

APPENDIX A: SITE SPECIFIC



**Consultation Report
Draft MidCoast Local Environmental Plan**

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Introduction

The majority of the 520 submissions are site specific submissions, where property owners seek clarification or raise issues about the planning controls proposed for their properties, adjoining land and neighbourhoods.

Figure 1 shows the location of the submissions, with the rural and coastal (east of the Pacific Highway) localities grouped together as Rural locations and Coastal locations. Figure 1 shows that North Arm Cove generated the most submissions (143), due to the proposed changes to the paper subdivisions in the draft MidCoast LEP. Given these submissions have similar issues across the paper subdivisions, they have been discussed in Section 4.1 rather than each site being discussed separately in this section.

The site specific submissions have been grouped as follows:

- **Strategic centres** being Taree, Forster and Tuncurry
- **Coastal centres** being Harrington, Old Bar (including Wallabi Point), Hallidays Point, Pacific Palms (including Smiths Lake) and Tea Gardens/Hawks Nest
- **Rural centres** being Gloucester, Wingham and Bulahdelah
- **Villages, rural and coastal locations** which are listed alphabetically for easy reference (e.g. Crowdy Head, Bungwahl, Stratford)

The strategic, coastal and rural centres have a location map at the start of each table to enable easy reference to where the submission is located. Given the size of the MidCoast this type of map is not available for the villages, rural and coastal locations, however they are listed alphabetically for easy reference.

For each location the issue is summarised, a response to the issue and a recommendation are provided as to whether a change is proposed to the draft MidCoast LEP, and if so, what the change is. A map for each site or location shows the proposed zone as contained in the exhibited draft MidCoast LEP. Issues that are numbered (i.e. 1, 2, 3) originated from a submission. The submission number (i.e. 1 to 520) is also included to enable submitters to see how their submission was considered. Issues with letters (i.e. A, B, C) originated from the community conversations or Council Departments, where changes are proposed to the draft MidCoast LEP. Every effort has been made to amend the draft MidCoast LEP mapping to reflect these changes.

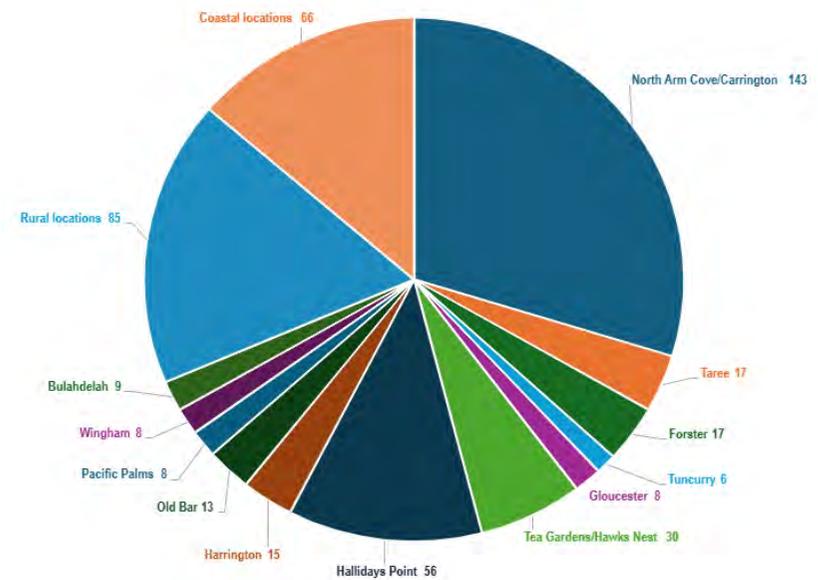
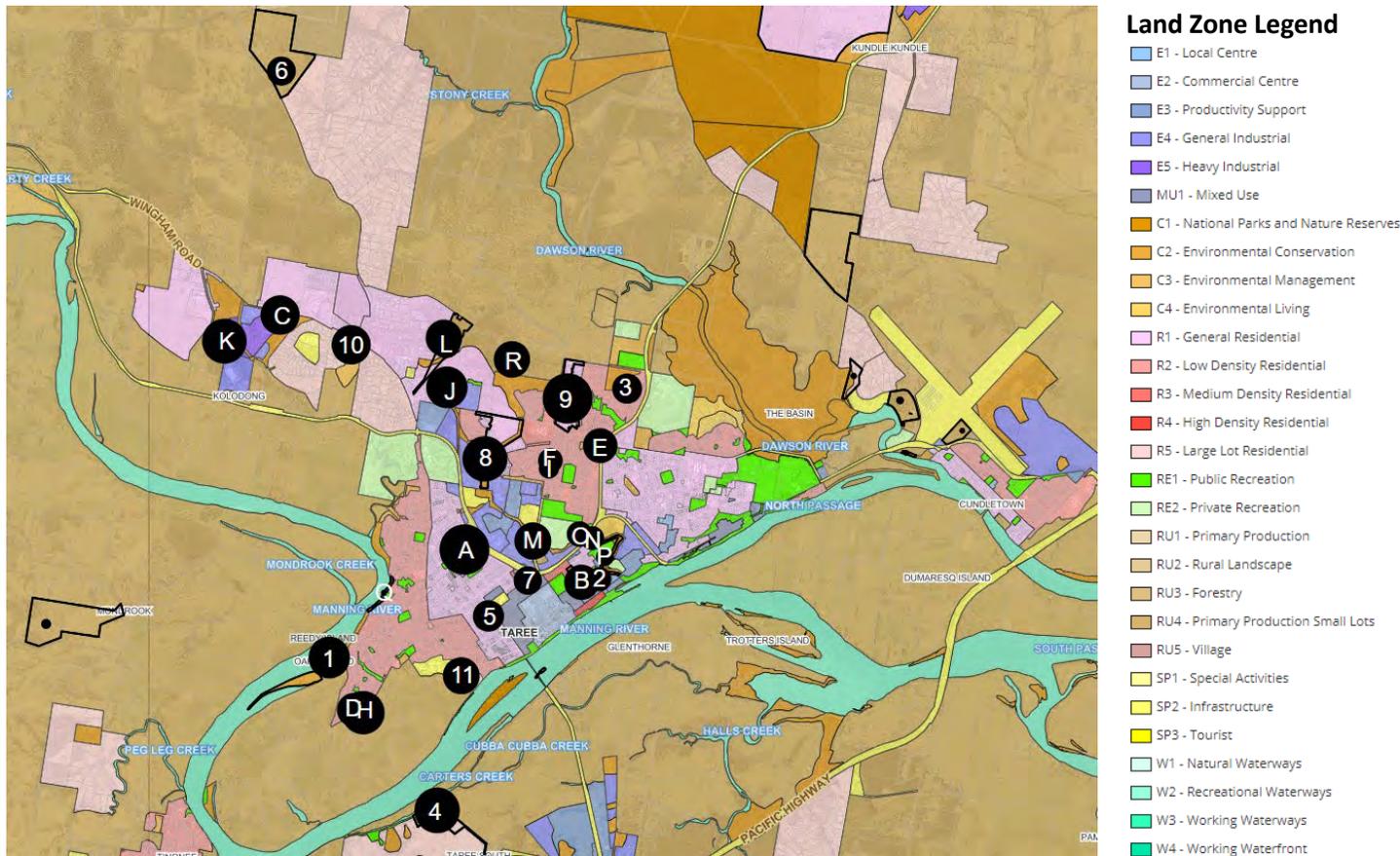


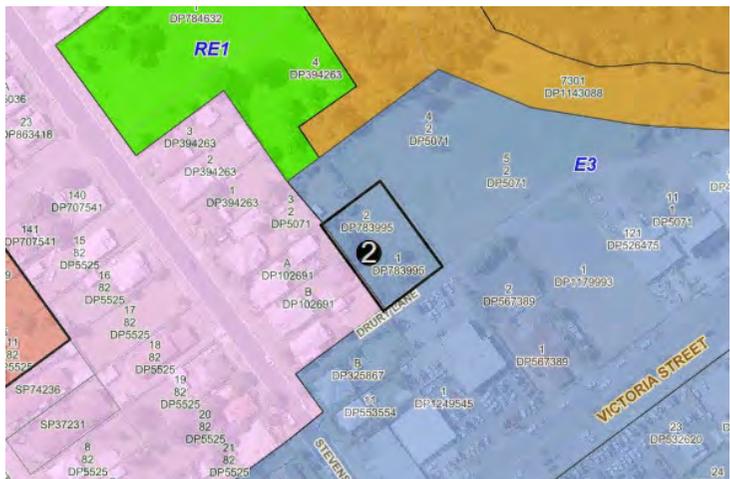
Figure 1 – Location of submissions

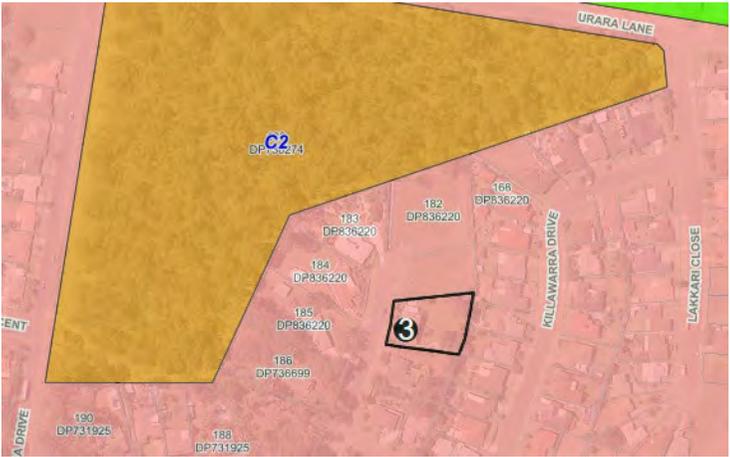
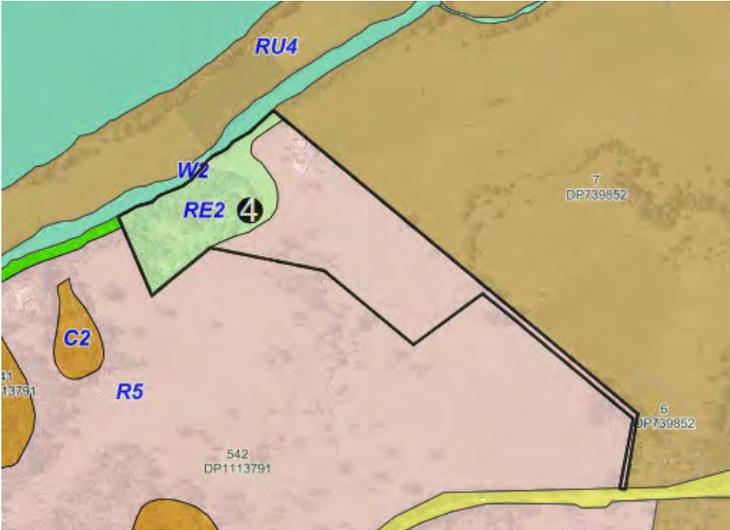
Strategic Centres

Taree

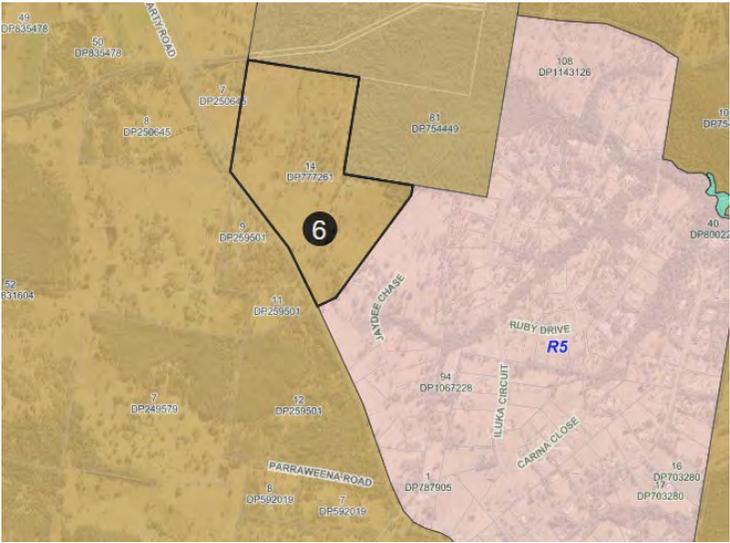
Consultation in Taree was held between 23 - 25 May 2024 in the Taree Central Shopping Centre and 4 July 2024 on Victoria Street. In total, 410 people attended the consultation and we received seventeen submissions from this community. The majority of residents requested information on what the zone changes meant for their property and the surrounding area, with a focus on residential zones. The issues raised from submissions and the consultation are summarised in the table below with any recommended changes to the draft MidCoast LEP provided. The map below shows the location of issues across Taree. Submissions for Tinonee, Cundletown, Mondrook and Wingham are addressed separately in this document.

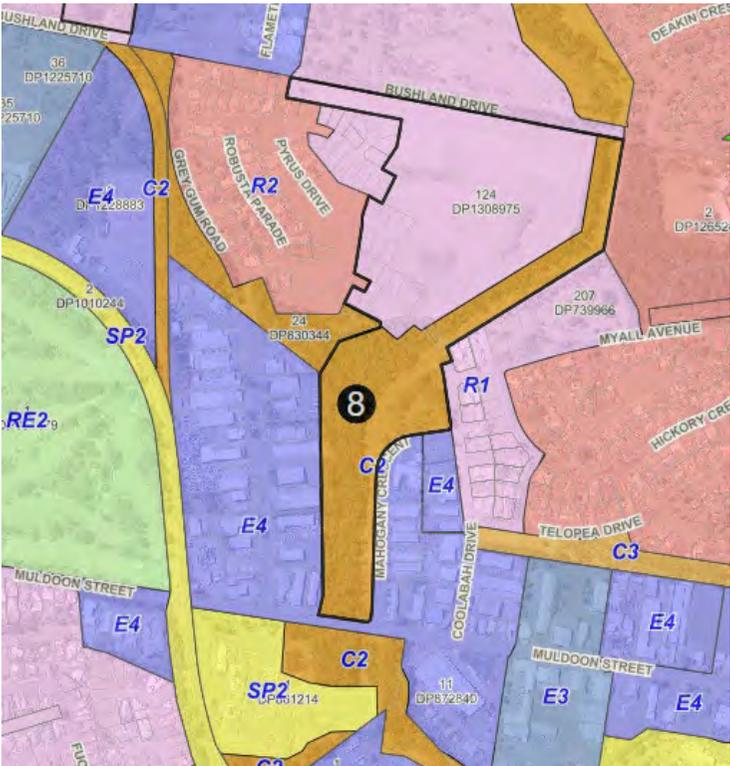


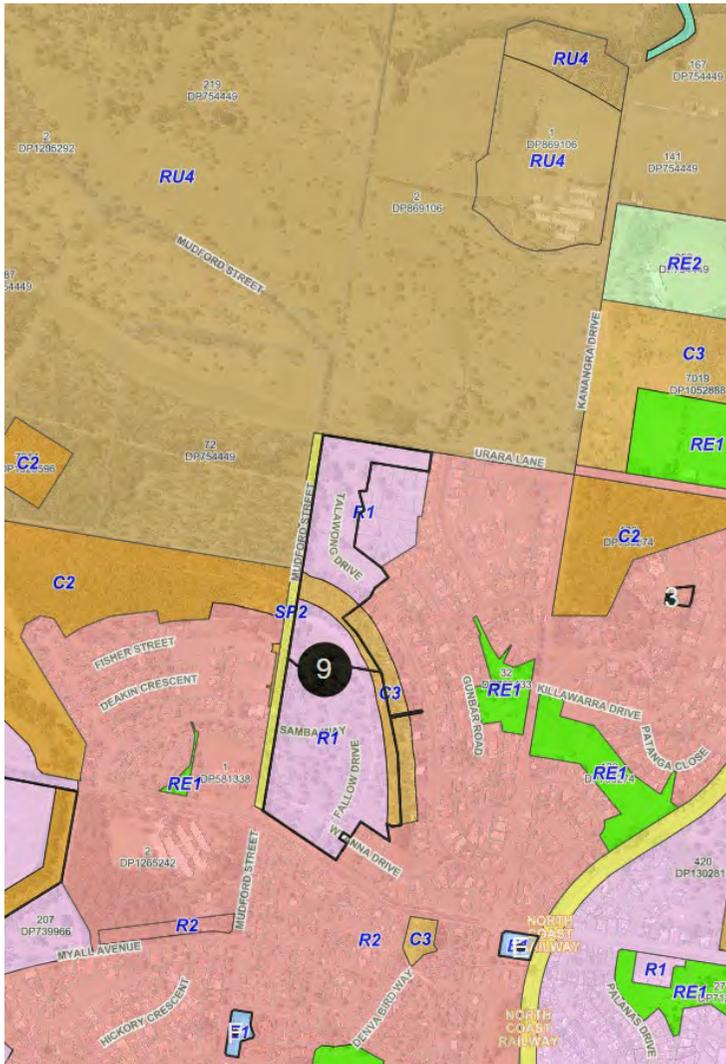
Proposed zone	Comment and response
	<p>1. Oaky Island (off Petken Drive) conservation zone (Submission 39)</p> <p>These sites at Oaky Island (being Lot 633 DP1206307) and adjoining land (being Lot 49 DP703790) are currently in the RE1 Public Recreation zone and the RU1 Primary Production zone. The submitter requests that a conservation zone be applied given their proximity to the Manning River and the environmental values of the properties.</p> <p>Response:</p> <p>Both sites are proposed to be included in the C2 Environmental Conservation zone in the draft MidCoast LEP and are in public ownership. A further review of these sites identified that there is an active Aboriginal/Native Title Land Claim over Oaky Island and as a result, a more appropriate zone would be a C3 Environmental Management zone so as not to preclude future use of the site. A review of this zone will be undertaken by Council if the Land Claim is unsuccessful.</p> <p>Recommendation: amend the draft MidCoast LEP mapping to include Oaky Island (Lot 633 DP1206307) and Lot 49 DP 703790 in the C3 Environmental Management zone and apply a 40ha minimum lot size and no maximum height of building</p>
	<p>2. Drury Lane - community garden (Submission 49)</p> <p>This site at Drury Lane, Taree (Lot 1-2 DP783995) is proposed to be retained in the E3 Productivity Support zone. The landowner requested information regarding whether a shed and community garden would be permitted in the E3 Productivity Support zone applied to land fronting Drury Lane, Taree.</p> <p>Response:</p> <p>State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 allows for certain low impact development to be undertaken without seeking consent from Council and this is referred to as 'exempt development'. Subdivision 9 of the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 specifies standards for the development of garden sheds. Alternatively, the landowner may wish to lodge a development application for a shed that does not meet the standards outlined in the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008. There are no restrictions proposed for the development of community gardens on private lots in the E3 Productivity Support zone.</p> <p>Recommendation: no change</p>

Proposed zone	Comment and response
	<p>3. Low Density Residential zone land use around Allumba Close (Submission 63)</p> <p>This site at 20 Allumba Close, Taree is proposed to be retained in a residential zone being the R2 Low Density Residential zone. The submitter expressed concern about multi dwelling housing being permitted with consent in the R2 Low Density Residential zone, given the potential impact on the local character of residential neighbourhoods.</p> <p>Response:</p> <p>The NSW Government required the inclusion of multi dwelling housing in the R2 Low Density Residential zone (condition of the Gateway Determination). Council acknowledges residents' concerns about the potential impact of this use in the R2 Low Density Residential zone and the impact on the original intent of the zone as outlined in the MidCoast Housing Strategy 2021. More information on this assessment is provided in the Section 4.3.4 of the Consultation Report. Council will recommend that the use be prohibited in the R2 Low Density Residential zone given the concern raised in a number of submissions.</p> <p>Recommendation: amend the draft MidCoast LEP to list multi dwelling housing as a prohibited use in the R2 Low Density Residential zone</p>
	<p>4. 6989 The Bucketts Way (Submission 67)</p> <p>The site at 6989 The Bucketts Way, Taree South (Lot 53 DP836998) is proposed to be retained in the RE2 Private Recreation and R5 Large Lot Residential zones. The landowner requested the removal of the RE2 Private Recreation zone from the rear of their property at 6989 The Bucketts Way, Taree South. This zone originally applied to a garden which is no longer in use. The landowner would like the ability to have a dwelling on this part of the site.</p> <p>Response:</p> <p>Land surrounding the RE2 Private Recreation zone has been approved for subdivision and the layout was considered in the review of this property. The zone is proposed to be amended as shown to the right to include land above the Probable Maximum Flood (PMF) level in the R5 Large Lot Residential zone with a minimum lot size of 1.5ha and the remainder of the land to be included in the C3 Environmental Management zone with a 40ha minimum lot size. These zone changes would enable consent to be sought from Council for the establishment of a house on this part of the site. The landowner was advised of this proposed change and was supportive of the change.</p> 

Proposed zone	Comment and response
	<p>Recommendation: amend the draft MidCoast LEP mapping to include the site in the zones shown above, apply a 1.5ha minimum lot size and 8.5m maximum height of building to the R5 Large Lot Residential zone, and a 40ha minimum lot size and no maximum height of building to the C3 Environmental Management zone</p>
	<p>5. 3 Little Wynter Street (Submission 74)</p> <p>The site at 3 Little Wynter Street, Taree (Lot 1 SP42150) is proposed to be retained in the R1 General Residential zone. The landowner objected to reduction of building height from 11.5m to 8.5m that applies to the neighbourhood.</p> <p>Response:</p> <p>The maximum height of buildings around Taree has been carefully considered as part of the Manning Health/ Taree CBD Precinct Plan. The maximum height of buildings has been increased in closer proximity to Taree's CBD, where lots are often larger and are more conducive to additional height. Little Wynter Street is not in close proximity to the core of Taree CBD and the type of residential development that has occurred in the neighbourhood is typically 1-2 storeys, which can be achieved with a maximum height of building of 8.5m. As a result, it is proposed to retain the maximum height of building at 8.5m in this location.</p> <p>Recommendation: no change</p>

Proposed zone	Comment and response
	<p>6. 362 Cedar Party Road (Submission 332)</p> <p>The site at 362 Cedar Party Road, Taree (Lot 14 DP777261) is proposed to be retained in a rural zone, being the RU4 Primary Production Small Lots zone. The landowner requested the site be included in the R5 Large Lot Residential zone to be consistent with the zone of adjacent properties to the south and east, given the land is modified, cleared of significant vegetation, has access to power and water, the existing road network, and this type of development would be consistent with the existing character of the area.</p> <p>Response:</p> <p>The purpose of the draft MidCoast LEP was to examine the current zones and consistently apply a new suite of zones. Any zone changes from a rural zone to an urban zone, such as the R5 Large Lot Residential zone generally occurred where the site had the characteristics of the zone. In this case, there would have to be an existing estate with lots that have an area of 1.5ha to 5ha.</p> <p>To change the zone of a property, the landowner would need to go through the planning proposal process (known as a rezoning). This user pays process can be costly and requires technical studies which would consider all aspects of whether the site was suitable to be included in the R5 Large Lot Residential zone (e.g. ecological, Aboriginal Cultural, transport, servicing and bushfire). It is important to note that planning proposals are typically only considered for sites identified in the MidCoast Urban Release Areas Report 2021 and the Hunter Regional Plan 2041. This site has not been identified in either of these documents.</p> <p>Recommendation: no change</p>
	<p>7. 61 High Street (Submission 371)</p> <p>The landowner provided support for the MU1 Mixed Use zone to be applied over the property at 61 High Street, Taree (Lot 2 DP830450). The site is currently used as a bowling club and included in the RE2 Private Recreation zone.</p> <p>Response:</p> <p>Support for the MU1 Mixed Use zone over this site is noted. The site is a bowling club, which are typically included in the RE2 Public Recreation zone. However, the MU1 Mixed Use zone was recommended as part of the Manning Health/Taree CBD Precinct Plan 2020 to recognise the opportunity to have a mix of uses on this site.</p> <p>Recommendation: no change</p>

Proposed zone	Comment and response
	<p>8. Conservation zone between Bushland Drive and Muldoon Street (Submission 386)</p> <p>The landowner objects to the land which is currently in the RE1 Public Recreation zone being included in the C2 Environmental Conservation zone (being part of Lot 123-124 DP1308975). They are concerned that the conservation zone will impact on the implementation of the residential development in stages (Development application - 337/1984/DA) in terms of the drainage reserves, powerline easements, management of the land and the potential impact on the residential use on the land.</p> <p>Response:</p> <p>This zone change was proposed as a result of the review of recreation zones across the MidCoast, undertaken to develop a clear and consistent approach to the application of the recreation zones. This review found some land, such as the subject land does not have a public recreation purpose. The site was proposed to be included in the C2 Environmental Conservation zone to reflect the environmental values of the Browns Creek corridor and adjoining lands, which includes being a key Koala corridor, with Koalas being sighted in this area.</p> <p>Based on the submission, a further review was undertaken for this site. It is acknowledged that a power line easement is located to the east of the Browns Creek corridor. As a result, it is proposed to include the Browns Creek corridor in the C2 Environmental Conservation zone and include the remainder of the corridor in the C3 Environmental Management zone as shown to the right.</p> <p>Recommendation: amend the draft MidCoast LEP mapping to include the corridor in a combination of the C2 Environmental Conservation and C3 Environmental Management zones as shown above</p> 

Proposed zone**Comment and response****9. Conservation zone between Talawong and Fallow Drive (Submissions 387, 483)**

This strip of land located between Talawong and Fallow Drive is currently included in the RE2 Private Recreation zone and is proposed to be included in the C3 Environmental Management zone with a 40ha minimum lot size. The landowners object to this proposed change of zone over part of Lot 124 DP841347 and Lot 300 DP1292794.

Response:

This zone change was proposed as a result of the review of recreation zones undertaken in the MidCoast Recreation Zone Review 2022, undertaken to develop a clear and consistent approach to the application of the recreation zones. This review found some land, such as the subject land does not have a recreation purpose. The site is proposed to be included in the C3 Environmental Management zone to reflect the environmental values of the land, which includes a stand of established trees.

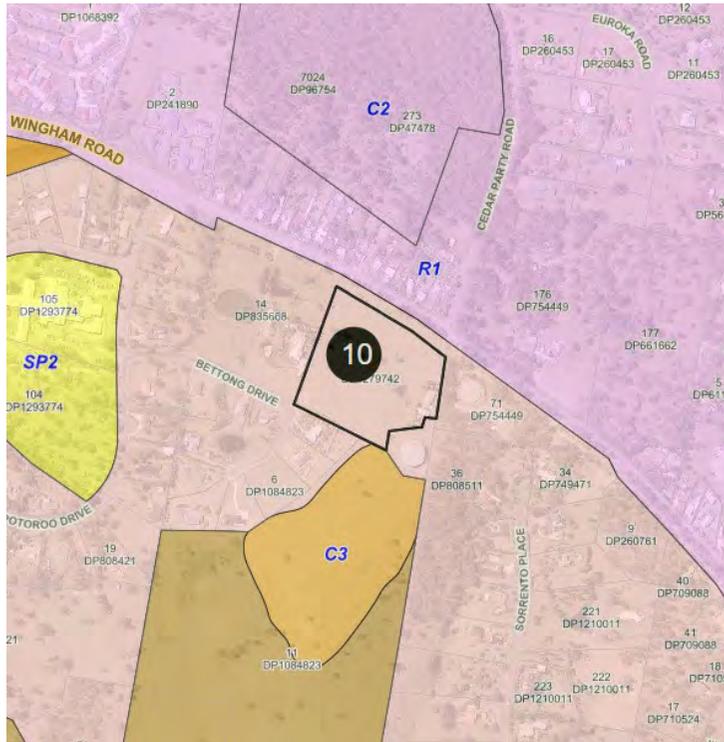
When the lots fronting Talawong Drive were subdivided, an easement was created over the rear of the properties to restrict buildings and retain the trees and vegetation within this corridor. The C3 Environmental Management zone was proposed to reflect this restriction on the land. It is acknowledged that the land to the west to be included in the C3 Environmental Management zone (being part of Lot 124 DP841347 and Lot 300 DP1292794) does not have the same restriction applied over the lot, however the intent was to recognise the amenity and environmental values over this land in a similar way.

It is acknowledged there is a development approval over the site (DA528/82), and staged subdivision plans are progressing. Despite the proposed zone change, the landowner has the ability to pursue the development consent. It is noted that the subdivision of this land is currently underway. Landowners are encouraged to examine the lot arrangements for land impacted by the proposed C3 Environmental Management zone. Landowners have the ability to progress subdivision applications prior to the gazettal of the MidCoast LEP to achieve an outcome similar to what has occurred with lots fronting Talawong Drive.

The submitter also objected to the unconstructed section of Mudford Street, Taree being included in the SP2 Infrastructure zone. Concerns related to the potential impact on future residential development and the road construction issues given the gradient and drainage problems. This road has been proposed for a number of years and has also been identified as an acquisition site on Land Reservation Acquisition Map in the Greater Taree Local Environmental Plan 2010. It is important to clearly show the intent for this future road extension by including it in the SP2 Infrastructure zone. If the intent for this road changes in the future the zone will be changed.

The landowners are encouraged to discuss this future road with Council's Engineers to determine the appropriate approach. Once determined, the zone of the land and Land Reservation Acquisition Map could be reviewed in future amendments to the draft MidCoast LEP.

Recommendation: no change

Proposed zone**Comment and response****10. 375 Wingham Road (Submission 490)**

The site at 375 Wingham Road, Taree (Lot 2 DP1279742) is proposed to be retained in the R5 Large Lot Residential zone. The landowner requests the site be included in the R1 General Residential zone to be consistent with land to the north of Wingham Road, Taree. The landowner advises that the site has sufficient access to utilities, infrastructure, public transport and essential services, and could allow higher density residential consistent with the objectives of the Hunter Regional Plan 2041.

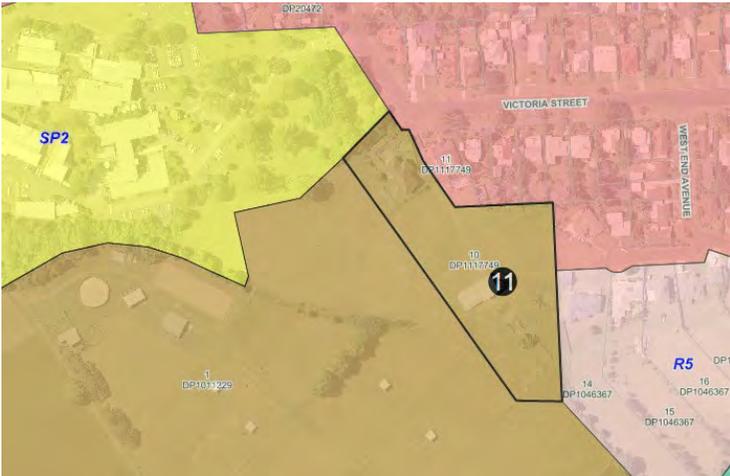
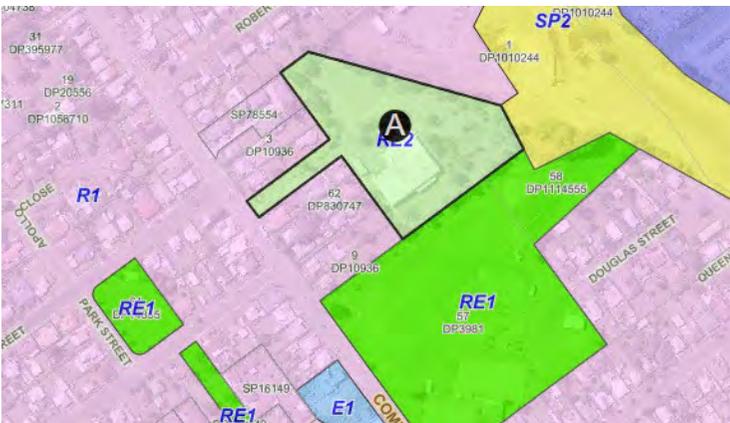
Response:

Along Wingham Road in Taree, there is a clear separation of the R1 General Residential zone to the north of Wingham Road and the R5 Large Lot Residential zone to the south. This land has been developed meeting the objectives of relevant zone, and there is an expectation from neighbours that this land would be subdivided and developed in a manner consistent with other lots in the estate. The suggested change would be considered a 'spot rezoning', which is not appropriate.

It should be noted that this site has a minimum lot size of 4,000m². Given the site is 3.7ha, there is existing potential for the further subdivision of the site.

To change the zone of a property, the landowner would need to go through the planning proposal process (known as a rezoning). This user pays process can be costly and requires technical studies which would consider all aspects of whether the site was suitable to be included in the R1 General Residential zone (e.g. ecological, Aboriginal Cultural, transport, servicing and bushfire). Such an application would need to consider the zone of the whole Large Lot Residential estate rather than an individual site. This process would consider all aspects of whether the site was suitable to be included in the R1 General Residential zone. It is important to note that planning proposals are typically only considered for sites identified in the MidCoast Urban Release Areas Report 2021 and the Hunter Regional Plan 2041. This site has not been identified in either of these documents.

Recommendation: no change

Proposed zone	Comment and response
	<p>11. 334 Victoria Street (Submission 520)</p> <p>The site at 334 Victoria Street, Taree (Lot 10 DP1117749) is currently included in the RU1 Primary Production zone and is proposed to remain in a rural zone being the RU4 Primary Production Small Lots zone. The landowner requests that the R1 General Residential zone that applies to the adjoining property (to the east) be extended over the front of their site where it is not subject to flooding and that the rear of the property remain in the proposed rural zone.</p> <p>Response:</p> <p>When examining the suitability of the R1 General Residential zone, flooding is a key consideration. We consider the Probable Maximum Flood (PMF) level and the Flood Development Control Areas. Given the PMF extends over parts of the existing house footprint, the suitability of the site was considered by Council's Engineering team. Without detailed technical studies and clarity about the future intent for the land, it is not suitable to include this site in a residential zone. As a result, it is intended to retain the site in the appropriate rural zone, being the RU4 Primary Production Small Lots zone.</p> <p>Recommendation: no change</p>
	<p>A. PCYC at 95 Commerce Street</p> <p>This site at 95 Commerce Street, Taree (Lot 1 DP730157) is proposed to be retained in the RE2 Private Recreation zone and should have the maximum height of building of 8.5m but was incorrectly shown in the draft MidCoast LEP as 12m. This error was identified through a review of the RE2 Private Recreation zone across the MidCoast.</p> <p>Recommendation: amend the draft MidCoast LEP mapping to provide an 8.5m maximum height of building for 95 Commerce Street, Taree</p>

Proposed zone	Comment and response
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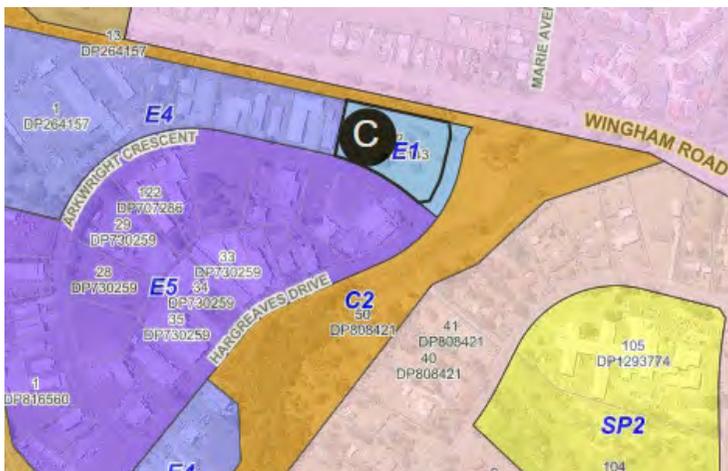


B. Boyce, Albert and Florence Street

This area is currently in the R1 General Residential zone and was proposed to be included in the R2 Low Density Residential zone given the heritage character of the neighbourhood in this location. Houses fronting Florence Street, Taree have been used as health care facilities which are considered appropriate given their proximity to the Taree CBD and services. The health care facilities have also retained the heritage character of the street by utilising the older houses. This type of land use would be prohibited in the R2 Low Density Residential zone. The suitability of this location for health care facilities was discussed with a landowner during the consultation and has been reviewed as a result of the points raised.

It is proposed to retain this neighbourhood in the R1 General Residential zone with a maximum height of building of 8.5m and investigate including this location in a heritage conservation area in the upcoming review of heritage conservation areas. Landowners will be consulted through this process.

Recommendation: amend the draft MidCoast LEP mapping to retain the R1 General Residential zone in the mapped area with a maximum height of building of 8.5m and a minimum lot size of 450m²



C. 2 Arkwright Crescent

This site at 2 Arkwright Crescent (Lot 72 DP706143) is to be retained in the E1 Local Centre zone but does not have a maximum height of building control. This is a mapping error as sites included in this zone typically have a maximum height of building of 8.5m, which is the current control applied to the site.

Recommendation: amend the draft MidCoast LEP mapping to retain the maximum height of building of 8.5m at 2 Arkwright Crescent, Taree

Proposed zone	Comment and response
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D. Edinborough Drive

This area is proposed to be retained in the R1 General Residential zone but does not have a maximum height of building control. This is a mapping error as sites included in this zone typically have a maximum height of building of 8.5m, which is the current control applied to the site.

Recommendation: amend the draft MidCoast LEP mapping to retain the maximum height of building of 8.5m for this area off Edinborough Drive, Taree



E. 27C Kanangra Drive

This site at 27C Kanangra Drive (Lot 12 DP543104) is proposed to be retained in the E1 Local Centre zone but does not have a maximum height control. This is a mapping error as sites included in this zone typically have a maximum height of building of 8.5m, which is the current control applied to the site.

Recommendation: amend the draft MidCoast LEP mapping to retain the maximum height of building of 8.5m at 27C Kanangra Drive, Taree

Proposed zone	Comment and response
	<p>F. Biripi Aboriginal Corporation Medical Centre</p> <p>This site at 39-41 Mudford Street, Taree (Lot 347-348 DP253913) is proposed to be retained in the E1 Local Centre zone but does not have a maximum height of building control. This is a mapping error as sites included in this zone typically have a maximum height of building of 8.5m, which is the current control applied to the site.</p> <p>Recommendation: amend the draft MidCoast LEP mapping to retain the maximum height of building of 8.5m at 39-41 Mudford Street, Taree</p>

	<p>G. Manning drinking water catchment</p> <p>The Manning drinking water catchment is mapped in the draft MidCoast LEP on the Drinking Water Catchment Map. Council's Water Services Team reviewed the mapping and identified minor amendments to correct mapping errors that arose from a misalignment of the cadastre. This map should be updated to correctly show the correct extent of the catchment.</p> <p>Recommendation: amend the draft MidCoast LEP mapping to correctly show the extent of the Drinking Water Catchment</p>
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Proposed zone

Comment and response



H. 116 Edinburgh Drive

This site at 116 Edinburgh Drive, Taree (Lot 1 DP831170) is proposed to be retained in the RE2 Private Recreation zone and should have the maximum height of building of 8.5m but was incorrectly shown in the draft MidCoast LEP as 12m. This error was identified through a review of the RE2 Private Recreation zone across the MidCoast.

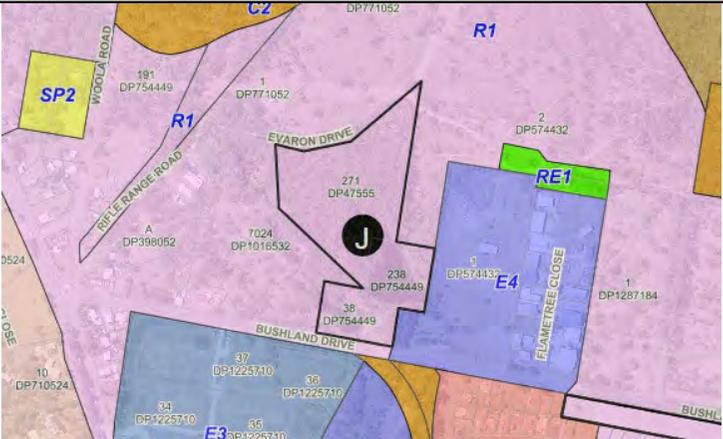
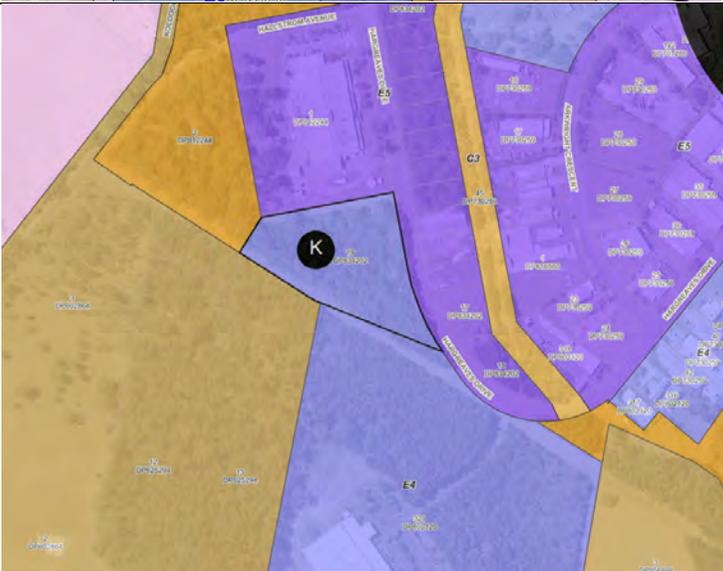
Recommendation: amend the draft MidCoast LEP mapping to provide an 8.5m maximum height of building for 116 Edinburgh Drive, Taree



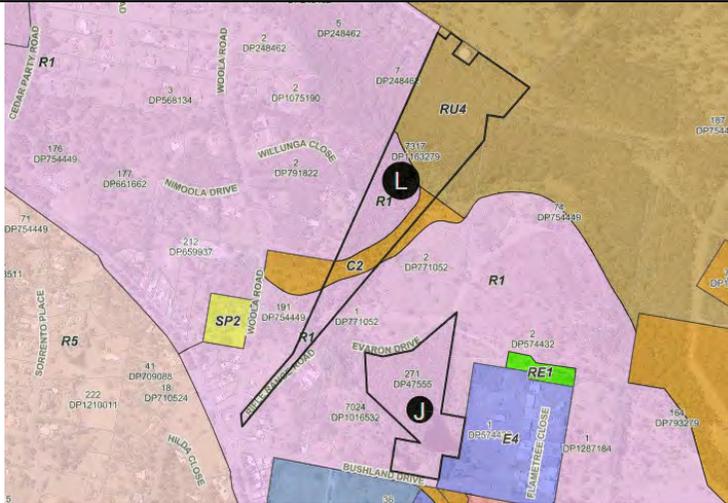
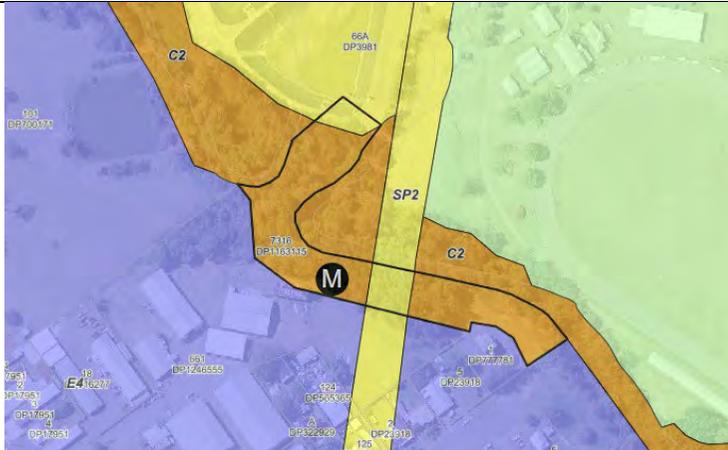
I. 54 Ronald Road

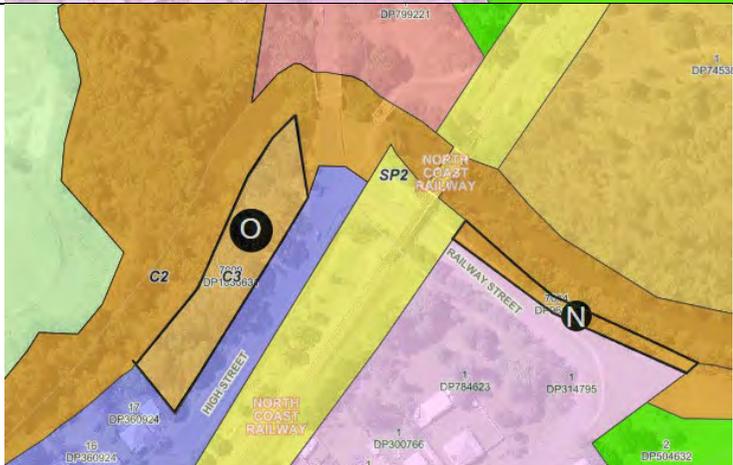
The site at 54 Ronald Road, Taree (Lot 265 DP253913) is currently in the R1 General Residential zone. It was proposed to include the site in the RE1 Public Recreation zone however there is a surplus supply of recreation land in this location. As a result, it is proposed to retain a residential zone over the land, being the R2 Low Density Residential zone.

Recommendation: amend the draft MidCoast mapping to retain 54 Ronald Road, Taree in a residential zone being the R2 Low Density Residential zone and retain the current minimum lot size of 450m² and maximum height of building of 8.5m

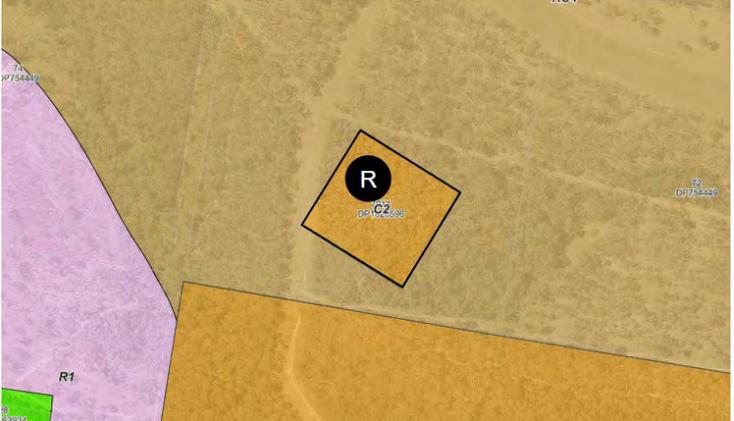
Proposed zone	Comment and response
	<p>J. Bushland Drive and Evaron Drive</p> <p>The mapped area (Lot 271 DP47555 and Lots 38 and 238 DP754449) is currently in the R1 General Residential zone with a minimum lot size of 450m² and is proposed to be retained in the R1 General Residential zone with a 40ha minimum lot size. This is a mapping error as sites included in R1 General Residential zone typically have a minimum lot size of 450m². This amendment will correct this mapping error.</p> <p>Recommendation: amend the draft MidCoast LEP mapping to provide a 450m² minimum lot size for lots fronting Bushland Drive and Evaron Drive Taree, being Lot 271 DP47555 and Lots 38 and 238 DP754449</p>
	<p>K. 101 Hargreaves Drive</p> <p>This site at 101 Hargreaves Drive (Lot 19 DP834202) is Council owned land. Part of this site is identified as important habitat under the Koala Plan of Management (PoM), where clearing of vegetation is prohibited. This part of the site should be included in the C2 Environmental Conservation zone (as shown below) to reflect the conservation values of the land. The remainder of the site is to remain in the E4 General Industrial zone.</p> <p>Recommendation: amend the draft MidCoast LEP mapping to include part of 101 Hargreaves Drive in the:</p> <ul style="list-style-type: none"> • C2 Environmental Conservation zone as shown above with a 40ha minimum lot size and no maximum building height • E4 General Industrial zone as shown above with no minimum lot size or maximum building height



Proposed zone	Comment and response
	<p>L. 1 Rifle Range Road</p> <p>This site at 1 Rifle Range Road, Taree (Lot 7317 DP1163279) is currently included in the R1 General Residential zone, the RU1 Primary Production zone and the RE1 Public Recreation zone. It is proposed to be retained in the R1 General Residential zone and a rural zone, being the RU4 Primary Production Small Lots zone, with the environmental corridor included in the C2 Environmental Conservation zone in the draft MidCoast LEP. This site is in public ownership.</p> <p>As the land is subject to a pending Aboriginal/Native Title Land Claim, a review of the zones was undertaken so as not to preclude any future use of the site. As a result, the part of the site included in the C2 Environmental Conservation zone will be changed to the C3 Environmental Management zone. A review of this zone will be undertaken by Council if the Land Claim is unsuccessful.</p> <p>No change is proposed to the exhibited R1 General Residential zone and the RU4 Primary Production Small Lot zone.</p> <p>Recommendation: amend the draft MidCoast LEP mapping for 1 Rifle Range Road, Taree to change the part of the site in the C2 Environmental Conservation zone to the C3 Environmental Management zone and apply a minimum lot size of 40ha with no maximum height of building</p>
	<p>M. Cornwall Street adjoining Brown Creek</p> <p>This site at Cornwall Street, Taree (Lot 7316 DP1163115) adjoins Browns Creek. It is currently included in the RE1 Public Recreation zone and is proposed to be included in the SP2 Infrastructure zone (for a future road corridor) and C2 Environmental Conservation zone in the draft MidCoast LEP. This site is in public ownership.</p> <p>As the land is subject to a pending Aboriginal/Native Title Land Claim, a review of the zones was undertaken so as not to preclude any future use of the site. As a result, the part of the site included in the C2 Environmental Conservation zone will be changed to the C3 Environmental Management zone. A review of this zone will be undertaken if the Claim is unsuccessful.</p> <p>No change is proposed to the exhibited SP2 Infrastructure zone.</p> <p>Recommendation: amend the draft MidCoast LEP mapping to include part of Lot 7316 DP1163115 in the C3 Environmental Management zone and apply a minimum lot size of 40ha and no maximum height of building</p>

Proposed zone	Comment and response
	<p>N. Railway Street This site at Railway Street, Taree (Lot 7014 DP96108) adjoins the North Coast Railway line and Browns Creek. It is currently included in the R1 General Residential zone and is proposed to be included in the C2 Environmental Conservation zone in the draft MidCoast LEP. This site is in public ownership.</p> <p>As the land is subject to a pending Aboriginal/Native Title Land Claim, a review of the zones was undertaken so as not to preclude any future use of the site. As a result, the zone of this site is proposed to be changed to the C3 Environmental Management zone. A review of this zone will be undertaken by Council if the Land Claim is unsuccessful.</p> <p>Recommendation: amend the draft MidCoast LEP mapping to include Lot 7014 DP96108 in the C3 Environmental Management zone and apply a minimum lot size of 40ha and no maximum height of building</p>
	<p>O. 1 High Street This site at 1 High Street, Taree (Lot 7009 DP1030631) is currently included in the RE1 Public Recreation zone and is proposed to be included in the C3 Environmental Management zone. As part of the site is identified as Coastal wetlands in the NSW Government's State Environmental Planning Policy (Resilience and Hazards) 2021, it should be included in the C2 Environmental Conservation zone, with the remainder of the site being retained in the C3 Environmental Management zone.</p> <p>Recommendation: amend the draft MidCoast LEP mapping to include part of 1 High Street, Taree in the C2 Environmental Conservation zone and apply a minimum lot size of 40ha and no maximum height of building</p>

Proposed zone	Comment and response
	<p>P. Browns Creek between Victoria Street and Railway Street These sites adjoin Browns Creek between Victoria Street and Railway Street, Taree (Lot 7010 DP1030631, Lot 7012 DP1024390 and Lot 7301 DP1143088). They are currently included in the RE1 Public Recreation zone and are proposed to be included in the C2 Environmental Conservation zone in the draft MidCoast LEP, given the environmental values of the creek. These sites are in public ownership.</p> <p>As the land is subject to a pending Aboriginal/Native Title Land Claim, a review of the zones was undertaken so as not to preclude any future use of the site. Part of Lot 7010 DP1030631 is identified as Coastal wetlands in the NSW Government's State Environmental Planning Policy (Resilience and Hazards) 2021, and should be retained in the C2 Environmental Conservation zone. The remainder of the sites should be included in the C3 Environmental Management zone. A review of this zone will be undertaken by Council if the Land Claim is unsuccessful.</p> <p>Recommendation: amend the draft MidCoast LEP mapping to include Lot 7010 DP1030631, Lot 7012 DP1024390 and Lot 7301 DP1143088 in the C3 Environmental Management zone and apply a minimum lot size of 40ha and no maximum height of building. Retain the C2 Environmental Conservation zone for part of Lot 7010 DP1030631 which is mapped as Coastal wetlands in the NSW Government's State Environmental Planning Policy (Resilience and Hazards) 2021</p>
	<p>Q. Napunyah Drive This site at Napunyah Drive, Taree (Lot 1 DP115934) is currently included in the RE1 Public Recreation zone and is proposed to be included in the C2 Environmental Conservation zone in the draft MidCoast LEP, given the environmental values of the land. This site is in public ownership.</p> <p>As the land is subject to a pending Aboriginal/Native Title Land Claim, a review of the zones was undertaken so as not to preclude any future use of the site. As a result, the zone of this site is proposed to be changed to the C3 Environmental Management zone. A review of this zone will be undertaken by Council if the Land Claim is unsuccessful.</p> <p>Recommendation: amend the draft MidCoast LEP mapping to include Lot 1 DP115934 in the C3 Environmental Management zone and apply a minimum lot size of 40ha and no maximum height of building</p>

Proposed zone	Comment and response
	<p>R. Bushland Drive</p> <p>This site at Bushland Drive, Taree (Lot 7014 DP1026596) is located to the north of the industrial area in Flametree close and the Bushland Tavern. It is currently included in the RE1 Public Recreation zone and is proposed to be included in the C2 Environmental Conservation zone in the draft MidCoast LEP, given the environmental values of the site. This site is in public ownership.</p> <p>As the land is subject to a pending Aboriginal/Native Title Land Claim, a review of the zones was undertaken so as not to preclude any future use of the site. As a result, the zone of this site is proposed to be changed to the C3 Environmental Management zone. A review of this zone will be undertaken by Council if the Land Claim is unsuccessful.</p> <p>Recommendation: amend the draft MidCoast LEP mapping to include Lot 7014 DP1026596 in the C3 Environmental Management zone and apply a minimum lot size of 40ha and no maximum height of building</p>

Taree – general comments and responses

The following comments were raised as part of the submissions from Taree

Large Lot Residential zone land uses (Submission 1)

A submitter expressed concern that the R5 Large Lot Residential zone proposed extensive agriculture as a land use that was permitted with consent. They suggest that extensive agriculture should remain a permitted without consent use to encourage food production.

The draft MidCoast LEP examined zones, and land uses across the three existing LEPs and proposed planning controls suitable for the whole of the MidCoast. It is acknowledged that the Greater Taree Local Environmental Plan 2010 allowed extensive agriculture as a land use that was permitted without consent, but in the Gloucester Local Environmental Plan 2010 and the Great Lakes Local Environmental Plan 2014 it was permitted with consent. We also examined how the zones and land uses were applied across regional NSW, and it was evident that having extensive agriculture as a land use that was permitted with consent in the R5 Large Lot Residential zone was the preferred approach. This is appropriate given that these lots can range from 4,000m² (where connected to sewer) up to 1.5ha, which is generally not sufficient land to enable the growing of crops or grazing of livestock for commercial purposes. Existing use rights will continue to allow for extensive agriculture where it is currently undertaken.

Recommendation: no change

General comments (Submissions 34, 39, 173, 283, 452)

- a) A submitter expressed concern that any changes to the existing residential zones would increase the number of people living in their house in Taree
- b) Support provided for the inclusion of private native forestry requiring consent in rural zones, with the submitter also requesting that the private native forestry dual application process have a clear and transparent criteria available to public

Taree – general comments and responses

The following comments were raised as part of the submissions from Taree

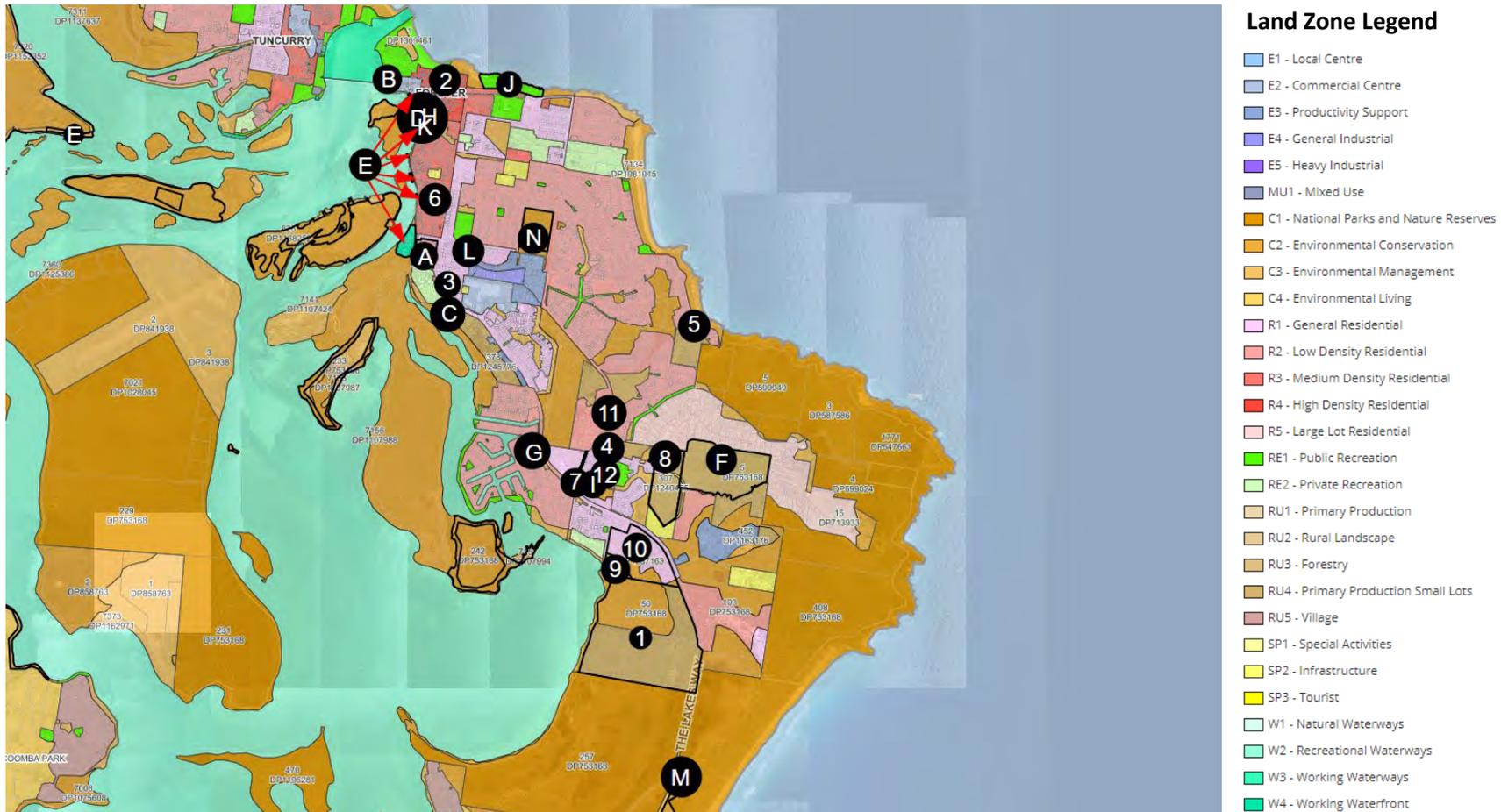
- c) Two objections to maximum building height of 8.5m in the R2 Low Density Residential zone as it is considered to not be suitable for the areas in which it is proposed, for example Taree West
- d) One comment expressed support for housing growth to support road and transport upgrades
- e) Consultation - 3 copies of documents should have been available at the three Council offices; online mapping should have included zone details and shorter documents should have been made available to residents
- f) A submitter objected to proposed Clause 4.2A – Development on certain rural and environment protection zones as they are concerned that the removal of dwelling entitlement would impact the value of property for landowners who have existing holdings. The submitter requests that the sunset clause provision is removed or, in the case where it is retained is amended to ensure that landowners with a dwelling entitlement letter retain their dwelling entitlement with no expiry.
- g) One submitter expressed support for the use of the C4 Environmental Living zone

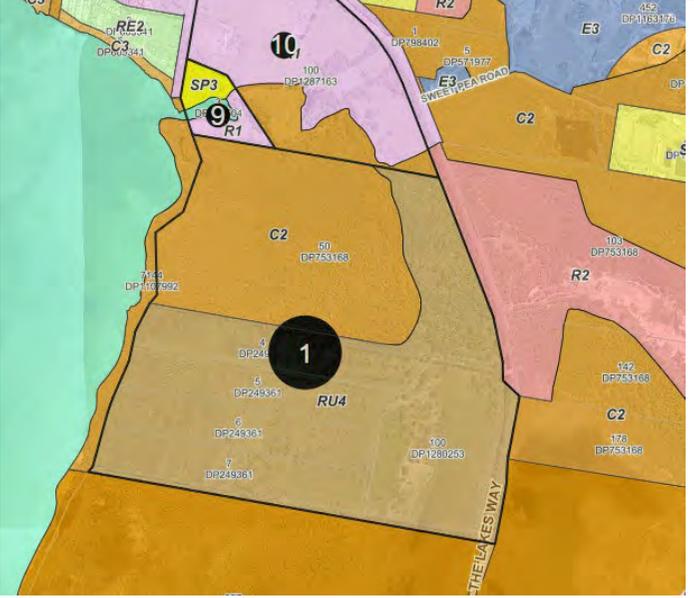
Response:

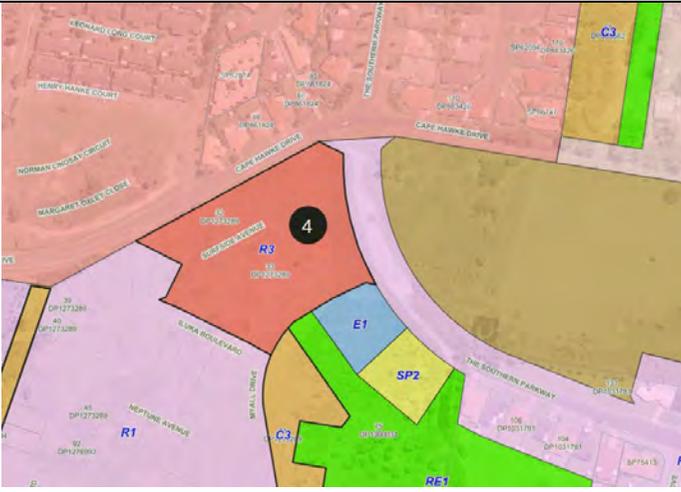
- a) The proposed change from the R1 General Residential to R2 Low Density Residential zone will not have an impact on how established dwellings are currently used, including the number of people living in a house
- b) Support for 'forestry' to be included as a 'permitted with consent' land use is noted
- c) The 8.5m height currently applies and is proposed to be retained in Taree West. This maximum height of building is applied to most of our residential areas. An increased maximum height of building is proposed in areas covered by the Manning Health/Taree CBD Precinct Plan to encourage town centre redevelopment, and enable more people to live close to services and facilities
- d) Support for growth and associated transport upgrades are noted
- e) Feedback on the consultation process is noted. Copies of the Planning Proposal and draft MidCoast LEP were made available at the MidCoast Customer Service Centres. The online mapping tool provided all of the draft MidCoast LEP maps including the zone, the Height of Building and Minimum Lot Size maps. Factsheets were provided online as well as in person during drop-in sessions for the relevant zones
- f) Dwelling entitlements were a common submission topic and have been specifically addressed in Section 4.5 of the Consultation Report. Please refer to this section to see the amendments proposed
- g) Support for extension of C4 Environmental Living zone is noted

Forster

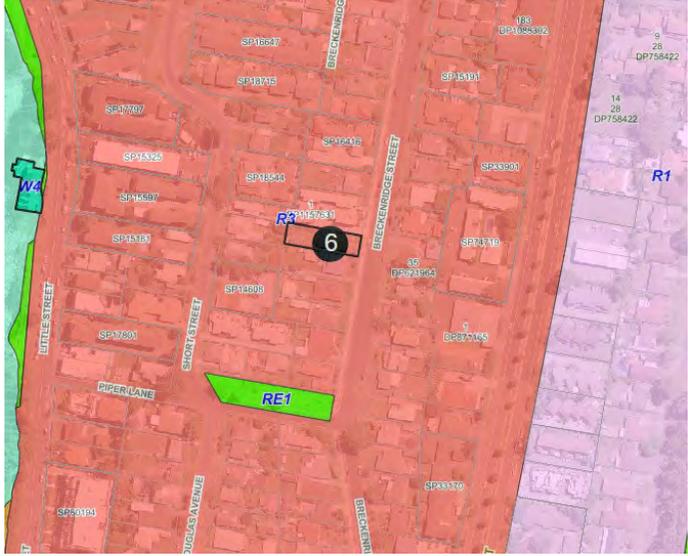
The Forster-Tuncurry consultation was run from Forster Stocklands Shopping Centre between 30 May and 1 June 2024. In total, 344 people attended and we received seventeen submissions in the Forster community. The majority of residents requested information on what the zone changes meant for their property and the surrounding area. The issues raised from submissions and the consultation are summarised in the table below with any recommended changes to the draft MidCoast LEP provided. The map below shows the location of issues across Forster.



Proposed zone	Comment and response
	<p>1. The Lakes Way (Submission 31)</p> <p>The site on The Lakes Way, Forster (Lot 50 DP753168) is proposed to be included in the RU4 Primary Production Small Lots and C2 Environmental Conservation zones. A submitter expressed concern about this site given the land forms part of an important gateway to Forster, and that scenic qualities should be considered as part of the draft MidCoast LEP. They were also concerned that the rural zone would enable a range of scenically intrusive and environmentally damaging uses. It was suggested that the draft Clause 7.21 Protection of rural landscapes in rural and conservation zones be expanded to incorporate additional provisions for the protection of land with scenic and landscape values (e.g. indigenous vegetation and proximity to major roadways). The submitter believes these areas could be mapped quickly and would include the subject site.</p> <p>Response:</p> <p>The suggested amendment to Clause 7.21 Protection of rural landscapes in rural and conservation zones is not supported at this stage, as it would require further strategic analysis to ensure land has been appropriately identified, as has been undertaken to support similar clauses in other Local Environmental Plans. Given the MidCoast covers over 10,000km², it is not possible at this stage to quickly map these areas. The suggestion is appreciated and may be revisited in the future.</p> <p>Points raised about the appropriateness of the rural zone in this location are valid and will be investigated in future amendments to the draft MidCoast LEP.</p> <p>Recommendation: no change</p>
	<p>2. 31-33 Head Street (Submission 65)</p> <p>The site at 31-33 Head Street, Forster (SP14951) is proposed to be retained in the R4 High Density Residential zone. A submitter objects to the land between North Lane and Head Street having the maximum height of building reduced from 33m to 30m. There are already several buildings constructed in the surrounding area of 33m or higher.</p> <p>Response:</p> <p>The MidCoast Housing Strategy 2021 recommended a slight reduction in the maximum height of building from 33m to 30m for land north of Head Street to provide a 'step down' towards the Forster foreshore area from the higher more central 33m areas. This is consistent with Objective 4.3.1 of the Coastal Design Guidelines which states '<i>building heights (should) reflect topography and provide lower heights nearer to the foreshore</i>' (Figure 12, page 48). In addition, variations to the height of building controls can be considered as part of the development assessment process, where the height of adjoining buildings could be considered.</p> <p>Recommendation: no change</p>

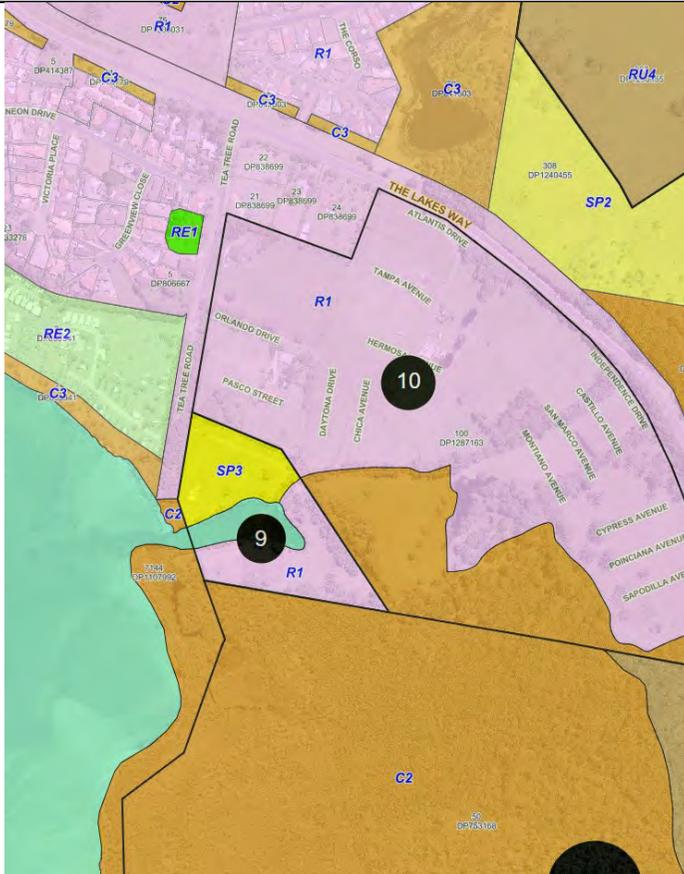
Proposed zone	Comment and response
	<p>3. 7 Robina Grove (Submission 166)</p> <p>The site at 7 Robina Grove, Forster is currently included in the R2 Low Density Residential zone and is proposed to be included in the R1 General Residential zone. The landowner opposed an increase in the maximum height of building from 8.5m to 12m given the potential impacts of overshadowing/overlooking and the need for improved infrastructure (roads and paths) and privacy issues.</p> <p>Response:</p> <p>Increased maximum height of buildings in this location was proposed in the MidCoast Housing Strategy 2021 to create opportunities for more housing in the future around business and employment areas such as the Forster town centre and in this case the Forster Stocklands Shopping Centre (to the east). As the need for housing increases in locations such as Forster, it is important to ensure future housing is located close to services and facilities. It is acknowledged that these areas currently provide single storey housing, which is unlikely to change in the near future. If future redevelopment were to occur, the proposed MidCoast Development Control Plan would provide provisions relating to overshadowing, privacy, access and carparking.</p> <p>Recommendation: no change</p>
	<p>4. Summer Green estate (Submission 298)</p> <p>The land at Surfside Avenue, Forster (Lots 32-33 DP1273289) is proposed to be retained in the R3 Medium Density Residential zone. The submission raised concerns regarding the prohibition of dwelling houses in the R3 Medium Density Residential zone in this part of Summer Green Estate. The estate has been subject to a number of development applications (DA 264/2019 and Concept DA 2023/006). Concept DA 2023/006 includes conditions regarding dwellings permitted on lots which is contrary to the intent of the R3 Medium Density Residential zone. It was suggested to address this issue by listing this site as an Additional Permitted Use in the draft MidCoast LEP.</p> <p>Response:</p> <p>The points raised are relevant. To address this inconsistency, it is proposed to include the site in the R1 General Residential zone to permit dwellings and reduce the height to 8.5m in line with the condition of consent for Concept DA 2023/006 which does not permit dwellings to be more than two-storeys.</p> <p>Recommendation: amend the draft MidCoast LEP mapping to include Lots 32-33 DP1273289 in the R1 General Residential zone and apply a 450m² minimum lot size and a maximum height of building of 8.5m</p>

Proposed zone	Comment and response
	<p>5. Burgess Beach conservation zone (Submission 310)</p> <p>The land adjoining Burgess Road, Forster that is currently in the RE1 Public Recreation and C2 Environmental Conservation zone and is proposed to be wholly included in the C2 Environmental Conservation zone. The submitter objects to the zone change for the public coastal land as they are concerned that:</p> <ul style="list-style-type: none"> the process for changing the zone is contrary to the objects of the <i>Environmental Planning and Assessment Act 1979</i> (EP&A Act) particularly (a), (b), (c) and (e). Council's processes and procedures relating to the current and proposed LEP are not appropriate, including ignoring and relying on irrelevant material and making incorrect conclusions applying a consistent approach to the zones is erroneous as the land was not previously considered as having conservation values, so why is the land now worthy of the C2 Environmental Conservation zone? Council is focussed on environmental conservation to the detriment of the community. The land was originally used for grazing. The submitter believes that there is no evidence that this land was ever an area of 'high ecological, conservation, scientific, cultural or aesthetic values' The submitter invested in the property for the beach and views. They believe their property rights have been impacted upon and would not have purchased the property if they had known their views would not be protected. Suggests loss of views from vegetation will impact on tourism and property investment in Forster there was less weather-related damage/risk when there was less vegetation which has now been planted by Council. The submitter believes that using Council rates to restore vegetation breaches environmental law and the EP&A Act. Concerns about fire issues associated with more vegetation and the safety risk of not having a walking track from the south of One Mile Beach to Booti Booti National Park beaches and adjacent areas no longer being included in a recreation zone will restrict recreation and tourist activities (e.g. limiting walking tracks, whale watching). <p>The submitter recommends that Council should maintain existing zones and develop a management plan to ensure existing use rights for properties remain unchanged.</p> <p>Response:</p> <ul style="list-style-type: none"> the Planning Proposal and proposed draft MidCoast LEP are in accordance with the objects of the EP&A Act and the processes have been undertaken in accordance with the NSW Local Environmental Plan Making Guideline. This is supported by the NSW Department of Planning, Housing and Infrastructure who assessed the draft MidCoast LEP against all relevant Acts and provisions and provided a Gateway Determination for the Planning Proposal to proceed to community consultation as outlined in Part 1 of the Planning Proposal – Draft MidCoast LEP, a key outcome is to prepare a draft MidCoast LEP that “provides a consistent approach to planning across the MidCoast that is relevant and robust”. Through the development of the zones for the draft MidCoast LEP, conservation zones have been typically applied over public land along the coastline, specifically beaches and headlands. A key exception is Forster Main Beach which is proposed to be included in the RE1 Public Recreation zone to accommodate higher level tourist and supporting facilities in accordance with the Forster Main Beach Masterplan.

Proposed zone	Comment and response
	<p>In this Burgess Beach location, the conservation zone is warranted to be retained and extended due to the presence of Littoral Rainforest and the Littoral Rainforest Proximity Area as identified in the NSW Government's State Environmental Planning Policy (Resilience and Hazards) 2021. This is a key criterion for applying the C2 Environmental Conservation zone as outlined in the NSW Government's Northern Councils E Zone Review Final Recommendations Report</p> <ul style="list-style-type: none"> • retention of views is not an object of the EP&A Act. This is particularly the case when the subject site is Crown Land which needs to be protected in accordance with object (e) of the Act being to “<i>protect the environment, including the conservation of threatened and other species of native animals and plants, ecological communities and their habitats</i>”. There is no evidence to suggest that the loss of views from vegetation will impact on tourism and property investment in Forster, particularly when many people relocate to or visit Forster and the MidCoast to enjoy the natural beauty of the coast and hinterland • concerns about vegetation restoration in this location and the potential impact of bushfire are management issues do not relate to the provisions proposed in the draft MidCoast LEP. Council staff who manage this location have provided additional information to the submitter regarding bushfire and vegetation management issues • conservation zones do not prohibit the development of recreation and tourist facilities. The extent of these facilities can be limited to reflect the environmental values and attributes of the land. <p>Recommendation: no change</p>
	<p>6. Breckenridge Street height (Submission 347)</p> <p>The site at 65 Breckenridge Street, Forster (Lot 18 DP100618) is proposed to be retained in the R3 Medium Density Residential zone. The submitter objects to the proposed 18m height around Breckenridge Street, Forster. The submitter raised concerns that development in Forster will cause overcrowding, impact on infrastructure (e.g. the bridge, hospital, shopping centres) and spoil the character.</p> <p>Response:</p> <p>The MidCoast Housing Strategy 2021 recommends several housing opportunities for Forster. One of these is to ‘<i>encourage future urban infill development in appropriate residential areas to meet longer-term demand.</i>’ The proposed height increase in this area reflects this recommendation. It is acknowledged that issues with traffic and congestion are being experienced in and around the Forster CBD, particularly during holiday times. However, it is considered that changes proposed to heights in this area from 12m to 18m will not significantly worsen this situation or place significant additional pressures on existing hospitals or shopping centres. It should be noted that there is an existing area with a maximum height of building of 18m on the Hospital site. Any future development in this area will be assessed on a merits basis as part of the development assessment process. In this regard, consideration would be given to the zone objectives for the R3 Medium Density Residential zone.</p> <p>Recommendation: no change</p>

Proposed zone	Comment and response
	<p>7. Lot 1 DP729734 Cape Hawke Drive (Submission 437)</p> <p>The site along Cape Hawke Drive, Forster (Lot 1 DP729734) is currently in the RU2 Rural Landscape zone and is proposed to be included in the C3 Environmental Management zone. The subject site separates the Summer Green Development to the east and Great Lakes College Forster Campus to the west. The landowner objects to the proposed change as it does not align with the objectives of the zone and is primarily grassland. This site is currently in a rural zone like the adjoining Great Lakes College Forster Campus. Given the campus is developed, it is proposed to be included in a residential zone. The landowner requests that the subject site be included in a residential zone consistent with Summer Green and Great Lakes College Forster Campus.</p> <p>Response:</p> <p>It is acknowledged that the land has a dwelling entitlement, and it is also noted that it is burdened by underground infrastructure. The subject site could be included in a C4 Environmental Living zone to reflect the opportunity for a dwelling entitlement, while recognising the development constraints of the site.</p> <p>Recommendation: amend the draft MidCoast LEP mapping to include 190 Cape Hawke Drive Lot 1 DP729734 in the C4 Environmental Living zone and apply a minimum lot size of 20ha and no maximum height of building</p>
	<p>8. Part of 190 Cape Hawke Drive (Submission 437)</p> <p>The site along Cape Hawke Drive, Forster (Lot 307 DP124055) is currently in the RU2 Rural Landscape zone and the SP2 Infrastructure zone while part of the site is proposed to be included in the RU4 Primary Production Small Lots zone and the SP2 Infrastructure zone is to be retained. The submitter objects to the minimum lot size over the RU4 Primary Production Small Lots zone being increased from 15ha to 20ha.</p> <p>Response:</p> <p>In the draft MidCoast LEP a number of development controls, including minimum lot size were consolidated to reduce the number of categories. In this case, the 15ha minimum lot size was increased to 20ha. It is also acknowledged that the original intent of the 15ha minimum lot size for this site was to enable the rural lot to be subdivided off to create a stand-alone lot. Since the original rezoning, the proposed road (included in the SP2 Infrastructure zone) has been realigned off this site, increasing the amount of land in the rural zone and enabling a future subdivision of this land to create a 20ha lot. As such, this increased minimum lot size does not restrict the original intent to create a stand-alone lot for the land included in the rural zone.</p> <p>Recommendation: no change</p>

Proposed zone



Comment and response

9. Palm Lakes – 16 Tea Tree Road (Submission 504)

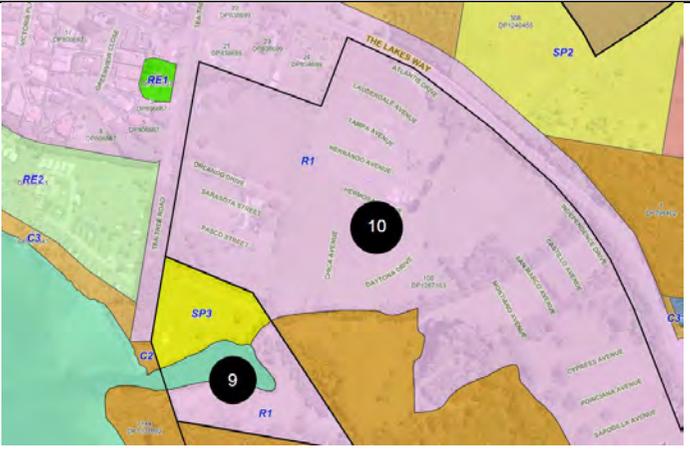
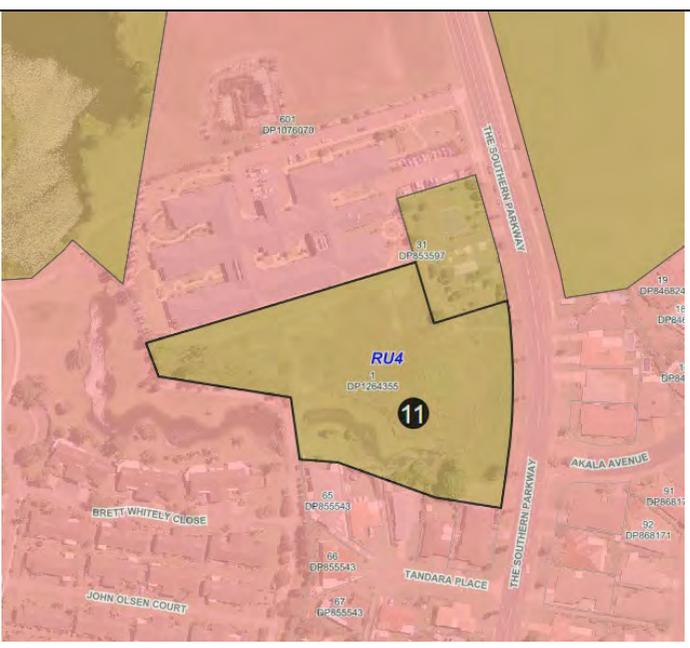
The landowner proposes changes to the zones and controls applied to 16 Tea Tree Road, Forster (Lot 3 DP548504) as follows:

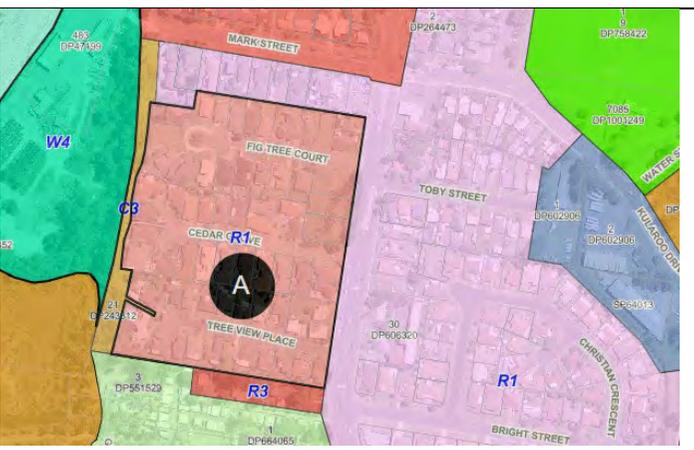
- northern section – currently included in the SP3 Tourist zone (shown as yellow) with a maximum height of building of 8.5m and is proposed to remain unchanged in the draft MidCoast LEP. The site has development approval for a motel and reception centre. However, the landowner believes the land would be better utilised for residential development and proposes the land be included in the R3 Medium Density Residential zone with an increased building height being 12m
- southern section – currently included in the R3 Medium Density Residential zone (shown as pink) with a maximum height of building of 12m and is proposed to be included in the R1 General Residential zone with the maximum height of building retained at 12m. The site has development approval for a three-storey apartment building (MOD2023/0094) which is consistent with the R3 Medium Density Residential zone and the landowner has requested the zone and height be retained over this part of the site.

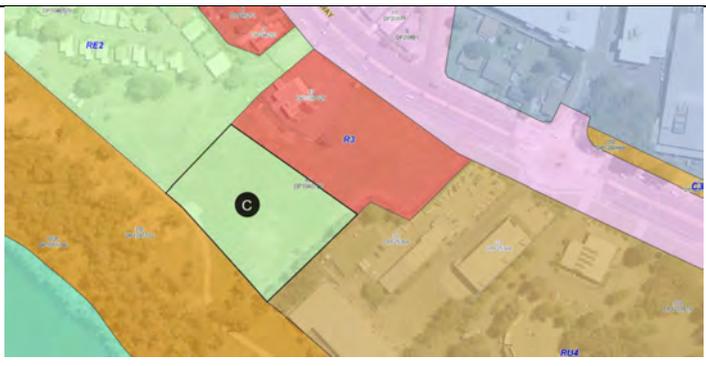
Response:

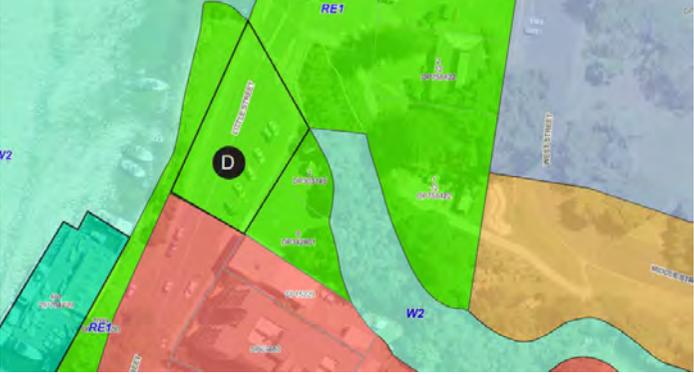
- northern section – it is not supported to include the site in the R1 General Residential zone to reflect the change in intent for development of the site. For this change to occur, studies would have to be undertaken through a user pays planning proposal process to determine if the site was suitable for inclusion in the R1 General Residential zone. The same process would need to be undertaken to determine that an increase in the maximum height of building to 12m was warranted
- southern section – it is agreed to retain the current R3 Medium Density Residential zone and maximum height of building of 12m given the current development approvals and the current zone.

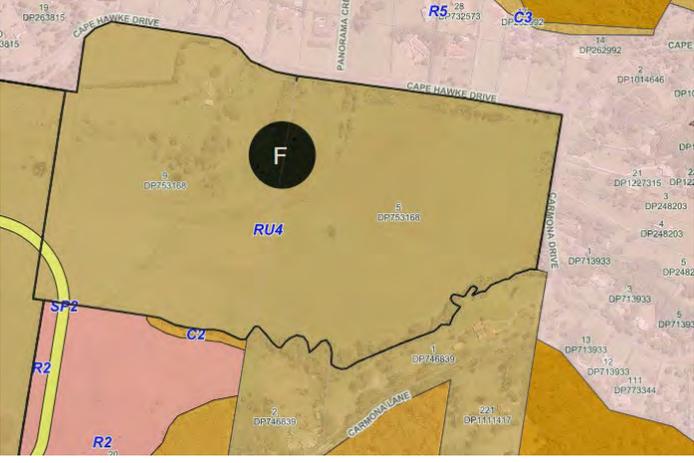
Recommendation: amend the draft MidCoast LEP mapping to include the southern section of Lot 3 DP548504 in the R3 Medium Density Residential zone and retain the 12m maximum height of building and 1,000m² minimum lot size

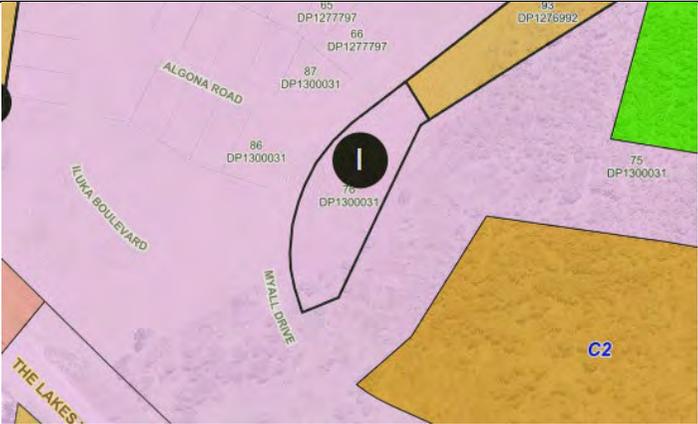
Proposed zone	Comment and response
	<p>10. Palm Lakes - 223 The Lakes Way (Submission 504)</p> <p>The site at 223 The Lakes Way, Forster (Lot 100 DP1287163) is proposed to be included in the R1 General Residential zone and C2 Environmental Conservation zone. The landowner proposes to reduce the 12m maximum height of building applied to part of the site in the R1 General Residential zone from 12m to 8.5m given development in this area has been completed and all properties are single storey.</p> <p>Response:</p> <p>Given the intent for this land has changed and the land has been developed as a single storey development, it is agreed that the maximum height of building could be amended to be 8.5m.</p> <p>Recommendation: amend the draft MidCoast LEP mapping for the maximum height of building to be 8.5m for the land proposed to be included in the R1 General Residential zone, being part of Lot 100 DP1287163.</p>
	<p>11. Urban Release Area, The Southern Parkway (Submission 505)</p> <p>The site along The Southern Parkway, Forster (Lot 1 DP1264355) is identified as an Urban Release Area and is proposed to be retained in a rural zone being the RU4 Primary Production Small Lots zone. The submitter reports that extensive reports (including bushfire assessment, traffic, stormwater management and acoustic) have been considered by Council as part of a development application for an educational establishment on the site (DA2022/0390). They believe these reports are sufficient to satisfy the planning proposal requirements to justify that the land is suitable for residential development. As such, the submitter believes that the site should be included in the R1 General Residential zone to enable much needed housing in a timely manner.</p> <p>Response:</p> <p>While the site was originally identified in the MidCoast Urban Release Areas Report 2021 as being part of Forster Growth Area 2 (Southern Parkway) release area, the Hunter Regional Plan 2041 does not identify this site as an Urban Release Area. Additional information about the status of the site can be found on page 63 and 166 of the Hunter Regional Plan 2041. Council will discuss this site further with the NSW Department of Planning, Housing and Infrastructure regarding how this site can be considered to progress as user pays planning proposal.</p> <p>While it is understood several studies have been prepared specifically for Lot 1 DP1264355, these do not preclude the need for Council to undertake the planning proposal process over the entire release area to ensure future zones are robust and transparent. As a result, the request to include this site in the R1 General Residential zone is not supported.</p> <p>Recommendation: no change</p>

Proposed zone	Comment and response
	<p>12. Summer Green – Myall Drive (Submission 518)</p> <p>The site area fronting Myall Drive, Forster (Lot 71 DP1273289 and Lot 93 DP1276992) is currently included in the R2 Low Density Residential Zone and part of the eastern border of the lots is included in the RE1 Public Recreation Zone. The area is proposed to be included in the C3 Environmental Management Zone. The landowner objects to this proposed change. Both lots are drainage reserves dedicated to Council as part of the Summer Green residential subdivision as a temporary berm/ batter to the east of the basins, prior to future filling of the playing fields (to the east). The submitter highlights that the long-term outcome is for playing fields to be constructed in the RE1 Public Recreation zone which abut the stormwater basins. The submitter is concerned that Council will not maintain the land to be included in the C3 Environmental Management zone and it will become a bushfire hazard.</p> <p>Response:</p> <p>The subject land is in public ownership and serves a drainage function and is not suitable to be retained in a residential zone. The C3 Environmental Management zone is the appropriate zone in accordance with the zone principles applied in the Recreational Zone Review which stated that <i>‘creeks/streams and publicly owned drainage areas should be included in an environmental zone if the predominate use is environmental.’</i></p> <p>When reviewing this submission, it became apparent that the southern lot of this drainage reserve (Lot 76 DP1300031) was not included in the C3 Environment Management zone, as the land was dedicated to Council after the draft Local Environmental Plan maps had been prepared. This is addressed in the Council submissions (Item I).</p> <p>Recommendation: no change</p>
	<p>A. Figtree Court, Cedar Grove and Tree View Place</p> <p>This area is proposed to increase in height from 8.5m to 12m a maximum height of building which conflicts with the proposed zone being the R2 Low Density Residential zone. Land subject to the R2 Low Density Residential zone should typically have a maximum height of building of 8.5m. The 12m maximum height of building aligns with the residential heights proposed to the north and east. During consultation, no submissions were received regarding this proposed height.</p> <p>It is proposed to include this area in the R1 General Residential zone to address the maximum height of building of 12m.</p> <p>Recommendation: amend the draft MidCoast LEP mapping to include the mapped area in the R1 General Residential zone and retain the 12m maximum height of building</p>

Proposed zone	Comment and response
	<p>B. Wharf and Reserve Street</p> <p>These sites located off Wharf Street and Reserve Street, Forster (Lot 460 and Lot 459 DP633412, Lot 3 DP541522, Lot 172 and Lot 245 DP753168) are currently included in the R4 High Density Residential zone, which was supported in the MidCoast Housing Strategy 2021. These sites were incorrectly included in the RE1 Public Recreation zone in the draft MidCoast LEP. It is proposed to amend the zone to retain the R4 High Density Residential zone over these sites</p> <p>Recommendation: amend the draft MidCoast LEP mapping to include Lot 460 and Lot 459 DP633412, Lot 3 DP541522, Lot 172 and part of Lot 245 DP753168 in the R4 High Density Residential zone and apply a minimum lot size of 1000m² and a maximum height of building of 18m</p>
	<p>C. Smugglers Cove – 45 The Lakes Way</p> <p>This site at 45 The Lakes Way, Forster (Lot 42 DP 1040729) is currently in the RU2 Rural Landscape zone and is proposed to be included in the RE2 Private Recreation zone given it forms part of a caravan park. Due to the proposed RE2 Private Recreation zone, the minimum lot size should be 20ha. The draft MidCoast LEP mapping incorrectly showed a 40ha minimum lot size. This error was identified through a review of the land to be included in the RE2 Private Recreation zone.</p> <p>Recommendation: amend the draft MidCoast LEP mapping to provide a 20ha minimum lot size for 45 The Lakes Way, Forster</p>

Proposed zone	Comment and response
	<p>D. Little Street adjacent to Lions Park</p> <p>This site adjoining 12 and 14 Little Street, Forster is to be retained in the RE1 Public Recreation zone with no minimum lot size. In the draft MidCoast LEP mapping, the adjoining road reserve is proposed to be included in the RE1 Public Recreation zone, and it has been shown as having a minimum lot size of 1,000m². This should be removed as sites in the RE1 Public Recreation zone are proposed to have no minimum lot size.</p> <p>Recommendation: amend the draft MidCoast LEP mapping to remove the minimum lot size from the road reserve adjoining 12 Little Street, Forster</p>
	<p>E. Memorial Drive and Little Street waterfront</p> <p>A number of sites fronting Wallis Lake are to be retained in the W4 Working Waterfront zone. A review of these zones indicated that the maximum Height of Building of 8.5m had not been retained. This should be amended to keep the maximum height of building of 8.5m to ensure that development of these sites is suited to the character of the waterfront. These sites were identified through a review of the W4 Working Waterfront zone.</p> <p>Recommendation: amend the draft MidCoast LEP mapping to retain the maximum height of building of 8.5m for the mapped sites included in the W4 Working Waterfront zone</p>

Proposed zone	Comment and response
	<p>F. Cape Hawke Drive Urban Release Area</p> <p>This site is Forster Growth Area 5 (Cape Hawke Drive) Urban Release Area and is proposed to be retained in a rural zone being the RU4 Primary Production Small Lots zone. A review of the Urban Release Areas identified this site as incorrectly having a 20ha minimum lot size. To be consistent with land included in the RU4 Primary Production Small Lots zone, the minimum lot size should be 40ha. An amendment is proposed to correct this mapping error.</p> <p>Recommendation: amend the draft MidCoast LEP mapping to retain the 40ha minimum lot size for the mapped part of 190 Cape Hawke Drive, Forster</p>
	<p>G. 21 Allen Avenue</p> <p>The site at 21 Allen Avenue, Forster (Lot 16 Section 2 DP22958) is proposed to be retained in the R2 Low Density Residential zone which typically has a minimum lot size of 450m². Due to a mapping error, this site has no minimum lot size proposed in the draft MidCoast LEP mapping. This amendment is proposed to correct this mapping error.</p> <p>Recommendation: amend the draft MidCoast LEP mapping to retain the minimum lot size of 450m² for 21 Allen Avenue, Forster</p>

Proposed zone	Comment and response
	<p>H. Former Forster Visitor Information centre</p> <p>The former Forster Visitor Information Centre and Country Women's Association Building at 12A-12B Little Street, Forster (Lots 2,3 and 5 Section 12 DP758422) has been subject to change since the community consultation on the MidCoast Housing Strategy 2021, where it was originally proposed to be included these sites in the MU1 Mixed Use zone. At the time it was suggested to retain the RE1 Public Recreation zone given the Forster Visitor Information Centre and Country Women's Association uses remained on site. Since that time the building was found to be structurally unsound, and both uses relocated to the Forster Civic Centre where they now operate, and the buildings have since been demolished.</p> <p>A review by Council's Asset Advisory Committee identified that the proposed RE1 Public Recreation zone was no longer appropriate given the Forster Visitor Information Centre and Country Women's Association uses had ceased and the buildings were demolished. It is proposed that the E2 Commercial Centre zone should be applied to accommodate a broader range of uses, and the maximum height of building be increased from 8.5 to 18m.</p> <p>Recommendation: amend the draft MidCoast LEP mapping to include 12A-12B Little Street, Forster in the E2 Commercial Centre zone and apply no minimum lot size and a maximum height of building of 18m</p>
	<p>I. Myall Drive Forster (Lot 76 DP1300031)</p> <p>Land at Myall Drive, Forster (Lot 76 DP1300031) is currently included in the R2 Low Density Residential zone and was recently dedicated to Council as a drainage reserve. It is proposed to include this land in the C3 Environmental Management zone to recognise the use of the land and to be consistent with the zone of the remaining drainage reserve to the north.</p> <p>Recommendation: amend the draft MidCoast LEP mapping to include Lot 76 DP1300031 in the C3 Environmental Management zone and apply a minimum lot size of 40ha and no maximum height of building</p>

Proposed zone	Comment and response
	<p>J. Pebbly Beach – Head Street</p> <p>Conservation zones have been applied to most beaches with two exceptions being Forster Main Beach and this site being Pebbly Beach which was proposed to be included in the RE1 Public Recreation zone. The RE1 Public Recreation zone for Forster Main Beach was justified given the extent of existing tourist activities and the activities and uses proposed through the Forster Main Beach Masterplan. However, after further discussions with Council’s Parks team, it was determined that the activities and uses proposed at Pebbly Beach through the Forster Main Beach Masterplan could be achieved in the C3 Environmental Management zone. It is proposed to change the site to be included in the C3 Environmental Management zone to acknowledge the environmental and coastal values of the land, while still enabling the tourist and recreational activities and uses to occur.</p> <p>Recommendation: amend the draft MidCoast LEP mapping to include Pebbly Beach Reserve along Head Street in the C3 Environmental Management zone and apply a minimum lot size of 40ha and no maximum height of building</p>
	<p>K. 16-28 Little Street height of buildings</p> <p>These sites at 16-28 Little Street, Forster (SP15229, SP69480, SP12377) are proposed to be included in the R3 Medium Density Residential zone as recommended in the MidCoast Employment Zone Review 2020. These sites are currently included in the MU1 Mixed Use with a maximum height of building of 18m. This maximum height of building of 18m was to be retained, but due to a mapping error it was reduced to 15m. It is proposed to amend this mapping error.</p> <p>Recommendation: amend the draft MidCoast LEP mapping to retain the maximum height of building of 18m for the sites located at 16-28 Little Street, Forster</p>

Proposed zone	Comment and response
	<p>L. Kularoo Drive (Lot 7083 DP1027998)</p> <p>This site at Kularoo Drive, Forster (Lot 7083 DP1027998) is currently included in the RE1 Public Recreation zone and is proposed to be included in the C2 Environmental Conservation zone in the draft MidCoast LEP, given the environmental values of the site. This site is in public ownership.</p> <p>As the land is subject to a pending Aboriginal/Native Title Land Claim, a review of the zones was undertaken so as not to preclude any future use of the site. As a result, the zone of the site is proposed to be changed to the C3 Environmental Management zone. A review of this zone will be undertaken by Council if the Land Claim is unsuccessful.</p> <p>Recommendation: amend the draft MidCoast LEP mapping to include Lot 7083 DP1027998 in the C3 Environmental Management zone and apply a minimum lot size of 40ha and no maximum height of building</p>
	<p>M. The Lakes Way (Lot 409 DP753168)</p> <p>This site at The Lakes Way, Forster (Lot 409 DP753168) is currently included in the C3 Environmental Management zone and is proposed to be included in the C2 Environmental Conservation zone in the draft MidCoast LEP. This site is in public ownership.</p> <p>As the land is subject to a pending Aboriginal/Native Title Land Claim, a review of the zones was undertaken so as not to preclude any future use of the site. As a result, the zone of the site is proposed to be changed to the C3 Environmental Management zone. A review of this zone will be undertaken by Council if the Land Claim is unsuccessful.</p> <p>Recommendation: amend the draft MidCoast LEP mapping to include Lot 409 DP753168 in the C3 Environmental Management zone and apply a minimum lot size of 40ha and no maximum height of building</p>

Proposed zone	Comment and response
	<p>N. Likely Street (Lot 2 DP1120350)</p> <p>This site at Likely Street, Forster (Lot 2 DP71120350) surrounds the water tower in Forster. It is currently included in the C3 Environmental Management zone and is proposed to be included in the C2 Environmental Conservation zone in the draft MidCoast LEP. This site is in public ownership.</p> <p>As the land is subject to a pending Aboriginal/Native Title Land Claim, a review of the zones was undertaken so as not to preclude any future use of the site. As a result, the zone of the site is proposed to be changed to the C3 Environmental Management zone. A review of this zone will be undertaken by Council if the Land Claim is unsuccessful.</p> <p>Recommendation: amend the draft MidCoast LEP mapping to include Lot 2 DP1120350 in the C3 Environmental Management zone and apply a minimum lot size of 40ha and no maximum height of building</p>

Forster – general comments and responses

The following comments were raised as part of the submissions from Forster

General comments (Submissions 27, 65, 68, 172, 254, 380, 461)

- a) Objection raised about the draft MidCoast LEP in its entirety, including changing from three Local Environmental Plans to one Local Environmental Plan. Statistics were sought to further explain the changes to the population of the MidCoast. Preference is for existing controls to apply.
- b) Suggestion that the reclassification of land should have been considered through the draft MidCoast LEP process.
- c) Objection based on the Development Control Plan, Contribution Plan and Levies documents not being released simultaneously to the draft MidCoast LEP.
- d) Submissions expressed support for more urban development to accommodate future growth, as well as ensuring the environment is protected.
- e) One request for office premises and business premises to be considered as land uses that can be permitted with consent in the R1 General Residential, R2 Low Density Residential and R3 Medium Density Residential zones as there is a shortage of available office space for smaller businesses and offices in Forster and Tuncurry and the land use is consistent with health services facilities which is currently permitted in these zones.
- f) One objection to wording of Clause 4.1B – Exceptions to minimum lot sizes for certain residential development as subclause 3(a) is unclear. Request for wording to return to the wording included in the Great Lakes Local Environmental Plan 2014 where "*one existing dwelling will be located, or one dwelling will be erected, on each lot resulting from the subdivision*".
- g) Concern about the dwelling entitlement sunset provisions and requests that Clause 4.2A(4) – Development on land in certain rural and environment protection zones be reworded so landowners holding a letter confirming that a dwelling entitlement exists will have that dwelling entitlement retained.

Forster – general comments and responses

The following comments were raised as part of the submissions from Forster

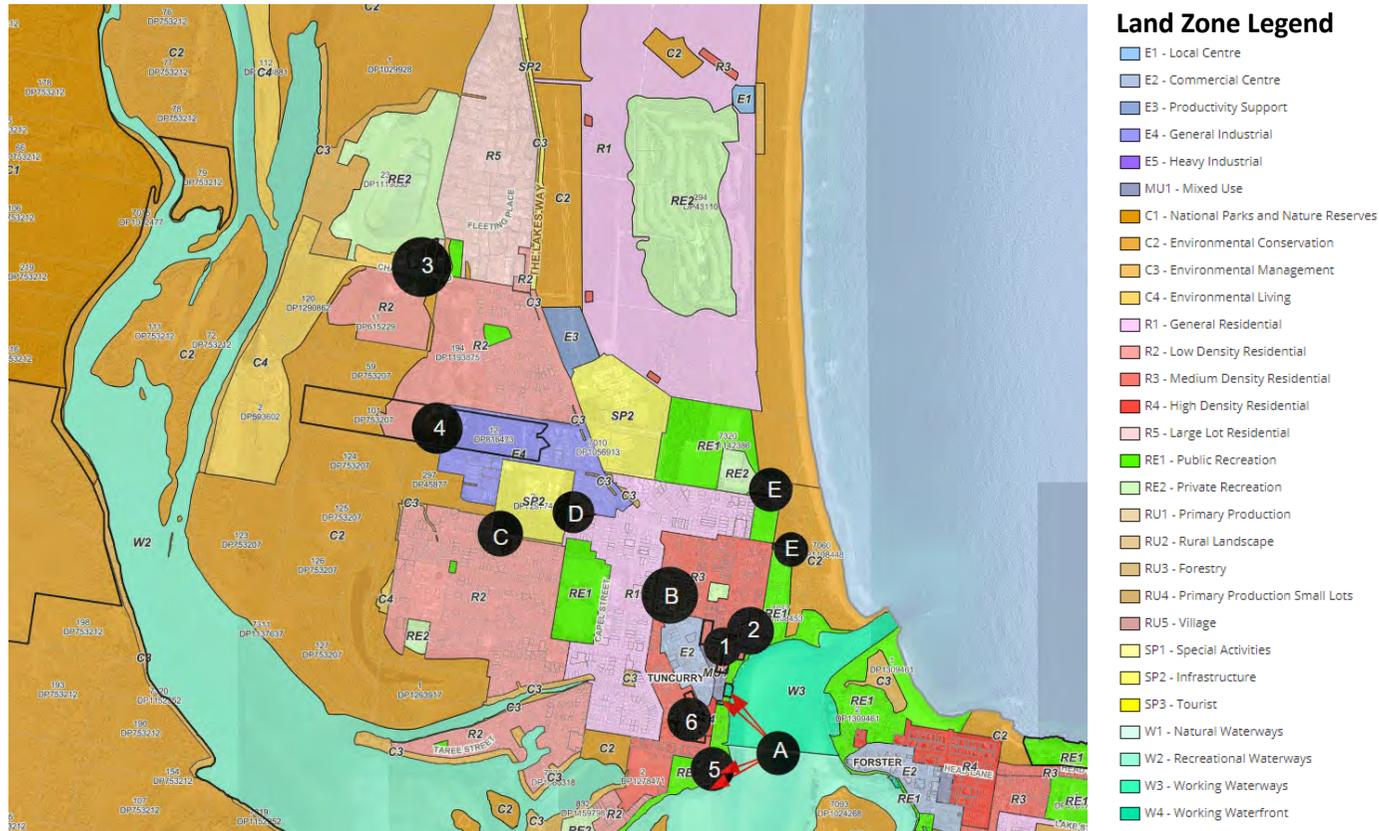
- h) One request for Clause 6.1 – Concurrence of Planning Secretary to be amended to recognise that some previously nominated Urban Release Areas have been exempted from these works by the Minister (e.g. Precinct 3 at Old Bar). The Diamond Beach Urban Release Areas should also be removed from the mapping as it has been completed.
- i) A submitter requests for the draft MidCoast LEP to include restrictions on the type and the number of animals permitted in the residential zones (for example 2 dogs or 2 cats or 2 birds). Concerned about 'farm' animals being allowed on smaller blocks due to noise, associated health and social issues.

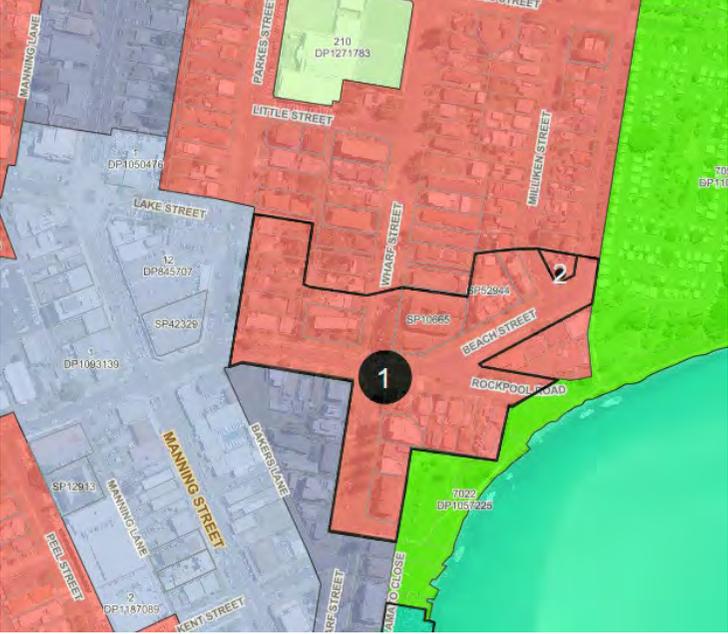
Response:

- a) Having one Local Environmental Plan for the MidCoast will ensure consistency when it comes to future planning and development. The development of the draft MidCoast LEP is a requirement of the NSW Government and has been the result of multiple strategies plans, and stages of consultation with the community. The area referred to in the submission is not proposed to change, retaining its existing R2 Low Density Residential zone. Statistical information on population growth for the MidCoast and our towns and villages are provided on Council's website at <https://www.midcoast.nsw.gov.au/Community/Community-support-and-statistics/Community-statistics>.
- b) The reclassification of land is outside the scope of the draft MidCoast LEP. It involves an independent review process with community consultation and is generally managed by Council's Legal and Property Team. When an independent review process is completed, any proposed changes to the classification of land will then be included in the MidCoast LEP following the draft MidCoast LEP being made.
- c) Work has begun on the draft MidCoast Development Control Plan and Contributions Plan. Given the draft MidCoast LEP involves a more complex and lengthy process, it is anticipated that the work on these plans will progress and could potentially be finalised within a similar timeframe as the draft MidCoast LEP.
- d) Support for urban growth is noted. Land for future urban growth is identified in the MidCoast Urban Release Areas Report 2021. When land is being considered for a change in zone (for example residential or employment), impacts are considered including the protection of environmental values of the land.
- e) Office premises and business premises are prohibited in the R1 General Residential, R2 Low Density Residential and R3 Medium Density Residential zones as they are land uses that could potentially generate impacts in residential neighbourhoods and would not meet the objectives of the residential zones. However, lesser scale business uses like home occupations and home businesses (except in the R3 Medium Density Residential zone) are permitted without consent, and this enables people to set up small-scale businesses from their home with minimal impact on their neighbours. Health service facilities are considered as a land use that would cater for the broader population and meet the daily needs of residents; therefore, these land uses are included as a permitted with consent in residential zones. The intent is for office premises and business premises to be located in the employment zones to ensure employment activities occur within our town centres.
- f) Clause 4.1B – Exceptions to minimum lot size for certain residential development wording to remain, the intent of the clause is considered the same.
- g) Dwelling entitlements were a common submission topic and have been specifically addressed in Section 4.5 of the Consultation Report. Please refer to this section to see the amendments proposed
- h) The removal of the Diamond Beach Urban Release Area from the Urban Release Area mapping is supported as the development has been completed. The zone will also change from R1 General Residential to the R2 Low Density Residential zone to reflect that the development is completed. It is not possible to amend Clause 6.1 – Concurrence of Planning Secretary to recognise that the Old Bar Urban Release Areas have been exempted from these works by the Minister. The exemption is an assessment process, providing a response to the clause requirements for Old Bar.
- i) Restriction on the number and species of animals permitted on a residential block is not a consideration of the draft MidCoast LEP. The *Local Government Act 1993* includes additional information and guidance on the keeping of animals. Residential land zones specify different development types and land uses for that land.

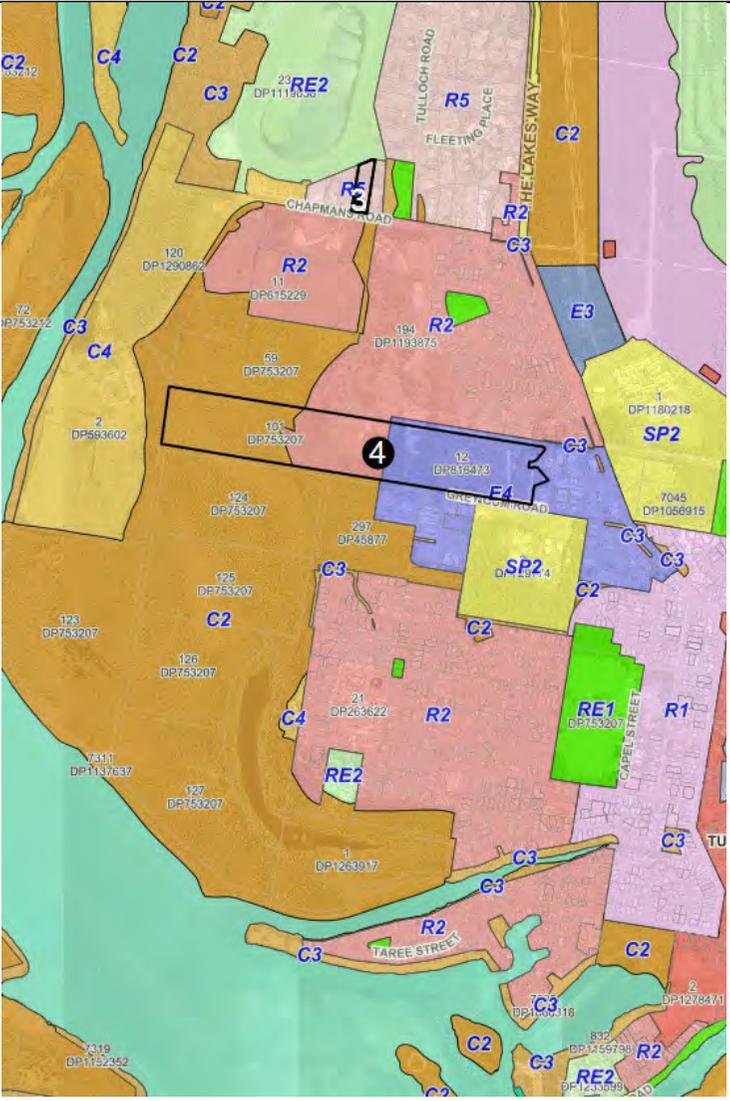
Tuncurry

The Forster-Tuncurry consultation was run from Forster Stocklands Shopping Centre between 30 May and 1 June 2024. In total, 344 people attended the consultation, and we received six submissions from the Tuncurry community. The majority of residents were requesting information on what the zone changes meant for their property and the surrounding area. The issues raised from submissions and the consultation are summarised in the table below with any recommended changes to the draft MidCoast LEP provided. The map below shows the location of issues across Tuncurry.

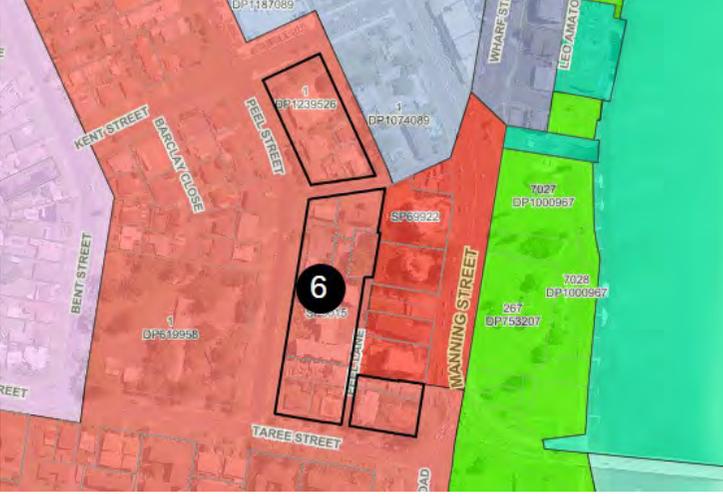


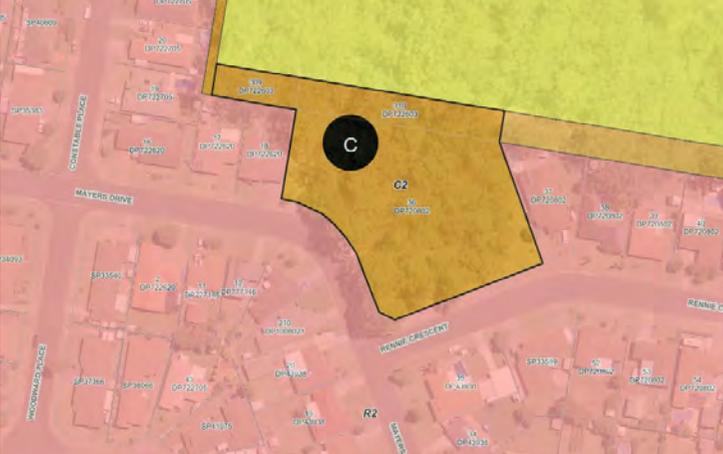
Proposed zone	Comment and response
	<p>1. Medium Density zone (Submission 224)</p> <p>A submission objects to this area being included in the R3 Medium Density Residential zone under the draft MidCoast LEP. Currently under the Great Lakes Local Environmental Plan 2014, these sites are included in the MU1 Mixed Use zone. The submitter believes that the MU1 Mixed Used zone is better suited to promoting Tuncurry as a destination with complementary residential and tourist land uses. The submitter believes that Tuncurry needs to have Urban Release Areas developed and a commercial/business centre to support the residential expansion that is proposed in the North Tuncurry Urban Release Area development, and this will not be achieved by using the R3 Medium Density Residential zone in this location.</p> <p>Response:</p> <p>The MidCoast Employment Zones Review 2021 reviewed the extent of MU1 Mixed Use zones around centres, and it was found that this zone had the potential to facilitate the movement of office and retail uses away from the core main street centre. This was particularly an issue for the Tuncurry centre, which had a large amount of land surrounding the centre in the MU1 Mixed Use zone. To address these concerns, several streets in the area surrounding the Tuncurry centre were proposed to be included in the R3 Medium Density Residential zone to reflect the existing residential land uses and small-scale retail/ businesses to ensure the core centre area along Manning Street, Tuncurry is maintained as the commercial centre.</p> <p>The MU1 Mixed Use zone was retained to the north of the Tuncurry Centre and a small portion to the south-east to support the commercial centre and enable suitable expansion of commercial activities to meet the needs of future growth, including the North Tuncurry Urban Release Area development.</p> <p>Recommendation: no change</p>
	<p>2. 19 Beach Street (Submission 322)</p> <p>The site is located within the area outlined above. The landowner of 19 Beach Street, Forster (Lot 28 DP21866) objects to the site being included in the R3 Medium Density Residential zone as redevelopment of the site would be limited to predominately residential land uses given the minimum lot size will be 1,000m². This differs from the MU1 Mixed Use zone which has no minimum lot size proposed under the draft MidCoast LEP. The zoning change does not reflect the historic and current range of land uses on the site.</p> <p>Response:</p> <p>The explanation for the change of zone is explained above. The site is currently used as shop top housing, with a shop on the ground level and units above. This land use will be permitted with consent in the R3 Medium Density Residential zone. It should also be noted that currently the minimum lot size is 1,000m² and is proposed to be retained. As a result, the site can be redeveloped for similar purposes under the proposed R3 Medium Density Residential zone.</p> <p>Recommendation: no change</p>

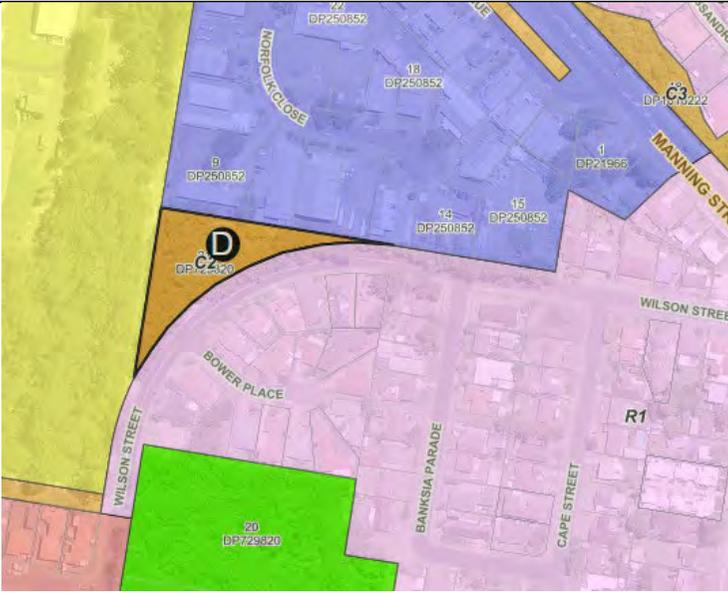
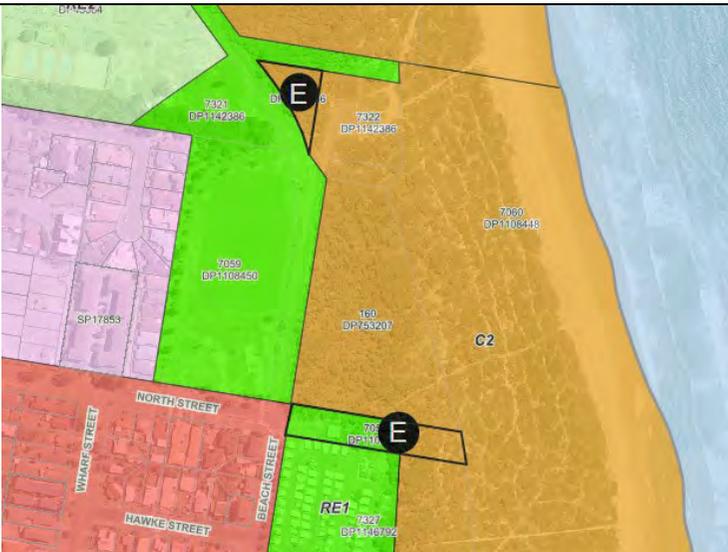
Proposed zone	Comment and response
	<p>3. 29 Chapmans Road (Submission 362)</p> <p>This site at 29 Chapmans Road, Tuncurry (Lot 34 DP815191) is currently included in the R5 Large Lot Residential zone with a minimum lot size of 10,000m² and no change is proposed in the draft MidCoast LEP. The landowner objects to the retention of the 10,000m² minimum lot size, requesting a reduction to 4,000m² given the site can be connected to services and to enable further subdivision, which is permitted to the south of Chapmans Road, Tuncurry.</p> <p>Response:</p> <p>The purpose of the draft MidCoast LEP was to examine the current zones and consistently apply a new suite of zones. With this site, the planning zone and controls remain relatively unchanged. While a 4,000m² minimum lot size is applied to new sewered R5 Large Lot Residential estates, it can be difficult to retrofit existing estates. Also, landowners have often purchased their property in these estates with the anticipation that it will remain unchanged. As a result, where landowners in R5 Large Lot Residential estates want to pursue reducing the minimum lot size to 4,000m², they would need to go through the planning proposal process (known as a rezoning). This user pays process can be costly and requires technical studies which would consider all aspects of whether the site was suitable for a reduced Minimum Lot Size. All landowners need to consent to the change and prepare studies/subdivision designs to address current planning controls such as transport, accessing services, ecological and bushfire.</p> <p>Recommendation: no change</p>

Proposed zone	Comment and response
	<p>4. 18-38 Chapmans Road (Submission 369)</p> <p>This site at 18-38 Chapmans Road, Tuncurry (Lot 12 DP816473 and Lot 101 DP 753207) is currently included in the R2 Low Density Residential zone, E4 General Industrial zone and C2 Environmental Conservation zone. The draft MidCoast LEP amends the boundary of R2 Low Density Residential zone and C2 Environmental Conservation zones slightly and increases the amount of land included in the C2 Environmental Conservation zone. The landowner objects to this change as it is contrary to their Major Project Approval (05-0174), Bulk Earthworks development approval (DA 185/2011), Voluntary Planning Agreement and 2 lot subdivision approval (DA 575/2008) and because it is based on mapping in NSW Government’s State Environmental Planning Policy (Biodiversity and Conservation) 2021 which is not ground-truthed. This part of the site has been identified in the Great Lakes Development Control Plan as water quality/detention facility for the future subdivision.</p> <p>In addition, the submitter requests a change to the E4 General Industrial zone over the site. Given the uptake of industrial land has been slow, it is suggested that an R1 General Residential zone would be more appropriate or the MU1 Mixed Use zone to act as a transition between the industrial and residential land. Alternatively, if the E4 General Industrial zone is to be retained, an Additional Permitted Use could be considered for this property to allow for the proposed MU1 land uses to be permitted with consent in this area. The submitter notes support for the removal of the minimum lot size for this property.</p> <p>Response:</p> <p>The purpose of the draft MidCoast LEP was to examine the current zones and consistently apply a new suite of zones. The C2 Environmental Conservation zone has been applied to land with high ecological, scientific, cultural or aesthetic values, which includes Coastal wetlands as mapped by the NSW Government’s State Environmental Planning Policy (Resilience and Hazards) 2021. Part of the site has been identified as Coastal wetlands, resulting in the change to the zone boundary with the C2 Environmental Conservation zone increasing by an area of around 750m². It should be noted that the existing approvals can still be developed over the site with this zone change.</p> <p>It is acknowledged that landowners have concerns about the accuracy of the NSW Government’s mapping of the Coastal wetlands, and Council will be reviewing this mapping in the future. Where applicable, Council will be recommending changes to both the mapping in the NSW Government’s State Environmental Planning Policy (Resilience and Hazards) 2021 and the zones in the MidCoast LEP through a planning proposal following the draft MidCoast LEP being made. There will be a community consultation process about any proposed changes. However, at this point in time, the NSW Government’s Coastal wetlands will proceed to be included in the C2 Environmental Conservation zone.</p> <p>Regarding the suggested change of the E4 General industrial zone, this is considered a significant zone change with several planning matters needing to be considered such as flooding, traffic impacts, land use conflict, contamination, social and economic impacts, and the visual impacts given its proximity to established industrial areas. Community consultation would be required for this change to the planning controls. As a result, the</p>

Proposed zone	Comment and response
	<p>amendment that is being sought is not supported. A planning proposal should be undertaken to ensure all planning matters and community feedback is considered.</p> <p>Support for the removal of minimum lot size over the land included in the E4 General industrial zone is noted.</p> <p>Recommendation: no change</p>
	<p>5. Coral Avenue Precinct (Submission 451)</p> <p>This precinct near Coral Avenue, Tuncurry is to be retained in the MU1 Mixed Use zone with a maximum height of building of 12m. A submitter supports the MU1 Mixed Use zone but requests that the maximum height of building be increased to 30m, consistent with the maximum height of building applied to properties to the north. The submitter believes that height increase would be compatible with neighbouring developments, enable increased units and commercial activities and given its location; amenity impacts such as overshadowing would be minimal (the submission included diagrams of the potential built form).</p> <p>Response:</p> <p>The purpose of the draft MidCoast LEP was to examine the current zones and consistently apply a new suite of zones and planning controls. The suggested maximum height of building increase is considered a significant change, more than doubling the current maximum height of building and increasing the intensity of development. Several planning considerations would need to be considered such as flooding, traffic impacts and the visual impacts given it is such a prominent location. Community consultation would be necessary for this change to the planning controls. As a result, the amendment that is being sought is not supported. A user pays planning proposal would need to be undertaken to ensure all planning matters and community feedback is considered.</p> <p>Recommendation: no change</p>

Proposed zone	Comment and response
 <p>A map showing a residential area in Tuncurry. A red-shaded zone is labeled with a black circle containing the number '6'. The zone is bounded by Peel Street to the north, Manning Street to the east, and Taree Street to the south. Other streets shown include Kent Street, Barclay Close, Bent Street, Wharf Street, and Leona Way. Property numbers and development plan numbers (DP) are visible on the map.</p>	<p>6. Peel Street Height of Building (Submission 502)</p> <p>These sites along Peel Street and Taree Street, Tuncurry are proposed to be retained in the R3 Medium Density Residential zone. The draft MidCoast LEP showed a decrease in the maximum Height of Building from 18m to 12m. A landowner objected to the proposed reduction in the maximum Height of Building from 18m to 12m given they have development consent (DA 577/2017) for a 7-storey residential flat building. They suggest the proposed reduction in the maximum height of building is inconsistent with land to the north and east of the site, which have not been impacted by changes to the maximum height of building.</p> <p>Response:</p> <p>It is acknowledged that the reduction in the maximum height of building is not consistent with the approved development applications on the site. The decrease in the maximum height of building was also inconsistent with the MidCoast Housing Strategy 2021 and was a mapping error. It is proposed to amend this error and retain the maximum height of building of 18m for this mapped area.</p> <p>Recommendation: amend the draft MidCoast LEP mapping to retain the maximum height of building of 18m for the mapped area</p>
 <p>A map of the Tuncurry foreshore area. A green-shaded zone is labeled with a black circle containing the letter 'A'. A red-shaded zone is labeled with a black circle containing the number '5'. The green zone is along the waterfront, bounded by Manning Street to the north and Point Road to the south. The red zone is inland, bounded by Manning Street to the north and Point Road to the south. Other streets shown include Barclay Close, Taree Street, Recreation Lane, and Point Road. Property numbers and development plan numbers (DP) are visible on the map.</p>	<p>A. Tuncurry foreshore</p> <p>A number of sites along the Tuncurry foreshore are to be retained in the W4 Working Waterfront zone. A review of these zones indicated that the maximum height of building of 8.5m had not been retained. This should be amended to keep the maximum height of building of 8.5m to ensure that development of these sites is suited to the character of the waterfront. These sites were identified through a review of the W4 Working Waterfront zone.</p> <p>Recommendation: amend the draft MidCoast LEP mapping to retain the maximum height of buildings of 8.5m for the mapped sites included in the W4 Working Waterfront zone</p>

Proposed zone	Comment and response
	<p>B. Manning Street</p> <p>A review of the application of the MU1 Mixed Use zone in Tuncurry identified that the maximum height of building of properties located on the western side of Manning Street in the mapped area, had been decreased from 20m to 12m. This is inconsistent with the recommendations of the MidCoast Employment Zone Review 2020 and is a mapping error.</p> <p>Recommendation: amend the draft MidCoast LEP mapping to retain the maximum height of building of 20m for the mapped area on Manning Street, Tuncurry</p>
	<p>C. Rennie Crescent (Lot 309-310 DP722603 and Lot 36 DP720802)</p> <p>These sites at Rennie Crescent, Tuncurry (Lots 309-310 DP722603 and Lot 36 DP720802) are currently included in the RE1 Public Recreation zone and are proposed to be included in the C2 Environmental Conservation zone in the draft MidCoast LEP. These sites are in public ownership.</p> <p>As the land is subject to a pending Aboriginal/Native Title Land Claim, a review of the zones was undertaken so as not to preclude any future use of the site. As a result, the zone of these sites is proposed to be changed to the C3 Environmental Management zone. A review of this zone will be undertaken by Council if the Land Claim is unsuccessful.</p> <p>Recommendation: amend the draft MidCoast LEP mapping to include Lots 309-310 DP722603 and Lot 36 DP720802 in the C3 Environmental Management zone and apply a minimum lot size of 40ha and no maximum height of building</p>

Proposed zone	Comment and response
	<p>D. Wilson Street (Lot 21 DP729820)</p> <p>This site at Wilson Street, Tuncurry (Lot 21 DP729820) is currently included in the RE1 Public Recreation zone and is proposed to be included in the C2 Environmental Conservation zone in the draft MidCoast LEP. This site is in public ownership.</p> <p>As the land is subject to a pending Aboriginal/Native Title Land Claim, a review of the zones was undertaken so as not to preclude any future use of the site. As a result, the site is proposed to be changed to the C3 Environmental Management zone. A review of this zone will be undertaken by Council if the Land Claim is unsuccessful.</p> <p>Recommendation: amend the draft MidCoast LEP mapping to include Lot 21 DP729820 in the C3 Environmental Management zone and apply a minimum lot size of 40ha and no maximum height of building</p>
	<p>E. Bickford Park and Tuncurry Foreshore Reserve Beach Street</p> <p>These sites at Bickford Park and Tuncurry Foreshore Reserve (Lot 7323 DP1142386 and Lot 7056 DP1107985) are currently included in the RE1 Public Recreation zone. In the draft MidCoast LEP they are proposed to be included wholly in the C2 Environmental Conservation zone and split between the C2 Environmental Conservation zone and RE1 Public Recreation zone respectively. These sites are in public ownership.</p> <p>As the land is subject to a pending Aboriginal/Native Title Land Claim, a review of the zones was undertaken so as not to preclude any future use of the site. As a result, the land included in the C2 Environmental Conservation zone and the RE1 Public Recreation zone is proposed to be changed to the C3 Environmental Management zone. A review of this zone will be undertaken by Council if the Land Claim is unsuccessful.</p> <p>Recommendation: amend the draft MidCoast LEP mapping to include Lot 7323 DP1142386 and Lot 7056 DP110798 in the C3 Environmental Management zone and apply a minimum lot size of 40ha and no maximum height of building</p>

Coastal Centres

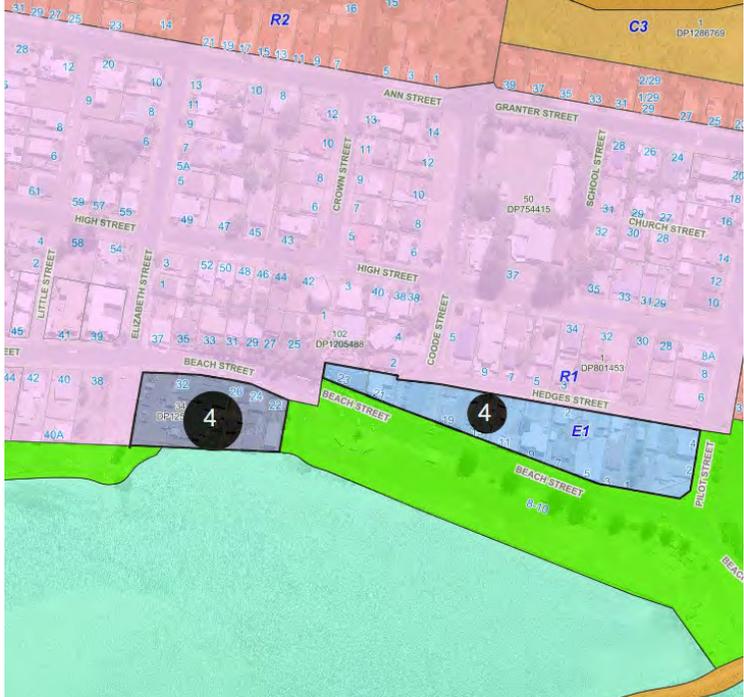
Harrington

The Harrington consultation was run from Harrington Water Shopping Centre on 3 June 2024. In total, 98 people attended the consultation, and we received fifteen submissions from this community. The majority of residents were requesting information on what the zone changes meant for their property and the surrounding area. The issues raised from submissions and the consultation are summarised in the table below with any recommended changes to the draft MidCoast LEP provided. The map below shows the location of issues across Harrington.

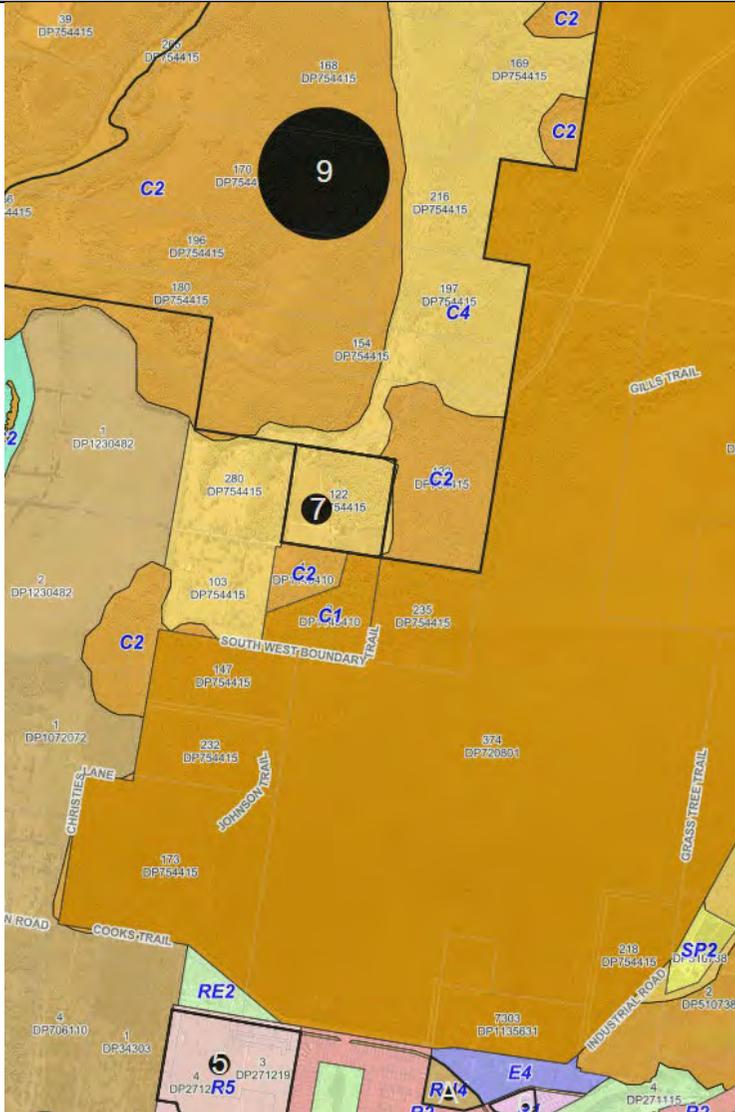


Proposed zone	Comment and response
	<p>1. 89 Beach Street height (Submission 30)</p> <p>This site at 89 Beach Street, Harrington (SP39611) is to be retained in the R1 General Residential zone with a maximum height of building of 8.5m. The submission requests that the maximum height of building for Beach Street, Harrington be increased to 12m (three storeys) to accommodate growth.</p> <p>Response:</p> <p>Previous consultation in Harrington as part of the draft MidCoast Housing Strategy in 2020 found that increased maximum height of building up to 12m were not supported by the community. As a result, the 8.5m maximum height of building was retained in the area so as not to impact on the character of Harrington village.</p> <p>The Council resolution (322/2021) from the Council Meeting on 13 October 2021 recommended that after the completion of the draft MidCoast LEP and Development Control Plan (DCP), a Harrington Height and Development Strategy be prepared that focuses on the vision and future development of Harrington (including height controls). As a result, no change is proposed to the maximum height of building until after the draft MidCoast LEP and DCP is completed, and the development strategy is prepared in consultation with the community.</p> <p>Recommendation: no change</p>
	<p>2. Faith Court (Submission 122)</p> <p>This site located off Faith Court, Harrington (Lot 3097 DP1274654) with a secondary frontage to Harrington Road. The site is currently included in the R1 General Residential and RE2 Private Recreation zone. The draft MidCoast LEP amends the boundary of these zones slightly to reflect the extent of the original development approval in effect at the time. The landowner objects to this change as it is contrary to their most recent development approval (MOD2024/0111) for multi-dwelling housing which relies on the current boundary between the R1 General Residential zone and RE2 Private Recreation zone being retained.</p> <p>Response:</p> <p>It is acknowledged that the proposed zone now conflicts with the most recent development approval. Amending the zones, being a minor boundary realignment of 37m², will provide consistency with the development approval.</p> <p>Recommendation: amend the draft MidCoast LEP mapping to align the zone boundary with the development consent for the site at Lot 3097 DP1274654 being MOD2024/0111. The zone boundary will remain as it is currently under the Greater Taree Local Environmental Plan 2010</p>

Proposed zone	Comment and response
	<p>3. 57 Hogan Street (Submissions 231, 491)</p> <p>The site at 57 Hogan Street, Harrington (Lot 150 DP1215493) is currently included in a rural zone and the C2 Environmental Conservation zone, with a minimum lot size of 40ha. The landowner objects to the inclusion of the site in the C4 Environmental Living zone and C2 Environmental Conservation zone. They are concerned that extensive agriculture, forestry, and intensive plant agriculture land uses will no longer be permitted with consent in the C4 Environmental Living zone. They believe the site does not have characteristics suited to C4 Environmental Living zone and there has been a lack of communication and justification for the change.</p> <p>Response:</p> <p>The purpose of the draft MidCoast LEP was to examine the current zones and consistently apply a new suite of zones. Often rural zones were applied in towns where zones were automatically converted into a new rural zone without considering the values of the land or the existing land uses. Through strategy work and reviewing the zones, we have examined the application of rural zones within our towns and villages and typically it has only been retained in urban areas where sites are identified as Urban Release Areas for future redevelopment, which is not the case for this site.</p> <p>This site adjoins the Crowdy Bay National Park, contains Coastal wetlands as mapped in the NSW Government's State Environmental Planning Policy (Resilience and Hazards) 2021 and is well vegetated. As a result, an environmental zone was considered more appropriate than the existing rural zone. The C4 Environmental Living zone has been applied to land with special ecological, scientific, cultural or aesthetic qualities that are generally compatible with limited or low impact residential, tourism and agricultural land uses. These land uses are considered compatible with the environmental sensitivity of the site and surrounding areas. The zone may also be applied where the land is affected by buffers to and/or is adjoining environmentally sensitive areas.</p> <p>The C4 Environmental Living zone was applied to properties in existing rural zones that:</p> <ul style="list-style-type: none"> • are located within or between significantly vegetated and protected areas, for example, wetlands and national parks, state forests, lakes and waterways • that 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 not be supported • would be inappropriate and unsuitable for additional or intensified development, in terms of impact, access, infrastructure and susceptibility to natural hazards. <p>This property was consistent with these principles for applying the zone. Regarding extensive agriculture, forestry and intensive plant agriculture currently being permitted without consent, these land uses can continue to operate on the land if they have been lawfully established under existing use rights. Based on several submissions a new exempt clause is proposed to enable grazing of animals in the C4 Environmental Living zone and C3 Environmental Management zones which is outlined in Section 4.2.4 of the Consultation Report.</p>

Proposed zone	Comment and response
	<p>The slight change to the boundary of the C2 Environmental Conservation zone is based on the Coastal wetlands as mapped in the NSW Government's State Environmental Planning Policy (Resilience and Hazards) 2021.</p> <p>Recommendation: amend provisions in the draft MidCoast Local Environmental Plan to allow for grazing as an exempt use in the C3 Environmental Management and C4 Environmental Living zones. Refer to Section 4.2.4 of Consultation Report for more information</p>
	<p>4. Local Centre and Mixed Use zones fronting Beach Street (Submissions 292, 293, 294, 295, 296, 297)</p> <p>Several submissions object to the retention of the 8.5m maximum height of building in Harrington being applied to the MU1 Mixed Use and E1 Local Centre zones fronting Beach Street, Harrington between Elizabeth Street and Pilot Street. They believe 12.5-14.5m (four storeys) is required to support/boost business opportunities, encourage a mix of commercial and residential uses (to address the housing crisis) and improve infrastructure such as re-aligned and widened footpaths needed along Beach Street between Elizabeth Street and Pilot Street. This change would enable current development proposals to proceed, and when developed, support future growth from Brimbin and Coopernook. Submitters consider that it is appropriate to make this change now rather than after the draft MidCoast LEP has been finalised.</p> <p>Response:</p> <p>Previous consultation in Harrington as part of the draft MidCoast Housing Strategy in 2020 found that increased maximum Height of Building up to 12m was not supported by the general community. As a result, 8.5m was retained as the maximum height of building in the area so as not to impact on the character of Harrington village.</p> <p>The Council resolution (322/2021) from the Council Meeting on 13 October 2021 recommended that after the completion of the draft MidCoast LEP and Development Control Plan (DCP), a Harrington Height and Development Strategy be prepared that focuses on the vision and future development of Harrington (including height controls). As a result, no change is proposed to the maximum height of building until after the draft MidCoast LEP and DCP is completed, and the development strategy is prepared in consultation with the community.</p> <p>Recommendation: no change</p>

Proposed zone	Comment and response
	<p>5. Manor Road Large Lot Residential zone (Submissions 341, 479)</p> <p>These sites along Manor Road, Harrington are proposed to be retained in the R5 Large Lot Residential zone. Two submissions question the suitability of this zone given the land has development approval (152/2019/DA) for seniors housing consisting of 293 dwellings. It was suggested that the land use should be permitted with consent in this zone, or the site be included in the R1 General Residential zone given the development approval.</p> <p>Response:</p> <p>Both the current and proposed R5 Large Lot Residential zone do not permit seniors housing. The seniors housing development was approved under a previous NSW State Environmental Planning Policy. Including seniors housing as a permitted with consent land use in this zone is not appropriate as many sites in this zone are located away from relevant services and facilities and often do not have suitable infrastructure to service such a development. Changing the zone to R1 General Residential is also not appropriate as there are a range of more intensive land uses that could be established in this zone. Studies would have to be undertaken through a user pays planning proposal process to demonstrate that a more intense form of development would be suitable on this site.</p> <p>In relation to the current approval, the draft MidCoast LEP will not remove the permissibility for the approved seniors housing development (152/2019/DA) provided the development consent is active and there is physical commencement prior to the consent lapsing.</p> <p>Recommendation: no change</p>
	<p>6. Land classification Oakwood Close (Submission 341)</p> <p>A submitter requests that Council land along Oakwood Close, Harrington (Lot 225 DP1284693) be classified as Community land rather than Operational land as there is little land available for community purposes.</p> <p>Response:</p> <p>When the land was transferred to Council in August 2023, it was classified as Operational land to ensure that all possible uses for the land can be considered. At this stage, Council has no plans to change the land classification. The classification of land is outside the scope of the draft MidCoast LEP.</p> <p>Recommendation: no change</p>

Proposed zone**Comment and response****7. 252 Christies Lane (Submission 375)**

The site at 252 Christies Lane, Harrington (Lot 122 DP754415) is currently included in a rural zone with small portions of the land included in the C2 Environmental Conservation zone. The landowner objects to the inclusion of the site in the C4 Environmental Living zone given the site is used for agricultural purposes and a rural zone would permit more agricultural land uses. The zone change would devalue the land and is unnecessary given the requirements of the NSW Government's State Environmental Planning Policy (Resilience and Hazards) 2021. They also object to the subdivisions restrictions (40ha) on rural land where there are two legally approved dwellings (DA 88/515 & DA 1998/583) and request an amendment to Clause 4.2A – Development on land in certain rural and environment protection zones to enable such a subdivision to occur (suggested wording is contained in the submission) and the removal of Clause 4.1F – Exceptions to minimum lot sizes for ecological protection due to uncertainty over how this could be implemented.

Response:

The purpose of the draft MidCoast LEP was to examine the current zones and consistently apply a new suite of zones. Often rural zones were applied for historical reasons, where zones were automatically converted into a new rural zone without considering the values of the land or the existing land uses. Through strategy work and reviewing the zones, we have examined the application of rural zones within our towns and villages and typically it has only been retained in urban areas where sites are identified as Urban Release Areas for future redevelopment, which is not the case for this site.

This site adjoins the Crowdy Bay National Park, contains a portion of Coastal wetlands as mapped in the NSW Government's State Environmental Planning Policy (Resilience and Hazards) 2021 and has pockets of vegetation. As a result, an environmental zone was considered more appropriate than the existing rural zone. The C4 Environmental Living zone has been applied to land with special ecological, scientific, cultural or aesthetic qualities that are generally compatible with limited or low impact residential, tourism and agricultural land uses. These land uses are considered compatible with the environmental sensitivity of the site and surrounding areas. The zone may also be applied where the land is affected by buffers to and/or is adjoining environmentally sensitive areas.

The C4 Environmental Living zone was applied to properties in existing rural zones that:

- are located within or between significantly vegetated and protected areas, for example, wetlands and national parks, state forests, lakes and waterways
- that 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 not be supported
- would be inappropriate and unsuitable for additional or intensified development, in terms of impact, access, infrastructure and susceptibility to natural hazards.

Proposed zone	Comment and response
	<p>This property was consistent with these principles for applying the zone. Regarding the range of land uses currently permitted in the rural zone over the property, these uses can continue to operate on the land if they have been lawfully established under existing use rights. Based on several submissions a new exempt clause is proposed to enable grazing of animals in the C4 Environmental Living zone and C3 Environmental Management zones which is outlined in Section 4.2.4 of the Consultation Report.</p> <p>Proposed amendments to Clause 4.2A – Development on land in certain rural and environment protection zones to enable subdivision where lawful dwellings have been established is not supported. Many of the approved dwellings for dual occupancies, a secondary dwelling, or rural workers cottage, have been approved on the condition that no further subdivision is to occur. Such a change would likely be opposed by the NSW Department of Primary Industries who are generally opposed to the further subdivision of rural land below the minimum lot size which is typically 40ha along the coast.</p> <p>Clause 4.1F – Exceptions to minimum lot sizes for ecological protection in the draft MidCoast LEP allows consideration of subdivisions where significant environmental outcomes can be achieved and is to be retained in the draft MidCoast LEP.</p> <p>The C2 Environmental Conservation zone applies to Coastal wetlands as mapped in the NSW Government’s State Environmental Planning Policy (Resilience and Hazards) 2021 which has been consistently applied across the MidCoast.</p> <p>Recommendation: amend provisions in the draft MidCoast Local Environmental Plan to allow for grazing as an exempt use in the C3 Environmental Management and C4 Environmental Living zones. Refer to Section 4.2.4 of the Consultation Report for more information</p>

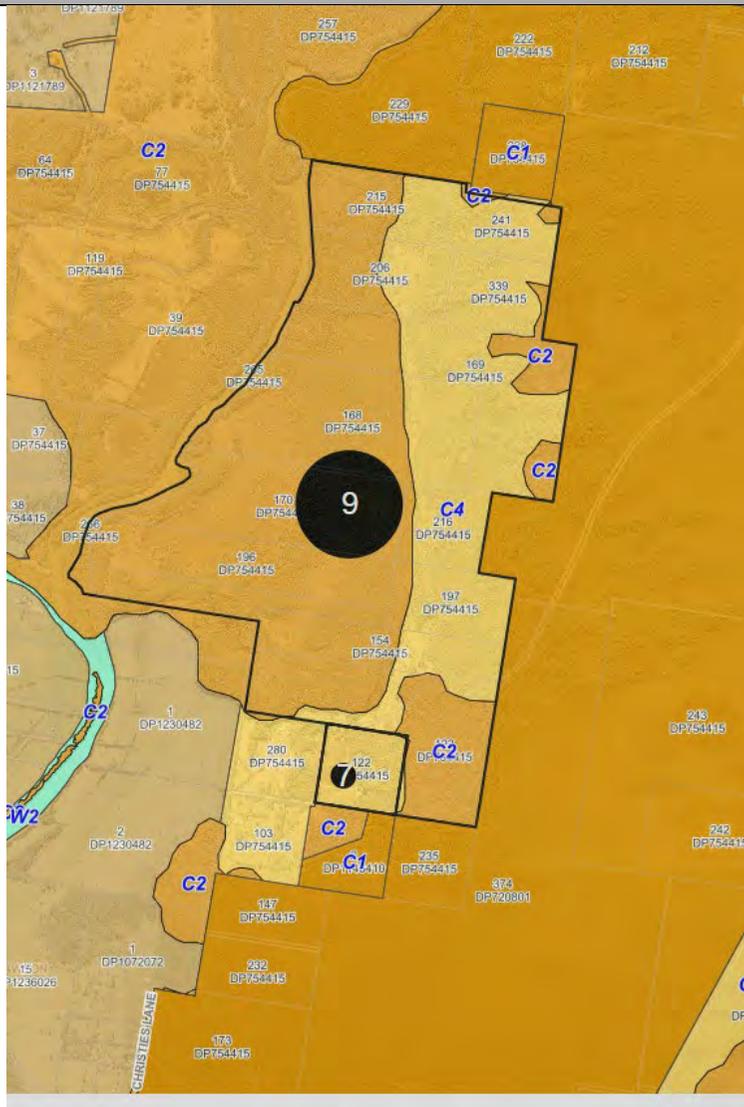
Proposed zone**Comment and response****8. Glacken Street (Submission 383)**

The site along Glacken Street, Harrington (Lot 29 DP259324) is currently included in the R1 General Residential zone, RU1 Primary Production zone and C2 Environmental Conservation zone. The site is proposed to be included in the R1 General Residential zone, C4 Environmental Living zone and C2 Environmental Conservation zone. The landowner objects to the extension of the C2 Environmental Conservation zone over land currently included in R1 General Residential zone as it would not be consistent with the modified development approval (DA 406/2009/A) and Construction certificate (CC2021/0290 issued 30 September 2021).

Response:

The purpose of the draft MidCoast LEP was to examine the current zones and consistently apply a new suite of zones. The C2 Environmental Conservation zone has been applied to land with high ecological, scientific, cultural, or aesthetic values, which includes Coastal wetlands as mapped by the NSW Government's State Environmental Planning Policy (Resilience and Hazards) 2021. The extent of mapped Coastal wetlands has increased, resulting in the increase in land included in the C2 Environmental Conservation zone. It should be noted that the existing approvals can still be developed over the site with this zone change.

Recommendation: no change

Proposed zone**Comment and response****9. 260 Christies Lane Harrington (Submission 383)**

The site at 260 Christies Lane, Harrington (Lot 123 DP754415) is currently included in a rural zone with portions (to the east and west) included in the C2 Environmental Conservation zone. The landowner objects to the inclusion of the site in the C4 Environmental Living zone given intensive agriculture would be prohibited in this zone and the site is used for agricultural purposes. The change in zone would result in a reduced level of livestock agriculture and result in the downsizing of their business model. A rural zone would support their agricultural activities.

Response:

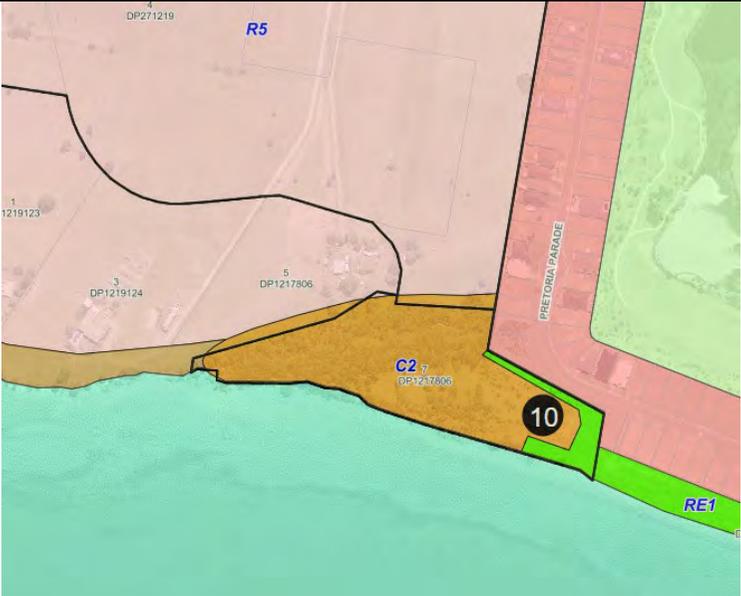
The purpose of the draft MidCoast LEP was to examine the current zones and consistently apply a new suite of zones. Often rural zones were applied for historical reasons, where zones were automatically converted into a new rural zone without considering the values of the land or the existing land uses. Through strategy work and reviewing zones, we have examined the application of zones. Through strategy work and reviewing the zones, we have examined the application of rural zones within our towns and villages and typically it has only been retained in urban areas where sites are identified as Urban Release Areas for future redevelopment, which is not the case for this site.

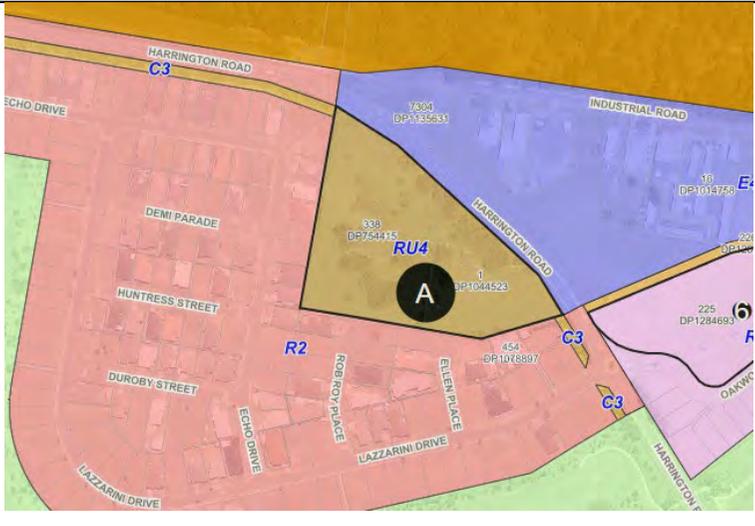
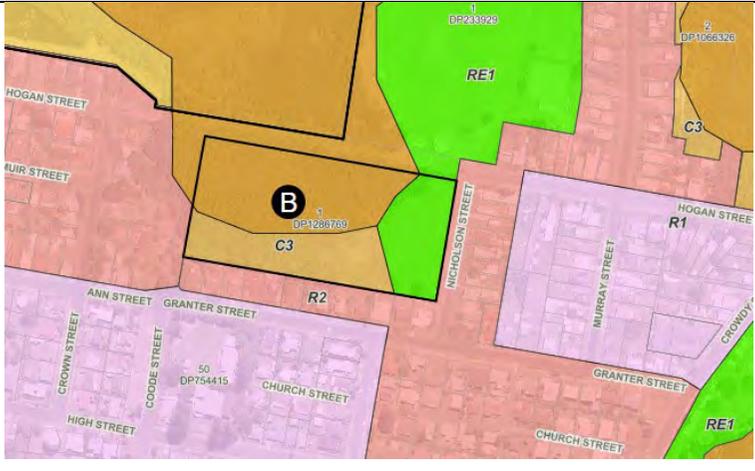
This site adjoins the Crowdy Bay National Park, contains a portion of Coastal wetlands as mapped in the NSW Government's State Environmental Planning Policy (Resilience and Hazards) 2021 and is well vegetated. As a result, an environmental zone was considered more appropriate than the existing rural zone. The C4 Environmental Living zone has been applied to land with special ecological, scientific, cultural or aesthetic qualities that are generally compatible with limited or low impact residential, tourism and agricultural land uses. These land uses are considered compatible with the environmental sensitivity of the site and surrounding areas. The zone may also be applied where the land is affected by buffers to and/or is adjoining environmentally sensitive areas.

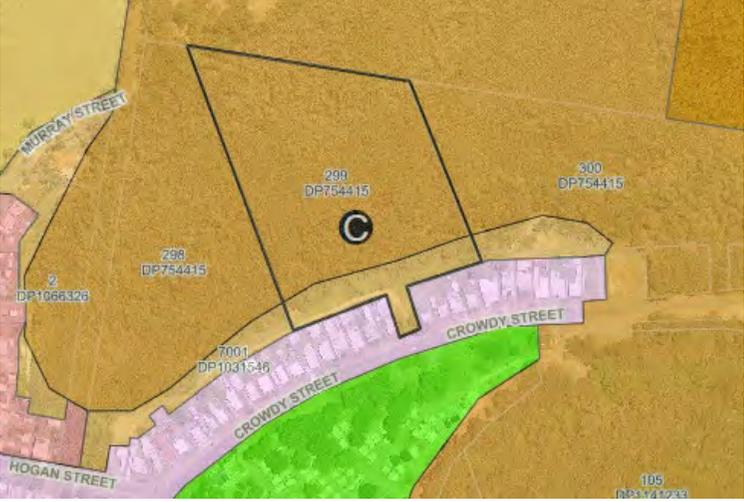
The C4 Environmental Living zone was applied to properties in existing rural zones that:

- are located within or between significantly vegetated and protected areas, for example, wetlands and national parks, state forests, lakes, and waterways
- that 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 not be supported
- would be inappropriate and unsuitable for additional or intensified development, in terms of impact, access, infrastructure and susceptibility to natural hazards.

This property was consistent with these principles for applying the zone. Regarding the range of land uses currently permitted in the rural zone over the property, these land uses can continue to operate on the land if they have been lawfully established under existing use rights. Based on several submissions, a new exempt clause is

Proposed zone	Comment and response
	<p>proposed to enable grazing of animals in the C4 Environmental Living zone and C3 Environmental Management zones which is outlined in Section 4.2.4 of the Consultation Report.</p> <p>The extent of land included in the C2 Environmental Conservation zone increased to be consistent with the Coastal wetlands that are mapped in the NSW Government’s State Environmental Planning Policy (Resilience and Hazards) 2021 which has been consistently applied across the MidCoast. It is acknowledged that landowners have concerns about the accuracy of the State mapping of the Coastal wetlands, and Council will be reviewing the mapping in the future. Where applicable, Council will be recommending changes to both the mapping in the NSW Government’s State Environmental Planning Policy (Resilience and Hazards) 2021 and the zones in the MidCoast LEP through a planning proposal following the draft MidCoast LEP being made. There will be a community consultation process about any proposed changes. However, at this point in time, the NSW Government’s Coastal wetlands will proceed to be included in the C2 Environmental Conservation zone.</p> <p>Recommendation: amend provisions in the draft MidCoast Local Environmental Plan to allow for grazing as an exempt use in the C3 Environmental Management and C4 Environmental Living zones. Refer to Section 4.2.4 of the Consultation Report for more information</p>
	<p>10. 54 Manor Road (Submission 453)</p> <p>This site at 54 Manor Road, Harrington (Lot 7 DP1217806) is a Council reserve and is currently included in the C2 Environmental Conservation and RE1 Public Recreation zone. The draft MidCoast LEP proposed to increase the extent of land included in the C2 Environmental Conservation zone. The adjoining landowner (Lot 22 DP1198390) objects to the proposed zone change that adjoins their property. Both Council and the adjoining landowners have spent time revegetating this area with native species and managing land consistent with the C2 Environmental Conservation zone. Request for this re-vegetated area to remain in the C2 Environmental Conservation zone or an assurance be given that the vegetation will remain.</p> <p>Response:</p> <p>The proposed conservation zone has been extended to incorporate a large area of the eastern side of site which has been revegetated. The application of the RE1 Public Recreation zone was applied over parts of the site where Council has agreed that will be management zones which are mown areas. The allocation of zones reflects the Harrington Foreshore Reserve Regeneration Works Plan 2017-2018.</p> <p>Recommendation: no change</p>

Proposed zone	Comment and response
	<p>A. Harrington Urban Release Area</p> <p>These sites at 812 and 822 Harrington Road, Harrington (Lot 338 DP754415 and Lot 1 DP1044523) are Harrington Growth Area 1 which is an Urban Release Area. It is proposed to retain the site in a rural zone being the RU4 Primary Production Small Lots zone. A review of the Urban Release Areas identified this site as incorrectly having a 20ha minimum lot size. To be consistent with land included in the RU4 Primary Production Small Lots zone, the minimum lot size should be 40ha. An amendment is proposed to correct this mapping error.</p> <p>Recommendation: amend the draft MidCoast LEP mapping to retain the 40ha minimum lot size for 812 and 822 Harrington Road, Harrington</p>
	<p>B. Nicholson Street</p> <p>This site at Nicholson Street (Lot 1 DP1286769) is currently included in the C2 Environmental Conservation zone and the RE1 Public Recreation zone and is proposed to be included in the C2 Environmental Conservation zone, C3 Environmental Management zone and RE1 Public Recreation zone in the draft MidCoast LEP. This site is in public ownership.</p> <p>As the land is subject to an approved, but not finalised, Aboriginal/Native Title Land Claim a review of the zones was undertaken so as not to preclude any future use of the site. As a result, the part of the site proposed to be included in the RE1 Public Recreation zone will be changed to the C3 Environmental Management zone.</p> <p>The parts of the site included in the C2 Environmental Conservation zone and C3 Environmental Management zone will remain unchanged</p> <p>Recommendation: amend the draft MidCoast LEP mapping to include part of Lot 1 DP1286769 in the C3 Environmental Management zone and apply a minimum lot size of 40ha and no maximum height of building</p>

Proposed zone	Comment and response
	<p>C. Crowdy Street</p> <p>This site at Crowdy Street (Lot 299 DP754415) are currently included in the C2 Environmental Conservation zone, RE1 Public Recreation and R1 General Residential zone. The draft MidCoast LEP proposes to include more of the land in the C2 Environmental Conservation zone in accordance with the Coastal wetland mapping in the NSW Government's State Environmental Planning Policy (Resilience and Hazards) 2021. The C3 Environmental Management zone is proposed at the rear of the existing residential lots, with a decrease in the extent of the R1 General Residential zone given the environmental constraints of the land. This site is in public ownership.</p> <p>As the land is subject to an Aboriginal/Native Title Land Claim, a review of the zones was undertaken so as not to preclude any future use of the site. As a result, the part of the site that is currently in the R1 General Residential zone (fronting Crowdy Street) is proposed to be reinstated, resulting in a decrease in the amount of land included in the C3 Environmental Management zone.</p> <p>The part of the site proposed to be included in the C2 Environmental Conservation zone will remain unchanged</p> <p>Recommendation: amend the draft MidCoast LEP mapping to reinstate the Ri General Residential zone from the Greater Taree Local Environmental Plan 2010 over Lot 299 DP754415 and apply a minimum lot size of 450m² and a maximum height of building of 8.5m</p>
	<p>49 Crowdy Street</p> <p>This site at 49 Crowdy Street, Harrington (Lot 182 DP754415) is currently in the R1 General Residential zone with the RE1 Public Recreation zone at the rear of the property. It is proposed to include the whole site in the R1 General Residential zone. This was a mapping error as the rear of the property should have remained in a non-residential zone. RE1 is not appropriate given it is private land. The appropriate zone is the C3 Environmental Management zone which has been applied to all land that runs behind the residential properties that front Crowdy Street.</p> <p>Recommendation: amend the draft MidCoast LEP mapping to include the rear of 49 Crowdy Street (Lot 182 DP754415) in the C3 Environmental Management zone. The zone boundary would follow the zone boundary currently shown in the Greater Taree Local Environmental Plan 2010. The minimum lot size of the rear of the site would be increased to 40ha and no maximum height of building</p>

Harrington – general comments and responses

The following comments were raised as part of the submissions for Harrington

General comments (Submission 341)

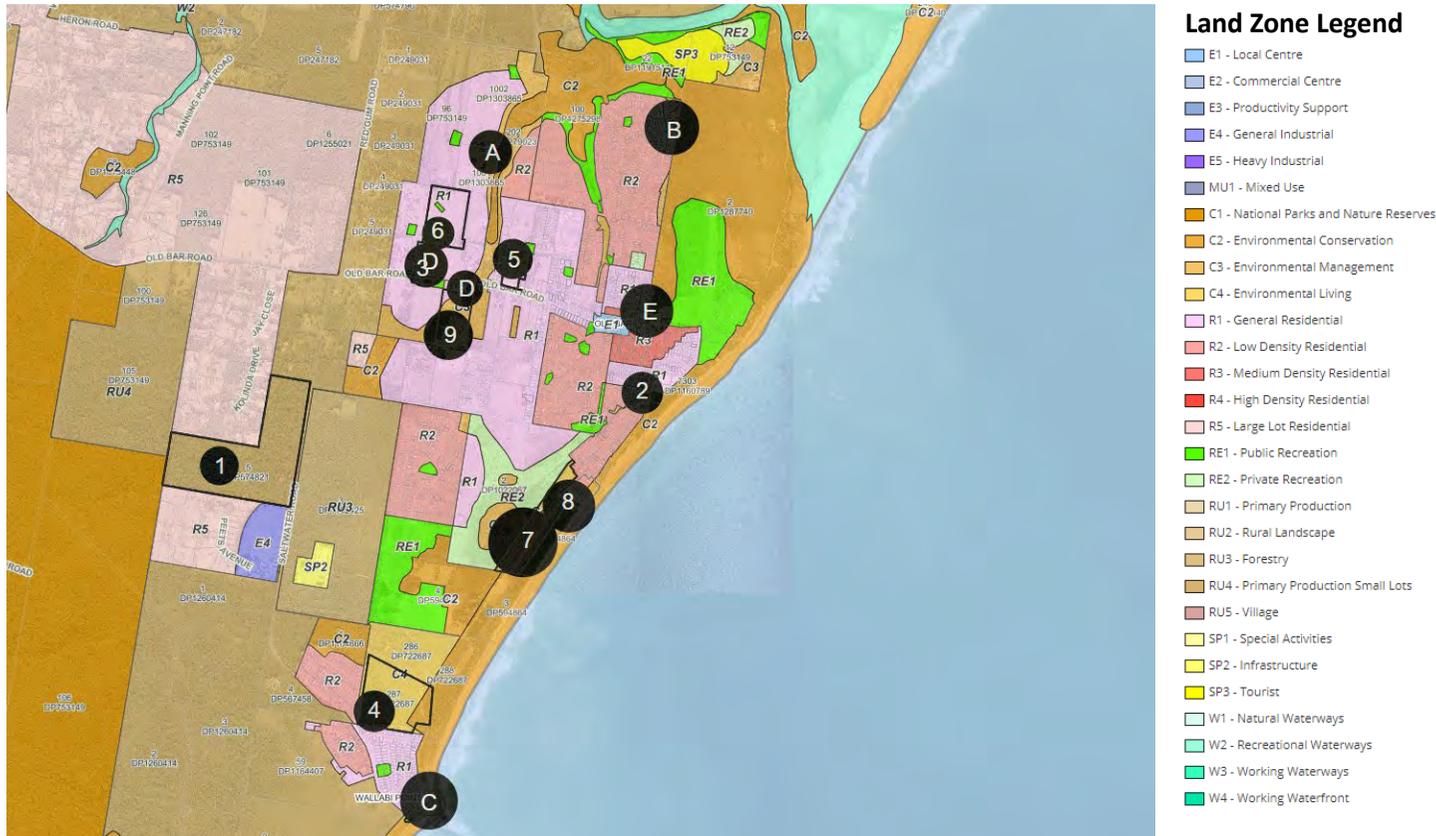
- a) Support provided for the retention of the R1 General Residential zone, the use of the R2 Low Density Residential zone and introduction of the R3 Medium Density zone in Harrington to increase housing supply.
- b) Request made for the signage near the wetland at Sovereign Avenue to be replaced.
- c) Request for Harrington Place Strategy to be undertaken as soon as possible to inform changes to the draft MidCoast LEP.
- d) Objection to the inclusion of oyster, pond and tank aquaculture land as permitted with consent in the residential zones, as this land use would be more appropriate in rural areas.
- e) Objection to shortage of heritage-listed items located in Harrington.
- f) Objection to section 3.4.1 of Planning Proposal where it is suggested no additional infrastructure will be required as part of the planning proposal. Road and bike lane upgrades should be a priority for Harrington and Crowdy Head.

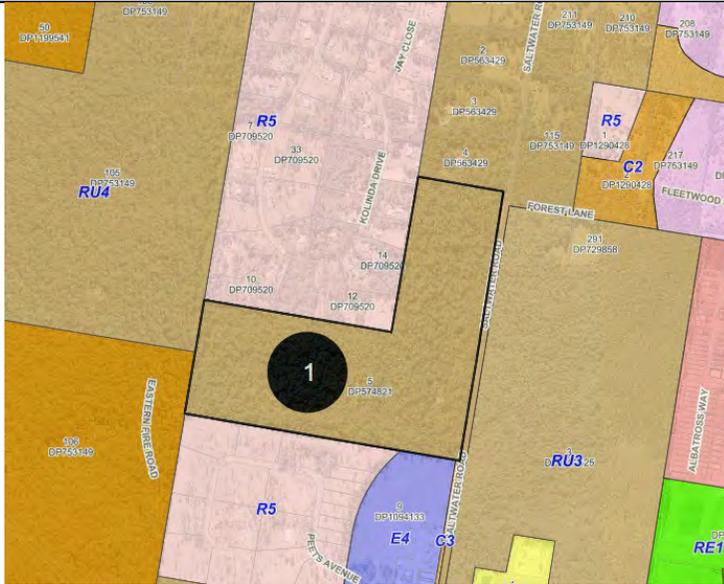
Response:

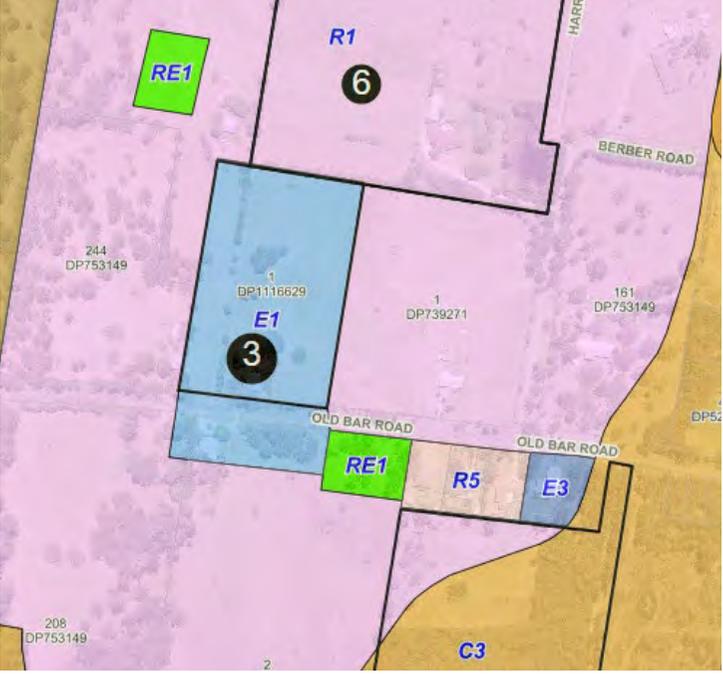
- a) Support for the proposed residential zones is noted.
- b) Upgrades or repairs to existing signage is not considered to be part of the draft MidCoast LEP, but the appropriate team within Council have been notified of this concern.
- c) The preparation of a Height and Development Strategy for Harrington has been identified as part of Council Resolution (322/2021), and it is intended is to progress after the draft MidCoast LEP and Development Control Plan are completed.
- d) Oyster, pond and tank aquaculture is a land use that the NSW legislation requires to be included as a permitted with consent in all residential zones. As a result, councils are not able to prohibit this land use in these zones.
- e) Concern over the number of heritage listings is noted. A gap analysis of the existing heritage items in Schedule 5 of the draft LEP recognises a "gap" in the Harrington/Crowdy Head area. The community can work with Council to identify future heritage places and assist with the gathering of relevant historical information.
- f) Residential growth in Harrington is not expected to accelerate as the result of the draft MidCoast LEP given that there is no increase to the residential footprint in the area. Future bike lane and road upgrades would be considered in line with the MidCoast Roads Strategy and the proposed MidCoast Walking, Cycling and Trail-based Activity Strategy, which is outside the scope of the draft MidCoast LEP.

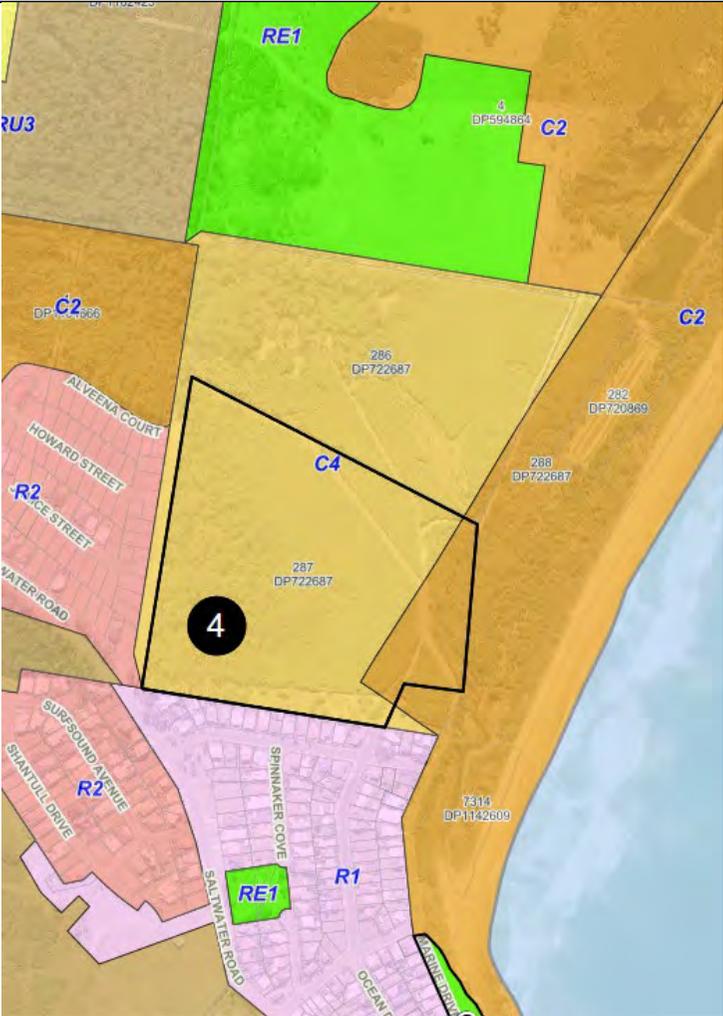
Old Bar (including Wallabi Point)

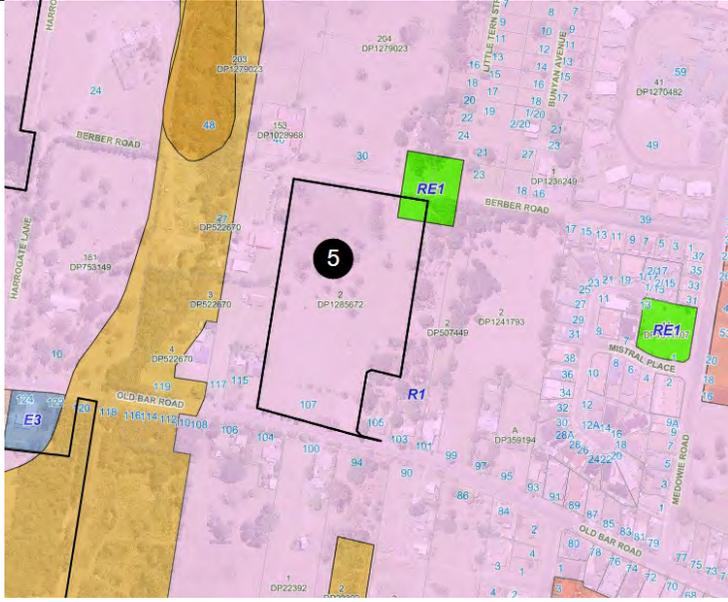
The Old Bar consultation was undertaken in front of the Lauders Real Estate Old Bar on 7 June 2024. In total, 96 people attended the consultation, and we received thirteen submissions from this community. The majority of residents were requesting information on what the zone changes meant for their property and the surrounding area. The issues raised from submissions and the consultation are summarised in the table below with any recommended changes to the draft MidCoast LEP provided. The map below shows the location of issues across Old Bar.

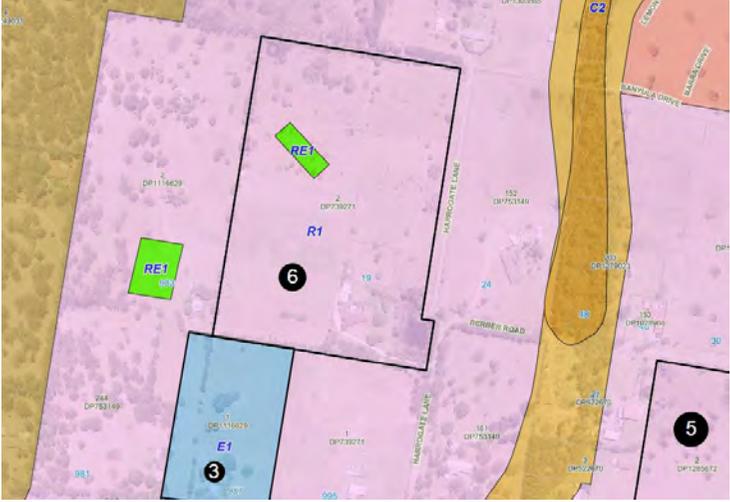


Proposed zone	Comment and response
	<p>1. 70 Saltwater Road (Submission 32)</p> <p>This site at 70 Saltwater Road, Old Bar (Lot 5 DP574821) is currently in a rural zone with a 40ha minimum lot size and is proposed to be included in the RU4 Primary Production Small Lots zone. The submitter expressed concern about the 40ha minimum lot size given neighbouring properties have been included in the R5 Large Lot Residential zone and subdivided. Owners request that this property should also be permitted to be rezoned and further subdivided.</p> <p>Response:</p> <p>The purpose of the draft MidCoast LEP was to examine the current zones and consistently apply a new suite of zones. Any zone changes from a rural zone to an urban zone, such as the R5 Large Lot Residential zone occurred where the site had the characteristics of the zone, for example in this case there would have to be an existing estate with lots of that have an area of 1.5ha. This site would need to go through a user pays planning proposal process (known as a rezoning) to change the zone of the land, which would consider all aspects of whether the site was suitable to be included in the R5 Large Lot Residential zone.</p> <p>It is also important to note that planning proposals are typically only considered for sites identified in the MidCoast Urban Release Areas Report 2021 and the Hunter Regional Plan 2041. This site has not been identified in either of these documents.</p> <p>Recommendation: no change</p>
	<p>2. 31 David Street (Submission 43)</p> <p>The site at 31 David Street, Old Bar (Lot 85 DP7008) is currently included in the R1 General Residential zone and is proposed to be included in the R2 Low Density Residential zone. The landowner objects to being included in the proposed R2 Low Density Residential zone, given the site is currently used for tourist accommodation and a commercial use being the Boogie Woogie Beach House. The landowner proposes that the R3 Medium Density Residential zone with a maximum height of building of 12m would be more appropriate to increase tourist facilities which would boost tourism, while not impacting on the surrounding built form.</p> <p>Response:</p> <p>The purpose of the draft MidCoast LEP was to examine the current zones and consistently apply a new suite of zones and planning controls. The suggested height increase is considered a significant change, given the proposed surrounding zones and the maximum height of building of 8.5m. Several planning considerations would need to be considered such as amenity, traffic, and visual impacts. Community consultation would be important to ensure that the community had the opportunity to provide feedback. As a result, this amendment is not supported. A user pays planning proposal would need to be undertaken to ensure all planning matters and community feedback are considered.</p> <p>Recommendation: no change</p>

Proposed zone	Comment and response
	<p>3. 987 Old Bar Road (Submission 107)</p> <p>This site at 987 Old Bar Road, Old Bar (Lot 1 DP1116629) is proposed to be retained in the E1 Local Centre zone. The submission objects to E1 Local Centre zone as it would create two centres within the village. Alternatively, it is suggested that the E1 Local Centre zone applying to the current centre be applied over the area proposed to be included in the proposed R3 Medium Density Residential zone to extend the existing local centre.</p> <p>Response:</p> <p>Planning for this second shopping centre in Old Bar has been underway since the rezoning of this precinct in 2010. The intent being that as Old Bar increases in population, there will be the need for an additional centre to cater for the additional residents. There is no intention to change this long-term plan for providing future services and facilities at Old Bar.</p> <p>Recommendation: no change</p>

Proposed zone	Comment and response
	<p>4. Saltwater Road (Submissions 155, 267, 289, 466)</p> <p>This site along Saltwater Road, Wallabi Point (Lot 287 DP722687) is currently included in the RU1 Primary Production zone and the C2 Environmental Conservation zone. It is proposed to include the rural zoned land in the C4 Environmental Living zone. Several submissions object to the inclusion of the site in the C4 Environmental Living zone and request it be included in the C3 Environmental Management zone to limit further development, protect environmental values and the existing character. The land was not identified in the MidCoast Housing Strategy 2021 or the MidCoast Urban Release Areas Report 2021, so the C4 Environmental Living zone is inconsistent with the strategic direction of Council.</p> <p>Response:</p> <p>The purpose of the draft MidCoast LEP was to examine the current zones and consistently apply a new suite of zones. Often rural zones were applied for historical reasons, where zones were automatically converted into a new rural zone without considering the values of the land or the existing land uses. Through strategy work and reviewing the zones, we have examined the application of rural zones within our towns and villages and typically it has only been retained in urban areas where sites are identified as Urban Release Areas for future redevelopment, which is not the case for this site.</p> <p>This site adjoins a coastal land and is well vegetated. As a result, an environmental zone was considered more appropriate than the existing rural zone. The C4 Environmental Living zone has been applied to land with special ecological, scientific, cultural or aesthetic qualities that are generally compatible with limited or low impact residential, tourism and agricultural uses that are compatible with the environmental sensitivity of the site and surrounding areas; and may be applied where the land is affected by buffers to and/or is adjoining environmentally sensitive areas.</p> <p>The C4 Environmental Living zone was applied to properties in existing rural zones that:</p> <ul style="list-style-type: none"> • are located within or between significantly vegetated and protected areas, for example, wetlands, the coast and national parks, state forests, lakes, and waterways • that 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 not be supported • would be inappropriate and unsuitable for additional or intensified development, in terms of impact, access, infrastructure and susceptibility to natural hazards. <p>This property was consistent with these principles for applying the C4 Environmental Living zone.</p> <p>The NSW Government owns the site, and consideration needs to be given to pending Aboriginal/Native Title Land Claims, so as not to preclude any future use of the site. Currently, the C4 Environmental Living zone provides the balance of recognising and maintaining the environmental values of the site while allowing for some land uses which would be consistent with these environmental values.</p>

Proposed zone	Comment and response
	<p>The C4 Environmental Living zone is not a residential zone which is why it was not identified in the MidCoast Housing Strategy 2021.</p> <p>Recommendation: no change</p>
	<p>5. 107 Old Bar Road (Submissions 366, 501)</p> <p>This site at 107 Old Bar Road, Old Bar (Lot 2 DP1285672) is proposed to be retained in the R1 General Residential zone with a portion of the site included in the RE1 Public Recreation zone. The landowner expresses concern that development approvals issued for neighbouring sites have diminished the value and use of the recreation land in the north-east corner of the site. They request an alternate location for the recreation land to be in the north-west portion of the site.</p> <p>Response:</p> <p>This development application matter was considered on 11 December 2024 by Council (Resolution 458/2024), where it was recommended that the north-west corner of the site (proposed Lot 36 of the approved subdivision plans under MOD 2023/0305) be acquired by Council as the drainage area for the development. As a result, the north-eastern corner should be included in the R1 General Residential zone to enable residential development. After the drainage area is in Council ownership, the zone will be amended to an appropriate zone.</p> <p>Recommendation: amend the draft MidCoast LEP mapping to include the north-eastern corner of Lot 2 DP1285672 in the R1 General Residential zone and apply a minimum lot size of 450m² and a maximum height of building of 8.5m</p>

Proposed zone	Comment and response
	<p>6. 19 Harrogate Lane (Submission 500)</p> <p>This site at 19 Harrogate Lane, Old Bar (Lot 2 DP739271) is proposed to be retained in the R1 General Residential zone with a portion of the site included in the RE1 Public Recreation zone. The submission requests for the RE1 Public Recreation zone to be relocated to south-east corner of site. The submitter believes the current location is unworkable for stormwater management plan and the requirements have changed over time and the proposed location of the RE1 Public Recreation zone is more appropriate for future drainage plans.</p> <p>Response:</p> <p>As per the previous submission, any change to the location of land to be included in the RE1 Public Recreation zone needs to be considered in the context of a development application where the design of the subdivision and options for the open space/drainage areas are fully considered. Given this site has not progressed to the extent of 107 Old Bar Road, Old Bar, this proposed zone change is not appropriate at this point of time and cannot be supported.</p> <p>Recommendation: no change</p>

Proposed zone**Comment and response****7. Lewis Street (Submission 504)**

This site at Lewis Street, Old Bar (Lot 1 DP594864) is currently included in the RU1 Primary Production zone and C2 Environmental Conservation zone, and it is proposed that the rural zoned land is included in the C4 Environmental Living zone. The landowners object to the proposed change to the C4 Environmental Living zone as it does not reflect the existing development approval for a manufactured home estate (MOD2022/0253). They believe the R1 General Residential zone over the site and reduction of the extent of the C2 Environmental Conservation zone consistent with the approved use would be more appropriate.

Response:

The purpose of the draft MidCoast LEP was to examine the current zones and consistently apply a new suite of zones. Often rural zones were applied for historical reasons, where zones were automatically converted into a new rural zone without considering the values of the land or the existing land uses. Through strategy work and reviewing the zones, we have examined the application of rural zones within our towns and villages and typically it has only been retained in urban areas where sites are identified as Urban Release Areas for future redevelopment, which is not the case for this site.

This site adjoins coastal land. As a result, an environmental zone was considered more appropriate than the existing rural zone. The C4 Environmental Living zone has been applied to land with special ecological, scientific, cultural or aesthetic qualities that are generally compatible with limited or low impact residential, tourism and agricultural uses that are compatible with the environmental sensitivity of the site and surrounding areas; and may be applied where the land is affected by buffers to and/or is adjoining environmentally sensitive areas.

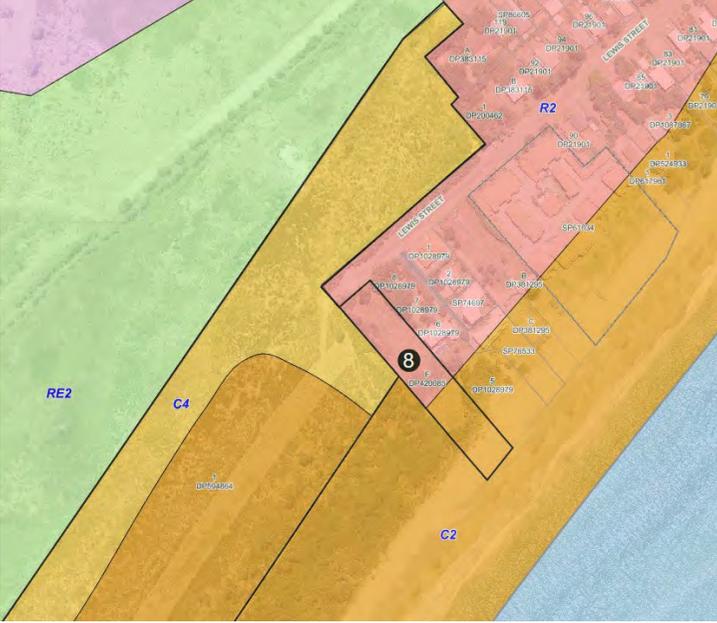
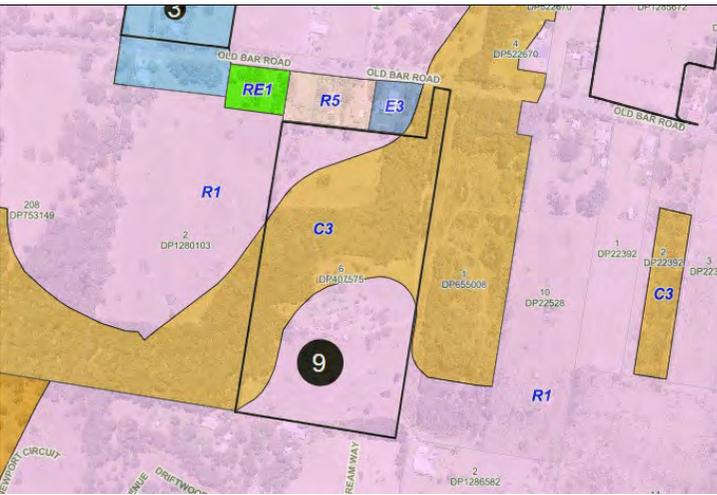
The C4 Environmental Living zone was applied to properties in existing rural zones that:

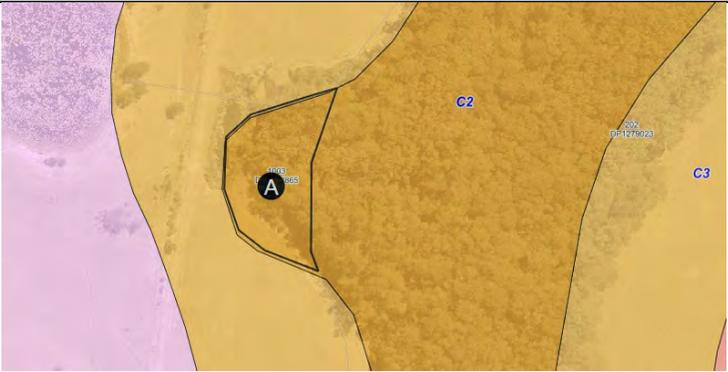
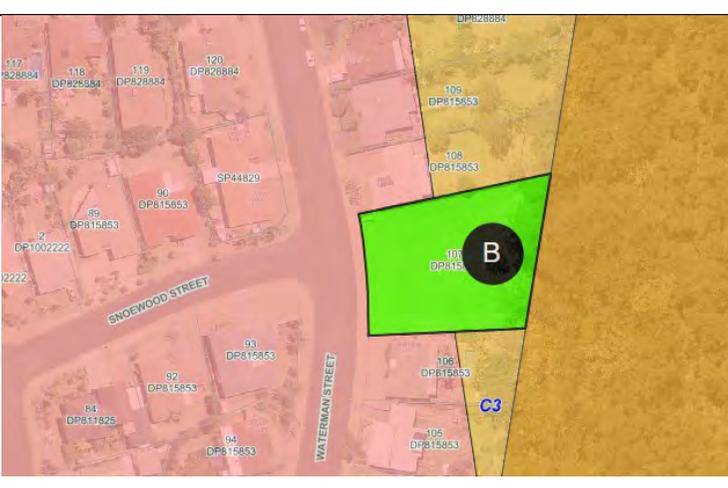
- are located within or between significantly vegetated and protected areas, for example, wetlands, the coast and national parks, state forests, lakes and waterways
- that have historically been used for low-intensity farming, or occupied and maintained as rural lifestyle blocks where the rural zone is no longer appropriate and intensive forms of agricultural activity would not be supported
- would be inappropriate and unsuitable for additional or intensified development, in terms of impact, access, infrastructure and susceptibility to natural hazards.

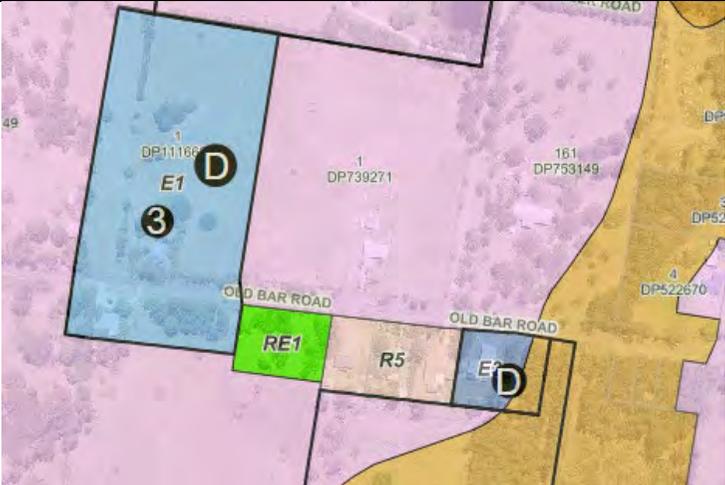
This property was consistent with these principles for applying the C4 Environmental Living zone.

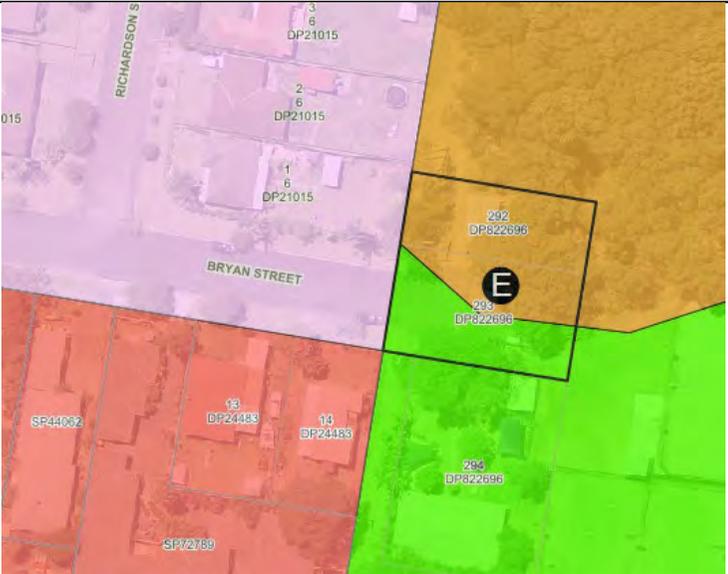
It is recognised that the site has an existing development approval for a manufactured home estate (MOD2022/0253), which can continue to be developed in this proposed C4 Environmental Living zone. Changing the zone to R1 General Residential is not appropriate as there are a range of uses that could be established in this zone. Studies would have to be undertaken through a user pays planning proposal process to demonstrate that a residential zone was appropriate for this site. In addition, the reduction of the extent of the C2 Environmental Conservation zone to be in accordance with the development approval is not supported.

Recommendation: no change

Proposed zone	Comment and response
	<p>8. 42 Lewis Street (Submission 504)</p> <p>This site at 42 Lewis Street, Old Bar (Lot F DP420085) is currently in the R1 General Residential zone and C2 Environmental Conservation zone, and it is proposed that the residential zone be changed to R2 Low Density Residential zone. The submitter notes that this lot is proposed to be amalgamated with Lot 1 DP594864 (above submission) and incorporated into the development, potentially as a revegetated area with proposed uses such as recreation facility (indoor) and signage. These land uses are currently permitted with consent in the R1 General Residential zone.</p> <p>The submitter is also concerned that the residential area along Lewis Street and Rose Street could provide a diverse range of housing and tourist accommodation but is being 'downgraded' to the R2 Low Density Residential zone.</p> <p>Response:</p> <p>The residential area along Lewis Street and Rose Street is located between the Immediate Hazard Line and the Coastal Hazard Line as identified in the Greater Taree Development Control Plan 2010. The proposed R2 Low Density Residential zone reflects the risk of coastal erosion in this area and is considered appropriate. This zone was also supported by the NSW Department of Climate Change, Energy, the Environment and Water who reviewed the suitability of zones in this location, given the coastal constraints. To pursue land uses currently permitted in the R1 General Residential zone, the landowners are encouraged to examine options to proceed with a development application prior to the draft MidCoast LEP being finalised, however the coastal considerations will need to be addressed.</p> <p>Recommendation: no change</p>
	<p>9. 120 Old Bar Road (Submission 508)</p> <p>This site at 120 Old Bar Road, Old Bar (Lot 6 DP407575) is proposed to be retained in the R1 General Residential zone and C3 Environmental Management zone. The landowner is concerned about impact on their property at 120 Old Bar Road from the Precinct 2B proposal.</p> <p>Response:</p> <p>Precinct 2B at Old Bar, which includes this property at 120 Old Bar Road, was rezoned as part of a planning proposal almost 15 years ago. This rezoning process involved over 40 landowners and the layout for the residential neighbourhoods in Precinct 2B was determined in terms of the land suitable for residential development, the environmental corridors, open space and general road layout.</p> <p>The draft MidCoast LEP does not impact on the zones or the general future intent for Precinct 2B which was established 15 years ago. The landowners are encouraged to discuss development opportunities with planning consultants or developers to determine future options for their land.</p> <p>Recommendation: no change</p>

Proposed zone	Comment and response
	<p>A. Marra Drive</p> <p>A review of the conservation zones near Marra Drive, Old Bar identified a misalignment between the C2 Environmental Conservation zone and the property boundary for the site (Lot 1003 DP1303865). This is a minor mapping error requiring the C2 Environmental Conservation zone to apply to the entire site, which is owned by Council.</p> <p>Recommendation: amend the draft MidCoast LEP mapping to align the C2 Environmental Conservation zone with the property boundary for Lot 1003 DP1303865</p>
	<p>B. 112 Waterman Street</p> <p>This site at 112 Waterman Street, Old Bar (Lot 107 DP815853) is owned by Council and is currently in the R1 General Residential zone with the rear of the property included in the RE2 Private Recreation zone. The draft MidCoast LEP included the site in the RE1 Public Recreation zone, however the MidCoast Open Space and Recreation Strategy identified a surplus of recreational land in Old Bar, and as a result the site should be retained in the zones proposed on adjoining properties, being the R2 Low Density Residential zone and C3 Environmental Management zone.</p> <p>Recommendation: amend the draft MidCoast LEP mapping to apply the R2 Low Density Residential and C3 Environmental Management zone to 112 Waterman Street in accordance with the current zone boundary as contained in the Greater Taree Local Environmental Plan 2010. Apply a minimum lot size of 450m² and 8.5m maximum height of building to the R2 Low Density Residential area, and a minimum lot size of 40ha and no maximum height of building to the C3 Environmental Management area</p>

Proposed zone	Comment and response
	<p>C. Seaview Parade and Marine Drive</p> <p>The draft MidCoast LEP typically proposes conservation zones to be applied over public land along the coastline. A review of the coastal lands identified this land near Seaview Parade and Marine Drive, Wallabi Point which was proposed to be included in the RE1 Public Recreation zone. To ensure consistency along the coast, it is proposed to include this site in the C3 Environmental Management zone. This zone will enable the site to continue to be used for open space activities, while recognising its environmental value as a coastal headland.</p> <p>Recommendation: amend the draft MidCoast LEP mapping to include the identified area of Seaview Parade and Marine Drive, Wallabi Point in the C3 Environmental Management zone and apply a minimum lot size of 40ha and no maximum height of building</p>
	<p>D. Employment zone height of building Old Bar Road</p> <p>The site at 122-124 Old Bar Road, Old Bar (Lot 4 DP27112 and Lot 5 DP27112) is currently in the E3 Productivity Support zone and is proposed to remain in the E3 Productivity Support zone. The MidCoast Employment Zones Review 2021 recommended the site retain its existing maximum height of building limit of 8.5m, however there is no maximum height of building mapped for this site.</p> <p>The same mapping amendment is required for 984-988 Old Bar Road, Old Bar which is proposed to be retained in the E1 Local Centre zone. The MidCoast Employment Zones Review 2021 recommended the site retain its existing maximum height of building limit of 8.5m, however there is no maximum height of building mapped for this site.</p> <p>It is proposed to amend this mapping error and retain the maximum height of building of 8.5m for both sites.</p> <p>Recommendation: amend the draft MidCoast LEP mapping to apply a maximum height of building of 8.5m to 122-124 and 984-988 Old Bar Road, Old Bar</p>

Proposed zone	Comment and response
	<p>E. 2A Bryan Street, Old Bar Road</p> <p>These sites at 2A Bryan Road, Old Bar (Lots 292-293 DP822696) are currently included in the RE1 Public Recreation zone and are proposed to be included in the C2 Environmental Conservation zone and RE1 Public Recreation zone in the draft MidCoast LEP. These sites are in public ownership.</p> <p>As the land is subject to a pending Aboriginal/Native Title Land Claim, a review of the zones was undertaken so as not to preclude any future use of the site. As a result, the land proposed to be included in the C2 Environmental Conservation zone and RE1 Public Recreation zone will be changed to the C3 Environmental Management zone. A review of this zone will be undertaken by Council if the Land Claim is unsuccessful.</p> <p>Recommendation: amend the draft MidCoast LEP mapping to include Lots 292-293 DP822696 in the C3 Environmental Management zone and apply a minimum lot size of 40ha and no maximum height of building</p>

Old Bar– general issues and response

The following comments were raised as part of the submissions for Old Bar

General comments (Submission 519)

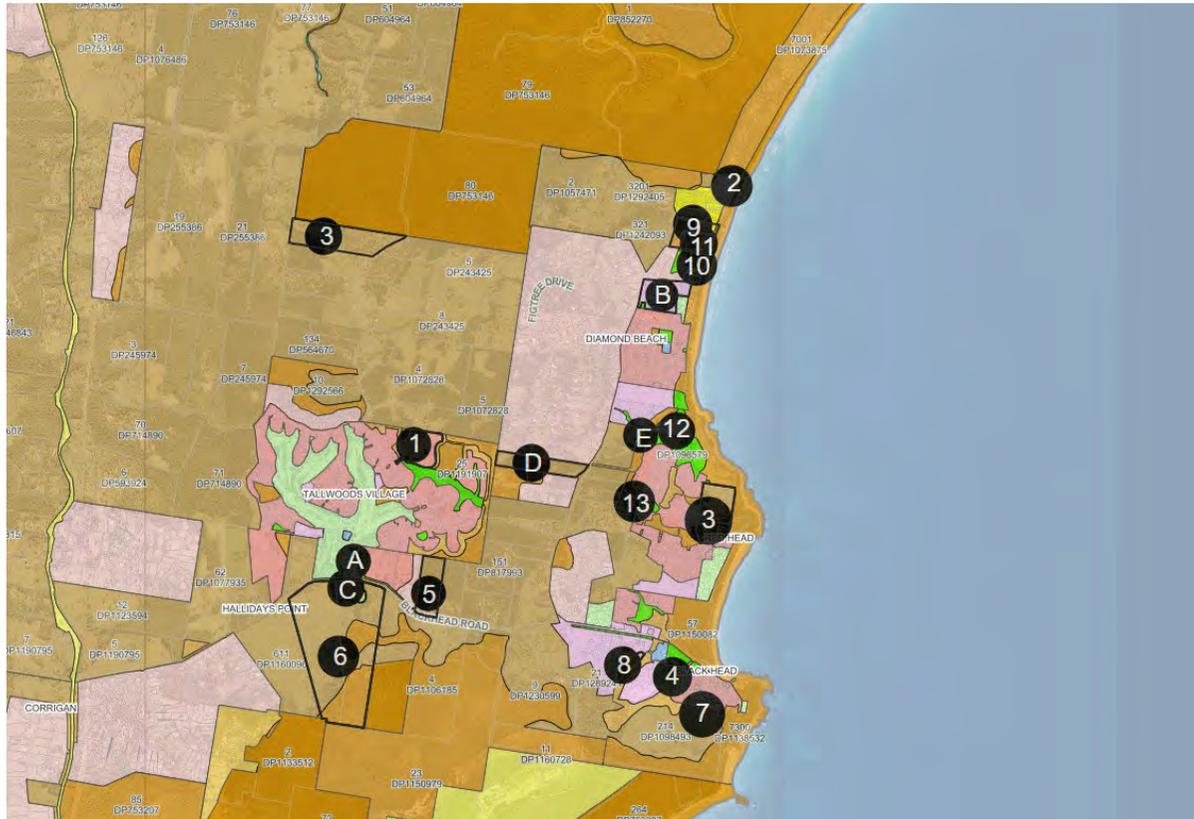
A submitter generally supports the heights associated with most zones in Old Bar but has concerns about where more than 3-storeys are proposed as it would be inconsistent with the coastal character. The main concern relates to the capacity of Old Bar Road and the challenges for this road to service a growing population, particularly given issues with bushfire and traffic.

Response:

Old Bar is one of the key growth areas in the MidCoast and it is often attractive due to its coastal location and character. The MidCoast Housing Strategy 2021 proposed increased density near the shopping centre along Old Bar Road to encourage housing in proximity to services and facilities, and to potentially increase the vibrancy of the town centre. Residential areas outside the town centre are expected to remain low scale with no increase to maximum height of building proposed outside the town centre. Improvements to Old Bar Road will be implemented as Old Bar grows.

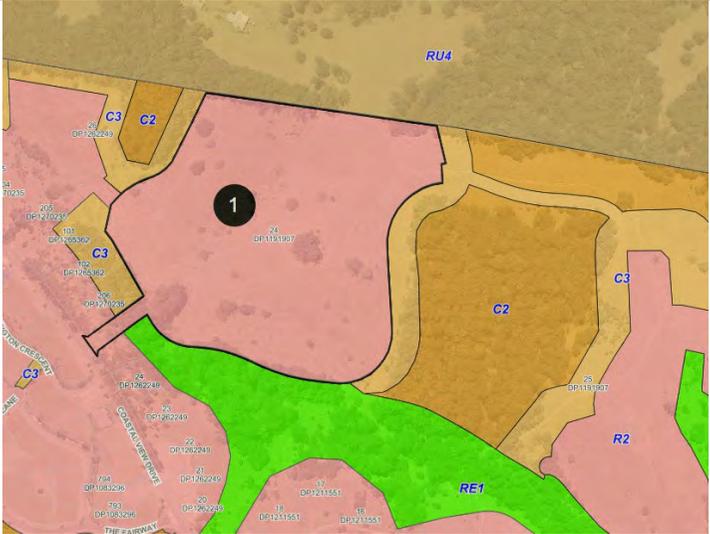
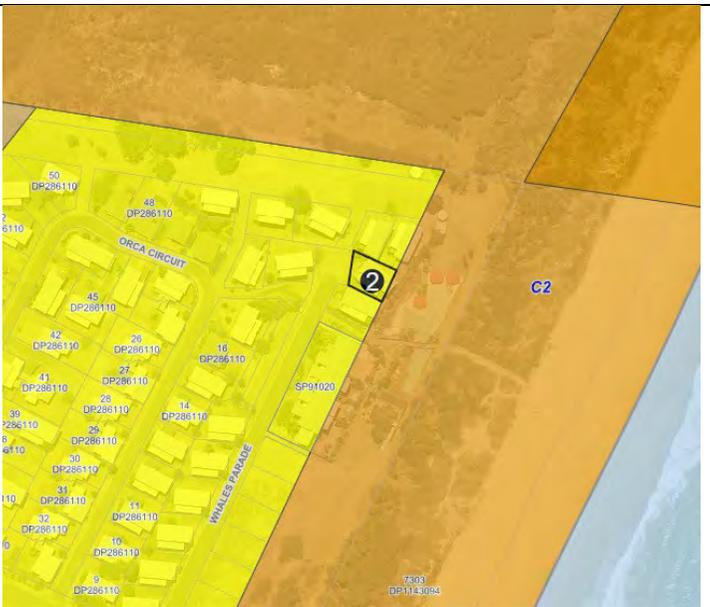
Hallidays Point

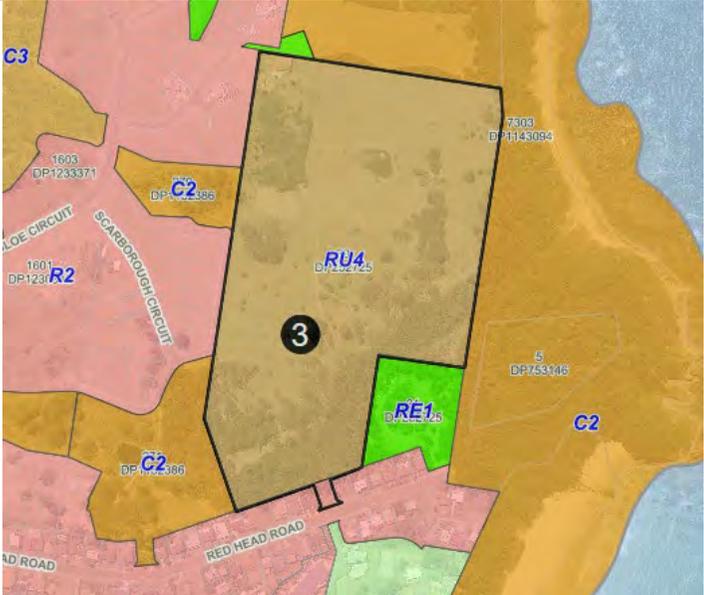
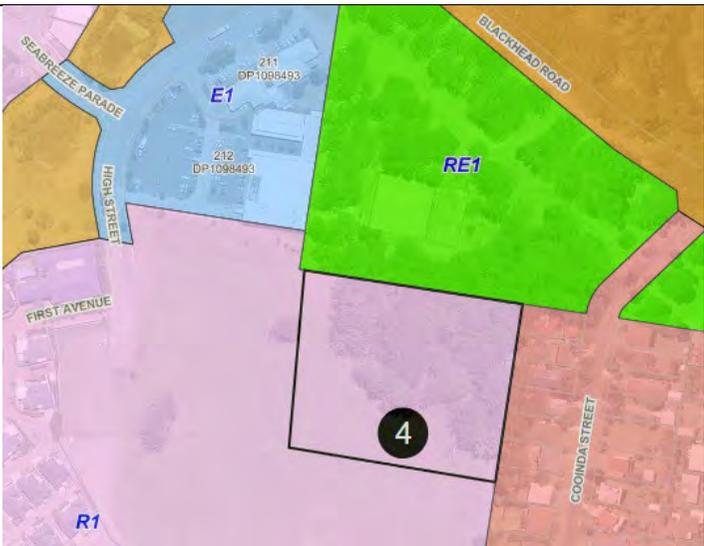
The Hallidays Point consultation was run at Hallidays Point Village Centre on 5 June 2024. In total, 69 people attended the consultation and we received fifty-six submissions from this community. The majority of residents were requesting information concerning the Hallidays Point Place Strategy process, environmental issues and residential development in the area. The issues raised from submissions and the consultation are summarised in the table with any recommended changes to the draft MidCoast LEP provided. The map below shows the location of issues across Hallidays Point.



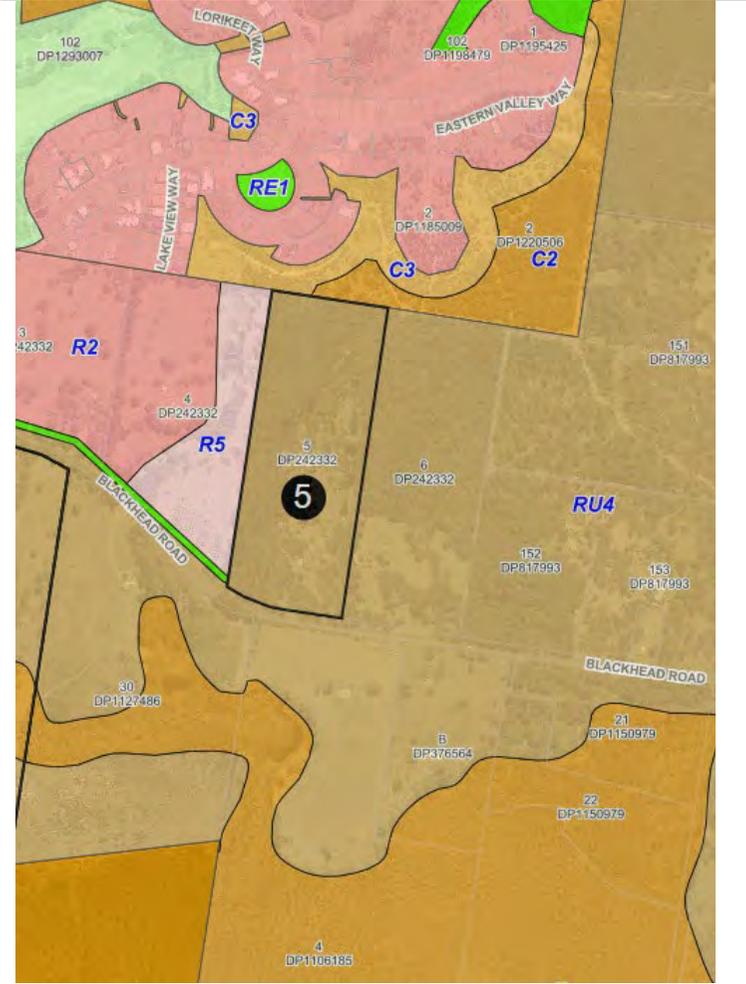
Land Zone Legend

- E1 - Local Centre
- E2 - Commercial Centre
- E3 - Productivity Support
- E4 - General Industrial
- E5 - Heavy Industrial
- MU1 - Mixed Use
- C1 - National Parks and Nature Reserves
- C2 - Environmental Conservation
- C3 - Environmental Management
- C4 - Environmental Living
- R1 - General Residential
- R2 - Low Density Residential
- R3 - Medium Density Residential
- R4 - High Density Residential
- R5 - Large Lot Residential
- RE1 - Public Recreation
- RE2 - Private Recreation
- RU1 - Primary Production
- RU2 - Rural Landscape
- RU3 - Forestry
- RU4 - Primary Production Small Lots
- RU5 - Village
- SP1 - Special Activities
- SP2 - Infrastructure
- SP3 - Tourist
- W1 - Natural Waterways
- W2 - Recreational Waterways
- W3 - Working Waterways
- W4 - Working Waterfront

Proposed zone	Comment and response
	<p>1. 70 Coastal View Drive (Submission 90)</p> <p>The site at 70 Coastal View Drive, Tallwoods Village (Lot 24 DP1191907) is currently in the R1 General Residential zone and is proposed to be included in the R2 Low Density Residential zone. The submission objects to the proposed R2 Low Density Residential zone being applied to the site. The submitter suggests that the R1 General Residential zone should be retained to provide more housing choice such as Manufactured Home Estates (MHE) that cater for the demand for this type of housing, as well as provide higher density housing options for Tallwoods Village.</p> <p>Response:</p> <p>A strategic analysis and review of residential zones across the MidCoast was completed as part of the MidCoast Housing Strategy 2021. This Strategy recommended the change from the R1 General Residential zone to the R2 Low Density Residential zone in this part of Tallwoods Village where there are well established development patterns that suit the retention of low scale housing. Given the surrounding development pattern, the separation between the site and facilities, the steepness of land in the Tallwoods Village locality and the past bushfire impacts in this area, the R2 Low Density Residential zone was considered appropriate for this site.</p> <p>Recommendation: no change</p>
	<p>2. 26 Whales Parade (Submission 101)</p> <p>The site at 26 Whales Parade, Diamond Beach (Lot 65 DP286110) is located within the North Diamond Beach tourist precinct. The site is proposed to be retained in the SP3 Tourist zone and is subject to an existing Schedule 1 - Additional Permitted Use provision that requires 30% of the dwellings to be for the purpose of tourist and visitor accommodation. The landowner requests an amendment to the Schedule 1 provision to enable short term (6 month) rental agreements between May-October during the off-season. They suggest that this could alleviate rental shortages during the winter months while enabling tourist accommodation during the busy summer months.</p> <p>Response:</p> <p>The issues associated with the North Diamond Beach tourist precinct are well known and require detailed planning to transform this precinct from a tourist precinct to a residential neighbourhood, which cannot be achieved through the draft MidCoast LEP. The Hallidays Point Place Strategy process was intended to examine this issue at a strategic level, along with a range of development issues facing Hallidays Point. This Strategy was to be undertaken in partnership with the NSW Department of Planning, Housing and Infrastructure, but given recent changes in priorities for the Department, the Hallidays Point Place Strategy process and timeframe are currently under review. When the technical studies are finalised, Council will advise the community of the next steps. Once this strategic work is completed, a user pays planning proposal process may need to be undertaken to demonstrate how the land could be successfully transitioned into a residential neighbourhood with appropriate services and facilities.</p> <p>Recommendation: no change</p>

Proposed zone	Comment and response
	<p>3. 14 Red Head Road (Submissions 102, 230, 315, 317, 402, 425, 428, 432)</p> <p>The site at 14 Red Head Road, Red Head (Lot 30 DP252725) is currently in a rural zone and proposed to be retained in the RU4 Primary Production Small Lots zone. Multiple submissions discuss the importance of environmental corridors through this site being rainforest, wet sclerophyll vegetation and koala habitat. They advise that this corridor connects to other corridors evident along Red Head Road, through Seascape and Red Head Road reserve. Submitters request that these significant corridors be included and protected in a conservation zone.</p> <p>Response:</p> <p>This site is an identified Urban Release Area within the MidCoast Urban Release Areas Report 2021, which means it is proposed to be developed in the future for urban purposes. This is why the site is proposed to remain in a rural zone. A user pays planning proposal is required to determine which parts of the site are suitable for urban development. A number of studies will be undertaken, including an ecological study to determine the location and extent of these corridors. At that point in time a conservation zone may be applied to maintain and protect these corridors. Typically, the application of the conservation zone is not applied until after these detailed ecological studies are undertaken.</p> <p>It should be noted that Council is aware of the importance of the environmental corridors through this site.</p> <p>Recommendation: no change</p>
	<p>4. Part of 52 High Street near Cooina Street (Submissions 221, 329)</p> <p>This part of the site at 52 High Street (west of Cooina Street), Black Head (Lot 214 DP1098493) and is proposed to be retained in the R1 General Residential zone. Submitters are concerned that the R1 General Residential zone is not appropriate for this part of the site given the extent of existing vegetation and native wildlife (including Koalas). They suggest this part of the site should be included in the C3 Environmental Management zone to reflect the environmental values.</p> <p>Response:</p> <p>The part of the site where the tree canopy is located has a historic development approval (0620/2001/D) for a staged subdivision. The subdivision approval recognises the importance of this tree canopy and includes requirements for the tree canopy to be managed and enhanced to protect the Koala habitat and maintain connection to the public reserve. The proposed R1 General Residential zone reflects the development approval for the site, which includes provisions to retain the Koala habitat.</p> <p>Recommendation: no change</p>

Proposed zone	Comment and response
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5. 361 Blackhead Road (Submission 230)

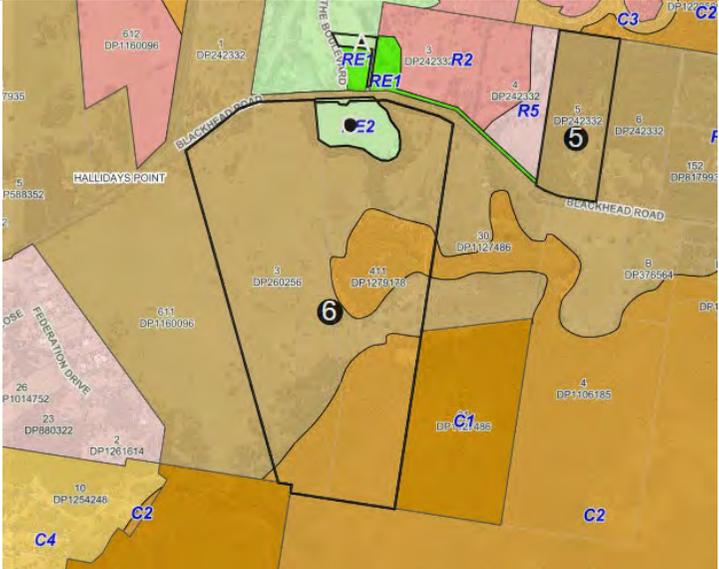
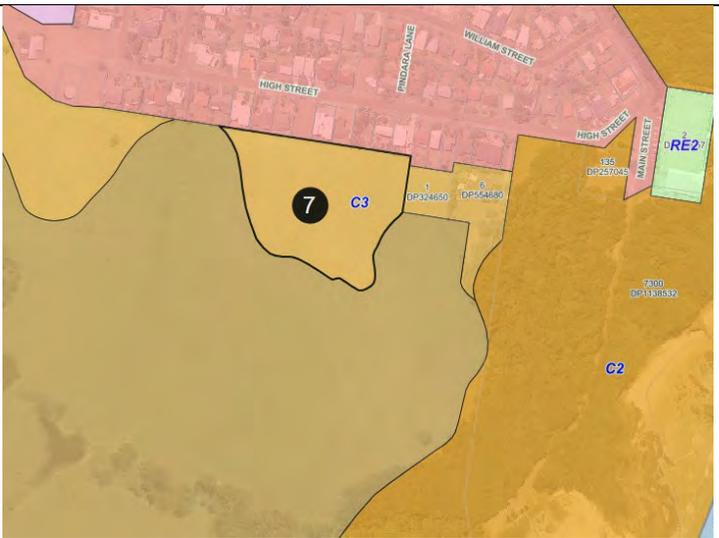
This site at 361 Blackhead Road, Hallidays Point (Lot 5 DP242332) is currently in a rural zone and is proposed to be included in the RU4 Primary Production Small Lots zone. The submission suggests that the draft MidCoast LEP should contain provisions to address 'zombie' applications such as the approved Seniors housing development proposed at 361 Blackhead Road. The draft MidCoast LEP should limit development to protect the natural environment given the limited services and facilities available for future residents.

Response:

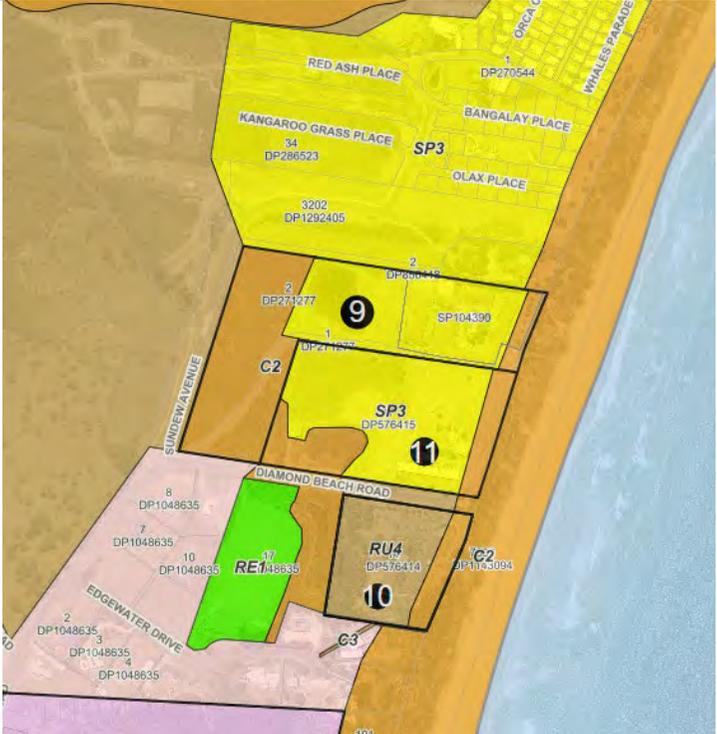
Historic development approvals are referred to as 'zombie' development approvals. NSW planning legislation enables old development consents to retain their approval status once a development has substantially commenced, even if the development assessment considerations have changed over time, which is the case for this site. The draft MidCoast LEP can only establish new planning controls for future development, not limit approvals issues under former planning controls.

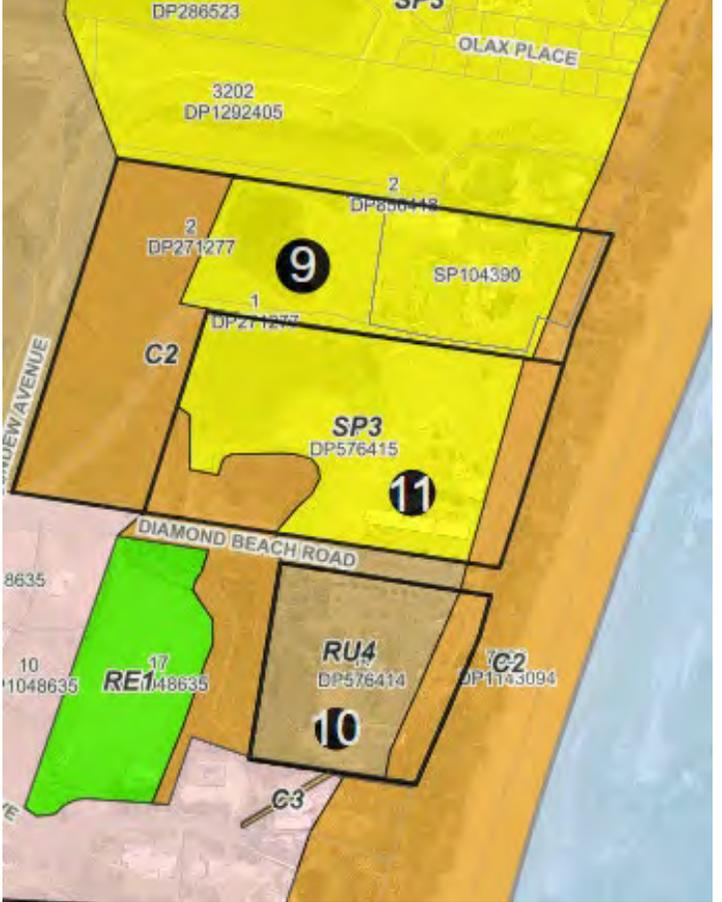
The purpose of the draft MidCoast LEP was to examine the current zones and consistently apply a new suite of zones, so no new urban areas are proposed through the draft MidCoast LEP. The Hallidays Point Place Strategy process intended to examine future growth and a range of development issues facing Hallidays Point. This Strategy was to be undertaken in partnership with the NSW Department of Planning, Housing and Infrastructure, but given recent changes in priorities for the Department, the Hallidays Point Place Strategy process and timeframe are currently under review. When the technical studies finalised, Council will advise the community of the next steps.

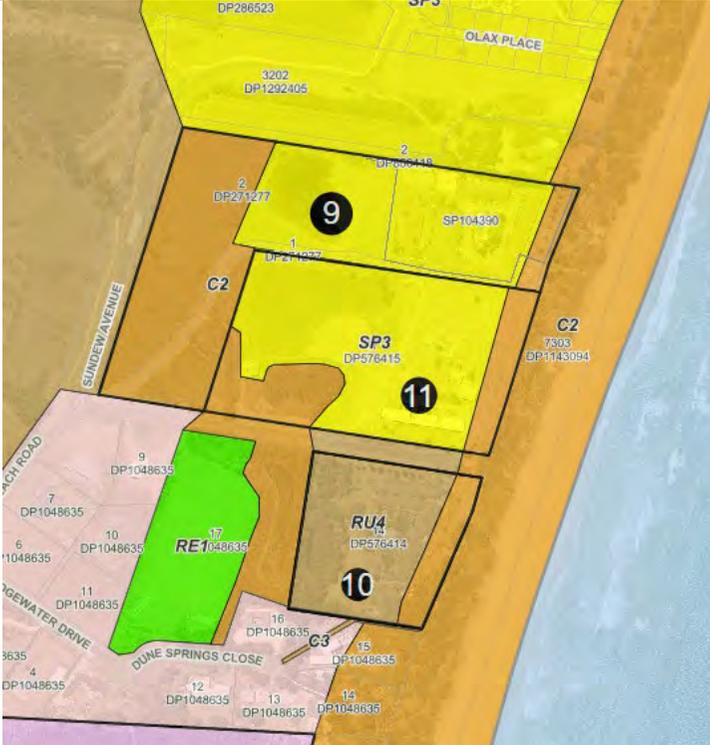
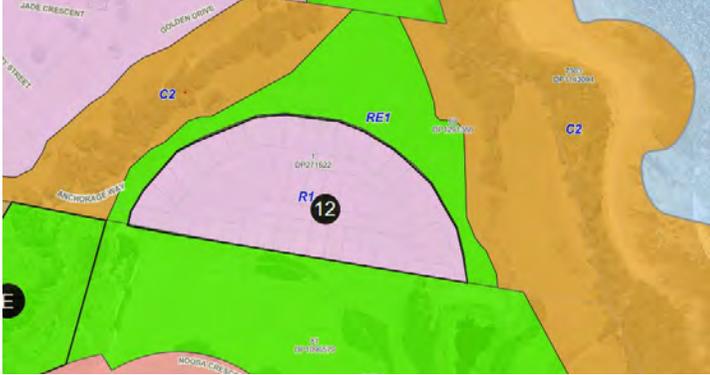
Recommendation: no change

Proposed zone	Comment and response
	<p>6. Caravan park – 212 and 296 Blackhead Road (Submission 236)</p> <p>This site at 212 and 296 Blackhead Road, Hallidays Point (Lot 3 DP260256 and Lot 411 DP1279178) is currently in the RU1 Primary Production zone and C2 Environmental Conservation zone. The draft MidCoast LEP proposes to retain the land in a rural zone being the RU4 Primary Production Small Lots zone and the C2 Environmental Conservation zone and also include the existing developed section of the caravan park (Court approved at 212 and 296 Blackhead Road) in the RE2 Private Recreation zone. The submitter requests that the RE2 Private Recreation zone be applied over the whole section of the site identified to be developed as a caravan park (as shown in DA738/2006). Alternatively, this site could be identified in Schedule 1 as an Additional Permitted Use for a caravan park, given a caravan park will become a prohibited use in the RU4 Primary Production Small Lots zone.</p> <p>Response:</p> <p>The RE2 Public Recreation zone has been applied to the part of the site that has been developed and is operating as a caravan park (Stage 2B of the approval). If the remainder of the development approval is implemented in the future, Council can consider extending the RE2 Private Recreation zone over the land once the land use has commenced. Applying the zone prior to the full development of the caravan park is not supported, given the RE2 Public Recreation zone permits a range of land uses as permitted with consent which may not be considered suitable for this environmentally sensitive location. Including the site in Schedule 1 as an Additional Permitted Use is not required as there is an approved development application that can continue to be implemented over the site.</p> <p>Recommendation: no change</p>
	<p>7. Part of 52 High Street (Submission 266)</p> <p>The submitter lives on a residential property fronting High Street and requests that the land at the rear of their property be included in the C2 Environmental Conservation zone. Part of 52 High Street, Black Head (Lot 214 DP1098493) is proposed to be retained in the C3 Environmental Management zone. The submitter objects to the C3 Environmental Management zone being applied to this part of the site as it does not reflect the environmental features and fauna of the site. The submitter believes that this zone would also enable inappropriate uses such as dual occupancies and eco-tourist facilities that would impact on the environmental values of the site. They believe the C2 Environmental Conservation zone would contribute to the "City of Villages" concept as outlined in the Hallidays Point Development Strategy 1995.</p> <p>Response:</p> <p>The C2 Environmental Conservation zone is applied to land with high ecological significance including land protected by a conservation mechanism or identified as an environmentally sensitive area. This site is relatively cleared and not identified as environmentally sensitive, which means that it does not meet the criteria typically applied to land included in the C2 Environmental Conservation zone and, as a result, the C3 Environmental Management zone is more appropriate. It should be noted that the Hallidays Point Development Strategy 1995 is now over 30 years old. Recent studies like the MidCoast Housing Strategy 2021 and MidCoast Rural Strategy – The Way Forward are more appropriate to consider when examining future development principles for Hallidays Point. The Hallidays Point Place Strategy process intended to examine future growth and a range of development issues</p>

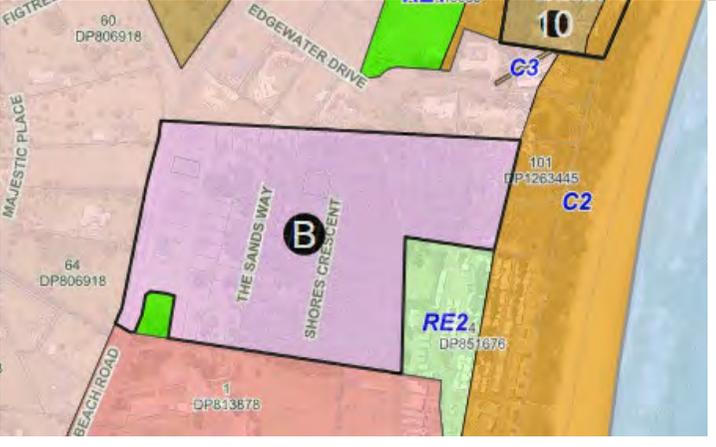
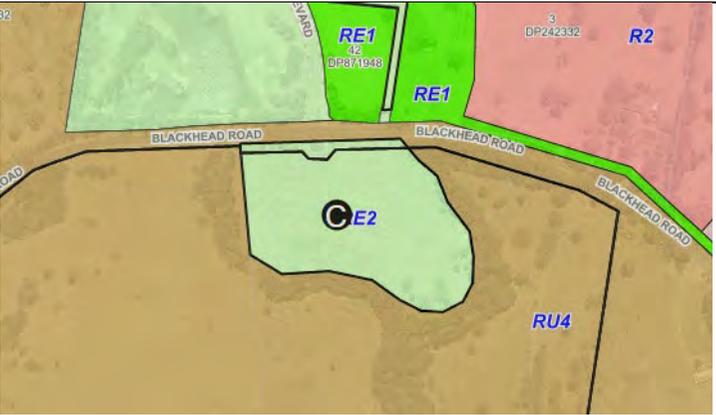
Proposed zone	Comment and response
	<p>facing Hallidays Point. This Strategy was to be undertaken in partnership with the NSW Department of Planning, Housing and Infrastructure, but given recent changes in priorities for the Department, the Hallidays Point Place Strategy process and timeframe are currently under review. When the technical studies finalised, Council will advise the community of the next steps.</p> <p>Recommendation: no change</p>
	<p>8. Part of 52 High Street near Seabreeze Parade (Submission 271)</p> <p>This part of the site at 52 High Street, Black Head (Lot 214 DP1098493) is proposed to be retained in the R1 General Residential zone. The submitter requests this part of the site near Seabreeze Parade be included in the C3 Environmental Management zone to maintain ecological integrity of the environmental corridor.</p> <p>Response:</p> <p>The draft MidCoast LEP proposes to retain the residential zone over this site. Council is aware of the environmental attributes of the site. Any future development will have to consider how the environmental values of the property are considered and maintained.</p> <p>Recommendation: no change</p>

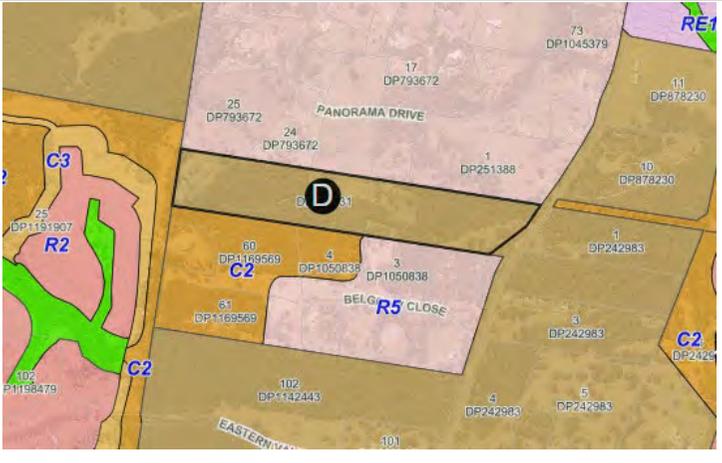
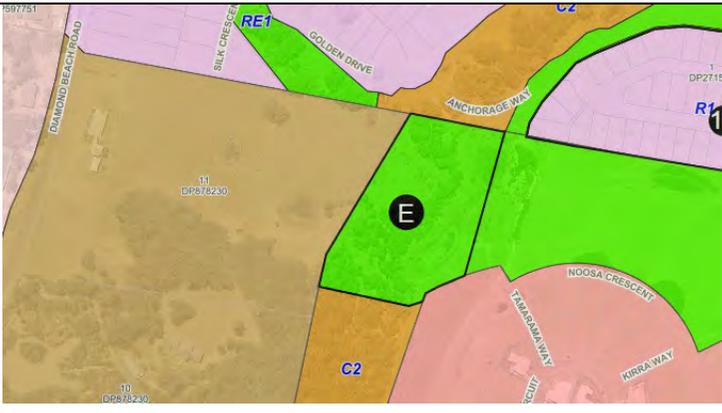
Proposed zone	Comment and response
	<p>9. 363 Diamond Beach Road (Submission 280)</p> <p>The site at 363 Diamond Beach Road, Diamond Beach (Lot 1 DP271277) is located within the North Diamond Beach tourist precinct. The site is proposed to be retained in the SP3 Tourist zone and C2 Environmental Conservation zone and is subject to an existing Schedule 1 - Additional Permitted Use provision that requires 30% of the dwellings to be for the purpose of tourist and visitor accommodation. The submitter objects to the retention of SP3 Tourist zone and suggests that the R1 General Residential and R3 Medium Density Residential zone should be applied. This would permit integrated development enabling a minimum lot size of 200m². The submitter requests the removal of the site from being an Additional Permitted Use as it restricts the use of all sites to be used for tourist accommodation. This would remove the current bank/solicitor concerns raised when purchasing properties in the SP3 Tourist zone. This location is not a highly sought-after tourist destination compared to Forster, evidenced by the Diamond Beach Resort closing in 2024.</p> <p>Response:</p> <p>The issues associated with the North Diamond Beach tourist precinct are well known and require detailed planning to transform this precinct from a tourist precinct to a residential neighbourhood, which cannot be achieved through the draft MidCoast LEP. The Hallidays Point Place Strategy process was intended to examine this issue at a strategic level, along with a range of development issues facing Hallidays Point. This Strategy was to be undertaken in partnership with the NSW Department of Planning, Housing and Infrastructure, but given recent changes in priorities for the Department, the Hallidays Point Place Strategy process and timeframe are currently under review. When the technical studies finalised, Council will advise the community of the next steps. Once this strategic work is completed, a user pays planning proposal process may need to be undertaken to demonstrate how the land could be successfully transitioned into a residential neighbourhood with appropriate services and facilities.</p> <p>Recommendation: no change</p>

Proposed zone	Comment and response
	<p>10. 394 Diamond Beach Road (Submission 330)</p> <p>This site at 394 Diamond Beach Road, Diamond Beach (Lot 17 DP576415) is currently included in a rural zone. It is proposed to be included in the RU4 Primary Production Small Lots zone and the coastal portion of the site included in the C2 Environmental Conservation zone. The landowner objects to proposed C2 Environmental Conservation zone being applied over part of their property as it will heavily restrict the land use. They also object to the site being retained in a rural zone when the site is developed as a tourist facility, it and is the last remaining rural zone applied to this location, and it has little agricultural production potential. Concerns about the lack of progress made with Halliday Point Place Strategy process which could inform a more appropriate and consistent zone for the area.</p> <p>Response:</p> <p>The C2 Environmental Conservation zone is applied to land with high ecological significance including land protected by a conservation mechanism or identified as an environmentally sensitive area. The part of the site proposed for the C2 Environmental Conservation zone generally aligns with Council's Coastal Risk Mapping, warranting the inclusion of this part of the site in this zone. It should be noted that:</p> <ul style="list-style-type: none"> • this zone has been consistently applied to sites fronting the beach in North Diamond Beach. This zone change will provide a consistent application of the zone and will ensure any development on this part of the site considers the coastal risks • the placement of the zone has been carefully considered so as not to encroach on the main buildings of the tourist facility, only carparking, driveways, recreational facilities and pathways. These uses can continue to operate in this zone. <p>It is acknowledged that this is an isolated pocket of rural zoned land in North Diamond Beach given many of the sites have already undergone a rezoning process. The application of the SP3 Tourist zone to sites to the north have experienced a number of issues. The Hallidays Point Place Strategy process was intended to examine this issue at a strategic level, along with a range of development issues facing Hallidays Point. This Strategy was to be undertaken in partnership with the NSW Department of Planning, Housing and Infrastructure, but given recent changes in priorities for the Department, the Hallidays Point Place Strategy process and timeframe are currently under review. When the technical studies finalised, Council will advise the community of the next steps. Once this strategic work is completed, a user pays planning proposal process may need to be undertaken to demonstrate how the land could be successfully transitioned into a residential neighbourhood with appropriate services and facilities.</p> <p>Recommendation: no change</p>

Proposed zone	Comment and response
	<p>11. Tourist zone 391 Diamond Beach Road (Submission 334)</p> <p>The site at 391 Diamond Beach Road, Diamond Beach (Lot 17 DP576415) is located within the North Diamond Beach tourist precinct. The site is proposed to be retained in the SP3 Tourist zone and C2 Environmental Conservation zone and is subject to an existing Schedule 1 - Additional Permitted Use provision that requires 30% of the dwellings to be for the purpose of tourist and visitor accommodation. The submitter requests the site at 391 Diamond Beach Road be included in the R1 General Residential zone given it has been identified as an Urban Release Area in the Urban Release Areas 2021 report, the MidCoast Housing Strategy 2021 and the Hunter Regional Plan 2041, has strategic merit, the zone is supported by the community (rather than the higher density R3 Medium Density Residential zone), and development would contribute to infrastructure in the area and would revitalise development in an area that has become dormant. The submitter believes that the inclusion of 210 Diamond Beach Road, Diamond Beach in the R1 General Residential zone in the draft MidCoast LEP provides a precedent for the change to occur at 391 Diamond Beach Road.</p> <p>Response:</p> <p>The issues associated with the North Diamond Beach tourist precinct are well known and require detailed planning to transform this precinct from a tourist precinct to a residential neighbourhood, which cannot be achieved through the draft MidCoast LEP. The Hallidays Point Place Strategy process was intended to examine this issue at a strategic level, along with a range of development issues facing Hallidays Point. This Strategy was to be undertaken in partnership with the NSW Department of Planning, Housing and Infrastructure, but given recent changes in priorities for the Department, the Hallidays Point Place Strategy process and timeframe are currently under review. When the technical studies finalised, Council will advise the community of the next steps. Once this strategic work is completed, a user pays planning proposal process may need to be undertaken to demonstrate how the land could be successfully transitioned into a residential neighbourhood with appropriate services and facilities.</p> <p>Comments regarding 210 Diamond Beach Road are provided in below.</p> <p>Recommendation: no change</p>
	<p>12. 210 Diamond Beach Road (Submissions 334, 368)</p> <p>This site along the Anchorage Way, Diamond Beach (formerly known as part of 210 Diamond Beach Road, Diamond Beach) is currently included in the SP3 Tourist zone and R1 General Residential zone. This area is proposed to be entirely included in the R1 General Residential zone. One submission provides support for this proposed zone change. The second submission believes this provides a precedent for the SP3 Tourist zone to be changed for sites included in the tourist precinct in North Diamond Beach, particularly 391 Diamond Beach Road.</p> <p>Response:</p> <p>This site is proposed to be included in the R1 General Residential zone given the site has an approved residential development (development application 167/2020/DA) and construction is well underway, which is not the case for 391 Diamond Beach Road. The support for this change is noted</p> <p>Recommendation: no change</p>

Proposed zone	Comment and response
	<p>13. Part of 96 Red Head Road (Submission 493)</p> <p>This part of the site at 96 Red Head Road, Red Head (Lot 6 DP242983) is currently included in the R1 General Residential zone and is proposed to be included in the R2 Low Density Residential zone. This residential part of the site has C2 Environmental Conservation zoned land to the west and an adjoining property being 10 Avoca Court, Red Head to the east. The submission notes that due to the subdivision of land fronting Avoca Court, no access is provided to this residential area that forms part of 96 Red Head Road. Given there is no access from Avoca Court and the surrounding C2 Environmental Conservation zone, they suggest that this part of the site be included in the C2 Environmental Conservation zone. It should be noted that the submission is not from the owner of 96 Red Head Road.</p> <p>Response:</p> <p>While this residential part of 96 Red Head Road has no access opportunity from Avoca Court, there are still opportunities to provide access through the land included in the C2 Environmental Conservation zone. As a result, this change to the residential zone is not supported.</p> <p>Recommendation: no change</p>
	<p>A. The Boulevard and 273 Blackhead Road</p> <p>These sites at The Boulevard, Tallwoods Village (Lot 101 DP1296889) and 273 Blackhead Road, Hallidays Point (Lot 30 DP845813) is proposed to be retained in the RE2 Private Recreation zone. Council recently acquired this land and as a result the site should now be included in the RE1 Public Recreation to reflect that it is now publicly owned recreation land.</p> <p>Recommendation: amend the draft MidCoast LEP mapping to include Lot 101 DP1296889 in the RE1 Public Recreation zone and apply no minimum lot size and a maximum height of building of 8.5m</p>

Proposed zone	Comment and response
	<p>B. Diamond Beach development</p> <p>The residential estate off Diamond Beach Road, Diamond Beach is proposed to be retained in the R1 General Residential zone. When the MidCoast Housing Strategy 2021 was developed in 2020, the subdivision and the building of houses was in its initial stages. The estate is now substantially completed and has the characteristics of an R2 Low Density Residential zone neighbourhood. As a result, it is proposed to include this residential estate in the R2 Low Density Residential zone as high proportion of the estate is developed.</p> <p>Recommendation: amend the draft MidCoast LEP mapping to include this residential estate in the R2 Low Density Residential zone and apply a maximum building height of 8.5m and a minimum lot size of 450m²</p>
	<p>C. 296 Blackhead Road</p> <p>This site at 296 Blackhead Road, Hallidays Point (Lot411 DP1279178) is proposed to be included in the RE2 Private Recreation zone given it forms part of a caravan park and should have a minimum lot size of 20ha. The draft MidCoast LEP mapping incorrectly shows no minimum lot size over the part of the site to be included in the RE2 Public Recreation zone. This error was identified through a review of the proposed minimum lot size all land to be included in the RE2 Private Recreation zone across the MidCoast.</p> <p>Recommendation: amend the draft MidCoast LEP mapping to provide a 20ha minimum lot size for the part of 296 Blackhead Road to be included in the RE2 Private Recreation zone</p>

Proposed zone	Comment and response
	<p>D. 151 Diamond Beach Road</p> <p>This site at 151 Diamond Beach Road, Diamond Beach (Lot 5 DP241531) is currently in the RU1 Primary Production zone and is proposed to be included in the RU4 Primary Production Small Lots zones in the draft MidCoast LEP. The landowner has undertaken extensive works to improve the environmental values of their property, and this has improved the environmental corridors that adjoin their property. As a result, they were consulted with to see if they would like to change the zone of their property to reflect the conservation works that they have undertaken. The landowners support the inclusion of the site in the C3 Environmental Management zone.</p> <p>Recommendation: amend the draft MidCoast LEP mapping to include 151 Diamond Beach Road in the C3 Environmental Management zone and apply a minimum lot size of 40ha and no maximum building height</p>
	<p>E. Western portion of Seascope Reserve</p> <p>This western portion of Seascope Reserve (part of Lot 81 DP1096579) is Council owned land and is proposed to be retained in the RE1 Public Recreation zone. This land was identified by Council's Natural Systems team as an important wildlife corridor that links existing land to the north and south that is included in the C2 Environmental Conservation zone. Council's Parks confirmed that this western part of Seascope Reserve is to be used for conservation purposes.</p> <p>Recommendation: amend the draft MidCoast LEP mapping to include the identified western part of Seascope Reserve (part of Lot 81 DP1096579) in the C2 Environmental Conservation zone and apply a minimum lot size of 40ha and no maximum building height</p>

Hallidays Point– general comments and responses

The following comments were raised as part of the submissions from Hallidays Point

Overdevelopment in R2 Low Density Residential zone – including manufactured home estates, multi dwelling housing and other development (Submissions 102, 230, 271, 278, 304, 315, 317, 319, 320, 326, 338, 339, 340, 342, 354, 356, 363, 374, 377, 378, 402, 403, 405, 409, 423, 425, 428, 432, 441, 442, 459, 477, 484, 487, 507, 511, 513)

Multiple submissions expressed concern regarding the inclusion of the multi dwelling housing use in the R2 Low Density Residential zone, given it is inconsistent with the objectives of the R2 Low Density Residential zone and the existing character of Hallidays Point. There is minimal public transport in the area which means additional development would not be suited to the area, especially as Red Head Road is struggling to cope with additional traffic load.

There is particular concern about Manufactured Home Estates, which can take the form of multi dwelling housing developments. Submitters requested the specific exclusion of Manufactured Home Estates as part of future development. A definition for Manufactured Home Estates should be included in the draft MidCoast LEP to ensure they are not allowed in the R2 Low Density Residential zone under the definition of multi dwelling housing.

They also objected to the reduction in minimum lot size for integrated housing from 450m² to 300m², given it could contribute to overdevelopment. There was an additional request for data on the demographics of occupants of Manufactured Home Estates and the revenue from rates from Manufactured Home Estates compared to conventional residential dwellings.

Response:

The MidCoast Housing Strategy 2021 proposed the application of zones across the MidCoast, with the R2 Low Density Residential zone having the lowest density, predominately for dwellings and dual occupancies, given the character of the locations and access away from services and facilities. Since the development of this Strategy, the Hunter Regional Plan 2041 was finalised which placed the requirement on changes to the R2 Low Density Residential zone to include additional residential uses being multi dwelling housing and attached housing. This requirement was included in the Gateway Determination issued by the NSW Department of Planning, Housing and Infrastructure prior to the exhibition of the draft MidCoast LEP. A key issue is that the MidCoast Housing Strategy 2021 designed the residential zones to increase in residential density from the R2 Low Density Residential zone to the R1 General Residential zone up to the R4 High Density Residential zone. This change significantly removed the clear delineation between the R2 Low Density Residential and R1 General Residential zones, which when combined make up over 96% of our residential zones. This change reduced Council's ability to ensure that more higher density residential developments being multi dwelling housing were appropriately located close to services and facilities and that the character of the neighbourhoods was retained. This is an important consideration given the lack of public transport available in the MidCoast. It is noted that in 2024, it was reported that in the high growth Six Cities locations in NSW, 82% of the lots in the R2 Low Density Residential zone prohibited multi dwelling housing, which makes this appear an onerous requirement for regional NSW.

While Council has made numerous requests to the NSW Department of Planning, Housing and Infrastructure, no changes have been made to define Manufactured Home Estates in Local Environmental Plans. In the past, Council has had manufactured home estate developments apply as caravan parks, multi dwelling housing and innominate uses (being a use that is not defined). As a result, Council understands the community's concerns regarding the change imposed by the NSW Department of Planning, Housing and Infrastructure, particularly after extensive consultation has been undertaken with the community in the development of the Strategy and the draft MidCoast LEP.

Council supports the change to make multi dwelling housing a prohibited use in the R2 Low Density Residential zone given the extensive work undertaken in the MidCoast Housing Strategy 2021 to apply four residential zones with varying densities giving consideration to access, facilities, services and the character of our towns and villages. It is noted that multi dwelling housing will remain a permitted with consent use in 68% of our residential zones.

The minimum lot size for the R2 Low Density Residential zone is 450m², however, this can be reduced to 300m² where integrated development occurs, which involves the development application showing the design of the dwellings and the proposed subdivision. It is important to enable this form of housing in the R2 Low Density Residential zone to provide an alternative form of housing, particularly given our aging population.

Hallidays Point– general comments and responses

The following comments were raised as part of the submissions from Hallidays Point

With regard to the request for demographics on Manufactured Home Estates, this falls outside the scope of the draft MidCoast LEP. General statistics are available on Council's website at <https://www.midcoast.nsw.gov.au/Community/Community-support-and-statistics/Community-statistics>; however, it is not possible to focus on one type of development such as Manufactured Home Estates.

Hallidays Point Place Strategy process (Submissions 278, 286, 304, 315, 317, 319, 320, 326, 338, 339, 340, 342, 351, 354, 356, 363, 396, 402, 403, 404, 405, 409, 423, 425, 428, 432, 441, 459, 477, 484, 487, 510, 511, 513, 515)

Multiple submissions objected to the draft MidCoast LEP being put on exhibition prior to the completion of the Hallidays Point Place Strategy process and associated studies on biodiversity, bushfire and traffic. Some submitters were concerned that the draft MidCoast LEP proposes development controls or zoning changes that should have been addressed in the Hallidays Point Place Strategy process. There was a request for further information pertinent to biodiversity in Hallidays Point be provided for community feedback.

Response:

The Hallidays Point Place Strategy process was intended to examine this issue at a strategic level, along with a range of development issues facing Hallidays Point. This Strategy was to be undertaken in partnership with the NSW Department of Planning, Housing and Infrastructure, but given recent changes in priorities for the Department, the Hallidays Point Place Strategy process and timeframe are currently under review. When the technical studies finalised, Council will advise the community of the next steps.

The purpose of the draft MidCoast LEP was to examine the current zones and consistently apply a new suite of zones across the MidCoast. A key change for towns and villages currently included in the Greater Taree Local Environmental Plan 2010, was the move from the R1 General Residential zone to four residential zones. This was undertaken with consultation with the communities through the MidCoast Housing Strategy 2021. Other changes relate to changing the zones to be consistent with the use of the land, for example caravan parks being included in recreation zones. The principles developed for the application of the zones has been consistently applied across the MidCoast.

Development Control Plan and Floor Space Ratio (Submissions 278, 286, 304, 315, 317, 319, 320, 326, 338, 339, 340, 342, 351, 354, 356, 363, 374, 396, 402, 403, 404, 405, 409, 423, 425, 428, 432, 441, 442, 459, 477, 484, 487, 507, 510, 511, 514, 515)

Concern that the draft MidCoast LEP was exhibited prior to the new Development Control Plan (DCP). Without a new DCP, there may not be adequate planning controls under the draft MidCoast LEP to achieve good development outcomes in the local area. For instance, there are no character objectives or character statements for villages in the Hallidays Point area. There was also concern over the removal of floor space ratio and relying on DCP provisions to ensure suitable development for local areas.

Amendments to the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 will encourage dual occupancies and a greater density of housing than is suitable for the character of the area.

Response:

Resourcing did not enable the completion of the two large bodies of work to be available for community consultation at the same time. Work has begun on the preparation of the draft MidCoast Development Control Plan and Contributions Plan. Given the draft MidCoast LEP involves a more complex and lengthy process, it is anticipated that the work on these plans will progress and could potentially be finalised within a similar timeframe as the draft MidCoast LEP. This would result in the planning provisions of the DCP being potentially available around the same time as the draft MidCoast LEP being finalised.

Concern about amendments to proposed to the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 are noted, however Council is unable to override provisions that are contained in these NSW Government policies.

Hallidays Point– general comments and responses

The following comments were raised as part of the submissions from Hallidays Point

Tourist zone (Submissions 286, 304, 315, 317, 319, 320, 338, 339, 340, 342, 351, 354, 356, 363, 374, 377, 396, 402, 403, 404, 405, 409, 423, 425, 428, 441, 442, 459, 477, 484, 487, 510, 511, 514, 515)

Concerns were raised with regard to the SP3 Tourist zone:

- the proposed increase in the maximum height of building to 12m in the SP3 Tourist zone, as it will increase housing density which will be inconsistent with the local character
- the proposed rezoning of the North Diamond Beach tourist precinct to the R3 Medium Density Residential zone. This zone change was previously opposed by the local community and rejected by the Independent Planning Panel. Suggestion made that the area would be better suited in a conservation zone rather than residential development of an inappropriate scale and density for the area.

Response:

The North Diamond Beach tourist precinct is to be retained in the SP3 Tourist zone. A slight increase in maximum height of building is proposed from 11.5m to 12m which occurred from the process of consolidating the heights across the MidCoast, resulting in there no longer being an 11.5m maximum height of building. It is considered that this slight increase will have minimal impact on the proposed built form.

Inclusion of the land currently included in the SP3 Tourist zone in a conservation zone is not supported given the land has been proposed for some form of urban development for over 30 years. Consideration of the appropriate and future zone will take into consideration the ecological attributes of a site.

Ecology and biodiversity concerns (Submissions 230, 278, 286, 304, 315, 317, 319, 320, 337, 339, 340, 342, 354, 356, 363, 374, 377, 396, 402, 403, 404, 405, 409, 423, 425, 428, 432, 441, 442, 459, 477, 484, 487, 507, 510, 511, 513, 515)

Concern regarding the lack of recognition for wildlife corridors under the draft MidCoast LEP. Concerned about the potential impacts of further development on nearby Moor Creek, Khappinghat Nature Reserve and Saltwater National Park, as well as existing koala populations and other threatened species. Concerns that excessive development is contributing to removal of the natural environment in the area.

Response:

It is acknowledged that the draft MidCoast LEP currently only has a few corridors mapped under Clause 7.8 – Protection of wildlife corridors, but this provision enables additional corridors to be added in the future where they are scientifically identified and justified. For Hallidays Point, it is anticipated that the work currently being undertaken may result in additional corridors being included in this mapping.

Please note, that while this mapping only contains a few corridors, there are numerous studies that have been undertaken across the MidCoast that are drawn upon when considering new development applications, with the aim being to protect the environmental corridors that link many of our natural reserves.

Aquifer systems (Submissions 304, 315, 354, 396, 423, 425, 487)

Objections to the Tuncurry aquifer system not being identified, or recognised for protection purposes under the draft MidCoast LEP, particularly as it may be impacted by the North Tuncurry Urban Release Area.

Hallidays Point– general comments and responses

The following comments were raised as part of the submissions from Hallidays Point

Response:

It is assumed that this submission refers to the aquifer at Nabiac, which forms part of the groundwater vulnerability map in the draft MidCoast LEP and has specific provisions under Clause 7.7 - Groundwater vulnerability.

Bushfire risk (Submissions 317, 320, 374, 403, 404, 425, 428, 432, 459)

Submissions expressed concern over bushfire safety and inadequate consideration of bushfire risk and impacts from increased development in Hallidays Point.

Response:

Council is in the process of preparing a Strategic Bushfire Study for Hallidays Point. In addition, any planning proposal or development application is required to undertake bushfire assessments to demonstrate that bushfire impacts for future residents can be addressed.

General comments (Submission 271)

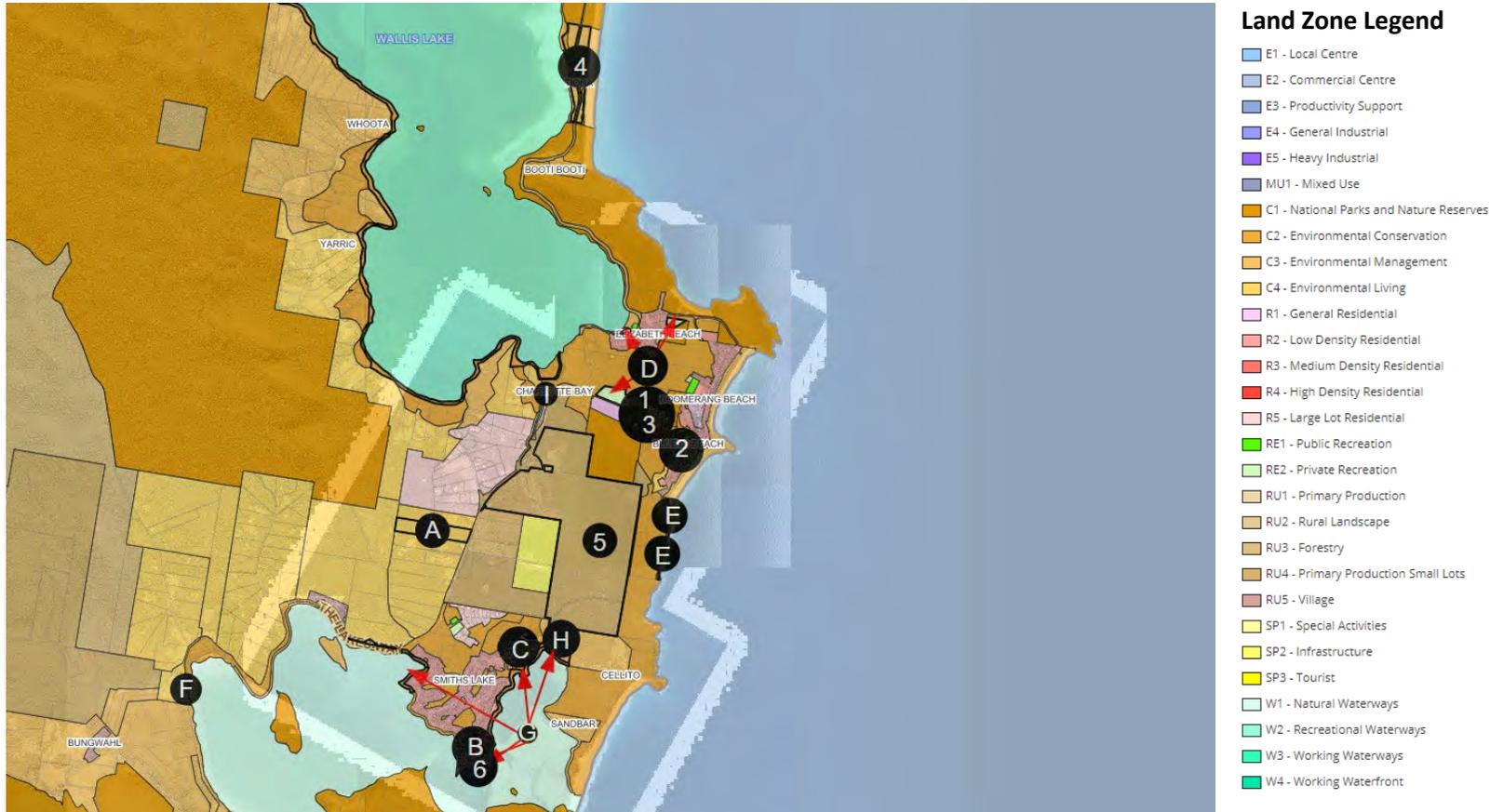
One objection was received about the inclusion of markets as a land use that is permitted with consent in the RE2 Private Recreation zone, as they would not be subject to Council's Market Policy and their timing would not be coordinated with other local markets.

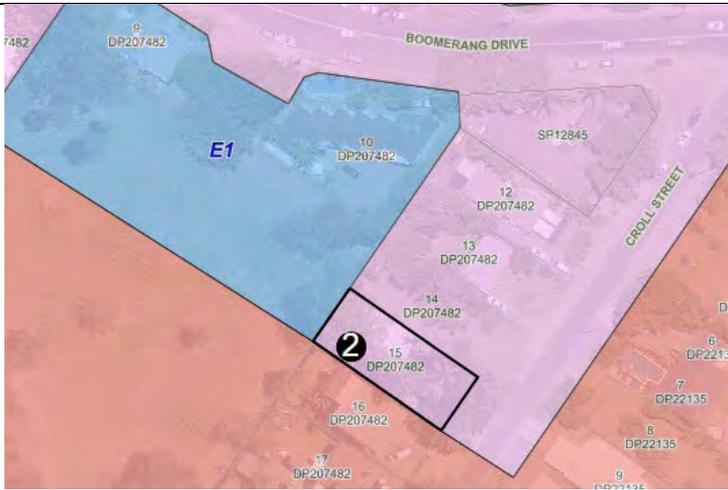
Response:

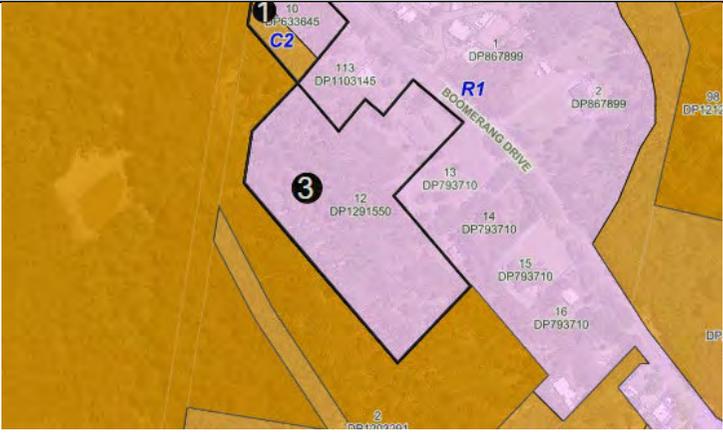
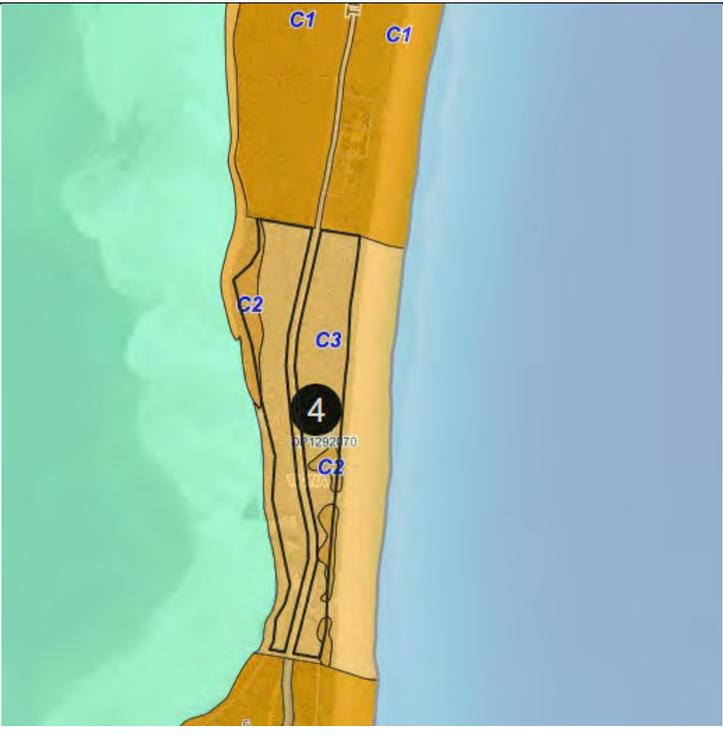
Markets have been included as a permitted with consent land use in the RE2 Public Recreation zone as the land use reflects the objectives of the zone “*to provide a range of recreational settings and activities and compatible land uses*”. This will allow places like showgrounds that are in private ownership to continue to hold market events. It is acknowledged that coordinating the timing of markets is beneficial, however this falls outside the scope of a draft MidCoast LEP.

Pacific Palms

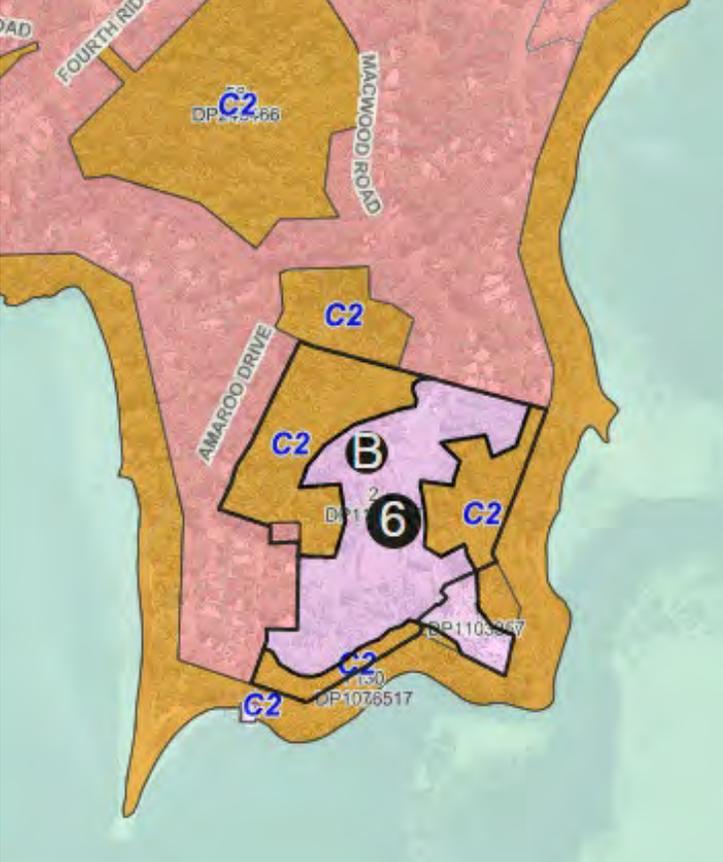
The Pacific Palms consultation was run at the Pacific Palms Community Centre on 14 June 2024. In total, 46 people attended the consultation, and we received eight submissions from this community. The issues raised from submissions and the consultation are summarised in the table below with any recommended changes to the draft MidCoast LEP provided. The map below shows the location of issues across Pacific Palms. Submissions relating to Tarbuck Bay and Bungwahl are addressed separately.

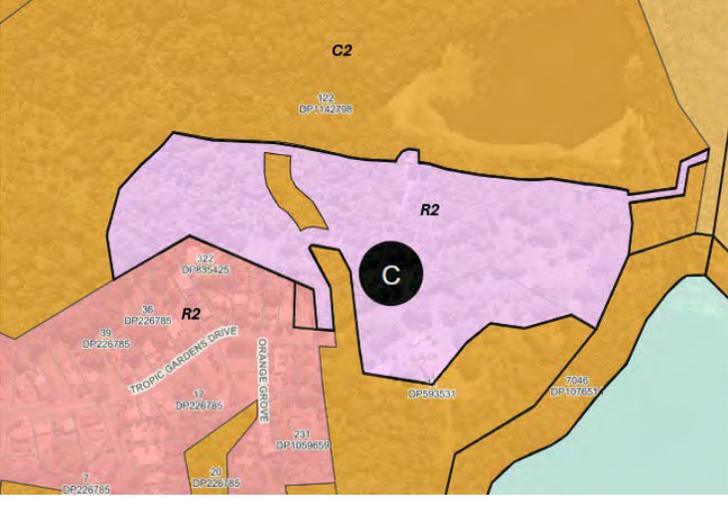


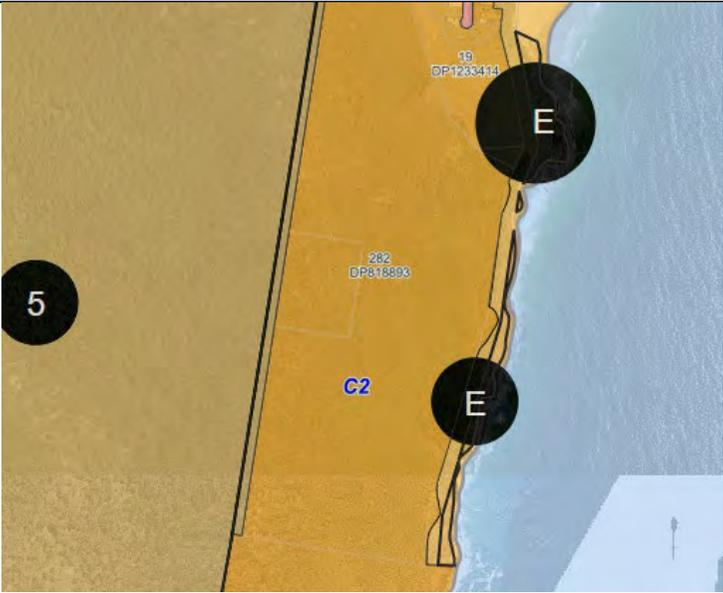
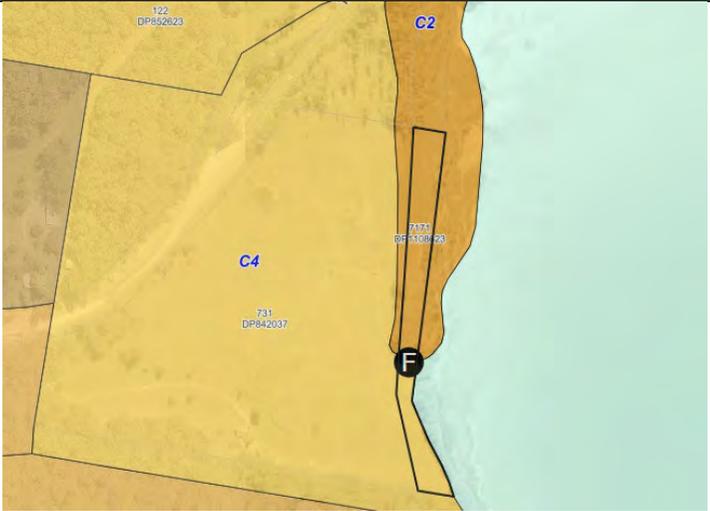
Proposed zone	Comment and response
	<p>1. 222 Boomerang Drive (Submission 45)</p> <p>This site at 222 Boomerang Drive, Blueys Beach (Lot 10 DP633645) is currently included in the R2 Low Density Residential zone with the rear of the site being included in the C2 Environmental Conservation zone. It is proposed to include the residential area in the R1 General Residential zone. The landowner requests that the entire site at 222 Boomerang Drive, Boomerang Beach be included in the R1 General Residential zone.</p> <p>Response:</p> <p>The purpose of the draft MidCoast LEP was to examine the current zones and consistently apply a new suite of zones, which is why the proposed zones remain similar to the existing zones. The C2 Environmental Conservation zone is applied to land with high ecological significance, which is appropriate for this part of the site. As a result, this zone change is not supported.</p> <p>Recommendation: no change</p>
	<p>2. 9 Croll Street (Submission 206)</p> <p>This site at 9 Croll Street, Blueys Beach (Lot 15 DP207482) is currently included in the R2 Low Density Residential zone and is proposed to be included in the R1 General Residential zone. The landowner objects to the proposed R1 General Residential zone, requesting that the existing zone remain unchanged to preserve the existing character around Blueys Beach. They add that new development areas should be included in the R1 General Residential zone rather than existing residential areas.</p> <p>Response:</p> <p>The residential zones were reviewed through the MidCoast Housing Strategy 2021. The R1 General Residential zone was applied close to centres to enable opportunities for more housing in the future around centres that provide services and facilities. It is acknowledged that these areas currently provide single storey housing, which is unlikely to change in the near future. If future redevelopment were to occur, the proposed draft MidCoast Development Control Plan would provide provisions relating to overshadowing, privacy, access and carparking and examine the character of the local area. Please note that the maximum height of building of 8.5m is retained in this location.</p> <p>Recommendation: no change</p>

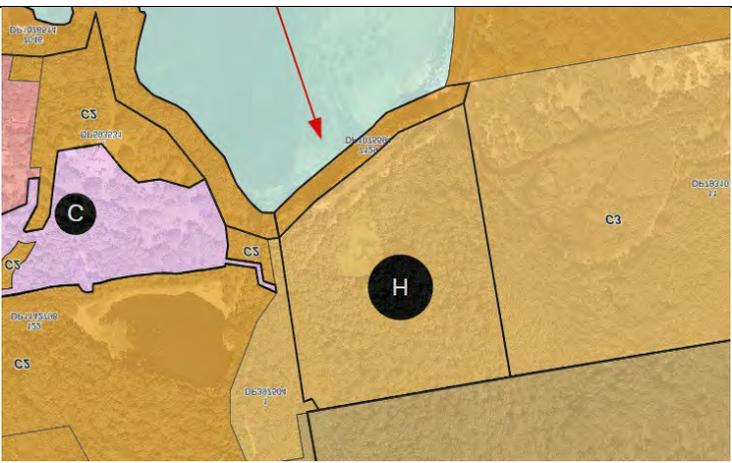
Proposed zone	Comment and response
	<p>3. 216 Boomerang Drive (Submission 392)</p> <p>This site at 216 Boomerang Drive, Blueys Beach (Lot 12 DP1291550) is currently included in the R3 Medium Density Residential zone and R2 Low Density Residential zone with a 12m maximum height of building proposed to the part of the lot fronting Boomerang Drive. The draft MidCoast LEP proposes to include the site in the R1 General Residential zone and retain the maximum height of building. The landowner supports the proposed changes in the draft MidCoast LEP as it will allow for a range of development opportunities consistent with the planning agreement and ensure dwelling houses will remain permitted with consent.</p> <p>Response:</p> <p>Support is noted.</p> <p>Recommendation: no change.</p>
	<p>4. Tiona Chapel (Submission 450)</p> <p>The site at 4451 The Lakes Way, Tiona (Lot 100 DP1292070) is proposed to be retained in the C3 Environmental Management zone with some additional areas of the site included in the C2 Environmental Conservation zone. The submitter requests that part of the site (in the C3 Environmental Management zone) to have a reduced minimum lot size from 40ha down to 3,000m², to allow for subdivision of site. Subdivision would ensure that the current land uses of the caravan park and the Tiona Chapel and Green Cathedral would not be encroaching on each other's operations.</p> <p>Currently the public liability insurance is applied to both activities (caravan park and Tiona Chapel) resulting in increased costs. There have also been lease disputes which has restricted access to the Green Cathedral in the past. Subdivision is not proposed to enable the expansion of the caravan park operations and is consistent with the C3 Environmental Conservation zone that currently applies. Suggestion to apply a 'restriction to user' for the Tiona Chapel site through the provision of an 88B to restrict development beyond the site coverage of the chapel. There is an existing development approval (DA706/2008/B).</p> <p>Response:</p> <p>The 40ha minimum lot size has been and will continue to be applied to land included in the C3 Environmental Management zone to enable the continued protection of the environmental values of the land. While it is acknowledged that there have been lease disputes which has limited access to facilities in the past, it is not appropriate to use planning controls to resolve leasing and insurance issues. The concern is that the change in minimum lot size may lead to unintentional consequences that may impact on the environmental values of the land or set a precedence for reducing the in other locations. As a result, the change to the minimum lot size is not supported.</p> <p>Recommendation: no change</p>

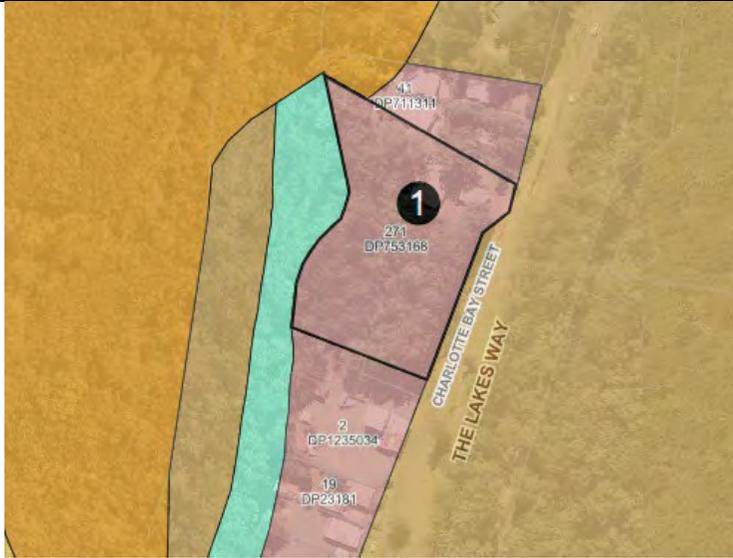
Proposed zone	Comment and response
	<p>5. 3540 The Lakes Way (Submission 480)</p> <p>This site at 3540 The Lakes Way, Charlotte Bay (Lot 110 DP1091944 and Lot 1 DP1172370) is proposed to be retained in a rural zone, being the RU4 Primary Production Small Lots zone. The landowner proposes that the zone be changed to include the site in the RE2 Private Recreation, C3 Environmental Management and C2 Environmental Conservation zones.</p> <p>The site has development consent DA 5057/2006 for a nine hole golf course, access road, carpark and temporary clubhouse in Stage 1. This zone change would enable the establishment of a caravan park in the recreation zone to support the existing activities approved on the site (noting that caravan parks are a permitted with consent land use in the current RU2 Rural Landscape zone). The suggested zone changes would result in 77% of site being included in conservation zones, which would prevent fragmentation of the site which is around 349ha.</p> <p>Response:</p> <p>The purpose of the draft MidCoast LEP was to examine the current zones and consistently apply a new suite of zones, which is why the site is to be retained in a rural zone. The extent of zone changes proposed in the submission are substantial and would need to be undertaken through a user pays planning proposal to examine the values of the land and determine which land was suitable for inclusion in the RE2 Private Recreation zone and conservation zones.</p> <p>Please note that existing approvals, where substantially commenced, can still be implemented under the proposed RU4 Primary Production Small Lots zone. To pursue land uses currently permitted in the RU2 Rural Landscape zone, the landowners are encouraged to examine options to proceed with a development application prior to the draft MidCoast LEP being finalised.</p> <p>Recommendation: no change</p>

Proposed zone	Comment and response
	<p>6. Macwood Road (Submission 503)</p> <p>This site at Macwood Road, Smiths Lake (Lot 2 DP1103357) is currently included in the RU5 Village zone and C2 Environmental Conservation zone with a 1,000m² minimum lot size applied to the land included in the RU5 Village zone. Smiths Lake is proposed to be included in residential zones resulting in the majority of the undeveloped land being included in the R1 General Residential zone, and a small parcel fronting Ansett Avenue is to be included in the R2 Low Density Residential zone. The landowner objects to 1,000m² lot size in the R1 General Residential zone land and requests a reduction to 450m² to enable a variety of housing types and align with similar R1 General Residential land at Wallis Creek in Boomerang Beach and Tropic Gardens Drive, Smiths Lake. If 450m² is not permitted, then the landowner would be supportive of 700m² to align with the current Development Control Plan master plan.</p> <p>Response:</p> <p>The inclusion of Smiths Lake in the residential zones was undertaken to recognise the predominant residential nature of the location. The 1,000m² proposed to be retained to reflect the existing character of the neighbourhoods and the environmental setting. If the minimum lot size was reduced to 450m², similar to other residential locations, it would lead to an increase of 1 into 2 lot subdivisions, potentially doubling growth in Smiths Lake. This type of subdivision occurs on a site-by-site basis and can lead to an unorderly development pattern with inadequate infrastructure to cater for the increased growth. Given these potential impacts, the minimum lot size is to be retained at 1,000m². This minimum lot size is also applied to the land at Tropic Gardens Drive which has the same circumstances. The application of a 450m² minimum lot size around Wallis Creek in Boomerang Beach is warranted given this is the current minimum lot size.</p> <p>Please note points raised in Issue B below, which has reviewed the appropriateness of the zone to address some of the points raised in this submission.</p> <p>It is noted that this site was originally included in the RU5 Village zone with a minimum lot size of 700m² in 2009 along with the Development Control Plan provisions. The Great Lakes Local Environmental Plan 2014 increased the minimum lot size to 1,000m² in Smiths Lake to address water quality issues and the steep slopes. These planning controls over-ride the requirements in the current Great Lakes Development Control Plan. Work on the draft MidCoast Development Control Plan is underway and will review these current provisions to ensure consistency.</p> <p>Recommendation: no change</p>

Proposed zone	Comment and response
	<p>C. Tropic Gardens Drive</p> <p>As per comments in B above, this site along Tropic Gardens Drive, Smiths Lake (Lot 122 DP1142798, Lot 11 DP593531, Lot 27 DP226785 and Lot 123 DP1142798) has similar constraints applying to the residential zoned land. The residential zoned land should be included in the R2 Low Density Residential zone, which will bring the site in line with the rest of Smiths Lake residential area and will be consistent with the sites at Amaroo Drive and Ansett Avenue.</p> <p>Recommendation: amend the draft MidCoast LEP mapping to include the mapped area of Tropic Gardens Drive in the R2 Low Density Residential zone and apply a maximum height of building of 8.5m. Retain the extent of the 500m² and 1000m² minimum lot sizes as applied under the Great Lakes Local Environmental Plan 2014</p>
	<p>D. Pacific Palms - Private Recreation zone</p> <p>These sites at 321 Boomerang Drive, Blueys Beach (Lot 830 DP1297274), 3957 The Lakes Way, Elizabeth Beach (Lot 433 DP753168, Lot 1 DP780299 and Lot 218 DP753168), and 1 Mariana Avenue, Pacific Palms (Lot 1 DP100661) are proposed to be included in the RE2 Private Recreation zone given they are caravan parks and the Pacific Palms Recreation Club. Due to the proposed RE2 Private Recreation zone, they should have a minimum lot size of 20ha. The draft MidCoast LEP mapping incorrectly shows no minimum lot size over these sites to be included in the RE2 Public Recreation zone. This error was identified through a review of the RE2 Private Recreation zone across the MidCoast.</p> <p>Recommendation: amend the draft MidCoast LEP mapping to provide a 20ha minimum lot size for these sites to be included in the RE2 Private Recreation zone</p>

Proposed zone	Comment and response
	<p>E. Foreshore Reserve Blueys Beach</p> <p>This site at Blueys Beach (Lot 7366 DP1130058) is proposed to be retained in the C3 Environmental Management zone. Given this land forms part of the Foreshore Reserve at Blueys Beach and has important environmental values, it is proposed to include this land in the C2 Environmental Conservation zone. NSW Crown Lands are supportive of this change.</p> <p>Recommendation: amend the draft MidCoast LEP mapping to include Foreshore Reserve Blueys Beach (Lot 7366 DP1130058) in the C2 Environmental Conservation zone and apply a minimum lot size of 40ha and no maximum height of building</p>
	<p>F. Foreshore Reserve Smiths Lake</p> <p>This site at Smiths Lake (Lot 7171 DP1108623) is proposed to be rezoned with the northern part included in the C2 Environmental Conservation zone and the southern part in the C4 Environmental Living zone. Given this land forms part of the Foreshore Reserve at Smiths Lake and has important environmental values, it is proposed to extend the C2 Environmental Conservation zone over the entire site. NSW Crown Lands are supportive of this change.</p> <p>Recommendation: amend the draft MidCoast LEP mapping to include the Foreshore Reserve Smiths Lake (Lot 7171 DP1108623) in the C2 Environmental Conservation zone and apply a minimum lot size of 40ha and no maximum height of building</p>

Proposed zone	Comment and response
	<p>G. Foreshore Reserve Smiths Lake</p> <p>These sites along the Foreshore Reserve, Smiths Lake (Lot 7129 DP1075594, Lot 7046 DP1076514, Lot 7130 DP1076517, Lot 456 DP45920, Lot 7132 DP1076519) are currently in a number of zones being the C3 Environmental Management zone and the W1 Recreational Waterways zone. They are proposed to be included in the C2 Environmental Conservation zone or in a combination of the C2 Environmental Conservation zone and W1 Natural Waterways zone in the draft MidCoast LEP. These sites are in public ownership.</p> <p>As the land is subject to a pending Aboriginal/Native Title Land Claim, a review of the zones was undertaken so as not to preclude any future use of the site. As a result, the zone of sites proposed to be included in the C2 Environmental Conservation zone will be changed to the C3 Environmental Management zone. A review of this zone will be undertaken by Council if the Land Claim is unsuccessful.</p> <p>No change is proposed to the exhibited W1 Natural Waterways zone.</p> <p>Recommendation: amend the draft MidCoast LEP mapping to include Lot 7129 DP DP1075594, Lot 7046 DP1076514, Lot 7130 DP1076517, part of Lot 456 DP45920, and part of Lot 7132 DP1076519 in the C3 Environmental Management zone where it is currently applied under the Great Lakes Local Environmental Plan 2014, and apply a minimum lot size of 40ha and no maximum height of building</p>
	<p>H. Lot 251 DP753168 in Sandbar</p> <p>The site at Lot 251 DP753168 in Sandbar is currently included in the RU2 Rural Landscape zone and is proposed to be included in the C3 Environmental Management zone in the draft MidCoast LEP. This site is in public ownership.</p> <p>As the land is subject to a pending Aboriginal/Native Title Land Claim, a review of the zones was undertaken so as not to preclude any future use of the site. As a result, the zone of this land is proposed to be changed to the RU4 Primary Production Small Lots zone. A review of this zone will be undertaken by Council if the Land Claim is unsuccessful.</p> <p>Recommendation: amend the draft MidCoast LEP mapping to include Lot 251 DP753168 in the RU4 Primary Production Small Lots zone and apply a minimum lot size of 40ha and no maximum height of building</p>



I. 201 Charlotte Bay Street

This site at 201 Charlotte Bay Street, Charlotte Bay (Lot 271 DP753168) is currently included in the C2 Environmental Conservation zone and the RU5 Village zone and is proposed to be included wholly in the RU5 Village zone.

The C2 Environmental Conservation zone needs to be reinstated over this site as it is identified as Coastal wetlands in the NSW Government's State Environmental Planning Policy (Resilience and Hazards) 2021.

The RU5 Village zone will remain over the remainder of the site

Recommendation: amend the draft MidCoast LEP mapping to retain the extent of the C2 Environmental Conservation zone over Lot 271 DP753168 as is applied under the Great Lakes Local Environmental Plan 2014 and apply a minimum lot size of 40ha and no maximum height of building. Apply the RU5 Village zone to the remainder of the site and apply a minimum lot size of 700m² and a maximum height of building of 8.5m

Pacific Palms– general comments and response

The following comments were raised as part of the submissions from Pacific Palms

General comments (Submissions 83, 152)

- a) An objection was made to the inclusion of multi dwelling housing within the R2 Low Density Residential zone given its inconsistency with the character of the area.
- b) A submitter supports the increased usage of the C4 Environmental Living zone to allow for sustainable buildings.

Response:

- a) The MidCoast Housing Strategy 2021 proposed the application of zones across the MidCoast, with the R2 Low Density Residential zone having the lowest density, predominately for dwellings and dual occupancies, given the character of the locations and access away from services and facilities. Since the development of this Strategy, the Hunter Regional Plan 2041 was finalised which placed the requirement on changes to the R2 Low Density Residential zone to include additional residential uses being multi dwelling housing and attached housing. This requirement was included in the Gateway Determination issued by the NSW Department of Planning, Housing and Infrastructure prior to the exhibition of the draft MidCoast LEP. A key issue is that the MidCoast Housing Strategy 2021 designed the residential zones to increase in residential density from the R2 Low Density Residential zone to the R1 General Residential zone up to the R4 High Density Residential zone. This change significantly removed the clear delineation between the R2 Low Density Residential and R1 General Residential zones, which when combined make up over 96% of our residential zones. This change reduced Council's ability to ensure that more higher density residential developments being multi dwelling housing were appropriately located close to services and facilities and that the character of the neighbourhoods was retained. This is an important consideration given the lack of public transport available in the MidCoast. It is noted that in 2024, it was reported that in the high growth Six Cities locations in NSW, 82% of the lots in the R2 Low Density Residential zone prohibited multi dwelling housing, which makes this appear an onerous requirement for regional NSW.

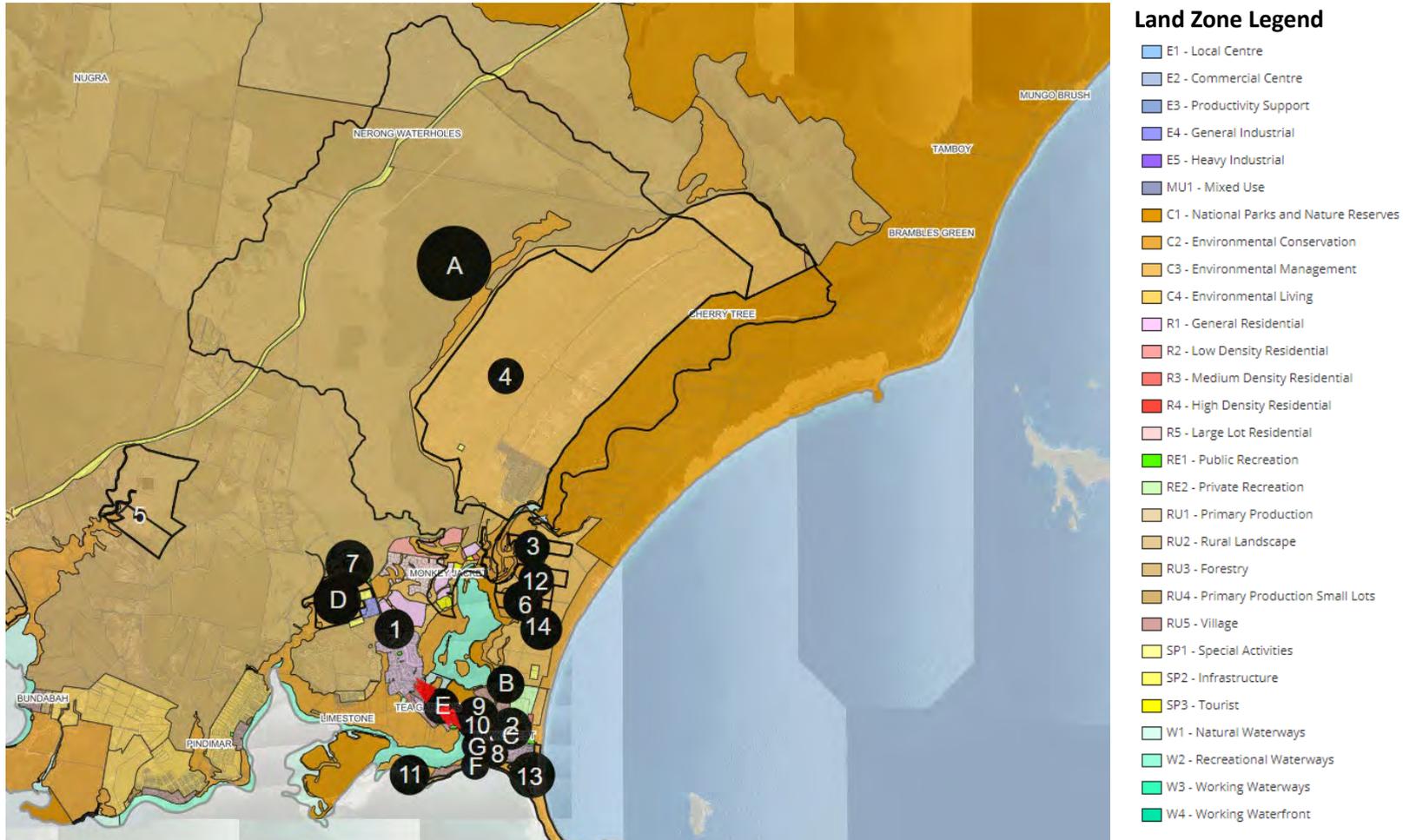
While Council has made numerous requests to the NSW Department of Planning, Housing and Infrastructure, no changes have been made to define manufactured home estates in Local Environmental Plans. In the past, Council has had manufactured home estate developments apply as caravan parks, multi dwelling housing and innominate uses (being a use that is not defined). As a result, Council understands the community's concerns regarding the change imposed by the NSW Department of Planning, Housing and Infrastructure, particularly after extensive consultation has been undertaken with the community in the development of the Strategy and the draft MidCoast LEP.

Council supports the change to make multi dwelling housing a prohibited use in the R2 Low Density Residential zone given the extensive work undertaken in the MidCoast Housing Strategy 2021 to apply four residential zones with varying densities giving consideration to access, facilities, services and the character of our towns and villages. It is noted that multi dwelling housing will remain a permitted with consent use in 68% of our residential zones.

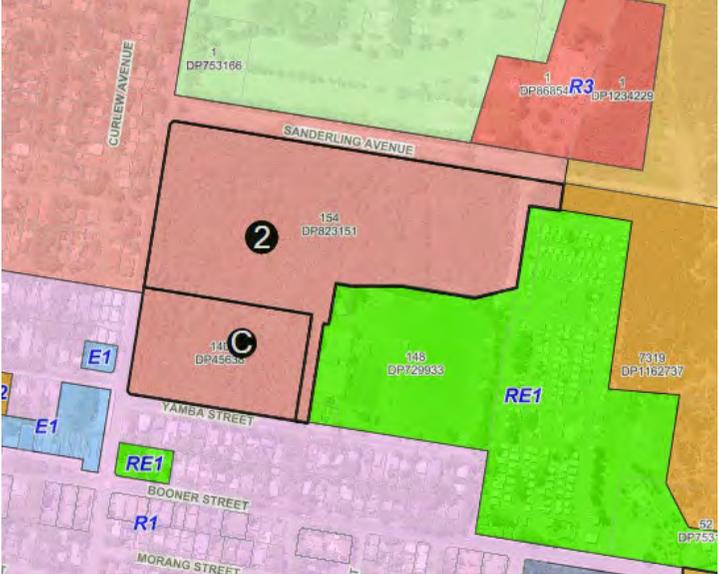
- b) Support for the increased usage of the C4 Environmental Living zone is noted.

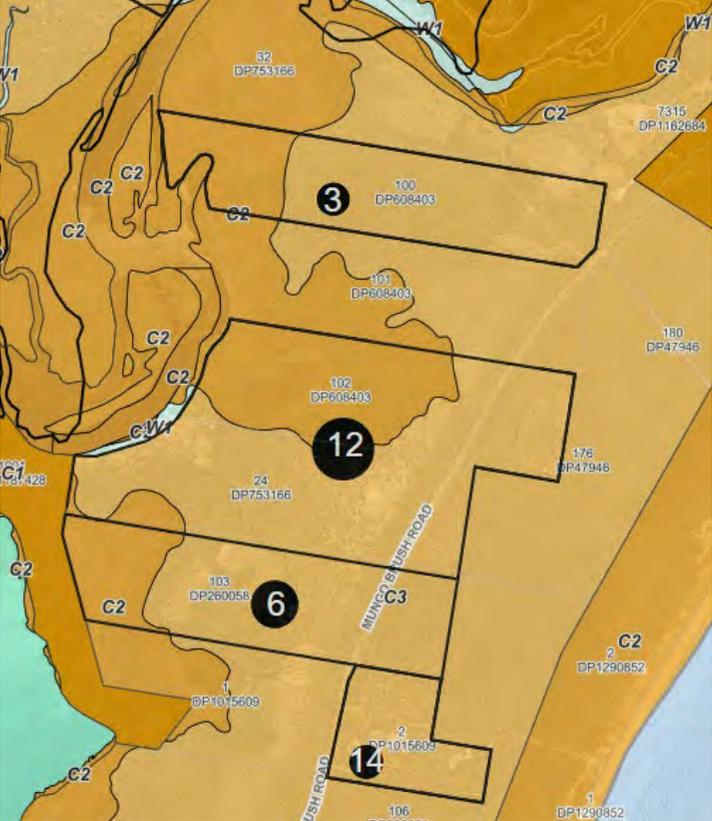
Tea Gardens/Hawks Nest

The Tea Gardens/Hawks Nest consultation was run at the Hawks Nest Community Centre held on 13 June 2024. In total, 70 people attended the consultation, and we received thirty submissions from this community. Residents requested information about their property and the surrounding area. The issues raised from submissions and the consultation are summarised in the table below with any recommended changes to the draft MidCoast LEP provided. The map below shows the location of issues across Tea Gardens and Hawks Nest. Please note that the paper subdivision submissions are outlined in Section 4.1 of the Consultation Report.

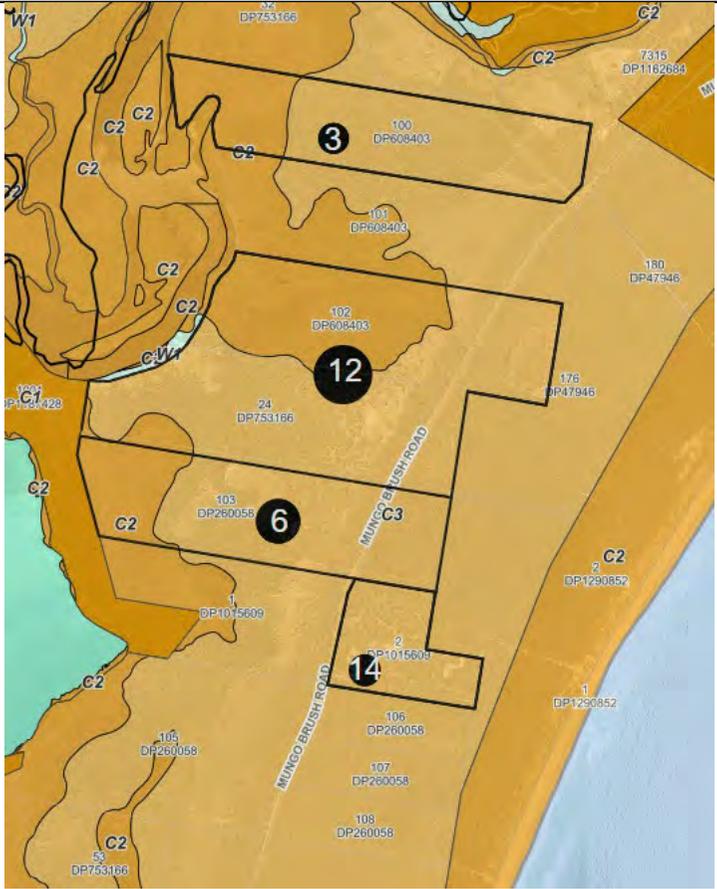


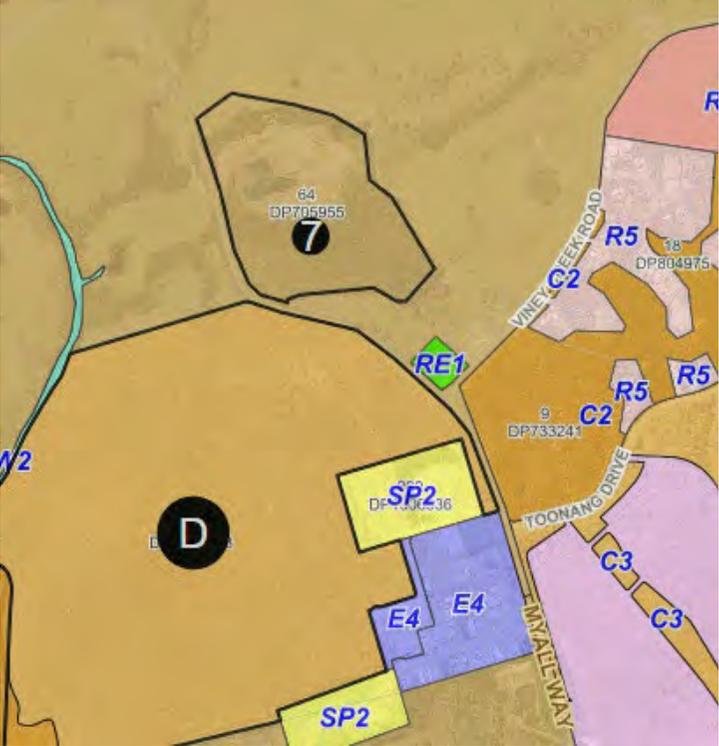
Proposed zone	Comment and response
	<p>1. Myall Quays Boulevard development (Submission 64)</p> <p>This site at Myall Quays Boulevard, Tea Gardens (Lot 9 DP270561) is proposed to be retained in the E2 Commercial Centre and MU1 Mixed Use zones. The developer objects, as the zones are contrary to the Part 3A Concept Approval (17 May 2019) which permits residential development over the land included in part of the E2 Commercial Centre and MU1 Mixed Use zone. They request that the zones be amended to include the approved residential development as proposed in the Concept Approval and development assessment approval (DA2022/1029) be included in residential zones.</p> <p>Response:</p> <p>It is acknowledged there is a modified concept approval of 17 May 2019, and subsequent development applications approved over Lot 9 DP270561, Lot 1 DP1262113, Lot 2 DP1262113 and Lot 3 DP1262113 which include alternate zones, minimum lot sizes and height of building controls than those exhibited.</p> <p>This site forms part of a master planned community undertaken by Sheargold P/L. The current concept approval permits the subdivision to proceed on the site regardless of the current zoning or minimum lot sizes. The concept approval however does not permit the approval of land uses that are prohibited under the existing and/or proposed zones. This would result in a subdivision created with the intention of being used for residential purposes where dwellings cannot be erected on the land that is proposed to be included in the MU1 Mixed Use zone in the draft MidCoast LEP.</p> <p>A concept approval modification that included zone reconfiguration and rationalisation along with the removal of the Ecotourist precinct was publicly exhibited and subsequently approved in 2019. The <i>Great Lakes Local Environmental Plan 2014</i> was not updated to reflect the most recently approved modification of the concept approval. The concept approval has since commenced with subsequent development applications that have been approved.</p> <p>The proposed zones in the draft MidCoast LEP could be amended to align with the modified concept approval to enable the planned and approved use of the land to be developed. It is noted that the original concept approval granted in 2013 and the subsequent approved modification in 2019 was publicly exhibited by the former Department of Planning and Environment. While not exhibited as part of the draft MidCoast LEP consultation activities, the community had opportunity to review and provide feedback on the use of the land in both 2013 and 2019.</p> <p>It is proposed to amend the draft MidCoast LEP to align with the modified concept approval in terms of changing:</p> <ul style="list-style-type: none"> the R2 Low Density Residential zone to R1 General Residential zone to enable consistency with the application of the residential zones under the draft MidCoast LEP. When comparing the current and proposed land uses, minimum lot sizes, and height of building controls, the proposed R1 General Residential zone is more closely aligned to the concept approval (zone in force at the time) and is more appropriate to be applied to the residential component of the land minor adjustments to the boundaries of the C3 Environmental Management and R1 General Residential zones the SP3 Tourist zone be replaced by C3 Environmental Conservation zone

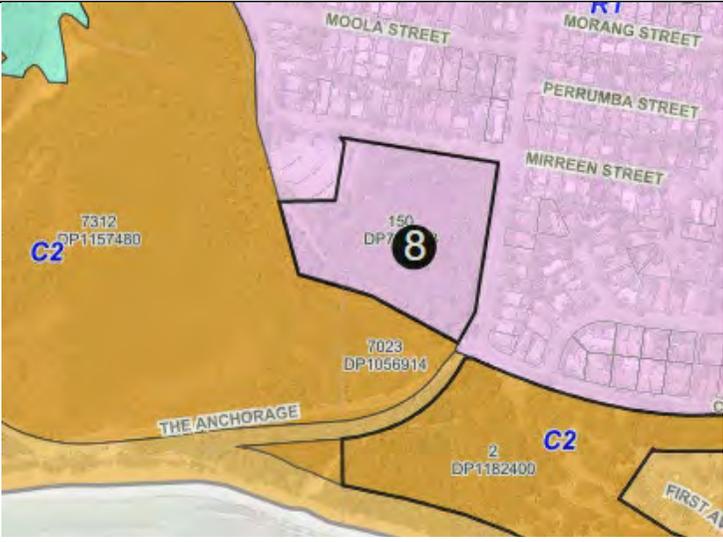
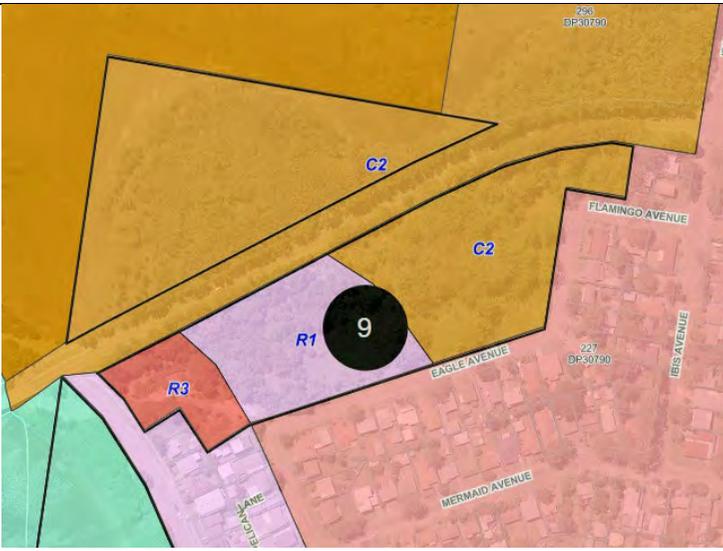
Proposed zone	Comment and response
	<ul style="list-style-type: none"> the extent of the E2 Commercial Centre zone should be expanded to reflect the Concept Approval. The change is consistent with recognising the Myall Quays precinct as the major commercial centre in the rapidly growing Hawks Nest/Tea Gardens area. <p>The changes in zones will ensure consistency with the modified concept approval, which is the masterplan for this community. The potential change in retail floor space resulting from the zone change is considered minor. The change would result in a reduction of approximately 1.7ha of retail floor space, with 1.6ha of this change being due to Lot 80 DP 702022 (Myall Street Reserve and Skate Park) which was proposed to be included in the E2 Commercial Centre zone under the Concept Approval. Lot 80 DP 702022 is Council land and is recommended to remain in a residential zone and not contribute to the localities retail floor space.</p> <p>Recommendation: amend the draft MidCoast LEP mapping as outlined above to be consistent with the concept approval</p>
	<p>2. Tuloa Avenue (Submissions 139, 204, 211, 217, 223, 250, 303, 335, 345, 346, 359, 391, 447, 481)</p> <p>This site at Tuloa Avenue, Hawks Nest (Lot 154 DP823152 and Lot 140 DP45638) is proposed to be retained in the R2 Low Density Residential zone. Multiple submissions were received requesting that the site be included in the C2 Environmental Conservation zone as it would be effective for preserving biodiversity as well as First nations peoples' connection to country. The site has high environmental and cultural value which makes R2 Low Density Residential zoning inappropriate. These blocks are listed as 'occupied koala habitat' and this land should be safeguarded appropriately.</p> <p>Response:</p> <p>The purpose of the draft MidCoast LEP was to examine the current zones and consistently apply a new suite of zones, which is why the site is to be retained in a residential zone. If the site is to be developed, the environmental values will be assessed to determine the most appropriate form of development. Changing the zone to the C2 Environmental Conservation zone would remove any potential for future development and is not supported for this site.</p> <p>Consultation with the landowners confirmed their support for the residential zone over the site. Refer to Submission C for more discussion on the proposed zone for this site and the reason for the following recommendation.</p> <p>Recommendation: as noted in Submission C amend the draft MidCoast LEP mapping to include Lot 154 DP823152 and Lot 140 DP45638 in the R1 General Residential zone and apply a minimum lot size of 450m² and a maximum height of building of 8.5m</p>

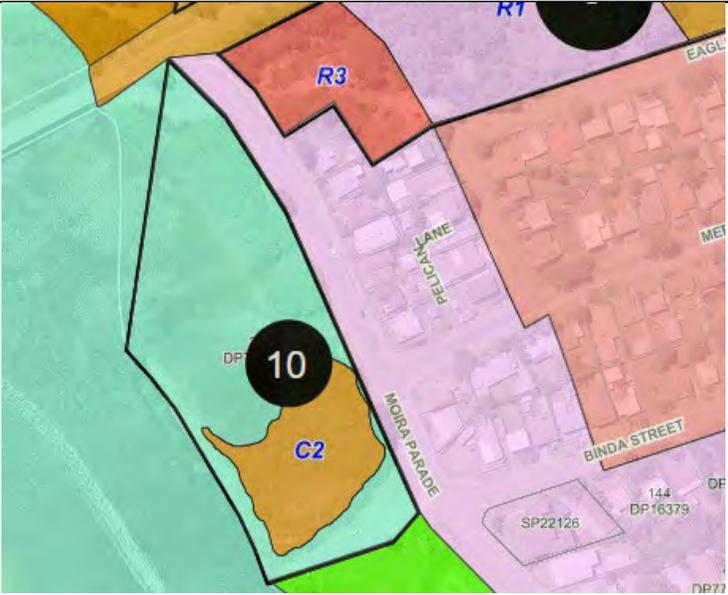
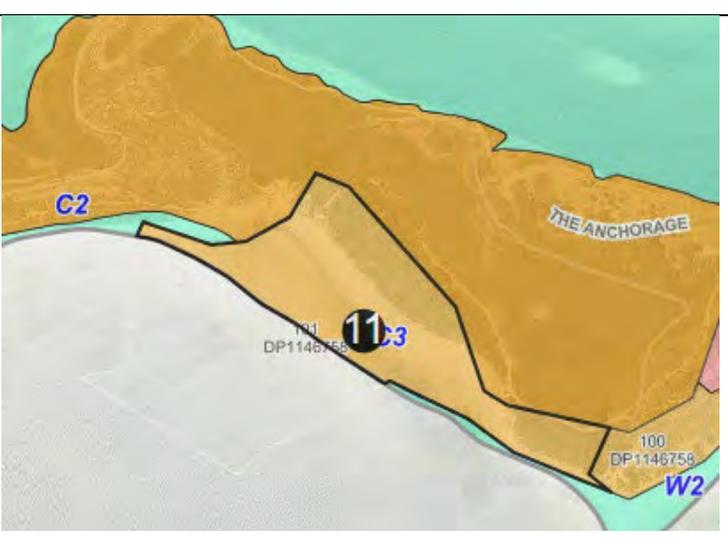
Proposed zone	Comment and response
	<p>3. 459 Mungo Brush Road (Submission 265)</p> <p>The submission expressed concern about the lack of sites identified and mapped as Protection of Wildlife Corridors around Hawks Nest. The Protection of Wildlife Corridors map under Clause 7.8 – Protection of wildlife corridors is highly relevant to the Hawks Nest/Tea Gardens area as referenced in numerous studies and reports including correspondence from Department Planning and Environment. The submitter noted that the C2 Environmental Conservation zone has been applied to significant conservation lands in the draft MidCoast LEP including waterways in Marine Parks. They suggest that their land is significant Core Koala Habitat and under the State Environmental Planning Policy (Biodiversity and Conservation) 2021. They question why there is not more land identified under the Protection of Wildlife Corridors mapping and why more sites were not added as part of the draft LEP process.</p> <p>As discussed, Clause 7.8 - Protection of Wildlife Corridors in the draft MidCoast LEP has been applied to land not protected under the Koala habitat protection chapter of the State Environmental Planning Policy (Biodiversity and Conservation) 2021 for the purpose of providing an additional layer of development protection in areas adjacent to residential and commercial development. Given that koala habitat trees and movement corridors remain on the land, it is reasonable to apply the Protection of Wildlife Corridors mapping to this area.</p> <p>Response:</p> <p>The Clause 7.8 – Protection of wildlife corridors mapping included in the draft MidCoast LEP includes all corridors currently shown in the Great Lakes Local Environmental Plan 2014 and will be added to in the future where corridors are scientifically identified and justified, which is the intention for the work to be completed under the Biodiversity Framework.</p> <p>The Protection of Wildlife Corridors mapping is one tool to provide for environmental protection, while the use of conservation zones and land dedication through voluntary planning agreements also function as measures to preserve habitat and corridors, along with working with the community to retain and improve important habitats. Many of these tools are being applied to Hawks Nest and Tea Gardens to address the decline in the urban population of koalas.</p> <p>The identified sites have not been declared or identified as areas under the Protection of Wildlife Corridors mapping. Where a development application is approved, the decisions are implemented by way of conditions of a development consent, which can provide the regulatory protection of specific identified corridors, rather than necessitating Protection of Wildlife Corridors mapping. Conditions are effective and reflecting these site development outcomes in the land use planning framework (LEPs, DCPs) is not required. Even in the absence of Protection of Wildlife Corridors map designation, Council considers wildlife corridors in development assessment and rezonings.</p> <p>Recommendation: no change</p>

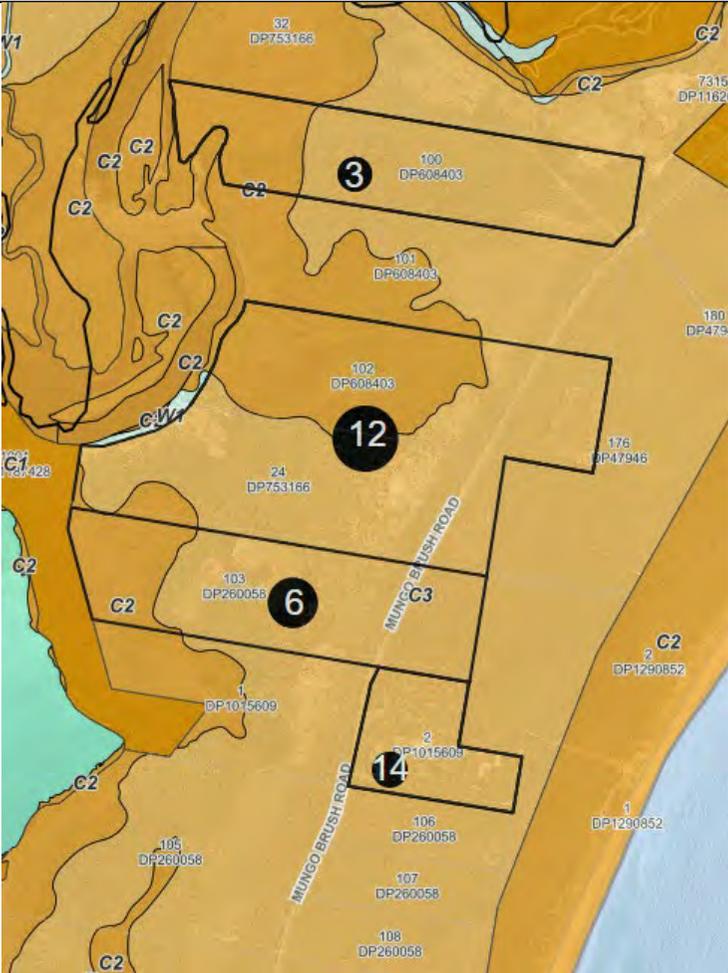
Proposed zone	Comment and response
	<p>4. 112 Viney Creek Road (Submission 305)</p> <p>This site at 112 Viney Creek, Tea Gardens is currently included in the RU2 Rural Landscape zone and is proposed to be included in the C3 Environmental Management zone. The submitter objects to the proposed zone change as the site has been used as a pine timber plantation and sawmill. The C3 Environmental Management zone would prohibit complementary and productive activities on the site. They suggest that the zone change is inconsistent with Ministerial Directions 9.1 and 9.2 for rural land, the Hunter Regional Plan 2041 and the MidCoast Rural Strategy - The Way Forward in terms of protecting important agricultural lands. The submitter believes that there is no justification to include aquifer footprints in a conservation zone and there are no ecological/conservation values to support this zone change.</p> <p>Response:</p> <p>The objective of the proposed zone change in this location and in Nabiac is to protect the aquifers which are significant water resources for our community. The MidCoast Rural Strategy – Rural Waterways Background Report was prepared by City Plan Strategy and Development as part of the broader MidCoast Rural Strategy project. The report emphasised the importance of protecting water supply resources and the need for evidence-based mapping and a means to mitigate impacts associated with ongoing or new land uses.</p> <p>In response, the MidCoast Rural Strategy – The Way Forward recommended groundwater vulnerability catchment overlays with relevant provisions (Clause 7.7 – Groundwater vulnerability) be included in the draft MidCoast LEP. In addition, land within the aquifer footprints is proposed to be included in the C3 Environmental Management zone to provide a level of protection for the water quality of the aquifers, which includes this site.</p> <p>The proposed amendment aligns with:</p> <ul style="list-style-type: none"> the MidCoast Community Strategic Plan 2022-2032 - Objective 1.4: we protect the health and safety of our communities, and Objective 2.4: we have an adequate and reliable water supply Hunter Regional Plan 2041 - Objective 6: Conserve heritage, landscapes, environmentally sensitive areas, waterways and drinking water catchments, and it achieves Strategy 6.7 by identifying and protecting drinking water catchments and storages by ensuring incompatible land uses and activities will not compromise future water security NSW Ministerial Direction 3.10 which states that planning proposals must “<i>protect and improve environmental values, having regard to maintaining biodiversity, and protecting native vegetation, cultural heritage and water resources (including groundwater).</i>” <p>This approach has also been supported by the relevant NSW Government Departments.</p> <p>In relation to the existing use, if the forestry operation is a lawful use on the land, then existing use rights may apply in accordance with Division 4.11 of the <i>Environmental Planning and Assessment Act 1979</i>.</p> <p>In response to the continued use of the land for rural purposes, there are a large number of rural land uses that will remain permitted with consent in the C3 Environmental Management zone, such as extensive agriculture. In addition, an exempt development clause is proposed to be included in the draft MidCoast LEP to permit the grazing of animals which is outlined in Section 4.2.4 of the Consultation Report.</p>

Proposed zone	Comment and response
	<p>6. 303 Mungo Brush Road (Submission 331)</p> <p>The site at 303 Mungo Brush Road, Hawks Nest (Lot 103 DP260058) is currently in the RU2 Rural Landscape zone and C2 Environmental Conservation zone and is proposed to be included in the C3 Environmental Management zone with the extent of C2 Environmental Conservation zone reduced. The landowner objects to the proposed C3 Environmental Management zone (Note - submission incorrectly states the R2 Low Density Residential and C4 Environmental Living zones). The submitter states that 30% of land is cleared with no natural vegetation and adjacent to a campsite and proposed Caravan park. They object to the minimum lot size of 40ha which would prevent subdivision of property. Concerned that the proposed zones would limit the development of this and adjoining land as housing to meet current housing needs.</p> <p>Response:</p> <p>The purpose of the draft MidCoast LEP was to examine the current zones and consistently apply a new suite of zones. Often rural zones were applied for historical reasons, where zones were automatically converted into a new rural zone without considering the values of the land or the existing land uses. Through strategy work and reviewing zones, we have examined the application of zones. Through strategy work and reviewing the zones, we have examined the application of zones, which resulted in this site being included in the C3 Environmental Management zone.</p> <p>The strip of land located north of Hawks Nest between the lakes and coast contains significant environmental values that are more aligned to a conservation zone rather than a rural zone. The C3 Environmental Management zone was applied in locations to provide a transition to areas of high conservation value. In this case, the C3 Environmental Management zone proposed along Mungo Brush Road provides a transition between the C2 Environmental Conservation zone located along the coast and lakes and recognises the ecological values of the land.</p> <p>The C2 Environmental Conservation zone at the rear of the property has been applied to Coastal wetlands that are mapped in the NSW Government’s State Environmental Planning Policy (Resilience and Hazards) 2021 which has been consistently applied across the MidCoast.</p> <p>In response to the proposed minimum lot size, the 40ha minimum lot size is retained and has not been increased. The current planning strategies for the MidCoast and the existing rural zone provide no indication that this land could be considered for future residential development by creating lots down to 450m².</p> <p>Recommendation: no change</p>

Proposed zone	Comment and response
	<p>7. Tea Gardens Quarry – 569 Myall Way (Submission 358)</p> <p>The site at 569 Myall Way, Tea Gardens (Lot 64 DP705955) is to be retained in a rural zone being the RU4 Primary Production Small Lots zone. The landowner supports the proposed zone given that the Extractive industry and Resource recovery facility land uses will be permitted with consent. They object to Industries being a prohibited land use in the zone given it would prevent the adaptive re-use of the quarry for industrial activity in the long-term, impacting on the economic productivity of the site.</p> <p>They are concerned about the North Shearwater Urban Release Area being within approximately 650m from the quarry site. They seek clarification on whether the quarry was considered as part of the assessment for DA100/2019 for North Shearwater and as part of Section 16.2 North Shearwater under the Great Lakes Development Control Plan, and whether mitigation measures were considered to ensure land use compatibility between the quarry site and North Shearwater.</p> <p>Response:</p> <p>Support for the RU4 Primary Production Small Lots zone is noted. It is acknowledged that Industries are currently permitted land use in the RU2 Rural Landscape zone but will be prohibited as a result of the zone change. However, there are a range of land uses that could be considered for the site including rural industries or landscaping material supplies.</p> <p>It should be noted that this site and adjoining properties are included in the Tea Gardens Growth Area 2 (Myall Way) in the MidCoast Urban Release Areas Report 2021, being an Urban Release Area for future development. Once the quarry ceases, a user pays planning proposal could be lodged to determine the future use of the land and consider means to transition the site.</p> <p>The process for considering an existing development application falls outside of the scope of the draft MidCoast LEP. Environmental constraints from nearby uses are typically considered in the development application process. To examine the development considerations for this development application, information can be sought under through a GIPA application. Information on the GIPA process is available through Council’s website. https://www.midcoast.nsw.gov.au/Your-Council/About-MidCoast-Council/Information-we-share/Information-you-want-from-us</p> <p>Recommendation: no change</p>

Proposed zone	Comment and response
	<p>8. Residential zoning Mirreen Street (Submissions 359, 391, 447, 481)</p> <p>The site at Mirreen Street, Hawks Nest (Lot 150 DP729953) is proposed to be retained in a residential zone being the R1 General Residential zone. The submitters request that the site be included in a conservation zone given it is Crown Land with environmental and coastal values. They state that the Department of Lands assessment of the land in 2006 claimed that <i>"urban development is not considered suitable use for this land."</i></p> <p>Response:</p> <p>The purpose of the draft MidCoast LEP was to examine the current zones and consistently apply a new suite of zones, which is why the site is to be retained in a residential zone.</p> <p>The NSW Government owns the site, and consideration needs to be given to pending Aboriginal/Native Title Land Claims, so as not to preclude any future use of the site, which is why the residential zone is retained on the site. If the site is to be developed in the future, the environmental and coastal values will be assessed to determine the most appropriate form of development. Changing the zone to the C2 Environmental Conservation zone would remove any potential for future development and is not supported for this site.</p> <p>Recommendation: no change</p>
	<p>9. Eagle Avenue (Submissions 359, 391)</p> <p>The site at Eagle Avenue, Hawks Nest (Lot 1 DP546852) has the middle portion of the site currently included in the R2 Low Density Residential zone and is proposed to be included in the R1 General Residential zone. The submitters request that this portion of the site be retained in the R2 Low Density Residential zone to be in character with the Hawks Nest village and protect the environmental values.</p> <p>Response:</p> <p>A strategic analysis and review of residential zones across the MidCoast was completed as part of the MidCoast Housing Strategy 2021. This Strategy recommended that one of the principles of applying the R1 General Residential zone was where land had not yet been developed, which is the case for this site. It is acknowledged that there was a recent development approval (DA2022/0220) which was approved on 26 June 2024, and this includes lots that are commensurate with the current and proposed land use zones and minimum lot size of 450m². Once the development of the site has been completed, the zone for this site can be reviewed.</p> <p>Recommendation: no change</p>

Proposed zone	Comment and response
	<p>10. Moira Parade (Submission 361)</p> <p>This site at Moira Parade, Hawks Nest (Lot 36 DP753166) is currently included in the W2 Recreational Waterways zone. While this zone is retained over most of the site, a portion is to be included in the C2 Environmental Conservation zone. The landowner objects to the proposed C2 Environmental Conservation zone being applied. They suggest that the permissible land uses in the W2 Recreational Waterways zone better align with enabling public facilities that would contribute to social and economic benefits for the surrounding area (e.g. floating marina berths, modern boating facilities, off-street parking, public walkways and riverside cafe/restaurant). Protecting the environmental values is effectively regulated under the State Environmental Planning Policy (Resilience and Hazards) 2021 which maps the site as a Coastal wetland. The submitters acknowledge that the site would require excavation and filling for a future marina development which could have mangrove disturbance if not well-managed, but they believe it will be satisfactorily regulated under the State controls.</p> <p>Response:</p> <p>The purpose of the draft MidCoast LEP was to examine the current zones and consistently apply a new suite of zones. The C2 Environmental Conservation zone has been applied to Coastal wetlands that are mapped in the NSW Government’s State Environmental Planning Policy (Resilience and Hazards) 2021 which has been consistently applied across the MidCoast. The NSW Government is supportive of this approach as it provides transparency in identifying the significant environmental values of a site. As a result, this zone change is not supported.</p> <p>Recommendation: no change</p>
	<p>11. Winda Woppa sandspit (Submissions 391, 481)</p> <p>This site The Boulevard, Hawks Nest (Lot 101 DP1146758) is proposed to be retained in the C3 Environmental Management zone. Two submitters requested either the C1 National Parks and Nature Reserves or C2 Environmental Conservation zone be applied given the environmental and coastal significance of the property and it is only suitable for low-impact recreation activities.</p> <p>Response:</p> <p>A large portion of the site falls within the surf zone and the remainder lies within an area subject to coastal erosion and contains a portion of Coastal wetlands and the remainder of the coastal land in the Coastal Wetlands Proximity Area that are mapped in the NSW Government’s State Environmental Planning Policy (Resilience and Hazards) 2021. Crown Lands were consulted and supported the inclusion of the site in the C2 Environmental Conservation zone. It needs to be noted that the C1 National Parks and Nature Reserves can only be applied to land controlled by the National Parks and Wildlife Service.</p> <p>Recommendation: amend the draft MidCoast LEP mapping to include Lot 101 DP1146758 in the C2 Environmental Conservation zone</p>

Proposed zone	Comment and response
	<p>12. 341 and 377 Mungo Brush Road (Submission 393)</p> <p>The site at 341 and 377 Mungo Brush Road, Hawks Nest (Lot 102 DP608403 and Lot 24 DP753166) is currently in the RU2 Rural Landscape zone and C2 Environmental Conservation zone and is proposed to be included in the C3 Environmental Management zone with the extent of C2 Environmental Conservation zone slightly amended. The landowner objects to the proposed C3 Environmental Management zone given there are no studies to justify the change, and the zone is inconsistent with the existing use and approvals on property. 341 Mungo Brush Road has three existing development approvals (DA76/1998, DA274/2003, DA350/2016) with the most recent being for an Eco-tourist facility of 160 long term sites and infrastructure works. Works for this most recent development approval have commenced. The submitter proposed options for the retention of the rural zone or the RE2 Private Recreation zone to be applied. The landowner has also developed plans for a small support solar farm on 377 Mungo Brush Road which they believe will be jeopardised by the C3 Environmental Management zone.</p> <p>Response:</p> <p>The purpose of the draft MidCoast LEP was to examine the current zones and consistently apply a new suite of zones. Often rural zones were applied for historical reasons, where zones were automatically converted into a new rural zone without considering the values of the land or the existing land uses. Through strategy work and reviewing zones, we have examined the application of zones. Through strategy work and reviewing the zones, we have examined the application of zones, which resulted in this site being included in the C3 Environmental Management zone.</p> <p>The strip of land located north of Hawks Nest between the lakes and coast contains significant environmental values that are more aligned to a conservation zone rather than a rural zone. The C3 Environmental Management zone was applied in locations to provide a transition to areas of high conservation value. In this case the C3 Environmental Management zone proposed along Mungo Brush Road provides a transition between the C2 Environmental Conservation zone located along the coast and lakes and recognises the ecological values of the land. Given these values the retention of a rural zone would be inappropriate. The RE2 Private Recreation zone would also be inappropriate without undertaking a user pays planning proposal to determine which parts of the site would be suitable for this zone and the range of uses that can be permitted in this zone.</p> <p>The C2 Environmental Conservation zone over part of the site has been applied to Coastal wetlands that are mapped in the NSW Government's State Environmental Planning Policy (Resilience and Hazards) 2021 which has been consistently applied across the MidCoast.</p> <p>Please note that existing approvals, where substantially commenced, can still be implemented under the proposed C3 Environmental Management zone. To pursue land uses currently permitted in the RU2 Rural Landscape zone, the landowners are encouraged to examine options to proceed with a development application prior to the draft MidCoast LEP being finalised. Initial investigations indicate that that a solar energy system intended to service the tourist facility, may remain a permitted with consent use under Clause 2.36(9) of State Environmental Planning Policy (Transport and Infrastructure) 2021.</p> <p>Recommendation: no change</p>

Proposed zone



Comment and response

13. Bennetts Beach (Submission 481)

This site at Bennetts Beach (Lot 7004 DP1056911 and Lot 2 DP1182400) is currently in the C3 Environmental Management zone and is proposed to be included in the C2 Environmental Conservation zone. A submission expressed support for the C2 Environmental Conservation zone and requested that the site should be included in the C1 National Parks and Nature Reserves zone to ensure greater environmental protection.

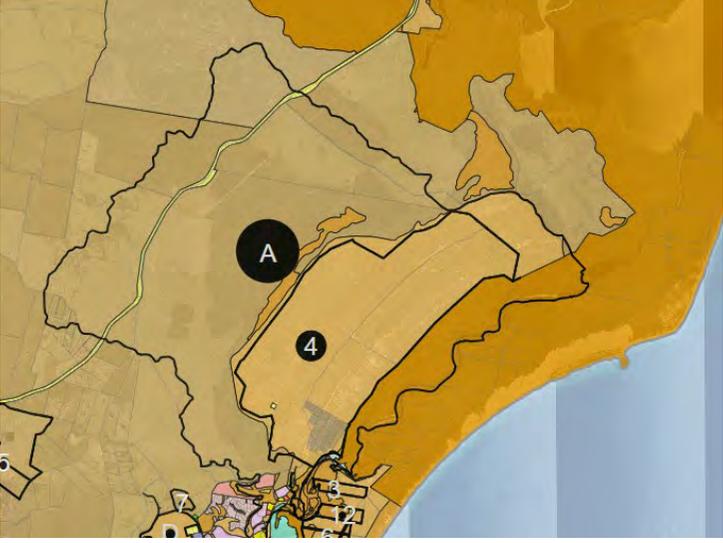
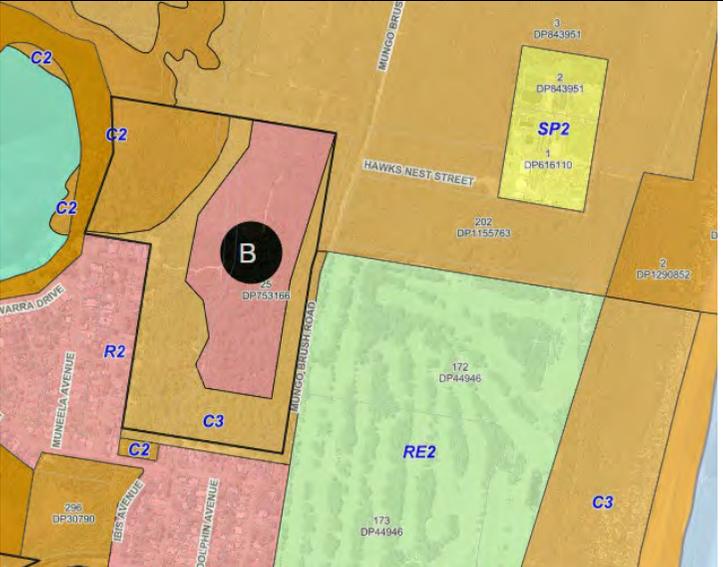
Response:

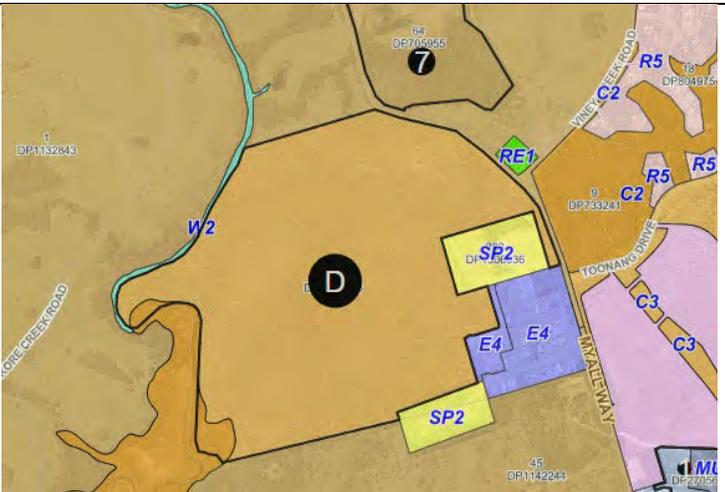
The C1 National Parks and Nature Reserves can only be applied to land controlled by the National Parks and Wildlife Service and cannot be applied to this site. Lot 2 DP1182400 and Lot 7004 DP1056911 have an active Aboriginal/Native Title Land Claim over the site, however part of Lot 2 DP1182400 and the whole of Lot 7004 DP1056911 are identified under the coastal risk mapping. The parts of the sites within the coastal risk area should retain the C2 Environmental Conservation zone as proposed under the draft MidCoast LEP, while the remainder of the sites should be included in the C3 Environmental Management zone as existing under the current Great Lakes Local Environmental Plan 2014.

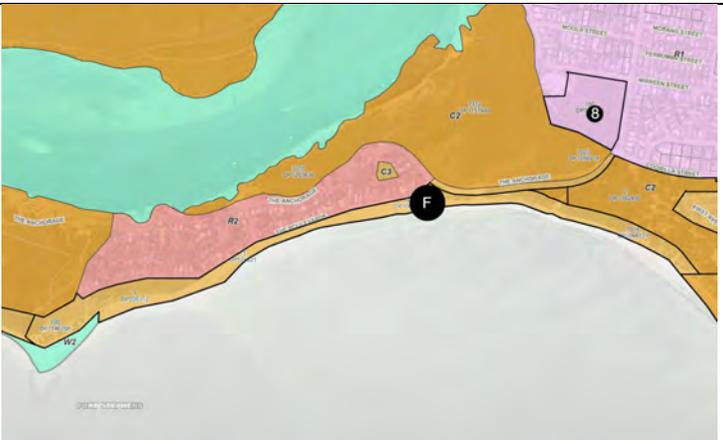
Recommendation: amend the draft MidCoast LEP mapping to include part of Lot 2 DP1182400 in the C3 Environmental Management zone and apply a minimum lot size of 40ha and no maximum height of building

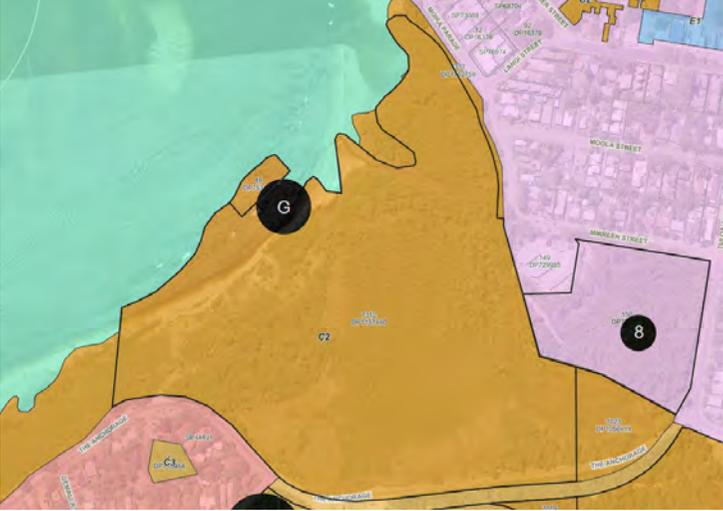


Proposed zone	Comment and response
	<p>14. 288 Mungo Brush Road (Submission 482)</p> <p>The site at 288 Mungo Brush Road, Hawks Nest (Lot 2 DP1015609) is currently in the RU2 Rural Landscape zone and is proposed to be included in the C3 Environmental Management zone. The landowner objects to the proposed C3 Environmental Management zone given they have a current development application being assessed by Council for a Caravan park (DA2023/0608). They suggest a combination of the SP3 Tourist zone and C3 Environmental Management zone would be consistent with the current development application.</p> <p>Response:</p> <p>The purpose of the draft MidCoast LEP was to examine the current zones and consistently apply a new suite of zones. Often rural zones were applied for historical reasons, where zones were automatically converted into a new rural zone without considering the values of the land or the existing land uses. Through strategy work and reviewing zones, we have examined the application of zones. Through strategy work and reviewing the zones, we have examined the application of zones, which resulted in this site being included in the C3 Environmental Management zone.</p> <p>The strip of land located north of Hawks Nest between the lakes and coast contains significant environmental values that are more aligned to a conservation zone rather than a rural zone. The C3 Environmental Management zone was applied in locations to provide a transition to areas of high conservation value. In this case the C3 Environmental Management zone proposed along Mungo Brush Road provides a transition between the C2 Environmental Conservation zone located along the coast and lakes and recognises the ecological values of the land. Given these values the retention of a rural zone would be inappropriate.</p> <p>It is noted that the development application (DA2023/0608) for a Caravan park that is the basis for the requested use of the SP3 Tourism zone was refused on 21 August 2024 citing ecological reasons which aligns with the intention of the C3 Environmental Management zone.</p> <p>Recommendation: no change</p>

Proposed zone	Comment and response
	<p>A. Tea Gardens Aquifer Catchment</p> <p>The Tea Gardens aquifer catchment is mapped in the draft MidCoast LEP as the Groundwater Vulnerability Map. Council's Water Services team reviewed the mapping and identified minor amendments to correct mapping errors that arose from a misalignment of the cadastre. This map should be updated to correctly show the extent of the aquifer catchment.</p> <p>Recommendation: amend the draft MidCoast LEP mapping to correctly show the extent of the aquifer catchment in the Groundwater Vulnerability Map.</p>
	<p>B. Mungo Brush Road</p> <p>The site at Mungo Brush Road, Hawks Nest (Lot 6511 DP1205308 and Lot 25 DP753166) is proposed to be retained in the R2 Low Density Residential, C2 Environmental Conservation and C3 Environmental Management zones. A strategic analysis and review of residential zones across the MidCoast was completed as part of the MidCoast Housing Strategy 2021. This Strategy recommended that one of the principles of applying the R1 General Residential zone was where land had not yet been developed, which is the case for this site. As a result, this site should have been included in the R1 General Residential zone. In this case, the R1 General Residential zone can provide opportunities to cluster future development in order to retain the environmental values of the property. The C2 Environmental Conservation and C3 Environmental Management zones on the site will remain unchanged.</p> <p>Recommendation: amend the draft MidCoast LEP mapping to include part of Lot 6511 DP1205308 and Lot 25 DP753166 in the R1 General Residential zone and apply a minimum lot size of 450m² and a maximum height of building of 8.5m</p>

Proposed zone	Comment and response
	<p>C. Tuloa Avenue</p> <p>This site at Tuloa Avenue (Lot 154 DP823152 and Lot 140 DP45638) is proposed to be retained in the R2 Low Density Residential zone. A strategic analysis and review of residential zones across the MidCoast was completed as part of the MidCoast Housing Strategy 2021. This Strategy recommended that one of the principles of applying the R1 General Residential zone was where land had not yet been developed, which is the case for this site. As a result, this site should have been included in the R1 General Residential zone. In this case, the R1 General Residential zone can provide opportunities to cluster future development in order to retain the environmental values of the property.</p> <p>Recommendation: amend the draft MidCoast LEP mapping to include Lot 154 DP823152 and Lot 140 DP45638 in the R1 General Residential zone and apply a minimum lot size of 450m² and a maximum height of building of 8.5m</p>
	<p>D. Kore Kore Creek Reserve</p> <p>This site is Kore Kore Creek Reserve (Lot 101 DP1178278) and is proposed to be retained in the C3 Environmental Management zone. Council's Natural Systems team advised that the land is Council owned and managed for the purposes of conservation. As a result, the site should be included in the C2 Environmental Conservation zone.</p> <p>Recommendation: amend the draft MidCoast LEP mapping to include Kore Kore Creek Reserve (Lot 101 DP1178278) in the C2 Environmental Conservation zone and apply a minimum lot size of 40ha and no maximum height of building</p>

Proposed zone	Comment and response
	<p>E. Marine Drive waterfront</p> <p>A number of sites fronting the Myall River in Tea Gardens (Lot 144 DP705448, Lot 157 DP823722, Lot 175 DP47673, Lot 2 DP598473, Lot 1 DP1041647, Lot 1 DP1019073 and Lot 1 DP598473) are to be retained in the W4 Working Waterfront zone. A review of these zones indicated that the maximum height of building of 8.5m had not been retained. This should be amended to keep the maximum height of building of 8.5m to ensure that development of these sites is suited to the character of the waterfront. These sites were identified through a review of the W4 Working Waterfront zone.</p> <p>Recommendation: amend the draft MidCoast LEP mapping to retain the maximum height of building of 8.5m for the mapped sites included in the W4 Working Waterfront zone</p>
	<p>F. The Boulevard</p> <p>A number of sites along The Boulevard, Hawks Nest (Lot 100 DP1146758, Lot 65 DP211069, Lot 1 DP226312, Lot 73 DP524621, Lot 7015 DP106643, Lot 7016 DP1066131, Lot 7017-7018 DP106692) are proposed to be retained in the C3 Environmental Management zone. It was identified that these sites are located within the coastal risk zone and have high biodiversity values that are consistent with the C2 Environmental Conservation zone. Some of these sites are under an Active Aboriginal/Native Title Land Claim and Worimi Local Aboriginal Land Council have noted support for the proposed inclusion of these lots in the C2 Environmental Conservation zone.</p> <p>Recommendation: amend the draft MidCoast LEP mapping to include the sites at The Boulevard, Hawks Nest being Lot 100 DP1146758, Lot 65 DP211069, Lot 1 DP226312, Lot 73 DP524621, Lot 7015 DP106643, Lot 7016 DP1066131 and Lot 7017-7018 DP106692 in the C2 Environmental Conservation zone and apply a minimum lot size of 40ha and no maximum height of building</p>

Proposed zone	Comment and response
	<p>G. The Anchorage waterfront</p> <p>The site at The Anchorage, Hawks Nest (Lot 49 DP753166 and Lot 7312 DP1157480) is currently in the W2 Recreational Waterways and C2 Environmental Conservation zone and is proposed to be wholly included in the C2 Environmental Conservation zone in the draft MidCoast LEP. These sites are in public ownership.</p> <p>The C2 Environmental Conservation zone has been applied to recognise land that is Coastal wetlands as mapped by the NSW Government's State Environmental Planning Policy (Resilience and Hazards) 2021. However, part of the northern section of Lot 7312 DP1157480 and all of Lot 49 DP753166 are not identified as coastal wetlands under this mapping. As such, they should retain their existing zone of W2 Recreational Waterways. These sites are under an Active Aboriginal/Native Title Land Claim and Worimi Local Aboriginal Land Council who have noted their support for the proposed change to include some of the land in the W2 Recreational Waterways zone.</p> <p>Recommendation: amend the draft MidCoast LEP mapping to include all of Lot 49 DP753166 and part of Lot 7312 DP1157480 in the W2 Recreational Waterways zone and apply a minimum lot size and no maximum height of building. The remainder of Lot 7312 DP1157482 will remain in the C2 Environmental Conservation zone with a 40ha minimum lot size and no maximum building height</p>
	<p>H. Yamba Street (Lot 132 DP42563)</p> <p>This site at Yamba Street, Hawks Nest (Lot 132 DP42563) is currently included in the R2 Low Density Residential zone and was proposed to be included in the RE1 Public Recreation zone.</p> <p>Given this site is privately owned, the site should remain in a residential zone being the R1 General Residential zone. This zone change will reflect the ownership of the land and amend a mapping error</p> <p>Recommendation: amend the draft MidCoast LEP mapping to include Lot 132 DP42563 in the R1 General Residential zone with a minimum lot size of 450m² and the height of building of 8.5m</p>

Tea Gardens/Hawks Nest– general comments and response

The following comments were raised as part of the submissions from Tea Gardens/Hawks Nest

Koala plan of management and improper development in Hawks Nest (Submission 352)

The submitter objects to the draft MidCoast LEP making reference to:

- comments regarding validity of statements made in the NSW Department of Planning, Housing and Infrastructure’s Gateway Determination about Augustus and Cosimo de Medici.
- a statement was made regarding a past matter involving Council staff.
- concerns regarding the validity of historical court cases, development applications, development control plans, masterplans, gazetted planning proposals and other documentation relating to the former Great Lakes Council. Claims these documents/proposals are false and subject to an active NSW Police Case 14112443.
- allegations regarding the ‘false nature’ of the Koala Plan of Management for Hawks Nest and The Hawks Nest Tea Gardens Endangered Koala Recovery Plan.
- allegations that the listing of the Hawks Nest Endangered Koala Population by the then NSW Scientific Committee in 1999 is false. Allegations of a conflict of interest towards a NSW Department of Planning, Industry and Environment employee in relation to a historic planning proposal for the former Great Lakes area. Allegations regarding the destruction of records in association with an historic planning proposal.
- why previously available business papers have been removed from the internet and who made this decision to remove them.

Response:

In response to the above points:

- the general objection to the draft MidCoast LEP is noted. While the NSW Department of Planning, Housing and Infrastructure’s Gateway Determination makes references to Augustus and Cosimo de Medici, it was a general comment and not critical to the NSW Department of Planning, Housing and Infrastructure’s assessment of the planning proposal for the draft MidCoast LEP. If concerned, the submitter should raise these issues with the Department responsible for issuing the Gateway Determination.
- the statement regarding the past matter is outside the scope of the draft Mid Coast LEP.
- comments regarding the validity of historical court cases, development applications, development control plans, masterplans, gazetted planning proposals and other documentation relating to the former Great Lakes Local Council are noted, but they fall outside the scope of the draft MidCoast LEP. The purpose of the draft MidCoast LEP was to examine the current zones and consistently apply a new suite of zones, not retrospectively examine past decisions.
- with regard to NSW Police Case 14112443, correspondence received from the NSW Police Force dated 16 April 2008, from the then Acting Commander of the Lower Hunter Local Area Command advised *‘that there is no current investigation into the claims by [the submitter] and the matter has been closed’*.
- as mentioned previously, historic issues relating to the Koala Plan of Management for Hawks Nest fall outside the scope of the draft MidCoast LEP. The purpose of the draft MidCoast LEP was to examine the current zones and consistently apply a new suite of zones, not retrospectively examine past decisions.
- when the MidCoast Council website was created (post-merger) a general decision was made to provide business papers and reports for a specified time due to website limitations. Council business papers, agendas, attachments and reports are classified as Open Access information under the GIPA Regulation are available under an informal GIPA application. <https://www.midcoast.nsw.gov.au/Your-Council/About-MidCoast-Council/Information-we-share/Information-you-want-from-us>

General comments (Submissions 109, 123, 130, 160, 169, 176, 195, 210, 303, 359, 391, 419, 447, 481)

- a) Multiple requests for more residential zoning in Tea Gardens and Hawks Nest so people can live in the area, be closer to work, and the wider community can grow.
 - b) Request for town houses rather than units to be prioritised for development in Hawks Nest to ensure permanent population increases, rather than holidaymakers.
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- c) Questions about how koala conservation is addressed in draft MidCoast LEP and Hunter Regional Plan 2041. Question of what happened to grant money (\$250,000) in 2013 intended for the Myall Koala Environmental Group. Objects to actions that have harmed the natural environment and taken away koala habitat in Hawks Nest/Tea Gardens.
 - d) Objection to the minimum lot size of 450m² down to 300m² in the R1 General Residential and R2 Low Density Residential zones. The minimum lot sizes should be higher to retain the historical identity and natural setting of Hawks Nest.
 - e) Environmental conservation should be a high priority in line with the Community Strategic Plan. Adequate greenspace and environmental corridors should be provided in the area, particularly given proximity to native blackbutt forest land.

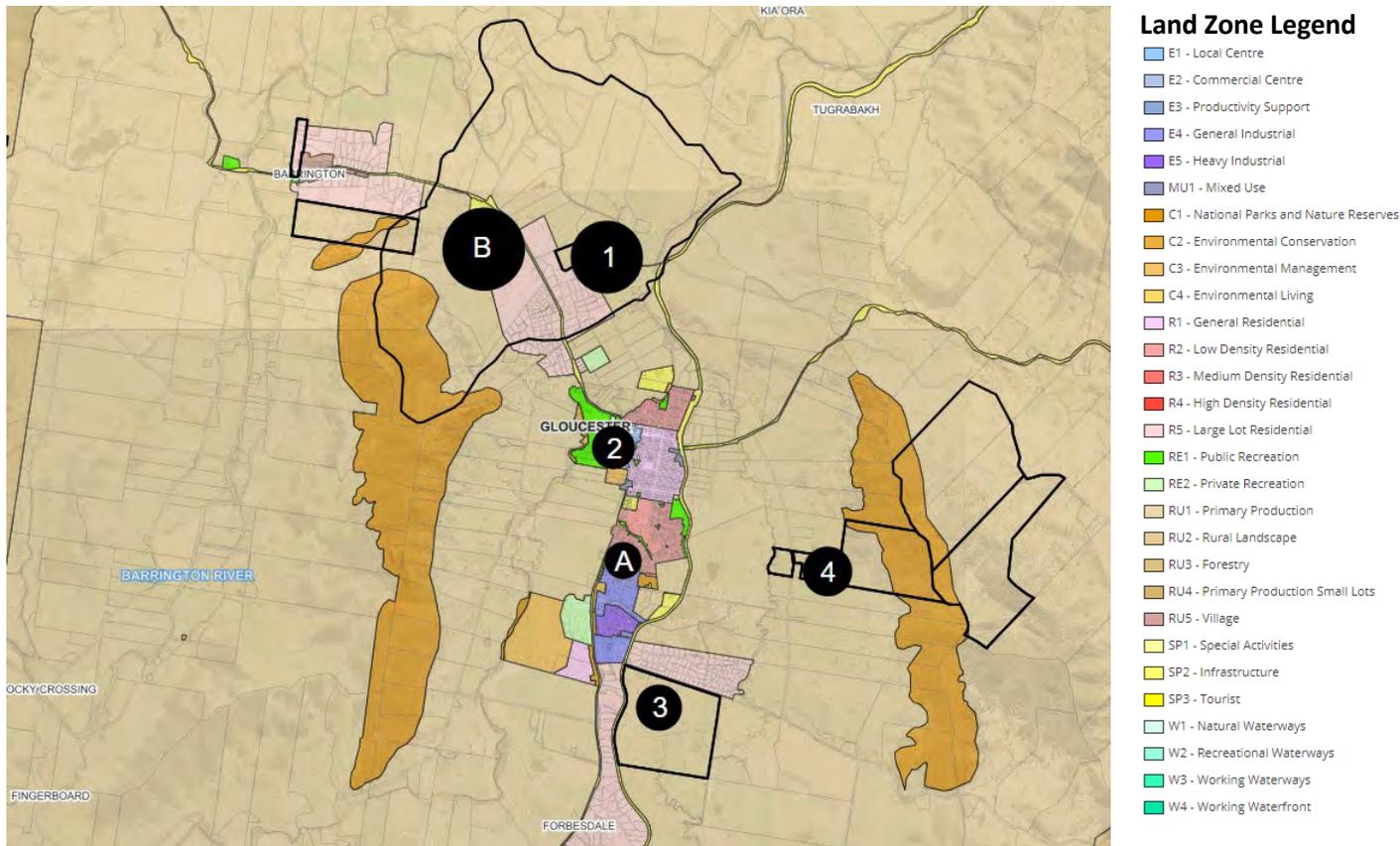
Response:

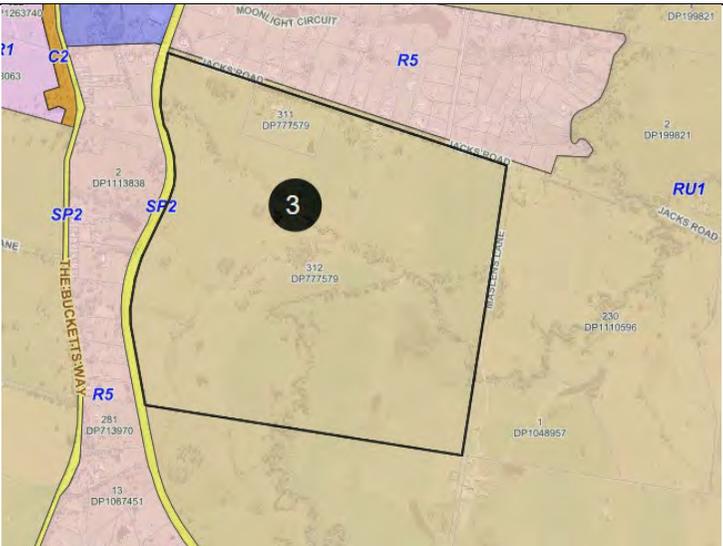
- a) The purpose of the draft MidCoast LEP was to examine the current zones and consistently apply a new suite of zones, not increase the urban footprint to accommodate new residential development. A review of the availability of residential land in Tea Gardens/Hawks Nest identified sufficient land to cater for the future growth of this area.
 - b) The proposed residential zones permit a range of different accommodation styles. The draft MidCoast LEP is unable to specify the use of residential accommodation for use by residents rather than as tourist accommodation or holiday homes.
 - c) The question regarding grant money falls outside the scope of the draft MidCoast LEP. The draft MidCoast LEP is not proposing any changes to the MidCoast Koala Strategy or any other Koalas strategies associated with the land. Any application that applies to land that has been identified as containing threatened species or ecological communities will continue to be assessed under the relevant polices and strategies that protect koalas.
 - d) The minimum lot size for the R1 General Residential and R2 Low Density Residential zone is 450m², however, this can be reduced to 300m² where integrated development occurs, which involves the development application showing the design of the dwellings and the proposed subdivision. It is important to enable this form of housing in these residential zones to provide an alternative form of housing, particularly given our aging population. It should be noted that these provisions currently apply in the Great Lakes Local Environmental Plan 2014.
 - e) As outlined in 3.3.2 of the Planning Proposal, the draft MidCoast LEP will retain the existing environmental controls utilised across the three current Local Environmental Plans while also including local provisions for riparian lands and watercourses and wildlife corridors where they are identified in the future. The intention is for this work to be completed under the Biodiversity Framework. Environmental controls will also be reviewed and included within the draft MidCoast Development Control Plan.
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Rural Centres

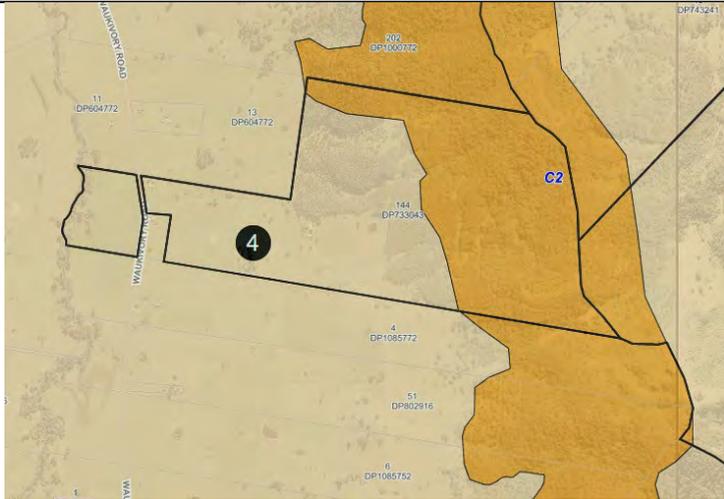
Gloucester

The Gloucester consultation was undertaken in front of the Gloucester Library and Art Gallery held on 28 May 2024. In total, 50 people attended the consultation, and we received seven submissions from this community. The majority of residents were requesting information on what the zone changes meant for their property and surrounding area, with a predominant focus on changes to rural zones and development controls. The issues raised from submissions and the consultation are summarised in the table with any recommended changes to the draft MidCoast LEP provided. The map below shows the location of issues across Gloucester. Submissions for Barrington and Mograni are addressed separately.



Proposed zone	Comment and response
	<p>2. Hume Street and King Street (Submission 249)</p> <p>This site at Hume Street and King Street, Gloucester (Lot 4 DP548664 and Lot 2 DP547483) is currently included in the C3 Environmental Management zone and parts of the site are proposed to be included in the E4 General Industrial zone. The landowner has requested that the E4 General Industrial zone be extended to include the entire site being Lot 2 DP547483 and northwards to include Lot 4 DP548664 in alignment with the existing fence line that delineates the useable land. This would maximise the amount of useable land for potential future development.</p> <p>Response:</p> <p>The purpose of the draft MidCoast LEP was to examine the current zones and consistently apply a new suite of zones. In this case, the E4 General Industrial zone was extended over the existing uses. The land proposed to be included in the E4 General Industrial zone contains structures, hard stand areas and parking areas and the site has operated as an industry for a number of years. Whereas the area suggested to be included in the E4 General Industrial zone is constrained by flooding and currently not occupied. These constraints limit development potential and therefore the suggested change of the zone is not supported. This advice is consistent with previous advice provided to the landowner in 2020.</p> <p>Recommendation: no change</p>
	<p>3. 86 and 124 Jacks Road (Submission 350)</p> <p>The site at 86 and 124 Jacks Road, Gloucester (Lot 311 DP777579 and Lot 312 DP777579) is currently in the C3 Environmental Management zone and is proposed to be included in the RU1 Primary Production zone. The landowner requests the site to be included in the R5 Large Lot Residential zone to address the residential housing demand in Gloucester and align with existing R5 Large Lot Residential zone for Thunderbolts Estate across the road.</p> <p>Response:</p> <p>The purpose of the draft MidCoast LEP was to examine the current zones and consistently apply a new suite of zones. Any zone changes from a rural zone to an urban zone, such as the R5 Large Lot Residential zone generally occurred where the site had the characteristics of the zone, for example in this case there would have to be an existing estate with lots of 1.5ha. This site would need to go through the user pays planning proposal process to change the zone of the land, which would consider all aspects of whether a site was suitable to be included in the R5 Large Lot Residential zone. It is also important to note that planning proposals are typically only considered for sites identified in the MidCoast Urban Release Areas Report 2021 and the Hunter Regional Plan 2041. This site has not been identified in either of these documents.</p> <p>Recommendation: no change</p>

Proposed zone



Comment and response

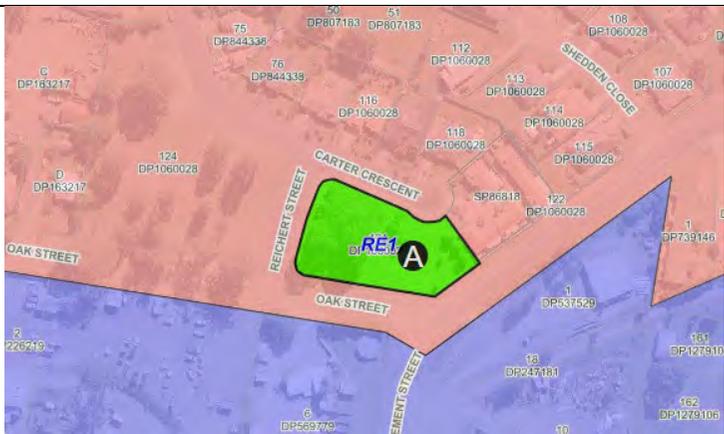
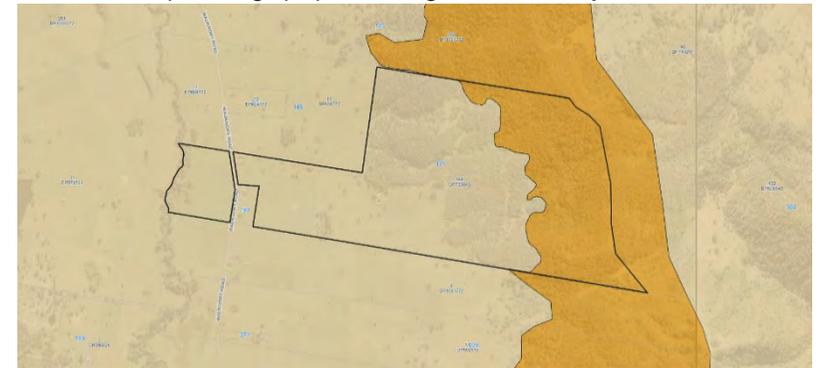
4. 177 Waukivory Road (421)

The site at 177 Waukivory Road, Gloucester (Lot 144 DP733043) is currently included in the C3 Environmental Management and RU3 Forestry zone and is proposed to be included in the RU1 Primary Production and C2 Environmental Conservation zone. The landowner objects to proposed zone change given the site contains a registered tree plantation (TP99/159) covered under an active Private Native Forestry agreement and Property Vegetation Plan and the land is also used for cattle grazing. The submitter is concerned that the extensive agriculture and forestry land uses will not be adequately covered under existing use rights. They mention that nearby sites (Lot 222 DP1061235, Lot 301 DP864518, Lot 5 DP11126296, Lot 7 DP1170730 and Lot 3 DP1166416) which contain native vegetation, and these sites are proposed to be retained in the RU1 Primary Production zone, representing inconsistent zoning for rural lands. A map showing a proposed change to the boundary of the C2 Environmental Conservation zone was provided by the landowner which would exclude the registered tree plantation.

Response:

The landowner was advised that the RU3 Forestry zone could not be applied to privately owned lands. Council staff worked with the landowner and an alternate zone boundary was agreed upon (shown below).

Recommendation: amend the draft MidCoast LEP mapping to apply the C2 Environmental Conservation zone and RU1 Primary Production in accordance with the above map. Apply a minimum lot size of 40ha and no maximum height of building

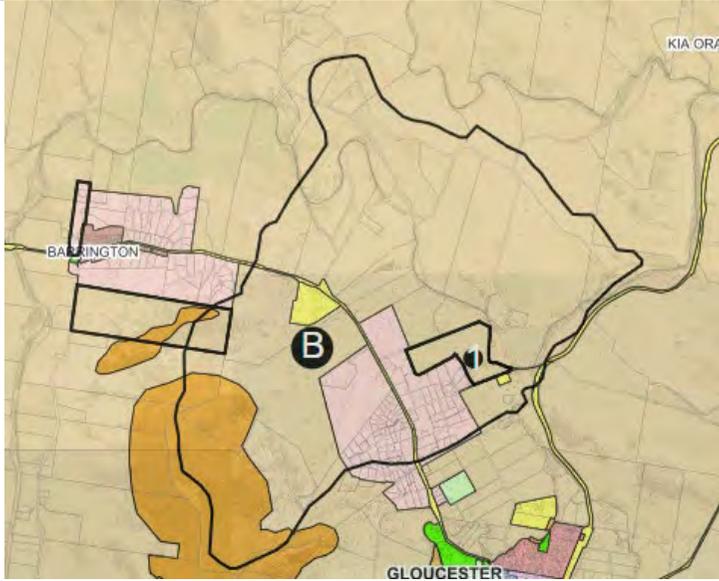


A. Carter Crescent Park

This site at Carter Crescent, Gloucester (Lot 121 DP1060028) is to be retained in the RE1 Public Recreation zone with no minimum lot size. In the draft MidCoast LEP mapping a minimum lot size of 1000m² was applied to this site. This should be removed as sites in the RE1 Public Recreation zone are proposed to have no minimum lot size.

Recommendation: amend the draft MidCoast LEP mapping to remove the minimum lot size for Carter Crescent Park

Proposed zone



Comment and response

B. Gloucester Drinking Water Catchment

The Gloucester drinking water catchment is mapped in the draft MidCoast LEP on the Drinking Water Catchment Map. Council's Water Services team reviewed the mapping and identified minor amendments to correct mapping errors that arose from a misalignment of the cadastre. This map should be updated to correctly show the extent of the catchment.

Recommendation: amend the draft MidCoast LEP mapping to correctly show the extent of the Drinking Water Catchment

Gloucester– general comments and responses

General comments (Submissions 96, 175, 408, 492)

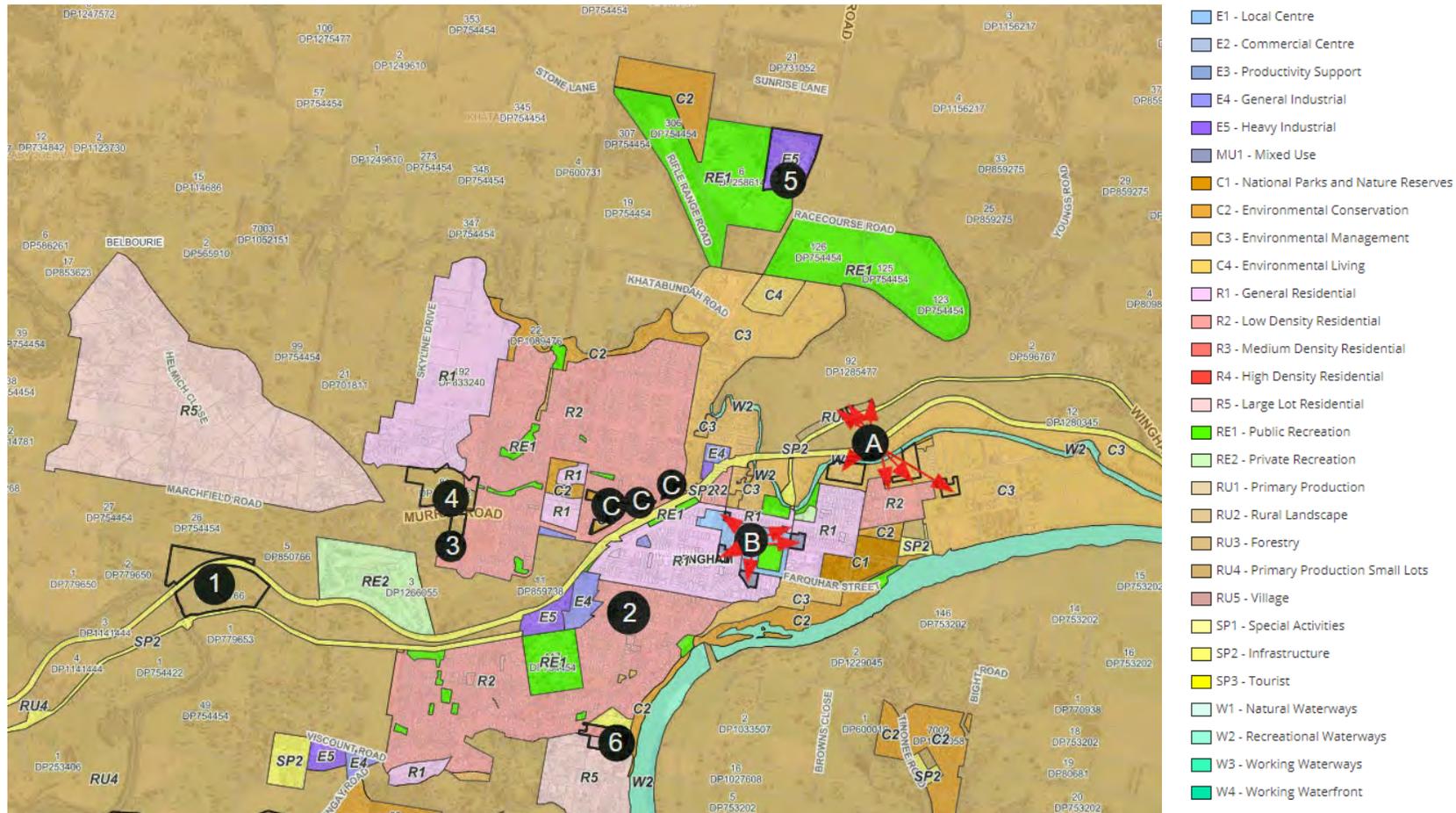
- a) One submitter objected to the proposed 60ha minimum lot size for the Gloucester area as this minimum lot size is too small to be able to make a living through dairy or cattle. Concerned if the intention is to encourage more poultry farming, as this can have impacts on the environment.
- b) A submitter expressed support for more development to provide employment opportunities.
- c) A submitter supports the decrease in the minimum lot size of rural lands in the Gloucester Basin from 100ha to 60ha and the removal of the minimum lot size for the employment zones.
- d) Objections to the proposed zone change from RU1 Primary Production to the RU2 Rural Landscape zone in Gloucester. Changes will impact farming businesses, restrict land uses in future and devalue the rural land. Cites Lithgow Council's description of both zones, and highlights that the RU2 Rural Landscape zone is not suitable for agricultural farming and there is a significant difference when compared to the RU1 Primary Production zone.
- e) A submission expressed concern about the inconsistent application of the C2 Environmental Conservation zone between the draft MidCoast LEP and the Central Coast Local Environmental Plan 2022 and the permissibility of a dwelling in the C2 Environmental Conservation zone.

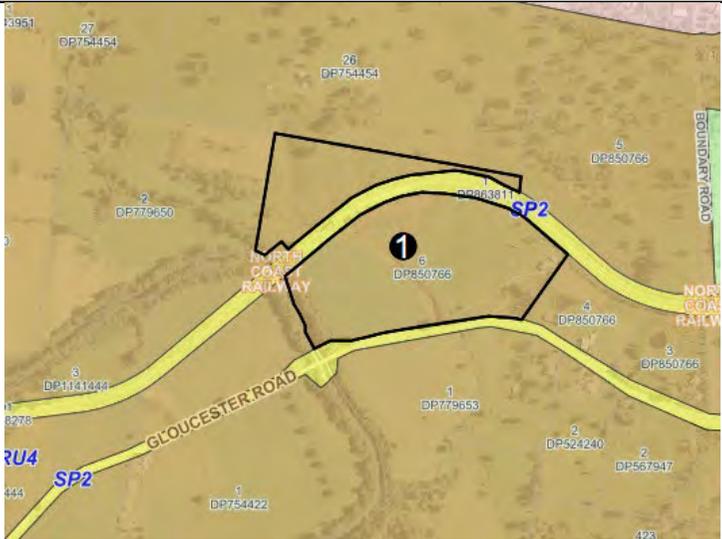
Response:

- a) The MidCoast Rural Strategy - The Way Forward: Supplementary Report examined the relationship between rural minimum lot size and productivity across the MidCoast. This report indicated minimal impacts on agricultural productivity as a result from the decrease in minimum lot size from 100ha to 60ha in the Gloucester Basin area. While poultry farming has now become the growth rural industry across the MidCoast, the limited access to a 3-phase power supply, the distance from receiving poultry abattoirs and biosecurity issues are considerations that may limit the development of poultry farms in the Gloucester Basin, with the Stroud area being better placed for this type of development.
 - b) The purpose of the draft MidCoast LEP was to examine the current zones and consistently apply a suite of new zones, not increase the urban footprint to accommodate new residential or commercial development. The draft MidCoast LEP did pursue providing flexibility in the zones to encourage a range of residential and commercial land uses in the respective zones.
 - c) Support for the reduction of the minimum lot size in the Gloucester Basin and the removal of the minimum lot size in the employment zones is noted.
 - d) The proposed RU2 Rural Landscape zone generally retains the permissibility of rural land uses currently in the RU1 Primary Production zone. Currently the agricultural uses being extensive agriculture, horticulture and viticulture (which are included in the group term of intensive plant agriculture) are permitted without consent. In all three proposed rural zones, extensive agriculture will remain a permitted without consent use. This is a common rural use being the growing of crops, grazing of livestock, beekeeping or a dairy (pasture based). All other agricultural uses (including intensive plant agriculture) will be permitted with consent. There is also no evidence that the change in the name of the zone will devalue the property. Currently, the RU2 Rural Landscape zone applies over all of the rural lands in the Great Lakes LEP. There is no evidence that these lands are valued any less than the rural lands located around Gloucester or near Taree and Wingham. While the Standard Instrument - Principal Local Environmental Plan provides the overarching rules for the use of zones across NSW, the application of zones can vary based on the local context and application. It is not possible to directly compare the application of the RU2 Rural Landscape zone across different Council areas. For example, the RU2 Rural Landscape zone is used in the Great Lakes Local Environmental Plan 2014 and has a similar application to the RU1 Primary Production zone used in the Greater Taree Local Environmental Plan 2010. The MidCoast Rural Strategy – The Way Forward provides the context for how the rural zones will be applied across the MidCoast.
 - e) The purpose of the draft MidCoast LEP was to examine the current zones and consistently apply a new suite of zones across the MidCoast. Currently the Great Lakes Local Environmental Plan 2014 and Greater Taree Local Environmental Plan 2010 permit Dwellings with consent in the C2 Environmental Conservation zone, whereas the Gloucester Local Environmental Plan 2010 prohibits Dwellings. Given the land use is permitted with consent in two of the three Local Environmental Plans, there is an expectation that this permissibility would continue. Landowners have purchased sites in the C2 Environmental Conservation zone in these locations with the expectation that a dwelling application can be considered. It is noted that any application for a dwelling in this zone needs to be assessed on its merits. A number of issues are considered including the minimum lot size and environmental, topographical and bushfire constraints.
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Wingham

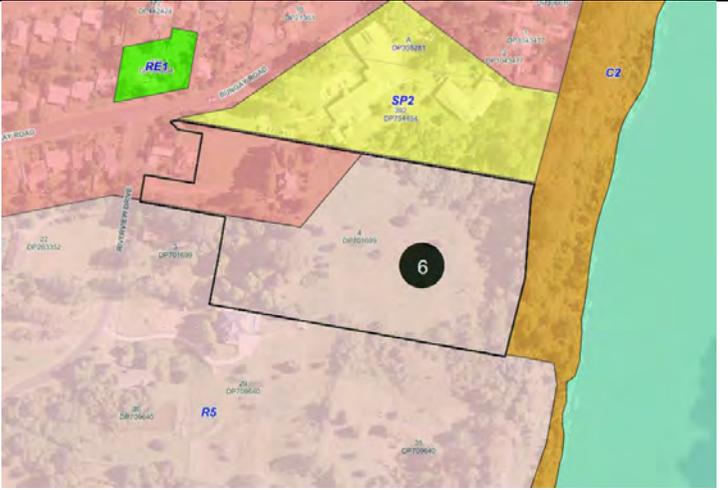
The Wingham consultation was undertaken in front of the Wingham Library on 17 June 2024. In total, 62 people attended the consultation, and we received eight submissions from this community. The majority of residents were requesting information on what the zone changes meant for their property and surrounding area. The issues raised from submissions and the consultation are summarised in the table below with any recommended changes to the draft MidCoast LEP provided. The map below shows the location of issues across Wingham.



Proposed zone	Comment and response
	<p>1. 1085 Gloucester Road (Submission 13)</p> <p>The site at 1085 Gloucester Road, Wingham (Lot 6 DP850766) is currently in the RU1 Primary Production zone and is proposed to remain in a rural zone being the RU4 Primary Production Small Lots zone. The landowner suggests that rural lands are not productive when they are less than 20ha and believe uses like farm stay accommodation and secondary dwellings should be permitted, along with enabling subdivision down to 2.5ha to encourage economic growth.</p> <p>Response:</p> <p>The range of land uses permitted in the RU4 Primary Production Small Lots zone has increased compared to the current RU1 Primary Production zone used in the Greater Taree Local Environmental Plan 2010. This is to provide reasonable opportunities for value adding on-farm activities that support rural enterprises. Farm stay accommodation (through tourist and visitor accommodation) and secondary dwellings are both proposed to be permitted with consent in the RU4 Primary Production Small Lots zone where there is an existing dwelling entitlement. The reduction of the minimum lot size rural lands to 2.5ha would likely be opposed by the NSW Department of Primary Industries who generally do not support the further subdivision of rural land below the minimum lot size which is typically 40ha along the coast.</p> <p>Recommendation: no change</p>
	<p>2. 22 William Street (Submission 127)</p> <p>The site at 22 William Street, Wingham (Lot 15 DP566711) is currently in the R1 General Residential zone and is proposed to be included in the R2 Low Density Residential zone. The landowner would like to remain in the R1 General Residential zone to enable a respite day care centre to be built on the site. They are also concerned about the impact on the property value from the change of zone. They note that the R1 General Residential zone is applied to land nearby.</p> <p>Response:</p> <p>The current Greater Taree Local Environmental Plan 2010 only applies the R1 General Residential zone over the residential neighbourhoods. The residential zones were reviewed through the MidCoast Housing Strategy 2021, and it was proposed to apply four residential zones across the MidCoast given the diversity of housing and the character of neighbourhoods. The R1 General Residential zone was applied close to centres to enable opportunities for more housing in the future around centres that provide services and facilities. Given that the property is further away from the centre and is predominately single storey housing, the R2 Low Density Residential zone was applied. Given the site is included in a zone that matches the residential scale of the neighbourhood and permits similar land uses, it is not anticipated to devalue the property.</p> <p>It is important to note that Respite day care centres are permitted with consent in the proposed R2 Low Density Residential zone. As a result, the change of zone is not supported.</p> <p>Recommendation: no change</p>

Proposed zone	Comment and response
	<p>3. 54 Murray Road (Submission 251)</p> <p>This site at 54 Murray Road, Wingham (Lot 5 DP261952) is currently in the RU1 Primary Production zone and is proposed to remain in a rural zone, being the RU4 Primary Production Small Lots zone. The landowners request the site to be included in the R2 Low Density Residential zone consistent with the neighbouring site to the east to enable subdivision of the land to create more housing and associated community benefits. This would address the current maintenance and financial constraints of managing the 2ha property. Rates notices have been inconsistent and have shown the property as rural in the past but currently 'residential town'.</p> <p>Response:</p> <p>The purpose of the draft MidCoast LEP was to examine the current zones and consistently apply a new suite of zones. Any zone changes from a rural zone to an urban zone, such as the R2 Low Density Residential zone would generally occur where the site had been developed as a residential neighbourhood, which is not the case for this site.</p> <p>To change the zone of a property, the landowner would need to go through the user pays planning proposal process (known as a rezoning). This process can be costly requiring technical studies which would consider all aspects of whether the site was suitable to be included in the R2 Low Density Residential zone (e.g. ecological, Aboriginal Cultural, transport, servicing and bushfire). It is important to note that planning proposals are typically only considered for sites identified in the MidCoast Urban Release Areas Report 2021 and the Hunter Regional Plan 2041. This site has not been identified in either of these documents.</p> <p>The zones proposed in the draft MidCoast LEP are different to the rates categories. Rates categories are applied based on the use of the land. Many rural properties are categorised as 'residential' for the purpose of rates notices. For more information of how the rates categories are applied, please refer to Council's webpage at https://www.midcoast.nsw.gov.au/Services/Make-a-payment/Rates-fees-and-charges and the <i>Local Government Act 1993</i> at https://legislation.nsw.gov.au/view/html/inforce/current/act-1993-030#ch.15-pt.3</p> <p>Landowners who have questions or need further information about their rates classification can contact Council's Rates Team.</p> <p>Recommendation: no change</p>

Proposed zone	Comment and response
	<p>4. Vista Drive (Submission 297)</p> <p>The southern portion of this site at Vista Drive, Wingham (Lot 81 DP1292762) is currently in the RU1 Primary Production zone and is proposed to be retained in a rural zone, being the RU4 Primary Production Small Lots zone. The landowner requests the land be included in either the R1 General Residential or R2 Low Density Residential zone given that services are provided, and the zone would be in accordance with the staged subdivision approval (DA90/530).</p> <p>Response:</p> <p>The purpose of the draft MidCoast LEP was to examine the current zones and consistently apply a new suite of zones. Any zone changes from a rural zone to an urban zone, such as the R1 General Residential zone would generally occur where the site had been developed as a residential neighbourhood, which is not the case for this site.</p> <p>To change the zone of a property, the landowner would need to go through the user pays planning proposal process (known as a rezoning). This process can be costly requiring technical studies which would consider all aspects of whether the site was suitable to be included in the R1 General Residential zone (e.g. ecological, Aboriginal Cultural, transport, servicing and bushfire). It is noted that this site is identified as an Urban Release Area in the MidCoast Urban Release Areas Report 2021 and the Hunter Regional Plan 2041.</p> <p>Recommendation: no change</p>

Proposed zone	Comment and response
	<p>5. Industrial zone Coghlan Avenue (Submission 407)</p> <p>The site at 1-3 Coghlan Avenue, Wingham (Lot 1 DP258614 and Lot 2 DP258614) is to be retained in the E5 Heavy Industrial zone. The landowner states that the zone was changed in 2023 from the E4 General Industrial zone to the E5 Heavy Industrial zone with no consultation with the landowners. They request the E4 General Industrial zone be reinstated over the site, which is consistent with the current use. They believe the E5 Heavy Industrial zone would stifle industrial activity given its location and limited connectivity. They also believe the E5 Heavy Industrial zone negatively impacts on caretaker residences and nearby rural properties. The E4 General Industrial zone is a more open zone which allows for flexibility. If the E5 Heavy Industrial zone is retained, then it needs more permissible land uses (e.g. Self-storage units).</p> <p>Response:</p> <p>In 2023, the NSW Government changed the employment zones across NSW, which included changes to the industrial zones. This was a State-wide change, and the NSW Government advised of the proposed changes through media notifications.</p> <p>A review of the supply and use of industrial land in Wingham was undertaken. The change of the zone to the E4 General Industrial zone is supported to allow for a range of land uses that would support the Wingham community, including Self-storage units.</p> <p>Recommendation: amend the draft MidCoast LEP mapping to include the E5 Heavy Industrial zoned land along Coghlan Avenue and Industrial Close in the E4 General Industrial zone and apply no minimum lot size and no maximum height of building</p>
	<p>6. Conservation zone 4 Riverview Drive (Submission 422)</p> <p>This site at 4 Riverview Drive, Wingham (Lot 4 DP701699) is proposed to retain a split residential zoning, being the R2 Low Density Residential zone and the R5 Large Lot Residential zone. The landowner has requested that their site be included in a conservation zone as it contains a corridor with old growth trees where there are multiple sightings of koalas and other native fauna.</p> <p>Response:</p> <p>An inspection of this site was undertaken with the landowner to determine the appropriate zones. The landowner proposed that the land included in the R5 Large Lot Residential zone be included in the C3 Environmental Management zone to protect the environmental values of the site.</p> <p>Recommendation: amend the draft MidCoast LEP mapping to include the land in the R5 Large Lot Residential zone at 4 Riverview Drive in the C3 Environmental Management zone and apply a minimum lot size of 40ha and no maximum height of building</p>

Proposed zone	Comment and response
	<p>A. West Appletree Street and Wingham Road minimum lot size</p> <p>A review of the dwelling entitlements identified that the current Greater Taree Local Environmental Plan 2010 had reduced applied to these lots currently included in the RU1 Primary Production zone, to enable the establishment of Dwelling houses on these sites. The draft MidCoast LEP proposed to include the sites on West Appletree Street, Wingham in the C3 Environmental Management zone with a 40ha minimum lot size, given the flooding constraints of this area. Sites on Wingham Road, Wingham were proposed to remain in a rural zone but with a 40ha minimum lot size also applied. Concern was raised regarding the removal of the ability to apply to establish Dwelling houses on these properties.</p> <p>It was noted that the Schedule 1 of the Greater Taree Local Environmental Plan 1995 contained specific provisions recognising the dwelling entitlements for these lots. Under proposed Clause 4.2A- Development on land in certain rural and environment protection zones of the draft MidCoast LEP these provisions would still apply. As a result, no change to the minimum lot size is required</p> <p>Recommendation: no change</p>
	<p>B. Mixed Use zone</p> <p>A review of the MU1 Mixed Use zone identified that multiple sites in this zone around the Wingham town centre do not have a maximum height of building control. This is an error and should be amended to include a maximum height of building of 8.5m for these sites in accordance with the MidCoast Employment Zone Review 2020 and the existing height controls.</p> <p>Recommendation: amend the draft MidCoast LEP mapping to retain a maximum height of building limit of 8.5m for the mapped sites being Lot 5 DP394017, Lot 27-29 DP394017, Lot 30-31 DP568926, Lot 3 SP76338, Lot 19-20 DP18885, Lot 21 DP359979, Lot A-B DP361431, Lot 1 DP781805, Lot 3 DP557740, Lot 200 DP836414, Lot 20 DP38485, Lot 25 DP500918 and Lot 100 DP1287892</p>

Proposed zone	Comment and response
	<p>C. Marlee Street, Allan Street and Price Street</p> <p>These sites at Marlee Street, Allan Street and Price Street (Lot 7309 DP1148704, Lot 702 DP1125717 and Lot 7302 DP1142919) are all currently included in the RE1 Public Recreation zone and are proposed to be included in the C2 Environmental Conservation zone in the draft MidCoast LEP. These sites are in public ownership.</p> <p>As the land is subject to a pending Aboriginal/Native Title Land Claim, a review of the zones was undertaken so as not to preclude any future use of the site. As a result, the zone of the land is proposed to be changed to the C3 Environmental Management zone. A review of this zone will be undertaken by Council if the Land Claim is unsuccessful.</p> <p>Recommendation: amend the draft MidCoast LEP mapping to include Lot 7309 DP1148704, Lot 702 DP1125717 and Lot 7302 DP1142919 in the C3 Environmental Management zone and apply a minimum lot size of 40ha and no maximum height of building</p>

Wingham – general comment and response

The following comments were raised as part of the submissions from Wingham

Dual consent for private native forestry (Submissions 93, 452)

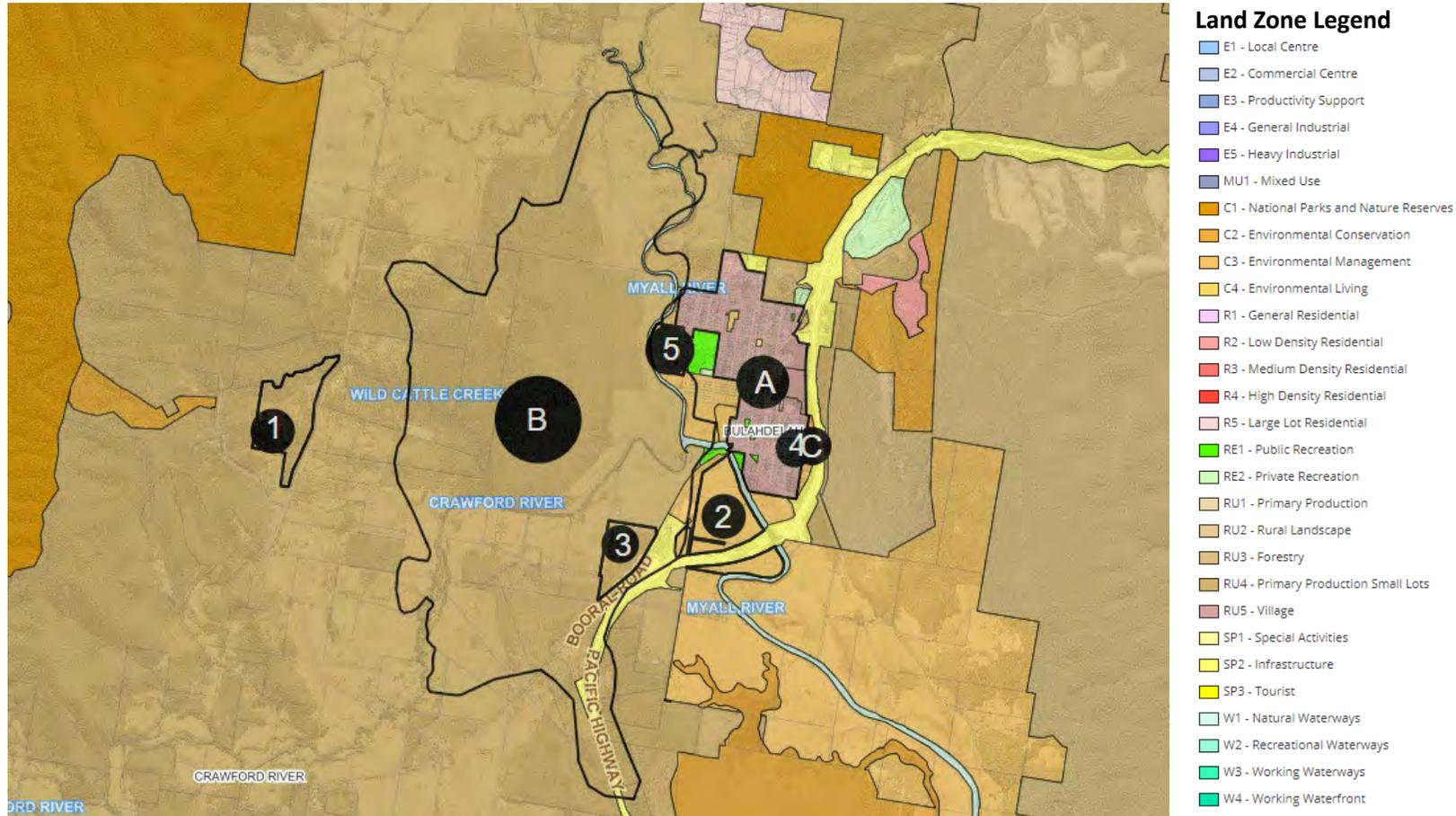
Submitters expressed concern that the draft MidCoast LEP requires dual consent for private native forestry, meaning that private land clearing can occur without sufficient consideration of environmental issues such as habitat loss and water catchment pollution. Requests for any private native forestry application process to have clear and transparent criteria available to public.

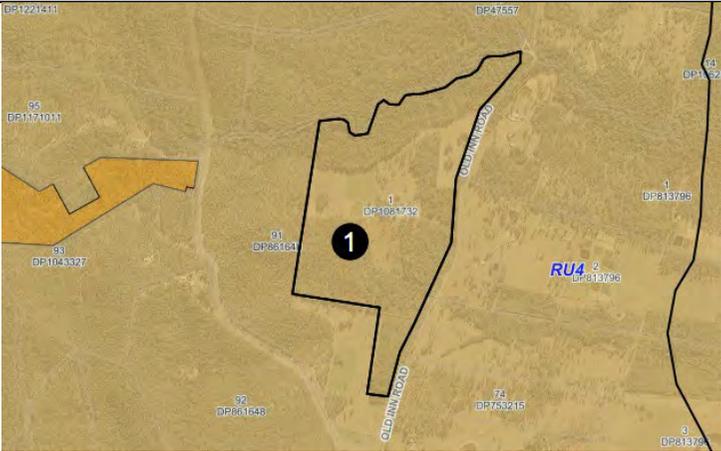
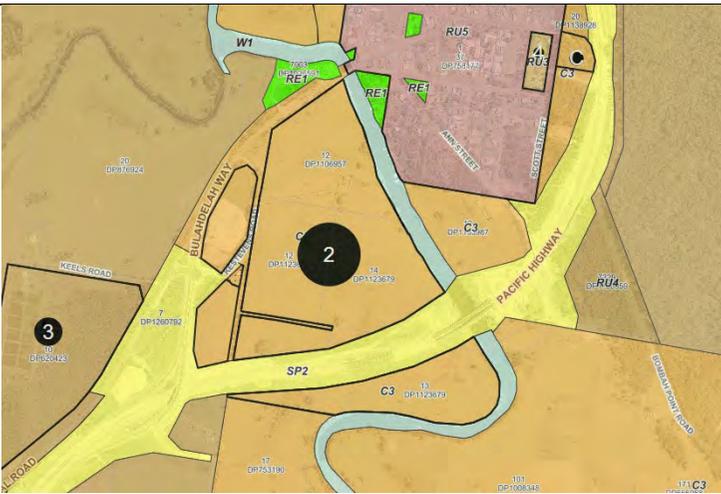
In response:

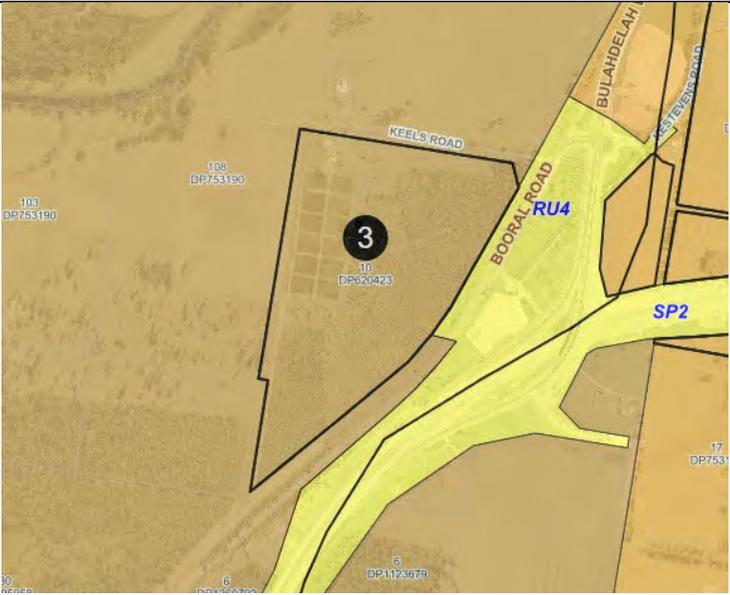
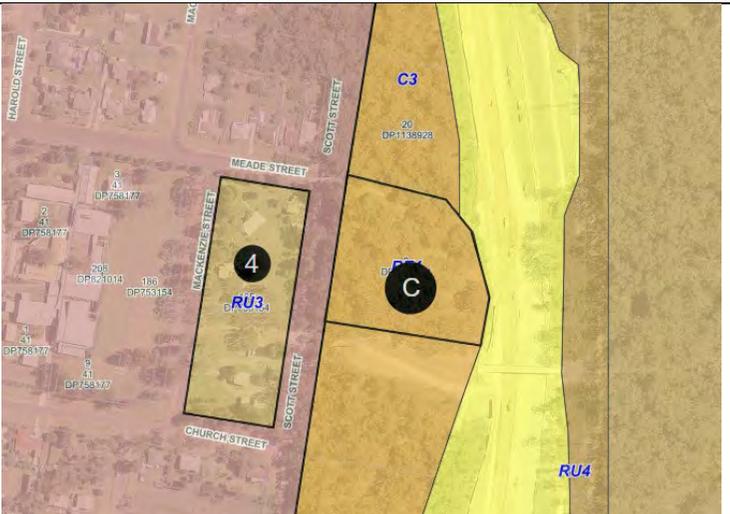
The draft MidCoast LEP proposes to include Forestry as a permitted with consent land use in the rural zones (except in the RU3 Forestry zone). As a result, any approval for Forestry in these zones will need to undertake a development application process and consider impacts such as biodiversity, noise and access.

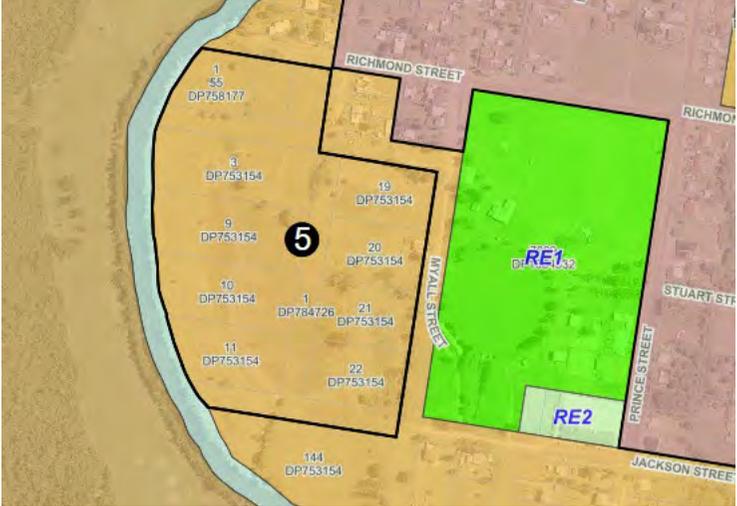
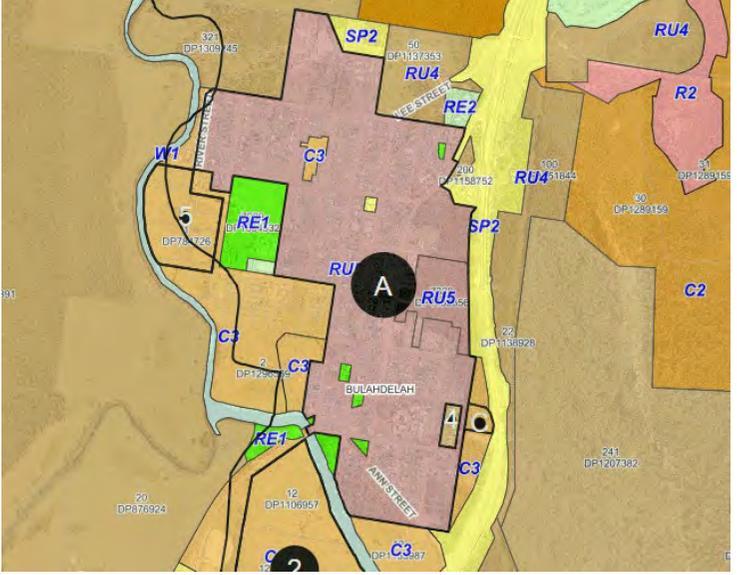
Bulahdelah

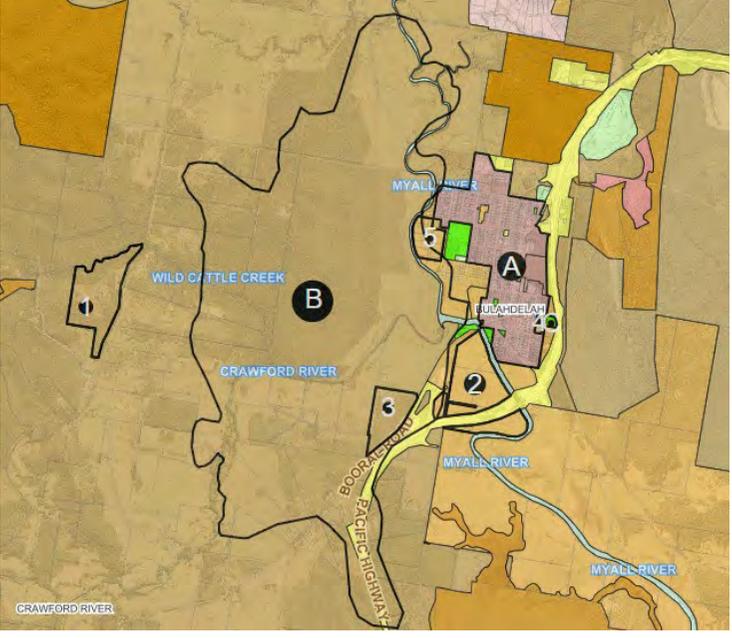
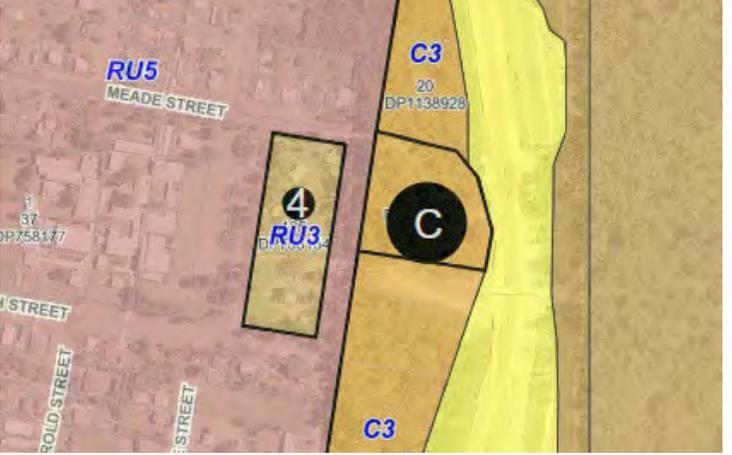
The Bulahdelah consultation was undertaken in front of the Bulahdelah IGA held on 11 June 2024. In total, 55 people attended the consultation, and we received nine submissions from this community. The majority of residents were requesting information on what the zone changes meant for their property and surrounding area, with a predominant focus on rural zones and the village zone. The issues raised from submissions and the consultation are summarised in the table below with any recommended changes to the draft MidCoast LEP provided. The map below shows the location of issues across Bulahdelah.



Proposed zone	Comment and response
	<p>1. 441 Old Inn Road (Submission 37)</p> <p>The site at 441 Old Inn Road, Bulahdelah (Lot 1 DP1081732) is currently in the RU2 Rural Landscape zone and is proposed to be retained in a rural zone, being the RU4 Primary Production Small Lots zone. The landowner is supportive of the zone but is concerned that the minimum lot size of 40ha is excessive as rural activities land uses can be established on less than 40ha.</p> <p>Response:</p> <p>Support for the RU4 Primary Production Small Lots zone is noted. The minimum lot size of 40 hectares is proposed to be retained. The reduction of the minimum lot size below 40ha would likely be opposed by the NSW Department of Primary Industries who are generally opposed to any reduction of the minimum lot size below 40ha for rural lands.</p> <p>Recommendation: no change</p>
	<p>2.19 Kestevens Road (Submission 51)</p> <p>This site at 19 Kestevens Road, Bulahdelah (Lot 12 DP1106957) is currently included in a rural zone and is proposed to be included in the C3 Environmental Management zone. The landowner objects to their property being included in the C3 Environmental Management zone given it is used for agricultural purposes. They are sceptical of the environmental values on the land (e.g. koala corridors) and do not believe any studies have been done to support this zone change.</p> <p>Response:</p> <p>The C3 Environmental Management zone was applied to areas in Bulahdelah in recognition of the flooding constraints of the land. A review of the sites that are subject to this change indicated that this site should not have been subject to the zone change, given it is currently in a rural zone and used for rural land uses. While the flood constraints are applicable to this site, the rural zone does not support increased residential development and is appropriate in this location.</p> <p>Recommendation: amend the draft MidCoast LEP mapping to include 19, 34 and 41 Kestevens Road and part of 250 Booral Road in the RU4 Primary Production Small Lots zone and apply a 40ha minimum lot size</p>

Proposed zone	Comment and response
	<p>3. 45 Keels Road (Submission 188)</p> <p>The site at 45 Keels Road, Bulahdelah (Lot 10 DP620423) is currently in the RU2 Rural Landscape zone and is proposed to be retained in a rural zone, being the RU4 Primary Production Small Lots zone with a minimum lot size of 40ha. The landowner requests the land be included in the RU5 Village zone with a 4,000m² minimum lot size to allow for subdivision. They suggest the zone change is appropriate given the site is in close proximity to Bulahdelah (services and facilities), meets objectives 3 and 5 of Hunter Regional Plan 2041, provides urban expansion opportunities for Bulahdelah (consistent with the MidCoast Housing Strategy 2021), has minimal biodiversity values, flood issues can be addressed and there are no contamination, bushfire, heritage or coastal issues.</p> <p>Response:</p> <p>The purpose of the draft MidCoast LEP was to examine the current zones and consistently apply a new suite of zones. Any zone changes from a rural zone to the RU5 Village zone would generally occur where the site had been developed as a village, which is not the case for this site.</p> <p>To change the zone of a property, the landowner would need to go through the user pays planning proposal process (known as a rezoning). This process can be costly requiring technical studies which would consider all aspects of whether the site was suitable to be included in the RU5 Village zone (e.g. ecological, Aboriginal Cultural, transport, servicing and bushfire). It is important to note that planning proposals are typically only considered for sites identified in the MidCoast Urban Release Areas Report 2021 and the Hunter Regional Plan 2041. This site has not been identified in either of these documents.</p> <p>Recommendation: no change</p>
	<p>4. Request for Village zone Mackenzie Street (Submission 189)</p> <p>This site at Mackenzie Street, Bulahdelah (Lot 185 DP753154) is proposed to be retained in the RU3 Forestry zone. The landowner requests the site be included in the RU5 Village zone to enable additional housing in the area. They have provided documents to suggest that there is no contamination on site from previous forestry activities.</p> <p>Response:</p> <p>This site was owned by the NSW Forestry Commission and was sold to the current landowner. We have discussed this site with the NSW Department of Planning, Housing and Infrastructure and the concern relates to potential contamination. Given the previous use of the site by NSW Forestry Commission, there is the potential for contamination of the site. While the landowner has provided letters from the previous landowners and workers on the site; a contamination report is required to demonstrate that there is no contamination. This is needed to meet the legislative requirements for including the site in the RU3 Forestry zone. The landowner has been advised to pursue a contamination report and then discuss options for proposing the zone change with Council as part of a user pays planning proposal.</p> <p>Recommendation: no change</p>

Proposed zone	Comment and response
	<p>5. Environmental zone 31 Myall Street (Submission 272)</p> <p>The site at 31 Myall Street, Bulahdelah (Lot 1 Section 55 DP758177) is currently included in the RU5 Village zone and proposed to be included in the C3 Environmental Management zone. The landowner has objected to the C3 Environmental Management zone as they are concerned that the justification based on flooding is invalid as the site is not flood-impacted and predates the Bulahdelah Floodplain Risk Management Strategy 2023 undertaken by Council. They are concerned that the zone change will impact on the residential development application (DA2023/0232) which is pending determination. The development application proposes houses on the higher ground (outside of the 1% AEP floodway) with lot sizes greater than 1,000m².</p> <p>Response:</p> <p>The proposed C3 Environmental Management zone has been proposed in this location and in Wingham and Gloucester, where there are high-impact flooding concerns, which are still applicable given the recent studies undertaken by Council.</p> <p>It is acknowledged that there is a current development application in this location where the flooding impacts are being considered. If the development application is approved, the development can proceed even with the proposed zone change. As a result, the zone change is not supported.</p> <p>Recommendation: no change</p>
	<p>A. Village minimum lot size</p> <p>The MidCoast Housing Strategy 2021 reviewed the application of residential and the village zones across the MidCoast. It was acknowledged that villages had varying minimum lot sizes reflecting the local character. As a result, the MidCoast Housing Strategy 2021 recommended that each village retain their existing minimum lot size provisions. For Bulahdelah this was the 700m² minimum lot size which should have been retained but was incorrectly mapped in the draft MidCoast LEP as 1,000m². It is proposed to amend this mapping error.</p> <p>Recommendation: amend the draft MidCoast LEP mapping to retain the 700m² minimum lot size for the Bulahdelah Village zone</p>

Proposed zone	Comment and response
	<p>B. Bulahdelah Drinking Water Catchment</p> <p>The Bulahdelah drinking water catchment is mapped in the draft MidCoast LEP as the Drinking Water Catchment Map. Council's Water Services team reviewed the mapping and identified minor amendments to correct mapping errors that arose from a misalignment of the cadastre. This map should be updated to correctly show the extent of the catchment.</p> <p>Recommendation: amend the draft MidCoast LEP mapping to correctly show the extent of the Drinking Water Catchment</p>
	<p>C. Scott Street Park</p> <p>A review of the zones applied to Council's open space network was undertaken to consider the MidCoast Open Space and Recreation Strategy and MidCoast Playspace Strategy. While this park in Scott Street, Bulahdelah has environmental values, it is identified as having more of a recreation function. As a result, it is proposed to include this site in the RE1 Public Recreation zone.</p> <p>Recommendation: amend the draft MidCoast LEP mapping to include Scott Street Park (Lot 2 DP1252301) in the RE1 Public Recreation zone and apply no minimum lot size and maximum height of building of 8.5m</p>

Bulahdelah - general comments and response

The following comments were raised as part of the submissions from Bulahdelah

General comments (Submissions 46, 162, 171, 357)

- a) A submitter expressed concern that sites in the RU4 Primary Production Small Lots zone contain vegetation and are not agriculturally viable. Request for wider application of environmental zones to reduce land clearing and biodiversity loss adjacent to National Parks and waterways.
- b) One submitter expressed support for the use of the C4 Environmental Living zone if it allowed residential development
- c) A submitter suggests there should be greater connection between new residential development and the natural environment.
- d) A submitter identified corrections to the Planning Proposal and draft MidCoast LEP. Page 16 (Clause 4.1C – Subdivision and servicing of certain lots) of the Planning Proposal - RU is incorrectly stated for residential zones, rather than R1. On page 11-12 of the draft MidCoast LEP, the RU4 Primary Production Small Lots has Health service facilities listed as both permitted with consent and prohibited.
- e) Request for information on the process of how land uses are allocated to zones and their permissibility. For example, in the RU4 Primary Production Small Lots zone Wholesale supplies are prohibited while Function centres are permitted with consent. Given both land uses seem consistent with land zone objectives, it is unusual that they have different permissibility.

Response:

- a) The purpose of the draft MidCoast LEP was to examine the current zones and consistently apply a new suite of zones. Any zone changes from a rural zone to a conservation zone had to be supported by NSW Government requirements or technical advice supporting the change. The draft MidCoast LEP has resulted in an increase in the application of the conservation zones. It is acknowledged that this may increase in the future as more technical studies become available that provide evidence of the significant environmental attributes of locations.
- b) Support for the extension of the C4 Environmental Living zone is noted.
- c) There are a range of measures aimed at supporting the connection between the built and natural environment. The draft MidCoast LEP has resulted in an increase in the application of the conservation zones and includes development provisions to protect areas of environmental significance and waterways. Outside of the draft MidCoast LEP provisions, Council continues to work with landowners to establish conservation agreements and implement strategies such as the MidCoast Koala Conservation Strategy 2024 and MidCoast Greening Strategy 2021 and is working on development provisions for the draft MidCoast Development Control Plan.
- d) Advice on these errors is appreciated. The corrections are proposed to be made, which include Health service facilities being permitted with consent in the RU4 Primary Production Small Lots zone.
- e) Land use tables were developed as part of the MidCoast Housing Strategy 2021, MidCoast Rural Strategy – The Way Forward, and MidCoast Recreation Zone Review 2022, MidCoast Employment Zone Review 2020 and Infrastructure Zones Review 2022. The land use tables were also informed by NSW Government reforms, industry trends, and extensive community and stakeholder consultation. With regard to the RU4 Primary Production Small Lots zone, Wholesale supplies are listed as a prohibited land use as the Rural supplies land use would be more utilised in a rural zone. Function centres have been included in the rural zone to reflect rural events that may be held.

Villages, rural and coastal locations

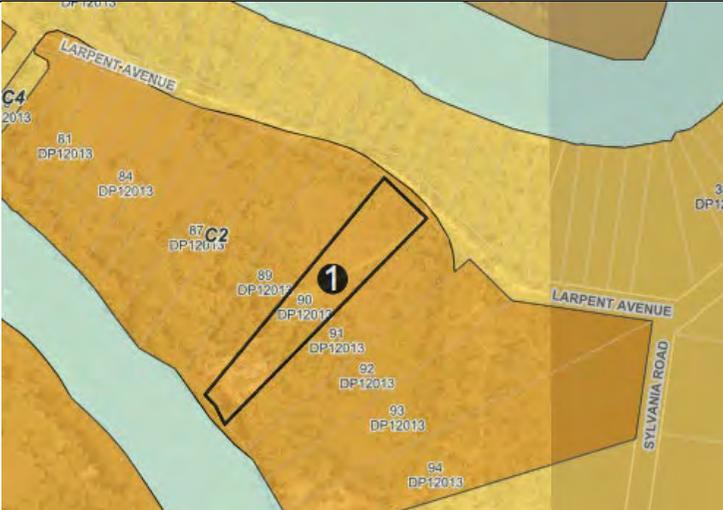
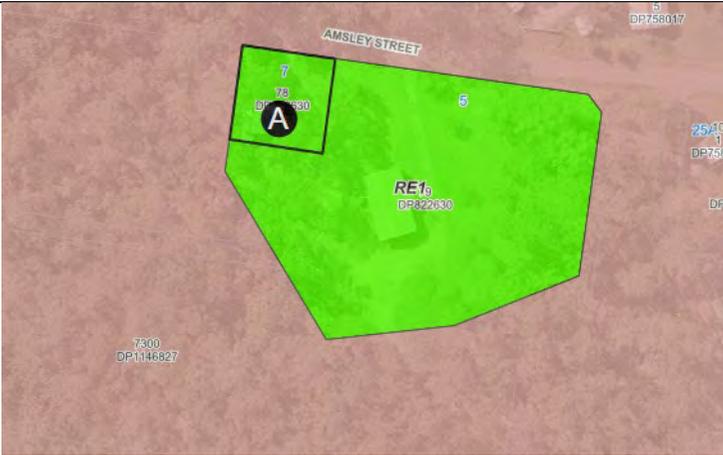
In the villages and rural areas of the MidCoast, we received over 350 submissions from the community which are identified in the following tables. The majority of residents wanted to know about what the changes proposed under the draft MidCoast LEP meant for them and their property. In some cases, they also wanted to raise objections and concerns to the proposed changes. The question of land use in rural and environmental zones was a common theme among many residents.

The villages/rural and coastal localities are provided alphabetically for easy reference. The land zone legend below will assist with determining the proposed zones identified on the maps for each village/location in the following tables.

Land Zone Legend

 E1 - Local Centre	 R1 - General Residential	 RU4 - Primary Production Small Lots
 E2 - Commercial Centre	 R2 - Low Density Residential	 RU5 - Village
 E3 - Productivity Support	 R3 - Medium Density Residential	 SP1 - Special Activities
 E4 - General Industrial	 R4 - High Density Residential	 SP2 - Infrastructure
 E5 - Heavy Industrial	 R5 - Large Lot Residential	 SP3 - Tourist
 MU1 - Mixed Use	 RE1 - Public Recreation	 W1 - Natural Waterways
 C1 - National Parks and Nature Reserves	 RE2 - Private Recreation	 W2 - Recreational Waterways
 C2 - Environmental Conservation	 RU1 - Primary Production	 W3 - Working Waterways
 C3 - Environmental Management	 RU2 - Rural Landscape	 W4 - Working Waterfront
 C4 - Environmental Living	 RU3 - Forestry	

Allworth/The Branch

Proposed zone	Comment and response
	<p>1. Larpent Avenue (Submission 282)</p> <p>This site at Larpent Avenue, The Branch (Lot 90 DP12013) is currently in the RU2 Rural Landscape zone and is proposed to be included in the C2 Environmental Conservation zone. The landowner objects to the zone change and is concerned about the impact on the value of land and the approved dwelling entitlement.</p> <p>Response:</p> <p>The purpose of the draft MidCoast LEP was to examine the current zones and consistently apply a new suite of zones. The C2 Environmental Conservation zone has been applied to land with high ecological, scientific, cultural or aesthetic values, which includes Coastal wetlands as mapped by the NSW Government's State Environmental Planning Policy (Resilience and Hazards) 2021. Adjoining properties and the entire site are mapped Coastal wetlands. The potential impact on land values is not a valid planning consideration in this instance, as the draft MidCoast LEP is applying an appropriate zone over Coastal wetlands that the NSW Government has legislated as significant.</p> <p>Dwelling entitlements were a common submission topic and have been specifically addressed in Section 4.5 of the Consultation Report. Please refer to this section to see the amendments proposed.</p> <p>Recommendation: amend Clause 4.2A in the draft MidCoast Local Environmental Plan to reflect changes proposed in Section 4.5 of Consultation Report</p>
	<p>A. 7 Amsley Street</p> <p>The site at 7 Amsley Street, Allworth (Lot 78 DP822630) is proposed to be retained in RE1 Public Recreation zone. During consultation with the Karuah Local Aboriginal Land Council (KLALC), it was identified that this site was in their ownership. Given the site is in private ownership and there is no intention for Council to purchase the site for recreational purposes, it is proposed to include this site in the RU5 Village zone.</p> <p>Recommendation: amend the draft MidCoast LEP mapping to include 7 Amsley Street, Allworth in the RU5 Village zone and apply a minimum lot size of 1000m² and a maximum height of building of 8.5m</p>

The Branch/Allworth - general issues and response

General comments (Submission 119)

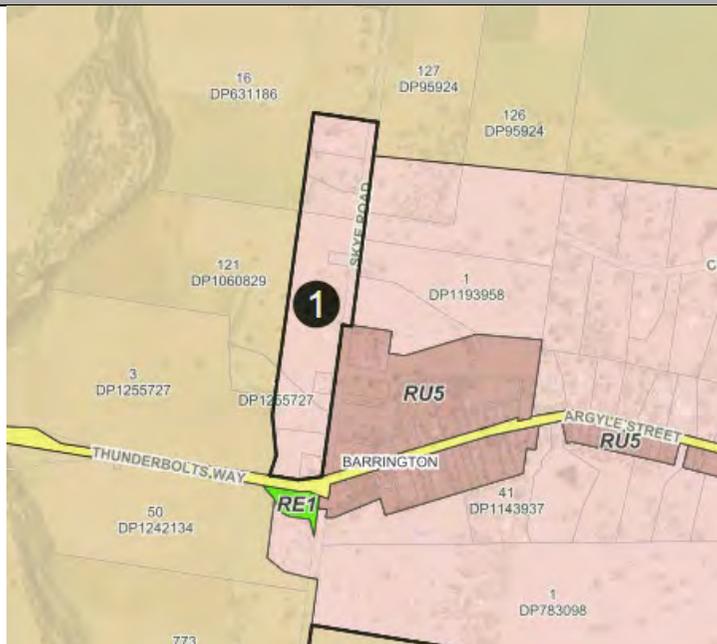
A request was made for more residential and urban areas. Development should be sensitive to environmental lands.

Response:

The purpose of the draft MidCoast LEP was to examine the current zones and consistently apply a new suite of zones, not increase the urban footprint to accommodate new residential development. Future urban development locations are identified in the MidCoast Urban Release Areas Report 2021. These sites need to be considered through a planning proposal process which examines whether the land is suitable for residential development.

Barrington/Copeland

Proposed zone



Comment and response

1. Large Lot Residential, Skye Road (Submission 145)

These sites fronting Skye Road, Barrington are proposed to be retained in the R5 Large Lot Residential zone with a minimum lot size of 8,000m². A landowner requests that the minimum lot size be reduced to 4,000m² or the RU5 Village zone be extended over these properties, as the landowner believes that these properties could be serviced.

Response:

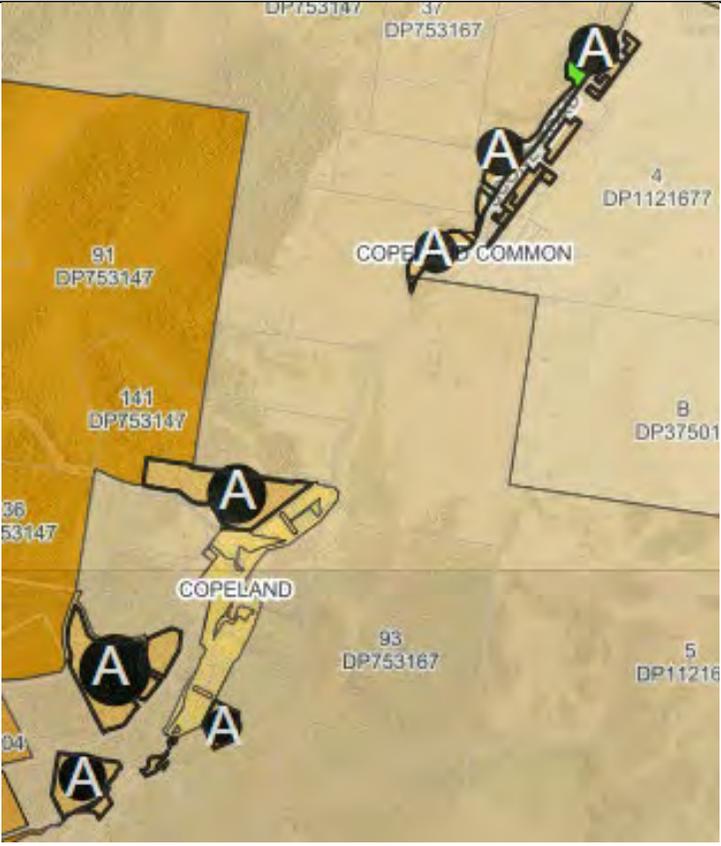
The MidCoast Housing Strategy 2021 reviewed the application of residential zones across the MidCoast. It was acknowledged that R5 Large Lot Residential estates had varying minimum lot sizes that had reflected the character and constraints of each estate. As a result, the Strategy recommended that each estate currently in the R5 Large Lot Residential zone retain their existing minimum lot size provisions, which has been reflected in the draft MidCoast LEP.

It can be difficult to retrofit existing estates. Also, landowners have often purchased their property in these estates with the anticipation that it will remain unchanged. As a result, where R5 Large Lot Residential estates want to pursue reducing the minimum lot size to 4,000m², a user pays planning proposal process is required to be undertaken (known as rezoning). This process can be costly requiring technical studies which would consider all aspects of whether the site was suitable to be included in the RU5 Village zone (e.g. ecological, Aboriginal Cultural, transport, servicing and bushfire). It is important to note that planning proposals are typically only considered for sites identified in the MidCoast Urban Release Areas Report 2021 and the Hunter Regional Plan 2041. This site has not been identified in either of these documents.

Recommendation: no change

Proposed zone	Comment and response
	<p>2. 40 Barrington East Road (Submissions 496, 498)</p> <p>This site at 40 Barrington East Road, Barrington (Lot 2 DP1035688) is currently in the RU1 Primary Production zone with a part of the site included in the C3 Environmental Management zone. The draft MidCoast LEP proposes changing the C3 Environmental Management zone to the C2 Environmental Conservation zone. The landowner objects to this change given extensive agriculture is a prohibited land use in this zone. They request that the RU1 Primary Production zone be applied over the entire site, and they noted support for the reduction of the minimum lot size in the RU1 Primary Production zone from 100ha to 60ha.</p> <p>They are also concerned that:</p> <ul style="list-style-type: none"> • Clause 4.2A – Development on certain rural and environmental protection zones refers only to dwelling houses, so the impact on the dual occupancy land use is unclear and subclause (3) should retain dwelling entitlements under the current Gloucester Local Environmental Plan 2010. Suggests the sunset clause be extended or removed as two years is considered insufficient • Clause 7.25 – Restriction of certain development in rural and conservation zones includes provisions so that residential accommodation, tourist and visitor accommodation, camping grounds, farm stay accommodation, rural workers dwellings or eco-tourist facilities can be permitted on land with an existing dwelling, not just where one dwelling house may be granted under Clause 4.2A – Development on land in certain rural and environmental protection zones • that roadside stalls be permitted without consent or classed as exempt development in RU1 Primary Production zone. <p>Response:</p> <p>Support for the proposed RU1 Primary Production Zone and reduction in minimum lot size from 100ha to 60ha is noted.</p> <p>The purpose of the draft MidCoast LEP was to examine the current zones and consistently apply a new suite of zones. The C2 Environmental Conservation zone has been applied to land with high ecological, scientific, cultural, or aesthetic values. The steepness of the land, the extent and quality of the vegetation warranted the inclusion of this site in this zone. This is consistent with how the C2 Environmental Conservation zone has been applied across the MidCoast, for example to the nearby Bucketts and Mograni ranges. Regarding the continuation of agricultural land uses currently permitted in the rural zone, these land uses can continue to operate on the land if they have been lawfully established under existing use rights.</p> <p>With regard to the points above:</p> <ul style="list-style-type: none"> • dwelling entitlements were a common submission topic and have been specifically addressed in Section 4.5 of the Consultation Report. Please refer to this section to see the amendments proposed • it is proposed to remove Clause 7.25 given some wording changes proposed to Clause 4.2A (refer to Section 4.5 of the Consultation Report). More details are provided in Attachment C to the Consultation Report which specifies the changes proposed to the draft MidCoast LEP

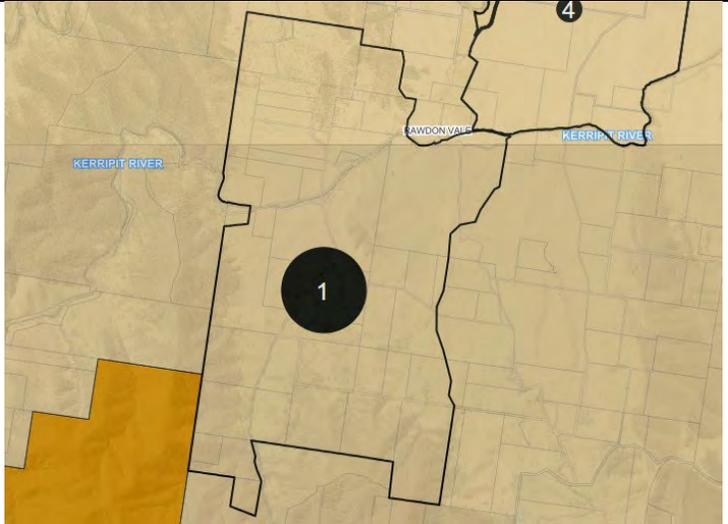
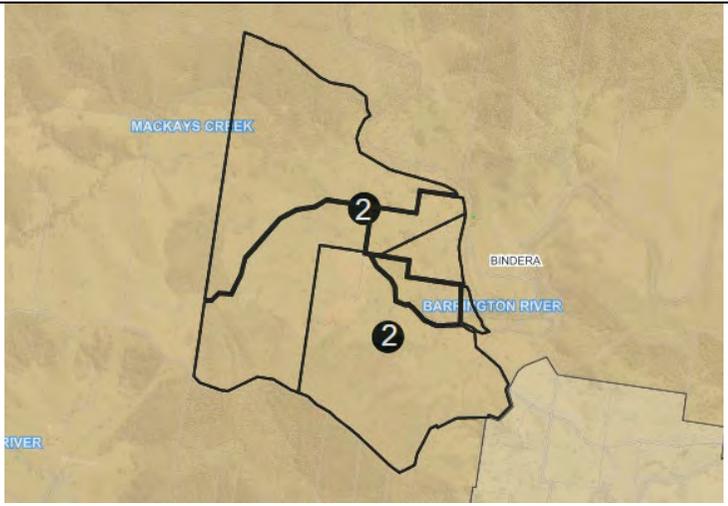
Proposed zone	Comment and response
	<ul style="list-style-type: none"> roadside stalls in the RU1 Primary Production zone are exempt development under the provision Subdivision 33A of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 following the NSW Government's Agritourism reforms in 2022-2023. Please note that there are criteria that need to be met when considering using these provisions. <p>Recommendation: amendments to the draft MidCoast LEP being:</p> <ul style="list-style-type: none"> Clause 4.2A as outlined in Section 4.5 of the Consultation Report the removal of Clause 7.25 as outlined in Attachment C to the Consultation Report
	<p>3. Copeland Pioneer Cemetery (Submissions 496, 498)</p> <p>The Copeland Pioneer Cemetery is located along Scone Road, Copeland (Lot 7300 DP1139082). The submitters object to the inclusion of the access road in the heritage listing for Heritage Item I73 (Copeland Pioneer Cemetery) as these do not form part of the Cemetery.</p> <p>Response:</p> <p>It is agreed that the Heritage Item curtilage for the historic Copeland Pioneer Cemetery does not extend onto the access road and part of Lot 2 DP1279680, and the amendment is supported.</p> <p>Recommendation: amend the draft MidCoast LEP mapping so the heritage item curtilage only applies to Lot 7300 DP1139082</p>

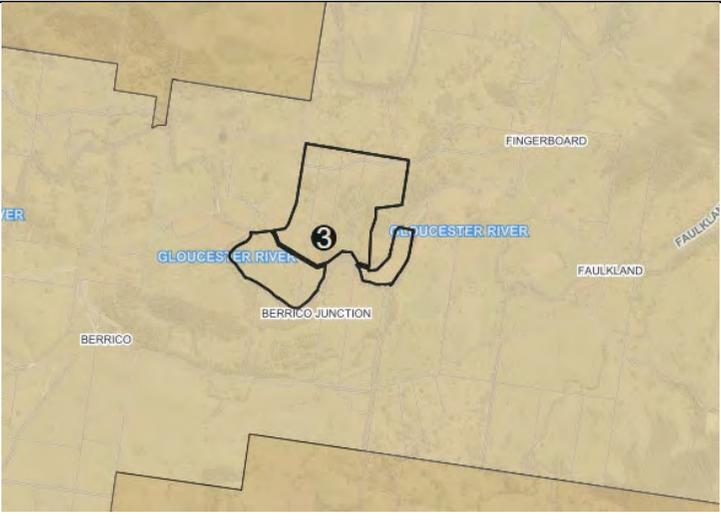
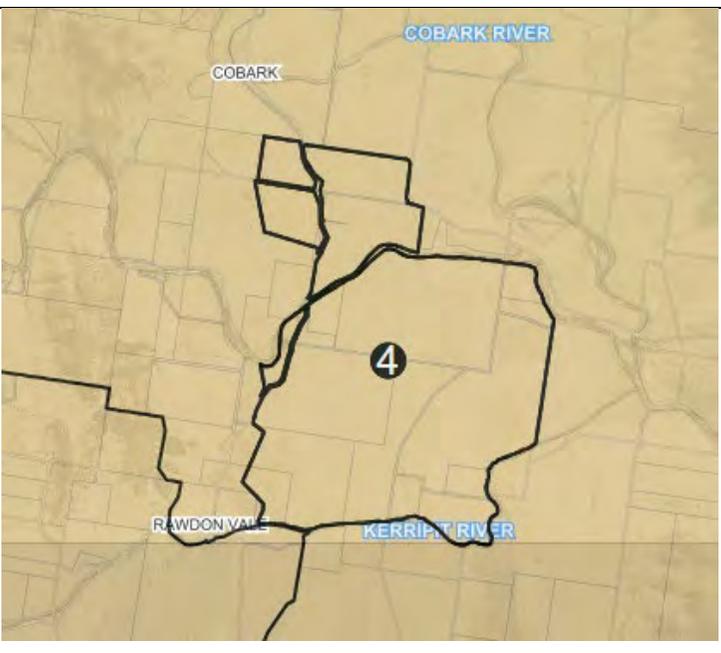
Proposed zone	Comment and response
	<p>A. Scone Road and Copeland Road</p> <p>These sites along Scone Road and Copeland Road, Copeland identified as 'A' are currently included in the RU1 Primary Production and are proposed to be included in the C3 Environmental Management zone or the RE1 Public Recreation zone (only Lot 7005 DP 96473, Lot 7301 DP1140667, Lot 1 DP1095720 and Lot 7006 DP 96473 (partial)) zone in the draft MidCoast LEP.</p> <p>These sites are owned by either the NSW Government, private landowners or Council. The majority of the land is subject to pending Aboriginal/Native Title Land Claims. So as not to preclude any future use of the site, it is proposed to retain the sites that are subject to pending Aboriginal/Native Title Land Claims in a rural zone until the Claims are resolved. A review of these zones will be undertaken by Council if the Land Claim is unsuccessful.</p> <p>Recommendation: amend the draft MidCoast LEP mapping as follows:</p> <p>Copeland Common and sites identified to the north:</p> <ul style="list-style-type: none"> • nominated sites to the west of Scone Road and Copeland Road be retained in a rural zone being the RU2 Rural Landscape zone with a minimum lot size of 100ha • nominated sites to the east of Scone Road and Copeland Road be retained in a rural zone being the RU1 Primary Production zone with a minimum lot size of 60ha <p>Sites identified to the south of Copeland Common:</p> <ul style="list-style-type: none"> • nominated sites to be retained in a rural zone being the RU2 Rural Landscape zone with a minimum lot size of 100ha

Proposed zone	Comment and response
	<p>B. Rocky Crossing Reserve</p> <p>This site at Rocky Crossing Reserve, Barrington (Lot 7002 DP1059949) is currently included in the RU1 Primary Production zone and is proposed to change to the RE1 Public Recreation zone in the draft MidCoast LEP. This site is in public ownership.</p> <p>As the land is subject to a pending Aboriginal/Native Title Land Claim, a review of the zones was undertaken so as not to preclude any future use of the site. As a result, the land included in the RE1 Public Recreation zone will be changed to the RU1 Primary Production zone. A review of this zone will be undertaken by Council if the Land Claim is unsuccessful.</p> <p>Recommendation: amend the draft MidCoast LEP mapping to include Rocky Crossing Reserve, Barrington in the RU1 Primary Production zone and apply a minimum lot size of 60ha and no maximum height of building</p>

Bindera/Rawdon Vale

Please note, two petitions were provided to Council in response to changes for rural lands west of Gloucester and are addressed in Section 4.4.1 of the Consultation Report.

Proposed zone	Comment and response
	<p>1. 35 Moppy Road (Submission 260)</p> <p>This site at 35 Moppy Road, Rawdon Vale (Lot 1 DP168910) is currently in the RU1 Primary Production zone and is proposed to be included in the RU2 Rural Landscape zone. The landowner suggests that rural zones should be consistent with the land use and the size of the holdings - they should remain unchanged. They believe that rural zone boundaries are unnecessary and redundant for the rural activities. They propose the removal of the rural zone boundaries (lines) and the minimum lot size of 40ha be the standard for rural zoned land.</p> <p>Response:</p> <p>These issues have been addressed in Section 4.4.1 of the Consultation Report. Please refer to this section for a more detailed discussion on these points.</p> <p>Recommendation: no change</p>
	<p>2. 808 and 926 Westleys Road (Submissions 270, 275)</p> <p>These sites at 808 and 926 Westleys Road, Bindera (Lot 17 DP753142, Lot 35 DP1020398; Lot 1 DP964901, Lot 902 DP878135) are currently in the RU1 Primary Production zone and are proposed to be included in the RU2 Rural Landscape zone. The landowners object to the proposed RU2 Rural Landscape zone and wish to retain the RU1 Primary Production zone. They are concerned about impacts on property values, the impact on Council rates, and the availability of grants from the NSW Government (Local Land Services and Department of Primary Industries). The landowners believe that the proposed RU2 Rural Landscape zone doesn't fit with the viable agricultural land on site or the character of the land which is not heavily treed or steep country. Landowners believe they need the RU1 Primary Production zone to continue to run their breeding herd. It is also believed that the consultation with rural landowners regarding the proposed draft MidCoast LEP changes has not been consistent.</p> <p>Response:</p> <p>These issues have been addressed in Section 4.4.1 and 4.4.3 of the Consultation Report. Please refer to this section for a more detailed discussion on these points. With regard to the community consultation process, the Community Outcomes Report (refer to Appendix 22 of the Planning Proposal) outlines the consultation process undertaken.</p> <p>Recommendation: no change</p>

Proposed zone	Comment and response
	<p>3. 271 Westleys Road (Submission 284)</p> <p>This site at 271 Westleys Road, Bindera (Lot 3 DP830103, Lot 130DP41176, Lot 132 DP41177, Lot 1 DP817860, Lot 1-4 DP1166491) is proposed to be retained in the RU1 Primary Production zone with the minimum lot size proposed to be reduced from 100ha to 60ha. The landowner requests the minimum lot size be between 100 and 200 hectares.</p> <p>Response:</p> <p>The MidCoast Rural Strategy – The Way Forward outlines the approach to allocating rural zones across the MidCoast. The use of three rural zones was warranted given the different characteristics of the rural lands. The minimum lot size is proposed to be reduced from 100ha to 60ha based on research undertaken to examine the impact of the rural lot sizes on the viability of rural lands (outlined in the Rural Strategy – Supplementary Report 2023). This reduction in the minimum lot size provides an evidence based transition from the rural lands in the former Gloucester region to the Great Lakes and Manning regions, which is aligned with the application of minimum lot sizes in the NSW North Coast. It should be noted that a number of rural landowners subject to this reduced minimum lot size change advised of their support through the consultation process.</p> <p>Recommendation: no change</p>
	<p>4. 984 Rawdon Vale Road (Submission 287)</p> <p>This site at 984 Rawdon Vale Road, Rawdon Vale is currently in the RU1 Primary Production zone and is proposed to be included in the RU2 Rural Landscape zone. The landowner objects to the proposed change of zone as this will have severe impacts on the value of the land as it will be classified as ‘scenic and conservation’ rather than as primary production. The landowner also requests that tourism activities be prohibited in the rural zones, a provision be included to address NSW Government biosecurity laws (particularly with regard to conflicting activities), the standard of fencing and grids, and to address fencing conflicts between neighbours.</p> <p>Response:</p> <p>Many of these issues have been addressed in Section 4.4.1 and 4.4.3 of the Consultation Report. Please refer to this section for a more detailed discussion on these points. With regard to the community consultation process, the Community Outcomes Report (refer to Appendix 22 of the Planning Proposal) outlines the consultation process undertaken.</p> <p>A particular concern was the introduction of agritourism as a permitted with consent land use in rural zones. Agritourism was introduced by the NSW Government in 2023, and it was compulsory that agritourism be a permitted with consent in the rural zones. Agritourism is a small scale tourism land use that is focussed on farm gate premises and farm experience premises. There is no opportunity to prohibit this land use in the rural zones. However, if an application is lodged, concerns raised by the community can be considered in the assessment of the development application.</p>

Proposed zone	Comment and response
	<p>Concerns regarding biosecurity are important given the threat of introduced diseases and species. However, many of the biosecurity threats relate to management issues more than development issues. It is acknowledged that some land uses may pose an increased biosecurity threat in some locations, but potentially not in others. This is why development applications are assessed on their merits. When a development application is lodged the constraints of the land and surrounding land uses are considered to determine if the use is suitable. During community consultation, the community are able to lodge submissions to identify any local threats such as biosecurity, which will be considered through the development assessment process. As a result, the land uses permitted in each of the zones need to accommodate a range of circumstances and rely on the development assessment process to sort through site specific issues such as any biosecurity issues.</p> <p>The request for provisions to be included in terms of the standards of fencing and stock grids relates to how properties are managed, not new developments on sites. When assessing applications consideration may be given to fencing and stock grids, however in terms of disputes between neighbours regarding fencing, this falls under the jurisdiction of the NSW Divided Fences Act.</p> <p>Recommendation: no change</p>

Bindera/Rawdon Vale – general comment and response

General comments (Submission 336)

Objection made against 40ha minimum lot sizes with a request for lot size to be increased to be between 100 and 200 hectares. Submitter does not wish to have their land changed from RU1 Primary Production to RU2 Rural Landscape.

Response:

These issues have been addressed in Section 4.4.1 and 4.4.3 of the Consultation Report. Please refer to this section for a more detailed discussion on these points

Bobin/Marlee

Proposed zone	Comment and response
	<p>A. Bulga Road</p> <p>These sites at Bulga Road, Bobin (Lot 7001 DP1026645 and Lot 7007 DP1026644) are currently included in the RU1 Primary Production and is proposed to change to the C3 Environmental Management zone in the draft MidCoast LEP. These sites are in public ownership.</p> <p>As the land is subject to a pending Aboriginal/Native Title Land Claim, a review of the zones was undertaken so as not to preclude any future use of the site. As a result, the zone of the land is proposed to be changed to the RU4 Primary Production Small Lots zone. A review of this zone will be undertaken by Council if the Land Claim is unsuccessful.</p> <p>Recommendation: amend the draft MidCoast LEP mapping to include Lot 7001 DP1026645 and Lot 7007 DP1026644 in the RU4 Primary Production Small Lots zone and apply a minimum lot size of 40ha and no maximum height of building</p>

Bobin/Marlee – general comment and response

General comments (Submissions 233, 261)

- One submitter objects to RU4 Primary Production Small Lots zone having inconsistent minimum lot size being 20ha and 40ha. They requested that the 20ha minimum lot size be applied to the zone
- One request was made for more small lots in rural/village areas such as Bobin, Elands and Mount George to grow the local community and economy

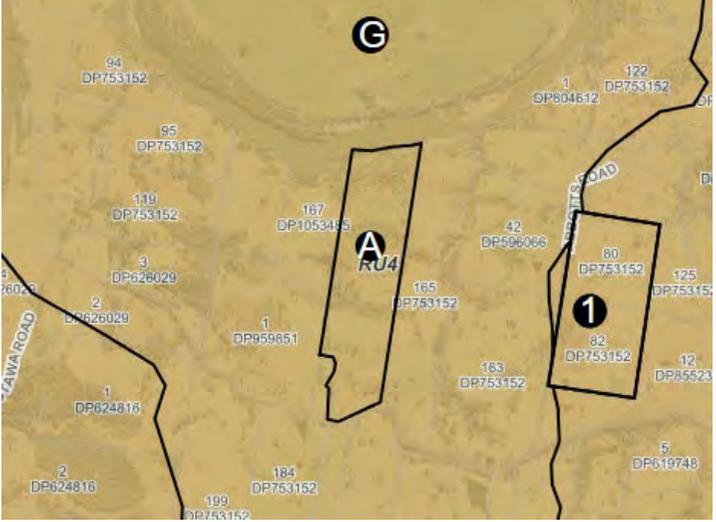
Response:

- The MidCoast Rural Strategy – The Way Forward outlines the approach to allocating rural zones across the MidCoast. It is acknowledged that the RU4 Primary Production zone has a 40ha and 20ha minimum lot size, which is to recognise current locations that have the 20ha minimum lot size. Extensive work has been undertaken with the NSW Government with regard to these rural provisions. The NSW Department of Primary Industries are generally opposed to any reduction of the minimum lot size below 40ha for the lands to be included in the RU4 Primary Production Small Lots zone along the coast
- There is limited demand for growth in these areas and a reduction in the minimum lot size would create the risk of land fragmentation, impacting on rural activities. The application of a village zone in these locations would require a user pays planning proposal process which can be a costly and lengthy process. It is also important to note that planning proposals are typically only considered for sites identified in the MidCoast Urban Release Areas Report 2021 and the Hunter Regional Plan 2041. These areas have not been identified in either of these documents.

Bohnock

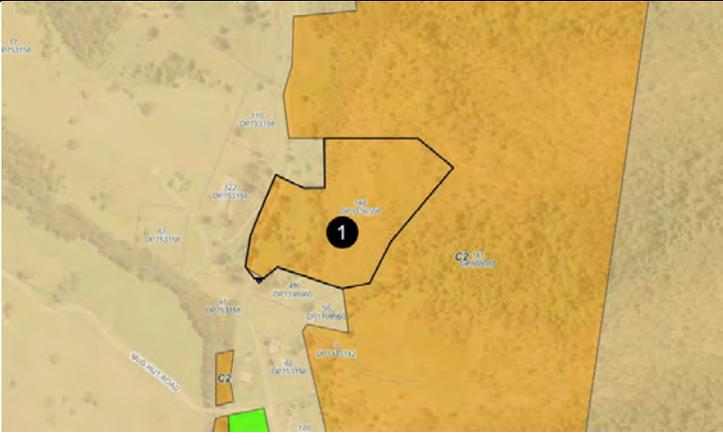
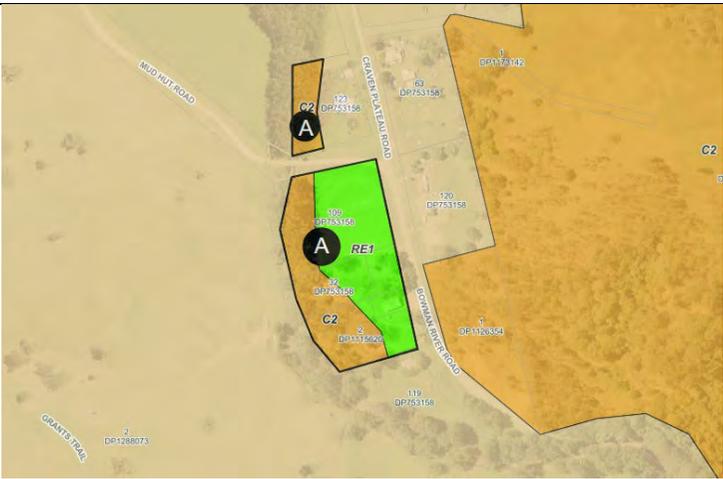
Proposed zone	Comment and response
	<p>A. 61 Bohnock Road</p> <p>This sites at 61 Bohnock Road, Bohnock (Lot 297 DP46330) is currently included in the RU1 Primary Production and is proposed to change to the C3 Environmental Management zone in the draft MidCoast LEP. This site is in public ownership.</p> <p>As the land is subject to a pending Aboriginal/Native Title Land Claim, a review of the zones was undertaken so as not to preclude any future use of the site. As a result, the land included in the C3 Environmental Management zone will be changed to the RU4 Primary Production Small Lots zone. A review of this zone will be undertaken by Council if the Land Claim is unsuccessful.</p> <p>Recommendation: amend the draft MidCoast LEP mapping to include Lot 297 DP46330 in the RU4 Primary Production Small Lots zone and apply a minimum lot size of 40ha and no maximum height of building</p>

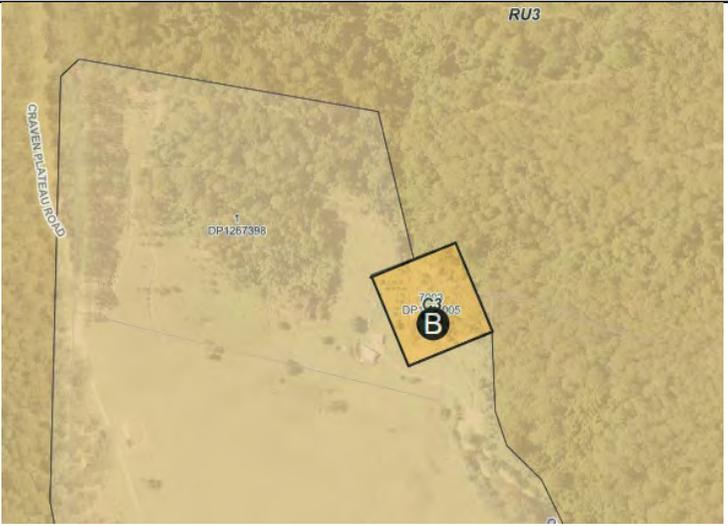
Bootawa

Proposed zone	Comment and response
	<p>1. 30 Abbotts Road (Submission 197)</p> <p>This site at 30 Abbotts Road, Bootawa (Lot 80 and 82 DP753152) is proposed to be retained in a rural zone, being the RU4 Primary Production Small Lots zone. The landowner is concerned about the two year sunset clause for dwelling entitlements. They have a recognised dwelling entitlement and lodged a development application in 2010. They are not in a position to construct a dwelling at this point in time.</p> <p>Response:</p> <p>Dwelling entitlements were a common submission topic and have been specifically addressed in Section 4.5 of the Consultation Report. Please refer to this section to see the amendments proposed</p> <p>Recommendation: amend Clause 4.2A in the draft MidCoast Local Environmental Plan to reflect changes proposed in Section 4.5 of Consultation Report</p>
	<p>A. 568 Bootawa Road</p> <p>This site at 568 Bootawa Road, Bootawa (Lot 57 DP1088225) is proposed to be retained in a rural zone, being the RU4 Primary Production Small Lots zone. The site is currently subject to a Biodiversity Conservation Trust agreement and be included in the C2 Environmental Conservation zone. Discussions with the landowner has confirmed that this change is supported. It is appreciated that the landowner supported this change to recognise their land with important environmental values.</p> <p>Recommendation: amend the draft MidCoast LEP mapping to include the land subject to the Biodiversity Conservation Trust Agreement at 568 Bootawa Road in the C2 Environmental Conservation zone and apply a minimum lot size of 40ha and no maximum height of building. The remainder of the site is to be retained in the RU4 Primary Production Small Lots zone with a 20ha minimum lot size and no maximum building height</p>

Bowman/Rookhurst

We received two submissions which are addressed below.

Proposed zone	Comment and response
	<p>1. 34 Craven Plateau Road (Submission 55)</p> <p>This site at 34 Craven Plateau Road, Bowman (Lot 148 DP1136558) is proposed to be retained in the C2 Environmental Conservation zone. The landowner objects to their property being in the C2 Environmental Conservation zone and proposes that the rural zone that is applied to nearby properties would be more suitable.</p> <p>Response:</p> <p>The draft MidCoast LEP proposes no changes to the zone of this property and there is no evidence to suggest that this zone is inappropriate for the property given its proximity to vegetated lands to the east. It is noted that this is the current zone that applies to the land.</p> <p>Recommendation: no change</p>
	<p>A. Craven Plateau Road and Bowman River Road</p> <p>These sites at Craven Plateau Road and Bowman River Road, Bowman (Lot 7303 DP1136162, Lots 1- 2 DP1115620, Lots 32, 109, 124 DP753158) are currently included in the RU1 Primary Production zone and are proposed to be included in the C2 Environmental Conservation zone and RE1 Public Recreation zone in the draft MidCoast LEP. These sites are in public ownership.</p> <p>As many of these sites are subject to a pending Aboriginal/Native Title Land Claim it is proposed to retain these sites in a rural zone, being the RU2 Rural Landscape zone so as not to preclude any future use of the site.</p> <p>Recommendation: amend the draft MidCoast LEP mapping to include Lot 7303 DP1136162, Lots 1- 2 DP1115620, Lots 32, 109, 124 DP753158) in the RU2 Rural Landscape zone and apply a minimum lot size of 100ha and no maximum height of building</p>

Proposed zone	Comment and response
	<p>B. Bowens Road (Lot 7003 DP1031005)</p> <p>The site at Bowens Road (Lot 7003 DP1031005) is currently included in the RU1 Primary Production zone and is proposed to be included in the C3 Environmental Management zone in the draft MidCoast LEP. This site is in public ownership.</p> <p>As the land is subject to a pending Aboriginal/Native Title Land Claim, a review of the zones was undertaken so as not to preclude any future use of the site. As a result, the land included in the C3 Environmental Management zone will be changed to the RU2 Rural Landscape zone. A review of this zone will be undertaken by Council if the Land Claim is unsuccessful.</p> <p>Recommendation: amend the draft MidCoast LEP mapping to include Bowens Road (Lot 7003 DP1031005) in the RU2 Rural Landscape zone and apply a minimum lot size of 100ha and no maximum height of building</p>

Bowman/Rookhurst – general issues and response

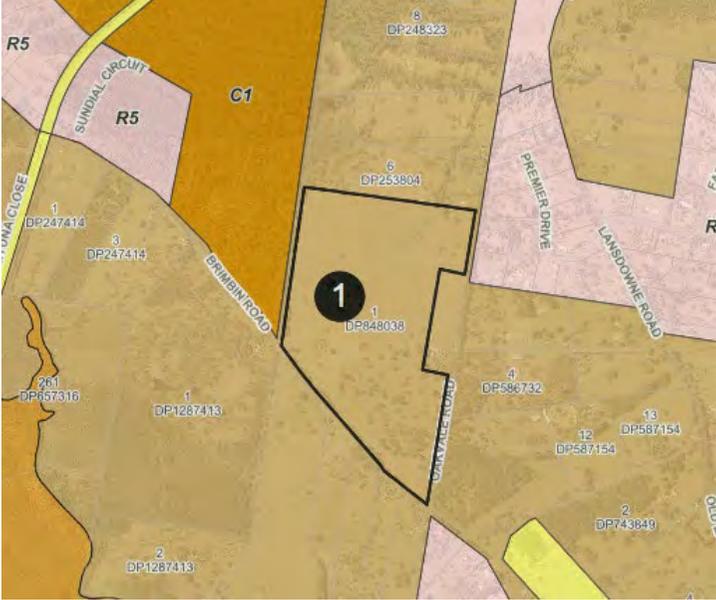
Rural development (Submission 36)

A submitter objects to the list of prohibited land uses in the RU2 Rural Landscape zone including Shops, Restaurants or cafes, and Commercial premises. They believe these restrictions will impinge on future development.

Response:

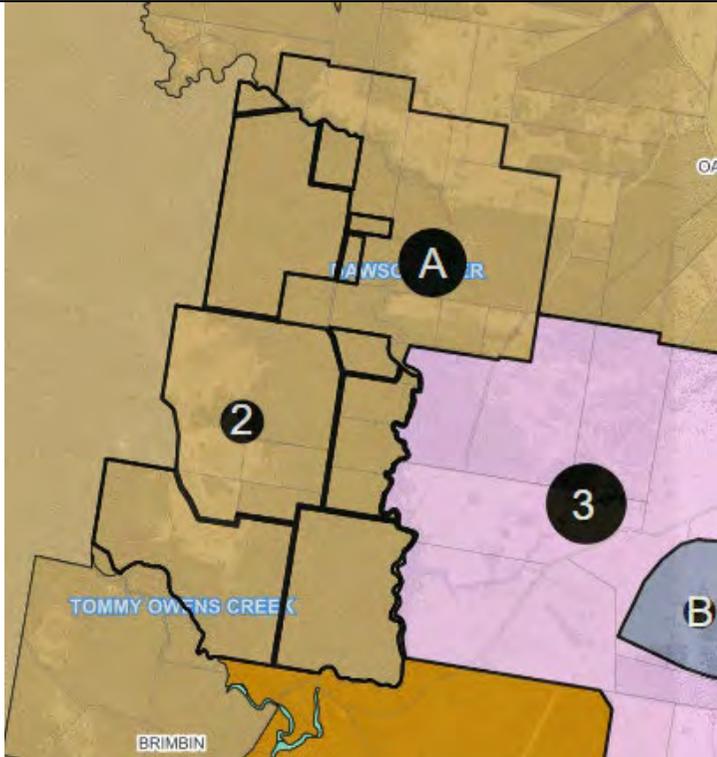
The range of potential permitted land uses in rural zones has been built upon to provide reasonable opportunities for value adding on-farm activities that support rural enterprises, such as agritourism. However, uses such as shops, restaurants or cafes, and commercial premises will remain as prohibited as these land uses can be incompatible with rural activities.

Brimbin/Melinga

Proposed zone	Comment and response
	<p>1. 88 Brimbin Road (Submissions 227, 364)</p> <p>The site at 88 Brimbin Road, Brimbin (Lot 1 DP848038) is proposed to remain in a rural zone, being the RU4 Primary Production Small Lots zone. The landowner has made a request for the site to be included in the R5 Large Lot Residential zone given it adjoins R5 Large Lot Residential land. The site has direct frontage to Brimbin Road and would require minimal clearing for residential development purposes. The landowner is proposing to dedicate 25% of the land for recreation purposes.</p> <p>Response:</p> <p>The purpose of the draft MidCoast LEP was to examine the current zones and consistently apply a new suite of zones. Any zone changes from a rural zone to an urban zone, such as the R5 Large Lot Residential zone generally occur where the site had the characteristics of the zone. In this case, there would have to be an existing estate with lots of 1.5ha.</p> <p>To change the zone of a property, the landowner would need to go through the user pays planning proposal process (known as a rezoning). This process can be costly requiring technical studies which would consider all aspects of whether the site was suitable to be included in the R5 Large Lot Residential zone (e.g. ecological, Aboriginal Cultural, transport, servicing and bushfire). It is important to note that planning proposals are typically only considered for sites identified in the MidCoast Urban Release Areas Report 2021 and the Hunter Regional Plan 2041. This site has not been identified in either of these documents.</p> <p>Recommendation: no change</p>

Proposed zone

Comment and response



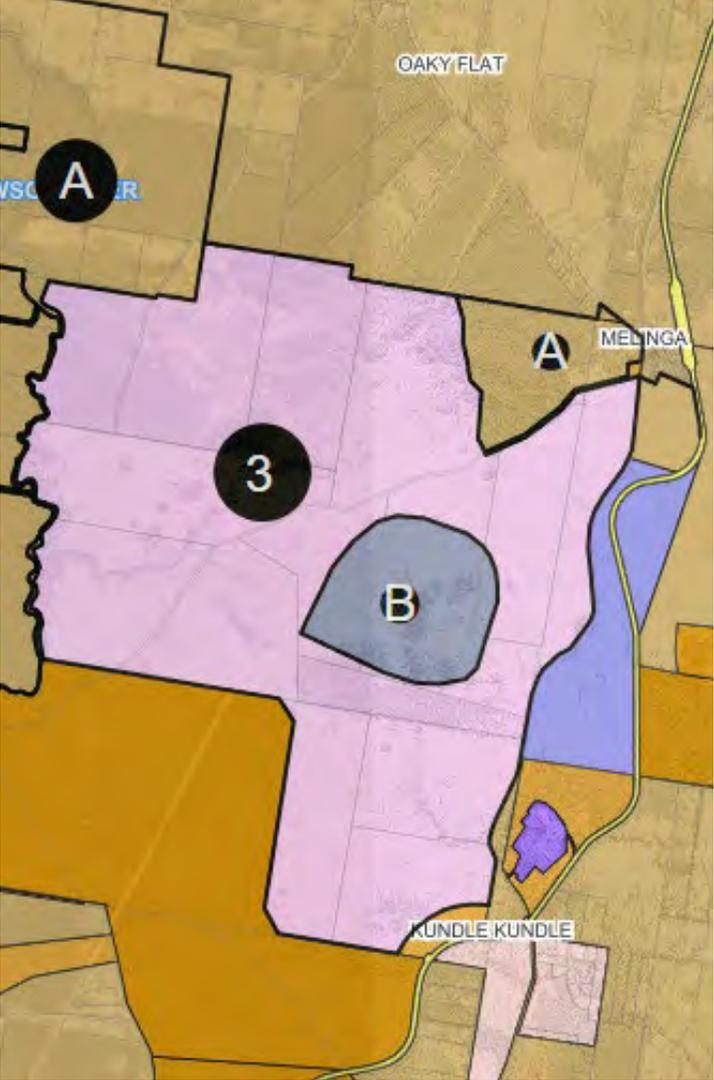
2. Rural zone lot size Melinga (Submission 297)

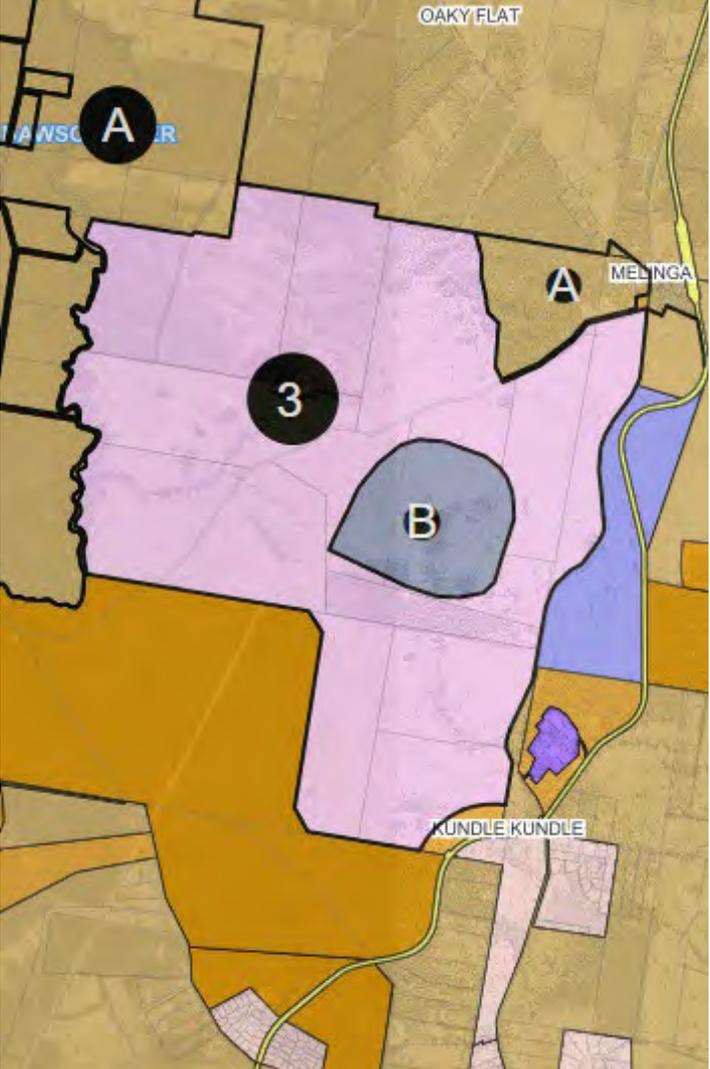
These sites at Hickmans Road, Melinga are proposed to be retained in a rural zone, being the RU4 Primary Production Small Lots zone. The minimum lot size was increased from 20ha up to 40ha. The landowner objected to this change.

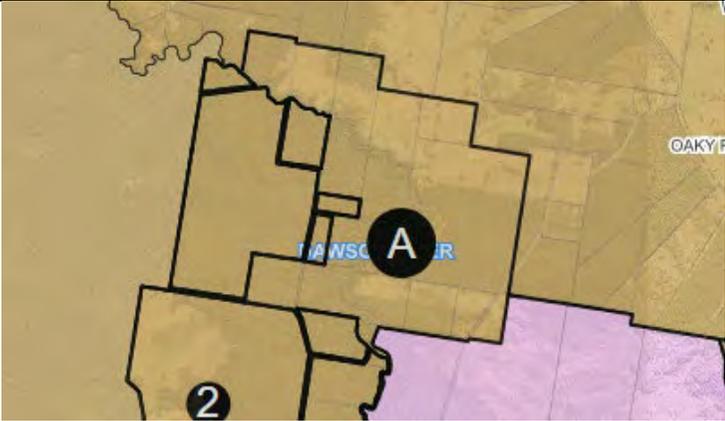
Response:

There are a number of locations in the Greater Taree Local Environmental Plan 2010 where the RU4 Primary Production Small Lots zone applies with a 20ha minimum lot size. The intent was to carry over the 20ha minimum lot size in the draft MidCoast LEP. There was a mapping error which increased the minimum lot size in the location identified by the landowner as well as surrounding lots (Lots 50, 53, 64, 71, 88-90, 108, 116, 133, 139, 143 DP754410). It is proposed to correct this and reinstate the 20ha minimum lot size in this location.

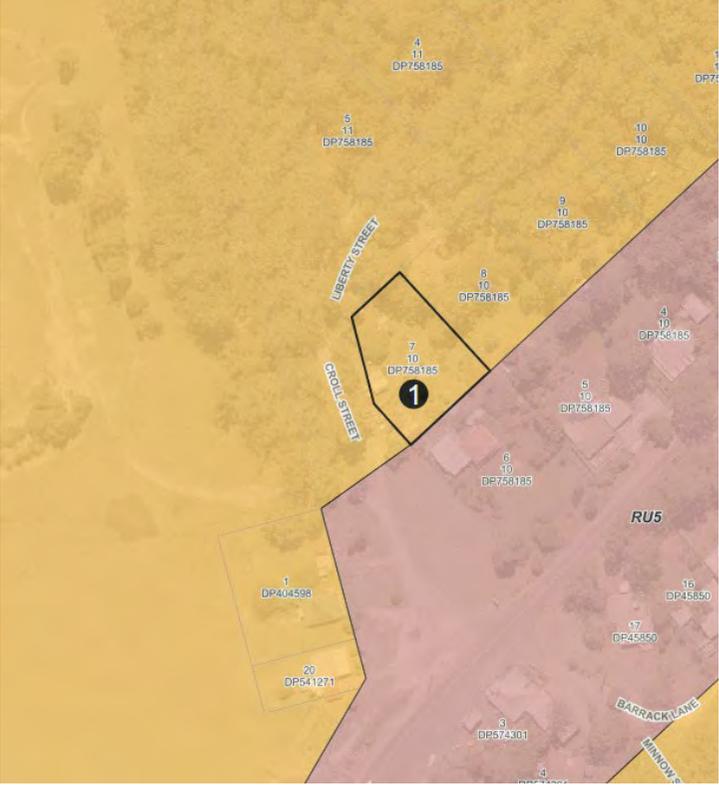
Recommendation: amend the draft MidCoast LEP mapping to retain the 20ha minimum lot size for the identified sites

Proposed zone	Comment and response
	<p>3. Brimbin Masterplan (Submission 365)</p> <p>The developer provided the following comments regarding the Brimbin development:</p> <ul style="list-style-type: none"> the R1 General Residential zone prohibits land uses such as Business premises, Kiosks, Markets, Office premises and shops. Including these land uses as permitted with consent would align with Hunter Regional Plan 2041 objective to create 15 minute neighbourhoods with mixed uses and accessible services. It is suggested that an Additional Permitted Use (APU) be established in three locations which would enable these land uses. request for an adjustment to the MU1 Mixed Use and R1 General Residential zone boundaries as there is inconsistency between the draft Masterplan and current zone map. the nature of the MU1 Mixed Use zone has changed from the Greater Taree Local Environmental Plan 2010 which places limitations on the Brimbin development which are contrary to the intent proposed in the planning proposal and draft Masterplan. To address this, Clause 7.17 – Commercial premises in Zone MU1 should be amended to exclude the Brimbin development (the clause restricts the gross floor area to 400m²) in accordance with the intent for the commercial centre for the new town. In addition, Dwelling houses, Dual occupancy and Attached dwellings should be permitted with consent in the MU1 Mixed Use zone as per the original zone provisions. The number of Dwelling houses could be managed through the provision of a minimum lot size between 200-450m² being the only area where dwelling houses could be built. These changes could be permitted through an additional permitted use provision in the draft MidCoast LEP. request modification of Clause 6.3 – Development Control Plan so that First Nations culture needs to be incorporated into the public domain rather than development more generally. <p>Response:</p> <p>The following is provided in response:</p> <ul style="list-style-type: none"> it is acknowledged that there is a need for businesses to support the day-to-day needs of the community in the early stages of the Brimbin development. The proposed Additional Permitted Use (APU) clause which incorporates the addition of business premises, kiosks, markets, office premises and shops (excluding neighbourhood shops) is supported. The wording of the APU has been amended to ensure the residential nature of this residential stage is maintained. The APU will be labelled “12” in the draft APU mapping and is to apply only to Stage 1 at this point of time, rather than the three APUs suggested in the submission. Once the draft Masterplan is completed and development is underway, the need to include additional APUs can be investigated. <p>The restriction on gross floor area for the additional uses is supported and has been incorporated into the draft APU which restricts the gross floor area to 1,500m² and ensures no more than two (2) clusters of the additional uses are permitted within the APU area. The restriction of floor area within the cluster includes both the additional uses and any permitted use which may occur within the development (e.g. a neighbourhood shop or café taking occupancy of a tenancy in a site being developed under the provisions of the APU clause).</p>

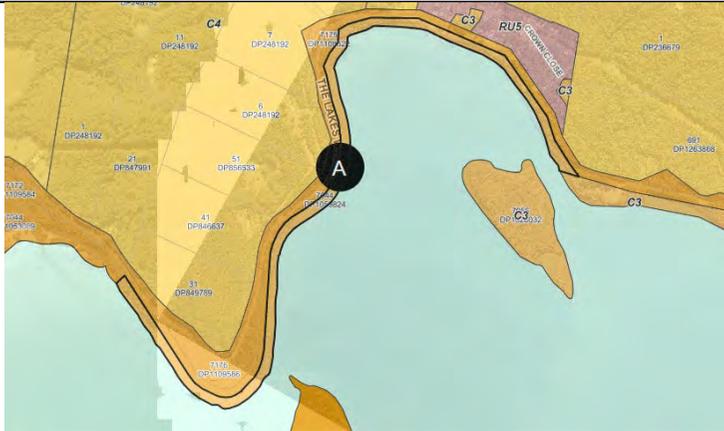
Proposed zone	Comment and response
	<p>The proposed APU Clause is included below.</p> <p>12 Use of certain land in Brimbin New Town, Part Lot 7 DP 10304, Part 2 DP 1244062</p> <p>(1) <i>This clause applies to land in the Brimbin New Town identified as ‘Area 12’ on the Additional Permitted Uses Map.</i></p> <p>(2) <i>No more than 2 developments are permitted within the land identified in this clause.</i></p> <p>(3) <i>Development for the purposes of business premises, kiosks, markets, office premises and shops (excluding neighbourhood shops) is permitted with development consent if-</i></p> <p style="padding-left: 40px;">(a) <i>the total gross floor area of any development that includes business premises, kiosks, markets, office premises and shops (excluding neighbourhood shops), whether or not it contains uses permitted with consent in the zone (excluding residential accommodation) does not exceed 1,500m² for each of the 2 developments.</i></p> <p style="padding-left: 40px;">(b) <i>the consent authority is satisfied that there is a need for the use/s on the land.</i></p> <ul style="list-style-type: none"> • given the draft Masterplan has not been finalised, it is premature to adjust the zone boundary between MU1 Mixed Use and R1 General Residential zone at this point in time. This zone boundary change can be reconsidered once the draft Masterplan is completed, and development is underway. • changes to enable the MU1 Mixed Use zone to be developed as the commercial centre for Brimbin are supported. The Brimbin development will be excluded from Clause 7.17 - Commercial premises in Zone MU1. The amended clause will be as follows. <p>7.17 Commercial premises in Zone MU1</p> <p>(1) <i>The objective of this clause is to maintain the commercial hierarchy of the Mid-Coast by encouraging commercial development of an appropriate scale across business zones.</i></p> <p>(2) <i>Despite any other clause, development consent must not be granted to development for the purposes of commercial premises on land in Zone MU1 Mixed Use if the gross floor area of that development will exceed 400m² per premises.</i></p> <p>(3) <i>This clause does not apply to land in the Brimbin Mixed Use Centre zoned MU1 Mixed Use.</i></p> <p>It is also acknowledged that the proposed MU1 Mixed Use zone now excludes the land uses, being Dwelling houses, Dual occupancies and Attached dwellings which were permitted with consent in the zone established when Brimbin New Town was rezoned into the Greater Taree Local Environmental Plan 2010. The use of an APU to permit Dwelling houses, Dual occupancies and Attached dwellings in the Brimbin MU1 Mixed Use zone is supported. The APU will be labelled “11” in the APU mapping and the wording will be as follows.</p>

Proposed zone	Comment and response
	<p>11 Use of certain land in Brimbin Mixed Use Centre (MU1 Mixed Use Zone)</p> <ol style="list-style-type: none"> <i>This clause applies to land in the Brimbin Mixed Use Centre zoned MU1 Mixed Use, identified as 'Area 11' on the Additional Permitted Uses Map.</i> <i>Development for the purposes of dwelling houses, dual occupancies and attached dwellings is permitted with development consent.</i> <ul style="list-style-type: none"> suggested changes to Clause 6.3 – Development Control Plan is supported in part. While the intention of the suggested change is acknowledged, it is important to ensure that the First Nations culture is incorporated to all relevant areas of the development which is not necessarily restricted to the public domain. A minor amendment to Clause 6.3(3)(b) is proposed as follows. <i>'details of how local First Nations culture will be recognised and incorporated into aspects of the development.'</i> <p>Recommendation: amend the draft MidCoast LEP to:</p> <ul style="list-style-type: none"> include the sites on the APU map and label as “11” and “12” as outlined above amend Clause 7.17 Commercial premises in Zone MU1 as outlined above include APU “11” as outlined above include APU “12” as outlined above amendment to Clause 6.3(3)(b) to be <i>'details of how local First Nations culture will be recognised and incorporated into aspects of the development.'</i>
	<p>A. Rural zone lot size Melinga</p> <p>As per submission 2 above, a number of lots (Lots 48-52, 59, 61-62, 65-69, 71 DP754410, Lots 1-2 DP1166505, Lot 1 DP574366, Lot 11 DP10304 and Lot 28 DP14182) were in the Greater Taree Local Environmental Plan 2010 where the RU4 Primary Production Small Lots zone applies with a 20ha minimum lot size. The intent was to carry over the 20ha minimum lot size in the draft MidCoast LEP, however the minimum lot size shows as 40ha. It is proposed to correct this and reinstate the 20ha minimum lot size in this location.</p> <p>Recommendation: amend the draft MidCoast LEP mapping to retain the 20ha minimum lot size for the identified sites</p>

Bungwahl/Tarbuck Bay

Proposed zone	Comment and response
	<p>1. Liberty Street (Submission 360)</p> <p>This site at Liberty Street, Bungwahl (Lot 7 DP758185) is currently in the RU2 Rural Landscape zone and is proposed to be included in the C3 Environmental Management zone, with the 40ha minimum lot size being retained. The landowner objects to the site being included in the C3 Environmental Management zone given the 1,771m² lot size, and minimal conservation values are not consistent with the objectives of the zone. They suggest that the RU5 Village zone is more suitable given the site is 1,771m², cleared, has access to Croll Street, is close to the Bungwahl village and facilities and can be serviced. Changing the zone would enable a dwelling, address the housing shortage, limit the risk of bushfire, be consistent with similar blocks in the RU5 Village zone, contribute to the existing village and support Council's Community Strategic Plan objectives.</p> <p>Response:</p> <p>The purpose of the draft MidCoast LEP was to examine the current zones and consistently apply a new suite of zones. Often rural zones were applied over properties for historical reasons, where zones were automatically converted into a new zone without considering the values of the land or the existing land uses. Through strategy work and reviewing zones, we have examined the rural zones within our towns and villages and typically it has only been retained in urban areas where sites are identified as Urban Release Areas for future redevelopment, which is not the case for this site.</p> <p>The village of Neranie was proclaimed in 1889 and is in essence a "paper subdivision". However, since the NSW Government owned the majority of paper subdivision lots in Bungwahl it was not included in the Paper Subdivision Analysis Report 2022. The draft Rural Strategy Background Paper for Housing and Accommodation did not support the expansion of the RU5 Village zone in Bungwahl due to constraints such as vegetation, bushfire, access and services. In terms of the values of the land, the C3 Environmental Management zone was more appropriate than a rural zone, given the environmental values of the site and adjoining lands, the size of the property and the absence of rural activities. As a result, the requested zone change is not supported.</p> <p>Recommendation: no change</p>

Proposed zone

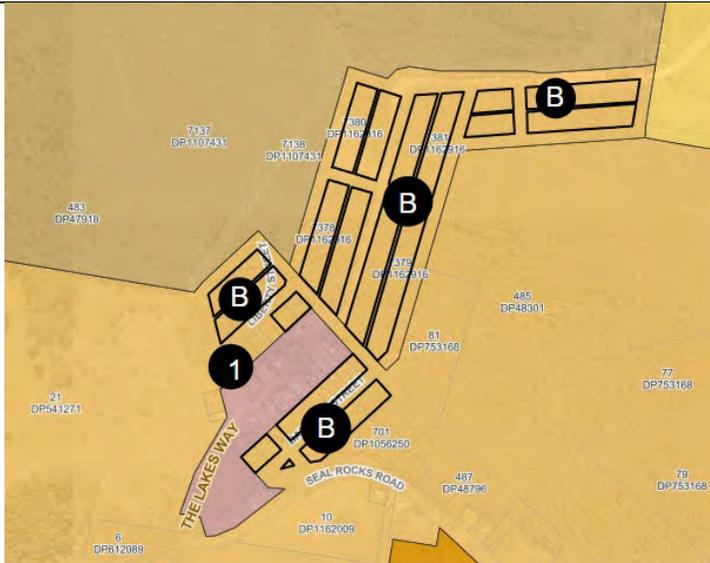


Comment and response

A. Tarbuck Bay Foreshore Reserve

Council’s Natural Systems team has requested that this land at Lot 7044 DP1059824 be included in the C2 Environmental Conservation zone as it is owned by Council and borders the Marine Park Sanctuary Zone.

Recommendation: amend the draft MidCoast LEP mapping to include Tarbuck Bay Foreshore Reserve in the C2 Environmental Conservation zone and apply a minimum lot size of 40ha and no maximum height of building



B. High Street, Croll Street, Barrack Street, Liberty Street, Hope Street and Seal Rocks Road

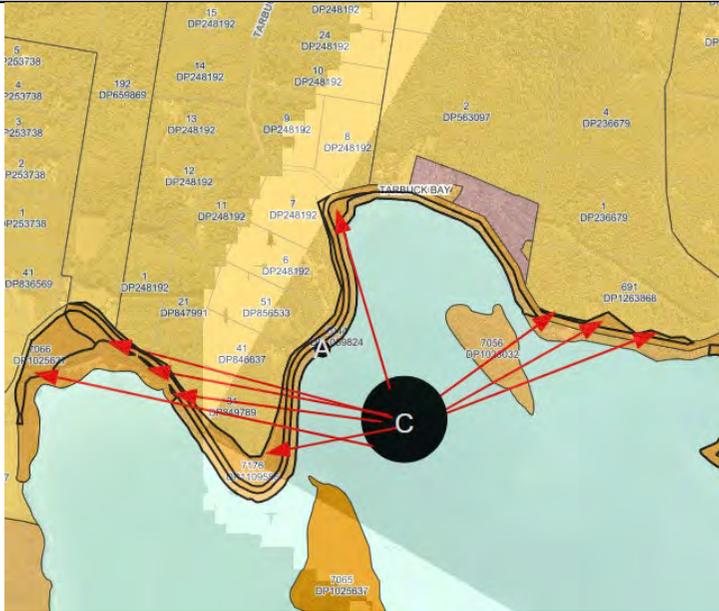
These sites are owned by the Forster Local Aboriginal Land Council. These sites are located at High Street, Bungwahl (Lots 7378-7382 DP1162916, Lot 1-2 Section 8 DP758185, Lot 701 DP1051468, Lot 7376 DP1162967, Lots 1-9 Section 11 DP758185, Lots 11-12 Section 10 DP758185 and Lots 701-702 DP1100393). They are currently in the RU2 Rural Landscape zone and were proposed to be include in the C3 Environmental Management zone in the draft MidCoast LEP. So as not to preclude any future use of the site, it is proposed to retain the sites in a rural zone, being the RU4 Primary Production Small Lots zone.

These sites are owned by the NSW Government or Council and are subject to an Aboriginal/Native Title Land Claim. These sites are located at Liberty and Barrack Streets and Seal Rocks Road, Bungwahl (Lot 7376 DP1162967, lots 2, 4, 6, 8, 10, 12, 14 Section 9 DP75818, Lot 7377 DP1162967 and Lot 701 DP 1051468). They are currently in the RU5 Village zone and were proposed to be include in the C3 Environmental Management zone in the draft MidCoast LEP. So as not to preclude any future use of the site, it is proposed to retain the sites in a residential zone, being the RU5 Village zone.

For sites subject to an Aboriginal/Native Title Land Claim, the zone of the land may be reviewed after the Claim is resolved.

Recommendation: amend the draft MidCoast LEP mapping to:

- retain identified sites currently in the RU5 Village zone in the Great Lakes Local Environmental Plan 2014 in the RU5 Village zone and apply a minimum lot size of 1,000m² and a maximum building height of 8.5m
- include the identified sites currently in the RU2 Rural Landscape zone in the Great Lakes Local Environmental Plan 2014 in the RU4 Primary Production Small Lots zone and apply a minimum lot size of 40ha and no maximum height of building

Proposed zone**Comment and response****C. The Lakes Way**

These sites along The Lakes Way (Lot 7013-7014 DP1107435, Lot 7176 DP1109586, Lot 7175 DP1108622, Lot 692 DP1263868, Lot 7066 DP1025637, Lot 7173 DP1109583, Lot 7172 DP1109584, Lot 7174 DP1109583) are currently included in the RU2 Rural Landscape and are proposed to be included in the C2 Environmental Conservation zone in the draft MidCoast LEP. These sites are in public ownership.

As the land is subject to a pending Aboriginal/Native Title Land Claim, a review of the zones was undertaken so as not to preclude any future use of the site. Part of Lot 7013 DP1107435, Lot 7176 DP1109586, Lot 7175 DP1108622, Lot 7066 DP1025637, Lot 7173 DP1109583, Lot 7172 DP1109584, Lot 7174 DP1109583 is identified as Coastal wetlands in the NSW Government's State Environmental Planning Policy (Resilience and Hazards) 2021, and should be included in the C2 Environmental Conservation zone, with the remainder of the site being retained in the C3 Environmental Management zone. A review of this zone will be undertaken by Council if the Land Claim is unsuccessful.

The exception to this is Lot 692 DP1263868 which should be included in the C4 Environmental Living zone to be consistent with the adjacent site to the north – Lot 691 DP1263868

Recommendation: amend the draft MidCoast LEP mapping to include:

- part of Lot 7013 DP1107435, Lot 7176 DP1109586, Lot 7175 DP1108622, Lot 7066 DP1025637, Lot 7174 DP1109583 in the C3 Environmental Management zone where the Coastal wetlands are not mapped and apply a minimum lot size of 40ha and no maximum height of building
- include Lot 7173 DP1109583, Lot 7014 DP1107435 and Lot 7172 DP1109584 in the C2 Environmental Conservation zone and apply a minimum lot size of 40ha and no maximum height of building
- Lot 692 DP1263868 in the C4 Environmental Living zone and apply a minimum lot size of 20ha and no maximum height of building

Proposed zone	Comment and response
	<p>D. Wattle Hill Road and Racecourse Road</p> <p>These sites at Wattle Hill Road and Racecourse Road, Bungwahl (Lot 1 DP738034 and Lot 45 DP753205) are currently included in the RU2 Rural Landscape zone and proposed to be included in the C2 Environmental Conservation zone and C3 Environmental Management zone respectively zone in the draft MidCoast LEP. These sites are in public ownership.</p> <p>As the land is subject to a pending Aboriginal/Native Title Land Claim, a review of the zones was undertaken so as not to preclude any future use of the site. As a result, the land included in the C2 Environmental Conservation zone and C3 Environmental Management zone will be changed to the RU4 Primary Production Small Lots zone. A review of this zone will be undertaken by Council if the Land Claim is unsuccessful.</p> <p>Recommendation: amend the draft MidCoast LEP mapping to include Lot 1 DP738034 and Lot 45 DP753205 in the RU4 Primary Production Small Lots zone and apply a minimum lot size of 40ha and no maximum height of building</p>

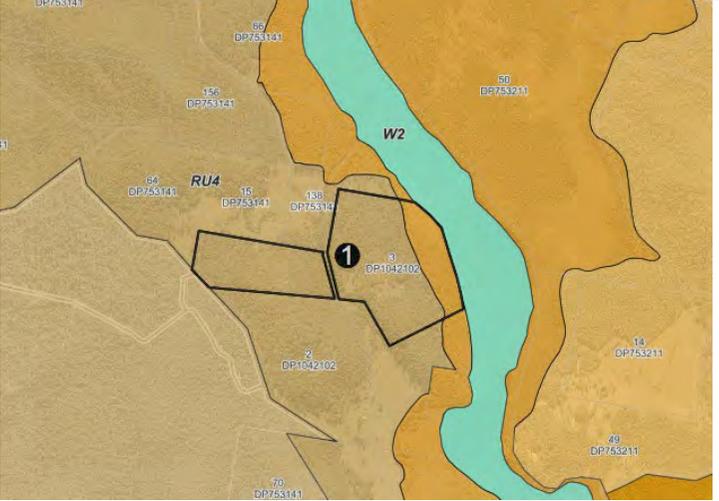
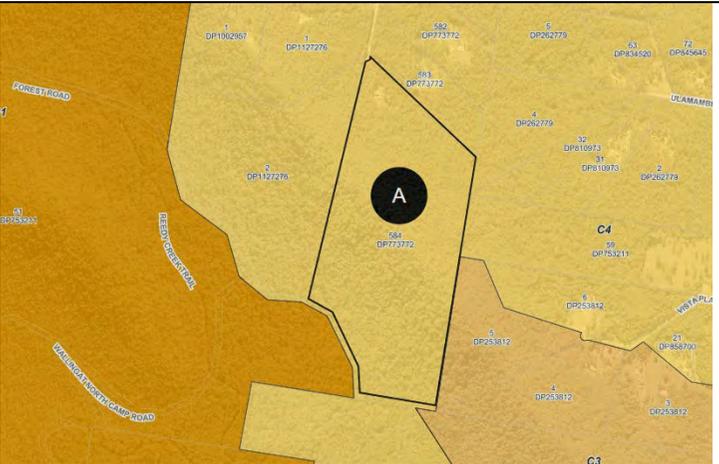
Burrell Creek

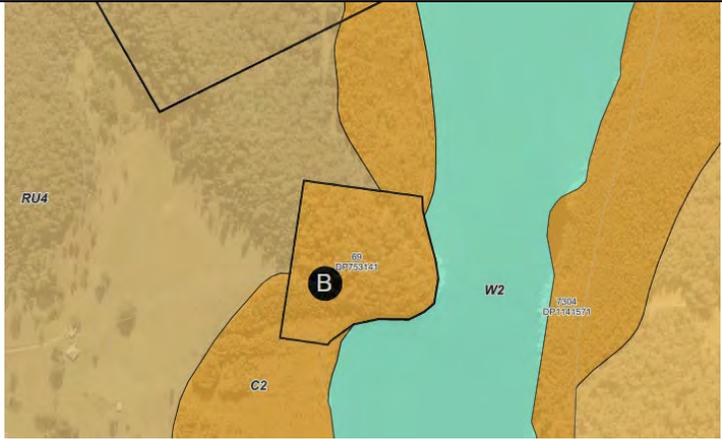
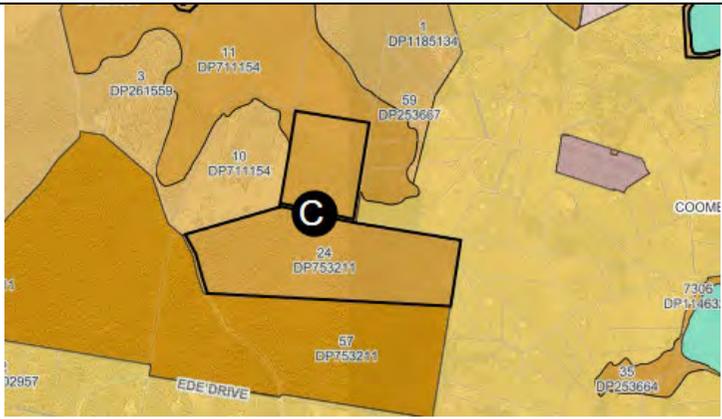
Proposed zone	Comment and response
	<p>A. 5496 The Bucketts Way</p> <p>This site at 5496 The Bucketts Way, Burrell Creek (Lot 1 DP329728 and Lot 134 DP753152) is currently included in the RU1 Primary Production zone and is proposed to be included in the C3 Environmental Management zone in the draft MidCoast LEP. These sites are in public ownership.</p> <p>As the land is subject to a pending Aboriginal/Native Title Land Claim, a review of the zones was undertaken so as not to preclude any future use of the site. As a result, the zone is proposed to be changed to the RU4 Primary Production Small Lots zone. A review of this zone will be undertaken by Council if the Land Claim is unsuccessful.</p> <p>Recommendation: amend the draft MidCoast LEP mapping to include the site at 5496 The Bucketts Way, Burrell Creek in the RU4 Primary Production Small Lots zone and apply a minimum lot size of 40ha and no maximum height of building</p>

Caffreys Flat and Number One

Proposed zone	Comment and response
	<p>A. Nowendoc Road</p> <p>These sites at Nowendoc Road (Lot 66, 178-179 DP754426 and Lot 7302 DP1146763 (partial)) are currently included in the RU1 Primary Production zone and are proposed to be included in the RE1 Public Recreation zone in the draft MidCoast LEP. These sites are in public ownership.</p> <p>As the land is subject to a pending Aboriginal/Native Title Land Claim, a review of the zones was undertaken so as not to preclude any future use of the site. As a result, the zone is proposed to be changed to the RU2 Rural Landscape zone. A review of this zone will be undertaken by Council if the Land Claim is unsuccessful.</p> <p>Recommendation: amend the draft MidCoast LEP mapping to include Lot 66, 178-179 DP754426 and Lot 7302 DP1146763 (partial) in the RU2 Rural Landscape zone and apply a minimum lot size of 100ha and no maximum height of building</p>

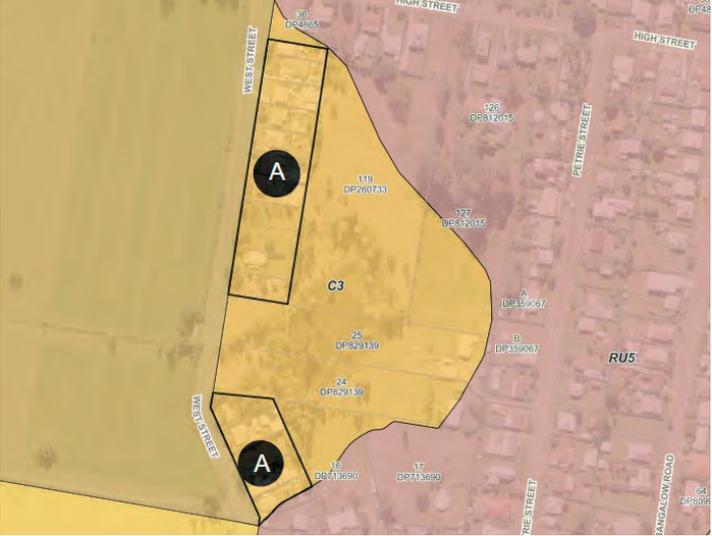
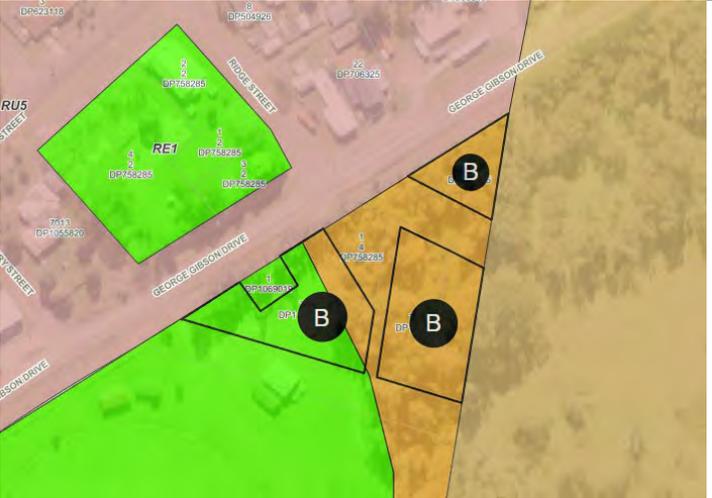
Coolongolook/Coomba Bay and Shallow Bay

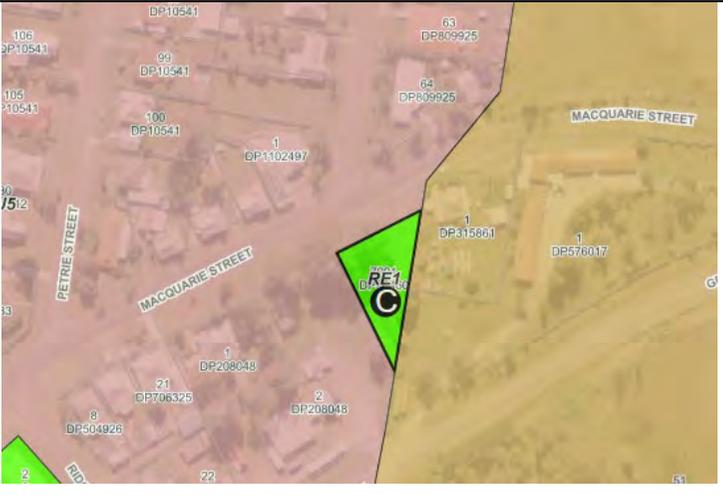
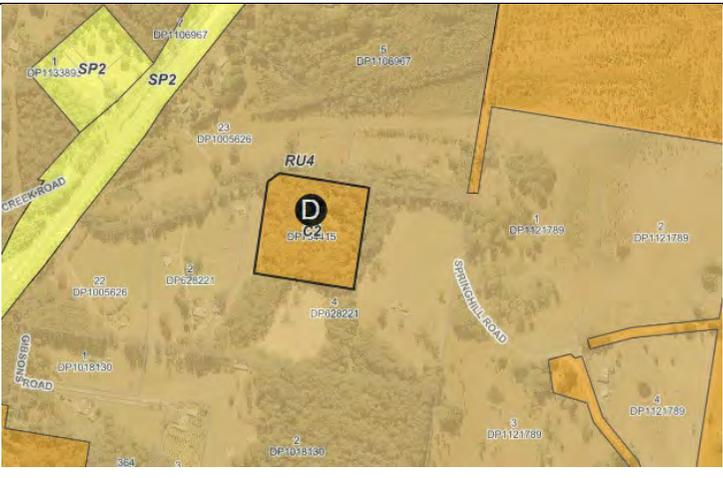
Proposed zone	Comment and response
	<p>1. Mitchells Road (Submission 44)</p> <p>This site at Mitchells Road, Coolongolook (Lot 3 DP1042102) is currently in the RU2 Rural Landscape zone and is proposed to be included in the RU4 Primary Production Small Lots zone with part of the land adjoining the waterway being included in the C2 Environmental Conservation zone. The landowner objects to the conservation zone over part of the site as it will restrict the use of this part of the site and impact on an imminent development application.</p> <p>Response:</p> <p>The purpose of the draft MidCoast LEP was to examine the current zones and consistently apply a new suite of zones. The C2 Environmental Conservation zone over part of the site has been applied to Coastal wetlands that are mapped in the NSW Government's State Environmental Planning Policy (Resilience and Hazards) 2021 which has been consistently applied across the MidCoast. This site constraint would need to be considered in any future development application.</p> <p>Regarding the range of land uses currently permitted in the rural zone over the property, these uses can continue to operate on the land if they have been lawfully established under existing use rights.</p> <p>Recommendation: no change</p>
	<p>A. Conservation agreement 162 Ede Drive</p> <p>This site at 162 Ede Drive, Coomba Bay (Lot 584 DP773772) is proposed to be retained in the C4 Environmental Living zone. During consultation, the landowner advised that they have a conservation agreement over part of the property. Council's Natural Systems team have advised that the C2 Environmental Conservation zone should apply to the land included in the conservation agreement.</p> <p>Recommendation: amend the draft MidCoast LEP mapping to include the land covered by the conservation agreement at 162 Ede Drive, Coomba Bay in the C2 Environmental Conservation zone and apply a minimum lot size of 40ha and no maximum height of building. The land outside of conservation agreement will remain in the C4 Environmental Living zone with a 10ha minimum lot size and 8.5m maximum building height</p>

Proposed zone	Comment and response
	<p>B. Lot 69 DP753141</p> <p>This site (Lot 69 DP753141) in Coolongolook is currently included in the C3 Environmental Management zone and is proposed to be included in the C2 Environmental Conservation zone in the draft MidCoast LEP. This site is in public ownership.</p> <p>As the land is subject to a pending Aboriginal/Native Title Land Claim, a review of the zones was undertaken so as not to preclude any future use of the site. Part of Lot 69 DP753141 is identified as Coastal wetlands in the NSW Government’s State Environmental Planning Policy (Resilience and Hazards) 2021, and should be included in the C2 Environmental Conservation zone, with the remainder of the site being retained in the C3 Environmental Management zone. A review of this zone will be undertaken by Council if the Land Claim is unsuccessful.</p> <p>Recommendation: amend the draft MidCoast LEP mapping to include part of Lot 69 DP753141 in the C3 Environmental Management zone where it is not mapped as Coastal wetlands under the State Environmental Planning Policy (Resilience and Hazards) 2021. Retain the C2 Environmental Conservation zone for part of Lot 69 DP753141. Retain the 40ha minimum lot size with no maximum building height</p>
	<p>C. Shallow Bay Road</p> <p>This site at Shallow Bay Road, Shallow Bay (Lot 24 DP753211) is currently included in the RU2 Rural Landscape zone and is proposed to be included in the C2 Environmental Conservation zone in the draft MidCoast LEP. This site is in public ownership.</p> <p>As the land is subject to a pending Aboriginal/Native Title Land Claim, a review of the zones was undertaken so as not to preclude any future use of the site. Part of Lot 24 DP753211 is identified as Coastal wetlands in the NSW Government’s State Environmental Planning Policy (Resilience and Hazards) 2021, and should be included in the C2 Environmental Conservation zone, with the remainder of the site being retained in the C3 Environmental Management zone. A review of this zone will be undertaken by Council if the Land Claim is unsuccessful.</p> <p>Recommendation: amend the draft MidCoast LEP mapping to include part of Lot 24 DP753211 in the C3 Environmental Management zone where it is not mapped as Coastal wetlands under the State Environmental Planning Policy (Resilience and Hazards) 2021. Retain the 40ha minimum lot size with no maximum building height</p>

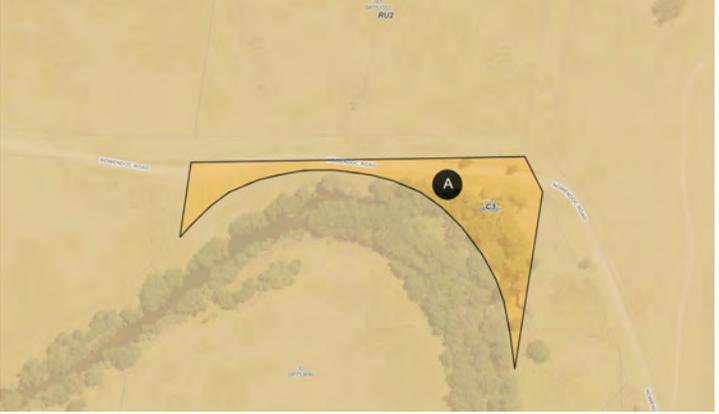
Proposed zone	Comment and response
	<p>D. Foreshore Reserve Coomba Park</p> <p>This site at Foreshore Reserve Coomba Park (Lot 7300 DP1167355) is currently included in the C2 Environmental Conservation zone, C3 Environmental Management zone and C4 Environmental Living zone. It is proposed to be wholly included in the C2 Environmental Conservation zone in the draft MidCoast LEP. This site is in public ownership.</p> <p>As the land is subject to a pending Aboriginal/Native Title Land Claim, a review of the zones was undertaken so as not to preclude any future use of the site. Part of Lot 7300 DP1167355 is identified as Coastal wetlands in the NSW Government's State Environmental Planning Policy (Resilience and Hazards) 2021, and should be included in the C2 Environmental Conservation zone, with the remainder of the site being retained in the C3 Environmental Management zone and C4 Environmental Living zone. A review of this zone will be undertaken by Council if the Land Claim is unsuccessful.</p> <p>Recommendation: amend the draft MidCoast LEP mapping to include part of Lot 7300 DP1167355 in the C2 Environmental Conservation zone where mapped Coastal wetlands. The remainder of the site is to be retained in the C3 Environmental Management zone and the C4 Environmental Living zone with a minimum lot size of 40ha and 10ha respectively and no maximum height of building and an 8.5m maximum building height over the C4 Environmental Living zone</p>

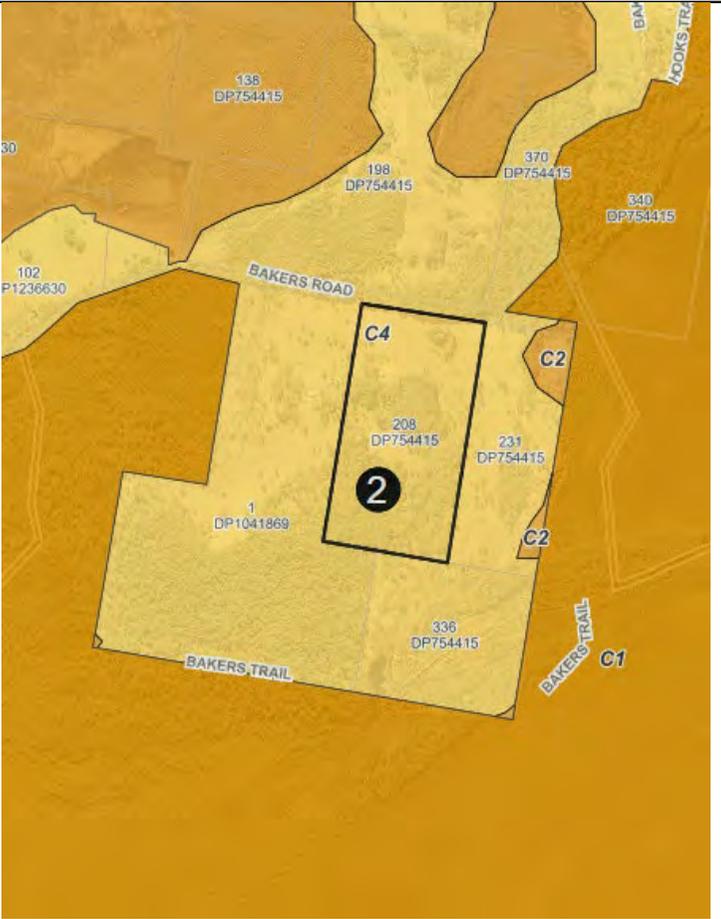
Cooperbrook

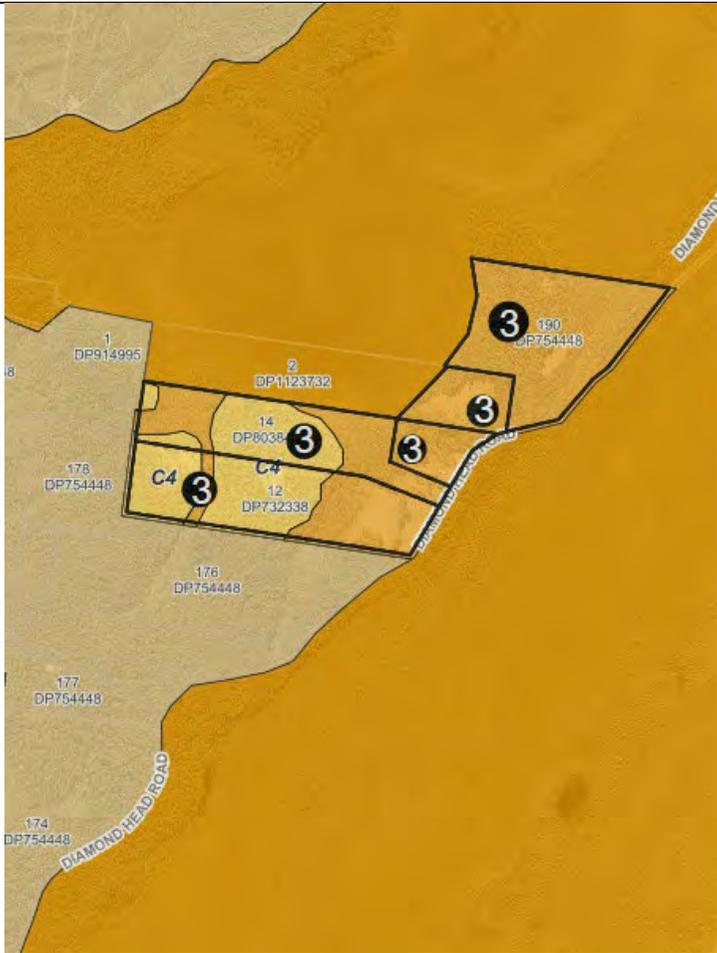
Proposed zone	Comment and response
	<p>A. West Street minimum lot size</p> <p>These sites along West Street, Cooperbrook (Lot 15-20, 25-35 DP4865) are proposed to be included in the C3 Environmental Management zone but with a minimum lot size of 900m² and 1,000m² rather than the 40ha minimum lot size that has been applied to C3 Environmental Management zoned land. This is retained from the Greater Taree 2010 Local Environmental Plan 2010 which applied a lesser minimum lot size to these sites to preserve dwelling entitlements, as had previously been prescribed within Schedule 1 of the Greater Taree Local Environmental Plan 1995. Clause 4.2A – Development on land in certain rural and environment protection zones proposes to retain dwelling entitlement for lots that satisfied the minimum lot size requirement under a previous plan. As such, these lots will retain dwelling entitlement despite any change to the minimum lot size, therefore there is no need to preserve a minimum lot size that is inconsistent with other areas included in the C3 Environmental Management zone. This change arose from a review of similar lots in Wingham and will apply a consistent approach for these historic dwelling entitlement provisions.</p> <p>Recommendation: amend the draft MidCoast LEP mapping to apply a minimum lot size of 40ha for the mapped area on West Street, Cooperbrook</p>
	<p>B. George Gibson Drive</p> <p>These sites on George Gibson Drive, Cooperbrook (Lot 2 Sec 4 DP758285, Lot 7016 DP1055812, Lot 1 Sec 6 DP758285, Lot 7 DP1126527) are currently included in the RE1 Public Recreation zone and proposed to be included in the C2 Environmental Conservation zone and RE1 Public Recreation zone (for part of Lot 7 DP1126527 only) zone in the draft MidCoast LEP. These sites are in public ownership.</p> <p>As the land is subject to a pending Aboriginal/Native Title Land Claim, a review of the zones was undertaken so as not to preclude any future use of the site. As a result, the zone is proposed to be changed to the C3 Environmental Management zone. A review of this zone will be undertaken by Council if the Land Claim is unsuccessful.</p> <p>Recommendation: amend the draft MidCoast LEP mapping to include Lot 2 Sec 4 DP758285, Lot 7016 DP1055812, Lot 1 Sec 6 DP758285, Lot 7 DP1126527 in the C3 Environmental Management zone and apply a minimum lot size of 40ha and no maximum height of building</p>

Proposed zone	Comment and response
	<p>C. Macquarie Street</p> <p>This site at Macquarie Street, Coopernook (Lot 7001 DP96460) is currently included in the RU5 Village zone and is proposed to be included in the RE1 Public Recreation zone in the draft MidCoast LEP. This site is in public ownership.</p> <p>As the land is subject to a pending Aboriginal/Native Title Land Claim, a review of the zones was undertaken so as not to preclude any future use of the site. As a result, the zone of the land is proposed to be changed to the RU5 Village zone. A review of this zone will be undertaken by Council if the Land Claim is unsuccessful.</p> <p>Recommendation: amend the draft MidCoast LEP mapping to include Lot 7001 DP96460 in the RU5 Village zone and apply a minimum lot size of 1000m² and a maximum height of building of 8.5m</p>
	<p>D. 52 Springhill Road</p> <p>This site at 52 Springhill Road, Coopernook (Lot 256 DP754415) is currently included in the RU1 Primary Production zone and is proposed to be included in the C2 Environmental Conservation zone in the draft MidCoast LEP. This site is in public ownership.</p> <p>As the land is subject to a pending Aboriginal/Native Title Land Claim, a review of the zones was undertaken so as not to preclude any future use of the site. As a result, the zone of the land is proposed to be changed to the RU4 Primary Production Small Lots zone. A review of this zone will be undertaken by Council if the Land Claim is unsuccessful.</p> <p>Recommendation: amend the draft MidCoast LEP mapping to include 52 Springhill Road, Coopernook in the RU4 Primary Production Small Lots zone and apply a minimum lot size of 40ha and no maximum height of building</p>

Hoplocarida

Proposed zone	Comment and response
	<p>A. Nowendoc Road</p> <p>This site at Nowendoc Road, Cooplacurripa (Lot 7002 DP96091) is currently included in the RU1 Primary Production zone and is proposed to be included in the C3 Environmental Management zone in the draft MidCoast LEP. This site is in public ownership.</p> <p>As the land is subject to a pending Aboriginal/Native Title Land Claim, a review of the zones was undertaken so as not to preclude any future use of the site. As a result, the zone is proposed to be changed to the RU2 Rural Landscape zone. A review of this zone will be undertaken by Council if the Land Claim is unsuccessful.</p> <p>Recommendation: amend the draft MidCoast LEP mapping to include the site at Nowendoc Road, Cooplacurripa (Lot 7002 DDP96091) 5496 The Bucketts Way, Burrell Creek in the RU2 Rural Landscape zone and apply a minimum lot size of 100ha and no maximum height of building</p>

Proposed zone	Comment and response
	<p>2. 213 Bakers Road (Submission 228)</p> <p>This site at 213 Bakers Road, Coralville (Lot 208 DP754415) is currently in the RU1 Primary Production zone and is proposed to be included in the C4 Environmental Living zone. The landowner objects to the inclusion of the site in the C4 Environmental Living zone given Intensive agriculture would be prohibited in this zone and the site is used for agricultural purposes. The submitter believes that the change in zone would result in a reduced level of livestock agriculture and result in downsizing of their business model. A rural zone would support their agricultural activities.</p> <p>Response:</p> <p>The purpose of the draft MidCoast LEP was to examine the current zones and consistently apply a new suite of zones. Often rural zones were applied over properties for historical reasons, where zones were automatically converted into a new rural zone without considering the values of the land or the existing land uses. Through strategy work and reviewing zones, we have examined the application of rural zones within our towns and villages and typically it has only been retained in urban areas where sites are identified as Urban Release Areas for future redevelopment, which is not the case for this site.</p> <p>This pocket of existing rural land is located between Crowdy Bay National Park and the Big Swamp Rehabilitation Project that feeds into Cattai Wetlands and contains pockets of native vegetation. As a result, an environmental zone was considered more appropriate than the existing rural zone. The C4 Environmental Living zone has been applied to land with special ecological, scientific, cultural or aesthetic qualities that are generally compatible with limited or low impact residential, tourism and agricultural land uses that are compatible with the environmental sensitivity of the site and surrounding areas; and may be applied where the land is affected by buffers to and/or is adjoining environmentally sensitive areas.</p> <p>The C4 Environmental Living zone was applied to properties in existing rural zones that:</p> <ul style="list-style-type: none"> • are located within or between significantly vegetated and protected areas, for example, wetlands and national parks, state forests, lakes, and waterways • that 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 not be supported • would be inappropriate and unsuitable for additional or intensified development, in terms of impact, access, infrastructure and susceptibility to natural hazards. <p>The property was consistent with these principles for applying the zone. Regarding the range of land uses currently permitted in the rural zone over the property, these uses can continue to operate on the land if they have been lawfully established under existing use rights. Based on several submissions, a new exempt clause is proposed to enable grazing in the C4 Environmental Living zone and C3 Environmental Management zones which is outlined in Section 4.2.4 of the Consultation Report.</p>

Proposed zone	Comment and response
	<p>Recommendation: amend provisions in the draft MidCoast Local Environmental Plan to allow for grazing as an exempt use in the C3 Environmental Management and C4 Environmental Living zones. Refer to Section 4.2.4 of the Consultation Report for more information.</p> <p>3. Diamond Head Road (Submissions 256, 290, 381, 485, 486)</p> <p>These sites fronting Diamond Head Road, Coralville (Lot 12 DP732338, Lot 13-14 DP803846, Lot 1 DP1123732, Lot 190 DP754448) are currently included in the RU1 Primary Production and C2 Environmental Conservation zone. The draft MidCoast LEP proposes to include these sites in the C4 Environmental Living zone and expands the application of the C2 Environmental Conservation zone. Multiple landowners object to the C2 Environmental Conservation zone being applied to their sites. The landowners request for sites to remain in a rural zone to account for ongoing and historic agricultural and horticultural land uses and not impact on the value of their land. They have concerns about the application of the Coastal wetlands mapping from the NSW Government's State Environmental Planning Policy (Resilience and Hazards) 2021 as justification for C2 Environment Conservation zoning and believes there are mapping inaccuracies with wetlands sometimes incorrectly identified over cleared land.</p> <p>A landowner objects to proposed zone change given the site contains a Private Native Forestry agreement and Property Vegetation Plan which secures the protection of the environmental lands. Another landowner objects to the inclusion of the C4 Environmental Living zone on their property.</p> <p>Response:</p> <p>The purpose of the draft MidCoast LEP was to examine the current zones and consistently apply a new suite of zones. Often rural zones were applied over properties for historical reasons, where zones were automatically converted into a new zone without considering the values of the land or the existing land uses. Through strategy work and reviewing zones, we have examined the application of rural zones within our towns and villages and typically it has only been retained in urban areas where sites are identified as Urban Release Areas for future redevelopment, which is not the case for this site.</p> <p>This site adjoins the Crowdy Bay National Park, contains a portion of Coastal wetlands as mapped in the NSW Government's State Environmental Planning Policy (Resilience and Hazards) 2021 and is well vegetated. As a result, an environmental zone was considered more appropriate than the existing rural zone. The C4 Environmental Living zone has been applied to land with special ecological, scientific, cultural or aesthetic qualities that are generally compatible with limited or low impact residential, tourism and agricultural land uses that are compatible with the environmental sensitivity of the site and surrounding areas; and may be applied where the land is affected by buffers to and/or is adjoining environmentally sensitive areas.</p> <p>The C4 Environmental Living zone was applied to properties in existing rural zones that:</p> <ul style="list-style-type: none"> are located within or between significantly vegetated and protected areas, for example, wetlands and national parks, state forests, lakes, and waterways

Proposed zone	Comment and response
	<ul style="list-style-type: none"> • that 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 not be supported • would be inappropriate and unsuitable for additional or intensified development, in terms of impact, access, infrastructure and susceptibility to natural hazards. <p>The extent of land included in the C2 Environmental Conservation zone increased to be consistent with the Coastal wetlands that are mapped in the NSW Government’s State Environmental Planning Policy (Resilience and Hazards) 2021 which has been consistently applied across the MidCoast. It is acknowledged that landowners have concerns about the accuracy of the State mapping of the Coastal wetlands and Council will be reviewing the mapping in the future. Where applicable, Council will be recommending changes to both the mapping in the NSW Government’s State Environmental Planning Policy (Resilience and Hazards) 2021 and the zones in the draft MidCoast LEP through a planning proposal following the draft MidCoast LEP being made. There will be a community consultation process about any proposed changes. However, at this point in time, the NSW Government’s Coastal wetlands will proceed to be included in the C2 Environmental Conservation zone.</p> <p>Regarding the range of land uses currently permitted in the rural zone over the property, these uses can continue to operate on the land if they have been lawfully established under existing use rights.</p> <p>Recommendation: no change</p>

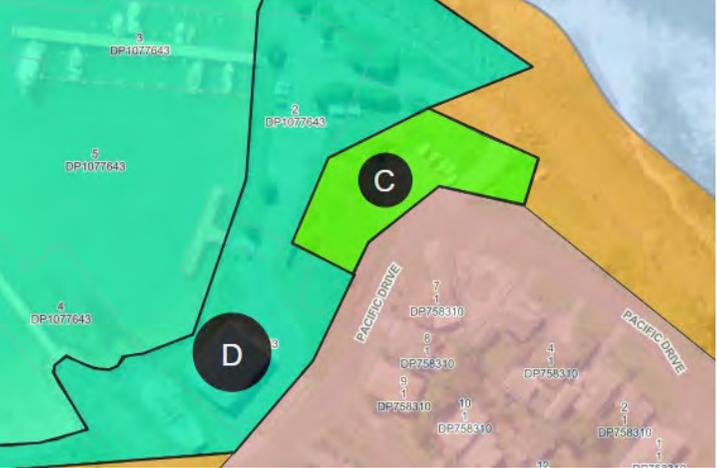
Croki

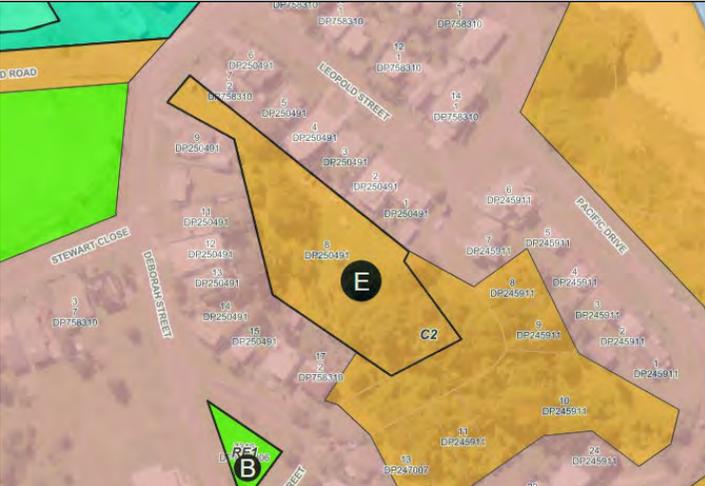
Proposed zone	Comment and response
	<p>1. 7-23 Reid Street (Submissions 7, 24, 29)</p> <p>These sites at 7-23 Reid Street, Croki (Lot 2, 4-6 Section 3 DP116527, Lot 3 DP128198) are currently in the RU5 Village zone and are proposed to be included in the RE2 Private Recreation zone. Landowners object to the inclusion of the former Croki Riverside Caravan Park in the RE2 Private Recreation zone given the Caravan park land use has ceased, and the lots are now used for housing. Landowners propose that the RU5 Village zone would be more appropriate.</p> <p>Response:</p> <p>Given the Croki Riverside Caravan Park has closed, and houses have been established on these sites, it is appropriate to retain these sites in the RU5 Village zone.</p> <p>Recommendation: amend draft MidCoast LEP mapping to include 7-23 Reid Street, Croki in the RU5 Village zone and apply a minimum lot size of 1,000m² and a maximum height of building of 8.5m</p>
	<p>A. Barton Street</p> <p>These sites at Barton Street, Croki (Lots 7001 and 7003 DP1055773) are currently included in the RU5 Village zone and are proposed to be included in the RE1 Public Recreation zone in the draft MidCoast LEP. These sites are in public ownership.</p> <p>As the land is subject to a pending Aboriginal/Native Title Land Claim, a review of the zones was undertaken so as not to preclude any future use of the site. As a result, the zone is proposed to be changed to the RU5 Village zone. A review of this zone will be undertaken by Council if the Land Claim is unsuccessful.</p> <p>Recommendation: amend the draft MidCoast LEP mapping to include Lots 7001 and 7003 DP1055773 in the RU5 Village zone and apply a minimum lot size of 1,000m² and a maximum height of building of 8.5m</p>

Crowdy Head

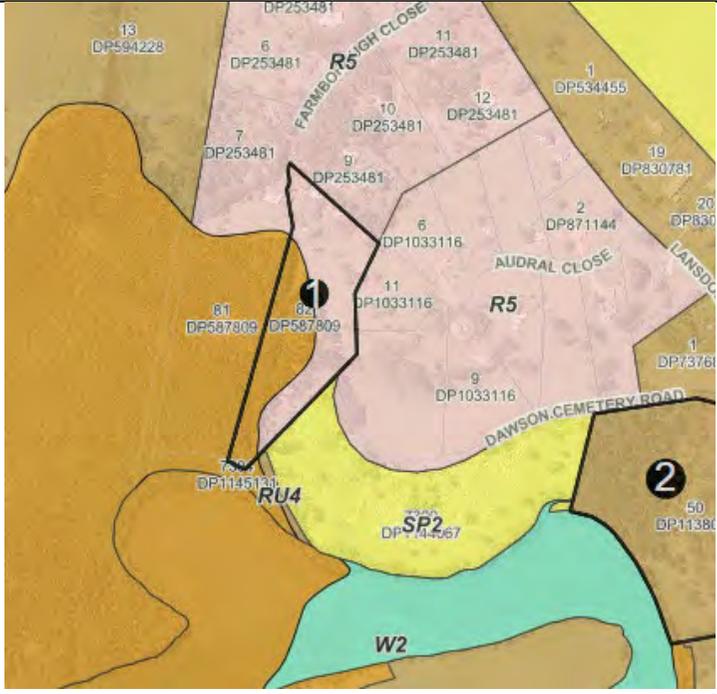
Proposed zone	Comment and response
	<p>1. 540 Crowdy Head Road (Submission 244)</p> <p>This site at 540 Crowdy Head Road, Crowdy Head (Lot 2 DP1153313) is proposed to be retained in the C2 Environmental Conservation zone. The landowner objects to the proposed conservation zone given development consent (886/2001D as modified) has been issued for a tourist facility and works have physically commenced. The landowner has previously provided a submission to the MidCoast Housing Strategy 2021 (submission number 361 for the Know Your Zone consultation) which referenced reviewing the zone through a future Place Strategy. They are concerned that the C2 Environmental Conservation zone is applied to lands with the highest level of conservation values and by approving a tourist facility on the site Council agreed these values were absent. They request an alternative zone that at minimum allows for Tourist and visitor accommodation (e.g. SP3 Tourist zone).</p> <p>Response:</p> <p>The purpose of the draft MidCoast LEP was to examine the current zones and consistently apply a new suite of zones. The C2 Environmental Conservation zone has been applied to land with high ecological, scientific, cultural, or aesthetic values, which are attributes of this site.</p> <p>It is recognised that the site has an existing development approval for a tourist facility (886/2001D) which can continue to be developed in this proposed C2 Environmental Conservation zone. To change the zone of this property to the SP3 Tourist zone, the landowner would need to go through the user pays planning proposal process to consider all aspects of whether the site was suitable to be included in the Tourist zone (e.g. ecological, Aboriginal Cultural, transport, servicing and bushfire). It is important to note that planning proposals are typically only considered for sites identified in the MidCoast Urban Release Areas Report 2021 and the Hunter Regional Plan 2041. This site has not been identified in either of these documents.</p> <p>Recommendation: no change</p>

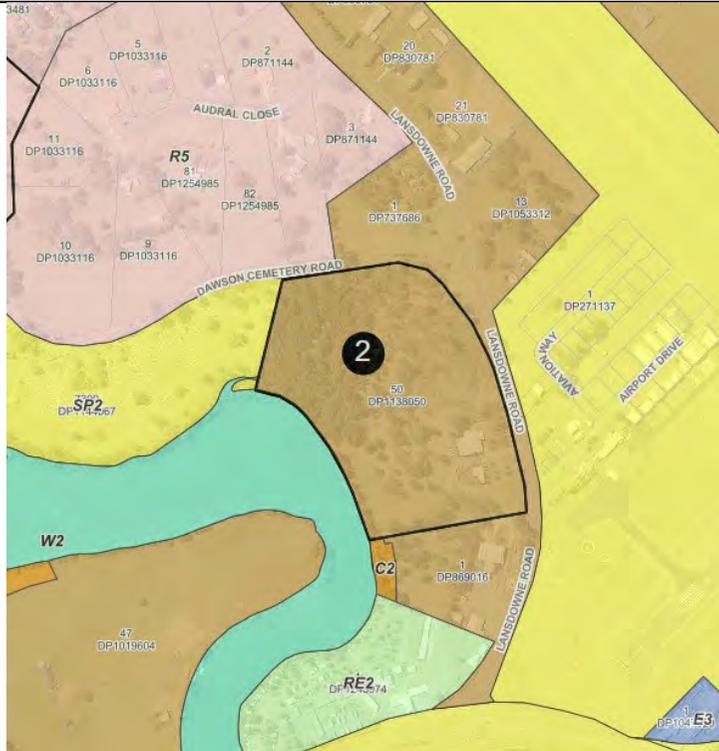
Proposed zone	Comment and response
	<p>A. Crowdy Head Surf Life Saving Club</p> <p>A review was undertaken of the zones applied over public land along the MidCoast coastline, specifically the beaches and headlands to ensure a consistent approach. It was found that a conservation zone was applied to most beaches, however at Crowdy Head the RE1 Public Recreation zone was extended over the carpark and not the surf club building. From discussions with Council's Parks team, it was determined that the RE1 Public Recreation zone should be applied over the Crowdy Head Surf Life Saving Club building and the C3 Environmental Management zone over the carpark to acknowledge the environmental and coastal values of the land, while still enabling the carpark and recreational facilities and activities to occur.</p> <p>Recommendation: amend the draft MidCoast LEP mapping to include the Crowdy Head Surf Life Saving Club building in the RE1 Public Recreation zone and apply no minimum lot size and a maximum height of building of 8.5m. Include the remainder of the site in the C3 Environmental Management zone and apply a 40ha minimum lot size and no maximum height of building</p>
	<p>B. Deborah Street (Lot 7316 DP1163306)</p> <p>The site at Deborah Street (Lot 7316 DP1163306) is currently included in the RU5 Village zone and is proposed to be included in the RE1 Public Recreation zone. A review was undertaken, and this site is owned and managed by Crown Land. As a result, the zone should remain in the RU5 Village so as not to restrict any future use of the Crown Land.</p> <p>Recommendation: amend the draft MidCoast LEP mapping to include the Deborah Street site in the RU5 Village zone and apply a minimum lot size of 1,000m² and a maximum height of building of 8.5m</p>

Proposed zone	Comment and response
	<p>C. Crowdy Headland carpark (Part of Lot 7306 DP1162930)</p> <p>The site (Part of Lot 7306 DP1162930) is proposed to be retained in the RE1 Public Recreation zone. A review was undertaken of the zones applied over public land along the coastline, specifically beaches and headlands, to ensure a consistent approach. It was found that a conservation zone applied to most beaches, however at Crowdy Head the RE1 Public Recreation zone was extended over the headland carpark and vegetation. From discussions with Council's Parks team, it is proposed that the C3 Environmental Management zone should be applied over the headland carpark and vegetation to acknowledge the environmental and coastal values of the land. The C3 Environmental Management zone will still enable the tourist and recreational activities and uses to occur.</p> <p>Recommendation: amend the draft MidCoast LEP mapping to include the mapped area of Lot 7306 DP1162930 in the C3 Environmental Management zone and apply a minimum lot size of 40ha and no maximum height of building</p>
	<p>D. Crowdy Head waterfront</p> <p>The site (Lot 1-5 DP1077643) is currently in the W3 Working Waterways and W4 Working Waterfront zone, and it is proposed to adjust the boundary between these zones slightly to extend the W4 Working Waterfront zone. A review of these zones indicated that the maximum building height of 8.5m had not been applied to the W4 Working Waterfront zone. This should be amended so that the maximum height of building is 8.5m to ensure that development of these sites is suited to the character of the waterfront. These sites were identified through a review of the W4 Working Waterfront zone.</p> <p>Recommendation: amend the draft MidCoast LEP mapping to apply a maximum height of building of 8.5m for the mapped area included in the W4 Working Waterfront zone</p>

Proposed zone	Comment and response
	<p>E. Joyce Street</p> <p>The site at Joyce Street, Crowdy Head (Lot 8 DP250491) is currently included in the RU5 Village zone and C2 Environmental Conservation zone and is proposed to be wholly included in the C2 Environmental Conservation zone in the draft MidCoast LEP. This site is in public ownership.</p> <p>As the land is subject to a pending Aboriginal/Native Title Land Claim, a review of the zones was undertaken so as not to preclude any future use of the site. As a result, the zone is proposed to be changed to the C2 Environmental Conservation zone and RU5 Village zone as contained in the Greater Taree Local Environmental Plan 2010. A review of this zone will be undertaken by Council if the Land Claim is unsuccessful.</p> <p>Recommendation: amend the draft MidCoast LEP mapping to include Lot 8 DP250491 in a combination of the RU5 Village zone and C2 Environmental Conservation in accordance with the current zone boundary as contained in Greater Taree Local Environmental Plan 2010, and apply a minimum lot size of 1,000m² and maximum height of building of 8.5m for the part of the site in the RU5 Village zone. Retain the 40ha minimum lot size and no maximum height of building for the part of the site in the C2 Environmental Conservation zone.</p>

Cundletown

Proposed zone	Comment and response
	<p>1. 43 Farmborough Close (Submission 108)</p> <p>This site at 43 Farmborough Close, Cundletown (Lot 82 DP587809) is currently included in the RU1 Primary Production zone with the western part of the site included in the C2 Environmental Conservation zone. It is proposed to include the land currently in the rural zone in the R5 Large Lot Residential zone. The landowner objects to the proposed R5 Large Lot Residential zone applying to their property as they consider that the zone is not appropriate and may increase rates as they are already paying residential rates but receiving no services.</p> <p>Response:</p> <p>The purpose of the draft MidCoast LEP was to consistently apply zones across the MidCoast. Any zone changes from a rural zone to an urban zone, such as the R5 Large Lot Residential zone generally occurred where the site had the characteristics of the zone. In this case there would have to be an existing estate with lots of 1.5ha. Farmborough Close contains lots ranging from 2ha to 5ha. Lots in this size range with similar attributes are typically included in the R5 Large Lot Residential zone as they offer a rural lifestyle rather than being a working farm. The zone change would also be consistent with the zone applied to lots to the east fronting Audral Close, which are of a similar size.</p> <p>Categorisation of zones under the draft MidCoast LEP is a separate process from the categories used for rates. Rates are categorised by the use of the land, which means many rural properties are categorised as 'residential' for the purpose of rates notices. The change from one zone to another is unlikely to result in an increase and change of category to rates. Landowners who have questions or need further information about their rates classification can contact Council's Rates Team.</p> <p>Recommendation: no change</p>

Proposed zone**Comment and response****2. 37-59 Lansdowne Road (Submission 183)**

This site at 37-59 Lansdowne Road, Cundletown (Lot 50 DP1138050) is currently included in the RU1 Primary Production zone and proposed to be retained in a rural zone being, the RU4 Primary Production Small Lots zone. The landowner objects to this zone given the site has development approval for a Caravan park (532/2010/DA/B) which has physically commenced. As a result, the landowner requests that the site should be included in the RE2 Private Recreation zone consistent with the adjoining Dawson River Tourist Park.

Response:

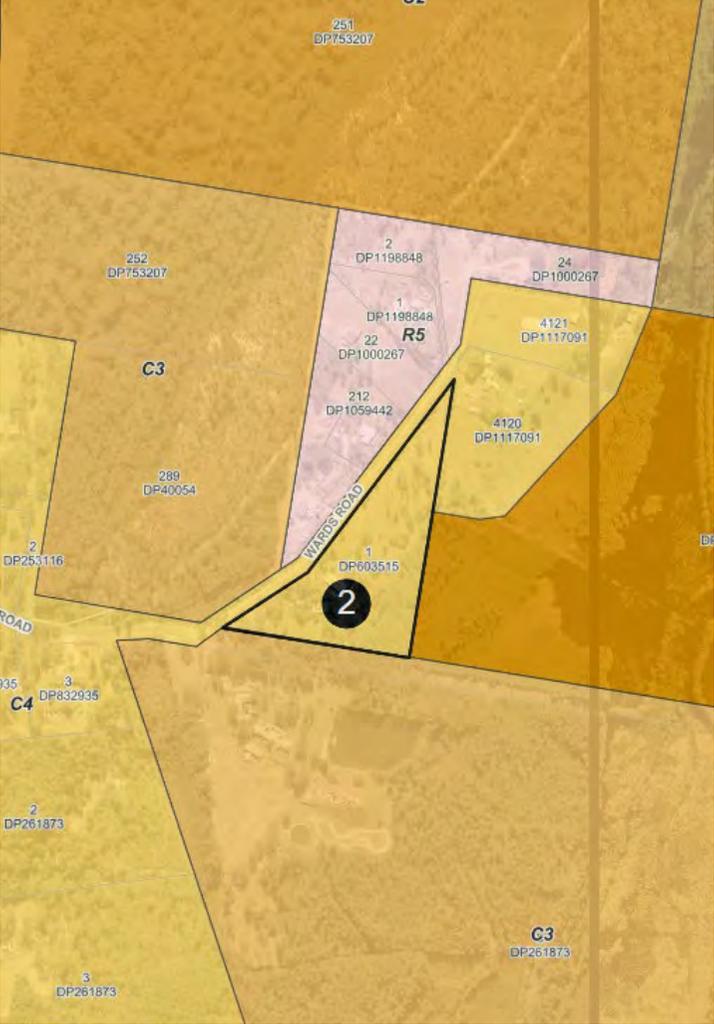
The purpose of the draft MidCoast LEP was to examine the current zones and consistently apply a new suite of zones. In this case the site is to be retained in a rural zone.

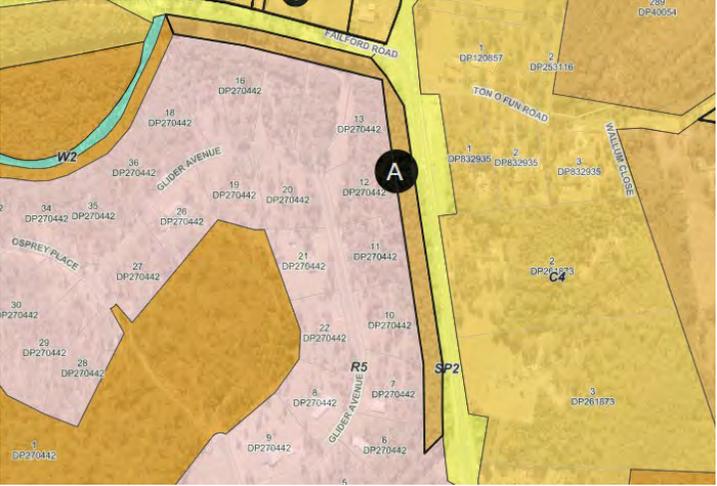
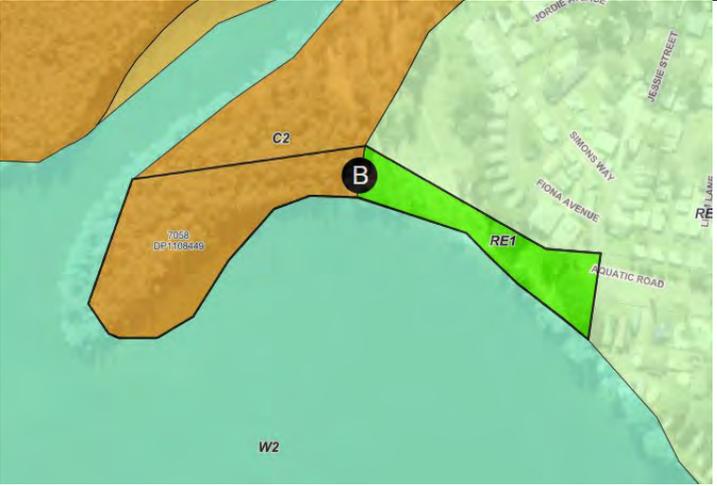
It is recognised that the site has an existing development approval for a Caravan park (532/2010/DA/B) which can continue to be developed in this proposed RU4 Primary Production Small Lots zone. To change the zone of this property to a recreation zone, the landowner would need to go through the user pays planning proposal process to consider all aspects of whether the site was suitable to be included in the RE2 Private Recreation zone (e.g. ecological, Aboriginal Cultural, transport, servicing and bushfire) and would give consideration to the range of land uses permitted in the zone. It is important to note that planning proposals are typically only considered for sites identified in the MidCoast Urban Release Areas Report 2021 and the Hunter Regional Plan 2041. This site has not been identified in either of these documents.

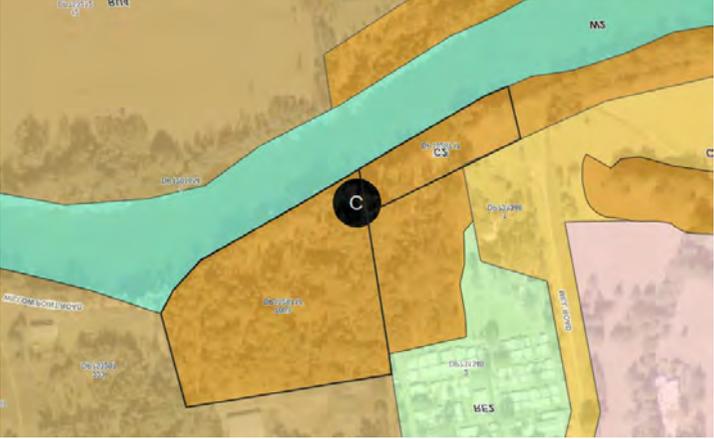
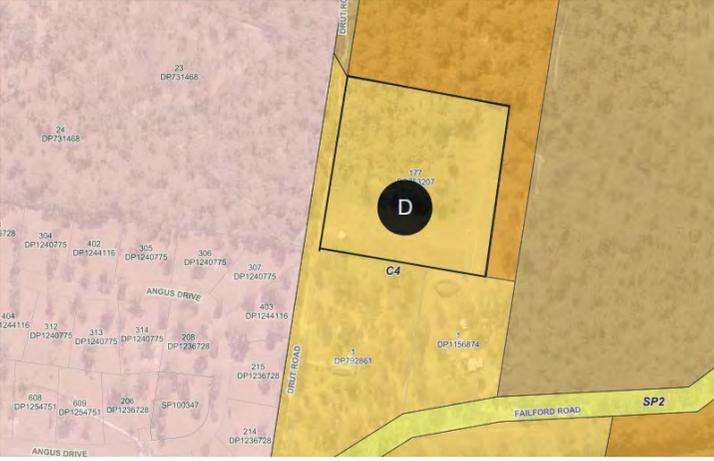
It is acknowledged that the site has an approval for a Caravan park. Council can consider extending the RE2 Private Recreation zone over the land once the land use is developed. Applying the zone prior to the full development of the Caravan park is not supported, given the RE2 Public Recreation zone permits a range of land uses as permitted with consent which may not be considered suitable for this environmentally sensitive location.

Recommendation: no change

Proposed zone	Comment and response
	<p>A. Albert Street adjoining Taree Regional Airport</p> <p>The mapped area on Albert Street, Cundletown (Lot 4 DP787976 and Lot 22 DP1283615) is owned by Council and currently included in the RU1 Primary Production zone. The part of the site proposed to be included in the RU4 Primary Production Small Lots zone is intended to be used for airport related activities and land uses. Located between the Taree Regional Airport, the alignment of the proposed future Cundletown Bypass and produce store/transport depot, there are no direct adjoining residential neighbours. The SP2 Infrastructure zone would be the appropriate zone for this site to recognise the proposed airport related activities and land uses.</p> <p>Recommendation: amend the draft MidCoast LEP mapping to include the land proposed for the RU4 Primary Production Small Lots zone (being Lot 4 DP787976 and part of Lot 22 DP1283615) in the SP2 Infrastructure zone and apply no minimum lot size and no maximum height of building</p>
	<p>B. Manning River Drive and Lansdowne Road</p> <p>The sites at Manning River Drive and Lansdowne Road (Lot 133 DP754409 and Lot 168 DP704784) are currently included in the RE1 Public Recreation zone and are proposed to be included in the C2 Environmental Conservation zone in the draft MidCoast LEP. These sites are in public ownership.</p> <p>As the land is subject to a pending Aboriginal/Native Title Land Claim, a review of the zones was undertaken so as not to preclude any future use of the site. As a result, the zone is proposed to be changed to the C3 Environmental Management zone. A review of this zone will be undertaken by Council if the Land Claim is unsuccessful.</p> <p>Recommendation: amend the draft MidCoast LEP mapping to include Lot 133 DP754409 and Lot 168 DP704784 in the C3 Environmental Management zone and apply a minimum lot size of 40ha and no maximum height of building</p>

Proposed zone	Comment and response
	<p>2. 10 Wards Road (Submission 208)</p> <p>This site at 10 Wards Road, Darawank (Lot 1 DP603515) is currently included in the RU2 Rural Landscape zone and is proposed to be included in the C4 Environmental Living zone. The landowner objects to proposed C4 Environmental Living zone and current RU2 Rural Landscape zone. They request that the R5 Large Lot Residential zone be considered consistent with the adjoining property to the north. The land is elevated, has little agricultural value and has been cleared for a long time. There is also access to town water and power.</p> <p>Response:</p> <p>The purpose of the draft MidCoast LEP was to examine the current zones and consistently apply a new suite of zones. Any zone changes from a rural zone to an urban zone, such as the R5 Large Lot Residential zone generally occurred where the site had the characteristics of the zone. In this case there would have to be an existing estate with lots of 1.5ha.</p> <p>To change the zone of a property, the landowner would need to go through the user pays planning proposal process (known as a rezoning). This process can be costly requiring technical studies which would consider all aspects of whether the site was suitable to be included in the R5 Large Lot Residential zone (e.g. ecological, Aboriginal Cultural, transport, servicing and bushfire). It is important to note that planning proposals are typically only considered for sites identified in the MidCoast Urban Release Areas Report 2021 and the Hunter Regional Plan 2041. This site has not been identified in either of these documents.</p> <p>This site adjoins the Darawank Nature Reserve and contains pockets of vegetation. As a result, an environmental zone was considered more appropriate than the existing rural zone. The C4 Environmental Living zone has been applied to land with special ecological, scientific, cultural or aesthetic qualities that are generally compatible with limited or low impact residential, tourism and agricultural uses that are compatible with the environmental sensitivity of the site and surrounding areas; and may be applied where the land is affected by buffers to and/or is adjoining environmentally sensitive areas.</p> <p>The C4 Environmental Living zone was applied to properties in existing rural zones that:</p> <ul style="list-style-type: none"> • are located within or between significantly vegetated and protected areas, for example, wetlands and national parks, state forests, lakes, and waterways • that 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 not be supported • would be inappropriate and unsuitable for additional or intensified development, in terms of impact, access, infrastructure and susceptibility to natural hazards. <p>Recommendation: no change</p>

Proposed zone	Comment and response
	<p>A. Glider Avenue</p> <p>This site at Glider Avenue, Darawank (Lot 23 DP270442) is Council owned land and is proposed to be retained in the C3 Environmental Management zone. Council's Natural Systems team requests that the site be included in the C2 Environmental Conservation zone to reflect the environmental values of the land like the nearby Community Association conservation lands near the Aquatic Road R5 Large Lot Residential development.</p> <p>Recommendation: amend the draft MidCoast LEP mapping to include the mapped part of Glider Avenue in the C2 Environmental Conservation zone and apply a minimum lot size of 40ha and no maximum height of building</p>
	<p>B. Aquatic Road</p> <p>This site at Aquatic Road, Darawank (Lot 7058 DP1108449) is currently included in the RU2 Rural Landscape zone and is proposed to be included in the C2 Environmental Conservation zone and RE1 Public Recreation zone in the draft MidCoast LEP. These sites are in public ownership.</p> <p>As the land is subject to a pending Aboriginal/Native Title Land Claim, a review of the zones was undertaken so as not to preclude any future use of the site. As a result, the zone is proposed to be changed to the RU4 Primary Production Small Lots zone. A review of this zone will be undertaken by Council if the Land Claim is unsuccessful.</p> <p>Recommendation: amend the draft MidCoast LEP mapping to include Lot 7058 DP1108449 in the RU4 Primary Production Small Lots zone and apply a minimum lot size of 40ha and no maximum height of building</p>

Proposed zone	Comment and response
	<p>C. Willow Road and Mill Road</p> <p>These sites at Willow Road and Mill Road, Darawank (Lot 7003-7004 DP1028717) are currently included in the RU2 Rural Landscape zone and are proposed to be included in the C2 Environmental Conservation zone in the draft MidCoast LEP. These sites are in public ownership.</p> <p>As the land is subject to a pending Aboriginal/Native Title Land Claim, a review of the zones was undertaken so as not to preclude any future use of the site. As a result, the zone is proposed to be changed to the RU4 Primary Production Small Lots zone. A review of this zone will be undertaken by Council if the Land Claim is unsuccessful.</p> <p>Recommendation: amend the draft MidCoast LEP mapping to include Lot 7003-7004 DP1028717 in the RU4 Primary Production Small Lots zone and apply a minimum lot size of 40ha and no maximum height of building</p>
	<p>D. Failford Road</p> <p>This site at Failford Road, Darawank (Lot 177 DP753207) is currently included in the RU2 Rural Landscape zone and is proposed to be included in the C4 Environmental Living zone in the draft MidCoast LEP. This site is in public ownership.</p> <p>As the land is subject to a pending Aboriginal/Native Title Land Claim, a review of the zones was undertaken so as not to preclude any future use of the site. As a result, the zone is proposed to be changed to the RU4 Primary Production Small Lots zone. A review of this zone will be undertaken by Council if the Land Claim is unsuccessful.</p> <p>Recommendation: amend the draft MidCoast LEP mapping to include Lot 177 DP753207 in the RU4 Primary Production Small Lots zone and apply a minimum lot size of 40ha and no maximum height of building</p>

Darawank/Failford – general comments and response

General comments (Submission 17)

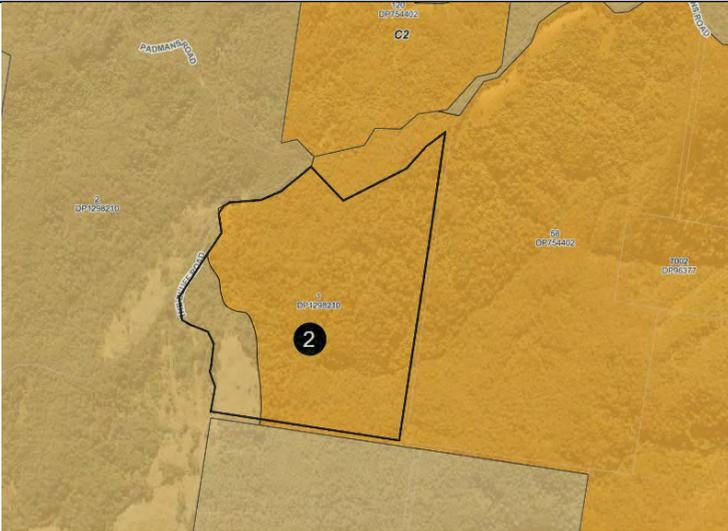
One submission objects to the proposed zone change from the RU1 Primary Production zone to the RU4 Primary Production Small Lots zone. They suggest that extensive agriculture will become permissible with consent, and they are concerned that they will need to go through a development application process.

Response:

It is proposed that the RU4 Primary Production Small Lots will continue to permit extensive agriculture without consent and therefore a development application will not be required

Elands

Proposed zone	Comment and response
	<p>1. 6 Glenwarrin Road (Submission 56)</p> <p>The site at 6 Glenwarrin Road, Elands (Lot A DP404093) is currently included in the RU5 Village zone and was proposed to be included in the RU4 Primary Production Small Lots zone. The landowner objects to the site being removed from the RU5 Village zone given the Old Mill site operates as an informal community centre.</p> <p>Response:</p> <p>The proposed zone change to retain the site in the RU5 Village zone is supported. It is acknowledged that the Old Mill site is being used for a range of community purposes, serves an important function and constitutes part of Elands village.</p> <p>Recommendation: amend the draft MidCoast LEP mapping to include 6 Glenwarrin Road in the RU5 Village Zone and apply a minimum lot size of 40ha and a maximum height of building of 8.5m</p>

Proposed zone	Comment and response
	<p>2. 423 Padmans Road (Submission 110)</p> <p>This site at 423 Padmans Road, Elands (Lot 1 DP1298210) is currently included in the RU1 Primary Production zone and the C2 Environmental Conservation zone and is proposed to be retained in a rural zone, being the RU4 Primary Production Small Lots zone and the C2 Environmental Conservation zone. The landowner objects to the retention of the C2 Environmental Conservation zone over the property, as they are concerned that this zone may not allow a sewerage system over that part of the land if a house was to be built on the property. They have a Private Native Forestry agreement and Property Vegetation Plan over the site and the zone appears to be at odds with the current use. The landowner is concerned that they were not notified of the C2 Environmental Conservation zone.</p> <p>Response:</p> <p>The Private Native Forestry agreement and Property Vegetation Plan have recently been renewed for an additional 15 years from October 2024. There is strong evidence to support the C2 Environmental Conservation Zone in this location as it contains remnants of old growth forest within the Bulga Plateau and significant vegetation communities. It is noted that this part of the site has been zoned for environmental purpose since 1995. A private on-site sewerage system is not classified as a sewerage system in the draft MidCoast LEP, and it is considered as part of an application process for a dwelling.</p> <p>Recommendation: no change</p>
	<p>A. Minimum lot size Bulga Forest</p> <p>It was identified that these lots along Gilloglys Road, Bulga Forest were incorrectly placed into the RU2 Rural Landscape zone with a 100ha minimum lot size. They should retain their current 40ha minimum lot size and move into the RU4 Primary Production Small Lots zone to correct this error.</p> <p>Recommendation: amend the draft MidCoast LEP mapping to include the identified sites in the RU4 Primary Production Small Lots zone and apply a minimum lot size of 40ha and no maximum height of building</p>

Proposed zone	Comment and response
	<p>B. Ellenborough Falls Reserve</p> <p>Parts of these sites around Ellenborough Falls Reserve, Elands (Lot 177 DP40240, Lot 7001 DP1024108, Lot 7010 DP1019546, Lot 7300 DP1146840, Lot 7011 DP1024109) are currently included wholly in the RU1 Primary Production zone or a combination of the RU1 Primary Production zone and the C2 Environmental Conservation zone. They are proposed to be included in the C2 Environmental Conservation zone in the draft MidCoast LEP. These sites are in public ownership.</p> <p>As the land is subject to a pending Aboriginal/Native Title Land Claim, a review of the zones was undertaken so as not to preclude any future use of the site. As a result, the zone is proposed to be changed to the RU4 Primary Production Small Lots zone where it currently applies in the Greater Taree Local Environmental Plan 2010. A review of this zone will be undertaken by Council if the Land Claim is unsuccessful.</p> <p>No change is proposed to the current C2 Environmental Conservation zone.</p> <p>Recommendation: amend draft MidCoast LEP mapping to include parts of Ellenborough Falls Reserve, which are currently zoned rural in the Greater Taree Local Environmental Plan 2010, in the RU4 Primary Production Small Lots zone and apply a minimum lot size of 40ha and no maximum height of building</p>
	<p>C. Rapids Road</p> <p>These sites at Rapids Road, Elands (Lot 36 DP754439, Lots 7003-7004 DP1023998, Lot 7006 DP1075123, Lots 7008-7009 DP1075124) are currently included in the RU1 Primary Production zone and are proposed to be included in the C2 Environmental Conservation zone and C3 Environmental Management zone in the draft MidCoast LEP. These sites are in public ownership.</p> <p>As the land is subject to a pending Aboriginal/Native Title Land Claim, a review of the zones was undertaken so as not to preclude any future use of the site. As a result, the zone is proposed to be changed to the RU4 Primary Production Small Lots zone. A review of this zone will be undertaken by Council if the Land Claim is unsuccessful.</p> <p>Recommendation: amend the draft MidCoast LEP mapping to include Lot 36 DP754439, Lots 7003-7004 DP1023998, Lot 7006 DP1075123, Lots 7008-7009 DP1075124 in the RU4 Primary Production Small Lots zone and apply a minimum lot size of 40ha and no maximum height of building</p>

Elands – general issues and response

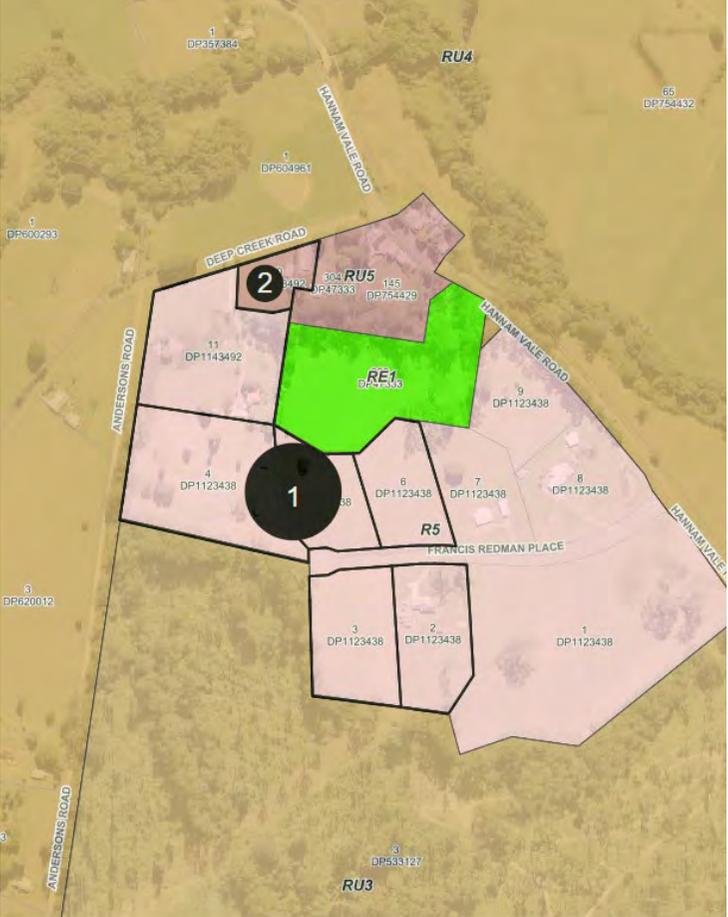
Private Native Forestry (Submission 509)

One submitter expressed concern about Private Native Forestry and would like to see dual consents applied across the MidCoast for this land use. Improved regulation is necessary for koala corridor protection, improved biodiversity outcomes, reduced water pollution, considering carbon sequestration and to address impacts like logging trucks on our road network.

Response:

The draft MidCoast LEP proposes to include Forestry as a permitted with consent land use in the rural zones (except the RU3 Forestry zone). As a result, any approval for Forestry in the RU1 Primary Production, RU2 Rural Landscape, RU4 Primary Production Small Lots will need to undertake a development application process and consider impacts such as biodiversity, noise and access.

Hannam Vale

Proposed zone	Comment and response
	<p>1. Large Lot Residential zone (Submissions 81, 97, 232, 344, 440, 494)</p> <p>These sites in Hannam Vale (Lots 2-6 DP1123438 and Lot 11 DP1143492) are currently included in the RU1 Primary Production zone and are proposed to be included in the R5 Large Lot Residential zone. Multiple landowners objected to the proposed R5 Large Lot Residential zone. Key concerns were that some agricultural land uses would no longer be permitted without consent, the application of exempt and complying development provisions to existing and future buildings, the impact on property rates/property valuations, use of their water reservoir (dam) and restrictions on noise and the keeping of animals.</p> <p>Response:</p> <p>The purpose of the draft MidCoast LEP was to examine the current zones and consistently apply a new suite of zones. Any zone changes from a rural zone to the R5 Large Lot Residential zone generally occurred where the site had the characteristics of the zone. In this case the sites in Hannam Vale were subdivided in the early 2000s and are generally 1ha to 5ha with housing established on the sites. These lots offer a rural lifestyle rather than being a working farm, so the basis of the proposed zone change was to acknowledge this type of lifestyle on these smaller rural lots and ensure the residential amenity of these lots was not impacted by more intensive agricultural land uses. Lawfully erected sheds and buildings on the site may remain under existing use rights.</p> <p>The R5 Large Lot Residential zone allows for certain land uses to be permitted with consent, and a development application may be lodged to reconstruct any sheds, buildings or sewage systems that are not forms of exempt development. The R5 Large Lot Residential zone does not prohibit people from having some horses/cattle grazing on their property, but there can be limitations due to the land areas of the lots.</p> <p>Categorisation of zones under a Local Environmental Plan is a separate process from the categories used for rates. Rates are categorised by the use of the land, which means many rural properties are categorised as 'residential' for the purpose of rates notices. The change from one zone to another is unlikely to result in an increase and change of category to rates. Landowners who have questions or need further information about their rates classification can contact Council's Rates Team.</p> <p>The draft MidCoast LEP is not proposing any changes to water reservoirs. Noise restrictions are dependent on the land use, for example, the use of motorbikes would be the same for rural and residential land. Noise complaints would be assessed against the noise criteria if a complaint is issued.</p> <p>Recommendation: no change</p>

Proposed zone	Comment and response
	<p>2. 7 Deep Creek Road (Submission 213)</p> <p>The landowner of 7 Deep Creek Road, Hannam Vale (Lot 10 DP1143492) supports the introduction of the RU5 Village zone in Hannam Vale, as they feel it is appropriate to help grow the community in the area.</p> <p>Response: Support is noted.</p> <p>Recommendation: no change</p>

Hannam Vale– general issues and response

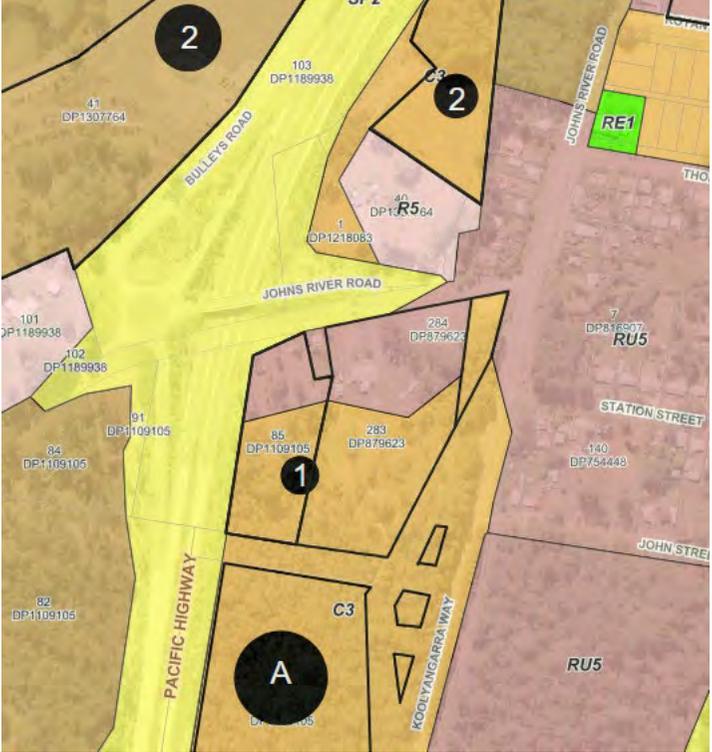
General comments (Submission 25)

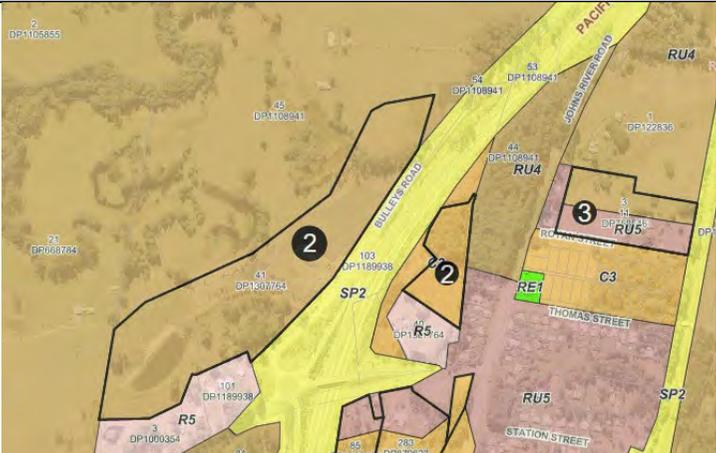
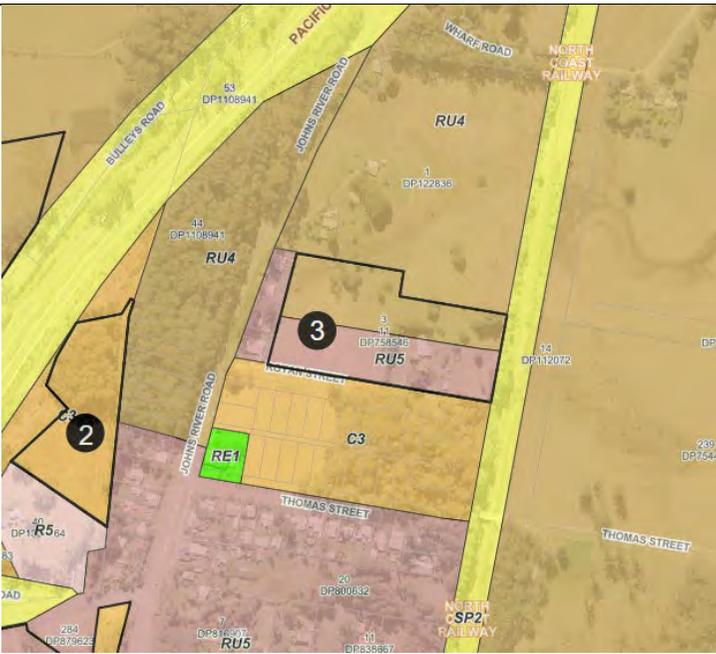
One landowner raised a concern that dairies were re-opening around Hannam Vale with no regulation or controls. Given their location next to creeks and rivers they impact on water quality and the natural environment and create impacts on nearby residents. These dairies require action by Council to address the impacts.

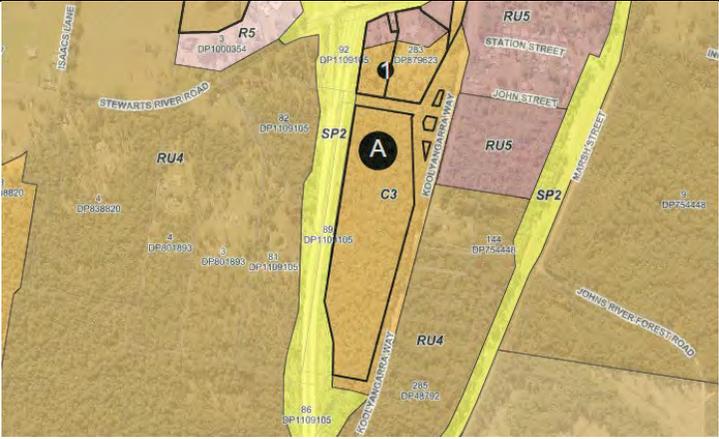
Response:

The issue identified in the submission is outside the scope of the draft MidCoast LEP as it relates to how existing dairies operate and environmental concerns. Where development consent is required, landowners would have to go through the development application process.

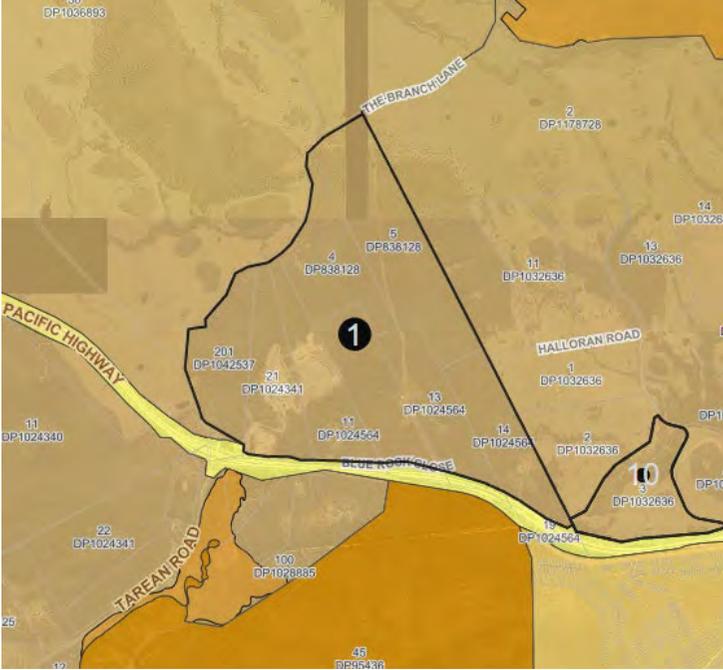
Johns River

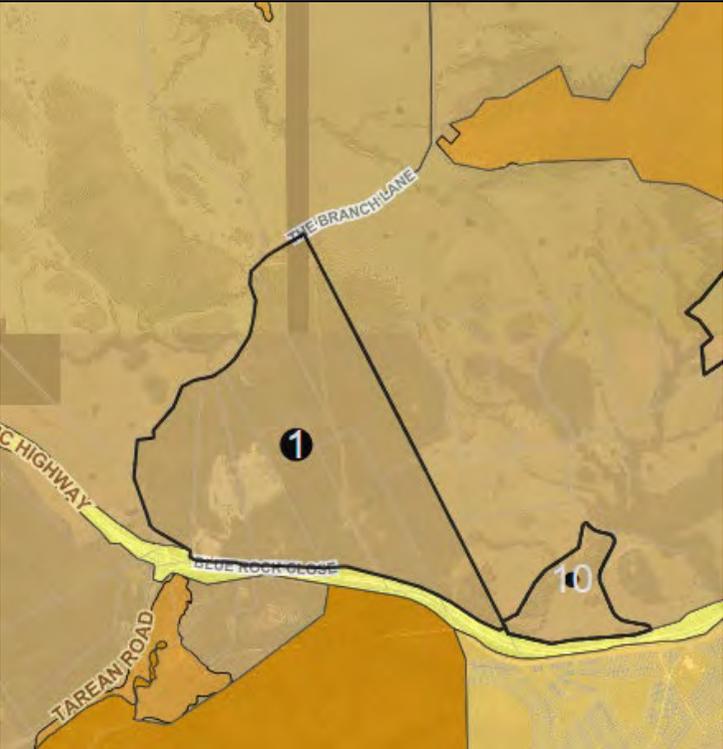
Proposed zone	Comment and response
	<p>1. 24 and 28 Johns River Road (Submission 257)</p> <p>This site at 24 and 28 Johns River Road, Johns River (Lot 85 DP1109105 and Lot 283-284 DP879623) is currently included in the RU5 Village zone with the rear of the property included in the RU1 Primary Production zone. The draft MidCoast LEP proposes to retain the RU5 Village zone and include the rear of the site in the C3 Environmental Management zone. The landowner is concerned that the C3 Environmental Management zone has been inappropriately applied to the rear of their property. The submission included an environmental overview which finds this land to be modified and disturbed, contains no threatened flora, while an Endangered Ecological Community is present along the creeks. Landowner requests that the RU5 Village zone be applied to the entire site to enable the intended development of a motel on the site.</p> <p>Response:</p> <p>A review of the site and report accompanying the submission supports the retention of a rural zone at the rear of the site, being the RU4 Primary Production Small Lots zone.</p> <p>The purpose of the draft MidCoast LEP was to examine the current zones and consistently apply a new suite of zones. Any zone changes from a rural zone to the RU5 Village zone cannot be supported unless the land was already developed as a village with services provided.</p> <p>To change the zone of a property, the landowner would need to go through the user pays planning proposal process (known as a rezoning). This process can be costly requiring technical studies which would consider all aspects of whether the site was suitable to be included in the RU5 Village zone (e.g. ecological, Aboriginal Cultural, transport, servicing and bushfire). It is important to note that planning proposals are typically only considered for sites identified in the MidCoast Urban Release Areas Report 2021 and the Hunter Regional Plan 2041. This site has not been identified in either of these documents.</p> <p>Recommendation: amend the draft MidCoast LEP mapping to include the rear of 24 and 28 Johns River Road in the RU4 Primary Production Small Lots zone and apply a minimum lot size of 40ha and no maximum height of building</p>

Proposed zone	Comment and response
	<p>2. 17 Bulleys Road (Submission 316)</p> <p>This site at 17 Bulleys Road, Johns River (Lot 41 DP1307764) is currently included in the R5 Large Lot Residential zone and is proposed to be included in the R5 Large Lot Residential zone, the RU4 Primary Production Small Lots zone and the C3 Environmental Management zone. The landowner objected to this zone change given it would hinder the subdivision of the land. A development application (DA2023/1157) has been lodged and will be finalised in the near future to accommodate a R5 Large Lot Residential subdivision.</p> <p>Response:</p> <p>A review of the development application demonstrated that the constraints of the land could be adequately addressed to achieve a R5 Large Lot Residential outcome on the site. As a result, it is proposed to reinstate the R5 Large Lot Residential zone over this site.</p> <p>Recommendation: amend the draft MidCoast LEP mapping to include 17 Bulleys Road in the R5 Large Lot Residential zone and apply a minimum lot size of 1.5ha and a maximum height of building of 8.5m</p>
	<p>3. 7 Royan Street (Submission 318)</p> <p>The site at 7 Royan Street, Johns River (Lot 3 Section 11 DP758546) is currently included in the RU1 Primary Production zone and RU5 Village zone. It is proposed to be retained in a rural zone, being the RU4 Primary Production Small Lots zone and RU5 Village zone, however the minimum lot size of the RU5 Village zone part was to be increased from 1,000m² to 1.5ha. The landowner objected to this increase in the minimum lot size. They request an amendment to Clause 4.1C – Subdivision and servicing of certain lots (1)(a) to allow for subdivision in the RU5 Village zone when there is a minimum lot size of 4,000m² or less consistent with the provisions relating to land in the R5 Large Lot Residential zone. Given the Development Assessment Framework (DAF) concluded that lot sizes greater than 4,000m² are capable of being serviced by on-site sewage management system, this lot size would be suitable for the unserviced land in the RU5 Village zone. In addition, the minimum lot size for these sites should be increased to 5,000m².</p> <p>Response:</p> <p>The minimum lot size for the part of the site included in the RU5 Village zone was increased given it was not serviced land. However, new provisions in the draft MidCoast LEP ensure that the servicing of land is a key consideration when subdividing land, removing the need for this increased minimum lot size. It is also recognised that the on-site waste requirements change based on site locations, characteristics and new technology. As a result, development applications can consider the site and development to determine the appropriate lot size. As a result, the retention of the current 1,000m² minimum lot size for the part of the site included in the RU5 Village zone is supported.</p>

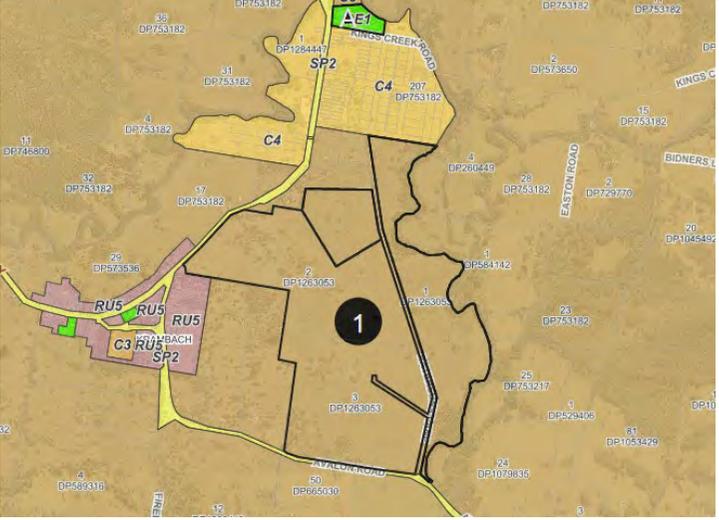
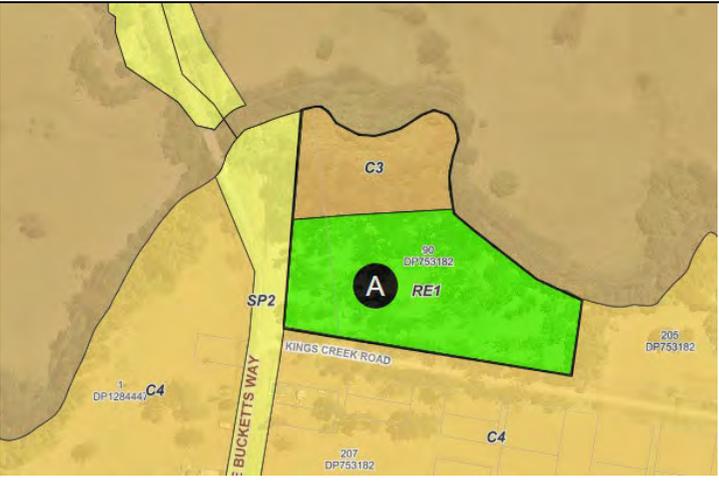
Proposed zone	Comment and response
	<p>Recommendation: amend the draft MidCoast LEP mapping to provide a 1,000m² minimum lot size for the part of 7 Royan Street, Johns River currently included in the RU5 Village zone under the Greater Taree Local Environmental Plan 2010</p>
	<p>A. Environmental Management zone</p> <p>These sites adjacent to the Pacific Highway, Johns River are currently in the RU1 Primary Production zone and were proposed to be included in the C3 Environmental Management zone. A subsequent review was undertaken of the site, and based on environmental considerations and pending Aboriginal/Native Title Land Claims (land to the south) it is proposed to retain the rural zone over these sites, being the RU4 Primary Production Small Lots zone.</p> <p>Recommendation: amend the draft MidCoast LEP mapping to include Lot 83 DP1109105, Lot 1-2 Section 5 DP758546, Lot 1-2, 16-17 Section 6 DP758546 and Lot 1 DP125508 in the RU4 Primary Production Small Lots zone and apply a minimum lot size of 40ha and no maximum height of building</p>
	<p>B. Johns River Hall Crown Reserve</p> <p>These sites are included in the Johns River Hall Crown Reserve 97951 (Lots 1-13 and 17-28 Section 10 DP758546 and Lots 7301-7303 DP1143888). They are currently in the RU5 Village zone and were proposed to be included in the C3 Environmental Management zone.</p> <p>Based on the submissions, a review of Johns River was undertaken, and it is proposed to retain these sites in the RU5 Village zone as it forms part of the village and while there is vegetation on the rear sites, the environmental values of this land would be considered in any future development, if it was to occur.</p> <p>Recommendation: amend the draft MidCoast LEP mapping to include Lots 1-13 and 17-28 Section 10 DP758546 and Lots 7301-7303 DP1143888 in the RU5 Village zone with a minimum lot size of 1,000m² and a maximum building height of 8.5m</p>

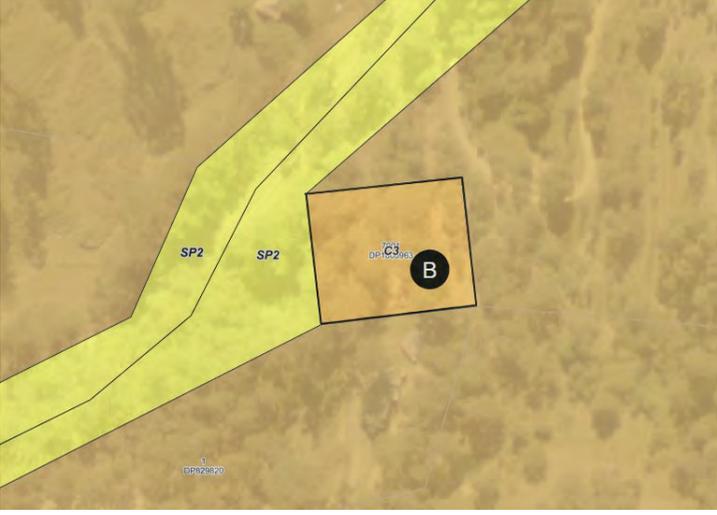
Karuah

Proposed zone	Comment and response
	<p>1. Karuah Quarry Complex (Submission 358)</p> <p>The Karuah Quarry Complex, Karuah is proposed to be retained in a rural zone, being the RU4 Primary Production Small Lots zone. The landowner has no objection to the proposed RU4 Primary Production Small Lots zone provided that Extractive industry and Resource recovery facility (within the definition of Waste management facility) remain permissible in the zone. However, they do object to Industries becoming a prohibited use in the proposed RU4 Primary Production Small Lots zone as this represents 'back zoning'. The co-location of Extractive industry and Industry should be promoted. They acknowledge that the NSW Government's State Environmental Planning Policy (Resources and Energy) 2021 allows some co-location of industry. However, there are more land uses that fall under the definition of Industry that will not be permitted. Maintaining permissibility of Industries will promote adaptive reuse, noting the Hunter Regional Plan 2041.</p> <p>They strongly object to the proposed minimum lot size change from 40ha to 5ha on land to the south-east of the site (within a 2 km radius) in the North Arm Cove paper subdivision area. It could potentially increase housing density and land use conflict with the quarry operation and operating hours. Any development in this area is highly likely to trigger the NSW Government's Voluntary Land Acquisition and Mitigation Policy with significant repercussions for Hunter Quarries. There is concern that the requirements under the NSW Government's State Environmental Planning Policy (Resource and Energy) 2021 specifically Clause 2.19 will not be able to be met.</p> <p>The Paper Subdivision Analysis Report 2022, draft MidCoast LEP Planning Proposal and the NSW Department of Planning Housing and Infrastructure's Gateway Determination have not considered the quarry and no direct consultation with Hunter Quarries has been undertaken. No reduction in minimum lot size should occur within 2km from the edge of the quarry. Council has not complied with its obligations under numerous Local Planning Directions including 8.1 Resources and Energy as it relates to the operation of two State Significant Development extractive industries. Any future Development Control Plan provisions for North Arm Cove paper subdivision area should consider the quarry.</p> <p>Response:</p> <p>The range of potential permitted land uses in the new rural zones has been increased to provide reasonable opportunities for value adding on-farm activities that support rural enterprises, such as Rural industries or Landscaping material supplies. In addition, some land uses such as Industries, Caravan parks and Hotel or motel accommodation are proposed to be prohibited development in rural zones, as these types of land uses are often not compatible with the character of rural zones.</p> <p>The NSW Government's State Environmental Planning Policy (Resources and Energy) 2021 does allow for some co-location of industries which could be applied to this site. Also, the Hunter Regional Plan 2041 allows the adaptive reuse of mining sites however recommends a planning proposal process be undertaken to ensure the future use is appropriate for the site.</p>

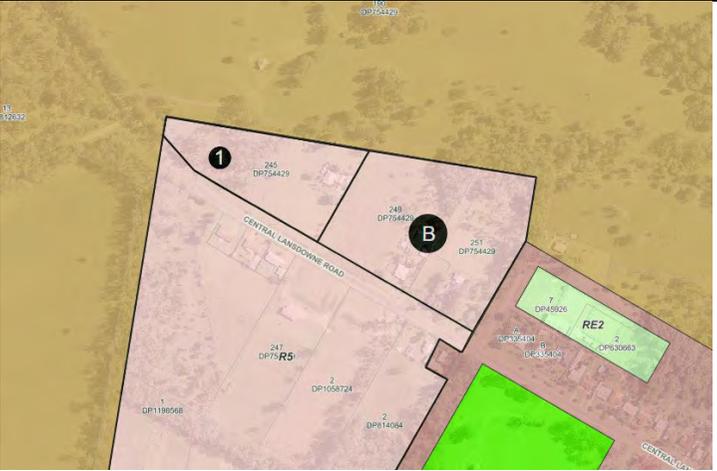
Proposed zone	Comment and response
	<p>In NSW, the Environmental Protection Authority (EPA) does not set arbitrary minimum set back distances between residential premises and quarrying activities. However, according to EPA guidelines, a recommended buffer distance between a quarry and a residential dwelling is typically 500m. This can vary depending on quarry operations, which means a case-by-case assessment is necessary to determine appropriate buffer distances. The distance from the nearest operational part of the Karuah East Quarry (southern stockpiling area) to the north-eastern part of the North Arm Cove paper subdivision area is greater than 500m and includes the Pacific Highway. Within a 1km buffer, there is approximately 19ha of land within the North Arm Cove paper subdivision area proposed for the C4 Environmental Living zone. Following the draft MidCoast LEP consultation process a 10ha minimum lot size is now proposed for this area, which has the potential to generate two additional dwelling lots within a 1km buffer to the quarry which is a conservative estimate based on site constraints. As indicated, any development in the vicinity of the quarry would need to consider section 2.19 of the NSW Government's State Environmental Planning Policy (Resources and Energy) 2021 and would be subject to the rigorous development assessment process to determine the suitability of the development.</p> <p>The Paper Subdivision Analysis Report 2022 provided a high-level desktop assessment of possible conservation or development opportunities for paper subdivision areas in the MidCoast. Consultation with adjoining landowners was considered to be outside the scope of report. The proposed zone and minimum lot size for paper subdivision areas in North Arm Cove was a requirement of the Gateway Determination issued by the NSW Department of Planning, Housing and Infrastructure.</p> <p>Ministerial Directions are addressed in Appendix 6 of the Planning Proposal. The aim of Ministerial Direction 8.1 Mining, Petroleum Production and Extractive Industries, is to ensure that the future extraction of State or regionally significant reserves of coal, other minerals, petroleum and extractive materials are not compromised by inappropriate development. Given the limited potential for additional dwellings in the vicinity of the quarry, it is considered the planning proposal will not impede the continued operation of the quarry. In addition, the Planning Proposal was referred to the Department of Regional NSW – Mining, Exploration and Geoscience who had no objection to the draft MidCoast LEP.</p> <p>Work on the draft MidCoast Development Control Plan is underway and could consider the use of controls to identify buffers to land uses such as these.</p> <p>Recommendation: no change</p>

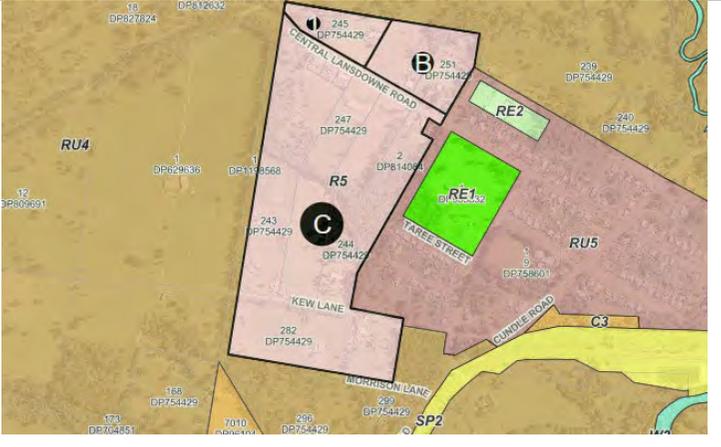
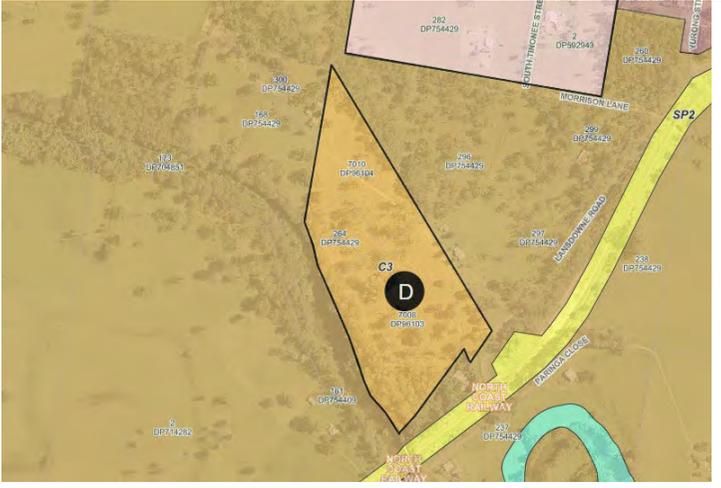
Krambach and Kundibakh

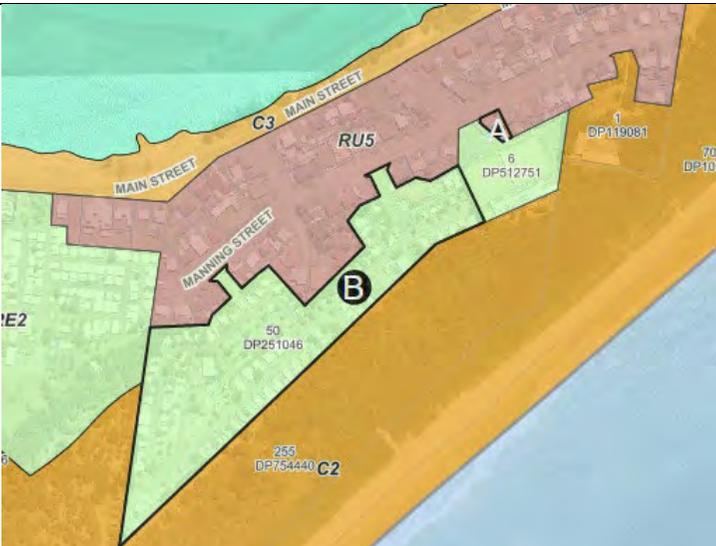
Proposed zone	Comment and response
	<p>1. 78 Patersons Lane (Submission 333)</p> <p>This site at 78 Patersons Lane, Krambach (Lots 1-3 DP1263053) is currently included in the RU1 Primary Production zone and RU4 Primary Production Small Lots zone. It is proposed to be retained in a rural zone, this being the RU4 Primary Production Small Lots zone, with the minimum lot sizes of 40ha and 20ha also being retained. The landowner objects to the dual minimum lot size of 20ha and 40ha being retained over their property. They request for the 20ha minimum lot size to be applied to all three lots to allow for improved road connection and potential subdivision. The landowner believes that the further subdivision would be beneficial given the proximity to Krambach Public School and Krambach village.</p> <p>Response:</p> <p>The dual minimum lot sizes over this site reflects the current planning controls. The NSW Department of Primary Industries are generally opposed to any reduction of the minimum lot size below 40ha for rural lands, as a result there is no opportunity to extend the 20ha minimum lot size over the entire site.</p> <p>Recommendation: no change</p>
	<p>A. Krambach Park Reserve</p> <p>The Krambach Park Reserve, Krambach (Lot 90 DP753182 and Lot 7003 DP1028693) is currently included in the RU1 Primary Production zone and is proposed to be included in the RE1 Public Recreation zone and the northern part in the C3 Environmental Management zone in the draft MidCoast LEP. These sites are in public ownership.</p> <p>As the land is subject to a pending Aboriginal/Native Title Land Claim, a review of the zones was undertaken so as not to preclude any future use of the site. Given the land is identified in the Paper Subdivision map the RE1 Public Recreation zone and C3 Environmental Management zone will be changed to the C4 Environmental Living zone to be consistent with how zones have been applied to paper subdivision sites.</p> <p>Recommendation: amend draft MidCoast LEP mapping to include Lot 90 DP753182 and Lot 7003 DP1028693 in the C4 Environmental Living zone and apply a minimum lot size of 10ha and a maximum height of building of 8.5m</p>

Proposed zone	Comment and response
	<p>B. 4396 The Bucketts Way</p> <p>This site at 4396 The Bucketts Way, Kundibakh (Lot 7001 DP1000963) is currently included in the RU1 Primary Production and is proposed to be included in the C3 Environmental Management zone in the draft MidCoast LEP. This site is in public ownership.</p> <p>As the land is subject to a pending Aboriginal/Native Title Land Claim, a review of the zones was undertaken so as not to preclude any future use of the site. As a result, the zone is proposed to be changed to the RU4 Primary Production Small Lots zone. A review of this zone will be undertaken by Council if the Land Claim is unsuccessful.</p> <p>Recommendation: amend the draft MidCoast LEP mapping to include 4396 The Bucketts Way, Kundibakh (Lot 7001 DP1000963) in in the RU4 Primary Production Small Lots zone and apply a minimum lot size of 40ha and no maximum building height</p>

Lansdowne

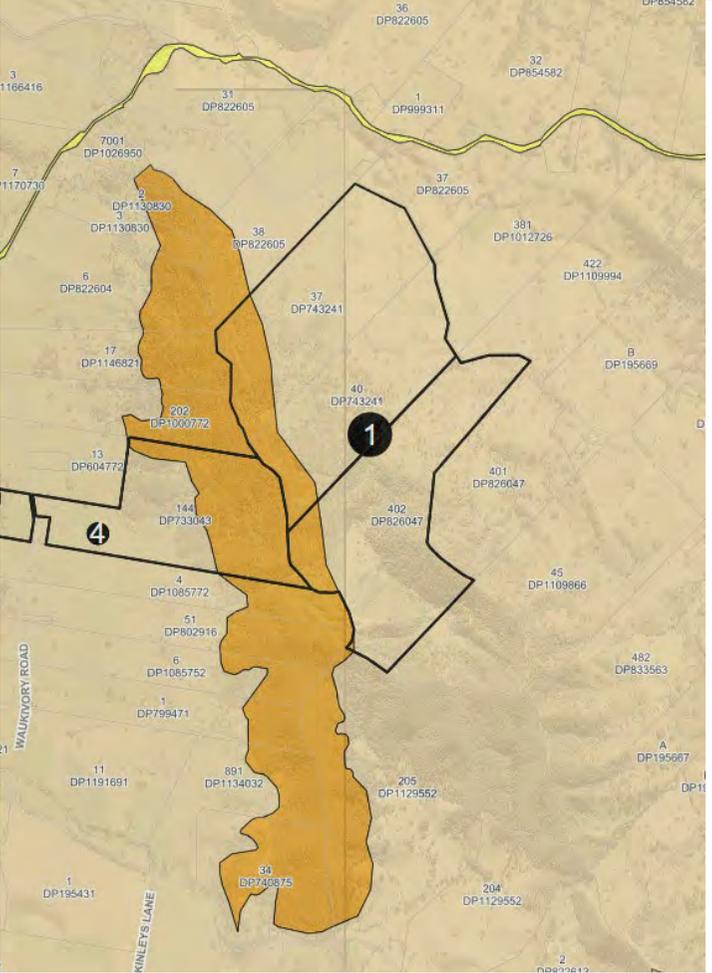
Proposed zone	Comment and response
	<p>1. 74 Central Lansdowne Road (Submission 100)</p> <p>This site at 74 Central Lansdowne Road, Lansdowne (Lot 245 DP754429) is currently in the RU1 Primary Production zone and was proposed to be included in the R5 Large Lot Residential zone. The landowner objected to the zone change due to the restricted land uses (e.g. Agritourism, Camping grounds, Farm buildings). They suggested it should be retained in a rural zone similar to nearby properties.</p> <p>Response:</p> <p>There have been a number of historic planning changes over this site and nearby properties. The landowner was contacted, and options were discussed for this site. As a result, the site is proposed to be changed to RU4 Primary Production Small Lots zone.</p> <p>Recommendation: amend the draft MidCoast LEP mapping to include 74 Central Lansdowne Road, Lansdowne in the RU4 Primary Production Small Lots zone and apply a minimum lot size of 40ha and no maximum height of building</p>

Proposed zone	Comment and response
	<p>C. Large Lot Residential zone Lansdowne</p> <p>These sites between Morrison Lane and Central Lansdowne Road are currently included in the RU1 Primary Production zone and are proposed to be included in the R5 Large Lot Residential zone. A review of the proposed R5 Large Lot Residential zone proposed to be applied in Lansdowne identified that these sites are impacted by flooding which means they are not suitable to be included in a residential zone. As a result, it is proposed to retain these sites in a rural zone, being the RU4 Primary Production Small Lots zone.</p> <p>Recommendation: amend the draft MidCoast LEP mapping to include the identified sites in the RU4 Primary Production Small Lots zone and apply a minimum lot size of 40ha and no maximum height of building</p>
	<p>D. Lansdowne Road</p> <p>These sites at Lansdowne Road (Lot 7008 DP96103, Lot 7010 DP96104, Lot 264 DP754429) are currently included in the RU1 Primary Production zone and proposed to be included in the C3 Environmental Management zone in the draft MidCoast LEP. These sites are in public ownership.</p> <p>As the land is subject to a pending Aboriginal/Native Title Land Claim, a review of the zones was undertaken so as not to preclude any future use of the site. As a result, the zone is proposed to be changed to the RU4 Primary Production Small Lots zone. A review of this zone will be undertaken by Council if the Land Claim is unsuccessful.</p> <p>Recommendation: amend the draft MidCoast LEP mapping to include Lot 7008 DP96103, Lot 7010 DP96104, Lot 264 DP754429) in the RU4 Primary Production Small Lots zone and apply a minimum lot size of 40ha and no maximum height of building</p>

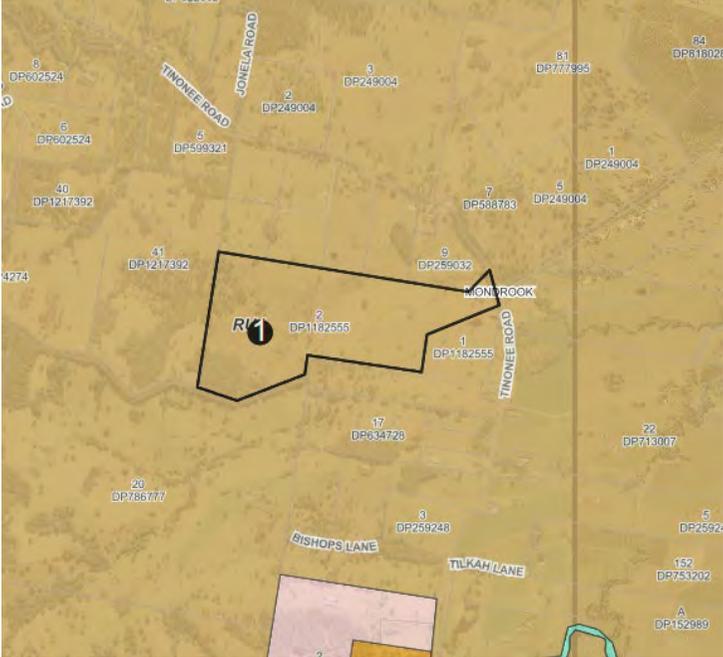
Proposed zone	Comment and response
	<p>A. Manning Point Bowling Club</p> <p>This site at 22 Manning Street, Manning Point (Lot 13 Section 3 DP28873) is proposed to be retained in the RU5 Village, however it forms part of the bowling club being the access and carpark. As a result, this site should be included in the RE2 Private Recreation zone.</p> <p>Recommendation: amend the draft MidCoast LEP mapping to include 22 Manning Street, Manning Point in the RE2 Private Recreation zone and apply a 20ha minimum lot size and a maximum height of building of 8.5m</p>
	<p>B. Manning Point Holiday Park</p> <p>The Manning Point Holiday Park, Manning Point (Lot 50 DP251046) is currently in multiple zones, including the C2 Environmental Conservation zone, C3 Environmental Management zone, RU1 Primary Production zone and RU5 Village zone. It is proposed to be included in the RE2 Private Recreation zone. Given the site is Crown Land the zone should be amended include the site in the RE1 Public Recreation zone.</p> <p>Recommendation: amend the draft MidCoast LEP mapping to include Manning Point Holiday Park, Manning Point in the RE1 Public Recreation zone and apply no minimum lot size and a maximum height of building of 8.5m</p>

Proposed zone	Comment and response
	<p>C. Manning Point Road</p> <p>This site at Manning Point Road, Manning Point (Lot 7304 DP1162637) is currently included in the RU1 Primary Production zone and is proposed to be included in the C3 Environmental Management zone in the draft MidCoast LEP. This site is in public ownership.</p> <p>As the land is subject to a pending Aboriginal/Native Title Land Claim, a review of the zones was undertaken so as not to preclude any future use of the site. As a result, the zone is proposed to be changed to the RU4 Primary Production Small Lots zone. A review of this zone will be undertaken by Council if the Land Claim is unsuccessful.</p> <p>Recommendation: amend the draft MidCoast LEP mapping to include Lot 7304 DP1162637 in the RU4 Primary Production Small Lots zone and apply a minimum lot size of 40ha and no maximum height of building</p>

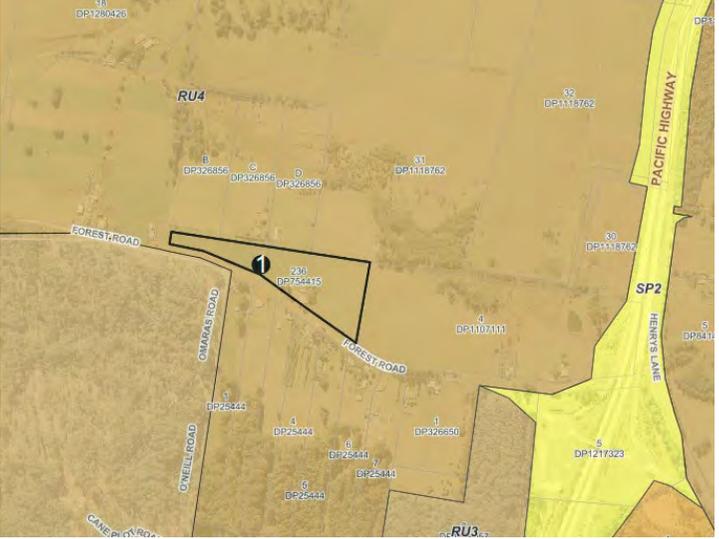
Mograni Range

Proposed zone	Comment and response
	<p>1. Mograni Creek Road (Submissions 186, 248)</p> <p>These sites at Mograni Creek Road, Mograni (Lot 37 and 40 DP743241 and Lot 402 DP826047) are to be retained in the RU1 Primary Production zone with C2 Environmental Conservation at the rear of the properties, which has been increased in its application over these sites. The landowners object to the increase in area of land to be included in the C2 Environmental Conservation zone. They believe the zone purpose is inconsistent with agricultural land uses of the land, and that there are no ecological or cultural values evident on this part of the property, particularly when a transmission line runs through this part of the sites. They are aware they may retain existing use rights but the suggest the extended C2 Environmental Conservation zone creates unnecessary inconsistency.</p> <p>Response:</p> <p>The existing C2 Environmental Conservation zone over the Mograni Range reflects its environmental significance, scenic value to Gloucester Valley and its Aboriginal cultural values. Due to issues raised in the submissions, the proposed C2 Environmental Conservation zone boundary was reviewed. The steepness/contours of the land and existing vegetation patterns were taken into consideration. Following the review the proposed zone boundary was considered appropriate and represents a balance between the significance of the Mograni Range and the current rural land uses.</p> <p>Regarding the range of land uses currently permitted in the rural zone over the property, these land uses can continue to operate on the land if they have been lawfully established under existing use rights. The proposed zone change doesn't prevent landholders from accessing parts of their properties.</p> <p>Regarding the major transmission powerline, the MidCoast has an extensive electricity network of powerlines traversing a range of land use zones including conservation, rural and residential zones. The presence of a power line does not warrant a zone change.</p> <p>Recommendation: no change</p>

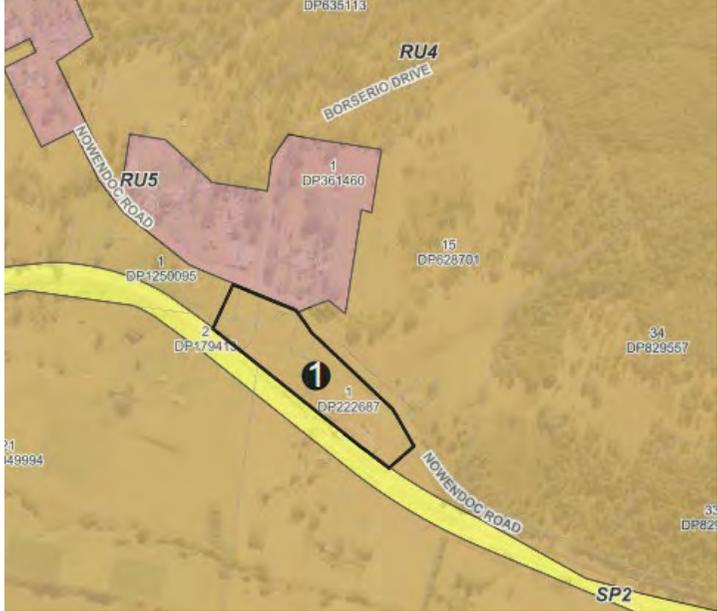
Mondrook

Proposed zone	Comment and response
	<p>1. 628 Tinonee Road (Submission 253)</p> <p>This site at 628 Tinonee Road, Mondrook (Lot 2 DP1182555) is proposed to be retained in the RU4 Primary Production Small Lots zone. The landowner requested that the site not be included in the proposed RU4 Primary Production Small Lots zone as the land is a designated koala conservation area. The landowner proposed that the site be included in the C2 Environmental Conservation zone as no agricultural activity occurs on the site and the property is being used specifically for koala habitat regeneration and protection.</p> <p>Response:</p> <p>Discussions were held with the landowner, and it was agreed to include the site in the C3 Environmental Management zone so as not to restrict any future structures being built on the site, which may have occurred in the suggested C2 Environmental Conservation zone.</p> <p>Recommendation: amend the draft MidCoast LEP mapping to include 628 Tinonee Road, Mondrook in the C3 Environmental Management zone and apply a minimum lot size of 40ha and no maximum height of building</p>

Moorland

Proposed zone	Comment and response
	<p>1. 90 Forest Road (Submission 50)</p> <p>This site at 90 Forest Road, Moorland (Lot 236 DP754415) is currently included in the RU1 Primary Production zone and is proposed be retained in a rural zone, being the RU4 Primary Production zone. The landowner objects to the RU4 Primary Production Small Lots zone. They believe the site should be included in RU5 Village zone, as the land is elevated, not a flood risk and suitable for residential purposes.</p> <p>Response:</p> <p>The purpose of the draft MidCoast LEP was to examine the current zones and consistently apply a new suite of zones. Any zone changes from a rural zone to the RU5 Village zone would only occur where the site had been developed as a village, which is not the case for this site.</p> <p>To change the zone of a property, the landowner would need to go through the user pays planning proposal process (known as a rezoning). This process can be costly requiring technical studies which would consider all aspects of whether the site was suitable to be included in the RU5 Village zone (e.g. ecological, Aboriginal Cultural, transport, servicing and bushfire). It is important to note that planning proposals are typically only considered for sites identified in the MidCoast Urban Release Areas Report 2021 and the Hunter Regional Plan 2041. This site has not been identified in either of these documents.</p> <p>Recommendation: no change</p>
	<p>A. 22 Hannam Vale Road</p> <p>This site at 22 Hannam Vale Road, Moorland (Lot 3 DP318768) is currently included in the RU5 Village zone and is proposed to be included in the RE1 Public Recreation zone in the draft MidCoast LEP. This site is in public ownership.</p> <p>As the land is subject to a pending Aboriginal/Native Title Land Claim, a review of the zones was undertaken so as not to preclude any future use of the site. As a result, the zone is proposed to be changed to the RU5 Village zone. A review of this zone will be undertaken by Council if the Land Claim is unsuccessful.</p> <p>Recommendation: amend the draft MidCoast LEP mapping to include 22 Hannam Vale Road, Moorland in the RU5 Village zone and apply a minimum lot size of 1,000m² and a maximum height of building of 8.5m</p>

Mount George

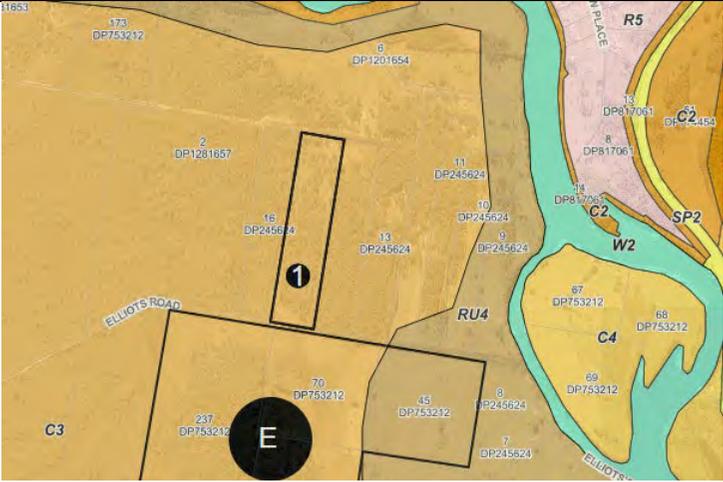
Proposed zone	Comment and response
	<p>1. 1501 Nowendoc Road (Submission 384)</p> <p>This site at 1501 Nowendoc Road, Mount George (Lot 1 DP222687) is currently included in the RU1 Primary Production zone and is proposed to be retained in a rural zone, being the RU4 Primary Production Small Lots zone. The landowner objects to the RU4 Primary Production Small Lots zone. They request the site be included in the RU5 Village zone given it is located close to the Mount George Public School and the community hall. The landowner believes that further residential development would help grow the local community and establish new businesses, and that the lots are well sized for residential development.</p> <p>Response:</p> <p>The purpose of the draft MidCoast LEP was to examine the current zones and consistently apply a new suite of zones. Any zone changes from a rural zone to the RU5 Village zone would generally occur where the site had been developed as a village, which is not the case for this site.</p> <p>To change the zone of a property, the landowner would need to go through the user pays planning proposal process (known as a rezoning). This process can be costly requiring technical studies which would consider all aspects of whether the site was suitable to be included in the RU5 Village zone (e.g. ecological, Aboriginal Cultural, transport, servicing and bushfire). It is important to note that planning proposals are typically only considered for sites identified in the MidCoast Urban Release Areas Report 2021 and the Hunter Regional Plan 2041. This site has not been identified in either of these documents.</p> <p>Recommendation: no change</p>

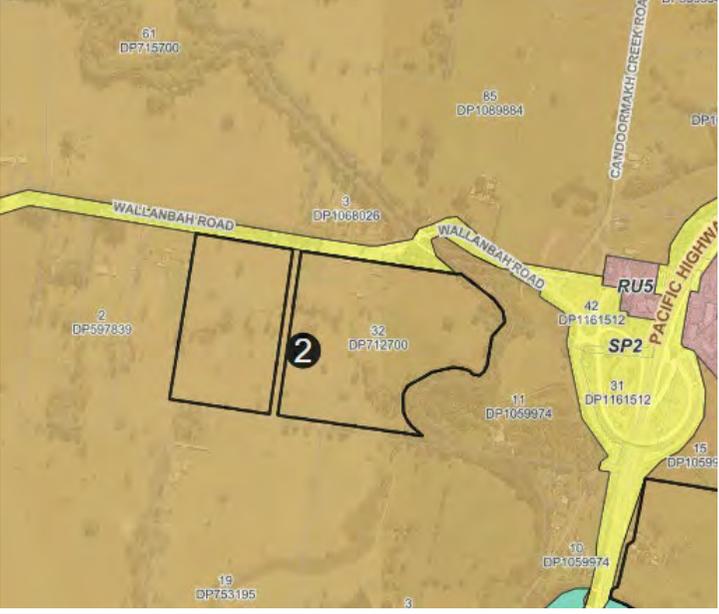
Mount George – general comment and response

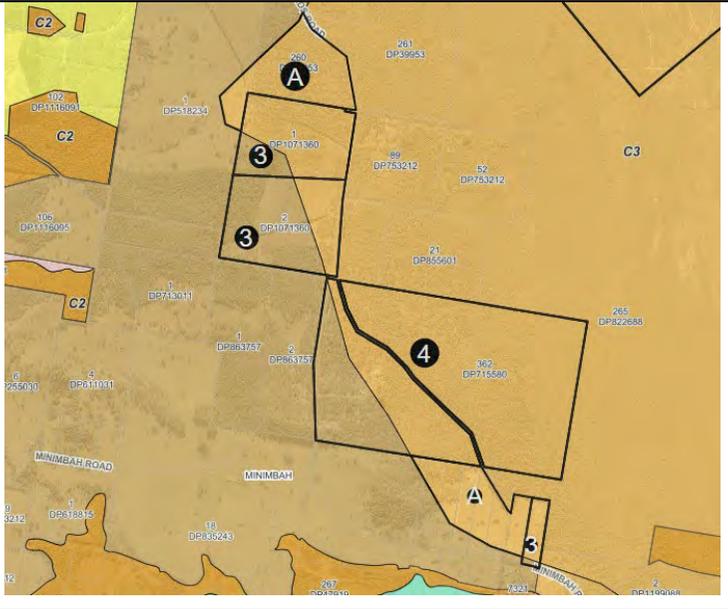
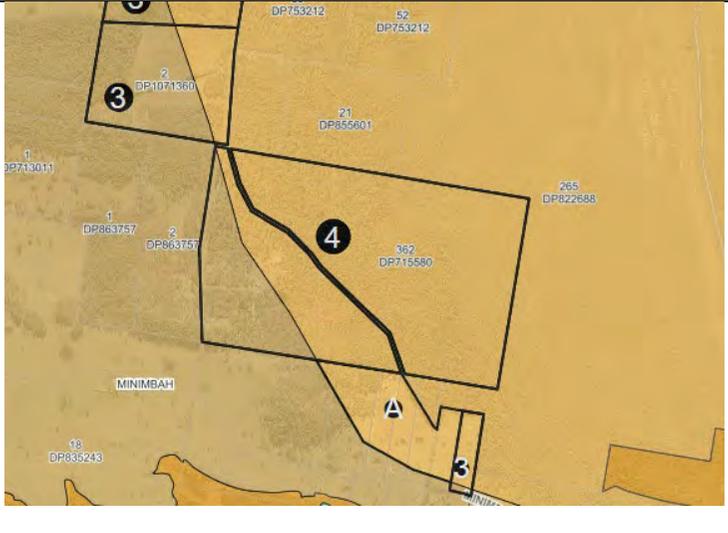
<p>General comments (Submissions 174, 379)</p> <ul style="list-style-type: none"> a) A submission expressed support for more urban growth in the area. b) A submission raised concern that no clear village boundary for Mount George is identified within the draft MidCoast LEP documents. Requests specific consultation with Mount George village community with mapping resources provided. Would like to see development and growth in Mount George in the future. <p>Response</p> <ul style="list-style-type: none"> a) Support for urban growth is noted. The MidCoast Urban Release Report 2021 identifies where future growth is anticipated across the MidCoast b) The proposal for the RU5 Village zone for Mount George was first exhibited during Council's draft Rural Strategy in 2021-2022. The proposed boundary of the RU5 Village zone applied to the existing built form of the main village, which has been historically spread out along Nowendoc Road. It is important to note that the intention of having the RU5 Village zone over

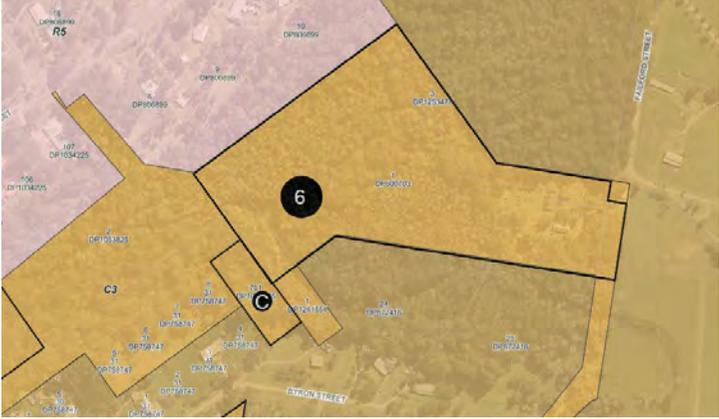
Mount George was not to allow village expansion, but to encourage development opportunities within the existing village. Any further village expansion of Mount George is beyond the scope of the draft MidCoast LEP. It is noted that an offer for an additional session organised by the community was provided by Council.

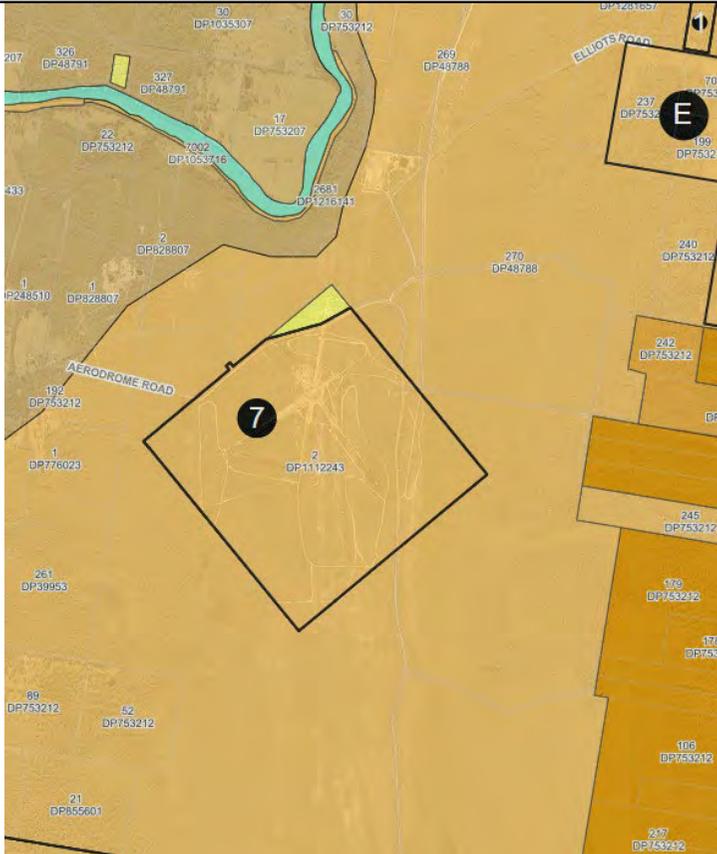
Nabiac/Minimbah

Proposed zone	Comment and response
 <p>The map displays various land parcels with their respective Development Plan (DP) numbers and proposed zones. A circled '1' highlights a specific site at 265 Elliotts Road, Nabiac, which is currently in the RU2 Rural Landscape zone and is proposed to be included in the C3 Environmental Management zone. Other zones shown include R5, C2, SP2, W2, RU4, C4, C3, and E. Elliotts Road is labeled on the map.</p>	<p>1. 265 Elliotts Road (Submission 4)</p> <p>This site at 265 Elliotts Road, Nabiac (Lot 15 DP245624) is currently in the RU2 Rural Landscape zone and is proposed to be included in the C3 Environmental Management zone. The landowner is concerned about the two year sunset clause for dwelling entitlements. They have a recognised dwelling entitlement under Clause 4.2A Development on land in certain rural and conservation zones of the Great Lakes Local Environmental Plan 2014 and plan to build house in next 15 years.</p> <p>Response:</p> <p>Dwelling entitlements were a common submission topic and have been specifically addressed in Section 4.5 of the Consultation Report. Please refer to this section to see the amendments proposed.</p> <p>Recommendation: amend Clause 4.2A in the draft MidCoast Local Environmental Plan to reflect changes proposed in Section 4.5 of the Consultation Report</p>

Proposed zone	Comment and response
	<p>2. 3874-3894 Wallanbah Road (Submission 196)</p> <p>This site at 3874-3894 Wallanbah Road, Nabic (Lot 32 DP712700) is currently included in the RU1 Primary Production zone and is proposed to be retained in a rural zone, being the RU4 Primary Production Small Lots zone. The landowner requests that the R5 Large Lot Residential zone should be considered to provide more housing in Nabic. The landowner's reasons for the inclusion in the R5 Large Lot Residential zone are that the site has minimal flood risk, and good road, water and electricity access it is suitable for future development.</p> <p>Response:</p> <p>The purpose of the draft MidCoast LEP was to examine the current zones and consistently apply a new suite of zones. Any zone changes from a rural zone to an urban zone, such as the R5 Large Lot Residential zone generally occurred where the site had the characteristics of the zone. In this case, there would have to be an existing estate with lots typically of 1.5ha to 5ha.</p> <p>To change the zone of a property, the landowner would need to go through the user pays planning proposal process (known as a rezoning). This process can be costly requiring technical studies which would consider all aspects of whether the site was suitable to be included in the R5 Large Lot Residential zone (e.g. ecological, Aboriginal Cultural, transport, servicing and bushfire). It is important to note that planning proposals are typically only considered for sites identified in the MidCoast Urban Release Areas Report 2021 and the Hunter Regional Plan 2041. This site has not been identified in either of these documents.</p> <p>Recommendation: no change</p>

Proposed zone	Comment and response
	<p>3. 193 and 255 Woodlands Road and 1157 Minimbah Road (Submissions 240, 264, 348)</p> <p>These sites at 193 and 255 Woodlands Road, Nabic (Lot 1-2 DP1071360) and 1157 Minimbah Road, Nabic (Lot 8 DP832587) are currently included in the RU2 Rural Landscape zone and are proposed to be included partially in the RU4 Primary Production Small Lots zone and C3 Environmental Management zone. The landowners object to part of these sites being included in the C3 Environmental Management zone given the land is cleared and used for farming activities. They are concerned that this zone change would impact on their use of land for cattle grazing and that land uses such as extensive agriculture and machinery sheds will require a consent application. Concerns also raised about permission being required for pasture improvement/vegetation management.</p> <p>Response:</p> <p>The C3 Environmental Management zone applies to the footprint for the Nabic aquifer. Council's Water Services team reviewed the catchment boundary in this location, and it is proposed to use Woodlands Road as the boundary for the aquifer footprint and remove 1157 Minimbah Road from within the aquifer boundary. As a result, the entirety of these sites would be included in the RU4 Primary Production Small Lots zone.</p> <p>Recommendation: amend the draft MidCoast LEP mapping to include 193 and 255 Woodlands Road and 1157 Minimbah Road in the RU4 Primary Production Small Lots zone and apply a minimum lot size of 40ha and no maximum height of building</p>
	<p>4. 304 Woodlands Road (Submission 385)</p> <p>This site at 304 Woodlands Road, Nabic (Lot 362 DP715580) is currently included in the RU2 Rural Landscape zone and is proposed to be included partially in the RU4 Primary Production Small Lots zone and C3 Environmental Management zone. The landowner objects to the inclusion of the rear of the site in the C3 Environmental Management zone as it will cover over 80% of the site. They are concerned about the impact on their right to undertake extensive agriculture over the whole of the property. They request the RU4 Primary Production Small Lots zone be applied to the entire site to allow for the more land uses (e.g. environmental protection works, extensive agriculture, home business and home occupations) to be permitted without consent. If the zone change proceeds, they want to be able to continue their current business as an 'existing use' or 'continuing use'.</p> <p>Response:</p> <p>The C3 Environmental Management zone applies to the footprint for the Nabic aquifer. Council's Water Services team reviewed the catchment boundary in this location, and it is proposed to use Woodlands Road as the boundary for the aquifer footprint. As a result, the extent of land proposed to be included in the C3 Environmental Management zone will be reduced.</p> <p>Regarding the range of land uses currently permitted in the rural zone over the property, these land uses can continue to operate on the land if they have been lawfully established under existing use rights. Based on several</p>

Proposed zone	Comment and response
	<p>6. 1 Nixon Place (Submission 431)</p> <p>This site at 1 Nixon Place, Nabitac (Lot 1 DP600703, Lot 1 DP48418 and Lot 3 DP1253477) is currently included in the RU2 Rural Landscape zone and is proposed to be included in the C3 Environmental Management zone. The landowner originally objected to the proposed C3 Environmental Management zone. In February 2025, the submitter withdrew their submission.</p> <p>Response:</p> <p>The request to withdraw the original submission is noted.</p> <p>Recommendation: no change</p>

Proposed zone**Comment and response****7. Central North Coast Sporting Car Club 485 Aerodrome Road (Submission 495)**

This site at 485 Aerodrome Road, Nabitac (Lot 251 DP753212 and Lot 2 DP112243) is currently included in the RU2 Rural Landscape zone and is proposed to be included in the C3 Environmental Management zone. The submitter objects to the proposed change to the C3 Environmental Management zone, given the site is used by the Central North Coast Sporting Car Club. It is suggested that the RE2 Private Recreation zone better captures existing and future land uses, particularly if a motor racing track is developed in the future, as it would be a prohibited use in the C3 Environmental Management zone. If the zone was changed to RE2 Private Recreation, any impacts on the Nabitac aquifer can be assessed under Section 4.15 of the *Environmental Planning and Assessment Act*, without the C3 Environmental Management zone being required.

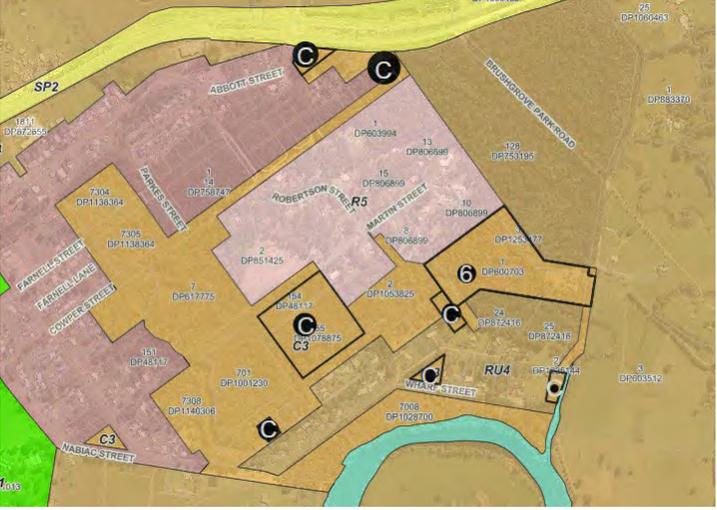
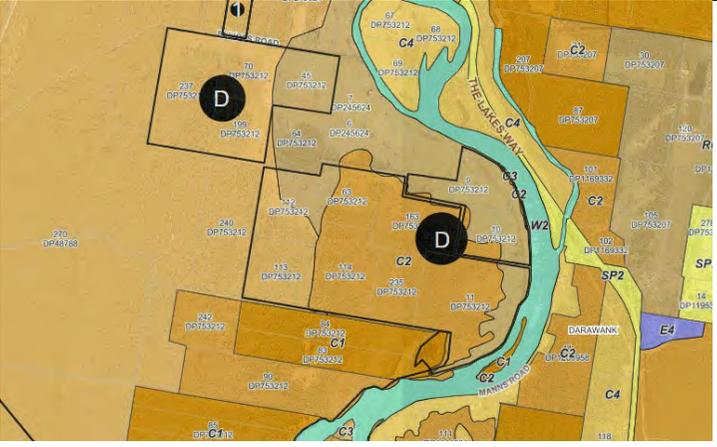
Response:

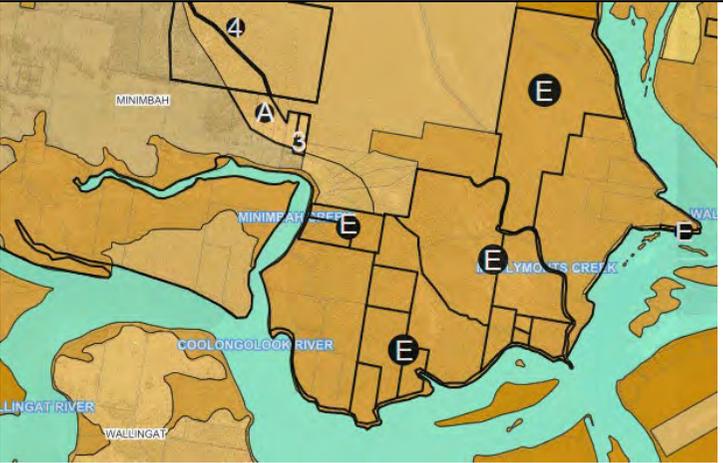
The objective of the proposed zone change in Nabitac is to protect the Nabitac aquifer which is a significant water resource for our community. The MidCoast Rural Strategy – Rural Waterways Background Report was prepared by City Plan Strategy and Development as part of the broader MidCoast Rural Strategy – The Way Forward. The report emphasised the importance of protecting water supply resources and the need for evidence-based mapping and a means to mitigate impacts associated with ongoing or new land uses.

In response, the MidCoast Rural Strategy – The Way Forward recommended groundwater vulnerability catchment overlays with relevant provisions (Clause 7.7 – Groundwater vulnerability) be included in the draft MidCoast LEP. In addition, land within the aquifer footprints is proposed to be included in the C3 Environmental Management zone to provide a level of protection for the water quality of the aquifers, which includes this site.

It is not considered appropriate for the RE2 Private Recreation zone to be applied to the site given the greater range of more intense land uses permitted with consent in this zone, including the development of a motorway racing track and other associated infrastructure such as stadiums. The capacity to make any changes or improvements to the existing facility is not expected to be unduly affected by the change of zone as the alteration and/or addition of the land uses on the site would be managed in accordance with Division 4.11 of the *Environmental Planning and Assessment Act 1979*.

Recommendation: no change

Proposed zone	Comment and response
	<p>C. Environmental Management zone</p> <p>These sites are either owned by the Forster Local Aboriginal Land Council or are subject to an Aboriginal/Native Title Land Claim. So as not to preclude any future use of the site, it is proposed to retain these sites in a rural zone being the RU4 Primary Production Small Lots zone. Sites subject to a pending Aboriginal/Native Title Land Claims will be reviewed once the Claims are resolved.</p> <p>Recommendation: amend the draft MidCoast LEP mapping to include the sites mapped as 'C' (Lot 701-702 DP1001232, Lot 701 DP1001435, Lot 154 DP48117, Lot 155 DP1078875, Lot 4 Section 35 DP758747, Lot 6 Section 16 DP758747, Lot 6 DP657498) in the RU4 Primary Production Small Lots zone and apply a minimum lot size of 40ha and no maximum height of building. Retain Lot 1 Section 6 DP758747 in the C3 Environmental Management zone with a 40ha minimum lot size and no height of building</p>
	<p>D. 448 Elliots Road</p> <p>Crown Lands have acquired the identified lots at 448 Elliots Road, Nabiac for conservation purposes and have supported the inclusion of these sites in the C2 Environmental Conservation zone.</p> <p>Recommendation: amend the draft MidCoast LEP mapping to include the lots at 448 Elliots Road in the C2 Environmental Conservation zone and apply a minimum lot size of 40ha and no minimum lot size</p>

Proposed zone	Comment and response
	<p>E. Nabiac aquifer and coastal wetlands</p> <p>The identified sites in the Nabiac aquifer (Lot 79, 109, 195, 200, 227-229, 249, 252-253 DP753212, Lot 7030 DP1107420, Lot 7304 DP1126398, Lot 33 DP822638, Lot 7028 DP10242666, Lot 7014 DP10242665, Lot 7318 DP1146325, Lot 7314 DP1163862) are currently included in the RU2 Rural Landscape zone with some sites included in the C2 Environmental Conservation and C3 Environmental Management zones. They are proposed to be included in the C2 Environmental Conservation zone or the C3 Environmental Management zone in the draft MidCoast LEP. These lots are in public ownership.</p> <p>As the land is subject to a pending Aboriginal/Native Title Land Claim, a review of the zones was undertaken so as not to preclude any future use of the site. Part of the lots identified as Coastal wetlands in the NSW Government's State Environmental Planning Policy (Resilience and Hazards) 2021, should be included in the C2 Environmental Conservation zone. Where lots are contained within the aquifer footprint, the lots are proposed to be included in the C3 Environmental Management zone. The remaining lots (parts) are to be included in a rural zone, being the RU4 Primary Production Small Lots zone. A review of these zones will be undertaken by Council if the Land Claim is unsuccessful.</p> <p>Recommendation: amend the draft MidCoast LEP mapping to include:</p> <ul style="list-style-type: none"> • parts of lots mapped as Coastal wetlands be included in the C2 Environmental Conservation zone • remaining lots (parts) identified in the aquifer footprint be included in the C3 Environmental Management zone • the remaining lots (parts) be included in the RU4 Primary Production Small Lots zone <p>Apply a minimum lot size of 40ha and no maximum height of building to all mapped lots</p>
	<p>F. Minimbah Foreshore Reserve</p> <p>This site at the Minimbah Foreshore Reserve, Minimbah (Lots 7301-7302 DP1148747) is currently included in the RU2 Rural Landscape zone and is proposed to be included in the C3 Environmental Management zone in the draft MidCoast LEP. These sites are in public ownership.</p> <p>As the land is subject to a pending Aboriginal/Native Title Land Claim, a review of the zones was undertaken so as not to preclude any future use of the site. As a result, the zone is proposed to be changed to the RU4 Primary Production Small Lots zone. A review of this zone will be undertaken by Council if the Land Claim is unsuccessful.</p> <p>Recommendation: amend the draft MidCoast LEP mapping to include Lots 7301-7302 DP1148747 in the RU4 Primary Production Small Lots zone and apply a minimum lot size of 40ha and no maximum height of building</p>

Proposed zone



Comment and response

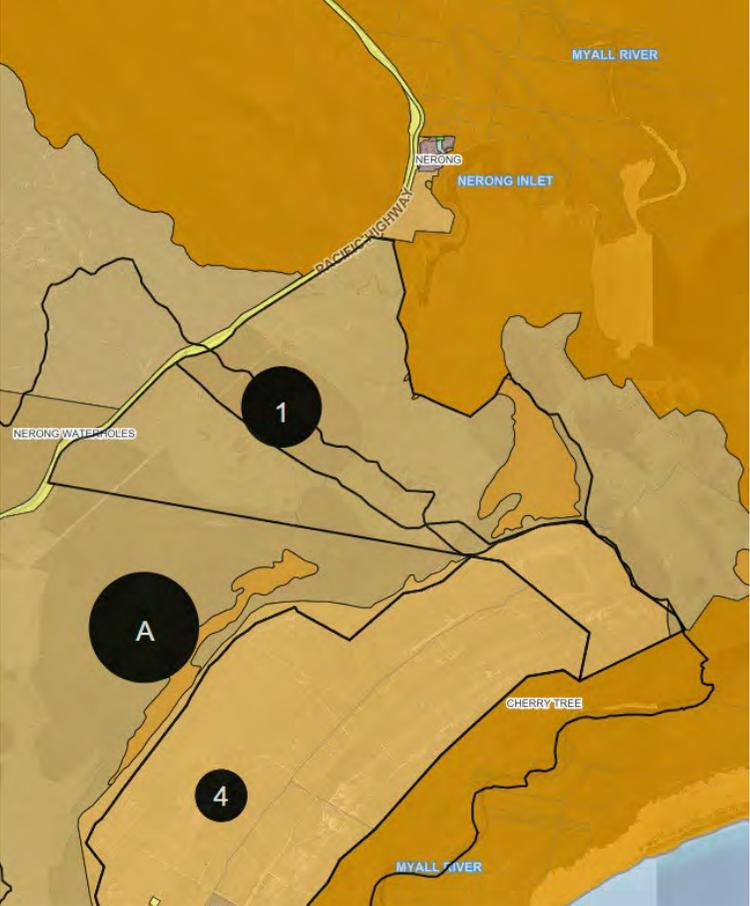
G. Foreshore-Wallamba River

These sites along Foreshore-Wallamba River, Nabiac (Lot 7035 DP1108632, Lot 7002 DP 1053716, Lot 7322 DP1162297) are currently included in the RU2 Rural Landscape zone and are proposed to be included in the C3 Environmental Management zone in the draft MidCoast LEP. These sites are in public ownership.

As the land is subject to a pending Aboriginal/Native Title Land Claim, a review of the zones was undertaken so as not to preclude any future use of the site. As a result, the zone is proposed to be changed to the RU4 Primary Production Small Lots zone. A review of this zone will be undertaken by Council if the Land Claim is unsuccessful.

Recommendation: amend the draft MidCoast LEP mapping to include Lot 7035 DP1108632, Lot 7002 DP 1053716, Lot 7322 DP1162297 in the RU4 Primary Production Small Lots zone and apply a minimum lot size of 40ha and no maximum height of building

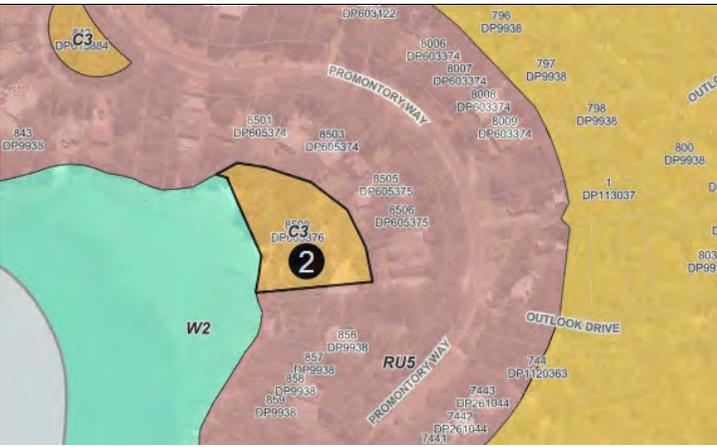
Nerong

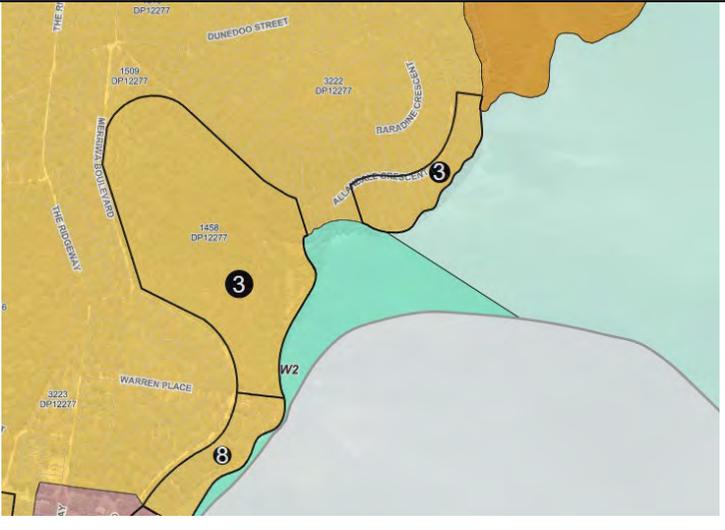
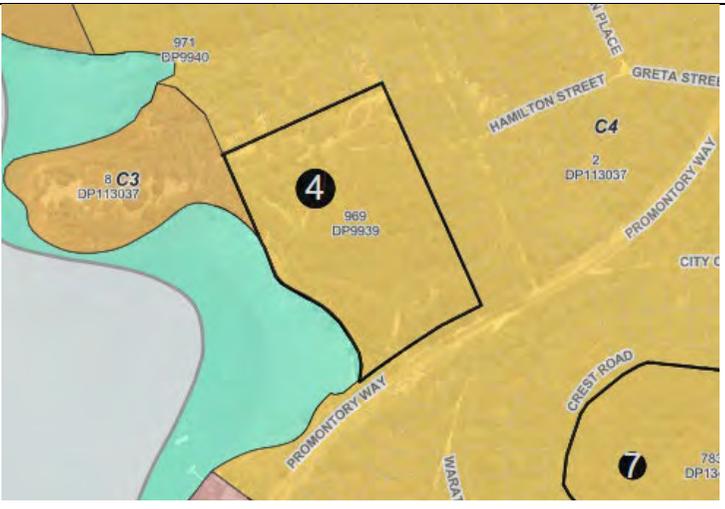
Proposed zone	Comment and response
	<p>1. 7780 Pacific Highway (Submission 306)</p> <p>This site at 7780 Pacific Highway, Nerong (Lot 33-34 DP880637) is currently included in the RU2 Rural Landscape zone and C2 Environmental Conservation zone. The draft MidCoast LEP applies these zones and also includes the rear of the site in the C3 Environmental Management zone in alignment with the Tea Gardens aquifer footprint. The landowner provides multiple objections regarding:</p> <ul style="list-style-type: none"> the C3 Environmental Management zone applied over the aquifer footprint which could restrict current extensive agriculture land uses. There is no justification to include aquifer footprints in a conservation zone and there are no ecological/conservation values to support this zone change the extension of C2 Environmental Conservation zone over a larger portion of the site the use of the RU4 Primary Production Small Lots zone given some current land uses (e.g. Caravan parks, Hotel or motel accommodation) would become prohibited constraints on productive agricultural use of the land if environmental zoning is applied. Identifies inconsistencies with Ministerial Directions 9.1 and 9.2 for rural land, Hunter Regional Plan 2041 and the MidCoast Rural Strategy in terms of protecting important agricultural lands. The zone change could impact on the viability of current rural land uses and result in the subdivision of the lot into 40ha lots which would have a greater impact on the adjoining National Park than the current use. <p>Response:</p> <p>The objective of the proposed zone change in this location and in Nabiac is to protect the aquifers which are significant water resources for our community. The MidCoast Rural Strategy – Rural Waterways Background Report was prepared by City Plan Strategy and Development as part of the broader MidCoast Rural Strategy project. The report emphasised the importance of protecting water supply resources and the need for evidence-based mapping and means to mitigate impacts associated with ongoing or new land uses.</p> <p>In response, the MidCoast Rural Strategy – The Way Forward recommended groundwater vulnerability catchment overlays with relevant provisions (Clause 7.7 – Groundwater vulnerability) be included in the draft MidCoast LEP. In addition, land within the aquifer footprints is proposed to be included in the C3 Environmental Management zone to provide a level of protection for the water quality of the aquifers, which includes this site.</p> <p>The proposed amendment aligns with:</p> <ul style="list-style-type: none"> Objective 1.4 - we protect the health and safety of our communities and Objective 2.4 - we have an adequate and reliable water supply which are included the MidCoast Community Strategic Plan 2022-2032 Objective 6 - Conserve heritage, landscapes, environmentally sensitive areas, waterways and drinking water catchments of the Hunter Regional Plan 2041, and it achieves Strategy 6.7 by identifying and protecting drinking water catchments and storages by ensuring incompatible land uses and activities will not compromise future water security

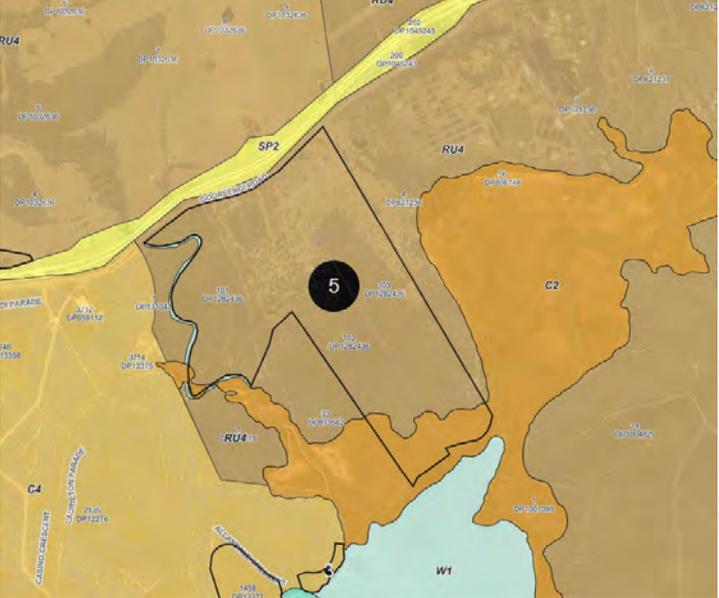
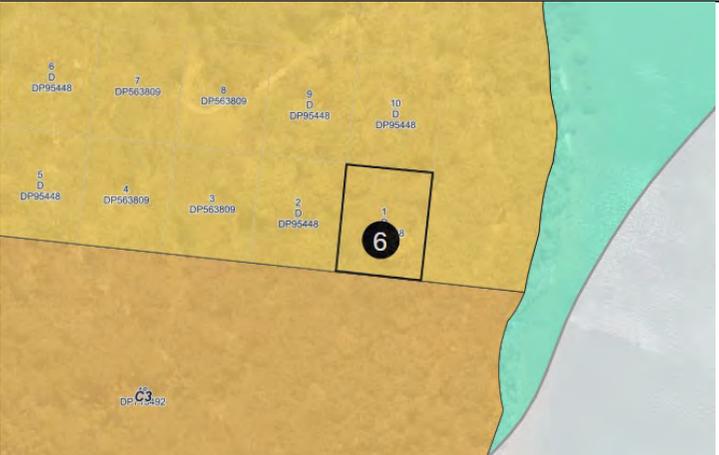
Proposed zone	Comment and response
	<ul style="list-style-type: none"> Ministerial Direction 3.10 which states that planning proposals must “<i>protect and improve environmental values, having regard to maintaining biodiversity, and protecting native vegetation, cultural heritage and water resources (including groundwater).</i>” <p>This approach has also been supported by the relevant NSW Government Departments.</p> <p>In response to the continued use of the land for rural purposes, there are a large number of rural land uses that will remain permitted with consent in the C3 Environmental Management zone, such as extensive agriculture. In addition, an exempt development clause is proposed to be included in the draft MidCoast LEP to enable grazing on certain land without the need for development consent.</p> <p>There has been a slight change to the boundary of the C2 Environmental Conservation zone. This is based on the Coastal wetlands as mapped in the NSW Government’s State Environmental Planning Policy (Resilience and Hazards) 2021.</p> <p>Recommendation: no change to the land zones applied to the site. Amend provisions in the draft MidCoast Local Environmental Plan to allow for grazing as an exempt use in the C3 Environmental Management and C4 Environmental Living zones</p>

North Arm Cove and Carrington

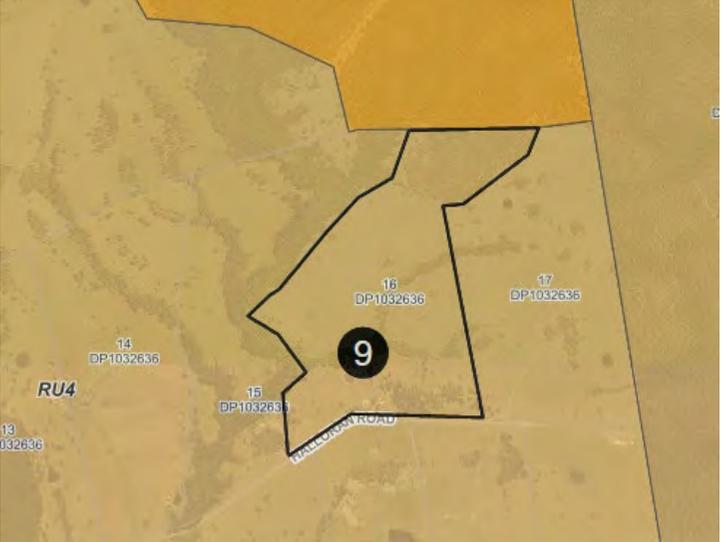
Please note that the paper subdivision submissions are outlined in Section 4.1 of the Consultation Report.

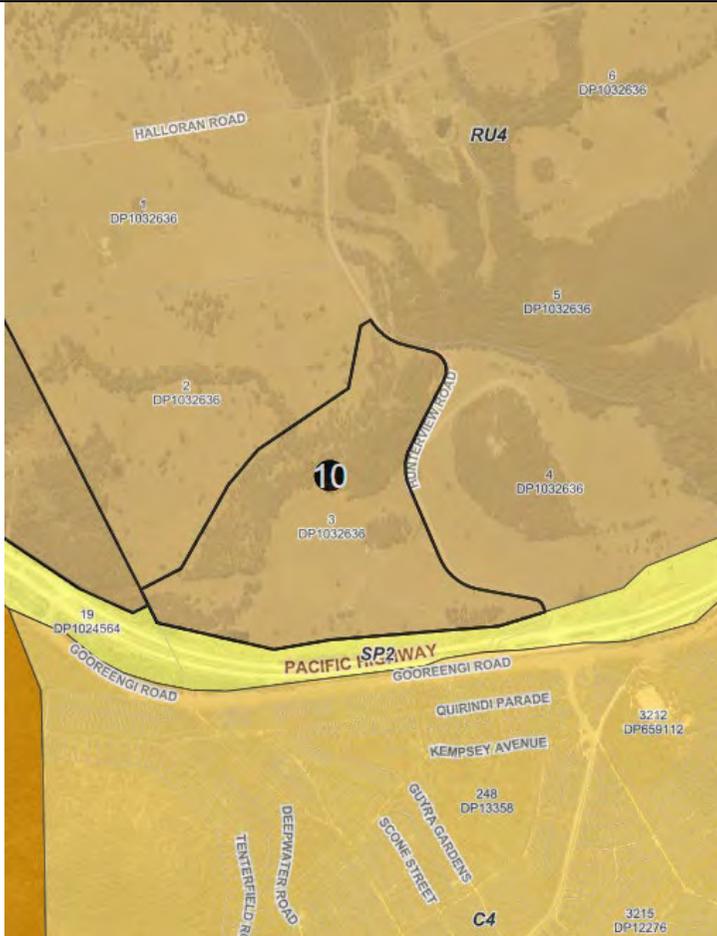
Proposed zone	Comment and response
	<p>1. Recreation zone for The Ridgeway (Submissions 88, 476, 497)</p> <p>Submitters requested for the RE1 Public Recreation zone to be applied to existing open space in the area known as 'Yallarwah' which runs along the road reserve for The Ridgeway. The site has been developed through grants and Council assistance. The submitters believe it would be beneficial for the area to have better walking-only access for residents. In addition, the RE1 Public Recreation zone is requested for the Water Street Reserve area, the area off Gloucester Street east of Merriwa Boulevard, and for a new park area in Cove Gateway to better utilise unused road reserves that are used by private owners adjacent to the site.</p> <p>Response:</p> <p>It is acknowledged that most land parcels referred to are currently being used for informal public recreation. However, many are located in road reserves including those referred to in the submission such as Yallarwah, the Water Street Reserve, the Ridgeway and Gloucester Street East. The use of the RE1 Public Recreation zone for areas within road reserves is not supported, and the road reserves will take on the adjoining land zone.</p> <p>Recommendation: no change</p>
	<p>2. Heros Beach (Submissions 146, 399, 406, 412, 476, 497)</p> <p>This site off Promontory Way, North Arm Cove (Lot 8508 DP605376) is currently included in the RE1 Public Recreation zone and is proposed to be included in the C3 Environmental Management zone. Submitters were concerned that this zone change would make the community use, access to the area would be more restrictive, and the zone change would impact future development or grant applications for the area.</p> <p>Response:</p> <p>A review of the MidCoast Open Space and Recreation Strategy identified this area for potential enhancement. As a result, the proposed zone change of Lot 8508 DP605376 (Heros Beach) is supported.</p> <p>Recommendation: amend the draft MidCoast LEP mapping to include Lot 8508 DP605376 in the RE1 Public Recreation zone and apply no minimum lot size and a maximum height of building of 8.5m</p>

Proposed zone	Comment and response
 <p>The map shows a coastal area with several streets: DUNEDOO STREET, BARADINE CRESCENT, WARREN PLACE, and W2. A yellow-shaded area is outlined with a black border and contains a circled number '3'. Other lots are labeled with DP numbers: 1509 DP12277, 1458 DP12277, and 3222 DP12277. A green-shaded area is visible along the coast.</p>	<p>3. Merriwa Boulevard and Allandale Crescent (Submissions 88, 146, 406, 476, 499)</p> <p>This site in Merriwa Boulevard, North Arm Cove (Lot 1458 DP12277) is currently included in the RU2 Rural Landscape zone and is proposed to be included in the C4 Environmental Living zone. Submitters request for either a C3 Environmental Management zone or C2 Environmental Conservation zone be applied given the environmental values of the land. Suggestion that part of this site contains remnants of early development in the North Arm Cove area. The C3 Environmental Management zone should be applied to prevent development given the proximity to the Port Stephens Marine Park and Sanctuary Zone. This should extend along the coastal foreshore, with lots along Allandale Crescent cited as an example of the foreshore area that should also be included in the C3 Environmental Management zone or C2 Environmental Conservation zone.</p> <p>Response:</p> <p>These sites are privately owned and form part of the paper subdivision for North Arm Cove. In accordance with the NSW Government requirements in the Gateway Determination, these sites were included in the C4 Environmental Living zone. It is important to note that if the site were subject to a future development application, the environmental and heritage values of the property would be considered through the assessment process.</p> <p>Recommendation: no change</p>
 <p>The map shows a coastal area with streets: HAMILTON STREET, GRETA STREET, PROMONTORY WAY, and CREST ROAD. A yellow-shaded area is outlined with a black border and contains a circled number '4'. Other lots are labeled with DP numbers: 971 DP9940, 8 C3 DP113037, 969 DP9939, and 2 DP113037. A green-shaded area is visible along the coast.</p>	<p>4. Brackens Bay (Submissions 88, 146, 476, 406, 412, 499)</p> <p>This site at Brackens Bay, North Arm Cove (Lot 969 DP9939) is currently included in the RU2 Rural Landscape zone and is proposed to be included in the C4 Environmental Living zone. Submitters object to proposed zone given its lot area is close to 5ha and may have development potential in the future. The C3 Environmental Management zone would prevent development in the waterfront area and restrict community access to nearby Beauty Point.</p> <p>Response:</p> <p>These sites are privately owned and form part of the paper subdivision for North Arm Cove. In accordance with the NSW Government requirements in the Gateway Determination, these sites were included in the C4 Environmental Living zone. It is important to note that if the site were subject to a future development application, the environmental values of the property would be considered through the assessment process.</p> <p>Council acknowledges the importance of maintaining public access to the foreshore however is unable to require dedication of land, or to change the zoning of private land to facilitate this as part of the draft MidCoast LEP.</p> <p>Recommendation: no change</p>

Proposed zone	Comment and response
	<p>5. Bulga Creek (Submissions 146, 399, 406, 412, 476)</p> <p>This site at Bulga Creek, North Arm Cove (Lot 101-103 DP1282436) is currently included in the RU2 Rural Landscape zone and is proposed to be retained in a rural zone, being the RU4 Primary Production Small Lots zone with a small portion of the site in the C2 Environmental Conservation zone. The W1 Natural Waterways zone has also been retained for the waterway itself. Submitters request that this land be included in the C2 Environmental Conservation or C3 Environmental Management zone given the creek forms part of the Marine Park and Sanctuary Zone. Some of the land nearby has been purchased by the Biodiversity Conservation Trust.</p> <p>Response:</p> <p>Areas of Bulga Creek that have are identified as Marine Park have been zoned either W1 Natural Waterways zone or C2 Environmental Conservation zone for Coastal wetlands. The overall intent of the W1 Natural Waterways zone is to protect the ecological and scenic values of natural waterways.</p> <p>The site adjoining Bulga Creek owned by the Biodiversity Conservation Trust does have a recently finalised conservation agreement, however future landowners would need to provide consent for the C2 Environmental Conservation to be applied. Council will consider a conservation zone in line with the conservation agreement applied to the property in the future. Until then the site should remain in the RU4 Primary Production Small Lots zone, the C2 Environmental Conservation zone and the W1 Natural Waterways as proposed in the draft MidCoast LEP.</p> <p>Recommendation: no change</p>
	<p>6. Blane Street (Submissions 146, 499)</p> <p>In North Arm Cove and Carrington, submitters object to the proposed C4 Environmental Living zone for land that has Aboriginal archaeological sites. For example, an Aboriginal scar tree is located in this locality.</p> <p>Response:</p> <p>In accordance with the NSW Government requirements in the Gateway Determination, these sites were included in the C4 Environmental Living zone. It is important to note that if the site were subject to a future development application, the Aboriginal cultural values of the property would be considered through the assessment process.</p> <p>Recommendation: no change</p>

Proposed zone	Comment and response
	<p>7. Outlook Drive (Submissions 146, 476)</p> <p>This site at Outlook Drive, North Arm Cove (Lot 783 DP13400) is currently included in the RU2 Rural Landscape zone and is proposed to be included in the C4 Environmental Living zone. The submitters are concerned that this 5.5ha site could allow for development. This site includes Aboriginal cultural values.</p> <p>Response:</p> <p>In accordance with the NSW Government requirements in the Gateway Determination, these sites were included in the C4 Environmental Living zone. It is important to note that if the site were subject to a future development application, the environmental and Aboriginal cultural values of the property would be considered through the assessment process</p> <p>Recommendation: no change</p>
	<p>8. Merriwa Boulevard (Submission 88)</p> <p>These sites at Merriwa Boulevard, North Arm Cove (Lots 1439-1457 DP12277) are currently included in the RU2 Rural Landscape zone and are proposed to be included in the C4 Environmental Living zone. The submitter requests the RE1 Recreation zone be considered given the lots are adjacent to the waterfront, could provide public access to the water and would not be large enough to meet the minimum lot size even if consolidated.</p> <p>Response:</p> <p>These sites are privately owned and form part of the paper subdivision for North Arm Cove. In accordance with the NSW Government requirements in the Gateway Determination, these sites were included in the C4 Environmental Living zone. Council acknowledges the importance of maintaining public access to the foreshore however is unable to require dedication of land, or to change the zoning of private land to facilitate this as part of the draft MidCoast LEP.</p> <p>Recommendation: no change</p>

Proposed zone	Comment and response
	<p>9. 245 Halloran Road (Submission 180)</p> <p>This site at 245 Halloran Road, North Arm Cove (Lot 16 DP1032636) is currently in the RU2 Rural Landscape zone and is proposed to be retained in a rural zone, being the RU4 Primary Production Small Lots zone. The landowner objects to proposed RU4 Primary Production Small Lots zone and requests a residential zone be considered to address the housing crisis, provide economic development outcomes and improve community wellbeing. The land is strategically located close to the services and facilities available at North Arm Cove.</p> <p>Response:</p> <p>The purpose of the draft MidCoast LEP was to examine the current zones and consistently apply a new suite of zones. Any zone changes from a rural zone to a residential is generally not supported.</p> <p>To change the zone of a property, the landowner would need to go through the user pays planning proposal process (known as a rezoning). This process can be costly requiring technical studies which would consider all aspects of whether the site was suitable to be included in a residential zone (e.g. ecological, Aboriginal Cultural, transport, servicing and bushfire). It is important to note that planning proposals are typically only considered for sites identified in the MidCoast Urban Release Areas Report 2021 and the Hunter Regional Plan 2041. This site has not been identified in either of these documents.</p> <p>Recommendation: no change</p>

Proposed zone**Comment and response****10. 59 Hunterview Road (Submission 308)**

This site at 59 Hunterview Road, North Arm Cove (Lot 3 DP1032636) is currently included in the RU2 Rural Landscape zone and is proposed to be included the RU4 Primary Production Small Lots zone. The landowner objects to the proposed zone change as the proposed RU4 Primary Production Small Lots zone permits a large number of land uses as permitted with consent which could conflict with the current rural use. Also, the RU2 Rural Landscape zone under the Great Lakes Local Environmental Plan 2014 enables some land uses currently permitted with consent (e.g. Caravan parks, Hotel or motel accommodation) which would become prohibited, restricting options for the 'highest and best use'. In addition, Clause 5.3 – Development near zone boundaries, would not benefit the landowner given the site has a major boundary with the SP2 Infrastructure zone being the Pacific Highway.

Response:

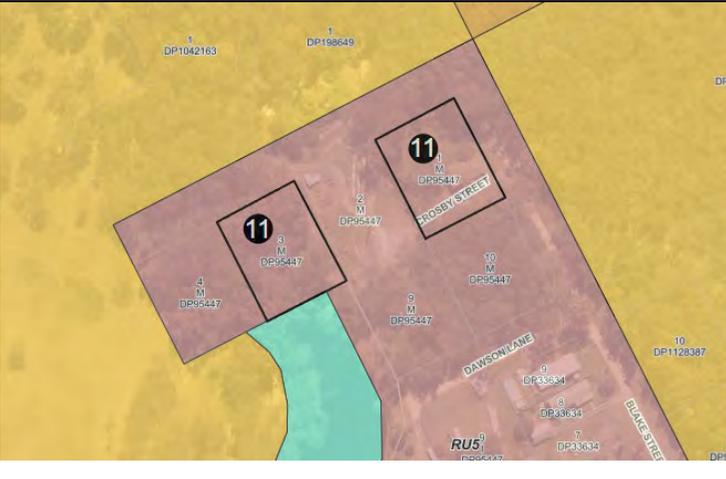
The MidCoast Rural Strategy – The Way Forward outlines the approach to allocating rural zones across the MidCoast.

It is acknowledged that the range of potential permitted land uses in the new rural zones has been built upon and increased to provide reasonable opportunities for value adding on-farm activities that support rural enterprises, such as tourism land uses. It is important to note that a development application would need to be considered to determine if it is an appropriate land use and any potential impacts on rural activities. This means these land uses would not be automatically permitted, they would have to go through a consent process.

In addition, some land uses such as caravan parks and hotel or motel accommodation are proposed to be prohibited development in rural zones, as these types of land uses are often not compatible with the character of rural zones particularly due to the risk of intensified use and transformation into manufactured home estates which often have a high density.

To pursue land uses currently permitted in the RU2 Rural Landscape zone, the landowners are encouraged to examine options to proceed with a development application prior to the draft MidCoast LEP being finalised. It should be noted that the intent of the draft MidCoast LEP will be considered during the assessment process.

Recommendation: no change

Proposed zone	Comment and response
	<p>11. Lot 1 and 3 DP95447 (Submission 60)</p> <p>The submitter requests an administrative correction for Lot 1 and 3 DP 95447 by shifting the Crosby Street name and the position of Corrobean Creek Dam on the maps.</p> <p>Response:</p> <p>All base cadastral and street information is provided to Council by the NSW Government on a nightly update basis. Council recognises the misalignment between the Crosby Street label and the road corridor. Council will raise the matter with NSW Spatial Services and have this misalignment corrected.</p> <p>The Carrington Village plan (DP 95447 – dated 1983) shows the correct alignment of Crosby Street. Corrobean Creek Dam is shown to encroach upon Lots 3 and 4 DP 95447 and if the landowner does not agree with the Deposited Plan the landowner must prepare a new survey at their expense and create a new deposited plan. The landowner must also follow the appropriate procedures to redefine the surveyed boundaries of the properties. Council has no responsibility for the definition or registration of current property boundaries.</p> <p>Recommendation: no change</p>
	<p>A. North Arm Cove Community Centre</p> <p>The North Arm Cove Community Centre (Lot 1-2 DP1078418) is proposed to be retained in the RE1 Public Recreation zone. A review of land to be included in the RE1 Public Recreation zone identified that this site does not have a maximum height of building limit applied. This should be updated to 8.5m to ensure consistency with controls for the RE1 Public Recreation zone across the MidCoast.</p> <p>Recommendation: amend the draft MidCoast LEP mapping to include a maximum height of building of 8.5m for the North Arm Cove Community Centre</p>

Proposed zone	Comment and response
	<p>B. Parkland sites in North Arm Cove</p> <p>These sites at Cove Boulevard, Oversea Way, The Esplanade and Promontory Way, North Arm Cove (Lot 842 DP613884, Lot 8792 DP715241, Lot 769 DP613891 and Lot 548 DP613890) are currently included in the RE1 Public Recreation zone with no minimum lot size and a maximum height of building of 8.5m. The draft MidCoast LEP included the site in the C3 Environmental Management zone with no maximum height of building or minimum lot size. These sites are all in public ownership. The sites should all have a minimum lot size of 40ha, but were incorrectly shown in the draft MidCoast LEP as having no minimum lot size.</p> <p>It is proposed to amend this mapping error and apply a minimum lot size of 40ha.</p> <p>Recommendation: amend the draft MidCoast LEP mapping to apply a minimum lot size of 40ha and no maximum height of building to Lot 842 DP613884, Lot 8792 DP715241, Lot 769 DP613891 and Lot 548 DP613890</p>

North Arm Cove and Carrington – general issues and response

Carrington Cemetery (Submissions 60, 80)

Two submissions requested that Council acquire and rezone 206 Church Street, Carrington to allow for carpark and cemetery access. The cemetery and surrounding land (Lot 206 DP1055554) should be listed as a State Heritage item and residential development should not be permitted. It could be included in a recreation zone instead.

Response:

This Carrington Cemetery is a heritage item in both the existing Great Lakes Local Environmental Plan 2014 and draft MidCoast LEP. The community can undertake research and request the NSW Government to consider the site for State listing. The cemetery is in private ownership and Council has no intention of purchasing the property, as a result, the RE1 Public Recreation zone would not be appropriate for this site.

General comments (Submission 60)

- a) Comments provided in support of rezoning land around Carrington from RU2 Rural Landscape to C2 Environmental Conservation and C4 Environmental Living to better reflect the biodiversity values and connection to the Karuah Nature Reserve.

North Arm Cove and Carrington – general issues and response

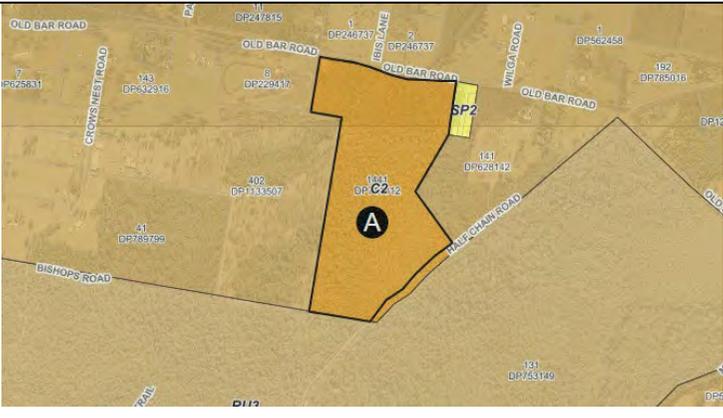
- b) Request for development contribution plan to be developed for unformed urban roads and a strategy developed to manage roads.
- c) A submission recommends the former St Andrews Church be heritage listed and included in a zone that prevents further development.

Response:

- a) Comments in support of the rezonings in the area are acknowledged.
- b) Council will develop a draft MidCoast Contributions Plan to align with the draft MidCoast LEP and Council has commenced preliminary preparation of such a plan. There is no commitment from Council to include unformed urban roads in a Contributions Plan. The draft MidCoast Contributions Plan will be subject to public consultation.
- c) The former St Andrews Church in Carrington is an existing heritage item in the Great Lakes Local Environmental Plan 2014 and is being transitioned to the draft MidCoast LEP schedule of heritage items. It is not appropriate to rezone land to prevent the development of heritage places. Any application to develop or to adaptively re-use the former church site will be considered on its merits and will undergo a rigorous heritage assessment.

Pampoolah/Glenthorne

Proposed zone	Comment and response
	<p>1. Old Bar Road (Submission 383)</p> <p>This site at the intersection of Old Bar Road and the Pacific Highway, Glenthorne (Lot 12 DP862813 and Lot 52 DP884093) is currently included in the RU1 Primary Production zone and is proposed to be retained in a rural zone, being the RU4 Primary Production Small Lots zone. The submitter requests that Highway service centres be permitted with consent in the RU4 Primary Production Small Lots zone to allow for a future Highway service centre development in Glenthorne, which will provide an economic benefit.</p> <p>Response:</p> <p>Highway service centres are an important land uses along major transport routes, but there are important considerations when determining the appropriateness of them on particular land. The approach currently used and to be applied in the draft MidCoast LEP is to prohibit the land use in the rural zone and use the planning proposal process to assess these applications. This will ensure that the Highway service centres are appropriately located.</p> <p>Recommendation: no change</p>

Proposed zone	Comment and response
	<p>2. 21 Malcolms Road (Submission 420)</p> <p>This site at 21 Malcolms Road, Pampoolah (Lot 30 DP703603) is currently included in the RU1 Primary Production zone and is proposed to be retained in a rural zone, being the RU4 Primary Production Small Lots zone. The landowner requests to be included in the R5 Large Lot Residential zone. The site is located within 500m of a R5 Large Lot estate and the property poses a bushfire risk to neighbouring properties. The R5 Large Lot Residential zone would allow for residential development in line with nearby surroundings and minimise bushfire risk through managed clearing.</p> <p>Response:</p> <p>The purpose of the draft MidCoast LEP was to examine the current zones and consistently apply a new suite of zones. Any zone changes from a rural zone to an urban zone, such as the R5 Large Lot Residential zone generally occurred where the site had the characteristics of the zone. In this case, there would have to be an existing estate with lots typically of 1.5ha.</p> <p>While it is acknowledged that the lots are typically smaller in this location, any change to the zone would have to be at a precinct level rather than site-by-site. This would ensure that the constraints of the land, the provision of services and access were considered, along with determining the appropriate minimum lot size to ensure that an orderly development of the land could be achieved. To change the zone of this neighbourhood, all landowners would have to work together to go through the user pays planning proposal process (known as a rezoning). This process can be costly requiring technical studies which would consider all aspects of whether the sites were suitable to be included in the R5 Large Lot Residential zone (e.g. ecological, Aboriginal Cultural, transport, servicing and bushfire). It is important to note that planning proposals are typically only considered for sites identified in the MidCoast Urban Release Areas Report 2021 and the Hunter Regional Plan 2041. This site has not been identified in either of these documents.</p> <p>Recommendation: no change</p>
	<p>A. 350 Old Bar Road</p> <p>This site at 350 Old Bar Road, Old Bar (Lot 1441 DP711812) is currently included in the RU1 Primary Production zone and is proposed to be included in the C2 Environmental Conservation zone. Council's Property team advised that the future intent for this site is to provide for the future expansion of the adjoining cemetery. As a result, it is appropriate to retain a rural zone over the property, being the RU4 Primary Production Small Lots zone.</p> <p>Recommendation: amend the draft MidCoast LEP mapping to include 350 Old Bar Road in the RU4 Primary Production Small Lots zone and apply a minimum lot size of 40ha and no maximum height of building</p>

Proposed zone	Comment and response
	<p>B. Coolooglungat Island near the Martin Bridge</p> <p>This site at Coolooglungat Island, Glenthorne (Lot 7002 DP1052156) is currently included in the RU1 Primary Production zone and is proposed to be included in the C2 Environmental Conservation zone in the draft MidCoast LEP. This site is in public ownership.</p> <p>As the land is subject to a pending Aboriginal/Native Title Land Claim, a review of the zones was undertaken so as not to preclude any future use of the site. As a result, the zone is proposed to be changed to the C3 Environmental Management zone. A review of this zone will be undertaken by Council if the Land Claim is unsuccessful.</p> <p>Recommendation: amend the draft MidCoast LEP mapping to include Coolooglungat Island, Glenthorne (Lot 7002 DP1052156) in the C3 Environmental Management zone and apply a minimum lot size of 40ha and no maximum height of building</p>
	<p>C. 288 Redbank Road</p> <p>This site at 288 Redbank Road, Pampoolah (Lot 7011 DP1050364) is currently included in the RU1 Primary Production zone and is proposed to be included in the RE1 Public Recreation zone in the draft MidCoast LEP. This site is in public ownership.</p> <p>As the land is subject to a pending Aboriginal/Native Title Land Claim, a review of the zones was undertaken so as not to preclude any future use of the site. As a result, the zone is proposed to be changed to the RU4 Primary Production Small Lots zone. A review of this zone will be undertaken by Council if the Land Claim is unsuccessful.</p> <p>Recommendation: amend the draft MidCoast LEP mapping to include Lot 7011 DP1050364 in the RU4 Primary Production Small Lots zone and apply a minimum lot size of 40ha and no maximum height of building</p>

Pamoolah/Glenthorne– general comments and response

General comments (Submission 517)

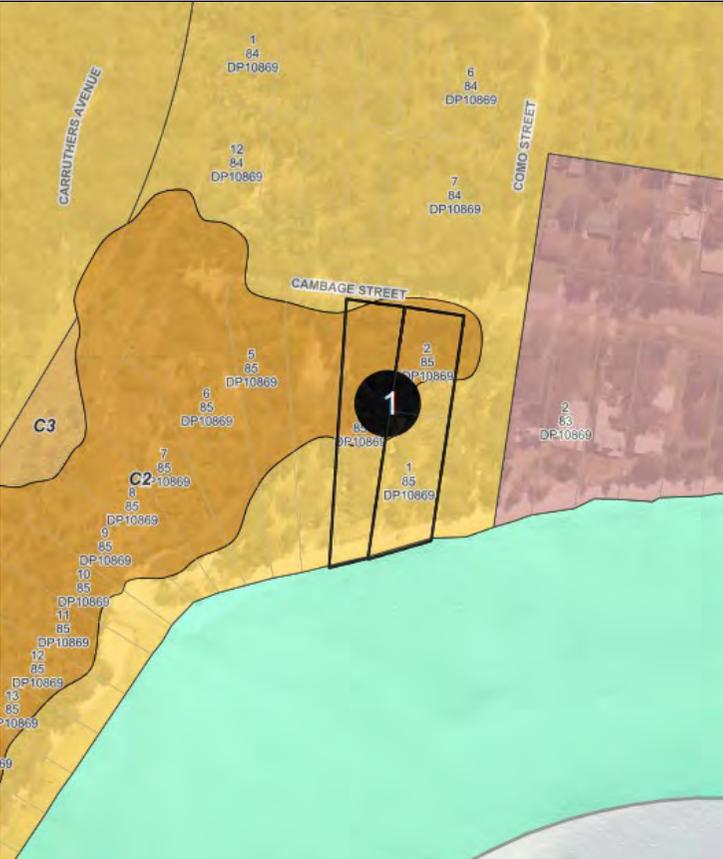
A submitter requests that the land along Old Bar Road between Pacific Highway and Crows Nest Road should be rezoned to a residential zone, as there is potential for future subdivisions in a location that is well-situated land not far from Taree.

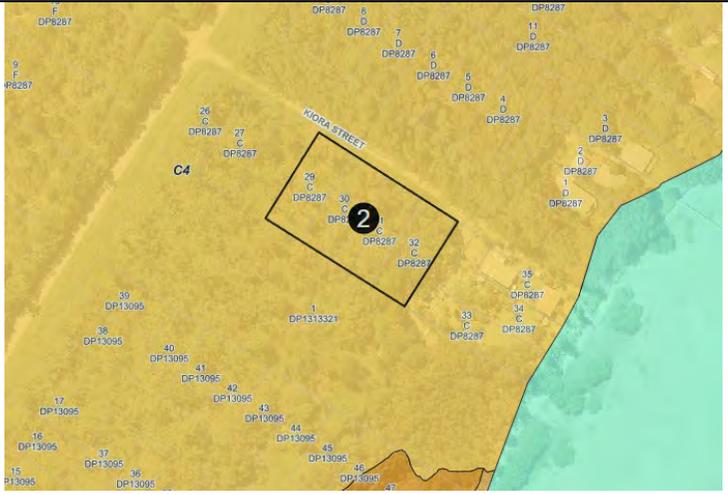
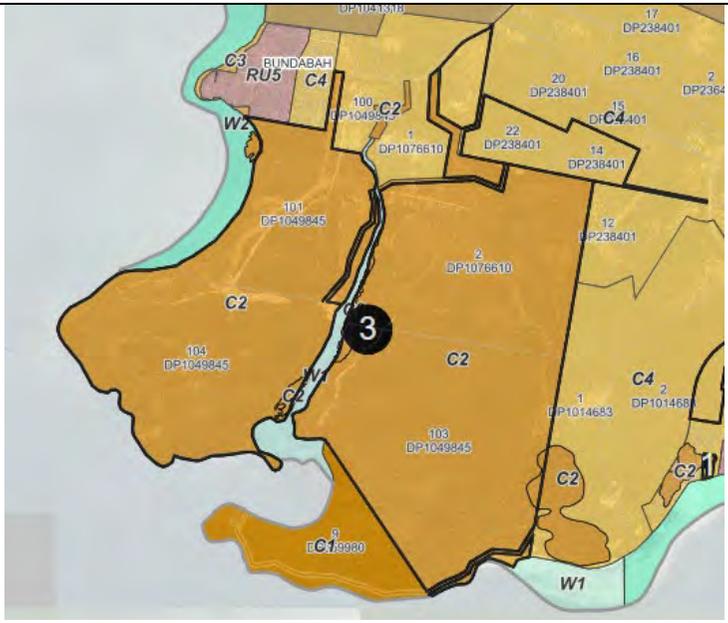
Response:

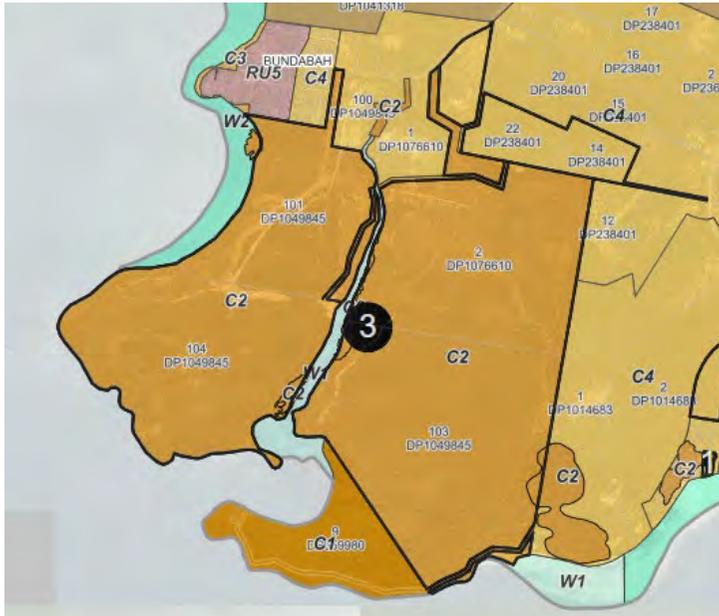
The purpose of the draft MidCoast LEP was to examine the current zones and consistently apply a new suite of zones. Any zone changes from a rural zone to an urban zone, such as the R5 Large Lot Residential zone generally occurred where the site had the characteristics of the zone, for example in this case there would have to be an existing estate with lots of 1.5ha. This site would need to go through the planning proposal process by the landowners to change the zone of the land, which would consider all aspects of whether a site was suitable to be included in the R5 Large Lot Residential zone. It is also important to note that planning proposals are typically only considered for sites identified in the MidCoast Urban Release Area Report and the Hunter Regional Plan 2041. This site has not been identified in either of these documents.

Pindimar/Bundabah

Please note that the paper subdivision submissions are outlined in Section 4.1 of the Consultation Report.

Proposed zone	Comment and response
	<p>1. 8-10 Cambage Street (Submissions 22, 242)</p> <p>These sites at 8-10 Cambage Street, Pindimar (Lots 1-3 Section 85 DP10869) are currently in the RU2 Rural Landscape zone and are proposed to be included in the C4 Environmental Living zone with parts of the sites included in the C2 Environmental Conservation zone. The landowners object to the proposed C2 Environmental Conservation zone on the basis that the wetland only came about because of the drainage system. They claim that Council flooded the land years ago from an illegal street drain. The landowners are concerned that no services have been received despite rates payments. They would like to continue using land for camping and having domestic pets on the site.</p> <p>Response:</p> <p>The C2 Environmental Conservation zone has been applied to the Coastal wetlands that are mapped in the NSW Government's State Environmental Planning Policy (Resilience and Hazards) 2021 which has been consistently applied across the MidCoast. It is acknowledged that landowners have concerns about the accuracy of the State mapping of the Coastal wetlands and Council will be reviewing the mapping in the future. Where applicable, Council will be recommending changes to both the mapping in the NSW Government's State Environmental Planning Policy (Resilience and Hazards) 2021 and the zones in the draft MidCoast Local Environmental Plan through a planning proposal following the draft MidCoast LEP being made. There will be a community consultation process about any proposed changes. However, at this point in time, the NSW Government's Coastal wetlands will proceed to be included in the C2 Environmental Conservation zone.</p> <p>The payment of rates falls outside the scope of the draft MidCoast LEP. Landowners who have questions or need further information about their rates can contact Council's Rates Team.</p> <p>Clause 77 of the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021 allows a maximum of two caravans, campervans, or tents on a property without requiring Council approval, provided they are not occupied for more than two days at a time and for a maximum of 60 days in a 12-month period. The proposed C4 Environmental Living zone and C2 Environmental Conservation zone will not impact on the application of this Regulation over the land</p> <p>Recommendation: no change</p>

Proposed zone	Comment and response
	<p>2. 8-14 Kiora Street (Submission 239)</p> <p>This site at 8-14 Kiora Street, Pindimar (Lot 29-32 Section C DP8287) is currently in the RU2 Rural Landscape zone and proposed to be included in the C4 Environmental Living zone. The landowners are concerned about the impact on dwelling entitlement based on existing holding from the sunset provisions in Clause 4.2A– Development on land in certain rural and environment protection zones. They were advised as part of consultation during the draft MidCoast Rural Strategy that existing holdings would be honoured. They purchased adjoining blocks to recreate existing holding. They object to the proposed minimum lot size of 5ha in the C4 Environmental Living zone, requesting it be reduced to enable affordable housing.</p> <p>Response:</p> <p>Dwelling entitlements were a common submission topic and have been specifically addressed in Section 4.5 of the Consultation Report. Please refer to this section to see the amendments proposed.</p> <p>Recommendation: amend Clause 4.2A in the draft MidCoast Local Environmental Plan to reflect changes proposed in Section 4.5 of Consultation Report</p>
	<p>3. Bundabah Road and Clarke Street (Submission 309)</p> <p>These sites at Bundabah Road and Clarke Street, Bundabah (Lot 2 DP1076610 and Lots 101, 103-104 DP1049845) are currently included in the RU2 Rural Landscape zone and proposed to be included in the C2 Environmental Conservation and C4 Environmental Living zone. The landowner objects to the zone changes and identifies inconsistencies with Ministerial Directions 9.1 and 9.2 that are aimed at protecting agricultural land. They object to multiple zones being applied to the landowners’ properties as it is inconsistent with the <i>Environmental Planning and Assessment Act 1979</i> and can be problematic by creating uncertainty over where land uses are permissible. Less than half the site is mapped as having biodiversity value and could be managed without a change in zone. They are concerned about restrictive land uses and inconsistent minimum lot sizes. Request for 20ha minimum lot size to be applied for the entire site. The current agricultural land use will be prohibited in the C2 Environmental Conservation zone. Preference for a rural zone to remain over the site.</p> <p>Response:</p> <p>The purpose of the draft MidCoast LEP was to examine the current zones and consistently apply a new suite of zones. Often rural zones were applied over properties for historical reasons, where zones were automatically converted into a new zone without considering the values of the land or the existing land uses. Through strategy work and reviewing zones, we have examined the application of rural zones within our towns and villages and typically it has only been retained in urban areas where sites are identified as Urban Release Areas for future redevelopment, which is not the case for this site.</p> <p>The C2 Environmental Conservation zone has been applied to land with high ecological, scientific, cultural, or aesthetic values, which includes Coastal wetlands as mapped by the NSW Government’s State Environmental</p>

Proposed zone**Comment and response**

Planning Policy (Resilience and Hazards) 2021. This site is environmentally important as it is habitat to multiple threatened species populations, endangered ecological communities, key fauna habitat and corridors, as well as vegetation and wetlands, and warrants the C2 Environmental Conservation zone. A reduced minimum lot size of 20ha is not warranted over the C2 Environmental Conservation zone, where a 40 ha is typically applied.

The C4 Environmental Living zone has been applied to land with special ecological, scientific, cultural or aesthetic qualities that are generally compatible with limited or low impact residential, tourism and agricultural land uses that are compatible with the environmental sensitivity of the site and surrounding areas; and may be applied where the land is affected by buffers to and/or is adjoining environmentally sensitive areas.

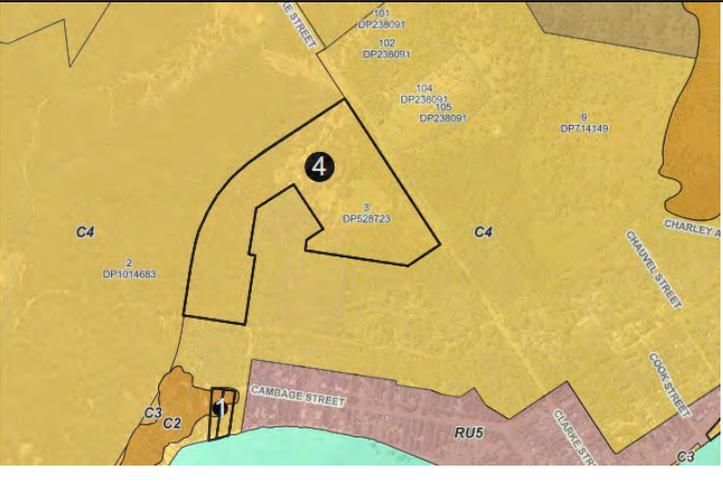
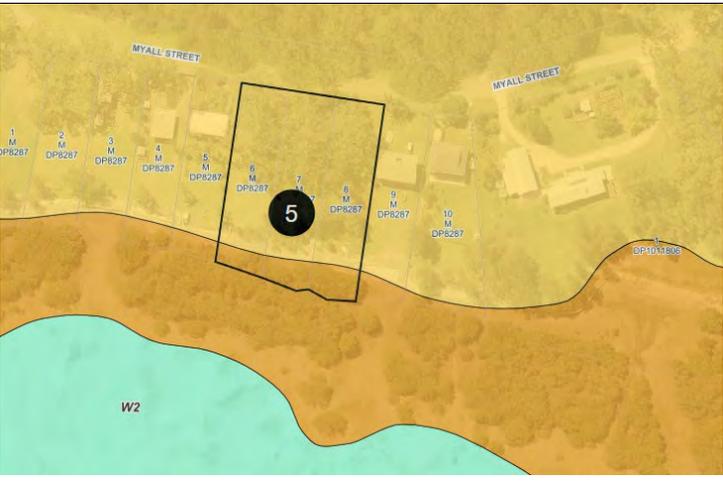
The C4 Environmental Living zone was applied to properties in existing rural zones that:

- are located within or between significantly vegetated and protected areas, for example, wetlands and national parks, state forests, lakes, and waterways
- that 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 not be supported
- would be inappropriate and unsuitable for additional or intensified development, in terms of impact, access, infrastructure and susceptibility to natural hazards.

The northern parts of the property were consistent with these principles for applying the zone.

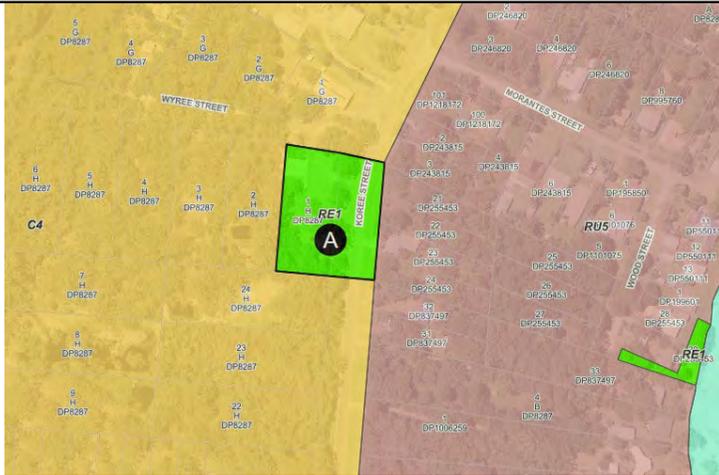
Regarding the range of land uses currently permitted in the rural zone over the property, these uses can continue to operate on the land if they have been lawfully established under existing use rights. Based on several submissions, a new exempt clause is proposed to enable grazing in the C3 Environmental Management and C4 Environmental Living zones which is outlined in Section 4.2.4 of the Consultation Report.

Recommendation: amend provisions in the draft MidCoast Local Environmental Plan to allow for grazing as an exempt use in the C3 Environmental Management and C4 Environmental Living zones. Refer to Section 4.2.4 of the Consultation Report for more information

Proposed zone	Comment and response
	<p>4. 192 Clarke Street (Submission 311)</p> <p>This site at 192 Clarke Street, Pindimar (Lot 3 DP528723) is currently included in the RU2 Rural Landscape zone and is proposed to be included in the C4 Environmental Living zone. The landowners request their property be included in the C2 Environmental Conservation zone given the environmental values of the property. They suggest that this zone also be applied to adjoining properties (Lots 1 and 2 DP10146830 - different owners) to improve conservation outcomes and connectivity.</p> <p>Response:</p> <p>The request has been reviewed, and Council's Natural Systems team support the proposed change as the site has attributes that align with the attributes of the for the C2 Environmental Conservation zone. It is appreciated that the landowner proposed this change to recognise land with important environmental values in the MidCoast. Please note that Council is not in a position to apply the C2 Environmental Conservation zone on the adjoining properties without the consent of the landowners.</p> <p>Recommendation: amend the draft MidCoast LEP mapping to include 192 Clarke Street, Pindimar in the C2 Environmental Conservation zone and apply a minimum lot size of 40ha and no maximum height of building</p>
	<p>5. Dwelling entitlement Myall Street (Submissions 424, 448)</p> <p>Two submissions were received objecting to the sunset provisions in Clause 4.2A- Development on land in certain rural and environment protection zones and requests that provision is removed. The property at 34-36 Myall Street, Pindimar (Lot 7-8 Section M DP8287) has a development approval for a dual occupancy requiring consolidation of both lots. This will be impacted by the proposed sunset clause and will reduce the property value.</p> <p>Response:</p> <p>Dwelling entitlements were a common submission topic and have been specifically addressed in Section 4.5 of the Consultation Report. Please refer to this section to see the amendments proposed.</p> <p>Recommendation: amend Clause 4.2A in the draft MidCoast Local Environmental Plan to reflect changes proposed in Section 4.5 of Consultation Report</p>

Proposed zone

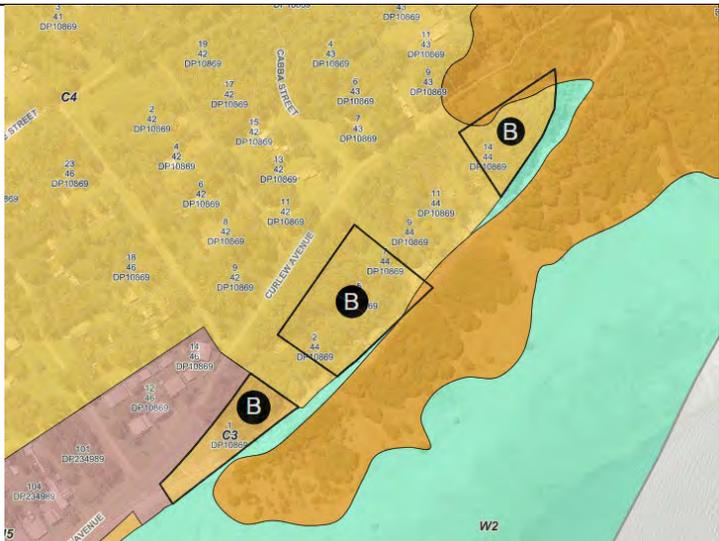
Comment and response



A. Leone Fidden Memorial Park

The site at 71 Kiara Street, Pindimar (Lot 1 Section H DP8287) is proposed to be retained in the RE1 Public Recreation zone. A review of land to be included in the RE1 Public Recreation zone identified that this site does not have a maximum height of building limit applied. This should be updated to 8.5m to ensure consistency with controls for the RE1 Public Recreation zone across the MidCoast.

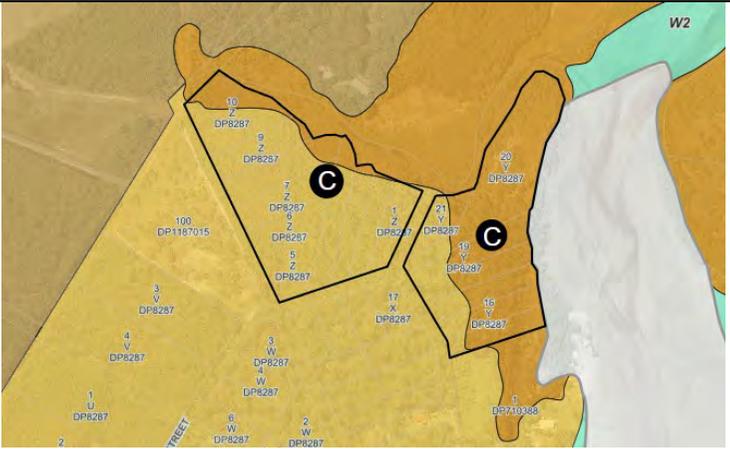
Recommendation: amend the draft MidCoast LEP mapping to include a maximum height of building of 8.5m for the Leone Fidden Memorial Park



B. Pindimar foreshore

These sites along Curlew Avenue, Pindimar (Lot 1 Section 45 DP10869, Lots 2-7 and 14-17 Section 44 DP10869) are Council owned land, and are currently included in the C3 Environmental Management zone (Lot 1 Section 45 DP10869) and the RU2 Rural Landscape zone, and are proposed to be included in the C4 Environmental Living zone, retained in the C3 Environmental Management zone (Lot 1 Section 45 DP10869) or a combination of the C4 Environmental Living zone and the C2 Environmental Conservation zone. It was recommended from the Pindimar Foreshore Erosion Study that these sites be included in the C2 Environmental Conservation zone given the environmental values of the site and inclusion in Wetland Proximity Area as mapped by the NSW Government's State Environmental Planning Policy (Resilience and Hazards) 2021.

Recommendation: amend the draft MidCoast LEP mapping to include these sites along Curlew Avenue, Pindimar in the C2 Environmental Conservation zone and apply a minimum lot size of 40ha and no maximum height of building

Proposed zone	Comment and response
 <p>The map shows a coastal area with various lots and zones. Two specific areas are circled with a black 'C', indicating they are proposed to be in the C2 Environmental Conservation zone. The lots are numbered and labeled with DP8287, DP1187015, and DP710388. A wetland area is labeled 'W2'.</p>	<p>C. Koree and Bulga Street</p> <p>These sites along Koree Street and Bulga Street, Pindimar (Lots 1-10 Section Z DP8287 and Lots 15-21 Section Y DP8287) are Council owned land, and are currently in the C2 Environmental Conservation zone and are proposed to be included in a combination of C2 Environmental Conservation and the C4 Environmental Living zone. It was recommended from the Pindimar Foreshore Erosion Study that these sites be retained in the C2 Environmental Conservation zone given the environmental values of the site and inclusion in Wetland Proximity Area as mapped by the NSW Government's State Environmental Planning Policy (Resilience and Hazards) 2021.</p> <p>Recommendation: amend the draft MidCoast LEP mapping to include these sites along Koree Street and Bulga Street, Pindimar in the C2 Environmental Conservation zone and apply a minimum lot size of 40ha and no maximum height of building</p>

Pindimar/Bundabah – general comments and response

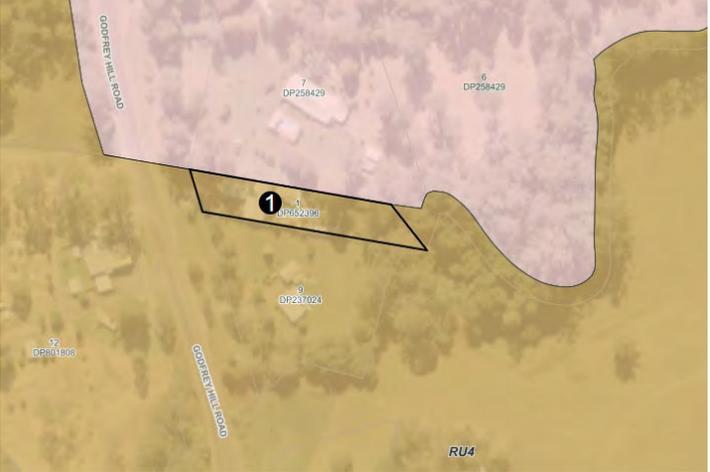
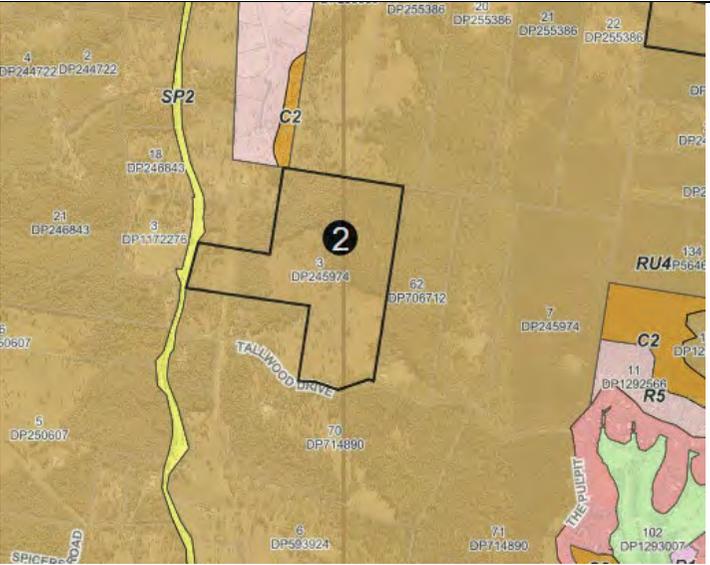
General comments (Submissions 126, 156)

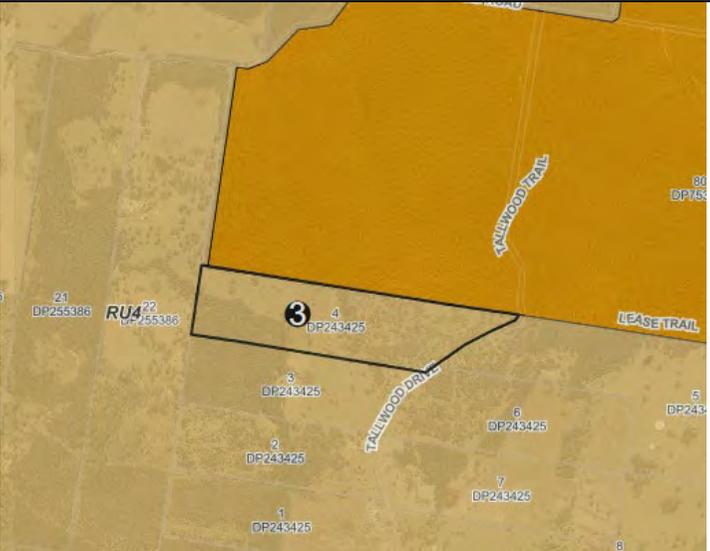
- a) One request for more urban areas and consideration given to biodiversity under a future Development Control Plan.
- b) Landowner made submission identifying issues with NSW Department Primary Industries obstructing bee keeping activities which are approved on the site since 2013. Concerned that Bee keeping would not be a permissible land use as part of rezoning.

Response:

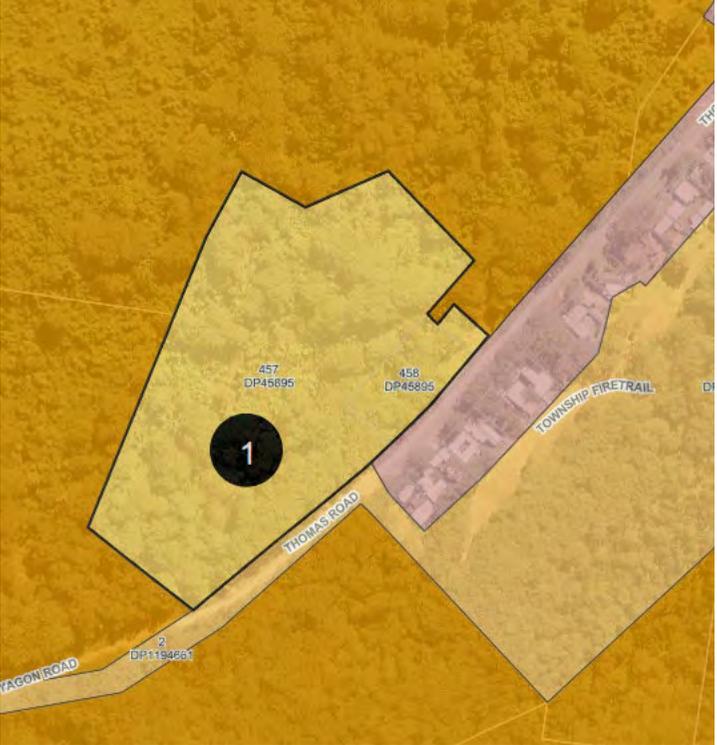
- a) The purpose of the draft MidCoast LEP was to examine the current zones and consistently apply a new suite of zones, not increase the urban footprint to accommodate new residential development. New urban development locations are identified in the MidCoast Urban Release Areas Report 2021. These sites need to be considered through a user pays planning proposal process which examines whether the land is suitable for residential development. Controls for biodiversity are included in the three current Development Control Plans for the area and will be reviewed under the future draft MidCoast Development Control Plan
- b) Landowner's concerns related to whether bee keeping would be a permissible land use in the draft MidCoast LEP. Concerns were addressed during the consultation where the landowner was advised that bee keeping was permitted with consent under the proposed C4 Environmental Living zone, however established bee keeping activities could be maintained without consent under existing use rights.

Rainbow Flat

Proposed zone	Comment and response
	<p>1. 59 Godfrey Hill Road (Submission 38)</p> <p>This site at 359 Godfrey Hill Road, Rainbow Flat (Lot 1 DP652396) is currently in the R5 Large Lot Residential zone and proposed to be included in the RU4 Primary Production Small Lots zone. The landowner objects to the proposed zone change given the site is approximately 2,000m² and is more consistent with a residential rather than rural zone.</p> <p>Response</p> <p>This zone change was a mapping error. The current R5 Large Lot Residential zoning of the site should be retained.</p> <p>Recommendation: amend the draft MidCoast LEP mapping to include 359 Godfrey Hill Road in the R5 Large Lot Residential zone and apply a minimum lot size of 1.5ha and apply a maximum height of building of 8.5m</p>
	<p>2. 1730 The Lakes Way (Submission 367)</p> <p>This site at 1730 The Lakes Way, Rainbow Flat (Lot 3 DP245974) is currently included in the RU1 Primary Production zone and is proposed to be retained in a rural zone, being the RU4 Primary Production zone. The landowner objects to 40ha minimum lot size applied and would like the minimum lot size to be reduced as was undertaken in 2010 and in nearby councils.</p> <p>Response:</p> <p>The purpose of the draft MidCoast LEP was to examine the current zones and consistently apply a new suite of zones. For this site, the rural zone has been changed to the RU4 Primary Production Small Lots zone and the minimum lot size of 40ha has been retained. The NSW Department of Primary Industries are generally opposed to any reduction of the minimum lot size below 40ha for rural lands.</p> <p>Recommendation: no change</p>

Proposed zone	Comment and response
	<p>3. 467 Tallwood Drive (Submission 288)</p> <p>The landowner at 467 Tallwood Drive, Rainbow Flat (Lot 4 DP243425) requests an update on the Hallidays Point Place Strategy process which was going to inform the proposed rezoning of sites along Old Soldiers Road and the re-alignment of Old Soldiers Road around Khappinghat National Park.</p> <p>Response:</p> <p>The draft Hallidays Point Place Strategy process intends to examine a range of development issues facing Hallidays Point. This Strategy was to be coordinated with the NSW Department of Planning, Housing and Infrastructure, but given recent changes in priorities for this Department, the Strategy process and timeframe are under review. When the technical studies are finalised, Council will advise the community of the next steps.</p> <p>Recommendation: no change</p>

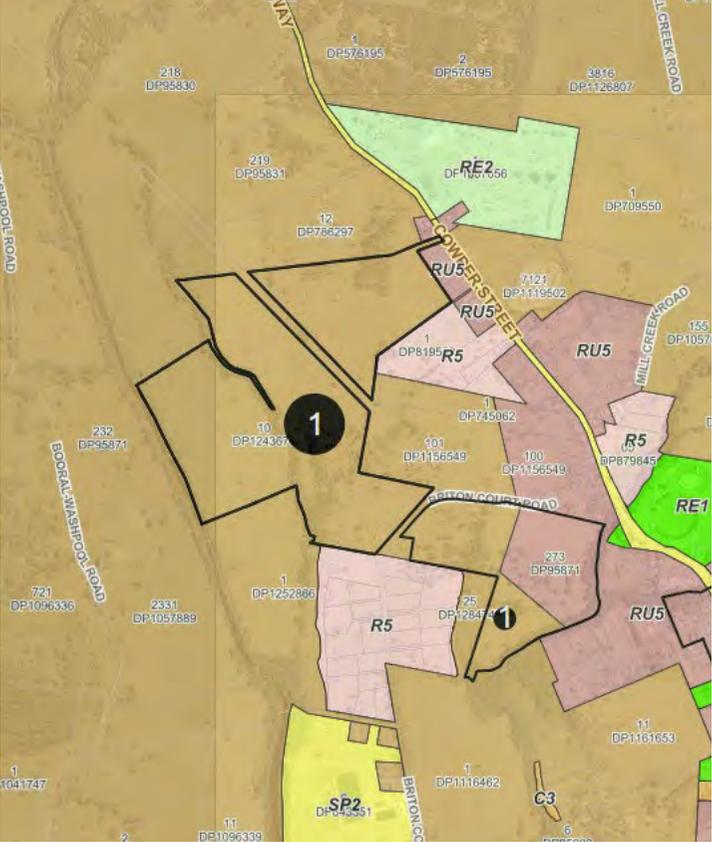
Seal Rocks

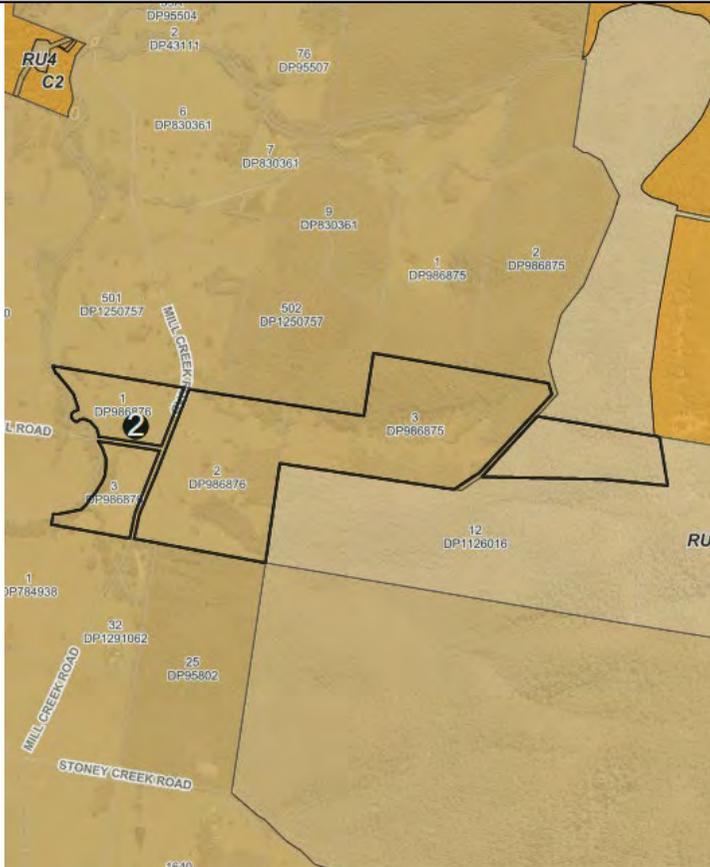
Proposed zone	Comment and response
	<p>1. Thomas Road Recreation zone (Submissions 82, 98, 302, 353)</p> <p>This site at Thomas Road, Seal Rocks (Lot 1 Section 10 DP242127 and Lots 457-458 DP45895) is currently included in the RE1 Public Recreation zone and is proposed to be included in the C4 Environmental Living zone. Submissions object to the proposed C4 Environmental Living zone. The submitters are concerned that this zone will enable residential development leading to overdevelopment in Seal Rocks and impacts on road infrastructure. Given the environmental values of the land, they believe that the C3 Environmental Management zone would be more appropriate given the proximity to the coastal and rainforest environments, as well as being within an aquifer footprint and potentially contaminated. They suggest that the draft MidCoast is not the appropriate process to amend the zone and request a local area plan.</p> <p>Response:</p> <p>The purpose of the draft MidCoast LEP was to examine the current zones and consistently apply a new suite of zones. Two sites are in private ownership, and one is subject to an Aboriginal/Native Title Land Claim. There is no intention for Council to purchase the site for recreational purposes, and as a result, it is not appropriate for these sites to remain in the RE1 Public Recreation zone.</p> <p>These sites adjoin a coastal land and are well vegetated. As a result, an environmental zone was considered appropriate. The C4 Environmental Living zone has been applied to land with special ecological, scientific, cultural or aesthetic qualities that are generally compatible with limited or low impact residential, tourism and agricultural uses that are compatible with the environmental sensitivity of the site and surrounding areas; and may be applied where the land is affected by buffers to and/or is adjoining environmentally sensitive areas.</p> <p>The C4 Environmental Living zone was applied to properties in existing rural zones that:</p> <ul style="list-style-type: none"> • are located within or between significantly vegetated and protected areas, for example, wetlands, the coast and national parks, state forests, lakes, and waterways • may have historically been used for low-intensity farming, or occupied and maintained as rural lifestyle blocks • would be inappropriate and unsuitable for additional or intensified development, in terms of impact, access, infrastructure and susceptibility to natural hazards. <p>These properties were consistent with these principles for applying the C4 Environmental Living zone. While it is recognised that these sites have environmental values, any future development of this site would have to consider these values.</p> <p>Recommendation: no change</p>

Stratford

Proposed zone	Comment and response
	<p>A. Bowens Road</p> <p>This site at Bowens Road, Stratford (Lot 7302 DP1153375) is currently included in the RU1 Primary Production zone and is proposed to be included in the C3 Environmental Management zone in the draft MidCoast LEP. This site is in public ownership.</p> <p>As the land is subject to a pending Aboriginal/Native Title Land Claim, a review of the zones was undertaken so as not to preclude any future use of the site. As a result, the zone is proposed to be changed to the RU4 Primary Production Small Lots zone. A review of this zone will be undertaken by Council if the Land Claim is unsuccessful.</p> <p>Recommendation: amend the draft MidCoast LEP mapping to include Lot 7302 DP1153375 in the RU1 Primary Production zone and apply a minimum lot size of 60ha and no maximum height of building</p>
	<p>B. Wood Street</p> <p>These sites at Wood Street, Stratford (Lot 1-3 DP753140) are currently included in the RE1 Public Recreation zone and are proposed to be included in the C3 Environmental Management zone and SP2 Infrastructure zone in the draft MidCoast LEP. These sites are in public ownership.</p> <p>As the land is subject to a pending Aboriginal/Native Title Land Claim, a review of the zones was undertaken so as not to preclude any future use of the site. Through the review it was found that a small part of the site was incorrectly included in the SP2 Infrastructure zone that applies to the adjoining Bucketts Way. This zone is proposed to be removed and the whole site be included in the C3 Environmental Management zone</p> <p>Recommendation: amend the draft MidCoast LEP mapping to include Lot 1-3 DP753140 in the C3 Environmental Management zone and apply a minimum lot size of 60ha and no maximum height of building</p>

Stroud

Proposed zone	Comment and response
	<p>1. 76 Briton Court Road (Submission 163)</p> <p>This site at 76 Briton Court Road, Stroud (Lot 10 DP1243676, Lots 273-274 DP95871) is currently included in the RU2 Rural Landscape zone with a small portion of the site in the RU5 Village zone. It is proposed to be retained in a rural zone, being the RU4 Primary Production Small Lots zone. The landowner requests for:</p> <ul style="list-style-type: none"> • Lot 10 DP1243676 be included in the R5 Large Lot Residential zone to be consistent with the neighbouring property • Lot 274 DP95871 to remain in RU5 Village zone to be consistent with the neighbouring property <p>They are currently having issues moving cattle due to increased traffic and are seeking alternative land uses. These changes would provide for growth opportunities in Stroud.</p> <p>Response:</p> <p>The purpose of the draft MidCoast LEP was to examine the current zones and consistently apply a new suite of zones. Any zone changes from a rural zone to an urban zone, such as the R5 Large Lot Residential zone generally occurred where the site had the characteristics of the zone. In this case, there would have to be an existing estate with lots typically of 1.5ha to 5ha.</p> <p>To change the zone of a property, the landowner would need to go through the user pays planning proposal process (known as a rezoning). This process can be costly requiring technical studies which would consider all aspects of whether the site was suitable to be included in the R5 Large Lot Residential zone (e.g. ecological, Aboriginal Cultural, transport, servicing and bushfire). It is important to note that planning proposals are typically only considered for sites identified in the MidCoast Urban Release Areas Report 2021 and the Hunter Regional Plan 2041. This site has not been identified in either of these documents.</p> <p>With regard to the existing village zone over part of Lot 274 DP95871, this zone can be reinstated to reflect the current zone boundary. Any future development application would need to consider environmental constraints of the land, including flooding.</p> <p>Recommendation: amend the draft MidCoast LEP mapping to include part of Lot 274 DP95871 in the RU5 Village zone in accordance with the current zone boundary and apply a minimum lot size of 1000m² and a maximum height of building of 8.5m</p>

Proposed zone**Comment and response****2. 642 Mill Creek Road (Submission 229)**

This site at 642 Mill Creek Road, Stroud (Lot 1-3 DP986876 and Lot 3 DP986875) is currently included in the RU2 Rural Landscape zone and is proposed to be included in the RU2 Rural Landscape zone with 100ha minimum lot size and the RU4 Primary Production Small Lots zone with a 40ha minimum lot size. The landowner objects to the proposed RU2 Rural Landscape zone with the 100ha minimum lot size. They are concerned that this zone does not reflect its use as a lifestyle property, will devalue the property and remove the potential for future subdivision. The land is not viable for large-scale farming.

Response:

The purpose of the draft MidCoast LEP was to examine the current zones and consistently apply a new suite of zones. The rural lands around Terreel have similar characteristics to the rural lands to the west and north of the Gloucester Basin. Much of this land is characterised as steep land (greater than 18% or 32 degrees), constrained by slope and vegetation, with intermittent areas typically along creek lines of cleared areas used for grazing livestock. Given the constraints of the land, the lots are typically larger in size. These lands are proposed to be included in the RU2 Rural Landscape with the increased minimum lot size of 100ha.

For this property, less than 14 % of the 104.2ha site is proposed to be included in the RU2 Rural Landscape zone. The remaining 90ha will be included in the RU4 Primary Production Small Lots zone, which has a 40ha minimum lot size (which aligns with the current planning controls).

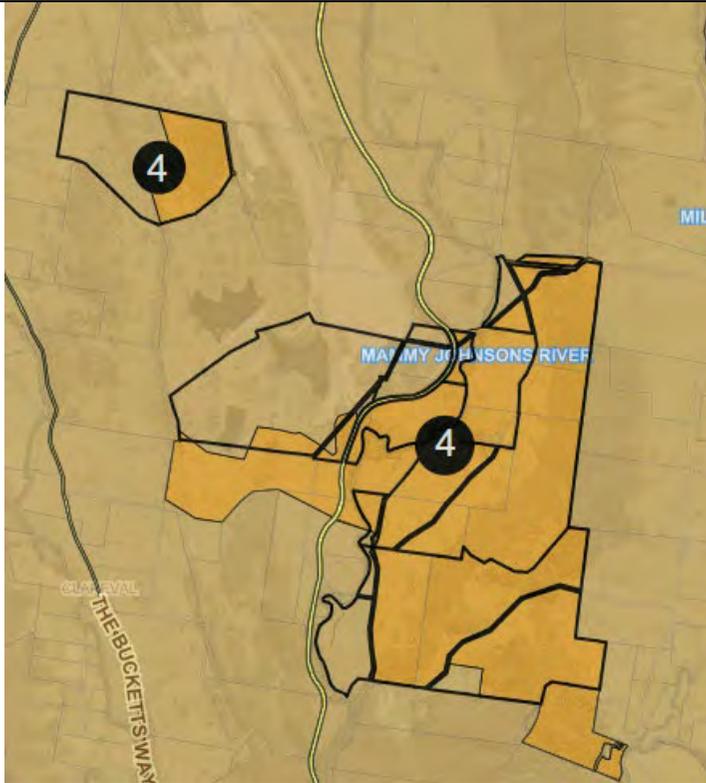
When applying zones, the preferred approach is to try to avoid applying two zones to one property. However, in this case a split zone was considered appropriate given that the land that is proposed to be included in the RU2 Rural Landscape zone contains steep land which is well-vegetated.

This site is currently made up of 4 lots which would not have the potential to be further subdivided under the current 40ha minimum lot size controls, so it is considered that there would not be the removal of subdivision potential through this zone and minimum lot size change. There is no evidence that the change of zone would devalue the property given rural activities are permitted in both rural zones. As a result, a zone change to this site is not supported.

Recommendation: no change

Proposed zone

Comment and response



4. Yancoal sites Stroud Road (Submission 408)

The landowner for multiple sites in the vicinity of Stroud Road is opposed to the zone changes to their sites, which are currently included in the RU2 Rural Landscape zone and proposed to be included in the C2 Environmental Conservation zone. The landowner is also concerned that dual occupancies will become a prohibited land use. It is acknowledged that the C2 Environmental Conservation zone has been applied over some lots noted on title as Biodiversity Offset areas, however the approved excision areas for dwellings and their curtilage have not been considered. These excised areas could be included in the C4 Environmental Living zone with a minimum lot size of 20ha, rather than 40ha. Yancoal will make the GIS data available to accurately define where the C2 Environmental Conservation and C4 Environmental Living zones could apply.

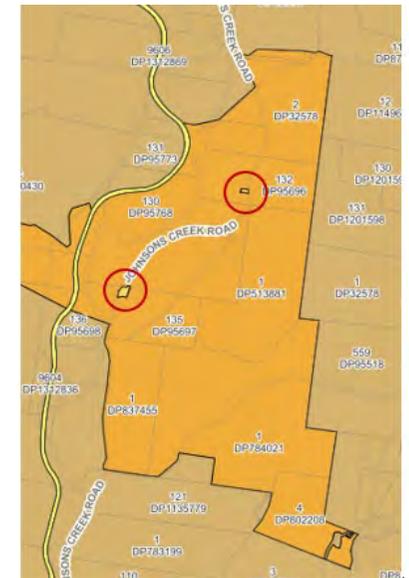
Response:

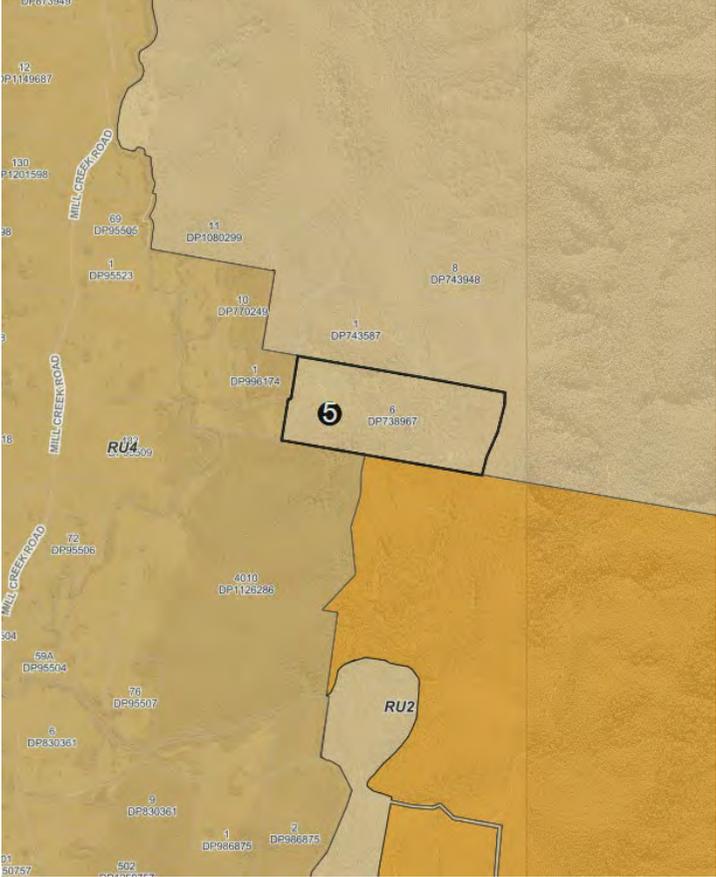
It is noted that a number of lots are proposed to be included in the C2 Environmental Conservation zone. The submission accepts that many of these changes are justified due to the inclusion of these lots in Biodiversity Offset areas for both the Stratford and Duralie Coal Mining operations and that there is strong empirical evidence through historical reports that has been collected to form the basis of these zonings.

As mentioned in the submission, the Biodiversity Offset registered on title has excision areas within them to allow for dwelling and curtilage areas. It is agreed that these areas should be included in the C4 Environmental Living zone to ensure land uses like dual occupancy remain permissible. The submitter has provided the GIS datasets for these areas and the zone change is shown to the right (with red circle around the C4 Environmental Living zone).

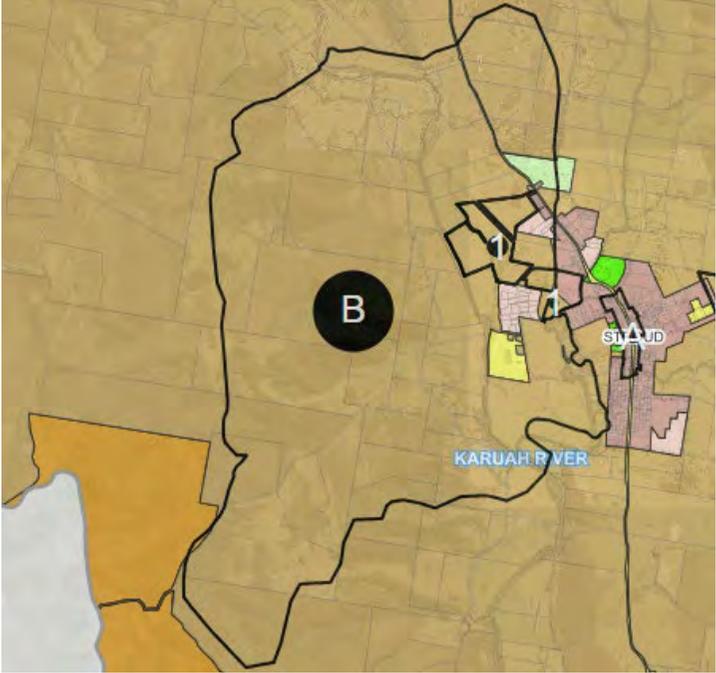
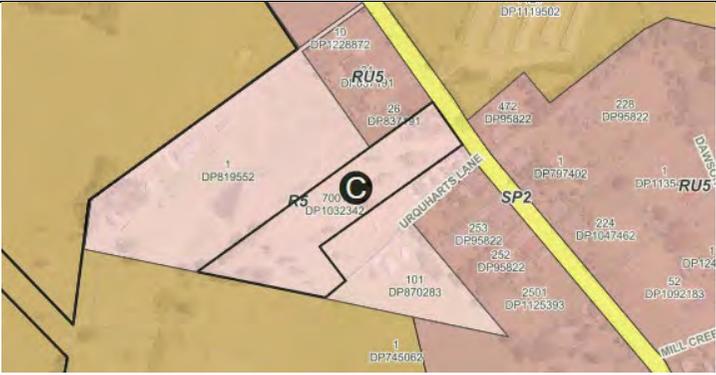
The C2 Environmental Conservation zone boundaries around the coal mining operations were based on mapping from historical studies which may have impacted on the accuracy of the zone boundaries. The GIS data provided by the submitter will be used to improve the accuracy of the zone boundaries.

Recommendation: amend the draft MidCoast LEP mapping to include excision areas in the C4 Environmental Living zone and apply a minimum lot size of 20ha and no maximum height of building. Amend the boundary of the C2 Environmental conservation zone to accurately reflect the Biodiversity Offset areas



Proposed zone	Comment and response
	<p>5. 86 Coppermine Creek Road (Submission 469)</p> <p>This site at 86 Coppermine Creek Road, Stroud (Lot 6 DP738967) is proposed to be retained in the RU2 Rural Landscape zone with the minimum lot size increased from 40ha to 100ha. The landowner objects to proposed increased minimum lot size for their property. They are concerned that they will no longer be able to build a dwelling on site. The site borders the RU4 Primary Production Small Lots zone with a 40ha minimum lot size and they request the property be included in this zone.</p> <p>Response:</p> <p>The purpose of the draft MidCoast LEP was to examine the current zones and consistently apply a new suite of zones. The rural lands around Terreel and northern parts of Stroud have similar characteristics to the rural lands to the west and north of the Gloucester Basin. Much of this land is characterised as steep land (greater than 18% or 32 degrees), constrained by slope and vegetation, with intermittent areas typically along creek lines of cleared areas used for grazing livestock. Given the constraints of the land, the lots are typically larger in size. To ensure a consistent application of the rural zones, this area is proposed to be included in the RU2 Rural Landscape zone. Given the site is located within this area and has these attributes, the request to change the zone is not supported.</p> <p>Concerns regarding the ability to build a house on the property are addressed by the amended Clause 4.2A - Development on land in certain rural and environment protection zones in the draft MidCoast LEP which in part (3)(b) of the clause makes provision for a dwelling entitlement to be permitted given that the previous planning provisions, being the Great Lakes Local Environmental Plan 2014, would have permitted the erection of a dwelling (given the minimum lot size was 40ha and the property is 68.7ha). The submitter may request a dwelling entitlement information request through Council to provide certainty regarding the ability to lodge an application to build a dwelling on the land and such confirmation of entitlement will be included on Council's proposed dwelling entitlement register. Any future development application for the site would have to consider any environmental constraints, including topography, access, servicing and vegetation to determine the appropriateness of a dwelling on this land.</p> <p>Dwelling entitlements were a common submission topic and have been specifically addressed in Section 4.5 of the Consultation Report. Please refer to this section to see the amendments proposed.</p> <p>Recommendation: amend Clause 4.2A in the draft MidCoast Local Environmental Plan to reflect changes proposed in Section 4.5 of Consultation Report</p>

Proposed zone	Comment and response
	<p>A. Stroud Village Centre minimum lot size</p> <p>The MidCoast Housing Strategy 2021 reviewed the application of residential and the village zones across the MidCoast. It was acknowledged that the villages had varying minimum lot sizes which reflected the character of the villages. As a result, the Strategy recommended that each village retained their existing minimum lot size provisions. For the centre of Stroud, the 700m² should have been retained but was incorrectly mapped in the draft MidCoast LEP as 1,000m². It is proposed to amend this mapping error.</p> <p>Recommendation: amend the draft MidCoast LEP mapping to retain the minimum lot size of 700m² for the mapped area being the Stroud village centre</p>

Proposed zone	Comment and response
	<p>B. Stroud Drinking Water Catchment</p> <p>The Stroud Drinking Water Catchment is mapped in the draft MidCoast LEP on the Drinking Water Catchment Map. Council's Water Services team reviewed the mapping and identified minor amendments to correct mapping errors that arose from a misalignment of the cadastre. This map should be updated to correctly show the extent of the catchment.</p> <p>Recommendation: amend the draft MidCoast LEP mapping to correctly show the extent of the Drinking Water Catchment</p>
	<p>C. 9 Cowper Street</p> <p>This site at 9 Cowper Street, Stroud (Lot 7001 DP1032342) is currently included in the RU2 Rural Landscape zone and RU5 Village zone and is proposed to be included in the R5 Large Lot Residential zone in the draft MidCoast LEP. This site is in public ownership.</p> <p>As the land is subject to a pending Aboriginal/Native Title Land Claim, a review of the zones was undertaken so as not to preclude any future use of the site. As a result, the zone is proposed to be changed to the RU4 Primary Production Small Lots zone and RU5 Village zone. A review of these zones will be undertaken by Council if the Land Claim is unsuccessful.</p> <p>Recommendation: amend the draft MidCoast LEP mapping to include 9 Cowper Street, Stroud (Lot 7001 DP1032342) in the RU4 Primary Production Small Lots zone and the R5 Village zone, in accordance with the current zone boundary as contained in the Great Lakes Local Environmental Plan 2014. The RU4 Primary Production is to have a 40ha minimum lot size with no maximum building height. The RU5 Village zone is to have a 1,000m2 minimum lot size with a maximum building height of 8.5m</p>

Stroud – general comment and response

General comments (Submission 8)

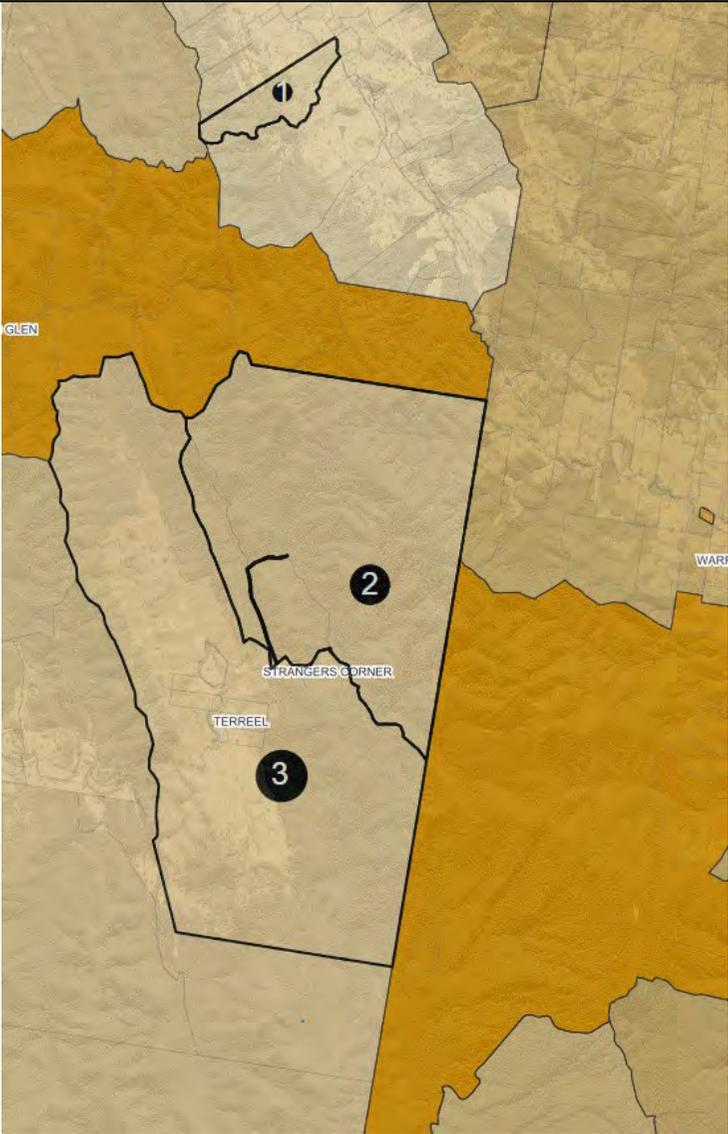
One submission requested that minimum land size for dwelling entitlement should be no more than 40ha to encourage people to live in the area without having huge properties to look after. Would like to see multiple occupancy on rural properties.

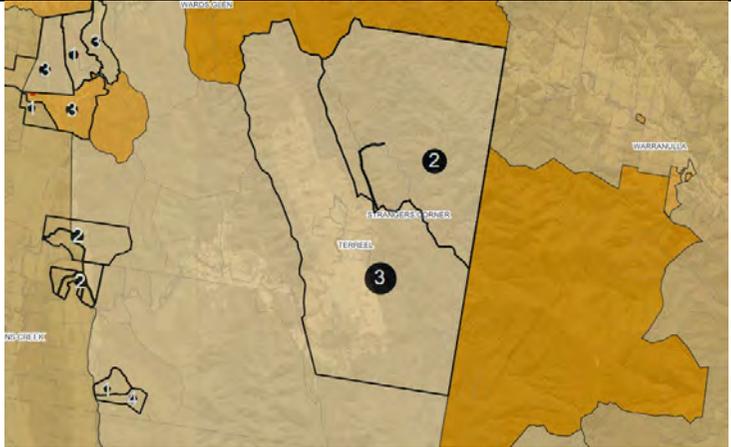
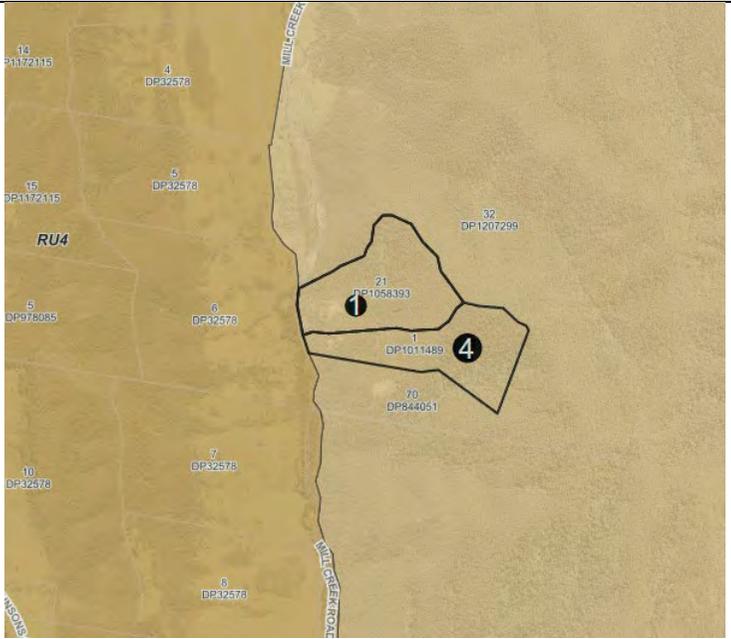
Response:

In the rural areas around Stroud, the 40ha minimum lot size is expected to remain in place as it currently is. Any further reduction of this minimum lot size would be inconsistent with the approach outlined in the Draft Rural Strategy – The Way Forward and would hinder agricultural opportunities in the area. Dual occupancies and secondary dwellings are both proposed to be permitted with consent in the RU4 Primary Production Small Lots zone that will apply to the area, allowing for multiple occupancy opportunities

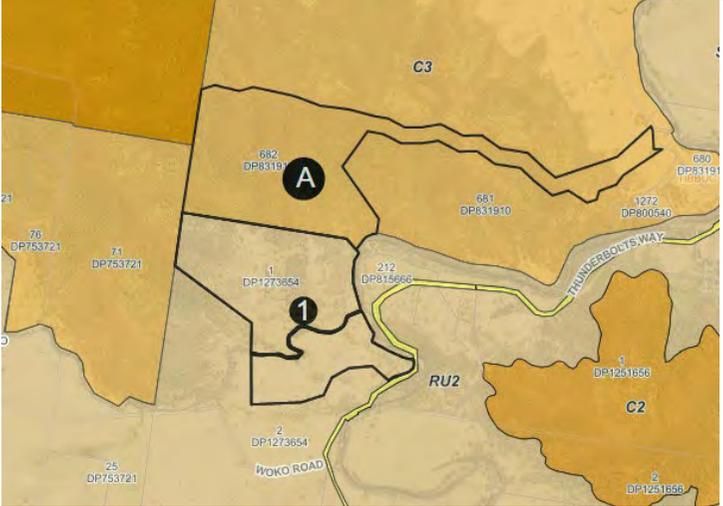
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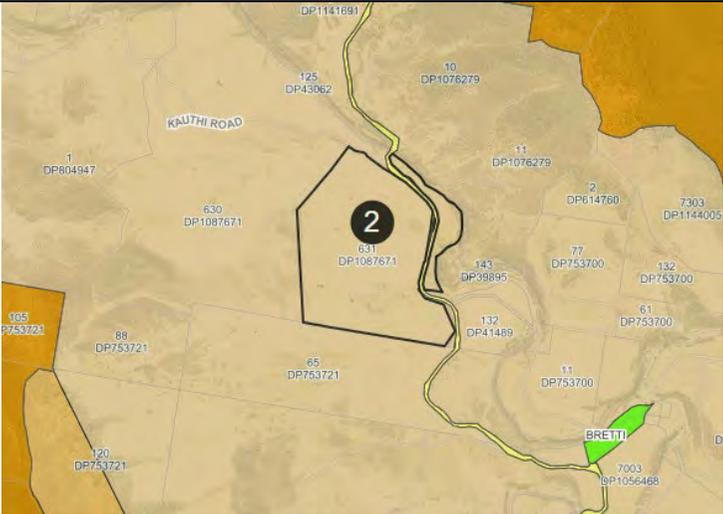
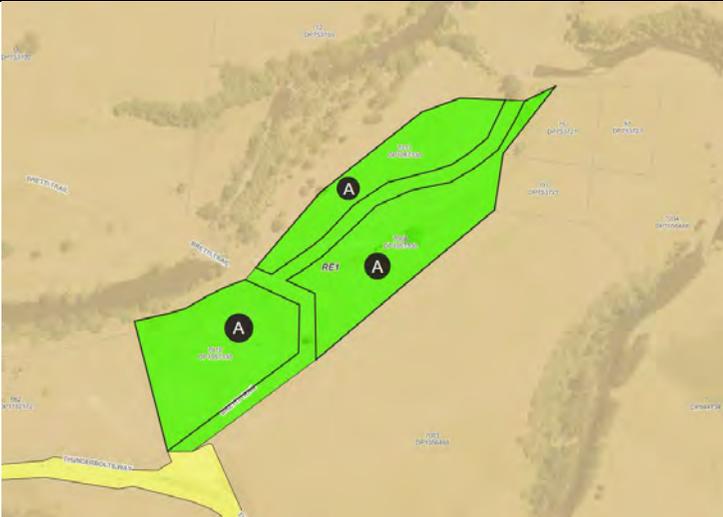
Proposed zone	Comment and response
	<p>1. 1590 Mill Creek Road (Submission 274)</p> <p>This site at 1590 Mill Creek Road, Terreel (Lot 21 DP1058393) is proposed to be retained in the RU2 Rural Landscape zone with the minimum lot size increased from 40ha to 100ha. The landowner enquires whether a dwelling entitlement will be valid under the draft MidCoast LEP and covered under Clause 4.2A - Development on land in certain rural and environment protection zones.</p> <p>Response:</p> <p>Concerns regarding the ability to build a house on the property are addressed by the amended Clause 4.2A – Development on land in certain rural and environment protection zones in the draft MidCoast LEP. Proposed part 6(b) of the clause makes provision for a dwelling entitlement to be permitted given that the previous planning provisions, being the Great Lakes Local Environmental Plan 2014, would have permitted the erection of a dwelling (given the minimum lot size was 40ha and the property is 45.9ha).</p> <p>Please note that Clause 4.2A has been a common submission topic and have been specifically addressed in Section 4.5 of the Consultation Report, which contains the revised wording of the clause. Please note that the two year sunset clause relates to existing holdings being part 6(d) of the clause, which would not apply to your site.</p> <p>The submitter may apply for a dwelling entitlement request through Council to provide certainty regarding the ability to lodge an application to build a dwelling on the land and such confirmation of entitlement would be included on Council’s proposed dwelling entitlement register. Any future development application for the site would have to consider any environmental constraints, including topography, access, servicing and vegetation to determine the appropriateness of a dwelling on this land.</p> <p>Recommendation: no change</p>

Proposed zone	Comment and response
	<p>2. 185 Nobbys Road (Submission 301)</p> <p>This site at 185 Nobbys Road, Terreel (Lot 10-12 DP231285 and Lot 1 DP161994) is proposed to be retained in the RU2 Rural Landscape zone with the minimum lot size increased from 40ha to 100ha. The submitter objects to the zone changes, particularly the increase in the minimum lot size given the application of the zone has not been consistently applied, and the increase in minimum lot size only applied to this location and the adjoining 6,000ha. The change was instigated through a review without satisfactory justification. The site is not mapped as occupied koala habitat in the Koala Conservation Strategy and shouldn't be a factor in determining the change at this location (not applied consistently across the MidCoast). There is no case presented for increasing the minimum lot size at this location and is a late change. The Gateway Determination does not specifically reference this change, and the Department of Planning, Housing and Infrastructure did not give this change full consideration. The change will result in adverse social and economic impacts of the change on the value and future utility of the land.</p> <p>Response:</p> <p>The purpose of the draft MidCoast LEP was to examine the current zones and consistently apply a new suite of zones. The rural lands around Terreel have similar characteristics to the rural lands to the west and north of the Gloucester Basin. Much of this land is characterised as steep land (greater than 18% or 32 degrees), constrained by slope and vegetation, with intermittent areas typically along creek lines of cleared areas used for grazing livestock. Given the constraints of the land, the lots are typically larger in size. To ensure a consistent application of the rural zones, this area is proposed to be included in the RU2 Rural Landscape zone. The mapping in the Koala Conservation Strategy is not used to inform land zonings. Publicly available sources of information (such as BioNet) indicate that the subject land and adjoining properties do contain koalas, other threatened species, and regional and state significant vegetation community types, including threatened ecological communities. These landscapes are of ecological significance; however, these are ancillary considerations, with the consistent application of the rural zones being the primary reason for the application of the zone in this location. Given the site is located within this area and has these attributes, the request to change the zone is not supported.</p> <p>Due consideration was given to this proposed zone. It was included in the MidCoast Planning Proposal Version 24 January 2024, which was assessed by the Department of Planning, Housing and Infrastructure in making the Gateway Determination, and subsequently included in the MidCoast Planning Proposal Ver 26 April 2024, which was the exhibited version. It should be noted that a number of changes were undertaken during these later stages of the planning proposal process which were discussed with the relevant NSW Government Departments and Council. These changes were often refinements to the planning controls that ensured the consistent application of zones and planning controls across the MidCoast. These do not make these controls any less relevant than provisions developed over the last five years. What is important is that the controls have been exhibited, and the community made aware of the proposed changes and have had the opportunity to provide feedback.</p> <p>As discussed in a meeting with the submitter and the landowner's representatives, there is the opportunity to apply for consideration under Clause 4.1F - Exceptions to minimum lot sizes for ecological protection in the draft MidCoast LEP. This clause examines opportunities to cluster residential development where an overall conservation benefit can be achieved.</p>

Proposed zone	Comment and response
	<p>Recommendation: no change</p> <p>3. Hunter Water land (Submission 314)</p> <p>The site at 1547 Terreel Road, Terreel (Lot 1 DP1134615, Lot 365 DP95927, Lot 366-369, 383 DP95910) is currently in the RU2 Rural Landscape zone is proposed to be retained in the RU2 Rural Landscape zone with the minimum lot size increased from 40ha to 100ha. The landowner expressed that they have no objections raised regarding the inclusion of the site in Terreel in the RU2 Rural Landscape zone.</p> <p>Response:</p> <p>Support is noted.</p> <p>Recommendation: no change</p>
	<p>4. Mill Creek Road (Submission 400)</p> <p>The submitter at Mill Creek Road (Lot 1 DP1011489) raised concerns about koala habitat and protection near Newell Creek Timber Mill. They are concerned that the use of the conservation zone around Terreel is not appropriate given there is limited evidence of koalas. (Note: it is assumed that the submitter is referring to the RU2 Rural Landscape zone).</p> <p>Response:</p> <p>There is no new application of a conservation zone in the vicinity of the submitter's property. It is assumed that they are responding to the proposed RU2 Rural Landscape zone over their site. The purpose of the draft MidCoast LEP was to examine the current zones and consistently apply a new suite of zones. The rural lands around Terreel have similar characteristics to the rural lands to the west and north of the Gloucester Basin. Much of this land is characterised as steep land (greater than 18% or 32 degrees), constrained by slope and vegetation, with intermittent areas typically along creek lines of cleared areas used for grazing livestock. Given the constraints of the land, the lots are typically larger in size. To ensure a consistent application of the rural zones, this area is proposed to be included in the RU2 Rural Landscape zone. It appears there is currently a residence on the land. Given the land uses remain similar to what the current zone allows, it is anticipated that the zone change will not impact on the currently use the land.</p> <p>The operation of the Newell Creek Timber Mill falls outside of the scope of the draft MidCoast LEP. This area contains a large amount of NSW Forestry Corporation land, and it is assumed the mill services these areas.</p> <p>Recommendation: no change</p>

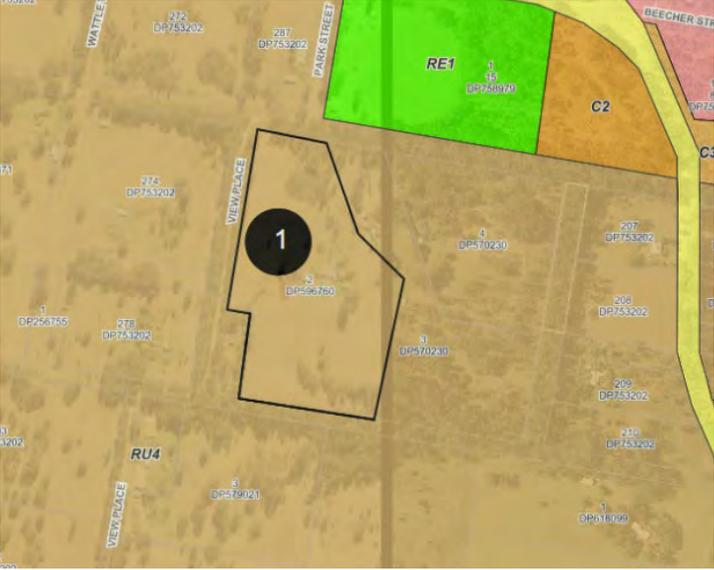
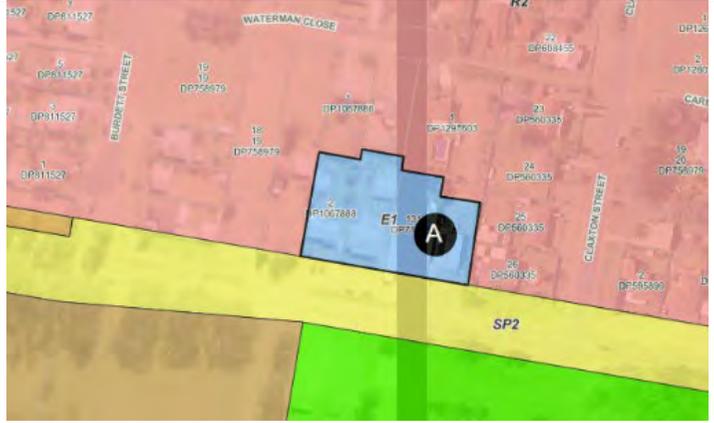
Tibbuc and Brett

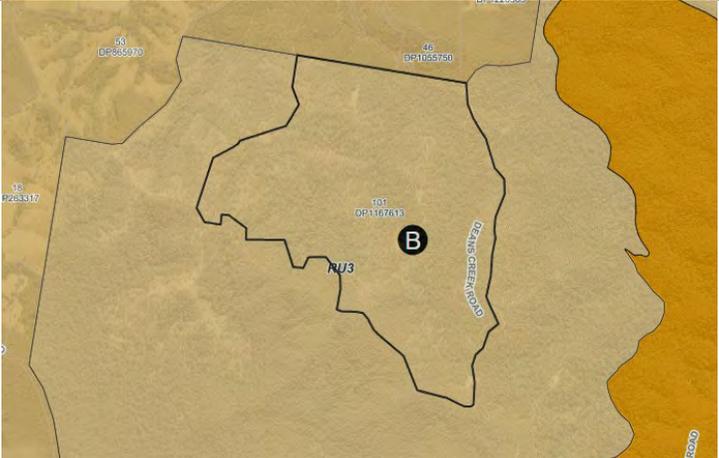
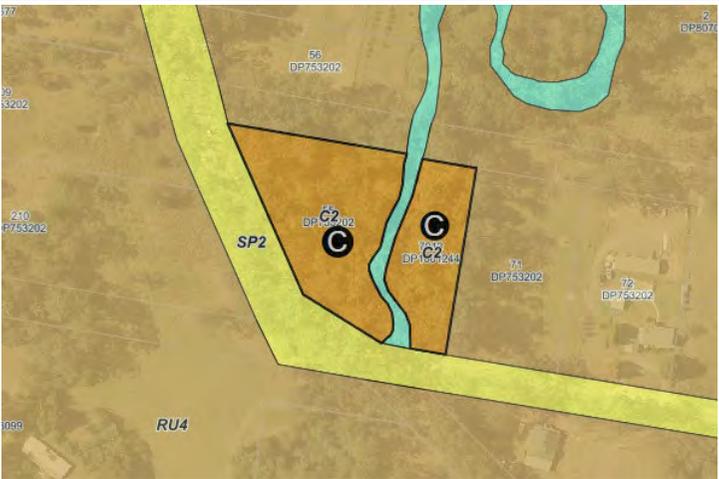
Proposed zone	Comment and response
	<p>1. 2650 Thunderbolts Way (Submission 247)</p> <p>This site at 2650 Thunderbolts Way, Tibbuc (Lot 1 DP1273654) is currently in the RU1 Primary Production zone and is proposed to be included in the RU2 Rural Landscape zone. The landowner objects to the proposed zone change as it may allow Landcare groups to carry out Action MA 1.03- 'Promote and facilitate establishment of private conservation agreements'. Concerned about unlawful tree planting and land regeneration activity occurring on the property.</p> <p>Response:</p> <p>These issues have been addressed in Section 4.4.1 and 4.4.3 of the Consultation Report. Please refer to this section for a more detailed discussion on these points.</p> <p>Please note that there is also no intention for the RU2 Rural Landscape zone to be a transitional zone towards environmental purposes. Any bush regeneration activities on private lands are typically undertaken with the consent of the owner and falls outside the scope of the draft MidCoast LEP. Council's Natural Systems team have made contact with the submitter to discuss their concerns relating to the latest Landcare project as indicated in the pamphlet that was attached to the submission.</p> <p>Recommendation: no change</p>

Proposed zone	Comment and response
	<p>2. 3647 Thunderbolts Way (Submission 376)</p> <p>This site at 3647 Thunderbolts Way, Brett (Lot 631 DP1087671) is currently in the RU1 Primary Production zone and is proposed to be included in the RU2 Rural Landscape zone. The landowner questions the proposed zone change, is concerned about the lack of consultation with impacted landowners and whether the proposed zone will preserve quality viable farmland. Suggests that no changes be made as it currently works well.</p> <p>Response:</p> <p>Many of these issues have been addressed in Section 4.4.1 and 4.4.3 of the Consultation Report. Please refer to this section for a more detailed discussion on these points. With regard to the community consultation process, the Community Outcomes Report (refer to Appendix 22 of the Planning Proposal) outlines the consultation process undertaken.</p> <p>Recommendation: no change</p>
	<p>A. Brett Camping Reserve Thunderbolts Way</p> <p>These sites at Brett Camping Reserve Thunderbolts Way, Brett (Lots 7009-7011 DP1057330) are currently included in the RU1 Primary Production zone and are proposed to be included in the RE1 Public Recreation zone in the draft MidCoast LEP. These sites are in public ownership.</p> <p>As the land is subject to a pending Aboriginal/Native Title Land Claim, a review of the zones was undertaken so as not to preclude any future use of the site. As a result, the zone is proposed to be changed to the RU2 Rural Landscape zone. A review of this zone will be undertaken by Council if the Land Claim is unsuccessful.</p> <p>Recommendation: amend the draft MidCoast LEP mapping to include Lots 7009-7011 DP1057330 in the RU2 Rural Landscape zone and apply a minimum lot size of 100ha and no maximum height of building</p>

Proposed zone	Comment and response
	<p>B. Gloryvale reserve</p> <p>This site at Gloryvale Reserve, Tibbuc (Lot 112 DP753721) is currently included in the RU1 Primary Production zone and is proposed to be included in the C3 Environmental Management zone in the draft MidCoast LEP. This site is in public ownership.</p> <p>As the land is subject to a pending Aboriginal/Native Title Land Claim, a review of the zones was undertaken so as not to preclude any future use of the site. As a result, the zone is proposed to be changed to the RU2 Rural Landscape zone. A review of this zone will be undertaken by Council if the Land Claim is unsuccessful.</p> <p>Recommendation: amend the draft MidCoast LEP mapping to include Lot 112 DP753721 in the RU2 Rural Landscape zone and apply a minimum lot size of 100ha and no maximum height of building</p>

Tinonee

Proposed zone	Comment and response
	<p>1. 108 Coffee Street (Submission 10)</p> <p>This site at 108 Coffee Road, Tinonee (Lot 2 DP596760) is currently included in the RU1 Primary Production zone and is proposed to be retained in a rural zone, being the RU4 Primary Production Small Lots zone. The landowner requests the site be included in a residential zone to provide more housing stock.</p> <p>Response:</p> <p>The purpose of the draft MidCoast LEP was to examine the current zones and consistently apply a new suite of zones. Any zone changes from a rural zone to a residential is not supported.</p> <p>To change the zone of a property, the landowner would need to go through the user pays planning proposal process (known as a rezoning). This process can be costly requiring technical studies which would consider all aspects of whether the site was suitable to be included in a residential zone (e.g. ecological, Aboriginal Cultural, transport, servicing and bushfire). It is important to note that planning proposals are typically only considered for sites identified in the MidCoast Urban Release Areas Report 2021 and the Hunter Regional Plan 2041. This site has not been identified in either of these documents.</p> <p>Recommendation: no change</p>
	<p>A. 51-59 Beecher Street</p> <p>This area at 51-59 Beecher Street (Lot 2 DP1297603 (partial), Lot 131 DP718879, Lot 152 DP878114, Lot 2 DP1067888) is proposed to be retained in the E1 Local Centre zone but does not have a maximum height of building. This is an error and should be amended to include these sites with an 8.5m maximum height of building.</p> <p>Recommendation: amend the draft MidCoast LEP mapping to provide a maximum height of building of 8.5m for the land included in the E1 Local Centre zone at 51-59 Beecher Street, Tinonee</p>

Proposed zone	Comment and response
	<p>B. 191 Clarkes Road</p> <p>The site at 191 Clarkes Road, Tinonee (Lot 101 DP1167613) is proposed to be retained in the RU3 Forestry zone. Given Council has purchased this property from the NSW Forestry Corporation for the purpose of a future water storage area, the site should be included in the RU4 Primary Production Small Lots zone consistent with adjoining properties and to reflect the ownership.</p> <p>Recommendation: amend the draft MidCoast LEP mapping to include 191 Clarkes Road (Lot 101 DP1167613) in the RU4 Primary Production Small Lots zone and apply a 40ha minimum lot size and no maximum height of building</p>
	<p>C. 6629 The Bucketts Way</p> <p>This site at 6629 The Bucketts Way, Tinonee (Lot 7013 DP1001244 and Lot 55 DP753202) is currently included in the RU1 Primary Production zone and are proposed to be included in the C2 Environmental Conservation zone in the draft MidCoast LEP. These sites are in public ownership.</p> <p>As the land is subject to a pending Aboriginal/Native Title Land Claim, a review of the zones was undertaken so as not to preclude any future use of the site. As a result, the zone is proposed to be changed to the C3 Environmental Management zone. A review of this zone will be undertaken by Council if the Land Claim is unsuccessful.</p> <p>Recommendation: amend the draft MidCoast LEP mapping to include 6629 The Bucketts Way, Tinonee (Lot 7013 DP1001244 and Lot 55 DP753202) in the C3 Environmental Management zone and apply a minimum lot size of 40ha and no maximum height of building</p>

Tinonee – general comments and response

Dual consent for Private Native Forestry (Submissions 86, 87)

Two submissions requested for the draft MidCoast LEP to include dual consent for private native forestry, to align with MidCoast Koala Conservation Strategy. Process used in Great Lakes Local Environmental Plan 2014 but not in the Greater Taree Local Environmental Plan 2010. Neighbouring properties have been logged rapidly, and dual consent could help slow this process down.

Response:

Under the draft MidCoast LEP, in all our rural zones (except the RU3 Forestry zone), it is proposed to include Forestry as a use that is permitted with consent. In the future, any approval for Forestry in these zones will go through a development application process and consider impacts such as biodiversity, noise, access etc.

General comments (Submissions 179, 475)

- a) A submitter identified a need to retain the history of the area when introducing new urban areas.
- b) A submitter was concerned about koala habitat protection in Tinonee in terms of future development (e.g. Chant Place subdivision). Concerned that Council's MidCoast Koala Conservation Strategy will not result in any additional planning restrictions being imposed on the future development of privately owned land.

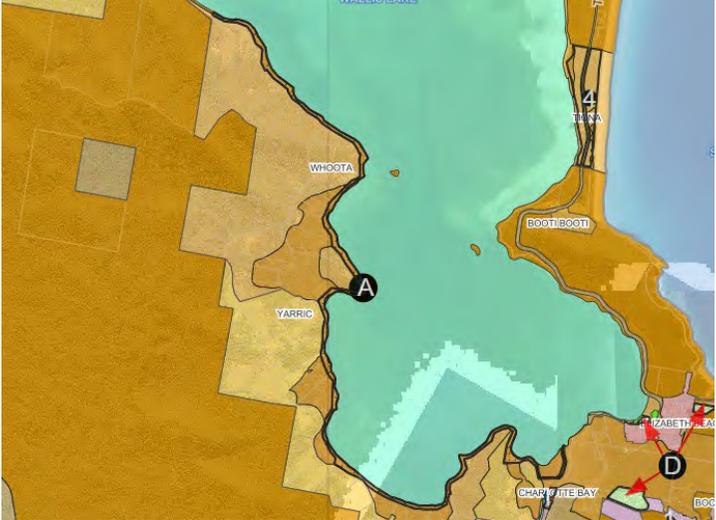
Response:

- a) Heritage character is addressed in Clause 5.10 - Heritage conservation and Schedule 5 of the draft MidCoast LEP. While planning controls can recognise key sites for protection, the local stories and artefacts are often held with the local historical societies and groups
 - b) The draft MidCoast LEP contains provisions relating to the protection of ecological values, including koala habitats, which need to be considered through development applications
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Wallanbah

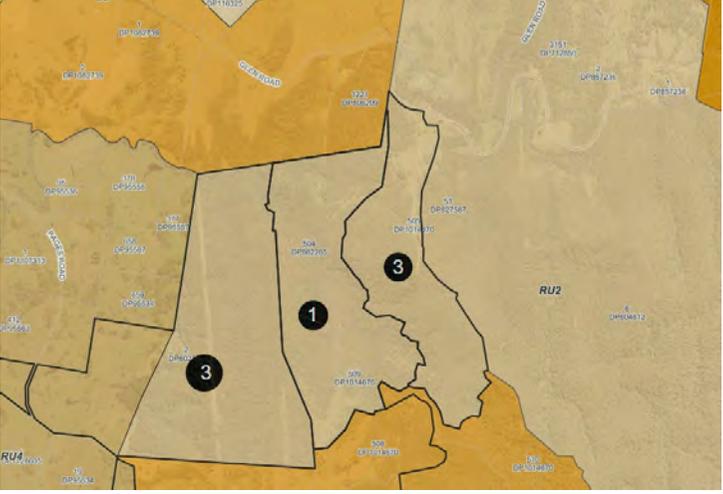
Proposed zone	Comment and response
	<p>1. 878 Wallanbah Road (Submission 516)</p> <p>This site at 878 Wallanbah Road (Lot 15 DP841765) is proposed to be retained in a rural zone, being the RU4 Primary Production Small Lots zone with the minimum lot size to be reduced from 100ha to 40ha. The landowner is concerned that the reduction in the minimum lot size is not suitable in terms of the potential impact on the rural character, the availability of infrastructure, whether 40ha will support viable agricultural land uses. The proposed lot size is not consistent with the character of Wallanbah Road which is more closely related to Gloucester rather than Forster and Taree.</p> <p>Response:</p> <p>The MidCoast Rural Strategy – The Way Forward 2022 outlines the approach to allocating rural zones across the MidCoast. The minimum lot size is proposed to be reduced from 100ha to 40ha based on research undertaken to examine the impact of the rural lot sizes on the viability of rural lands (outlined in the Rural Strategy – Supplementary Report 2023). This reduction in the minimum lot size provides an evidence based transition from the rural lands in the former Gloucester region to the Great Lakes and Manning regions, which is aligned with the application of minimum lot sizes in the NSW North Coast. It should be noted that a number of rural landowners that are also subject to this change, have provided their support for the change through the consultation process.</p> <p>Recommendation: no change</p>

Wallis Lake and Whoota

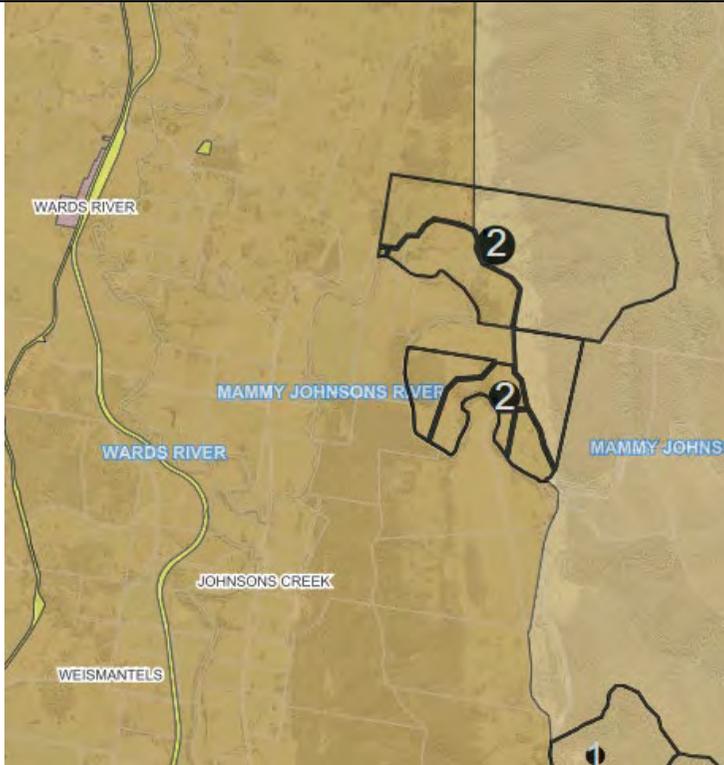
Proposed zone	Comment and response
	<p>A. 540 Coomba Road</p> <p>Part of this site at 540 Coomba Road, Whoota (Lot 7328 DP1167361) is currently included in the C2 Environmental Conservation zone, the C3 Environmental Management zone and the C4 Environmental Living zone in the draft MidCoast LEP. This site is in public ownership.</p> <p>As the land is subject to a pending Aboriginal/Native Title Land Claim, a review of the zones was undertaken so as not to preclude any future use of the site. Part of Lot 7328 DP1167361 is identified as Coastal wetlands in the NSW Government's State Environmental Planning Policy (Resilience and Hazards) 2021, and should be included in the C2 Environmental Conservation zone, with the remainder of the site being retained in the C3 Environmental Management zone and C4 Environmental Living zone as has been applied in the Great Lakes Local Environmental Plan 2014. A review of these zones will be undertaken by Council if the Land Claim is unsuccessful.</p> <p>Recommendation: amend the draft MidCoast LEP mapping to include part of Lot 7328 DP1167361 in the C3 Environmental Management zone with a minimum lot size of 40ha and no maximum height of building, and the C4 Environmental Living zone with a minimum lot size of 10ha and no maximum height of building</p>
	<p>B. Wallis Lake coastal wetlands</p> <p>These sites in Wallis Lakes (Lots 7157-7158 DP1107994, Lot 7155 DP1107987, Lot 252 DP753168, Lot 7093 DP1024268, Lot 7015 DP1024496, Lot 7019 DP1024480, Lot 7013 DP1025615, Lot 837 DP1175891, Lot 815 and 825 DP1168252 and Lot 7006 DP1024479) mapped as 'B' are currently included in the C3 Environmental Management zone or a combination of the C2 Environmental Conservation zone, C3 Environmental Management zone and W2 Recreational Waterways zone. They are proposed to be wholly included in the C2 Environmental Conservation zone in the draft MidCoast LEP. These sites are in public ownership.</p> <p>As the land is subject to a pending Aboriginal/Native Title Land Claim, a review of the zones was undertaken so as not to preclude any future use of the site. Part of mapped lots are identified as Coastal wetlands in the NSW Government's State Environmental Planning Policy (Resilience and Hazards) 2021, and should be included in the</p>

Proposed zone	Comment and response
	<p>C2 Environmental Conservation zone, with the remainder of the sites being retained in the C3 Environmental Management zone. A review of these zones will be undertaken by Council if the Land Claim is unsuccessful.</p> <p>No change is proposed to the exhibited W2 Recreational Waterways zone.</p> <p>Recommendation: amend the draft MidCoast LEP mapping to include Lots 7157-7158 DP1107994, Lot 7155 DP1107987, Lot 252 DP753168, Lot 7093 DP1024268, Lot 7015 DP1024496, Lot 7019 DP1024480, Lot 7013 DP1025615, Lot 837 DP1175891, Lot 815 and 825 DP1168252 and Lot 7006 DP1024479 in the C3 Environmental Management where the site is not identified as Coastal wetlands. Apply a minimum lot size of 40ha and no maximum height of building</p>
	<p>C. Lot 7327 DP1167361</p> <p>This site at Lot 7327 DP1167361 in Wallis Lake is currently included in the C3 Environmental Management zone and is proposed to be included in the C2 Environmental Conservation zone in the draft MidCoast LEP. This site is in public ownership.</p> <p>As the land is subject to a pending Aboriginal/Native Title Land Claim, a review of the zones was undertaken so as not to preclude any future use of the site. As a result, the zone is proposed to be changed to the C3 Environmental Management zone. A review of this zone will be undertaken by Council if the Land Claim is unsuccessful.</p> <p>Recommendation: amend the draft MidCoast LEP mapping to include Lot 7327 DP1167361 in the C3 Environmental Management zone and apply a minimum lot size of 40ha and no maximum height of building</p>

Wards River/Craven

Proposed zone	Comment and response
	<p>1. 314-316 Glen Road (Submission 222)</p> <p>This site at 314-316 Glen Road, Craven (Lot 504 DP882265 and Lot 509 DP1014670) is currently included in both the RU1 Primary Production zone and RU2 Rural Landscape zone. It is proposed to be retained in a rural zone, being the RU2 Rural Landscape zone. The landowner requested that the C3 Environmental Management zone applied to Lot 509 DP1014670 and Lot 504 DP882265 given the property has in-perpetuity voluntary conservation agreement and property vegetation plan. In addition, re-forestation has occurred under a proposed agreement with Clean Energy Regulator. The C3 Environmental Management zone would provide linkages to the adjoining land that are included in the C2 Environmental Conservation zone.</p> <p>Response:</p> <p>This proposed zone change is supported as the environmental values of the land align with the objectives of the C3 Environmental Management zone. It is appreciated that the landowner proposed this change to recognise land with important environmental values in the MidCoast.</p> <p>Recommendation: amend the draft MidCoast LEP mapping to include 314-316 Glen Road, Craven in the C3 Environmental Management zone and apply a minimum lot size of 100ha and no maximum height of building</p>

Proposed zone



Comment and response

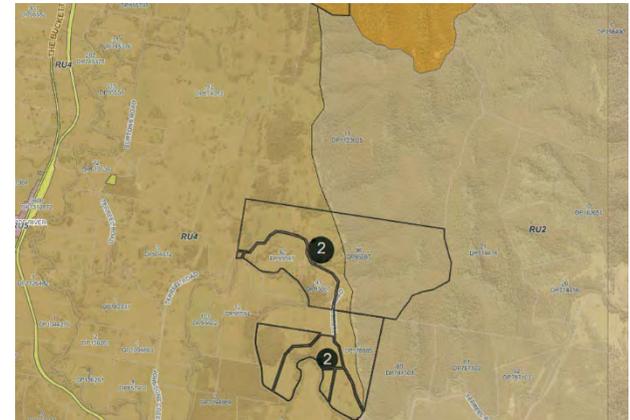
2. 482 and 630 Terreel Road (Submission 313, 458)

These sites at 482 and 630 Terreel Road (Lot 1 DP978085 and Lot 4 DP112341; Lot 91-93 DP95597 and Lot 96 DP5597) are currently in the RU2 Rural Landscape zone with a 40ha minimum lot size. The draft MidCoast LEP proposes to retain the RU2 Rural Landscape zone over the eastern portions of the site with an increased minimum lot size of 100ha. The western portion of these sites are proposed to be included in the RU4 Primary Production zone with the 40ha minimum lot size retained. The landowners object to the proposed zone and request the whole site be included in the RU4 Primary Production zone with a 40ha minimum lot size. They suggest this would enable the continued rural activities on the sites and a future subdivision of land. The eastern portion of the site is on steep land and any future subdivision would consider the constraints, servicing and accessibility, which would result in the bushland being retained. Extensive works have been undertaken to farm this land, and they believe conservation lands should be purchased by National Parks.

Response:

The purpose of the draft MidCoast LEP was to examine the current zones and consistently apply a new suite of zones. The rural lands around Terreel have similar characteristics to the rural lands to the west and north of the Gloucester Basin. Much of this land is characterised as steep land (greater than 18% or 32 degrees), constrained by slope and vegetation, with intermittent areas typically along creek lines of cleared areas used for grazing livestock. Given the constraints of the land, the lots are typically larger in size.

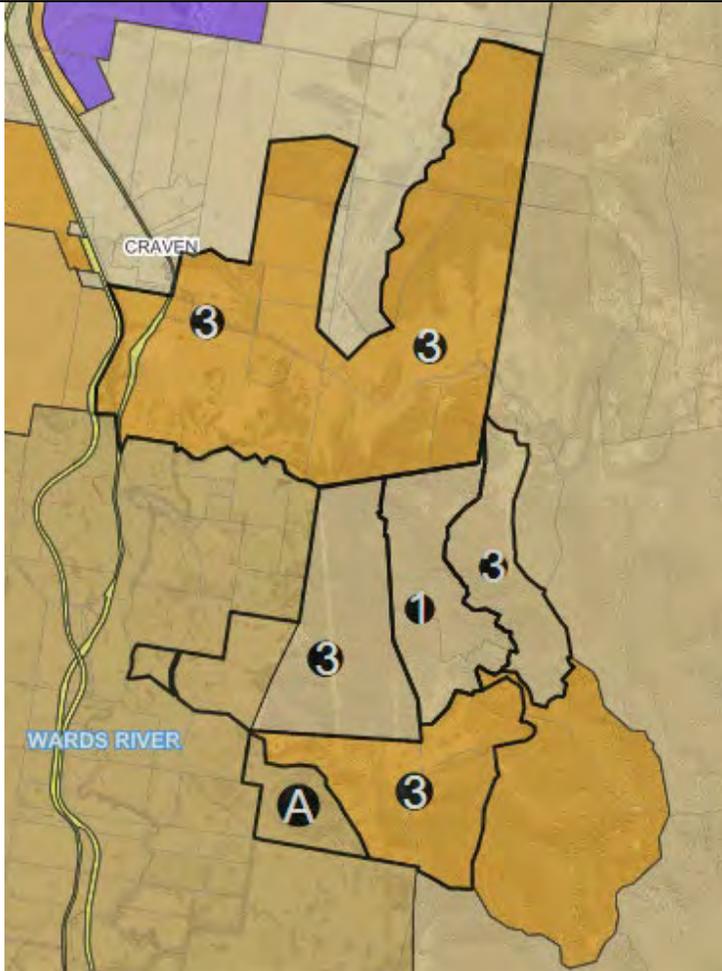
These sites are partially included in the RU4 Primary Production Small Lots zone and RU2 Rural Landscape zone. A review of the zone boundary has been undertaken, and it is proposed to adjust the boundary between these zones to align with the vegetation along the foothills, which would result in a slight increase in the area of land to be included in the RU4 Primary Production Small Lots zone. The change will also apply to the site to the immediate north, being 367 Terreel Road (Lot 11 DP1123625). This zone change will reflect the existing rural activities on the land. This is a minor adjustment to the zone boundary as the well-vegetated sloping area of these sites will remain in the RU2 Rural Landscape zone. The extent of this boundary change is shown to the right.



Recommendation: amend the draft MidCoast LEP mapping to include part of 367, 482 and 630 Terreel Road in the RU4 Primary Production Small Lots zone as indicated in the map above and apply a 40ha minimum lot size

Proposed zone

Comment and response



3. Yancoal sites (Submission 408)

The landowner objects to Clause 4.2A and the potential loss of dwelling entitlement for their sites, impacting their landholding asset value. Suggests a 'dwelling opportunity map' or letter recognising dwelling entitlement be provided. Opposed to the changes to their sites which are proposed to be included in the RU2 Rural Landscape or C2 the Environmental Conservation zone. It is also proposed that the minimum lot size will increase from 40ha to 100ha. In sites where the C2 Environmental Conservation zone is applied, Dual occupancies will become a prohibited use. These changes have an impact on the future used and subdivision of the land that needs to be considered. It is acknowledged that the C2 Environmental Conservation zone has been applied over some lots noted on title as Biodiversity Offset areas, however the approved excision areas for dwellings and their curtilage have not been considered. These excised areas should be included in the C4 Environmental Living zone with a minimum lot size of 20ha. Yancoal has offered to make the GIS datasets available to accurately define where the C2 Environmental Conservation and C4 Environmental Living zones could apply.

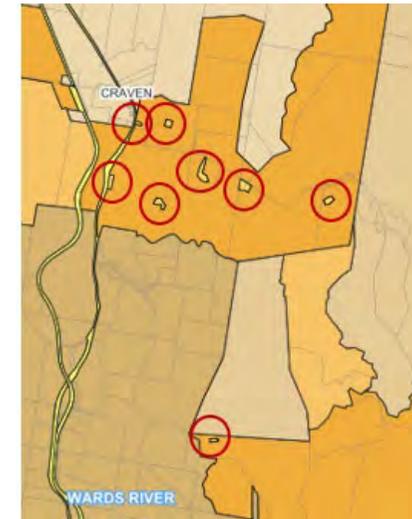
Response:

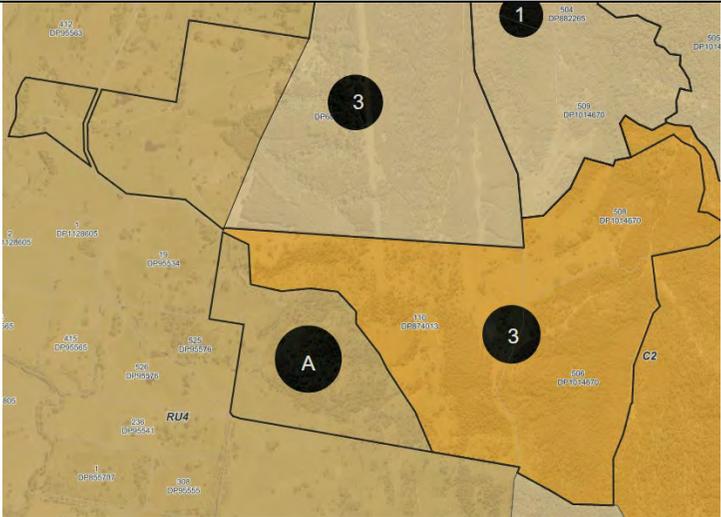
Dwelling entitlements were a common submission topic and have been specifically addressed in Section 4.5 of the Consultation Report. Please refer to this section to see the amendments proposed.

The purpose of the draft MidCoast LEP was to examine the current zones and consistently apply a new suite of zones. The rural lands around Terreel have similar characteristics to the rural lands to the west and north of the Gloucester Basin. Much of this land is characterised as steep land (greater than 18% or 32 degrees), constrained by slope and vegetation, with intermittent areas typically along creek lines of cleared areas used for grazing livestock. Given the constraints of the land, the lots are typically larger in size. To ensure a consistent application of the rural zones, this area is proposed to be included in the RU2 Rural Landscape zone.

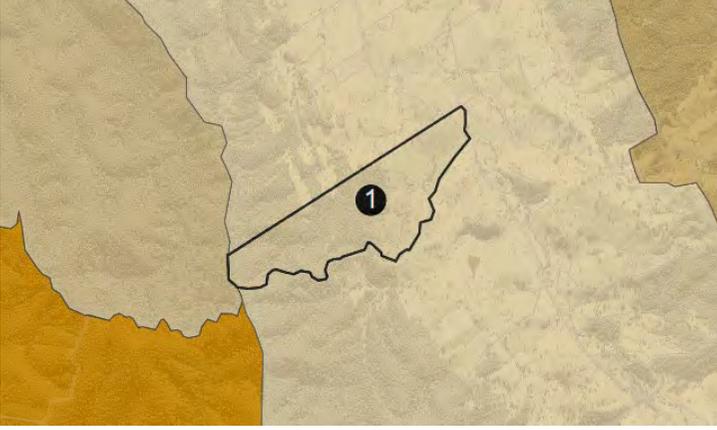
It is noted that a number of lots are proposed to be included in the C2 Environmental Conservation Zone. The submission accepts that many of these changes are justified due to the inclusion of these lots in Biodiversity Offset areas and the like for both the Stratford and Duralie Coal Mining operations and strong empirical evidence through historical reports that have been collected form the basis of these zonings.

As mentioned in the submission, the Biodiversity Offset registered on title has excision areas within them to allow for dwelling and curtilage areas. It is agreed that these areas should be included in the C4 Environmental Living zone to ensure land uses like dual occupancy remain permissible. The submitter has provided the GIS datasets for these areas and the zone change is shown to the right (with red circle around the C4 Environmental Living zone).

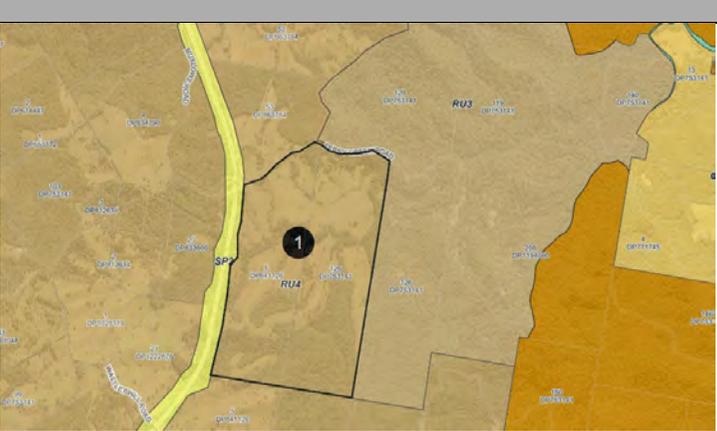


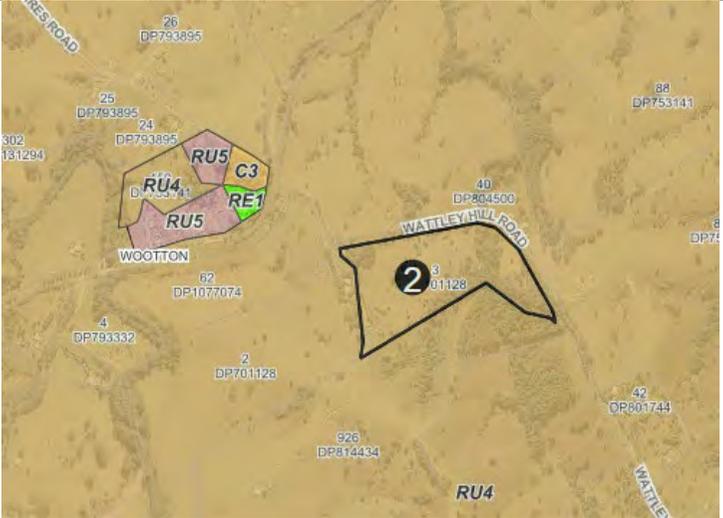
Proposed zone	Comment and response
	<p>The submission indicates that a number of C2 Environmental Conservation zone boundaries around the coal mining operations biodiversity-off set areas and not accurate. The submitter provided these GIS datasets which forms the basis for the boundary of the C2 Environmental Conservation zone.</p> <p>Recommendation: amend the draft MidCoast LEP mapping to align the C2 Environmental Conservation zone with the Biodiversity Offset areas that have been provided by the submitter and include the excision areas within the C4 Environmental Living zone and apply a minimum lot size of 20ha and no maximum height of building. Amend Clause 4.2A in the draft MidCoast Local Environmental Plan to reflect changes proposed in Section 4.5 of Consultation Report</p>
	<p>A. 281 Pages Road</p> <p>This site at 281 Pages Road, Wards River (Lot 111 DP874013) is currently included in the RU2 Rural Landscape zone and is proposed to be retained in a rural zone, being the RU4 Primary Production Small Lots zone. The owner advised the site is going to have a conservation agreement finalised over the property. As a result, the C2 Environmental Conservation zone would be appropriate for the area subject to the conservation agreement. It is appreciated that the landowner proposed this change to recognise land with important environmental values in the MidCoast.</p> <p>Recommendation: amend the draft MidCoast LEP mapping to include the part of 281 Pages Road, Wards River in the C2 Environmental Conservation zone and apply a minimum lot size of 60ha and no maximum height of building</p>

Waukivory

Proposed zone	Comment and response
	<p>1. 2008 Waukivory Road (Submission 14)</p> <p>This site at 2008 Waukivory Road, Waukivory (Lot 43 DP624037) is proposed to be retained in the RU1 Primary Production zone with the minimum lot size reduced to 60ha. The landowner supports the 60ha minimum lot size as it will enable subdivision while retaining primary production land uses.</p> <p>Response: Support is noted.</p> <p>Recommendation: no change</p>

Wootton

Proposed zone	Comment and response
	<p>1. 236-312 Ferny Creek Road (Submission 35)</p> <p>This site at 236-312 Ferny Creek Road, Wootton (Lot 6 DP841126 and Lot 125 DP753141) is currently in the RU2 Rural Landscape zone and is proposed to be included in the RU4 Primary Production Small Lots zone. The landowner objects to the zone change as they believe it will result in an increase to their rates.</p> <p>Response: Categorisation of rural zones under a Local Environmental Plan is a separate process from the categories used for rates. The change from one rural zone to another is unlikely to result in an increase to rates as there is not a change of land use associated with the new zone. Landowners who have questions or need further information about their rates classification can contact Council's Rates Team.</p> <p>Recommendation: no change</p>

Proposed zone	Comment and response
	<p>2. 20 Wattley Hill Road (Submission 76)</p> <p>This site at 20 Wattley Hill Road, Wootton (Lot 3 DP701128) is proposed to be retained in a rural zone, being the RU4 Primary Production Small Lots zone. The submitter requested that land around villages like Wootton should be included in the RU5 Village zone with a 2.2ha minimum lot size to enable villages to grow and provide housing.</p> <p>Response:</p> <p>The purpose of the draft MidCoast LEP was to examine the current zones and consistently apply a new suite of zones. Any zone changes from a rural zone to the RU5 Village zone would generally occur where the site had been developed as a village, which is not the case for this site.</p> <p>To change the zone of a property, the landowner would need to go through the planning proposal process (known as a rezoning). This process can be costly requiring technical studies which would consider all aspects of whether the site was suitable to be included in the RU5 Village zone (e.g. ecological, Aboriginal Cultural, transport, servicing and bushfire). It is important to note that planning proposals are typically only considered for sites identified in the MidCoast Urban Release Areas Report 2021 and the Hunter Regional Plan 2041. This site has not been identified in either of these documents.</p> <p>Recommendation: no change</p>

