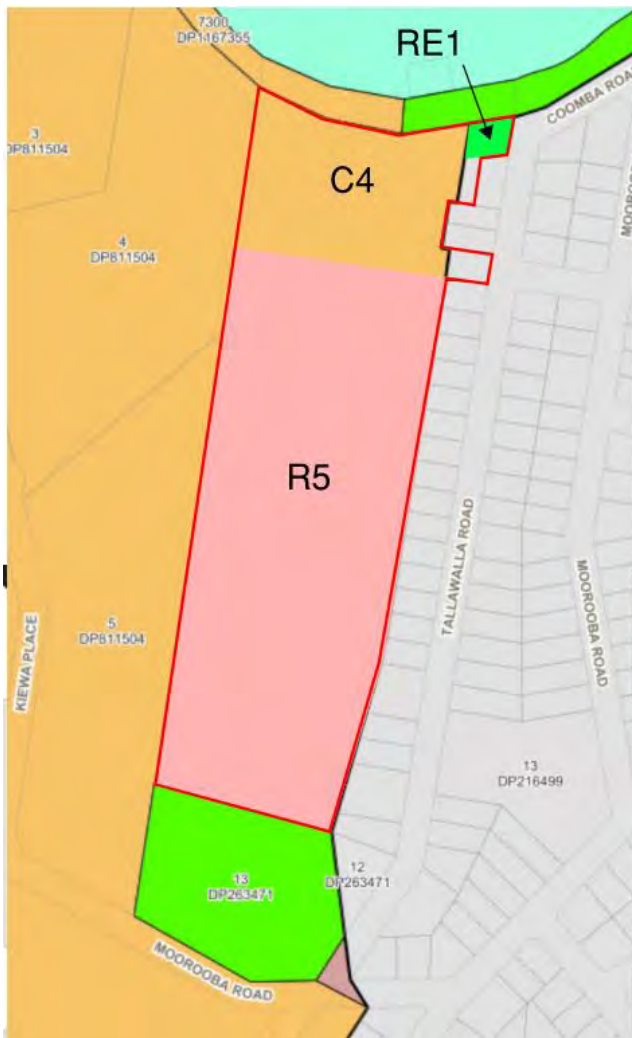
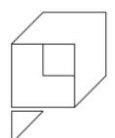


Figure 8. Recommended Rezoning of the land

Source: MidCoast Council Rural Strategy (amended)



## 7. Conclusion

Paro Consulting reaffirm their support for the proposed Draft MidCoast Rural Strategy provides a consolidated platform for considering how land and water resources outside our towns and villages are expected to be used and developed in the coming decades and which will establish amendments to the Local Environmental Plan and Development Control Plan. As per the assessment included within the submission, we further believe there to be opportunity for the MidCoast Council to achieve & exceed both their objectives of the Draft MidCoast Rural Strategy in addition to the broader aims of the Draft updated Hunter Regional Plan 2041 subject to the refinement and additions of the aforementioned recommendations.

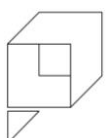
A key objective of the draft updated Hunter Regional Plan 2041 is to explore expanding rural residential lands located adjacent to an existing rural residential zoned area and which is a minor and contiguous extension of the existing urban area. The proposal would support rural lands by expanding housing within an existing centre which prevents urban sprawl and provides greater use of existing services and utilities. Further, the proposal delivers several the key objectives of the Community Strategic Plan 2018-2030 through the dedication of 430m<sup>2</sup> of public land to Council, providing a green pedestrian/cycling link between the Civic Community Precinct at 86 Moorrooba Road to the Tidal Pool Precinct via Tallawalla Road and a means to fund a number of new and upgrading of Council owned recreation facilities.

Paro Consulting would like to meet with Council to discuss the items raised above in further detail. Please contact me directly to arrange a meeting or discuss further on 0422 983 710 or at [daniel@paroconsulting.com.au](mailto:daniel@paroconsulting.com.au).

Kind regards,



Daniel Barber  
Director  
B.Plan (Hons) M.ProDev CPP MPIA  
**Paro Consulting**



**Michelle Jobson**

---

**From:** haveyoursay@midcoast.nsw.gov.au  
**Sent:** Friday, 28 January 2022 12:28 PM  
**To:** MidCoast Council  
**Subject:** Make an online submission - Draft MidCoast Rural Strategy Form Submission

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged



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## Make an online submission - Draft MidCoast Rural Strategy Form Submission

There has been a submission of the form Make an online submission - Draft MidCoast Rural Strategy through your Have Your Say website.

**First Name**

Land Dynamics

**Last Name**

Australia

**Your email address**

susan.blake@ldynamics.com.au

**Your best contact phone number**

+10265832677

**Suburb**

Port Macquarie NSW

**Postcode**

2444

**Property address of interest**

Lot 50 DP 753168, Lot 100 DP 1280253, Lots 4,5,6,7 DP 249361 The Lakes Way - Berts Farm / Pipers Bay South

**Property suburb of interest**

Forster

**Submission subject**

Attached is a submission to the Draft MidCoast Rural Strategy from Land Dynamics Australia on behalf of McCloy Group regarding Lot 50, DP 753168, Lot 100 DP 1280253, Lots 4-7 DP 249361, The Lakes Way, Forster - Berts Farm / Pipers Bay South.

**Please provide your submission here and/or upload your supporting documents below.**

Attached is a submission to the Draft MidCoast Rural Strategy from Land Dynamics Australia on behalf of McCloy Group regarding Lot 50, DP 753168, Lot 100 DP 1280253, Lots 4-7 DP 249361, The Lakes Way, Forster - Berts Farm / Pipers Bay South.

**Upload Submission details and/or supporting documents**

- [20220128 Submission to Draft MidCoast Rural Strategy Berts Farm 5536.pdf](#)

To view all of this form's submissions, visit

[https://haveyoursay.midcoast.nsw.gov.au/index.php/dashboard/reports/forms\\_new/data/46](https://haveyoursay.midcoast.nsw.gov.au/index.php/dashboard/reports/forms_new/data/46)





**LandDynamics**  
AUSTRALIA

Submission  
Draft MidCoast Rural Strategy

Bert's Farm / Pipers Bay South

Lot 50 DP 753168

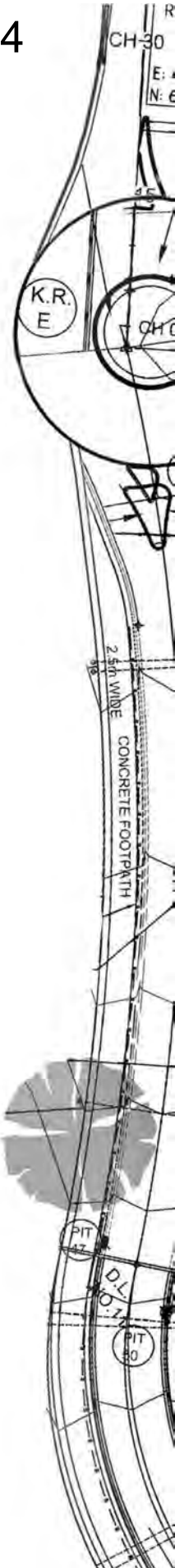
Lot 100 DP 1280253

& Lots 4,5,6,7 DP 249361

The Lakes Way, Forster

On behalf of  
McCloy Group





**Prepared for:**

McCloy Group

**Prepared By:**

**Land Dynamics Australia**

77 Lord Street Port Macquarie NSW 2444 – PO Box 2459 Port Macquarie NSW 2444  
T: 02 6583 2677 E: pm@ldynamics.com.au  
www.ldynamics.com.au

	Name	Date
<b>Prepared By</b>	Susan Blake	28/01/2022
	Michael Summers	28/01/2022

**Disclaimer**

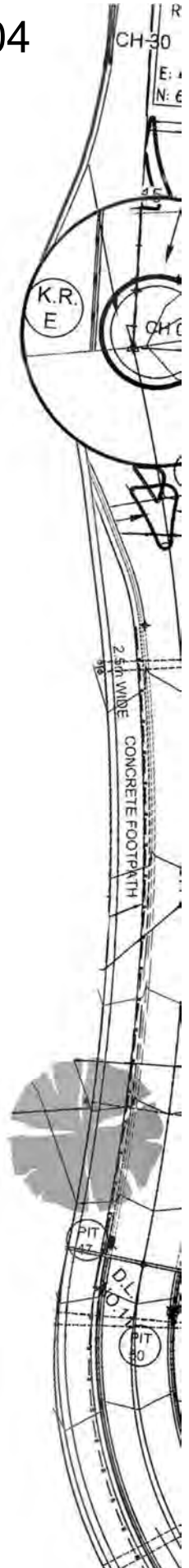
*This report was prepared in accordance with the scope of works set out in correspondence between the client and Land Dynamics Australia. To the best of Land Dynamics Australia's knowledge, the report presented herein accurately reflects the Client's intentions when the report was printed. However, it is recognised that conditions of approval at time of consent, post development application modification of the proposals design, and the influence of unanticipated future events may modify the outcomes described in this report.*

*Land Dynamics Australia used information and documentation provided by external persons, companies and authority. Whilst checks were completed by Land Dynamics Australia to ensure that this information and/or documentation was accurate, it has been taken on good faith and has not been independently verified. It is therefore advised that all information and conclusions presented in this report apply to the subject land at the time of assessment, and the subject proposal only.*



Table of Contents

1.	INTRODUCTION .....	4
2.	SITE & CONTEXT .....	6
	The Site .....	6
	Surrounding Land Uses .....	6
	Previous Applications & Discussions with Council .....	7
	Zoning of the Site .....	8
3.	DISTRICT PLANNING & GROWTH STRATEGIES.....	9
	MidCoast Urban Release Areas report.....	11
	Mid North Coast Regional Strategy dated March 2009.....	12
	Hunter Regional Plan 2036 .....	12
	MidCoast Housing Strategy.....	13
	South Forster Structure Plan .....	13
4.	CONCLUSION.....	15



## 1. INTRODUCTION

The purpose of this submission is to provide MidCoast Council comments on the Draft MidCoast Rural Strategy, with respect to our client's subject site at The Lakes Way, Forster.

This submission is made on behalf of the McCloy Group regarding Lot 50 DP 753168, Lot 100 DP 1280253, and Lots 4 to 7 DP 249361 known as Bert's Farm.

Council's "Have Your Say" Overview section of their website indicates with respect to the subject review:

*"Rural areas of the MidCoast are prosperous and resilient, reflecting the diversity of the landscape and the welcoming character of the people who live and work here.*

*Rural areas across the MidCoast make up 95% of the total geographic area, making them a defining feature of the region.*

*The Draft MidCoast Rural Strategy is the final body of work to be undertaken before we start developing a new, contemporary set of planning controls for the MidCoast - including a Local Environmental Plan (LEP) and a Development Control Plan (DCP) - that will cater for our community now and into the future... while ensuring we maintain the unique character of our existing towns, villages and rural areas.*

*The Draft MidCoast Rural Strategy provides a consolidated platform for considering how land and water resources outside our towns and villages are expected to be used and developed in the coming decades. It also establishes a program of actions Council and other stakeholders can take to facilitate the sustainable use of the region's assets."*

In preparing this submission, the following documents have been reviewed:

- Draft MidCoast Rural Strategy – June 2021
- Hunter Regional Plan 2036 and draft Hunter Regional Plan 2041
- Urban Release Areas Report – July 2021
- Local Strategic Planning Statement

A review of the Draft MidCoast Rural Strategy identified this is the final body of research and review required to inform the preparation of the new MidCoast LEP and DCP. The Strategy sets out to achieve four key goals:

Goal 1: Sustain Primary Production and Opportunities

Goal 2: Enhance Rural Lifestyles and Livelihoods

Goal 3: Protect Natural Landscapes

Goal 4: Improve Planning and Plan-making in practice

Some of the recommended changes include – a single rural zone, minimum 40-hectare lot size for subdivision and dwelling entitlement. Importantly for the subject site, the Strategy identifies that some rural zoned areas will be rezoned E4 Environmental Living. This rezoning is proposed where rural lifestyle properties are not used for agriculture, or where these properties are next to national park, sensitive vegetation, or waterway to allow for a range of small-scale residential, tourist and rural lifestyle activities but prevents other land uses that would impact on the environmental value of the property or adjoining areas.

Bert's Farm is presently zoned RU2 Rural Landscape under Great Lakes LEP 2014 but has been identified as a site for future urban development under Council's strategic documents. As such, this proposed rezoning is in



contradiction with the planning which has occurred to date on the subject land. A review of the site identifies that a large portion of the site being Lot 100 DP 1280253 and part of Lot 50 753168 along the Lakes Way and the rear land on Lots 4 to 7 DP 24936 has manageable constraints which would not preclude urban development, and the front portion of site has been proposed for future residential land consistent with previous determinations. There is extensive history of the review on this land including numerous specialist reports relating to flooding, groundwater, and biodiversity amongst others by the current owners and Great Lakes Council (prior to amalgamation) for the purposes of urban development on the subject land.

Most notable is the extensive work and investigations which have already occurred as part of the South Forster Structure Plan. The environmental constraints were exhaustively reviewed and detailed within the Structure Plan and a suitable area for development identified.

There is also history of a Land & Environment Court case in 2014 and resultant resolution of Great Lakes Council in 2014 *"to satisfactorily collaborate in a Master Plan which reflects the opportunities and constraints as discussed in the meeting between Council and landowners"*.

We strongly object to Bert's Farm / Pipers Bay South being excluded from future rezoning for residential purposes and request that Lot 100 DP 1280253 and part of Lot 50 DP 753168 along the Lakes Way and the rear land on Lots 4 to 7 DP 24936 be identified for infill urban development, not rezoned to E4/C4 Environmental Living.

As the last area of disturbed and cleared land and southern most residential link to Forster, we implore Council to extend the identified Urban Release Area in the MidCoast Urban Release Areas Report 2021 to be endorsed by DPIE to include the full extent of this land for rezoning to urban purposes not rezoned E4/C4 Environmental Living as identified in the draft MidCoast Rural Strategy. We agree that part of Lot 50 DP 753168 may have ecological value worthy of protection, and the current owners are presently considering part of this land for a Biodiversity Stewardship Site due to its ecological values. However, the adjoining disturbed land to the south is cleared and managed, and development for urban purposes can be undertaken sympathetically to deliver future housing whilst still protecting the environmental land.



Figure 1: Location of site with reference to the surrounding area (source: [www.sixmaps.nsw.gov.au](http://www.sixmaps.nsw.gov.au))

## 2. SITE & CONTEXT

### The Site

The subject land is collectively known as Bert's Farm / Pipers Bay South and may be described as be Lot 50 DP 753168, Lot 100 DP 128053, and Lots 4 to 7 DP 249361, The Lakes Way, Forster. The land is located on the western side of The Lakes Way, on the southern edge of Forster town centre. Refer to *Figures 1 and 2*.



Figure 2: Aerial Image of the Subject Land (source: [www.sixmaps.nsw.gov.au](http://www.sixmaps.nsw.gov.au))

There is an existing road reserves which dissects the site, as shown in the image above. Lots 4-7 DP24936 are used for small-scale grazing purposes, and we understand that the whole of the land is regularly managed by slashing for bushfire control. Lot 100 DP 1280253 is a site for model aircraft and includes a landing strip. These land areas contain scattered vegetation only and is very disturbed. Part of Lot 50 DP 753168 has valued environmental and ecological values.

### Surrounding Land Uses

Berts Farm site is located on the southern edge of Forster, approximately 6km from the CBD and 3km from the main Stockland's Shopping Centre. Along The Lakes Way contains a variety of land uses and forms of development from residential to commercial.

Immediately to the north of the site are residential developments including Palm Lakes Resort and Secura Lifestyle Resort and Follyfoot Farm nearing completion. Bert's Farm / Pipers Bay South is also directly opposite the approved development of the Seven Mile Beach Resort on the opposite side of The Lakes Way, which is a significant urban development.

Below is a photographic aerial image of the site and surrounds, which indicates construction works commenced or underway with respect to nearby residential developments to the north and east. The residential development of the large parcel of cleared residential land to the north-east at Carmona Lane is also expected shortly and a development application has been lodged with Council.



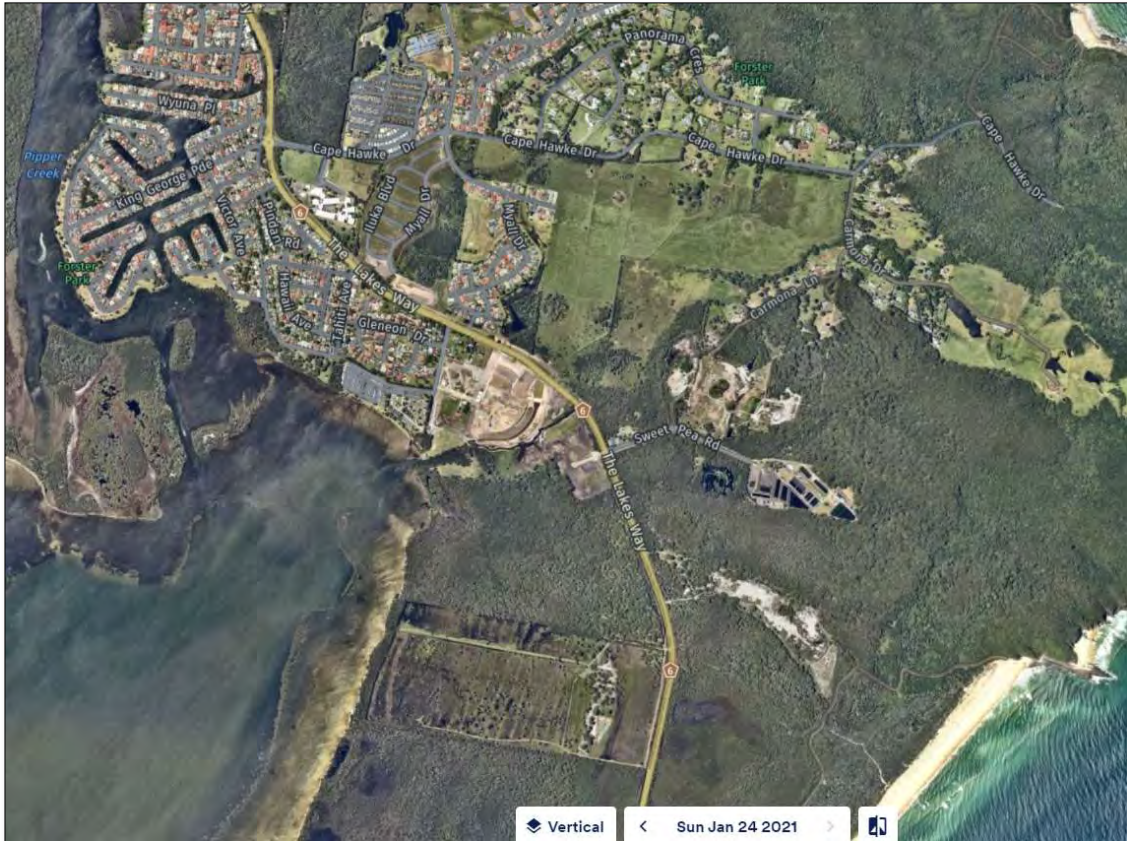


Figure 3: Aerial Image of the Subject Land in relation to other developments (source: www.nearmap.com)

## Previous Applications & Discussions with Council

The current landowner advised of a DA approval for a tavern hotel on Lot 2 DP 249361.

It was also indicated that later an application for neighbourhood shops adjoining that hotel was proposed, but that application was refused by Council and was then subject of a Land & Environment Court case in 2014. It is our understanding that the judgment indicated that the strategic planning of the site should be progressed, and the neighbourhood shops were premature until that occurs. The applicant and Council were encouraged to undertake a joint collaborative Master Plan for the future development of DP 249361. Great Lakes Council then resolved to proceed with that Master Plan, and resultant resolution of Great Lakes Council in 2014 "to satisfactorily collaborate in a Master Plan which reflects the opportunities and constraints as discussed in the meeting between Council and landowners". Negotiations and discussions with Council to date included a senior's living residential development on Lots 2 and 3 as part of that Master Plan.

A review of the judgement *Inquiry Property Investments Pty Ltd v Great Lakes Council [2014] NSWLEC 1056* confirms that:

- The site has been subject to extensive planning and is suitable for sensitive urban development.
- States: "38. As explained by Mr Busby, the RU2 zone is effectively a holding zone, prior to the necessary environmental studies being carried out that will ultimately determine the appropriate land use pattern for the site and surrounding area. In my view, the strategic value of the site is a more important consideration than the largely artificial assessment against the RU2 zone objectives as this does not reflect the proper long term planning objectives for the site and the area".

- States at Points 56 and 57: *"the site will ultimately be used for urban development of some type"* and also indicated that with respect to ecological development that it *"is more of a failing of the poor strategic location of the neighbourhood shops than an issue with ecologically sustainable development"*.

Following the judgement, Council resolved on 10 June 2014 as a priority, to proceed with the rezoning and preparation of development controls for Lots 1 - 7 DP 249361, The Lakes Way, South Forster.

<b>3</b>	<b>PES - Preparation of Planning Proposal - South Forster (Bert's Farm)</b>
Index:	SP-LEP-51
Author:	Manager Strategic Planning - Roger Busby
Strategic Committee Meeting:	10 June 2014
<hr/>	
<b>RECOMMENDATION:</b>	
That Council, as a priority, include the preparation of a planning proposal (for the rezoning) and the preparation of development controls for Lots 1 - 7 DP 249361, The Lakes Way, South Forster, in the Strategic Planning Work Program.	
<b>135 RESOLUTION</b>	
(Moved C McCaskie/Seconded A Summers)	
That Council include the preparation of a planning proposal (for the rezoning) and the preparation of development controls for Lots 1-7 DP 249361, The Lakes Way, South Forster, in the Strategic Planning Work Program, subject to a satisfactory collaborative master plan which reflects the opportunities and constraints as discussed at the meeting between Council staff and landowners on 2 June 2014.	

Subsequently, as will be addressed in the report below, the subject land has been subject of extensive investigations and continues to be pursued as land for urban purposes.

## Zoning of the Site

As indicated by the following map extract from the Great Lakes LEP 2014, the subject site is currently zoned RU2 Rural Landscape, noting that the site is located on the southern and western edge of existing residential areas.

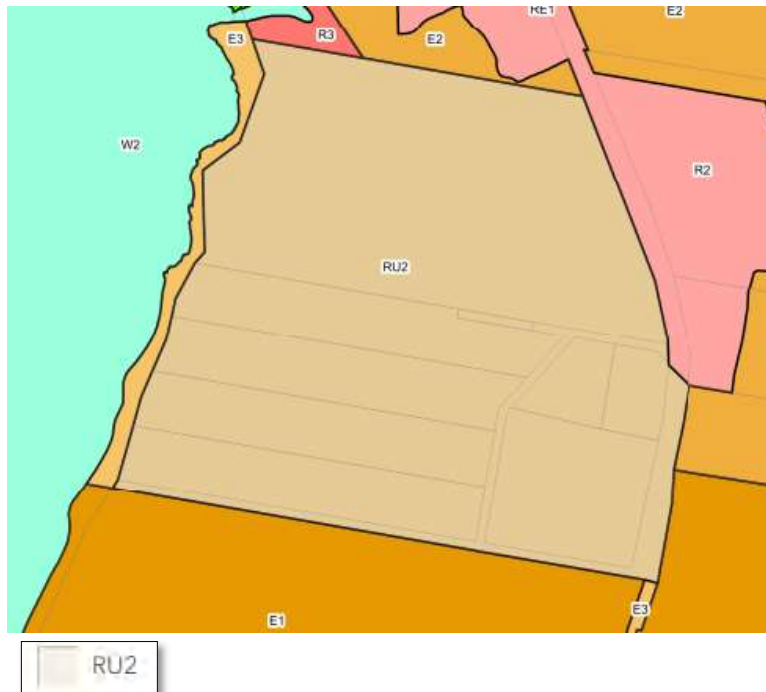


Figure 4: Zoning Map Extract Great Lakes LEP 2014



### 3. DISTRICT PLANNING & GROWTH STRATEGIES

The draft Hunter Regional Plan 2041 sets the strategic land use framework for the region. As the draft plan identifies, collaboration between state and local government organisations is needed to identify and embrace new investments, housing choices and lifestyle opportunities to retain the Hunter's position as a leading regional economy. The regional plan draws from council's local strategic planning statements and local planning strategies to develop a program for short, medium, and long-term development. The draft Hunter Regional Plan has set the following goals and principles:

**United Nations Sustainable Development Goals**



**Hunter Regional Plan Principles**



A focus of the draft Hunter Regional Plan is creating a region made up of 15-minute and 30-minute mixed use neighbourhoods, including as a response to the way people live and work considering COVID 19 shifts in how we live and work. It identifies that people place value on local, vibrant, and connected neighbourhoods which can be met within a 15-minute walk, bike, or drive and are close to recreational pursuits. The draft plan emphasises infill approaches, has a renewed focus on green infrastructure and public space to enrich the experience of living in the region. The draft plan also aims to reinforce the importance of equity in how people live, work and travel by providing greater housing choice and affordability close to shops, jobs, and services.

The subject land at Bert's Farm can provide this required housing diversity in Forster, close to green corridors and recreational opportunities, and is well connected with a major regional CBD less than 6 kilometres and is 3km from shopping and services. The subject land adjoins existing residential zoned land and has been considered in past strategic documentation as able to provide for urban expansion. Therefore, Lot 100 DP 1280253 and part of Lot 50 DP 753168 along the Lakes Way and the rear land on Lots 4 to 7 DP 24936 should be identified in strategic documentation as part of the existing urban fringe to Forster not rezoned to E4/C4 Environmental Living.

As the draft Hunter Regional Plan identifies, capitalising on these behavioural shifts requires a rethink of the role and function of local neighbourhoods. There is a need to provide a diversity of housing choices and affordable options to make neighbourhoods nimbler and more resilient, and responsive to change and growth should complement the desired character and natural setting of an area. The draft plan emphasises providing diverse housing choices through development proposals that respond to demographic trends and affordability, and housing should be adaptable to enable residents to age in place.

The McCloy Group are proposing to develop land at Bert's Farm/Pipers Bay South for land lease community living and residential purposes, and a development application is to be lodged in early 2022. As the draft Hunter Regional Plan envisages, the development will provide a higher density housing mix that is affordable, ensures provision of recreational facilities, in-house services, pedestrian walkways connected with the natural surrounds of the site, and enables healthy living immediately within the neighbourhood. The development will meet the community needs within 15 minutes of a major centre. An environmental biodiversity stewardship site is being investigated to protect ecological values of adjoining land, subject to the outcomes of current ecological surveys.

The subject land (Lot 100 DP128025 and Lots 4-7 DP 24936 and part of Lot 50 DP 753168) is cleared, and given the property size and soil types, it is not considered valued agricultural land. Although the land is adjoining a national park, it also adjoins residential zoned land. The land is located on the fringe of south Forster. As the draft Hunter Regional Plan identifies, smaller growth areas in south Forster will be needed to supplement growth, and the early resolution of environmental and infrastructure constraints will be needed to ensure their efficient release. Therefore, the subject land being Lot 50 DP 753168, Lot 100 DP 1280253 and Lots 4-7 DP 249361 is principally able to meet the draft Hunter Regional Plan 2041 requirements, and should be considered for future urban development, and urban purposes, not identified as rural or agricultural land as presently zoned or proposed for rezoning to E4/C4 Environmental Living. A planning proposal to achieve a residential outcome at Bert's Farm is currently being prepared by the McCloy Group in coordination with Land Dynamics.



Figure 29: Forster-Tuncurry regionally significant growth area



Figure 5: Draft Hunter Regional Plan 2041, p. 118

Part of the subject site is identified in Council's MidCoast Urban Release Area Report 2021, and is located within the current MidCoast Housing Strategy, but has not yet been rezoned for residential purposes as anticipated would have occurred by now given the extensive investigations undertaken as part of the South Forster Structure Plan in 2006 and carried through to the various strategies since, as identified below.

### MidCoast Local Strategic Planning Statement

The MidCoast Council completed its Local Strategic Planning Statement in September 2020. It identifies ten planning priorities, along with short, medium, long term, and ongoing actions to monitor and report on the progress of implementation and is closely aligned with the vision and key values set out in the MidCoast Community Strategic Plan 2030 and the Hunter Regional Plan 2036.

### MidCoast Urban Release Areas Report

Within the MidCoast Urban Release Area Report dated July 2021, Forster/Tuncurry are identified as two strategic centres within the MidCoast. Council identifies that it is important that rezoning of land be undertaken now to cater for the demand for new residential land releases and will need to incorporate increasing densities. Part of Bert's Farm has been identified in this plan as a nominated Urban Release Area to provide low density residential development. We implore Council to extend the identified Urban Release Area in the MidCoast Urban Release Areas Report 2021 to be endorsed by DPIE to include the full extent of this land for rezoning to urban purposes not rezoned E4/C4 Environmental Living as identified in the draft MidCoast Rural Strategy. As indicated previously, the McCloy Group are proposing to develop land at Bert's Farm / Pipers Bay South for residential development.

Forster Growth Area 6 (Bert's Farm)



Figure 6: Extract from MidCoast Urban Release Areas Report, p.47



### Mid North Coast Regional Strategy dated March 2009

Within the Mid North Coast Regional Strategy dated March 2009, the subject site was identified as a Growth Area on Map 9 of the document. An extract of the site is shown below, noting it includes the rear Lots 4 to 7 through to the water to the west. This is a much larger area than in the currently identified in the MidCoast Urban Release Area Report and within the MidCoast Housing Strategy.

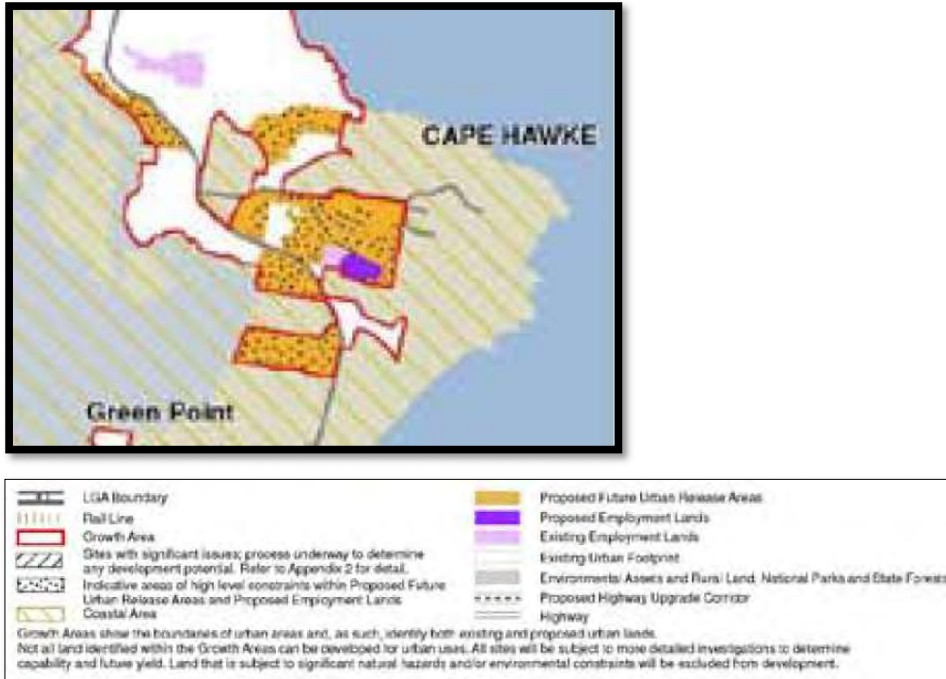


Figure 7: Extract Mid North Coast Regional Strategy dated March 2009

### Hunter Regional Plan 2036

The Hunter Regional Plan 2036 identifies Taree and Forster / Tuncurry as the strategic centres in the MidCoast area and makes the following comment with respect to housing. South Forster is specifically mentioned in this Plan as an opportunity for future housing responsive to the changing demographics.



Figure 8: Extract Hunter Regional Plan 2036



### MidCoast Housing Strategy

The site is identified a "Potential Residential Land" under the current MidCoast Housing Strategy, being "Infill urban areas to match surrounds to establish long-term supply of residential land subject to rezoning".




<b>NOTES</b>	
1 POTENTIAL RESIDENTIAL LAND Infill urban areas to match surrounds to establish long-term supply of residential land subject to rezoning..	 POTENTIAL RESIDENTIAL LAND

Figure 9: Extract MidCoast Housing Strategy

Below is a response to a submission to Council on 16 December 2020 regarding the site and the owner's request for the whole site to be included as potential urban land in the Housing Strategy. The review indicated that only the current identified portion would remain.


Zoning In proposed zone	Issue and response
	<p><b>5. Lots 1-7 DP249361 (Submission 282)</b></p> <p>Request that the whole site be included as 'potential urban land' in the Housing Strategy rather than the front 3 lots, consistent with the Mid North Coast Regional Strategy 2006-2031.</p> <p>The South Forster Structure Plan 2006 identified significant constraints for Lots 4-7 on DP249361. As a result, only the front portion of the site was identified as having potential to be developed for residential purposes. The Housing Strategy reflects this work undertaken.</p> <p><b>Recommendation:</b> no change</p>

Figure 10: Extract from Council Report - 16 December 2020

### South Forster Structure Plan

The South Forster Structure Plan is dated February 2006 and is shown in the figures below.

Importantly, the Structure Plan states:

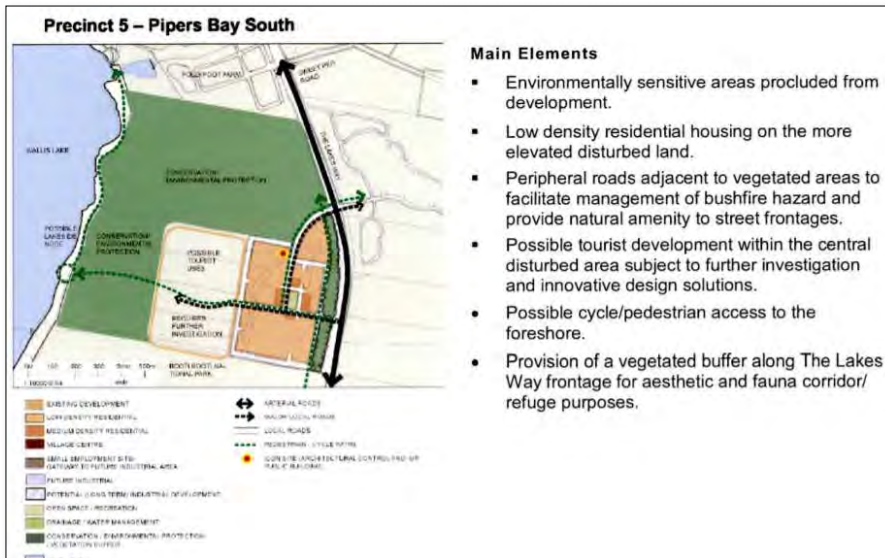
<p><b>Conclusions</b></p> <p>The Precinct Plans presented above were formulated in response to the environmental constraints of the land and to have regard to contemporary planning principles which emphasise accessible communities that will respond to the needs of the future residents of the area.</p> <p>The preferred land uses in those areas deemed to be suitable for development are clearly articulated and the specific discussion provided in the various chapters of the Structure Plan offers guidance as to the desired outcomes for particular locations.</p>
--

Figure 11: Extract South Forster Structure Plan

Also of note is that the Structure Plan identified possible tourist use of the western / central portion of the site, on the entire site, beyond that shown in the recent strategies.



Figure 12: Extract South Forster Structure Plan



**Main Elements**

- Environmentally sensitive areas precluded from development.
- Low density residential housing on the more elevated disturbed land.
- Peripheral roads adjacent to vegetated areas to facilitate management of bushfire hazard and provide natural amenity to street frontages.
- Possible tourist development within the central disturbed area subject to further investigation and innovative design solutions.
- Possible cycle/pedestrian access to the foreshore.
- Provision of a vegetated buffer along The Lakes Way frontage for aesthetic and fauna corridor/refuge purposes.

Figure 13: Extract South Forster Structure Plan – Precinct 5

## 4. CONCLUSION

It is a disappointing response from MidCoast Council that Berts Farm (Lot 50 DP 753168, Lot 100 DP 1280253, and Lots 4 to 7 DP 249361) which has been identified suitable for additional or intensified development through the successive strategic plans, is again being inappropriately assessed without a full analysis of constraints and opportunities for the site. The subject land has been identified as appropriate for urban purposes within the following report:

1. *South Coast Structure Plan (2006) – Mapped.*
2. *Mid-Coast Regional Strategy (2006) – Mapped.*
3. *Hunter Regional Plan (2018) – Action 21.1.*
4. *Mid-Coast Housing Strategy (2020) – Mapped.*
5. *Mid-Coast Urban Release Areas Report – Mapped.*
6. *Draft Hunter Regional Plan 2041 - Mapped*

As can be seen from reviewing the various strategies over the years, the developable portion of the land has been reduced in size from the original South Forster Structure Plan conclusions in 2006 and Mid North Coast Regional Strategy dated March 2009, to a smaller area in the current strategies. The McCloy Group has needed to respond to Council's continuing changes within its strategic directions based on high-level analysis of the wider MidCoast Council local government area, which has been noted by Council as being equivalent in size to the country of Jamaica. The McCloy Group has been undertaking the relevant investigations to inform the exact extent of the identified 'additional or intensified development' at Berts Farm rather than making determinations based on assumptions. Rezoning the land, especially Lot 100 DP 1280253, and Lots 4 to 7 DP 249361 to a zone E4/C4 Environmental Living is contrary to State planning intent, and the land use constraint investigations being undertaken by the McCloy Group. Council's strategic and development decisions should be based on merit and a full investigative analysis of the site at Berts Farm.

Given the readiness of the landowner and our client to proceed with the urban development of the site, further discussions should occur between Council and the landowner as to the appropriate urban zone having regard to Council's LEP changes underway and comprehensive LEP preparation, and the intended use of the land.

The draft MidCoast Rural Strategy should preclude part of Lot 50 DP 753168, Lot 100 DP 1280253, and Lots 4 to 7 DP 249361 Berts Farm from being rezoned E4/C4 Environmental Living. It is considered that orderly and efficient development of the land can be achieved for urban purposes, whilst balancing the environmental constraints and providing a community benefit.



25 January 2022

Adrian Panuccio  
General Manager  
MidCoast Council  
council@midcoast.nsw.gov.au

Dear Mr Panuccio

**Re: Mid Coast Rural Strategy Public Exhibition – SPR 02/04**

GYDE Consulting has prepared this submission to MidCoast Council (Council) on behalf of Paspaley Pearls Properties Pty Ltd (our client). It responds to the public exhibition materials associated with Council's *draft MidCoast Rural Strategy*, and issues discussed in our meeting with Council staff on 22 November 2021.

The Paspaley family are proud to be an iconic Australian brand. Their business interests extend beyond pearling, and including aviation, retail, pastoral holdings, and commercial properties. Their reputation is built on an unwavering commitment to the pursuit of excellence, and they incorporate this philosophy into every aspect of their operations.

The Paspaleys are also long-term strategic landowners and developers. They began acquiring land in the Smiths Lake area in 1994. Their long-term intention is to create new projects that **enhance the local ecology and provide transformational opportunities for the local economy**, leveraging the area's natural amenity and strong visitor attraction. The nature and timing of new projects will continue to be influenced by market factors and will rely on the continuity of a flexible and supportive planning control framework.

Three of our client's landholding (shown on Figure 1) are the impetus for this submission and our client has just commenced a strategic planning initiative to develop options for further investments within this. Our submission asks Council to consider the following when finalising the MidCoast Rural Strategy and proceeding with the changes to planning controls (e.g., through LEP or DCP amendments) to implement its directions.

1. **Land use permissibility.** We demonstrate the importance of ensuring certain land uses remain permissible with consent in order to attract the necessary investment and deliver some of Council's most important development and conservation objectives. We ask Council to consider this when making permissibility decisions within any rural or environmental land use zone going forward.
2. **Zone selection.** Based on the range of strategically advantageous land uses terms considered in line with the above, we ask Council to abandon the change in RU2 Rural Landscape zoning proposed for some of our client's properties and to work proactively with our client to set zoning framework that is best placed to attract investment and allowing the merits of new projects to be considered through the DA process.
3. **Place-based planning.** While we acknowledge that the Rural Strategy has not been tasked to consider integrated planning outcomes, our submission reiterates the need for place-based planning to clearly identify the future intentions for land use outcomes, looking at the Pacific Palms-Charlotte Bay-Smiths Lake area collectively.



Figure 1: Location of our client's properties

Our client's landholdings comprise 4 separate parcels of land:

- Sandbar Rd 1 (Lot 3 DP859640), forming part of 3434 The Lakes Way, Smiths Lake;
- Sandbar Rd 2 (Lot 1 DP 397504); and
- Sandbar & Bushland North (Lot 11 DP 793101) and South (Lot 11 DP793101), also forming part of 3434 The Lakes Way, Smiths Lake

This area is already a popular location for visitors accessing Cellito Beach and Sandbar. Our client's properties collectively cater to this market, including existing facilities across the Sandbar & Bushland Holiday Park, including:

- A mix of cabins, caravan sites, and campsites with direct frontage to Smiths Lake and boardwalk access to Cellito Beach (500m walk).
- The Sandbar Golf Club, offering a nine-hole course in a majestic setting.
- Associated amenities, including a small shop for essentials.

Our client's land and private road network is also regularly used as a through-route for people accessing the public beaches and 4WD areas. Concerted considerations are required to establish the framework for public and private sector investment going forward to balance increasing visitor demands with sustainable environmental management actions.

## 1. LAND USE PERMISSIBILITY

We have recently conducted a review of government-endorsed strategic plans to inform our client's strategic planning initiative. Our key findings and recommendations are provided here for context only; they should be treated as confidential and will be subject to further market testing and site-specific investigations.

Direction 6 of the Hunter Regional Plan 2036 sets out regional-level intentions to 'Grow the economy of MidCoast and Port Stephens', acknowledging these areas' shared attributes. A key focus of this direction is to facilitate tourism projects that serve to diversify the tourist offering, leverage the accessibility that the Pacific Highway and The Lakes Way afford. These sentiments are reflected in the updated Hunter Regional Plan (now on exhibition) under the district Planning Priorities set out 'Coastal District'.

The MidCoast is marketed as the 'Barrington Coast Destination'. The Great Lakes area within this is renowned for its pristine coastal lakes and swimming and surfing beaches. Our client's properties are located just off The Lakes Way, which is a renowned scenic tourist drive (Tourist Drive 6), well-positioned to provide unique and landmark visitor experiences in line with regional-level directions.

Council's *Destination Management Plan* encourages the private sector to consider several 'gamechanger' projects within in the Great Lakes area, many of which (listed below) closely align with our client's vision for low-impact tourism-based uses within their broader landholding and will be investigated through the strategic and master planning work that has just commenced.

- **Great Lakes Great Walk and Aquatic Trail.** Our client's properties could form part of the 100km coastal investigation area stretching from Forster to Hawks Nest.
- **Great Lakes Eco-lodge.** Council's plan prefers this to be located somewhere near Blueys Beach, offering ocean or lake views and be easily accessible from the proposed Great Lakes Great Walk and Aquatic Trail.
- **Smiths Lake Eco-Village.** Our client's properties match Council's preference for this to be located on the ocean-side of Smiths Lake to attract sustainably-minded visitors. The project is envisaged to include public spaces to host activities such as a local farmers market, as well as the infrastructure and amenities to support hiking (e.g., paths, lookout points), kayaking, and surfing.
- **High Ropes Adventure Park.** Council flagged this type of project to strengthen the area's nature and adventure-based offering but did not specify a particular location. Our client's sites have the tall-trees and sufficient space to develop a high ropes course, and the area already attracts adventure minded visitors.
- **Centre of Excellence for the Environment and Wetlands (Smiths Lake).** This was proposed as a public-private collaboration project to showcase and reinforce Council's commitment to environmental sustainability while also demonstrating the link between conservation and productivity.
- **Aboriginal Health & Wellbeing Retreat.** The MidCoast area is situated on the traditional lands of the Biripi and Worimi people. Council flagged this type of project to strengthen the visitor economy while simultaneously benefitting the local Aboriginal community. One type of product described is an 'Aboriginal Health and Wellbeing Retreat' involving the cultivation of native plants to create spa-treatment products as well as unique food experiences.

In addition to the above, a key strategy outlined in Council's *Community Strategic Plan* is to ensure that community, sporting, recreational and cultural facilities and services reflect current and future needs. The NSW Office of Sport has 10 **Sport and Recreation Centres** in NSW, set in scenic river, beach, bush or alpine locations. There are currently no Sport and Recreation Centres located on the coast north of Lake Macquarie. In our view, the Great Lakes would be an ideal location for this type of facility (subject to collaboration with the NSW Office of Sport).

Based on our initial review, we consider the land use terms listed in Table 1 are either already operational within our client's landholding or are otherwise strategically advantageous to enabling the types of new projects encouraged by regional and local planning directions. Retaining suitable approval pathways for these land use terms would assist with attracting investment to enhance the local ecology and provide transformational opportunities for the local economy.

The types of projects facilitated by these land use terms are fundamentally challenging to deliver from a commercial perspective due to both market and site-specific complexities. Ensuring they remain 'permissible with consent' across our client's landholding would allow them to be fully investigated and assessed on merit moving forward. Otherwise, any new project would rely upon a rezoning, introducing a higher degree of uncertainty as well as the additional time (typically 18-24 months) and cost (financially to the client, and in Council staff allocations) to the extent that most projects would be prohibitive from an investment perspective.

Table 1: Land use terms that are strategically advantageous to our client's landholdings and the broader area (subject to site-based investigations)

<b>LAND USE terms WITHIN tourist and visitor accommodation group term</b>	<b>LAND USE terms OUTSIDE tourist and visitor accommodation group term</b>
<ul style="list-style-type: none"> <li>• <i>Tourist and visitor accommodation</i> <ul style="list-style-type: none"> <li>– <i>backpackers' accommodation</i></li> <li>– <i>bed &amp; breakfast accommodation</i></li> <li>– <i>farm stay accommodation</i></li> <li>– <i>hotel or motel accommodation</i></li> <li>– <i>serviced apartments</i></li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• <i>camping grounds</i></li> <li>• <i>caravan parks</i></li> <li>• <i>eco-tourist facilities</i></li> </ul>
<b>LAND USE terms relating to recreation</b>	
<ul style="list-style-type: none"> <li>• <i>boat launching ramps</i></li> <li>• <i>boat sheds</i></li> <li>• <i>charter &amp; tourism boating facilities</i></li> <li>• <i>environmental facilities</i></li> <li>• <i>jetties</i></li> <li>• <i>mooring</i></li> </ul>	<ul style="list-style-type: none"> <li>• <i>mooring pens</i></li> <li>• <i>recreation areas</i></li> <li>• <i>recreation facilities (indoor)</i></li> <li>• <i>recreation facilities (major)</i></li> <li>• <i>recreation facilities (outdoor)</i></li> <li>• <i>water recreation structures</i></li> </ul>
<b>LAND USE terms WITHIN commercial premises group term</b>	<b>LAND USE OUTSIDE commercial premises group term</b>
<ul style="list-style-type: none"> <li>• <i>retail premises</i> <ul style="list-style-type: none"> <li>– <i>food &amp; drink premises</i> <ul style="list-style-type: none"> <li>– <i>pubs</i></li> <li>– <i>restaurants or cafes</i></li> <li>– <i>take-away food &amp; drink premises</i></li> <li>– <i>small bars</i></li> </ul> </li> <li>– <i>kiosks</i></li> <li>– <i>markets</i></li> <li>– <i>shops</i> <ul style="list-style-type: none"> <li>– <i>neighbourhood shops</i></li> <li>– <i>neighbourhood supermarkets</i></li> </ul> </li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• <i>function centres</i></li> </ul>
	<b>LAND USE terms relating to community infrastructure</b>
	<ul style="list-style-type: none"> <li>• <i>information and education facilities</i></li> <li>• <i>research stations</i></li> </ul>

## 2. ZONE SELECTION

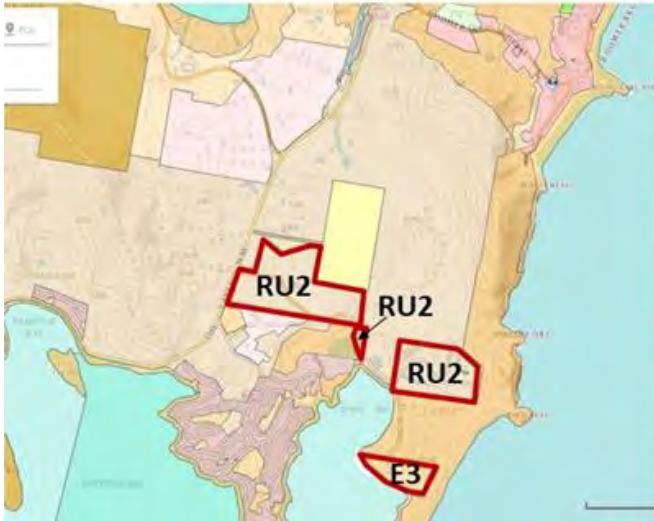
Zone selection is the most powerful tool available to influencing land use permissibility. The *draft MidCoast Rural Strategy* online mapping indicates Council's intention to change the underlying land use zones applying to our client's landholding as follows and shown on Figure 2.

- Sandbar Rd 1: RU2 Rural Landscape zone remains the same.
- Sandbar Rd 2: RU2 proposed to change to C3 (formerly E3) Environmental Management
- Sandbar & Bushland (North): RU2 proposed to change to C3 Environmental Management
- Sandbar & Bushland (South): C3 remains the same.

If this occurs, Table 2 illustrates the substantial reduction in the range of uses that would be permissible with consent at Sandbar Rd 2 and Sandbar & Bushland (North) where the zone is proposed to change using Council's current controls applying under the *Great Lakes LEP 2014* for context. This shows the implications of re-classifying key locations within our client's property from an already restrictive zoning to a more restrictive zoning. A comparison of Table 1's strategically advantageous land use terms with the land use terms permissible with consent in Table 2 also highlights how this change would result in nearly all the desirable projects to enable new tourist offerings within the site relying on a rezoning process before a DA could be determined (therefore making them prohibitive from an investment perspective).



**Current Land Use Zone:**



**Proposed Land Use Zone:**

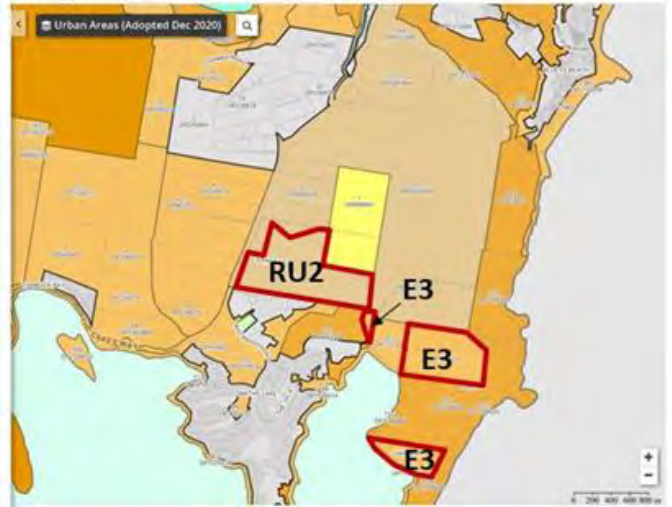


Figure 2: Existing and proposed zoning of our client's land (Source: MidCoast Council Rural Strategy e-mapping)

Table 2: Land use permissibility changes from RU2 to C3 under current LEP (for context)

No change   <del>Removed from category</del>   <del>Added to category</del>	
<b>Permitted without consent</b>	<del>Extensive agriculture; Home occupations</del>
<b>Permitted with consent</b>	Agriculture; Airports; Airstrips; Animal boarding or training establishments; Aquaculture; Backpackers' accommodation; Bed and breakfast accommodation; Boat launching ramps; Boat sheds; <u>Business identification signs</u> ; Camping grounds; Caravan parks; <u>Car parks</u> ; Collar door premises; Cemeteries; Centre-based child care facilities; Charter and tourism boating facilities; Community facilities; Crematoria; Depots; Dual occupancies; Dwelling houses; Eco-tourist facilities; Educational establishments; Environmental facilities; Environmental protection works; Exhibition homes; Extractive industries; Farm buildings; Farm stay accommodation; Flood mitigation works; Forestry; Hazardous storage establishments; Helipads; Heliports; Home-based child care; Home businesses; Hotel or motel accommodation; Industrial training facilities; Industries; Information and education facilities; Jetties; Kiosks; Landscaping material supplies; Marinas; Mooring pens; Moorings; Neighbourhood shops; Offensive storage establishments; Open cut mining; Places of public worship; Plant nurseries; Public administration buildings; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Respite day care centres; Restaurants or cafes; Roads; Roadside stalls; Rural industries; Rural supplies; Secondary dwellings; Sewerage systems; Signage; Timber yards; Transport depots; Truck depots; Veterinary hospitals; Water recreation structures; Water supply systems; <del>Wharf or boating facilities</del>
<b>Prohibited</b>	<u>Industries; Multi dwelling housing; Residential flat buildings; Retail premises; Seniors housing; Service stations; Warehouse or distribution centres</u> ; Any development not specified in item 2 or 3

The most substantial (but not the only) consequences of the proposed change to the underlying land use zone relate to our client's potential to deliver the types of visitor accommodation and recreational uses encouraged through government-endorsed strategies. The implications for two key land use terms are summarised for context below.

**Eco-tourist facility** Changing the underlying land use zone from RU2 to C3 would likely mean the only supportable form of large-scale tourism accommodation would be an eco-tourist facility. Under any LEP, these types of projects must satisfy 11 separate criteria to confirm they can be classified as an eco-tourist facility. In our experience, these types of projects tend experience a higher-risk application process, which is at best prolonged (to confirm the documentation and project elements satisfy threshold tests) and at worst litigious.

Similar on-the-ground outcomes can be achieved by permitting with consent other forms of tourist and visitor accommodation (either via the group term or sub-terms such as serviced apartments) in conjunction with a merit assessment clause that identifies key assessment criteria to minimise environmental impacts during construction and operation of the activity, and/or supporting the process through other discretionary measures under Council's Development Control Plan.

**Recreation facilities (indoor, major, and outdoor)** Changing the underlying land use zone from RU2 to C3 would mean make the existing golf course a prohibited use, forcing it to rely on existing use rights, and would mean a projects like the High Ropes Adventure Park or NSW Sport and Recreation Centre would rely on a rezoning in order to proceed.

On this basis, we recommend Council abandon its proposal to change the underlying land use zones applying to our client's site, and instead retain the RU2 zoning to allow the greatest flexibility in DA approval pathways available in the final MidCoast Rural Strategy mapping. This will serve to preserve the certainty and confidence for our client's investment decisions associated with the strategic and master planning initiatives that are now underway.

Our client also wishes to continue working with Council in their preparation of the LEP amendment that will serve to implement the MidCoast Rural Strategy to identify what, if any, land use terms could be introduced as Additional Permitted Uses specific to this site to ensure it is well-positioned to attract investment going forward, leveraging and enhancing the area's natural amenity and strong visitor attraction.

### 3. PLACE BASED PLANNING FOR PACIFIC PALMS-CHARLOTTE BAY-SMITHS LAKE

We have made previous submissions on behalf of our client in response to the public exhibition of Council's *Zoning in on our Future – Urban Zones review* in April 2020. This submission is re-attached to this letter, as several of the key issues described therein remain relevant within the context of the *draft MidCoast Rural Strategy* and Council's wider strategic planning initiatives.

Our previous submission called on MidCoast Council to prepare a place-based strategy for the Pacific Palms – Charlotte Bay – Smiths Lake areas collectively. We acknowledge that place-based strategies are normally prioritised in locations that have been earmarked for future urban development. While Council has indicated that urban outcomes are not the key focus for the Pacific Palms – Charlotte Bay – Smiths Lake area at present, expediting place-based planning would stimulate the delivery of other outcomes of regional-relevance, including:

- **Providing a nature-based platform for visitation, recreation, and education driving the creation of new jobs.** The Pacific Palms and Smiths Lake area is one of the most highly visited locations in the MidCoast. A suitable planning framework is needed to attract investment in new projects that could change the game for regional tourism and recreation.
- **Protecting wildlife corridors and supporting Koala conservation and recovery.** The development approval process facilitates mechanisms to protect lands in-perpetuity and stimulate funding for investment in conservation (e.g., as a form of biodiversity offsetting).
- **Improving access to jobs and services for existing and growing communities, increasing self-sufficiency and resilience.** Council strategies dating back to 2006 have recognised the dispersed communities within the Pacific Palms and Smiths Lake area are far enough from Forster-Tuncurry to generate

independent demand for facilities and services, including health, education, and cultural or recreational services. These can be appropriately delivered across the area's various urban and rural precincts but rely on a collective vision to be asserted by Government and supported by a forward-looking planning assessment framework reflected in the LEP and DCP.

- **Creating certainty for investment.** Due to the nature and extent of development constraints, (including considerations for environmental factors and infrastructure networks), there is limited land available that would be suitable for development. Government leadership is required to provide certainty as to the preferred ultimate use for any relatively unconstrained land and to optimise planning outcomes within this supply. Government leadership is also required to coordinate mechanisms to fund and deliver infrastructure, and to establish the area-wide benchmarks that would be expected from the private sector when planning for hazards, and environmental conservation. This includes providing directions, and supporting policies and processes, for implementing environmental and community protection measures in line with development to achieve landscape-scale outcomes.
- **Establishing a basis for planning the future housing supply required to meeting the communities housing needs and expectations.** While Council has indicated that additional housing is not a priority within the Pacific Palms – Charlotte Bay – Smiths Lake area at present, a place-based strategy would serve to provide greater transparency in the planning process going forward. This is particularly important in areas where visitor demands have the potential to unbalance residential housing supplies, and interventions are required to adequately balance competing needs.

We understand that the NSW Government's conservation investment priorities are no longer focused on expanding the State-owned network of National Parks and State Conservation Reserves in coastal areas like this. Instead, the priority is to raise conservation credits through private stewardship agreements to ensure sufficient conservation lands are available to offset the biodiversity impacts of urban and economic developments. That means deriving the above outcomes in an orderly and cost-effective manner will rely almost entirely on the participation and buy-in of individual landowners. It also underscores the importance of Government leadership as paramount to enabling, promoting, and coordinating these iconic activations to create a diversified employment base that meets the needs of community, reflects the area's natural amenity, and aligns with the values of the MidCoast.

We acknowledge Council staff resources are limited but would encourage Council to earmark a place-based strategy for the Pacific Palms – Charlotte Bay – Smiths Lake areas as an regionally important economic / conservation-led initiative so that it can be considered in line with annual Council budget allocations or other funding mechanism, including grants or resourcing offered through State Government programs.

## CONCLUDING REMARKS

On behalf of our client, we thank you for your consideration of the matters raised in this submission. Should you wish to discuss these further, please do not hesitate to contact me on 0414 781 660 or [amandaw@gyde.com.au](mailto:amandaw@gyde.com.au)

Yours sincerely



**Amanda Wetzel**  
Regional Director - Newcastle



**ATTACHMENT 1: ZONING IN ON OUR FUTURE - URBAN ZONES (PUBLIC EXHIBITION) SUBMISSION  
(APRIL 2020)**



09/04/20

**Our Ref:** N20-014/AW

**General Manager**

MidCoast Council

[midcoastlep@midcoast.nsw.gov.au](mailto:midcoastlep@midcoast.nsw.gov.au)

Dear Mr Panuccio,

**RE: ZONING IN ON OUR FUTURE - URBAN ZONES (PUBLIC EXHIBITION)**

City Plan Strategy & Development has prepared this submission to MidCoast Council (Council) on behalf of Paspaley Pearls Properties Pty Ltd (our client). It responds to the public exhibition materials associated with Council's *Zoning in on our Future* initiative, relating to application of planning controls applying to existing urban areas in the MidCoast Local Government Area (LGA).

The Paspaley family are proud to be an iconic Australian brand. Their business interests extend beyond pearling, and including aviation, retail, pastoral holdings, and commercial properties. Their reputation is built on an unwavering commitment to the pursuit of excellence, and they incorporate this philosophy into every aspect of their operations.

The Paspaleys are also long-term strategic landowners and developers. They began acquiring land in the Smiths Lake area in 1994. Their long-term intention is to create new projects that enhance the local ecology and provide transformational opportunities for the local economy, leveraging the area's natural amenity and strong visitor attraction. The nature and timing of new projects will continue to be influenced by market factors and will rely on the continuity of a favourable planning control framework.

Three of our client's properties, as listed below and shown on **Figure 1**, are the impetus for this submission. A brief description of the properties, including a summary of planning considerations applying through existing controls is provided in Attachment 1.

1. Sandbar Rd 1 (Lot 3 DP859640), forming part of 3434 The Lakes Way, Smiths Lake;
2. Sandbar Rd 2 (Lot 1 DP 397504); and
3. Sandbar & Bushland (Lot 11 DP 793101), also forming part of 3434 The Lakes Way, Smiths Lake

We understand the purpose of Council's *Zoning in on our Future* initiative is principally to unify planning controls applying through Council's Local Environmental Plan (LEP) and Development Control Plan (DCP), as part of the amalgamation process for the former Great Lakes, Greater Taree and Gloucester LGAs. As stated on Council's website, Council's aim is to '*ensure these controls cater for our community now and into the future*', which implies adjustments will be considered to provide a consistent planning framework, and to facilitate longer-term strategic objectives.

To prepare this submission, we have reviewed the online mapping tool within the context of the exhibited draft documents (*Housing Strategy; Employment Zones Review Parts A and B; Infrastructure Zone Review; and Recreation Zones Review*) and supporting information (*Urban Land Monitor, and Large Lot Residential Zone Supply and Demand Analysis*).





Figure 1: Subject properties, showing aerial imagery and current zoning



We recognise that rural and environmental protection zonings currently apply to our client's properties, and that the properties are located outside the 'existing urban area' boundaries nominated by Council for the purpose of this review. Consequently, none of the unifying control changes proposed by this exhibition would immediately affect the planning controls applying. Irrespective of this, the properties adjoin the existing urban area of Smiths Lake and are relevant with the broader context of growth occurring across the Smiths Lake and Pacific Palms areas. Several of the proposed changes to zoning regimes also establish the principles that Council will apply when considering future land use changes outside the existing 'urban areas'.

Of the draft documents exhibited, the draft *Housing Strategy* (in conjunction with the *Urban Land Monitor*) and draft *Recreation Zones Review* are most relevant to our client's property interests. Our submission provides commentary and recommendations in relation to these documents specifically.

Our submission also encourages Council to make immediate efforts towards reviewing and updating place-based planning for the Pacific Palms and Smiths Lake area as a basis for adjusting planning controls.

## 1. DRAFT HOUSING STRATEGY

The draft *Housing Strategy* is stated to outline 'a 20-year vision for Council's directions to facilitate the delivery of residential housing needs.' The Strategy relies on evidence presented in two supporting documents - the *Urban Land Monitor 2016-36* and *Large Lot Residential Supply and Demand Analysis* reports - to consider the capacity and suitability of the existing land supply to meet projected dwelling requirements.

The draft *Housing Strategy* broadly considers the locations where growth is expected to occur through residential development across the LGA, along with consideration for specific housing sectors such as large-lot, rural residential, short term (visitor) accommodation, and caravan parks. While we understand the Strategy will predominantly form the basis for Council's application of residential zones, it also gives some consideration to the application of zone SP3 - Tourism.

Within the context of our client's properties, the *Housing Strategy* recognises the settlement pattern of the Pacific Palms and Smiths Lake area reflects the area's natural features, with several smaller and discreet pockets of urban development surrounded by environmental coastal lands. This dispersed footprint is collectively described as including a mix of housing products and other facilities that cater to permanent and semi-permanent (e.g. resident weekenders) residents as well as a high volume of visitors. In our experience, people living or staying in the area Pacific Palms and Smiths Lake are supported by common infrastructure. As such, it has a distinct housing market and are strongly supportive of it remaining a unified district for the purposes of long-term planning and plan-making.

However, in our view, the considerations presented in the draft *Housing Strategy* do not provide a clear or robust basis for long-term planning and plan-making for what has historically proven to be one of the most popular locations for people choosing to live in or visit in the LGA. This should be corrected to more directly address the preliminary findings of the *Urban Land Monitor 2016-36*, which indicates a potential shortfall in land supply at Smiths Lake and assist with clarifying district-wide matters. We recommend Council consider the following when finalising its *Housing Strategy*.

### **Encourage the development of dedicated tourist and visitor accommodation facilities in suitable locations within the Pacific Palms and Smiths Lake area.**

The draft *Housing Strategy* recognises that a high proportion of dwellings within the Pacific Palms and Smiths Lake area are utilised on a part-time (e.g. resident weekender) or short-term (e.g. Air BnB) basis. Trends throughout Australia suggest this is typical in coastal areas that are readily accessible to larger centres such as Newcastle or Sydney and retain a more 'remote' natural amenity. Our client is strongly





supportive of the stated intentions for the Pacific Palms and Smiths Lake area, collectively, to retain its bush and beach characteristics with a laid-back holiday feel.

To achieve this, Council will need to balance residents' (full-time or part-time) and visitors' distinct accommodation needs. A quick search of popular short-term accommodation sites shows around 90 properties are currently listed as available in Smiths Lake (which had a 41% dwelling vacancy rate in the 2016 census) and over 200 in Pacific Palms (which had a 64% dwelling vacancy rate in the 2016 census). This strongly suggests mechanisms are required to minimise the further conversion of existing housing stock, or diversion of future stock to short-term accommodation.

In our experience, competition between residents and visitors for accommodation can be substantially alleviated by facilitating an increase in dedicated tourist and visitor accommodation facilities within an area. To achieve this, planning frameworks need to allow for a diversity of accommodation products to meet visitors' needs and expectations. This should recognise the advantage of locating some types of accommodation outside the urban footprint, particularly where these can enhance the overall visitor experience.

In our view, the draft *Housing Strategy* should provide considerations for planning in relation to tourist and visitor accommodation facilities in addition to the considerations already provided for short-term accommodation. The context for this should recognise the potential for an increase in the availability of these types of facilities to reduce demand for short-term accommodation to be provided from within the existing housing stock or residential land supply. It should broadly aim to facilitate the delivery of projects and priorities set out in the *MidCoast Destination Management Plan* (adopted by Council 2017).

A quick review of tourist and visitor accommodation facilities within the area suggests the current stock is predominantly made up of informal and low to mid-range budget facilities such as caravan parks & campgrounds, bed and breakfasts, and beachside motels. There is a clear gap in the market for facilities that are destinations in and of themselves, including the luxury or experiential facilities sought after in the *MidCoast Destination Management Plan*.

Where possible, the final *Housing Strategy* should be informed by an audit of tourist and visitor accommodation capacity, with considerations for a variety of accommodation product categories. At minimum, we recommend Council identify an action for Council to complete this audit in the near future and incorporate it within the Urban Land Monitor (e.g. through Action 6.6.5 in the draft *Housing Strategy*).

**Include additional 'Future Housing Opportunity' points to more effectively guide area-wide planning in the Pacific Palms and Smiths Lake area.**

To support of the above, several additions could be identified as 'Future Housing Opportunity' points for the Pacific Palms and Smiths Lake area. These would provide a more robust basis for long-term planning and plan-making within the area, enhancing both residents' and visitors' experiences.

- Increasing the availability of tourist and visitor accommodation facilities in suitable locations, including urban and rural areas. This will include supporting the delivery of projects identified in the *MidCoast Destination Management Plan*, such as the:
  - Great Lakes Eco-lodge. The preferred location for this is 'near Blueys Beach', offering ocean or lake views and accessible from a coastal trail network linking Smiths Lake and Pacific Palms.
  - Smiths Lake Eco-Village. The preferred location for this is on the 'ocean-side of Smiths Lake', attracting sustainably-minded visitors. This is also envisaged to include facilities to host activities such as a local farmers market, as well as hiking, kayaking and surfing.
- Increasing residents' and visitors' access to recreational, cultural, and educational activities, leveraging the area's natural amenity. This will include supporting opportunities for facilities that can offer nature-based experiences.



- Facilitating connections between Smiths Lake, Blueys Beach and Boomerang Beach to encourage pedestrian and cycle movements along the coast (e.g. coastal trail network).
- Identifying area-wide mechanisms to ensure appropriate management of and response to hazards, including bushfire, flood and storm events.

## 2. DRAFT RECREATION ZONES REVIEW

The draft *Recreation Zones Review* report identifies the principles that will guide Council's decision-making when application of planning controls for recreational uses, which we understand relates to a range of activities and facilities such as golf courses, camp sites, caravan parks, sporting fields, equestrian centres, and the like.

Based on the principles for 'privately owned land' and 'environmental land', it appears Council may in future seek the application of environmental protection zonings to our client's properties, noting:

- E2 - Environmental Protection would likely be applied to land with the following attributes: coastal wetlands, littoral rainforests, endangered ecological communities, habitat for Key Threatened Species, culturally significant lands, and over-cleared vegetation communities; and
- E3 - Environmental Management would likely be applied to land with the following attributes: riparian and estuarine vegetation and wetlands; Rare, Endangered and Vulnerable Forest Ecosystems; and native vegetation on coastal foreshores.

We understand this may be considered in more detail for specific properties when Council exhibit considerations for Rural Areas later in 2020. However, we recommend Council consider the following when finalising its *Recreation Zones Review* to provide a consistent basis for decision-making when establishing planning controls frameworks for land supporting recreational uses in any (urban or rural) location.

**Within the Environmental Land principle, support the application of Clause 2.5 'Additional permitted uses for particular land' in suitable locations.**

Environmental protection zonings typically offer a much narrower range of permissible land uses, which may present challenges to facilitating commercial recreational uses. This is reflected in the 'environmental land' principle, which states:

*"Uses on environmental land should be restricted to minimal, low impact infrastructure like seating, signage, nature observation, facilities, walking tracks and cycling tracks. It is important on environmental land, not to prevent the provision or maintenance of this infrastructure or prevent public access to the land, where appropriate."*

There is a high level of inconsistency in the permissibility of recreational uses across the E2 and E3 zonings currently applying within the MidCoast LGA, as illustrated in **Table 1**. The consequence of unifying the E2 and E3 zonings within the MidCoast is still uncertain but will undoubtedly include a rationalisation of permissible land uses.

The application of Clause 2.5 'Additional permitted uses for particular land' in suitable locations can ensure continuity of a supportive assessment framework. This should be prioritised where recreational uses already exist, such as the golf course, caravan park, and camping facilities that currently operate from our client's Sandbar and Bushland property. This should also be supported where sites can demonstrate uses not typically permitted through an environmental protection zoning can be accommodated without compromising the objectives of the zone.

We understand Council may also be preparing an *Environmental Lands Review*, which may consider overlapping issues. This is likely to be exhibited alongside considerations for Rural Areas later in 2020.



In our view, a principle to apply Clause 2.5 'Additional permitted uses for particular land' in suitable locations should be incorporated into the final *Recreation Zones Review* and the draft *Environmental Lands Review* (for public exhibition), where relevant.

Table 1: Comparison of current permissibility of selected uses associated with recreational activities within the E3 Environmental Zoning applying in the Great Lakes (GL), Greater Taree (GT), and Gloucester (GS) LEPs

	GL-LEP	GT-LEP	GS-LEP
Backpackers accommodation	Y	-	Y
Bed and breakfast	Y	Y	Y
Camping grounds	Y	-	Y
Caravan parks	Y	-	Y
Eco-tourist facilities	Y	Y	Y
Information and education facilities	Y	-	-
Kiosks	Y	-	-
Recreation areas	Y	-	-
Recreation facility	-	-	-

### 3. EXPEDITE PLACE-BASED PLANNING FOR PACIFIC PALMS AND SMITHS LAKE

At the culmination of the *Zoning in on our Future* initiative, Council will need to consolidate the final recommendations for urban and rural areas to establish planning controls applying to all land within the LGA. This will require some form of place-based approach to apply the principles or priorities that have been so far identified in response to single-use issues.

The considerations provided in our submission in relation to the draft *Housing Strategy* and draft *Recreation Zones Review* demonstrate that single-use issues (e.g. for housing, recreation, employment, environmental conservation, rural, etc.) are inter-related and so cannot be considered in isolation. In our view, the most effective implementation approach to establishing a forward-looking planning framework would be through the preparation of an area-wide plan for the Pacific Palms and Smiths Lake area.

We understand this approach is likely to be required for other areas within the LGA, and that Council will need to prioritise the sequencing of this work through its work program. In our view, place-based planning for the Pacific Palms and Smiths Lake area should be considered for commencement immediately, or within the next 1-2 years. This recognises:

- Government leadership is paramount to enabling, promoting, and coordinating iconic activations like those we described in the recommended additional 'Future Housing Opportunities'.
- The *Urban Land Monitor 2016-36* indicates a potential shortfall in land supply already exists at Smiths Lake, and there is no capacity identified in Pacific Palms to supplement this supply. This warrants an immediate need to identify additional new release areas for residential development, or the implementation of suitable mechanisms to increase capacity within the existing land supply. As described above, this could be achieved in the short term by increasing the availability of tourist and visitor accommodation within the area.
- The need to create a diversified employment base that meets the needs of community, reflects the area's natural amenity, and aligns with the values of the MidCoast. This recognises that the



dispersed communities within the Pacific Palms and Smiths Lake area are far enough from Forster-Tuncurry to generate independent demand for facilities and services, including health, education, and cultural or recreational services. These can be appropriately delivered across the area's various urban and rural precincts but rely on a collective vision to be asserted by Government and supported by a forward-looking planning assessment framework reflected in the LEP and DCP.

- Due to the nature and extent of development constraints, (including considerations for environmental factors and infrastructure networks), there is limited land available that would be suitable for development. Government leadership is required to provide certainty as to the preferred ultimate use for any relatively unconstrained land and to optimise planning outcomes within this supply.
- Government leadership is also required to coordinate mechanisms to fund and deliver infrastructure, and to establish the area-wide benchmarks that would be expected from the private sector when planning for hazards, and environmental conservation. This includes providing directions, and supporting policies and processes, for implementing environmental and community protection measures in line with development to achieve landscape-scale outcomes.

As a strategic landowner within the area, our client would appreciate direct involvement in any place-based planning initiative.

#### CONCLUDING REMARKS

In our view, our client's landholdings offer several opportunities to support the urban planning considerations that have emerged through Council's Zoning in on our Future initiative so far. We also expect these opportunities to align strongly with the rural planning considerations that will be exhibited later this year. Our client would welcome any opportunity to work with Council in ensuring a planning control framework conducive to their long-term intention of enhancing the local ecology and providing transformational opportunities for the local economy.

On behalf of our client, we thank you for your consideration of the matters raised in this submission. Should you wish to discuss these further, please do not hesitate to contact me on 4925 3286 or [amandaw@cityplan.com.au](mailto:amandaw@cityplan.com.au).

Yours sincerely,

A handwritten signature in black ink, appearing to read 'A Wetzel', written over a light grey rectangular background.

**Amanda Wetzel**  
Regional Director | Newcastle

**ATTACHMENT 1: PROPERTY DESCRIPTIONS**

The following property descriptions are provided for context and refer to the property labels provided in **Figure 1**.

Sandbar Rd 1		
<p>Comprises Lot 3 DP859640, occupying approximately 70.3ha of land. Located just off The Lakes Way, around five kilometres drive south of Blueys Beach and one kilometre from the entrance of Smiths Lake. Sandbar Road (unsealed) intersects the property from west to east and is the primary road providing access to both Sandbar and Cellito beaches. Sandbar Road is well used by locals and visitors, particularly on weekends.</p> <p>Within the site, a power substation fronts The Lakes Way in the south west corner. A small road maintenance quarry and storage area is located in the middle of the site off Sandbar Road. The remainder of the site contains remnant native vegetation.</p>		
Zoning considerations	Zoning  Relevant opportunities permissible (with consent)	RU2 Rural Landscape  <i>Backpackers accommodation; bed and breakfast accommodation; camping grounds; caravan parks; Eco-tourist facilities; Farm Stay Accommodation; Hotel or motel accommodation; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Restaurants or cafes; Environmental facilities; Information and education facilities; Roads; Roadside stalls; Signage</i>
Development standards	Minimum Lot Size  Maximum Height of Building  Maximum Floor Space Ratio	40ha  8.5m  0.4:1
Key constraints / considerations (including as applying through LEP, SEPPs, etc.)	Planning for hazards, including flood and fire Traffic and emergency access Terrestrial conservation, noting the site is heavily vegetated, and a potential Koala habitat area Coastal risk management	



## Sandbar Rd 2

Comprises Lot 1 DP397504, occupying approximately 2.6ha of land. The site lies immediately to the south east of the Sandbar Rd 1 site. Sandbar Road (unsealed) intersects the site from north to south. Otherwise the site contains remnant native vegetation with no known improvements.

Zoning considerations	Zoning	RU2 Rural Landscape
	Relevant opportunities permissible (with consent)	<i>Backpackers accommodation; bed and breakfast accommodation; camping grounds; caravan parks; Eco-tourist facilities; Farm Stay Accommodation; Hotel or motel accommodation; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Registered clubs; Restaurants or cafes; Environmental facilities; Information and education facilities; Roads; Roadside stalls; Signage</i>
Development standards	Minimum Lot Size	40ha
	Maximum Height of Building	8.5m
	Maximum Floor Space Ratio	0.4:1
Key constraints / considerations (including as applying through LEP, SEPPs, etc.)	Planning for hazards, including flood and fire Traffic and emergency access Terrestrial conservation, noting the site is heavily vegetated, and a potential Koala habitat area Coastal risk management	



## Sandbar and Bushland (north)

Comprises the northern parcel of Lot 11 DP793101, occupying approximately 45.5ha.

Approximately 15ha of the site is partially cleared to accommodate the Sandbar and Bushland Holiday Park and Golf Course. Several structures are associated with these commercial operations.

An unsealed private road intersects the site from west to east and provides direct access to Cellito Beach. An informal, but well-used, parking area is located at the end of the road. The remainder of the site contains remnant native vegetation, including a forested wetland.

Zoning considerations	Zoning	RU2 Rural Landscape
	Relevant opportunities permissible (with consent)	<i>Backpackers accommodation; bed and breakfast accommodation; camping grounds; caravan parks; Eco-tourist facilities; Farm Stay Accommodation; Hotel or motel accommodation; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Restaurants or cafes; Environmental facilities; Information and education facilities; Roads; Roadside stalls; Signage</i>
Development standards	Minimum Lot Size	40ha
	Maximum Height of Building	8.5m
	Maximum Floor Space Ratio	0.4:1
Key constraints / considerations (including as applying through LEP, SEPPs, etc.)	Planning for hazards, including flood and fire Traffic and emergency access Terrestrial conservation, noting the site is heavily vegetated, and a potential Koala habitat area Acid sulfate soils Coastal risk management	



**Sandbar and Bushland (south)**

Comprises the northern parcel of Lot 11 DP793101, occupying approximately 45.5ha.

Approximately 15ha of the site is partially cleared to accommodate the Sandbar and Bushland Holiday Park and Golf Course. Several structures are associated with these commercial operations.

An unsealed private road intersects the site from west to east and provides direct access to Cellito Beach. An informal, but well-used, parking area is located at the end of the road. The remainder of the site contains remnant native vegetation, including a forested wetland.

Zoning considerations	Zoning	E3 Environmental Management
	Relevant opportunities permissible (with consent)	<i>Backpackers accommodation; Bed and breakfast accommodation; Camping grounds; Caravan parks; Eco-tourist facilities; Farm stay accommodation; Recreation areas; Environmental facilities; Information and education facilities; Research stations; Roads; Roadside stalls; Water recreation structures</i>
Development standards	Minimum Lot Size	40ha
	Maximum Height of Building	8.5m
	Maximum Floor Space Ratio	0.4:1
Key constraints / considerations (including as applying through LEP, SEPPs, etc.)	Planning for hazards, including flood and fire Traffic and emergency access Terrestrial conservation, noting the site is heavily vegetated, and a potential Koala habitat area Acid sulfate soils Coastal risk management	

27 January 2022

Adrian Panuccio  
General Manager  
MidCoast Council  
council@midcoast.nsw.gov.au

Dear Mr Panuccio

## **Mid Coast Draft Rural Strategy - Public Exhibition – SPR 02/04**

GYDE Consulting has prepared this submission to MidCoast Council (Council) on behalf of Blueys Estate Pty Ltd (our client). It responds to Council's public exhibition of the *draft MidCoast Rural Strategy*.

Our client's landholding, legally described as Lots 110 & 112 DP 1091944, The Lakes Way, Charlotte Bay is the impetus for this submission, which is based on our review of documentation and online mapping published in support of Council's *draft MidCoast Rural Strategy* as well as our meeting with Council staff on 1 November 2021.

We generally support the *draft MidCoast Rural Strategy* proposed no change to the mapped planning controls applying to our client's landholding and ask Council to consider two main issues going forward.

### **1. Application of the RE2 Private Recreation Zone to the approved golf course**

Council staff advised that an RE2 Private Recreation Zone may be considered where private recreational facilities are operational. Our client is in the process of completing the works associated with the golf course approved under DA 5057/1991 and requests Council engage directly to confirm the application of the RE2 Private Recreation Zone to relevant lands during the preparation of any Planning Proposals implementing the outcome of Council's strategic planning initiatives.

### **2. Place-based planning for the Pacific Palms – Charlotte Bay – Smiths Lake area**

We have made previous submissions on behalf of our client in response to the public exhibition of Council's *draft Local Strategic Planning Statement* in August 2020 and Council's *Zoning in on our Future – Urban Zones review* in April 2020. Both submissions are re-attached to this letter, as several of the key issues described therein remain relevant within the context of the *draft MidCoast Rural Strategy* and Council's wider strategic planning initiatives.

Our previous submissions call on MidCoast Council to prepare a place-based strategy for the Pacific Palms – Charlotte Bay – Smiths Lake areas collectively, which would resolve a range of issues that, in our view, are regionally-significant. The aim of the strategy would be to establish the planning control and implementation framework capable of:

- **Enabling the future housing supply required to meeting the communities housing needs and expectations.** An Urban Release Area (URA) in Charlotte Bay has been recognised as the preferred location to accommodate growth for the Pacific Palms - Smiths Lake communities in sequential local (Council adopted) plans since the early 1990s. This locally driven planning intent culminated in Council supporting rezoning applications in 2006 and again in 2014 to facilitate the creation of urban land within our client's landholding. The reasons for these Planning Proposals should not be taken as an indication that the site is unsuitable for development. Our previous submissions detail these and provide justification for revisiting the Urban Land Monitor data for the local communities here and expediting the release of new lands to accommodate unmet housing demands in the immediate term.
- **Improving access to jobs and services for existing and growing communities, increasing self-sufficiency and resilience.** Council strategies dating back to 2006 have recognised the dispersed communities within the Pacific Palms and Smiths Lake area are far enough from Forster-Tuncurry to generate independent demand for facilities and services, including health, education, and cultural or recreational services. At that time Council committed to identifying around 4.5-9ha of additional employment lands. To date (nearly 15 years later) no additional employment lands have been supplied. This URA would provide a new local centre to meet residents' daily needs, along with opportunities for shared community facilities and health consulting rooms co-located with seniors living.
- **Providing a nature-based platform for visitation, recreation, and education driving the creation of new jobs.** The Pacific Palms and Smiths Lake area is one of the most highly visited locations in the MidCoast. A Charlotte Bay URA would provide an opportunity to leverage the area's natural amenity and deliver several iconic projects that could change the game for regional tourism and recreation. By way of illustration, the area is suitable for the following projects identified in the Hunter Regional Plan 2036 and MidCoast Destination Management Plan:
  - Great North Walk extension. The long-term intention to extend NSW's most iconic coastal trail from Newcastle to Forster will rely on this site. In the short term, offers the opportunity to provide shorter route connections between Smiths Lake, Blueys Beach and Boomerang Beach to encourage pedestrian, cycle, and equestrian movements along the coast.
  - Great Lakes Eco-lodge. The preferred location for this is 'near Blueys Beach', offering ocean or lake views and accessible from a coastal trail network linking Smiths Lake and Pacific Palms.
  - Smiths Lake Eco-Village. The preferred location for this is on the 'ocean-side of Smiths Lake', attracting sustainably minded visitors. This is also envisaged to include facilities to host activities such as a local farmers market, as well as hiking, kayaking and surfing.
  - Conservation and research centres. The area provides an outstanding basis for establishing showcase centres for community education and engagement, for example, manuka honey production, Indigenous bushfire management, forest and wood production, and horticulture innovation.
- **Protecting wildlife corridors and supporting Koala conservation and recovery.** The most recent Planning Proposal considered for our client's site (withdrawn in June 2020) would have seen the permanent protection of a significant area of pristine land that forms part of a regional wildlife corridor.

We acknowledge Council staff resources are limited but would encourage Council to earmark a place-based strategy for the Pacific Palms – Charlotte Bay – Smiths Lake areas as an initiative so that it can be considered in line with annual Council budget allocations or other funding mechanism, including grants or resourcing offered through State Government programs.

On behalf of our client, we thank you for your consideration of the matters raised in this submission. Should you wish to discuss these further, please do not hesitate to contact me on 0414 781 660 or [amandaw@gyde.com.au](mailto:amandaw@gyde.com.au).

Yours sincerely



Amanda Wetzel  
Regional Director - Newcastle

## ATTACHMENT 1 – LSPS Submission (August 2020)

06/08/20

**Our Ref:** N-20037/AW

**General Manager**

MidCoast Council

[council@midcoast.nsw.gov.au](mailto:council@midcoast.nsw.gov.au)

Dear Mr Panuccio,

**RE: DRAFT LOCAL STRATEGIC PLANNING STATEMENT - PUBLIC EXHIBITION (COUNCIL REFERENCE S1847/02)**

City Plan Strategy & Development has prepared this submission to MidCoast Council (Council) on behalf of Blueys Estate Pty Ltd (our client). It responds to the public exhibition of Council's draft *Local Strategic Planning Statement* (LSPS).

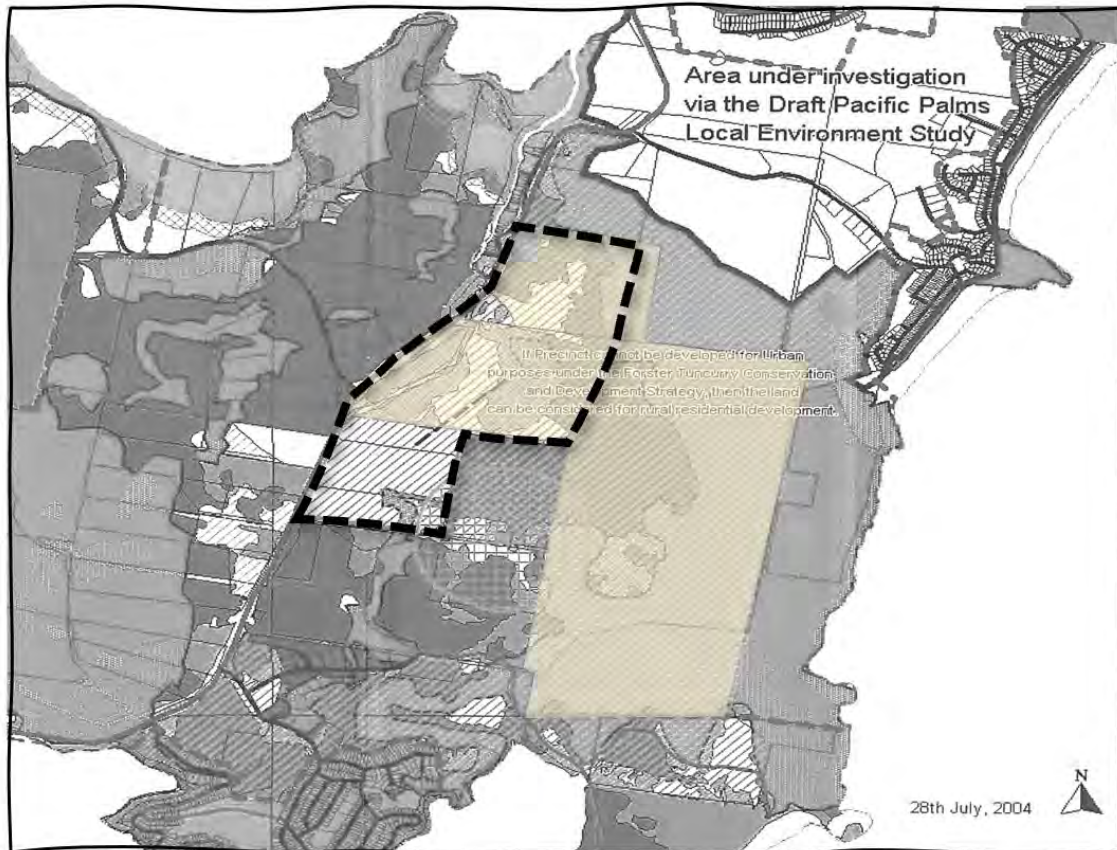
Our client's landholding, shown on **Figure 1**, is the impetus for this submission. It forms part of a broader area, referred to hereafter as the 'proposed Charlotte Bay Urban Release Area (URA)'. An indicative boundary for the proposed Charlotte Bay URA is also shown on **Figure 1**. This broadly reflects the extent of land that has historically been earmarked for investigations to facilitate urban development for over 30 years, as reflected through various Council resolutions and LGA-wide housing and employment strategies. The development of the site for urban uses relies on a rezoning.

We understand that, once finalised, Council's LSPS will be the prevailing document guiding local planning and plan-making within the Local Government Area (LGA). Specifically, this will make it a material consideration for all planning authorities when considering the merit of Planning Proposals (rezonings). Our submission seeks to ensure the local strategic planning framework that will ultimately be reflected in Council's LSPS and other related documents (referred to throughout this submission) provide a suitable pathway to allow planning for the proposed Charlotte Bay URA to progress in a timely manner.

In April 2020, we provided a substantive submission on behalf of our client to the public exhibition of Council's 'Zoning in on our Future - Urban Zones' (Urban Zones review). That submission is re-attached to this letter, as several of the key issues described remain relevant within the context of the planning priorities and actions described in Council's draft LSPS.

The proposed Charlotte Bay URA has been recognised as the preferred location to accommodate growth for the Pacific Palms / Smiths Lake communities in sequential local (Council adopted) plans since the early 1990s. This locally driven planning intent culminated in Council supporting a rezoning application in 2006 to facilitate a 325-lot residential subdivision and golf course within our client's landholding. This did not proceed at the time due to State-level directions that it was pre-emptive of the work being undertaken to prepare the NSW Government's *Mid North Coast Regional Strategy*.

When the NSW Government's *Mid North Coast Regional Strategy 2006-31* was released in 2008, the proposed Charlotte Bay URA was not mapped as a 'growth area'. We understand the reason for this was not an indication that the site was unsuitable for urban development but rather that it was not considered to be strategically required **at the time** to cater for a regionally significant volume of growth.



-  Land identified in historical Council strategies as an urban 'investigation area'
-  Land controlled by Blueys Estate Pty Ltd
-  Proposed Charlotte Bay URA boundary

Figure 1: Proposed Charlotte Bay URA boundary and surrounds, for context (base map taken from the Great Lakes Rural Living Strategy Strategic Environmental Assessment and Strategy 2004).

In 2015, Council again supported a rezoning application for our client's landholding, which received a conditional Gateway approval from the (then) Department of Planning and Environment the same year. Both Council and the Department considered the site to be an 'out of strategy' proposal, meaning this support was contingent on the site's ability to achieve positive outcomes for the community, but it was not otherwise identified as necessary to achieving urban growth outcomes in a Government-prepared strategy endorsed by the Department.

Our April 2020 submission provides the evidence necessary to demonstrate that additional land is required now augment the supply of land available to cater for growth in the Pacific Palms / Smiths Lake communities. The proposed Charlotte Bay URA also has the potential to deliver environmental, community, and economic benefits of regional significance by:



- **Improving access to jobs and services for existing and growing communities, increasing self-sufficiency and resilience.** Council strategies dating back to 2006 have recognised the dispersed communities within the Pacific Palms and Smiths Lake area are far enough from Forster-Tuncurry to generate independent demand for facilities and services, including health, education, and cultural or recreational services. At that time Council committed to identifying around 4.5-9ha of additional employment lands. To date (nearly 15 years later) no additional employment lands have been supplied. This URA would provide a new local centre to meet residents' daily needs, along with opportunities for shared community facilities and health consulting rooms co-located with seniors living.
- **Providing a nature-based platform for visitation, recreation, and education driving the creation of new jobs.** The Pacific Palms and Smiths Lake area is one of the most highly visited locations in the MidCoast. This proposed Charlotte Bay URA provides an opportunity to leverage the area's natural amenity and deliver several iconic projects that could change the game for regional tourism and recreation. By way of illustration, the area is suitable for the following projects identified in the *Hunter Regional Plan 2036* and *MidCoast Destination Management Plan*:
  - Great North Walk extension. The long-term intention to extend NSW's most iconic coastal trail from Newcastle to Forster will rely on this site. In the short term, offers the opportunity to provide shorter route connections between Smiths Lake, Blueys Beach and Boomerang Beach to encourage pedestrian, cycle, and equestrian movements along the coast.
  - Great Lakes Eco-lodge. The preferred location for this is 'near Blueys Beach', offering ocean or lake views and accessible from a coastal trail network linking Smiths Lake and Pacific Palms.
  - Smiths Lake Eco-Village. The preferred location for this is on the 'ocean-side of Smiths Lake', attracting sustainably minded visitors. This is also envisaged to include facilities to host activities such as a local farmers market, as well as hiking, kayaking and surfing.
  - Conservation and research centres. The area provides an outstanding basis for establishing showcase centres for community education and engagement, for example, manuka honey production, Indigenous bushfire management, forest and wood production, and horticulture innovation.
- **Protecting wildlife corridors and supporting Koala conservation and recovery.** The most recent Planning Proposal considered for our client's site (withdrawn in June 2020) would have seen the permanent protection of up around 250ha of pristine land that forms part of a regional wildlife corridor.

The *Hunter Regional Plan 2036* (released in 2016) superseded the *Mid North Coast Regional Strategy*. Critically, the *Hunter Regional Plan 2036* did not identify any new urban investigation areas within the Region. Instead, it instructs all Councils to, under Direction 25, monitor housing and employment supply and demand to coordinate the staged release and rezoning of land. We understand Council is giving effect to Hunter Regional Plan 2036 Direction 25 through the 'Zoning in on our Future' initiative.

The *draft Housing Strategy* exhibited as part of Council's Urban Zones review recognised that the Pacific Palms/Smiths Lake area has "relatively limited residential land supply", but does not carry forward Council's commitment to planning for the proposed Charlotte Bay URA or provide an action or commitment to identifying an urban investigation area that would cater for the anticipated growth of one of its most popular areas.

Our April 2020 submission identified errors in Council's Urban Land Monitor that have led to an over-estimate of already limited supply of land available within the Pacific Palms/Smiths Lake area. This recognised that the effective supply capacity for the area appears to rely on the supply that has been historically estimated for the proposed Charlotte Bay URA, which has not yet been rezoned. In our view, that supply (some 600 lots), cannot be considered effective until the rezoning occurs.



While we are supportive of draft LSPS action 1.5, which commits Council to review the LSPS in the short term (by 2023) to incorporate the findings of various planning studies underway (as part of the 'Zoning in on our Future' initiative). However, while draft LSPS action 3.1 commits Council to finalising its Housing Strategy in the short term (by 2023), draft LSPS action 3.2 indicates Council will not review the Urban Land Monitor within the same timeframe. Instead, the Urban Land Monitor is scheduled to next be reviewed in the medium term (2024-2029).

## Recommendation

In our view, the errors we identified in the land supply estimates for the Pacific Palms/Smiths Lake area warrant immediate review to ensure these are reflected in the final Housing Strategy. We kindly request Council **adjust the timing of its review of the Urban Land Monitor to 'short term'**, and that this is undertaken in conjunction with finalising the Housing Strategy.

On behalf of our client, we thank you for your consideration of the matters raised in this submission. Should you wish to discuss these further, please do not hesitate to contact me on 4925 3286 or [amandaw@cityplan.com.au](mailto:amandaw@cityplan.com.au).

Yours sincerely,



**Amanda Wetzel**  
Regional Director - Newcastle

## ATTACHMENT 2: Zoning In On Our Future – Urban Zones Submission (APRIL 2020)



09/04/20

**Our Ref:** N-12005/AW

**General Manager**

MidCoast Council

[midcoastlep@midcoast.nsw.gov.au](mailto:midcoastlep@midcoast.nsw.gov.au)

Dear Mr Panuccio,

**RE: ZONING IN ON OUR FUTURE - URBAN ZONES (PUBLIC EXHIBITION)**

City Plan Strategy & Development has prepared this submission to MidCoast Council (Council) on behalf of Blueys Estate Pty Ltd (our client). It responds to the public exhibition materials associated with Council's *Zoning in on our Future* initiative, relating to application of planning controls applying to existing urban areas in the MidCoast Local Government Area (LGA).

Our client's landholding, shown on **Figure 1**, is the impetus for this submission. It forms part of a broader area, referred to hereafter as the 'proposed Charlotte Bay Urban Release Area (URA)'. An indicative boundary for the proposed Charlotte Bay URA is also shown on **Figure 1**. This broadly reflects the extent of land that has historically been earmarked for investigations to facilitate urban development for over 30 years, as reflected through various Council resolutions and LGA-wide housing and employment strategies. A summary of strategic planning considerations for this area is provided in **Attachment 1** to this submission.

To prepare this submission, we have reviewed the online mapping tool within the context of the exhibited draft documents (*Housing Strategy; Employment Zones Review Parts A and B; Infrastructure Zone Review; and Recreation Zones Review*) and supporting information (*Urban Land Monitor, and Large Lot Residential Zone Supply and Demand Analysis*).

We understand the purpose of Council's *Zoning in on our Future* initiative is principally to unify planning controls applying through Council's Local Environmental Plan (LEP) and Development Control Plan (DCP), as part of the amalgamation process for the former Great Lakes, Greater Taree, and Gloucester LGAs. In this regard, we recognise that our client's landholding is outside the 'existing urban area' boundaries nominated by Council for the purpose of this review. Consequently, none of the unifying control changes proposed by this exhibition would immediately affect the planning controls applying.

Irrespective of the above, our client's property is relevant to the broader context of growth within the Pacific Palms and Smiths Lake area. As stated on Council's website, Council's aim is to '*ensure these controls cater for our community now and into the future*', which implies adjustments will be considered to provide a consistent planning framework, and to facilitate longer-term strategic objectives. It is within this context that our submission seeks specific changes to Council's exhibited documents.

In our view, the intention for land to be released within the Charlotte Bay URA, at some stage, has been widely understood for decades. However, the basis for identifying a timeframe for that land to be released relies on an understanding of the extent to which supply within the Pacific Palms and Smiths Lake area is meeting demands for residential, employment, and community-oriented uses. The basis for this should be clearly identified across Council's *Urban Land Monitor, Housing Strategy, and Employment Lands Review* to safeguard lands for urban investigations at the appropriate time. We also present evidence that demonstrates residential and employment land shortfalls within Pacific Palms and

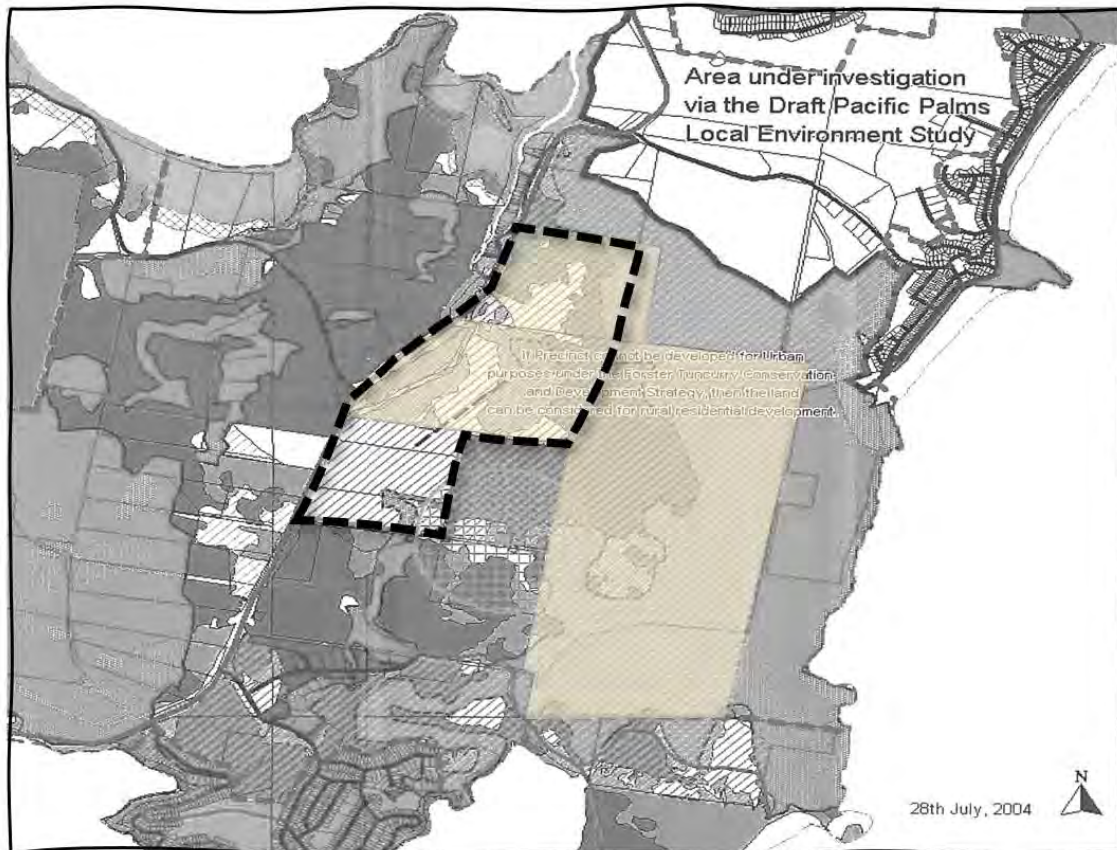
Suite 2, Level 2, 21 Bolton St Newcastle NSW 2000

P +61 2 4925 3286

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Smiths Lake to a degree that warrants strategic planning efforts to be expedited to facilitate the commencement of urban development within the proposed Charlotte Bay URA as soon as practicable.



-  Land identified in historical Council strategies as an urban 'investigation area'
-  Land controlled by Blueys Estate Pty Ltd
-  Proposed Charlotte Bay URA boundary

Figure 1: Proposed Charlotte Bay URA boundary and surrounds, for context (base map taken from the Great Lakes Rural Living Strategy Strategic Environmental Assessment and Strategy 2004).



## 1. CONTEXT

Under current NSW legislation and policy, the ability to re-zone land to facilitate urban development relies on the extent to which 'strategic merit' can be demonstrated. The strategic merit test considers whether a proposal will:

1. give effect to the relevant regional plan applying to the site, including any draft plan released for public comment; or
2. give effect to a relevant local strategic planning statement or strategy that has been endorsed by the Department or required as part of a regional or district plan or local strategic planning statement; or
3. respond to a change in circumstances, such as the investment in new infrastructure or changing demographic trends that have not been recognised by existing strategic plans.

No local strategies applying to our client's site have been endorsed by the Department to date. Based on our understanding of Council's current work program, we do not expect any endorsed strategies to apply within the next two years, noting Council has resolved to suspend preparing its Local Strategic Planning Statement until more detailed work could be completed to form an evidence base for this. We also consider there to be a very low likelihood that Council's current Housing Strategy, once finalised, would meet the requirements for endorsement by the Department, as set out in the *Local Housing Strategy Guideline and Template*.

In our view, that means the strategic merit assessment for our client's current Planning Proposal, or any Planning Proposal seeking to facilitate urban development within the proposed Charlotte Bay URA will rely on the extent to which it gives effect to the Hunter Regional Plan (criteria 1) or responds to demographic trends that have not otherwise been recognised by existing strategic plans (criteria 3). In our experience, regardless of whether they are endorsed by DPIE, Council's *Housing Strategy*, *Employment Lands Review*, and *Urban Land Monitor* will be important reference documents for planning authorities in considering the extent to which the zoned urban land supply is capable of meeting demands for urban services arising.

## 2. URBAN LAND MONITOR

Council's draft *Housing Strategy*, under action 5.3.1, commits Council to monitoring land release potential, with triggers identified to support new rezonings or other interventions to increase supply where:

- Ownership patterns / land banking is reducing the impetus to take product to market; or
- Supply falls below a level of projected demand – e.g. 10 to 15-year availability of appropriately zoned land; or
- Land release feasibility is compromised by high development costs.

We have reviewed the evidence presented in the *Urban Land Monitor* and drawn on additional evidence to consider the implication of this action within the Pacific Palms and Smiths Lake area. The key findings of this review are provided in **Attachment 2** to this submission. Our review of the information provided in the *Urban Land Monitor* indicates:

- The estimated 600 additional dwellings allocated 'potential residential land' sources are likely to correspond with the capacity expected within the proposed Charlotte Bay URA and cannot be used as a basis for considering the 10 to 15-year availability of supply.
- The estimated 600 additional dwellings allocated 'potential residential land' sources are unlikely to be fully realised within the 2036 planning horizon. This capacity is likely to be closer to around 150 dwellings, provided the land can be rezoned and serviced in a timely manner.



- The supply available in Smiths Lake in particular is already compromised by limited landownership and development constraints. This may lead to delayed supply production or higher sale prices, which may be unfavourable to the market.
- On balance, there is a less than 10 to 15-years supply available across the Pacific Palms and Smiths Lake area. This recognises:
  - Smiths Lake has around 2-3 years supply available; and
  - The predicted longevity of supply in Pacific Palms (28-35 years) is likely to be substantially exaggerated due to the supply-driven nature of the projections and the likelihood that it will compensate, in the short term, for lack of supply in Smiths Lake.

In our view, additional urban land should be released to augment supply within the Pacific Palms and Smiths Lake area, and Council should be establishing a basis to expedite investigations to facilitate urban development within the Charlotte Bay URA through its *Zoning in on our Future* initiative. To support this, we recommend Council update the *Urban Land Monitor* to nominate the Charlotte Bay URA as the source of the 'potential residential land' dwellings, upon which the Pacific Palms and Smiths Lake area will rely.

### 3. HOUSING STRATEGY AND EMPLOYMENT LANDS REVIEW

Land within the Charlotte Bay area has historically been earmarked for investigations to facilitate urban development for over 30 years. This is evidenced by a copy of the Great Lakes Council letter dated 25 July 1989 to our client, which is included in **Attachment 1** to our submission. This letter references a resolution of Council to consider our client's land as the next suitable candidate for urban development to cater for growth in the Pacific Palms area.

Since then, and prior to the release of the documents forming Council's current public exhibition, the most recent suite of long-term plans providing localised directions on urban growth management (as applicable to our client's site) were last prepared or endorsed by Council around 15 years ago. Key documents include:

- The *Great Lakes Rural Living Strategy Strategic Environmental Assessment and Strategy* (endorsed), which was released in 2004;
- The *Housing Strategy for Forster/Tuncurry* (endorsed), which was released in 2007 but is reflective of work undertaken to complete the *Forster/Tuncurry Conservation and Development Strategy*, which was released in 2003; and
- The *Great Lakes Employment Land Strategy*, which was released in 2006, but never endorsed or implemented.

Collectively, these strategies identified the need for additional land to be released to meet residential and employment use demands arising from the Smiths Lakes and Pacific Palms communities. These strategies also aligned to identify Charlotte Bay as the preferred location for land to be released to accommodate these uses and recommended strategic planning commence to establish a suitable zoning regime to facilitate urban development no later than 2010-2015.

To date, Planning Proposals initiated by our client in 2007 and 2014 are the only actions that have been taken to progress investigations in line with Council's endorsed recommendations. The stated objectives of the current Planning Proposal are to:

- Grow the community of Charlotte Bay in a manageable and logical manner by providing a permanent residential population that can support existing and future local business enterprise and which will complement and support the nearby villages of Smiths Lake and Pacific Palms.
- Utilise land that is well located and capable of being serviced for attractive, affordable and low impact residential development.





- Identify land with very high conservation values and establish mechanisms for its protection into perpetuity.
- Increase the connectivity of protected land from Wallis Lake to the Pacific Ocean and from Booti Booti National Park to Myall Lakes and Wallingat National Parks.
- Allow for recreational activities where compatible with the land and adjoining land uses.
- Improve the environmental condition of the site in conjunction with future development including the restoration of riparian land, improving or maintaining water quality and protecting habitat for native plants and animals.
- Ensure that development occurs in a logical and cost-effective manner and that infrastructure and services are provided in a conjunction with new development.

Based on our ongoing correspondence with Council and DPIE to progress this Planning Proposal, we understand it has only been supported for the substantial environmental benefit it affords due to the lack of any other strategic direction to identify new urban land releases within the Pacific Palms and Smiths Lake area. This benefit is predominantly achieved through the imposition of in-perpetuity conservation measures for around 250ha of land. In our view, the supply of additional urban lands to cater for unmet demands in the Pacific Palms and Smiths Lake area should be considered an equal merit of the proposal.

Although the current suite of documents on public exhibition collectively reiterate this need to identify additional urban lands within the Pacific Palms and Smiths Lake area, none provide definitive directions for Council to expedite the strategic planning required to address urban land supply shortfalls. In our view, this should be corrected by Council when finalising the *Housing Strategy* and *Employment Lands Review*.

We recommended the following changes to each document for Council's consideration.

In Council's *Housing Strategy*, under section 4.8 Pacific Palms and Smith's Lake, add a 'Future Housing Opportunities' point that states "Investigating the potential for land within Charlotte Bay to be released to accommodate urban development, providing a central location for higher-order jobs and services catering to the surrounding communities as well as additional residential development opportunities." This should be supported by the identification of the proposed Charlotte Bay URA boundary shown in **Figure 1** on the Strategy maps provided for the area.

In Appendix C (Local economic/planning strategies) to Council's *Employment Lands Review Part A*, identify a key finding of the Great Lakes Employment Land Strategy 2006 was "there is a shortfall in the employment lands available to meet demands expected within the Pacific Palms/Smiths Lake area, and Charlotte Bay was identified as the preferred location for investigations to augment this supply within 10-20 years."

#### 4. PLACE-BASED PLANNING FOR PACIFIC PALMS AND SMITHS LAKE

At the culmination of the *Zoning in on our Future* initiative, Council will need to consolidate the final recommendations for urban and rural areas to establish planning controls applying to all land within the LGA. This will require some form of place-based approach to apply the principles or priorities that have been so-far been identified in response to single-use issues.

The considerations provided in our submission in relation to the *Urban Land Monitor*, draft *Housing Strategy* and draft *Employment Zones Review* demonstrate that single-use issues (e.g. for housing, recreation, employment, environmental conservation, rural, etc.) are inter-related and so cannot be considered in isolation. In our view, the most effective implementation approach to establishing a forward-looking planning framework would be through the preparation of an area-wide plan for the Pacific Palms and Smiths Lake area. This should seek to update and formalise the Strategic





Development and Conservation Concept Plan prepared by Council in conjunction with the 2014 Planning Proposal (shown in **Figure 2**).

We understand a place-based approach is likely to be required for other areas within the LGA, and that Council will need to prioritise the sequencing of this work through its work program. In our view, place-based planning for the Pacific Palms and Smiths Lake area should be expedited to commencement immediately and completed within 2 years. This recognises:

- The *Urban Land Monitor 2016-36* indicates there is less than 15-year supply of urban land available, and that characteristics of that supply suggest it is likely to be significantly compromised. This, in itself, warrants an immediate need to identify additional new release areas for residential development, or the implementation of suitable mechanisms to increase capacity within the existing land supply. As described above, this could be achieved in the short term by increasing the availability of tourist and visitor accommodation within the area.
- The dispersed communities within the Pacific Palms and Smiths Lake area are far enough from Forster-Tuncurry to generate independent demand for facilities and services, including health, education, and cultural or recreational services. Government leadership is required to establish a collective vision for creating a diversified employment base that meets the needs of community, reflects the area's natural amenity, and aligns with the values of the MidCoast. This will assist with directing new projects across the area's various urban and rural precincts but relies on the establishment of a forward-looking planning assessment framework reflected in the LEP and DCP.
- There is limited land available that would be suitable for urban development due to the nature and extent of development constraints, (including considerations for environmental factors and infrastructure networks). Government leadership is also required to provide certainty as to the preferred ultimate use for any relatively unconstrained land and to optimise planning outcomes within this urban supply, specifically.
- Government leadership is also required to coordinate mechanisms to fund and deliver infrastructure, and to establish the area-wide benchmarks that would be expected from the private sector when planning for hazards, and environmental conservation. This includes providing directions, and supporting policies and processes, for implementing environmental and community protection measures in line with development to achieve landscape-scale outcomes.

As a strategic landowner within the area, our client would appreciate direct involvement in any place-based planning initiative.

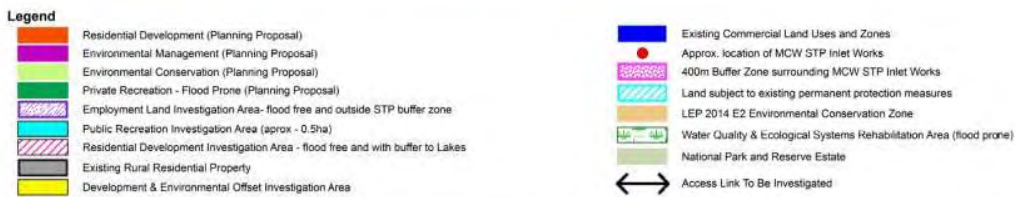
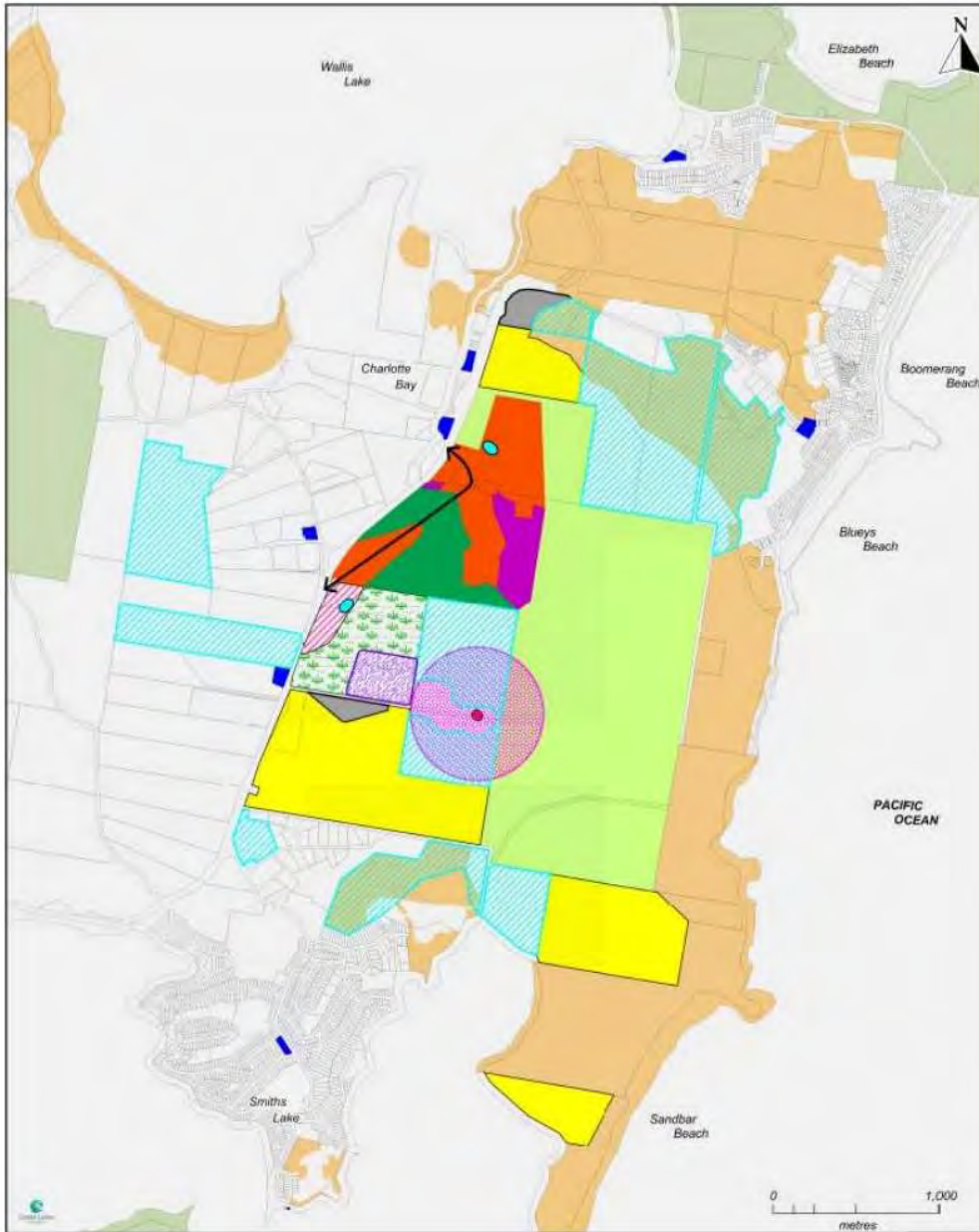


Figure 2: Strategic Development and Conservation Concept Plan presented in Council's 2014 Planning Proposal Report



## 5. CONCLUDING REMARKS

Our submission provides the basis for Council to align the various documents exhibited in relation to its Urban Zones Review to reaffirm a commitment to delivering the proposed Charlotte Bay URA for the benefit of the Pacific Palms and Smiths Lake communities. This can be achieved by:

- In the *Urban Land Monitor*, nominating the Charlotte Bay URA as the source of the 'potential residential land' dwellings, upon which the Pacific Palms and Smiths Lake area will rely;
- In the *Housing Strategy*, identify "Investigating the potential for land within Charlotte Bay to be released to accommodate urban development, providing a central location for higher-order jobs and services catering to the surrounding communities as well as additional residential development opportunities" as a Future Housing Opportunity, and show the proposed Charlotte Bay URA boundary on the Strategy maps provided for Pacific Palms and Smiths Lake area; and
- In the *Employment Lands Review Part A*, recognise there is a shortfall in the employment lands available to meet demands expected within the Pacific Palms/Smiths Lake area, and that Charlotte Bay is the preferred location for investigations to augment this supply.

This would be further supported by a Council-initiated project to prepare an area-wide plan for the Pacific Palms and Smiths Lake area, building on the Strategic Development and Conservation Concept Plan prepared by Council in conjunction with the 2014 Planning Proposal.

On behalf of our client, we thank you for your consideration of the matters raised in this submission. Should you wish to discuss these further, please do not hesitate to contact me on 4925 3286 or [amandaw@cityplan.com.au](mailto:amandaw@cityplan.com.au).

Yours sincerely,

A handwritten signature in black ink, appearing to read 'A Wetzel', written over a light grey rectangular background.

**Amanda Wetzel**

Regional Director | Newcastle

**ATTACHMENT 1: STRATEGIC PLANNING HISTORY**

Land within the Charlotte Bay area has been earmarked for investigations to facilitate urban development for over 30 years. This is evidenced by a letter from Great Lakes Council (dated 25 July 1989) to our client referencing a resolution of Council to consider our clients land as the next suitable candidate for urban development to cater for growth in the Pacific Palms area.

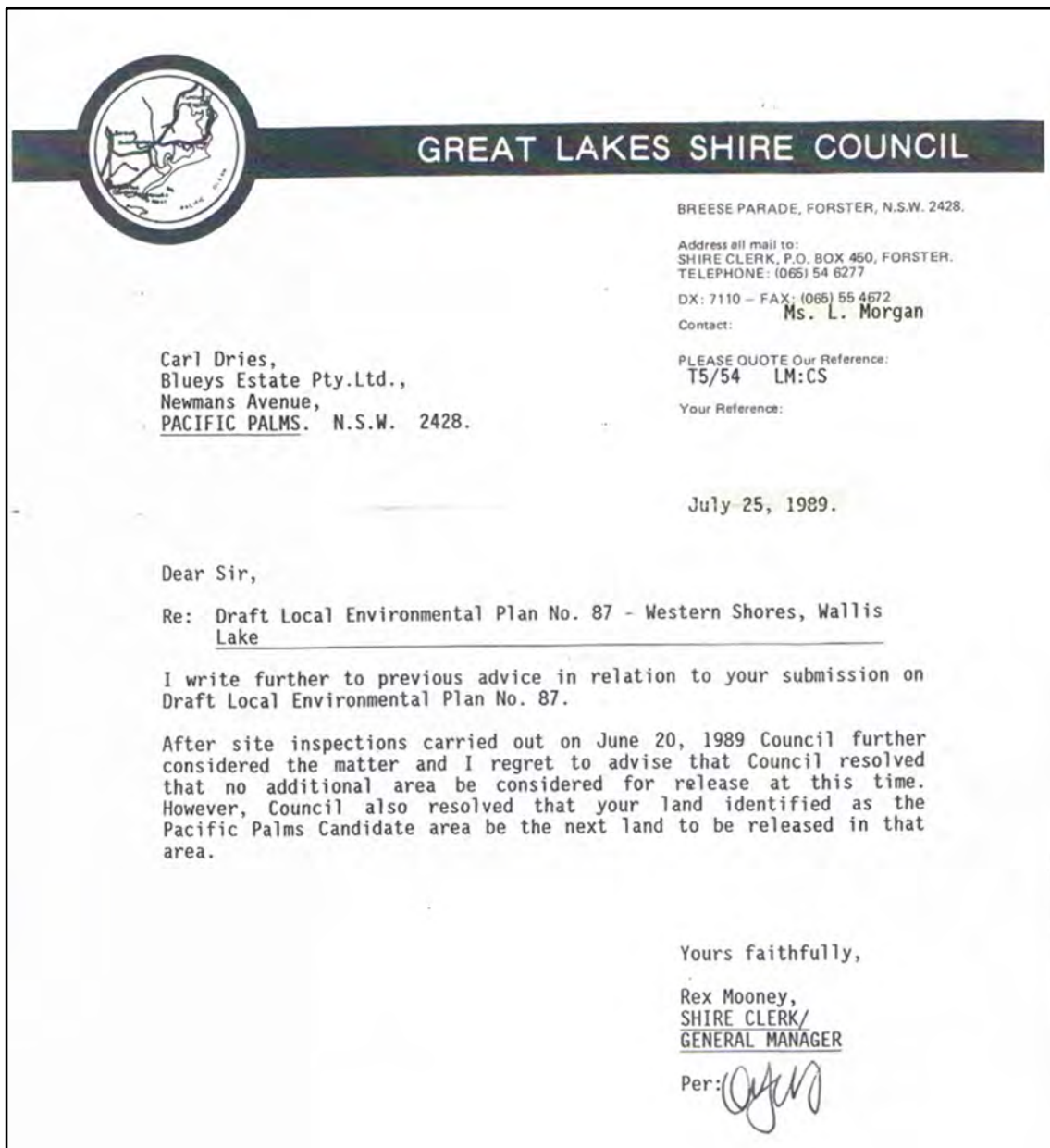


Figure 3: Great Lakes Council letter of 1989 demonstrating Council's longstanding commitment to releasing land at Charlotte Bay for urban development



The 2006 *Great Lakes Employment Land Strategy* recognised that the dispersed communities within the Pacific Palms and Smiths Lake area are far enough from Forster-Tuncurry to generate independent demand for urban facilities and services. At the time that Strategy was prepared, the employment-zoned land was reflected by zone 2 - Village land broadly available at Smiths Lake, Charlotte Bay, Blueys Beach and Elizabeth Beach. The Strategy concluded there was insufficient capacity to meet the expected demand, and recommended an additional lands were identified to accommodate retail (0.5-1ha), light industry (2-3ha) and community oriented uses to deliver health, education, and cultural or recreational services (3-5ha).

The zoned employment land supply within the Pacific Palms and Smiths Lake area has not been augmented since the 2006 Strategy was prepared. During this time, the resident population of the area has increased, along with visitation. This suggests there may already be an ongoing and unmet demand for services people require to meet their daily needs.

The 2006 *Great Lakes Employment Land Strategy* recommended the release of land at Charlotte Bay to provide a central location for urban services and other employment-generating uses. The proposed URA boundary shown in **Figure 1** broadly aligns with the recommended location. This approach was preferred to one which would substantially intensify development within an existing village. In our view, this urban release approach should continue to be favoured as it would allow each village to retain the bush and beach characteristics with a laid-back holiday feel that motivates people to live in and visit the area. The coordinated, broadscale conversion of land for urban development would also enable growth to occur more quickly, to meet the immediate underlying demands.

Around the same time, Council endorsed its *Housing Strategy for Forster/Tuncurry* (2007), which was reflective of more detailed work undertaken between 2000-2004 to complete the *Forster/Tuncurry Conservation and Development Strategy*. Collectively, these documents also supported a 'village cluster' approach to meeting current and future demands for urban development. The *Forster/Tuncurry Conservation and Development Strategy* estimated there to be capacity for the existing zoned residential land supply to provide around 430 residential lots between Pacific Palms and Smiths Lake. It recognised efforts that were already underway to re-zone land in Smiths Lake at Macwood Road (4ha) and Tropic Gardens Drive (5ha), and in Pacific Palms (3.5ha). These re-zonings have occurred and are currently reflected in the zoned land supply.

The *Forster/Tuncurry Conservation and Development Strategy* also foreshadowed medium to longer term a need to identify additional urban lands within the Pacific Palms and Smiths Lake area. It recommended investigations to be focused on the 'Charlotte Bay Precinct', facilitating a mix of residential, retail, and employment opportunities to allow the broader area to be more self-sufficient. At the time, this Strategy identified an investigation area of around 100-120ha, which would be capable of providing around 600 additional lots. The proposed URA boundary shown in **Figure 1** broadly aligns with this Charlotte Bay Precinct.

Additional considerations with respect to the strategic planning history were detailed in Council's 2014 Planning Proposal report, and are summarised below:

- 1997 - A golf course masterplan and stage 1 works for a nine-hole golf course and shop/clubhouse were approved within our client's site (DA 5057/1991). Stage 1 construction has been completed for the fairways and water hazards. Our client postponed constructing the Lakes Way access required to operate the facility commercially to enable this to align with the urban release area that was being considered with Council.
- 2007 - Council supported a rezoning submission made by the Citta Property Group (SP-LEP-71), recognising this was "*identified in the Forster/Tuncurry Conservation and Development Strategy so as to enable residential development, larger urban or rural residential lots, employment and environmental protection purposes.*" The (then) Department of Planning and Environment did not support the application as it, in their view, pre-empted the Growth Management Strategy for the



Great Lakes (which was never finalised) and the Mid North Coast Regional Plan (which did not identify our clients site as a Growth Area).

- 2012 - Council resolved to support our client again initiating investigations to facilitate urban development within the site.
- 2014 - Our client lodged the current Planning Proposal, which is still being considered.

Several changes have occurred within the State and Regional level strategic planning frameworks since the 2014 Planning Proposal was lodged. Notably, this includes the release of the Hunter Regional Plan 2036, which superseded the *Mid North Coast Regional Strategy*. We note the Hunter Regional Plan 2036 did not identify any new urban investigation areas within the Region. Instead, it instructs all Councils to, under Direction 25, monitor housing and employment supply and demand to coordinate the staged release and rezoning of land.



## ATTACHMENT 2: URBAN LAND MONITOR REVIEW

Our review of Council's *Urban Land Monitor*, which underpins the draft *Housing Strategy*, identified discrepancies in the calculation of estimated capacity available within the zoned supply in the Pacific Palms and Smiths Lake area. The key findings and recommendations of this review are provided below. These specifically address the triggers identified to support new rezonings under action 5.3.1 in Council's draft *Housing Strategy*, which are:

- Ownership patterns / land banking is reducing the impetus to take product to market; or
- Supply falls below a level of projected demand – e.g. 10 to 15-year availability of appropriately zoned land; or
- Land release feasibility is compromised by high development costs

### Supply estimate context

We understand the *Urban Land Monitor* has calculated additional supply that could be made available through two main sources:

- undeveloped residential land being vacant land currently zoned for residential development with a land area of greater than 0.5ha; and residential lots with the potential to be subdivided (house and land greater than 2ha); and
- potential residential land, being land that has been identified as an urban release area either in the Mid North Coast Regional Strategy 2006-2031 or in other local strategies, where there is a high likelihood of development occurring.

The estimated supply for the Pacific Palms and Smiths Lake area, by source, as presented in the *Urban Land Monitor* is shown in **Table 1**.

Table 1: ULM estimated supply, by source, for Pacific Palms and Smiths Lake

	Smiths Lake	Pacific Palms	Total
Undeveloped residential land	87	309	396
Potential residential land	600	-	600

As defined, the 'undeveloped residential land' capacity should be evident within the zoned supply boundaries for the Pacific Palms area shown in the draft *Housing Strategy*. To consider this, we reviewed the ULM estimates against dwelling capacities identified in historical development approvals (available through Council's DA tracker) and the residential development (dwelling) forecasts prepared by .id profile (available online)<sup>1</sup>. This information is summarised in Table 1.

In our view, the forward theoretical supply estimates described in the *Urban Land Monitor* that could be provided from within the zoned supply appear reasonable. However, the likelihood of this capacity being realised has not been considered within the *Urban Land Monitor*. This is considered in more detail in later subsections.

<sup>1</sup> <https://forecast.id.com.au/midcoast/residential-development?WebID=240>



Table 2: Status of dwelling supply estimates for undeveloped residential land, by location (data drawn from Council's DA tracker and .id profile's dwelling forecasts)

Area	Site / source	Status / reference	Dwelling Capacity
Smiths Lake	Macwood Road Precinct	<b>Under assessment</b>	
		DA-272/2016	27
	Tropic Gardens Drive	<b>Zoned / unproven</b>	
		.id forecast	63
	MidCoast ULM	60*	
Pacific Palms	Reef Circuit, Blueys Beach	<b>Under construction</b>	
		DA-249/2015	22
	Boomerang Drive, Blueys Beach	<b>Approved (2019)</b>	
		DA-345/2016	77
	Karnang Drive, Boomerang Beach	<b>Approved (2019)</b>	
		DA-261/2018	10
	Red Gum Road, Boomerang Beach	<b>Approved (2019)</b>	
DA-398/2018		11	
Residual land	<b>Zoned / unproven</b>		
	.id forecast (combined for Pacific Palms and Elizabeth Beach)	166	
	MidCoast ULM	139*	

The *Urban Land Monitor* also estimates around 600 additional dwellings are available in 'potential residential land'. In our experience preparing Local Housing Strategies for other Councils, this would normally be supported by the identification of 'urban investigation areas' to level commensurate with meeting that supply. Assuming typical development densities of around 8-12 dwellings per hectare, this would equate to around 50-75ha of 'investigation' land. This has not been identified in the *Urban Land Monitor*, and we recommend this is corrected.

Based on our understanding of the strategic planning history for the area, the estimated 600 additional dwellings are likely to correspond with the capacity expected within the proposed Charlotte Bay URA. If that is accurate, we note .id profile have indicated a much more conservative estimate of 142 dwellings (2028-2036) for the area (referred to in its residential supply forecasts as the Charlotte Bay Precinct Urban Release Area UR1). In our view, this is more reflective of the likely supply that would be available **provided the land can be rezoned and serviced in a timely manner.**

### Ownership patterns

Supply capacity within the Smiths Lake area relies entirely on development within two sites (Macwood Rd and Tropics Gardens Drive), which we understand are controlled by two separate landowners. That leaves this supply more vulnerable to operational risks, such as changes in access to finance, which could lead to lengthy delays or unforeseen drops in supply delivery.

Further to this, neither of these sites have produced a new lot to date. We understand there are still several approval milestones and a high level of infrastructure servicing required to facilitate lot production. In our view, this cannot yet be considered effective supply.

The ownership pattern in Pacific Palms appears to provide a higher-level of competition, which can assist with putting downward pressure on housing prices. The number of recent approvals suggests this supply may already be compensating for lack of availability in Smiths Lake. In our view, the consumption of this supply is likely to exceed the projected dwelling requirements, particularly if supply remains unavailable in Smiths Lake. This may lead to supply being exhausted faster than anticipated.

### 10 to 15-year availability

The *Urban Land Monitor* considers residential land supply in relation to projected dwelling demand for average and high growth scenarios. We understand the average growth rates are based on recent past trends, and high growth scenarios allow for an additional 20% growth above average rates. These figures are shown in **Table 3** for Pacific Palms and Smiths Lake.

In our view, the past trends for the Pacific Palms and Smiths Lake area are reflective of supply-driven markets. In other words, we expect more people would choose to purchase dwellings within both these areas, if more supply was available.

Table 3: Council's projected dwelling requirements for Pacific Palms and Smiths Lake as presented in the *Urban Land Monitor*

Growth scenario	Projected total population 2036	Projected pop growth 2016-2036	Projected dwelling demand per year	Projected dwelling demand 2016-2036
<b>Smiths Lake</b>				
Average growth (2.79% p.a.)	2,143	908	29	586
High growth (3.35% p.a.)	2,325	1,090	35	703
<b>Pacific Palms</b>				
Average growth scenario (0.97% p.a.)	849	149	9	175
High growth scenario (1.16% p.a.)	876	179	11	210

We consider the 600 lots allocated to potential residential land sources to be outside the scope of consideration as to whether a 10 to 15-year supply is available. This recognises that the release of this source would be triggered by this review and would rely on rezoning to facilitate development. In our



experience, that process takes a minimum of 2 years, but typically around 5 years to complete, with additional time required for subsequent development approvals and the provision of enabling infrastructure.

That means the projected demand requirements shown in **Table 3** must be considered within the undeveloped residential land supply capacity. In this regard:

- Smiths Lake has around 2-3 years supply available. However, this supply is unlikely to become effective in the short term, due to outstanding approval and infrastructure requirements.
- Pacific Palms may have around 28-35 years available. However, with corrections to adjust for the supply-driven nature of projections, this supply longevity is likely to be substantially exaggerated. In addition to this, the Pacific Palms market is likely to compensate, in the short term, for lack of supply in Smiths Lake, which may also lead to supply being exhausted faster than anticipated.

On balance, the entire area is likely to have less than 10 to 15-years supply available. This warrants the need for the supply to be augmented through the release of additional urban lands.

#### Development costs

The undeveloped residential land supply in Smiths lake is heavily constrained (steeply sloping, heavily vegetated, and threatened by bushfire), and is not yet connected to reticulated sewer. These constraints generally lead to cost-prohibitive situations that can either delay supply production or lead to higher sale prices, which may be unfavourable to the market.

#### Summary

Our review of the information provided in the *Urban Land Monitor* indicates:

- The estimated 600 additional dwellings allocated 'potential residential land' sources are likely to correspond with the capacity expected within the proposed Charlotte Bay URA and cannot be used as a basis for considering the 10 to 15-year availability of supply.
- The estimated 600 additional dwellings allocated 'potential residential land' sources are unlikely to be fully realised within the 2036 planning horizon. This capacity is likely to be closer to around 150 dwellings, provided the land can be rezoned and serviced in a timely manner.
- The supply available in Smiths Lake in particular is already compromised by limited landownership and development constraints that may lead to delayed supply production or higher sale prices, which may be unfavourable to the market.
- On balance, there is a less than 10 to 15-years supply available across the Pacific Palms and Smiths Lake area. This recognises:
  - Smiths Lake has around 2-3 years supply available; and
  - Pacific Palms supply longevity (28-35 years) is likely to be substantially exaggerated due to the supply-driven nature of the projections and it likelihood that it will compensate, in the short term, for lack of supply in Smiths Lake.

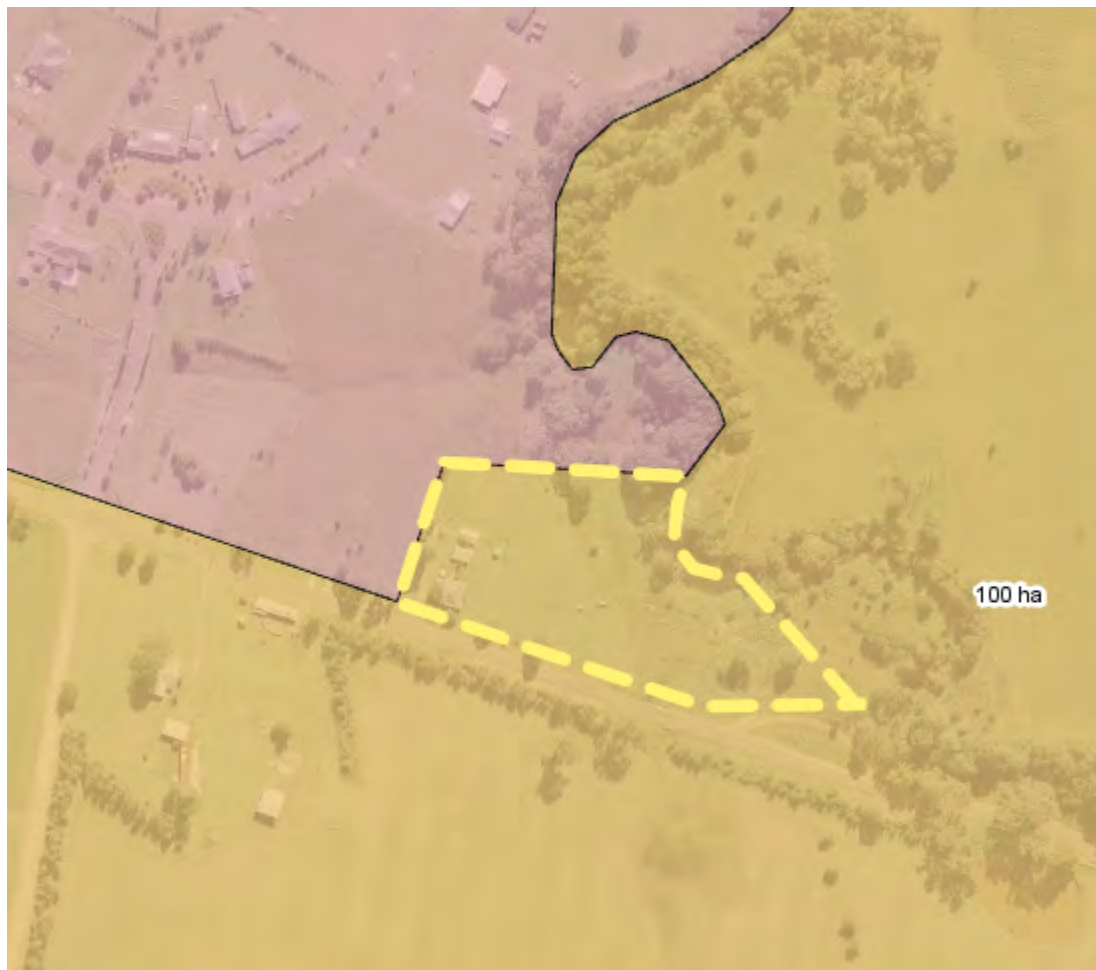
In our view, additional urban land should be released to augment supply within the Pacific Palms and Smiths Lake area. Council should assert therefore seek to prioritise investigations to facilitate urban development within the Charlotte Bay URA through its *Zoning in on our Future* initiative.

# Submission 431

**From:** "Frank Compton" <frank@calcosurveyors.com.au>  
**Sent:** Fri, 25 Feb 2022 11:02:16 +1100  
**To:** "Rural Strategy" <rural@midcoast.nsw.gov.au>  
**Cc:** "paradza9025@gmail.com" <paradza9025@gmail.com>  
**Subject:** 201 Jacks Road, Gloucester

Dear Sir/Madam

We would like to register an interest in councils current strategic plans and subsequent re-configuration of zone and lot size boundaries. The subject property is currently encased within the Avon River, Jacks Road, and the R5 boundary. Obviously due to the size of the land any substantial Agriculture is not achievable, and the property is more accommodated to Large Lot Residential Lifestyle. Further to this, extension of the 4000m<sup>2</sup> Lot size would also be logical. Services to the land are readily available, and it is envisaged that the possibility of an extra lot is achievable above the flood level of the land.



Thank you for considering this as part of the current rural strategy.

Regards,

**Frank Compton**  
**Registered Surveyor**  
**Calco Surveyors Pty Ltd**  
PO BOX 194  
Gloucester 2422  
Ph : (02) 6558 2255

Email secured by Check Point