

APPENDIX B: NSW GOVERNMENT AND LOCAL ABORIGINAL LAND COUNCILS



**Consultation Report
Draft MidCoast Local Environmental Plan**

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NSW GOVERNMENT AND LOCAL ABORIGINAL LAND COUNCIL CONSULTATION

Consultation with relevant NSW Government Departments has occurred throughout the development and exhibition of the draft MidCoast LEP.

Initial consultation occurred through the development of the supporting documents. Comments made by the NSW Government Departments are summarised in Zoning in Urban: Response to feedback (refer to **Appendix 15**) and the MidCoast Rural Strategy – The Way forward (refer to **Appendix 9**).

Prior to seeking a Gateway Determination, consultation was undertaken with relevant NSW Departments between June and January 2024 (refer to **Appendix 7**).

Following a Gateway determination being received in March 2024 further consultation with NSW Government Departments was undertaken in accordance with Condition 3 of the determination. seeking formal feedback on the draft MidCoast Local Environmental Plan. A summary of the consultation is provided below.

NSW GOVERNMENT

Department of Primary Industries – Agriculture (DPI)

ISSUE	RESPONSE
<p><i>Differentiation of rural zones</i></p> <p>The land uses in the three rural zones (RU1, RU2 and RU4) are similar and extensive – risk of competing and conflicting land uses, and agricultural land uses may become unviable.</p> <p>The RU1 Primary Production zone would be more suitable for the eastern lands than the RU4 Primary Production Small Lots zone, given it contains the highest quality agricultural lands</p>	<p>The use of the three rural zones across the MidCoast was in response to the comments provided by DPI on the draft Rural Strategy (dated 8 February 2022) where Council was advised that “the use of a single zone [and 40ha minimum lot size] for all rural land is not supported”. As a result, Council undertook the MidCoast Rural Strategy – The Way Forward document (refer to Planning Proposal - Appendix 9) which examined in detail the different characteristics of land across the MidCoast and developed the three rural zone approach, being:</p> <ul style="list-style-type: none"> • RU1 Primary Production zone around the Gloucester Basin with a minimum lot size of 60ha • RU2 Rural Landscape zone to the north, west and south of the Gloucester Basin with a minimum lot size of 100ha • RU4 Primary Production Small Lots zone along the coastal and southern portion of the MidCoast which will have a minimum lot size of 40ha and 20ha (the 20ha minimum lot size will only apply to specific locations where it currently exists) <p>It should be noted that the RU1 Primary Production and RU4 Primary Production Small Lots zones are proposed to be applied to the MidCoast’s quality rural lands. The difference between the two zones relates to the rural character, with the RU1 Primary Production zone being applied to the larger lots in the Gloucester Basin and the RU4 Primary Production Small Lots zone being applied to the more fragmented lands along the coast.</p> <p>Extensive consultation was undertaken with rural landowners, with 31% of phone calls and 22% of drop-in session discussions relating to the rural zones. In addition, 1,737 downloads of rural fact sheets were undertaken from Council’s website. Only 12% of the submissions related to rural issues.</p>

ISSUE	RESPONSE
	<p>It would be unreasonable after this extensive consultation to return to one rural zone with three different minimum lot sizes given the overall feedback from rural landowners was generally supportive of the proposed rural zones. It should be noted that the clear basis for these zones was established and applied as a result of the DPI's submission in 2022</p> <p>Recommendation: no change</p>
<p><i>Land use tables particularly in the RU1 and RU4 zones</i></p> <ol style="list-style-type: none"> 1. Non-agricultural land uses should be limited unless the land uses are dependent on natural resources, beneficial to agricultural production and consideration has been given to any potential impacts on agricultural uses 2. Incompatible land uses should be removed from the rural zones. LEPs of adjacent Council areas do not include the same extent of non-rural land uses. Concerns for significant potential impact from land uses such as 'function centres' and 'recreation facilities (major)' causing land use conflict with surrounding rural lands 3. The RU1 zone should be used for the LGA's highest quality agricultural lands and the permissible land uses should complement and support agriculture, food and fibre production 4. DPI – Agriculture would like to contribute to the development of the draft MidCoast Development Control Plan 	<ol style="list-style-type: none"> 1. The issue of land uses permitted in the rural zones was raised by DPI in 2023 (email dated 12 July and letter dated 18 September 2023). The reasoning for the inclusion of the diverse range of land uses was justified in the Planning Proposal - Appendix 16: Rural Strategy – Supplementary Report (page 34-39). Justification was generally based on either the land uses being permitted in some of the current rural zones that apply across the MidCoast or have been permitted with consent in recently adopted regional LEPs. Council is seeking a consistent application of permitting these land uses in rural zones. These comments remain applicable 2. These land uses were specifically addressed in the Planning Proposal - Appendix 16 as outlined above. In the both cases the land uses are either permitted in some of the current rural zones that apply across the MidCoast or have been permitted with consent in recently adopted regional LEPs (refer to Planning Proposal - Appendix 16) 3. The RU1 Primary Production and RU4 Primary Production Small Lots zones are proposed to be applied to the MidCoast's quality rural lands. The difference between the two zones relates to the rural character, with the RU1 Primary Production zone being applied to the larger lots in the Gloucester Basin and the RU4 Primary Production Small Lots zone being applied to the more fragmented lands along the coast 4. Council will look at opportunities to involve NSW Government Departments during the drafting of the MidCoast Development Control Plan <p>Recommendation: no change</p>
<p><i>Planning controls for land east of the Gloucester Basin</i></p> <p>Concerns that the minimum lot size for this land changes from 100ha to 40ha. It potentially should be included in the RU2 Rural Landscape zone with a 60ha minimum lot size instead of decoupling the lot size and zone.</p> <p>This land does not appear to be consistent with the following objective of the RU4 Primary Production Small Lots zone as there is little evidence of intensive forms of agriculture requiring smaller lots:</p>	<p>This eastern portion was included in the RU4 Primary Production Small Lots zone and the minimum lot size changed from the 100ha minimum lot size to 40ha based on the review undertaken in the Planning Proposal - Appendix 16: Rural Strategy – Supplementary Report (page 46-47). The zone boundary in the existing LEPs follows the boundary of the former Councils, with rural lands on either side having similar characteristics. The proposed zone boundary is evidence based and follows a catchment boundary. This zone boundary change was supported in the Gateway Determination which directed the change to be made</p> <p>This objective is a compulsory objective in the standard instrument. Reference to smaller lots refers to the minimum lot size, which in this instance will be 40ha and is less than provided in the</p>

ISSUE	RESPONSE
<p><i>“to encourage and promote diversity and employment opportunities in relation to primary industry enterprises, particularly those that require smaller lots or that are more intensive in nature”</i></p>	<p>other rural zones. As demonstrated in the MidCoast Rural Strategy – The Way Forward document (refer to Planning Proposal - Appendix 9) currently lands with a 40ha minimum lot size support the most productive lands in the MidCoast</p> <p>Recommendation: no change</p>

Department of Climate Change, Energy, the Environment and Water – Water

ISSUE	RESPONSE
<p>1. Aquifers at Nabiac and Hawks Nest:</p> <ul style="list-style-type: none"> – request modification to Clause 7.5 to include ‘Borefields’ at these locations – request for modification of Clause 7.7 to refer to Groundwater Vulnerability Map – borefields in coastal sand and alluvial aquifers have a high vulnerability to potential polluting activities – the borefields should be zoned to protect the groundwater quality close to the borefields (protect them from all sources of potential contamination) – it should be noted that the Tea Gardens borefield may have been developed subsequent to the development of the groundwater vulnerability maps – requirements for dewatering for building construction is missing <p>2. Approvals required:</p> <ul style="list-style-type: none"> – groundwater extraction for building construction requires IDAS approval and a license to extract groundwater from WaterNSW – groundwater discharge on site from dewatering is regulated via EPA legislation POE Act – often councils permit treated groundwater discharge from dewatering to stormwater or sewer. Groundwater disposal from dewatering is regulated via EPA legislation POE Act 	<p>1. Clause 7.5 relates to drinking water catchments and clause 7.7 relates to the drinking water aquifers (borefields) at Nabiac and Tea Gardens.</p> <p>The Groundwater Vulnerability Map referred to in clause 7.7 shows both the aquifer footprint and catchment for the Nabiac and Tea Gardens aquifers. To ensure the water quality of the aquifers is maintained the aquifer footprint is proposed to be included in conservation zones. Any development within the aquifer footprint or catchment needs to address clause 7.7 to ensure that any impacts on groundwater is considered. Please note that the clause identifies what impacts need to be addressed but does not go into detail regarding the many ways impacts can be addressed. That is considered through the development application process.</p> <p>Consultation with our Water Planning and Assets Team has resulted in some minor changes to the extent of the Groundwater Vulnerability Map to ensure that it is based on the most up-to-date information.</p> <p>2. The approvals required are noted and are considered when assessing a development applications or works are proposed</p> <p>3. These building requirements are considered through the development application process</p> <p>Recommendation: the draft MidCoast LEP maps be amended to include the revised extent of the Groundwater Vulnerability Map</p>

ISSUE	RESPONSE
<ul style="list-style-type: none"> - NSW Aquifer interference Policy 2012 (AIP) needs to be considered with any structure that may intersect the water table <p>3. Development considerations:</p> <ul style="list-style-type: none"> - basements below groundwater table should be tanked (sealed basements stop groundwater ingress for the life of the building) - buildings in low lying areas are subject to high groundwater levels related to climate and regular flooding events 	

Heritage NSW

ISSUE	RESPONSE
<p>Heritage</p> <ol style="list-style-type: none"> 1. Heritage NSW provided feedback on a number of the heritage items contained in Schedule 5 of the draft MidCoast LEP 2. Heritage objectives should be included in: <ul style="list-style-type: none"> - height of building, minimum lot size and floor space ratio development standards to recognise the importance of preserving heritage for the future - relevant zones relating to heritage such as the conservation zones 	<ol style="list-style-type: none"> 1. Attachment 1 below outlines the Heritage NSW comments, Council responses and recommended changes. There were three key issues relating to State Heritage items: <ul style="list-style-type: none"> • inclusion of the State Heritage item number – this is not typically included in LEPs. For the purpose of the draft MidCoast LEP we will include the number, but it should be noted that Parliamentary Counsel will determine if this inclusion is appropriate from a drafting perspective • locational information – the draft MidCoast LEP contains more specific information on the location of items. The reason for this is that the State Heritage listing information can be very general, referring to a road only. The aim of this updated information is to provide more detail on its exact location to enable easy identification • incorrect inclusions – two sites were incorrectly identified as State Heritage items and have been amended to local listings 2. There is no ability to apply objectives to the Standard Instrument development standards and it is not appropriate to apply heritage objectives to a number of the zones. Schedule 5 of the LEP identifies sites and locations where heritage considerations apply and outlines the process <p>Recommendation: amend Schedule 5 of the draft MidCoast LEP as per recommendations in Attachment 1</p>

ISSUE	RESPONSE
<p>Aboriginal Cultural Heritage</p> <ol style="list-style-type: none"> 1. Suggest that Council prepare an Aboriginal Cultural Heritage Study to inform amendments to the draft MidCoast LEP in consultation with the local Aboriginal community and Local Aboriginal Land Councils. This would address Ministerial Direction 2.3 - Heritage Conservation and would consider impacts to the Aboriginal cultural landscape, including potential impacts on visual corridors which could be integrated into the draft MidCoast LEP 2. Council's assessment should include, but not limited to, a search of the State Heritage Inventory and the AHIM system 	<ol style="list-style-type: none"> 1. The draft MidCoast LEP involves combining three LEPs into one. While it is agreed that an Aboriginal Cultural Heritage Study would be beneficial for the MidCoast, it has not been programmed into our work schedule, and significant resources and funds would be required. Such a study, when completed could be included into the MidCoast LEP or MidCoast Development Control Plan 2. Reference to the State Heritage Inventory and AHIM system is a process that is undertaken for development applications and triggered under clause 5.10 Heritage conservation <p>Recommendation: no change</p>

National Parks Wildlife Service

ISSUE	RESPONSE
<p>Zone changes</p> <p>NPWS requests the land zoning and acquisition status be amended for a number of sites</p>	<p>Attachment 2 outlines the National Parks and Service comments, Council responses and recommended changes</p> <p>Recommendation: amend the draft MidCoast LEP mapping as per recommendations in Attachment 2</p>
<p>Schedule 5 amendments</p> <ol style="list-style-type: none"> 1. NPWS requests amendments to Schedule 5 to: <ul style="list-style-type: none"> – remove reference to Reserve 50557 in the A9 listing and confirm whether the item includes Lot 305 DP722610 – include items listed in the table in Attachment 3 2. Supports State Heritage listing item 174 [Copeland Tops Forest and Historic Gold Mining Preserve] 3. NPWS notes some items are not currently recorded in NPWS's Section 170 Register, known as the Historic Heritage Information Management System (HHIMS). NPWS requests further information for those items 	<p>Attachment 3 outlines the National Parks and Service issues, responses and recommended changes. Council is interested in continuing to work collaboratively with NPWS to ensure the heritage registers are up to date and are consistent.</p> <p>Recommendation: amend Schedule 5 and the draft MidCoast LEP mapping as per recommendations in Attachment 3</p>

Transport for NSW (TfNSW)

ISSUE	RESPONSE
<p>Land Use Team comments</p> <ol style="list-style-type: none"> Council's approach to consistently applying SP2 zoning for state roads and railways is supported Propose Clause 7.22 Events permitted without development consent should include the requirement for endorsement by the Local Traffic Committee Exempt development provisions relating to bus shelters (other than by or for the Council) should include a notation that other approvals may be required (e.g. under the Roads Act 1993) TfNSW is supportive of building height limits and rezoning of land 	<ol style="list-style-type: none"> Noted This is a common clause used in LEPs, and the wording is consistently applied. It is considered that it is not appropriate to include the process for approval in the clause given the names of Committees can change over time This clause was reviewed and given the provisions in the State Environmental Planning Policy (Transport and Infrastructure) 2021, this clause is no longer relevant and will be removed from the draft MidCoast LEP Noted <p>Recommendation: amend the draft MidCoast LEP to remove Clause 2 Bus shelters (other than by or for Council) from Schedule 2 Exempt development</p>
<p>Property Group comments</p> <ol style="list-style-type: none"> TfNSW supports the proposed settlement patterns Request for surplus TfNSW land outlined in Attachment 4 be rezoned to an adjoining/underlying zone (pursuant to Ministerial Direction 5.2 Reserving Land for Public Purposes). 	<ol style="list-style-type: none"> Noted Attachment 4 outlines the TfNSW comments, Council responses and recommended changes <p>Recommendation: amend the draft MidCoast LEP mapping as per recommendations in Attachment 4</p>

NSW Environment Protection Authority (EPA)

ISSUE	RESPONSE
<p>Land use conflict</p> <p>The EPA encourages Council to minimise the potential for land use conflicts arising between incompatible land uses. Appropriate buffer distances should be maintained between premises that are scheduled under the Protection of the Environment Operations Act 1997 (POEO Act) and any areas proposed for rezoning or development which will</p>	<p>Attachment 5 provides a review of proposed zone changes around sites identified on the POEO Public Register to determine whether there are any changes to the zone or development standards that could result in an increase in sensitive receivers in proximity to these sites.</p> <p>It is also noted that the use of buffers between incompatible land uses will be addressed in the draft MidCoast Development Control Plan (DCP) provisions. Currently, a number of sites are</p>

ISSUE	RESPONSE
<p>result in an increase in sensitive receivers, regardless of the land zoning. Recommend that Council utilise the POEO Public Register to identify sites with EPLs operating under Schedule 1 of the Protection of the Environment Operations Act 1997 on future strategic planning matters including the draft MidCoast LEP</p>	<p>mapped in the Greater Taree DCP and provisions identified for consideration when assessing development applications. Updated provisions are proposed for the draft MidCoast DCP Recommendation: amend the draft MidCoast LEP mapping as per recommendations in Attachment 5</p>
<p>Urban Release Areas Request to be consulted on future applications for Urban Release Areas identified in Part 6 of the draft MidCoast LEP</p>	<p>The EPA will be consulted if there are any issues relating to EPA requirements Recommendation: no change</p>
<p>Contamination Council to ensure appropriate contamination assessment is undertaken on future assessments</p>	<p>Council's processes for considering contaminated sites are implemented for relevant development applications Recommendation: no change</p>
<p>Waste management considerations</p> <ol style="list-style-type: none"> The MidCoast Local Strategic Planning Statement (LSPS) proposes to utilise the connectivity of the Pacific Highway by investigating industrial precincts in proximity to the highway. The EPA suggests Council include opportunities to identify suitable land for infrastructure that will focus on circular economy principles Inclusion to subclause (k) of the draft MidCoast LEP: <i>to contribute to a circular economy that recognises waste as a resource and the collection and transport of waste and recycling as an essential service that must be undertaken in a manner that is safe, efficient, cost effective and does not negatively impact on liveability and the environment</i> 	<ol style="list-style-type: none"> Targeting industrial land adjoining the Pacific Highway for transport industries, was to ensure that high generating traffic industries could be located in proximity to the highway, to reduce traffic movements in our towns. Circular economy industries do not have the same locational requirement to be close to the highway, it is about co-location of industries within industrial estates to promote reuse or recycling of goods or byproducts. The land uses permitted within the industrial zones will enable this to occur. It is not possible to legislate that industries co-locate to achieve a circular economy outcome, as this is often driven by the market. The draft MidCoast LEP provides the flexibility for this outcome to be achieved It is not possible to include every element of planning within the aims of an LEP. There are over-arching aims that cover specific planning considerations. In this case, the circular economy can be considered under aims (b), (d) and (h). <p>Recommendation: no change</p>

ISSUE	RESPONSE
<p>LEP zone objectives</p> <p>Suggest additional objectives in industrial/commercial zones to promote the establishment of circular economy businesses:</p> <ul style="list-style-type: none"> – <i>To encourage the development of circular economy infrastructure to enable the community to reuse, repair, recycle or dispose of their waste at safe, clean and easily accessible facilities.</i> – <i>To prevent and minimise any adverse effect of development on the environment</i> 	<p>The LEP Standard Instrument outlines a large number of compulsory objectives for these zones, some of which include elements of these proposed objectives. The EPA should work with the Department of Planning, Housing and Infrastructure to examine changing the objectives in the Standard Instrument which applies to LEPs across NSW, rather than adding to the existing objectives. Previous comments regarding circular economy also apply to these suggested amendments.</p> <p>Recommendation: no change</p>

Water NSW

ISSUE	RESPONSE
<ol style="list-style-type: none"> 1. Support for the water-related protection measures in the draft MidCoast LEP including zones and local provisions 2. Suggest inclusion of an additional subclause in the aims of the draft MidCoast LEP to further protect water resources: <ul style="list-style-type: none"> – <i>(proposed clause 1.2) to explicitly protect water resources and promote the protection of waterways, water quality, groundwater, riparian areas and aquatic and marine ecosystems and environments</i> 3. Chapter 2 Division 24 (Water supply systems) of the State Environmental Planning Policy (Transport and Infrastructure) 2021 provides an 'exempt development' and 'development without consent' pathway to manage, maintain and upgrade Water NSW sites. Cedar Party Creek Weir (Lot 1-2 DP 548166) is currently included in RU1 Primary Production zone, however it is proposed to be included in the RU4 Primary Production Small Lots zone, which would mean the above-mentioned works would now fall within 'development requiring consent'. This change needs to be considered. 	<ol style="list-style-type: none"> 1. Noted 2. It is not possible to include every element of planning within the aims of an LEP. There are over-arching aims in Part 1 of the LEP that cover specific planning considerations. In this case, water resources can be considered under aims (a), (b) and (c) 3. It is proposed to include the following clause in Schedule 2 – Exempt Development in the draft MidCoast LEP to enable water supply systems as exempt development in the RU4 Primary Production Small Lots zone consistent with the other rural zones identified in the State Environmental Planning Policy (Transport and Infrastructure) 2021 <p>Recommendation: amend the draft MidCoast LEP to include the following clause in Schedule 2 – Exempt Development:</p> <p>Water supply works carried out by or on behalf of a public authority on land within zone RU4 Primary Production Small Lots</p> <p>Development for the purposes of water supply works on land zoned RU4 Primary Production Small lots is prescribed as exempt development if such works are permitted as exempt development in Chapter 2, Division 24 Water Supply Works of <i>State Environmental Planning Policy (Transport and Infrastructure) 2021</i> for land within zone RU1 Primary Production and undertaken by or on behalf of a public authority</p>

Department of Climate Change, Energy, the Environment and Water (DCCEEW) – Biodiversity, Conservation and Science

ISSUE	RESPONSE
<p>Biodiversity</p> <ol style="list-style-type: none"> 1. BCS considers the inconsistency with Ministerial Direction 3.1 to be minor and justified 2. That a sensitive lands layer is used to protect any remnant areas of High Environmental Value (HEV) the Gloucester Basin 3. Land adjacent to rivers and creeks should be zoned C2 (Environmental Protection) if the riparian zone is mapped in the Biodiversity Value (BV) layer. Land adjacent to rivers and creeks not mapped on the Biodiversity Map should be zoned for Conservation (C2 Environmental Protection, C3 Environmental Management or C4 Environmental Living) in recognition of their ecosystem function 4. If part of a proposed development site is on the BV Map or vegetated a Stage 1 BAM should be used to inform Council’s decisions regarding the zone and potential development footprint 5. BCS congratulates Council on its decision to rezone its paper subdivisions to conservation in acknowledgement of their conservation values 6. BCS recommends conservation zones buffer National Park estates 7. BCS recommends a minimum lot size for the C3 (Conservation Management) zone of 20 hectares. A smaller size lot would reduce the ability to protect the conservation values of the zone if it is required to accommodate extensive agriculture or is expected to provide a biodiversity corridor 8. A minimum lot size of 10 hectares for a C4 zone is recommended, so that the high environmental values are not too fragmented and there would be fewer edge effects (e.g. weed invasion, feral pests) than would occur in a 5-hectare site 9. BCS recommend that no horticulture is permitted in C4 zones. Some horticultural uses (e.g. glasshouses, vegetable growing) will otherwise result in very little native vegetation remaining on the site 10. Exclude recreation areas and sewerage systems as permissible land uses for the C2 zone 	<ol style="list-style-type: none"> 1. Noted the Planning Proposal - Appendix 6 – Ministerial Directions assessment will be updated 2. Refer to Attachment 6 for a detailed explanation of the changes of the zone in the Gloucester Basin 3. Mapping of creek corridors was discussed with the DCCEEW prior to community consultation. Given the MidCoast covers over 10,000km², it was not possible to map all river and creek corridors and apply specific conservation zones. Clause 7.6 - Riparian land and watercourses in the draft MidCoast LEP aims to ensure that the appropriate setbacks and considerations are given to any development near waterways identified in the Strahler stream classification system. Extensive work would be required to undertake the mapping exercise proposed by DCCEEW, and the zone changes would require community consultation given it would apply over privately owned land. As a result, these zone changes are not appropriate and could be considered as future LEP amendments when more detailed studies are undertaken 4. This development assessment process will continue to be undertaken 5. Support is noted 6. Such a zone change would create a significant impost on privately owned land, much of which is used for farming, or in some cases are urban lands. This approach would need to be supported by NSW Government legislative changes and be consistently applied across NSW 7. The C3 Environmental Management zone is proposed to have a minimum lot size of 40ha 8. The C4 Environmental Living zone 5ha minimum lot size proposed over the paper subdivisions was a condition of the Gateway Determination issued by the Department of Planning, Housing and Infrastructure. As outlined in the Planning Proposal, Council supports a 10ha minimum lot size for paper subdivisions given many of these sites contain significant bushland or are located in proximity to the lakes warranting strict controls to maintain water quality. Development of buildings, associated structures, bushfire protection zones and on-site waste disposal would all need to be located on-site and in a 5ha site the environmental values of the site would be more significantly impacted by clearing and weed intrusion than on a 10ha site 9. Horticulture is proposed to be a permitted with consent use, meaning that environmental values of a property will be considered through the development application process. Horticulture encompasses activities such as the cultivation of fruits, vegetables, mushrooms, nuts, cut flowers and foliage and nursery products for commercial purposes, but does not include a plant nursery, turf farming or viticulture. These were seen as activities with

ISSUE	RESPONSE
<p>11. That Council undertake a wildlife corridor study in the future to underpin strategic conservation planning decisions</p> <p>12. Tourism in conservation zones should be made subject to certain limits to ensure development for tourism purposes (including eco-tourism, agritourism and camping grounds) do not degrade the environment</p>	<p>potentially less impact than the grouped term being intensive plant agriculture and may be suitable on land proposed to be included in the C4 Environmental Living zone</p> <p>10. Recreation areas are the lowest order of recreation uses defined in LEPs, accommodating uses like a playground or public park. When establishing the principles for applying the C2 Environmental Conservation zone across the MidCoast we needed to consider how the land is currently used and could be used in the future and these types of low scale uses were considered appropriate. If this land use was to be prohibited, an extensive review of the C2 Environmental Conservation zone would have to be undertaken to meet the expectations of both Council and Crown Lands (refer to point 1 of Crown Lands submission) as to how publicly land could be used, resulting in less land being included in the C2 Environmental Conservation zone. It is unreasonable to undertake such a significant change after exhibition, and it should be noted that:</p> <ul style="list-style-type: none"> - other regional NSW LEPs currently permit recreation areas as permitted with consent (e.g. Port Macquarie-Hastings, Port Stephens, Central Coast and Lake Macquarie) and we are seeking a similar approach - any application for a new recreation area would need to consider the environmental values of the site. <p>Based on previous consultation, sewerage systems were to be prohibited, and the inclusion of this land use was an error. This will be rectified, and sewerage systems will be listed as prohibited in line with DCEEW advice</p> <p>11. Noted</p> <p>12. Restrictions applied to these types of land uses in conservation zones will be considered in the draft MidCoast Development Control Plan</p> <p>Recommendation: amend the draft MidCoast LEP to:</p> <ul style="list-style-type: none"> • increase the minimum lot size applied to paper subdivision land included in the C4 Environmental Living zone to be 10ha • make sewerage systems prohibited in the C2 Environmental Conservation zone

ISSUE	RESPONSE
<p>Flooding</p> <ol style="list-style-type: none"> 1. Council should consider including the optional clause 5.22 Special Flood Considerations in the LEP 2. A review of zone boundaries against detailed flood mapping outputs should be undertaken to identify where adjustments are required to limit land uses to those that are compatible with the flood function and flood hazards in the area 3. The proposal is considered to be inconsistent with Ministerial Direction 9.1 Part 3(d). The draft MidCoast LEP should be reviewed to ensure minimum lot sizes have not reduced within the flood prone area (FPA). For example, the Gloucester and Avon River floodplain around the Gloucester township is currently included in the C3 Environmental Management zone with a minimum lot size of 100 hectares. The draft MidCoast LEP proposes to include it in the RU1 Primary Production zone with a minimum lot size of 60 hectares 	<ol style="list-style-type: none"> 1. Similar provisions are currently included in the Greater Taree Development Control Plan (DCP), and this will be considered in the preparation of the draft MidCoast DCP. Given this clause was not subject to consultation, the implementation of this optional clause will need to be considered in future LEP amendments 2. The draft MidCoast LEP brings together three existing LEPs into one LEP. Existing urban areas that have been historically developed can be constrained by issues such as flooding. These areas (e.g. South Taree, Tinonee, Cundletown, Croki, Coopernook, Harrington, Oxley Island) cannot be retrospectively changed to address current planning requirements. Any future development on flood affected land would have to consider potential flooding impacts Any expansion of the residential footprint was considered in the Planning Proposal - Appendix 3 – Assessment of Residential Areas. Extensive consultation was undertaken with DCCEEW prior to community consultation to ensure that flooding issues were addressed, and key changes are outlined in the Planning Proposal - Appendix 7 – NSW Government consultation. Zone changes are proposed at Bulahdelah, Wingham and Gloucester where these areas were considered to be high hazard floodway areas. Additional changes may be proposed in the future when more detailed planning of towns and villages are undertaken 3. Refer to Attachment 6 for a detailed explanation of the changes on the subdivision potential in the Gloucester Basin <p>Recommendation: no change</p>

New South Wales Department of Education - School Infrastructure

ISSUE	RESPONSE
<ol style="list-style-type: none"> 1. Support the proposed zone changes to include the agricultural plots for Wingham High School in the RU4 Primary Production Small Lots zone as shown in Attachment 7 2. Request consideration of the State Environmental Planning Policy (Transport and Infrastructure) 2021 in relation to heights applied to the Department of Education’s land in rural and regional areas and existing character (height above six (6) storeys) 3. Ongoing consideration about the impacts of cumulative growth on the provision of enabling infrastructure. This is relevant to the introduction of intensified residential typologies in infill areas 	<ol style="list-style-type: none"> 1. The proposed changes are shown in Attachment 7 2. The principle applied to applying zones over schools in LEPs has been to apply the zone of adjoining land and the relevant development standards, including height. The State Environmental Planning Policy (Transport and Infrastructure) 2021 provides for altering these provisions for State Significant Development 3. Cumulative growth needs to be considered when specific locational planning occurs for a town or village. Council would work with relevant NSW Government Departments to discuss potential growth through the development of such a plan or strategy <p>Recommendation: amend the draft MidCoast LEP mapping as per recommendations in Attachment 7</p>

Crown Lands

ISSUE	RESPONSE
<p>Crown Lands has reviewed the draft MidCoast LEP and provided the following comments:</p> <ol style="list-style-type: none"> 1. The application of zones over Crown Land should: <ul style="list-style-type: none"> • not compromise the principles of Crown land management from the Crown Lands Act 1989 and Crown Lands Management Act 2016 • be considerate of the future use potential of Crown land including development capacity and continued access to appropriate public land • acknowledge the potential for development opportunities on Crown land to deliver balanced social, environmental and commercial outcomes • be consistent with the public purpose of the reserve 2. Infrastructure or buffer zones to service new development should not be located on Crown land. This includes drainage infrastructure, utilities and services and bush fire asset protection zones 3. Consideration should be given to the NSW Aboriginal Land Rights Act 1983 and Commonwealth Native Title Act 1993 and the impact of Native Title and Aboriginal Land Claims on the proposed LEP zonings. Native Title has not been investigated over the Crown Land lots and until such time as Native Title is determined, restrictions of the use of the land would apply under the Native Title Act 1993 4. A number of zone amendments were suggested as outlined in Attachment 8 	<ol style="list-style-type: none"> 1. The MidCoast Recreation Zones Review provided the principles used to apply recreation and conservation zones over public land. These principles were supported by Crown Lands in LEP consultation prior to the exhibition of the draft MidCoast LEP. In addition, the zones were further refined through the review of the draft MidCoast Community Land Plan of Management which included Crown Lands that are managed by Council. Through these reviews, the current and future use of the land has been considered 2. This is a development application consideration which requires the subject land to contain infrastructure and buffer requirements 3. When considering changing the zone of land through the draft MidCoast LEP, a review was undertaken to determine whether the site was subject to Native Title and Aboriginal Land Claims. If applicable to a site, the principle was to retain the current or similar zone. There were some instances where the State Environmental Planning Policies recommended changes (e.g. coastal wetlands), and the zone was changed accordingly 4. With regard to land subject to Aboriginal Land Claims and Native Title Land Claims, reviews were undertaken to check that where there is pending and ongoing land claims, the development potential of the land had not been altered through the application of new zones. Where changes were proposed, it was a consistent approach to protecting conservation lands in a precinct rather than individual sites. This review did result in some urban and rural zones being reinstated in several locations including Taree, Forster, Copeland, Bulahdelah, Bungwahl, Nabiac, Old Bar, Smiths Lake and Walis Lake. The zone changes are provided in the site specific assessment being Appendix A of the Consultation Report (refer to Appendix 19). <p>Recommendation: amend the draft MidCoast LEP mapping as per recommendations in Attachment 8</p>

Department of Regional NSW – Mining, Exploration and Geoscience

ISSUE	RESPONSE
No objection to the planning proposal	Noted

Department of Planning, Housing and Infrastructure – Bushfire Planning Team

ISSUE	RESPONSE
No objection – general comments and suggestions only	Noted

NSW Rural Fire Service

ISSUE	RESPONSE
No objection – bushfire studies would be required through future applications	Noted

Department of Environment, Climate Change and Water – Marine Parks

ISSUE	RESPONSE
No objection	Noted

TAFE NSW

ISSUE	RESPONSE
No objection raised to the proposed zones	Noted

Forestry Corporation and Forestry NSW

ISSUE	RESPONSE
Forestry Corporation provided a response on behalf of both Forestry NSW and Forestry Corporation advising that they have no objection	Noted

NSW Health

ISSUE	RESPONSE
NSW Health have advised they have no comment	Noted

Department of Primary Industries - Fisheries

ISSUE	RESPONSE
No objection to the planning proposal	Noted

LOCAL ABORIGINAL LAND COUNCIL CONSULTATION

Karuah Local Aboriginal Land Council

ISSUE	RESPONSE
<p>Karuah Local Aboriginal Land Council - a meeting was held with the Karuah LALC on 17 September 2024. All of the land owned by the LALC was discussed and amendments were proposed for two locations which are shown in Attachment 9</p>	<p>Attachment 9 outlines proposed zone changes Recommendation: amend the draft MidCoast LEP mapping as per recommendations in Attachment 9</p>

Forster Local Aboriginal Land Council

ISSUE	RESPONSE
<p>All of the land currently in the ownership of the Forster LALC was forwarded to the LALC for consideration with two locations are proposed for changes which are shown in Attachment 9.</p>	<p>It is noted that discussions have been undertaken with the Forster Local Aboriginal Land Council, however they may seek additional information regarding the draft MidCoast LEP. If Council receives any further information from the Forster Local Aboriginal Land Council, this information will be provided to the Department of Planning, Housing and Infrastructure for their consideration. Attachment 9 outlines proposed zone changes Recommendation: amend the draft MidCoast LEP mapping as per recommendations in Attachment 9</p>

Purfleet Taree Local Aboriginal Land Council

ISSUE	RESPONSE
<p>Purfleet Taree Local Aboriginal Land Council (LALC) – a meeting was held with the Purfleet Taree LALC on 16 December 2024. All of the land owned by the LALC was discussed at the meeting.</p>	<p>No amendments to sites were proposed Recommendation: no change</p>

Worimi Local Aboriginal Land Council

ISSUE	RESPONSE
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Worimi Aboriginal Land Council (Worimi LALC) – correspondence was sent to the Worimi LALC on 02 May 2024 and again on 21 January 2025 advising of potential changes. All of the land currently in the ownership of the Worimi LALC was discussed and amendments were proposed for two locations which are shown in Attachment 9.

Attachment 9 outlines proposed zone changes

Recommendation: amend the draft MidCoast LEP mapping as per recommendations in Attachment 9

ATTACHMENTS

Attachment 1 - Heritage NSW – Heritage Items

HERITAGE NSW COMMENTS ON STATE HERITAGE REGISTER (SHR) ITEMS - SCHEDULE 5											
Issue	Comment	Recommendation									
Gundayne House group - 9 Lowes Lane, Booral											
<p>Suggest Schedule 5 be amended to align with State Heritage Register Item name, number and location as follows:</p> <p><u>Name:</u> Gundayne House</p> <p><u>SHR Item No:</u> 00309</p> <p><u>Location:</u> The Bucketts Way, Booral</p>	<p>The State Heritage name does not mention the group of buildings that contribute to this listing and the location is very general, making it difficult to identify the location. It is proposed that these more accurate details be provided in the draft MidCoast LEP and when possible the State Heritage Inventory Heritage Management System be updated.</p> <p>The State Heritage number does not appear in Schedule 5 of any NSW LEP. It is proposed to update the listing with the State Heritage Register number, but this will be subject to Parliamentary Counsel approval</p>	<p>Amend Schedule 5 of the draft MidCoast LEP to include the State Heritage Register number for this heritage item (shown in red). The State Heritage Register will be updated when possible</p> <table border="1"> <tr> <td>Booral</td> <td>“Gundayne House” group, including residence, outhouse and schoolhouse</td> <td>9 Lowes Lane</td> <td>Lot 1, DP 632812</td> <td>State</td> <td>I12 (SHR 00309)</td> </tr> </table>				Booral	“Gundayne House” group, including residence, outhouse and schoolhouse	9 Lowes Lane	Lot 1, DP 632812	State	I12 (SHR 00309)
Booral	“Gundayne House” group, including residence, outhouse and schoolhouse	9 Lowes Lane	Lot 1, DP 632812	State	I12 (SHR 00309)						
Tahlee House Estate group – 31 Church Street, Carrington											
<p>Suggest Schedule 5 be amended to align with State Heritage Register Item name, number and location as follows:</p> <p><u>Name:</u> Tahlee Bible College</p> <p><u>SHR Item No:</u> 00569</p> <p><u>Location:</u> Tahlee Road, Carrington, Lot 340, DP 735514, Lot 341, DP 740621, Lot 342, DP 740621, Lot 540, DP 95442.</p>	<p>The State Heritage name “Tahlee Bible College” does not reflect the significance of the grouping or the specific items of significance present. The location is very general, making it difficult to identify the location. It is proposed that these more accurate details be provided in the draft MidCoast LEP and when possible the State Heritage Inventory Heritage Management System be updated.</p> <p>The State Heritage number does not appear in Schedule 5 of any NSW LEP. It is proposed to update the listing with the State Heritage Register number, but this will be subject to Parliamentary Counsel approval</p>	<p>Amend Schedule 5 of the draft MidCoast LEP to include the State Heritage Register number for this heritage item (shown in red). The State Heritage Register will be updated when possible</p> <table border="1"> <tr> <td>Carrington</td> <td>“Tahlee House” Estate group, including main building, reception and ballroom</td> <td>31 Church Street</td> <td>Lot 342, DP 740621 (partial)</td> <td>State</td> <td>I44 (SHR 00569)</td> </tr> </table>				Carrington	“Tahlee House” Estate group, including main building, reception and ballroom	31 Church Street	Lot 342, DP 740621 (partial)	State	I44 (SHR 00569)
Carrington	“Tahlee House” Estate group, including main building, reception and ballroom	31 Church Street	Lot 342, DP 740621 (partial)	State	I44 (SHR 00569)						

HERITAGE NSW COMMENTS ON STATE HERITAGE REGISTER (SHR) ITEMS - SCHEDULE 5						
Issue	Comment	Recommendation				
			wing, boat harbour, grounds, gardens and Nissen Huts			
Monkerai Bridge over Karuah River - Monkerai Road Reserve, Monkerai						
<p>Suggest Schedule 5 be amended to align with State Heritage Register Item name, number and location as follows:</p> <p><u>Name:</u> Monkerai Bridge over Karuah River</p> <p><u>SHR Item No:</u> 01475</p> <p><u>Location:</u> Weismantels, Dingadee Road, Monkerai & Main Road 101, MONKERAI</p>	<p>The State Heritage Item location is very general, making it difficult to identify the location. It is proposed that these more accurate details be provided in the draft MidCoast LEP and when possible the State Heritage Inventory Heritage Management System be updated.</p> <p>The State Heritage number does not appear in Schedule 5 of any NSW LEP. It is proposed to update the listing with the State Heritage Register number, but this will be subject to Parliamentary Counsel approval</p>	<p>Amend Schedule 5 of the draft MidCoast LEP to include the State Heritage Register number for this heritage item (shown in red). The State Heritage Register will be updated when possible</p>	Monkerai	Monkerai Bridge over Karuah River	Monkerai Road reserve. Lot 1, DP 798203; Lot 16, 17, DP 216749; Lot 1, DP798241 (adjoining lots)	State I178 (SHR 01475)
Rail Bridge over Maning River – Mount George						
<p>Suggest Schedule 5 be amended to align with State Heritage Register Item name, number and location as follows:</p> <p><u>Name:</u> Taree Rail Bridge over Manning River</p>	<p>The State Heritage name and location are very general, making it difficult to identify the location near Mount George. There are many rail bridges near Taree. It is proposed that these more accurate details be provided in the draft MidCoast LEP and when possible the State Heritage Inventory Heritage Management System be updated.</p>	<p>Amend Schedule 5 of the draft MidCoast LEP to include the State Heritage Reference number for this heritage item (shown in red). The State Heritage Register will be updated when possible</p>				

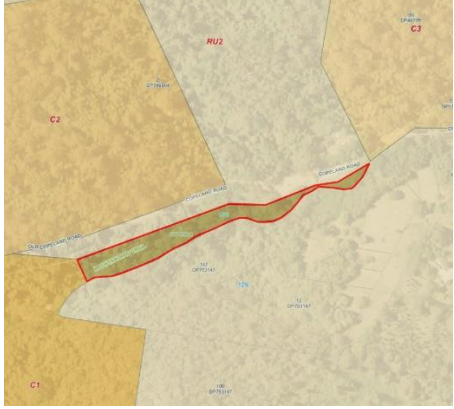

HERITAGE NSW COMMENTS ON STATE HERITAGE REGISTER (SHR) ITEMS - SCHEDULE 5											
Issue	Comment	Recommendation									
<p><u>SHR Item No:</u> 01059</p> <p><u>Location:</u> Near Mount George North Coast Railway, Taree</p>	<p>The State Heritage number does not appear in Schedule 5 of any NSW LEP. It is proposed to update the listing with the State Heritage Register number, but this will be subject to Parliamentary Counsel approval</p>	Mount George	Taree Rail Bridge over Manning River	North Coast Railway, Mt George (off Nowendoc Road)	Lot 21, DP 1049994; Lot 12, DP 754455; Lot 1, DP 995206 (adjoining lots)	State	I181 (SHR 01059)				
Old Bar Airfield – 1A Old Bar Road, Old Bar											
<p>Suggest Schedule 5 be amended to align with State Heritage Register Item name, number and location as follows:</p> <p><u>Name:</u> Old Bar Airfield</p> <p><u>SHR Item No:</u> 01304</p> <p><u>Location:</u> 0.6km off Old Bar Road, Old Bar</p>	<p>The State Heritage Item location is very general, making it difficult to identify the location. Old Bar Road is considerable in length. It is proposed that these more accurate details be provided in the draft MidCoast LEP and when possible the State Heritage Inventory Heritage Management System be updated.</p> <p>The State Heritage number does not appear in Schedule 5 of any NSW LEP. It is proposed to update the listing with the State Heritage Register number, but this will be subject to Parliamentary Counsel approval</p>	<p>Amend Schedule 5 of the draft MidCoast LEP to include the State Heritage Register number for this heritage item (shown in red). The State Heritage Register will be updated when possible</p> <table border="1"> <tr> <td>Old Bar</td> <td>Old Bar Airfield</td> <td>1A Old Bar Road</td> <td>Lot 2, DP 1287740 (partial)</td> <td>State</td> <td>I199 (SHR 01304)</td> </tr> </table>				Old Bar	Old Bar Airfield	1A Old Bar Road	Lot 2, DP 1287740 (partial)	State	I199 (SHR 01304)
Old Bar	Old Bar Airfield	1A Old Bar Road	Lot 2, DP 1287740 (partial)	State	I199 (SHR 01304)						
Sugarloaf Point Lightstation Group - Sugarloaf Point (Myall Lakes National Park) off Kinka Road, Seal Rocks											
<p>Suggest Schedule 5 be amended to align with State Heritage Register Item name, number and location as follows:</p> <p><u>Name:</u> Sugarloaf Point Lightstation Group</p> <p><u>SHR Item No:</u> 02025</p>	<p>The State Heritage Item name for this item does not accurately reflect or reference the items of significance in the grouping. The location is general, making it difficult to identify the location. It is proposed that these more accurate details be provided in the draft MidCoast LEP and when possible the State Heritage Inventory Heritage Management System be updated.</p> <p>The State Heritage number does not appear in Schedule 5 of any NSW LEP. It is proposed to update the listing with the State Heritage</p>	<p>Amend Schedule 5 of the draft MidCoast LEP to include the State Heritage Register number for this heritage item (shown in red). The State Heritage Register will be updated when possible</p> <table border="1"> <tr> <td>Seal Rocks</td> <td>Sugarloaf Point Lighthouse group</td> <td>Sugarloaf Point (Myall Lakes</td> <td>Lots 1, 2, DP 847752; Lots 300, 301</td> <td>State</td> <td>I210 (SHR 02025)</td> </tr> </table>				Seal Rocks	Sugarloaf Point Lighthouse group	Sugarloaf Point (Myall Lakes	Lots 1, 2, DP 847752; Lots 300, 301	State	I210 (SHR 02025)
Seal Rocks	Sugarloaf Point Lighthouse group	Sugarloaf Point (Myall Lakes	Lots 1, 2, DP 847752; Lots 300, 301	State	I210 (SHR 02025)						

HERITAGE NSW COMMENTS ON STATE HERITAGE REGISTER (SHR) ITEMS - SCHEDULE 5							
Issue	Comment	Recommendation					
<u>Location:</u> Seal Rocks Road, Myall Lakes National Park, Seal Rocks	Register number, but this will be subject to Parliamentary Counsel approval		including lighthouse, lightkeeper's residences,	National Park) (off Kinka	(partial), DP		
Stroud House - 42 Cowper Street, Stroud							
Suggest Schedule 5 be amended to align with State Heritage Register Item name, number and location as follows: <u>Name:</u> Stroud House <u>SHR Item No:</u> 01969 <u>Location:</u> 42 Cowper Street, Stroud	Identified items in Schedule 5 of the draft MidCoast LEP have recognised names listed with quotation marks. Given "Stroud House" is the name of the item assigned to it by the AA Company in 1832 and for consistency with Schedule 5 it is proposed to retain the quotation marks. The State Heritage number does not appear in Schedule 5 of any NSW LEP. It is proposed to update the listing with the State Heritage Register number, but this will be subject to Parliamentary Counsel approval	Amend Schedule 5 of the draft MidCoast LEP to include the State Heritage Reference number for this heritage item (shown in red). The State Heritage Register will be updated when possible					
		Stroud	"Stroud House"	42 Cowper Street	Lot 75, DP 1063954	State	I226 (SHR 01969)
Anglican Church Group (including Quambi House) – 83-87 Cowper Street, Stroud							
Suggest Schedule 5 be amended to align with State Heritage Register Item name, number and location as follows: <u>Name:</u> St John the Evangelist Anglican Church <u>SHR Item No:</u> 00330 <u>Location:</u> Cowper Street, Stroud	A recent re-working of this State Heritage Inventory Item (currently before NSW Heritage as an Integrated Development Application for works proposed to Quambi House) correctly merges The St John the Evangeleist Anglican Church, surrounding cemetery, Presbytery, Parish Hall and Quambi House within the one heritage grouping. The location is very general, making it difficult to identify the location. It is proposed that these more accurate details be provided in the draft MidCoast LEP and when possible the State Heritage Inventory Heritage Management System be updated. The State Heritage number does not appear in Schedule 5 of any NSW LEP. It is proposed to update the listing with the State Heritage Register number, but this will be subject to Parliamentary Counsel approval	Amend Schedule 5 of the draft MidCoast LEP to include the State Heritage Register number for this heritage item (shown in red). The State Heritage Register will be updated when possible					
		Stroud	St John the Evangelist Anglican Church Group (including Quambi House)	83, 85, 87 Cowper Street	Lots 6, DP 1134158; Lots 91, 92, DP 584892	State	I234 (SHR 00330)


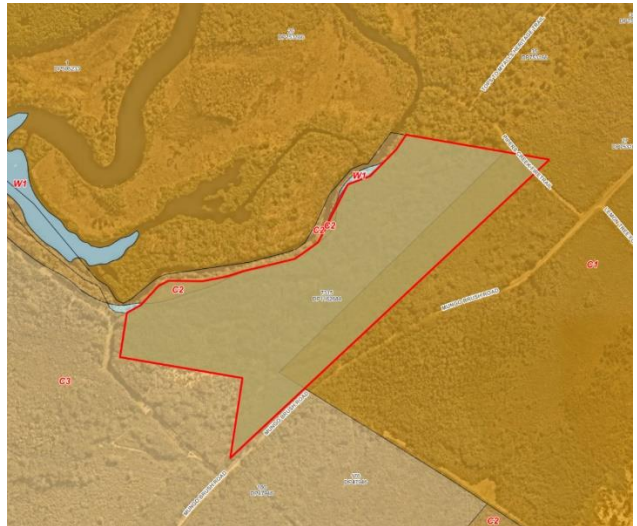
HERITAGE NSW COMMENTS ON STATE HERITAGE REGISTER (SHR) ITEMS - SCHEDULE 5											
Issue	Comment	Recommendation									
Taree Railway Station – Queen Street, Taree											
<p>Suggest Schedule 5 be amended to align with State Heritage Register Item name, number and location as follows:</p> <p><u>Name:</u> Taree Railway Station Group</p> <p><u>SHR Item No:</u> 01264</p> <p><u>Location:</u> North Coast Railway, Taree</p>	<p>It is agreed to include the State Heritage name to reflect the grouping of buildings. The location is very general, making it difficult to identify the location. The State Heritage Inventory Heritage Management System requires updating.</p> <p>The State Heritage number does not appear in Schedule 5 of any NSW LEP. It is proposed to update the listing with the State Heritage Register number, but this will be subject to Parliamentary Counsel approval</p>	<p>Amend Schedule 5 of the draft MidCoast LEP to amend the name to include 'group' and include the State Heritage Register number for this heritage item (shown in red). The State Heritage Register will be updated when possible</p> <table border="1"> <tr> <td>Taree</td> <td>Taree Railway Station Group</td> <td>Road front to Olympia Street and Queen Street</td> <td>Road reserve. Lot 2 DP 1010244 (partial)</td> <td>State</td> <td>I310 (SHR 01264)</td> </tr> </table>				Taree	Taree Railway Station Group	Road front to Olympia Street and Queen Street	Road reserve. Lot 2 DP 1010244 (partial)	State	I310 (SHR 01264)
Taree	Taree Railway Station Group	Road front to Olympia Street and Queen Street	Road reserve. Lot 2 DP 1010244 (partial)	State	I310 (SHR 01264)						
Wingham Memorial Town Hall – 52 Farquhar Street, Wingham											
<p>Suggest Schedule 5 be amended to align with State Heritage Register number follows:</p> <p><u>Name:</u> Wingham Memorial Town Hall</p> <p><u>SHR Item No:</u> 01967</p> <p><u>Location:</u> 52 Farquhar Street, Wingham</p>	<p>The State Heritage number does not appear in Schedule 5 of any NSW LEP. It is proposed to update the listing with the State Heritage Register number, but this will be subject to Parliamentary Counsel approval</p>	<p>Amend Schedule 5 of the draft MidCoast LEP to include the State Heritage Register number for this heritage item (shown in red). The State Heritage Register will be updated when possible</p> <table border="1"> <tr> <td>Wingham</td> <td>Wingham Memorial Town Hall</td> <td>52 Farquhar Street</td> <td>Lot 124, DP 713925 (partial)</td> <td>State</td> <td>I435 (SHR 01967)</td> </tr> </table>				Wingham	Wingham Memorial Town Hall	52 Farquhar Street	Lot 124, DP 713925 (partial)	State	I435 (SHR 01967)
Wingham	Wingham Memorial Town Hall	52 Farquhar Street	Lot 124, DP 713925 (partial)	State	I435 (SHR 01967)						

HERITAGE NSW COMMENTS ON STATE HERITAGE REGISTER (SHR) ITEMS - SCHEDULE 5																							
Issue	Comment	Recommendation																					
Wingham Post Office – Wynter Street, Wingham																							
<p>Suggest Schedule 5 be amended to align with State Heritage Register Item name, number and location as follows:</p> <p><u>Name:</u> Wingham Post Office</p> <p><u>SHR Item No:</u> 01419</p> <p><u>Location:</u> Wynter Street, Wingham</p>	<p>It is agreed to include the State Heritage name to reflect the that it is located in Wingham.</p> <p>The State Heritage number does not appear in Schedule 5 of any NSW LEP. It is proposed to update the listing with the State Heritage Register number, but this will be subject to Parliamentary Counsel approval.</p> <p>It is noted that the Post Office is also included on the National Heritage List and the listing ‘significance’ of National will be retained in the draft MidCoast LEP</p>	<p>Amend Schedule 5 of the draft MidCoast LEP to include the State Heritage Register number for this heritage item (shown in red). The State Heritage Register will be updated when possible</p> <table border="1"> <tr> <td>Wingham</td> <td>Wingham</td> <td>Wynter</td> <td>Lot 20,</td> <td>National</td> <td>1452</td> </tr> <tr> <td></td> <td>Post</td> <td>Street</td> <td>DP</td> <td></td> <td>(01419)</td> </tr> <tr> <td></td> <td>Office</td> <td></td> <td>773785</td> <td></td> <td></td> </tr> </table>				Wingham	Wingham	Wynter	Lot 20,	National	1452		Post	Street	DP		(01419)		Office		773785		
Wingham	Wingham	Wynter	Lot 20,	National	1452																		
	Post	Street	DP		(01419)																		
	Office		773785																				
Incorrectly identified State Heritage items																							
<p>The following were incorrectly shown as having State significance:</p> <ul style="list-style-type: none"> • 35 Moppy Road, Rawdon Vale • 932 Rawdon Vale Road, Rawdon Vale 	<p>It is agreed that this is an error and both heritage items should have their significance listed as ‘local’</p>	<p>Amend Schedule 5 of the draft MidCoast LEP to change the significance of the following heritage items to be ‘local’:</p> <ul style="list-style-type: none"> • 35 Moppy Road, Rawdon Vale • 932 Rawdon Vale Road, Rawdon Vale 																					



Attachment 2 – National Parks and Wildlife Service – Zone Changes

NATIONAL PARKS AND WILDLIFE SERVICE (NPWS) – PROPOSED ZONE CHANGES	
Proposed zone	Comment and response
Site to be included in C1 National Parks and Nature Reserves zone	
	<p>Section of Old Copeland Road (road reserve) at Copeland - north of Lot 1 DP749604</p> <p>This section of road reserve is proposed to be included in the RU2 Rural Landscape zone consistent with the zone of land to the north. It is acknowledged that this land contains the Hidden Treasure Picnic Area and is currently managed by NPWS as part of Copeland Tops State Conservation Area (SCA). Given the use and management of the land it is appropriate for this land to be included in the C1 National Parks and Nature Reserves zone</p> <p>Recommendation: amend the draft MidCoast LEP mapping to include the road reserve north of Lot 1 DP74906 in the C1 National Parks and Nature Reserves zone and amend the development standard maps accordingly</p>
Sites to be included in C2 Environmental Conservation zone	
	<p>Land adjoining Crowdy Bay National Park between Lot 277 DP754415 and Lot 7322 DP1163707 (not captured in digital cadastre)</p> <p>NPWS advise that the C1 National Parks and Nature Reserves zone is not appropriate for the site given site conditions and the weed issues. As a result, it would not make a desirable acquisition for addition to Crowdy Bay National Park.</p> <p>NPWS recommends the site be removed from the Land Reservation Acquisition Map and the site not be included in the C1 National Parks and Nature Reserves zone</p> <p>Recommendation: amend the draft MidCoast LEP mapping to include the land between Lot 277 DP754415 and Lot 7322 DP1163707 road reserve north of Lot 1 DP74906 in the C2 Environmental Conservation zone and amend the development standard maps accordingly. Remove the site from the Land Reservation Acquisition Map</p>

NATIONAL PARKS AND WILDLIFE SERVICE (NPWS) – PROPOSED ZONE CHANGES

Proposed zone	Comment and response
	<p>Land adjoining Crowdy Bay National Park being part of Lot 7306 DP1162930</p> <p>NPWS advise that the C1 National Parks and Nature Reserves zone is not appropriate for the site given it is the beach access to Crowdy Beach. As a result, it would not make a desirable acquisition for addition to Crowdy Bay National Park.</p> <p>NPWS recommends the site be removed from the Land Reservation Acquisition Map and the site not be included in the C1 National Parks and Nature Reserves zone</p> <p>Recommendation: amend the draft MidCoast LEP mapping to include part of Lot 7306 DP1162930 in the C2 Environmental Conservation zone and amend the development standard maps accordingly. Remove the site from the Land Reservation Acquisition Map</p>
	<p>West of Mungo Brush Road, Hawks Nest, being part of Lot 7315 DP1162684</p> <p>NPWS advise that the C1 National Parks and Nature Reserves zone is not appropriate for the site given it is subject to an Aboriginal Land Claim. If the claim is granted it would be difficult for the claimants to use the land with this zone. NPWS recommends that the site be included in the C2 Environmental Conservation zone</p> <p>Recommendation: amend the draft MidCoast LEP mapping to include part of Lot 7315 DP1162684 in the C2 Environmental Conservation zone and amend the development standard maps accordingly</p>

NATIONAL PARKS AND WILDLIFE SERVICE (NPWS) – PROPOSED ZONE CHANGES

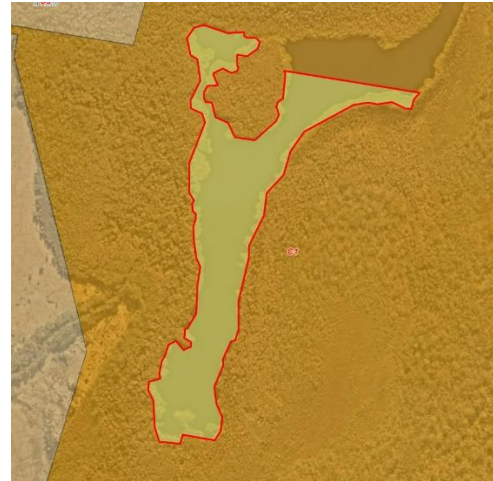
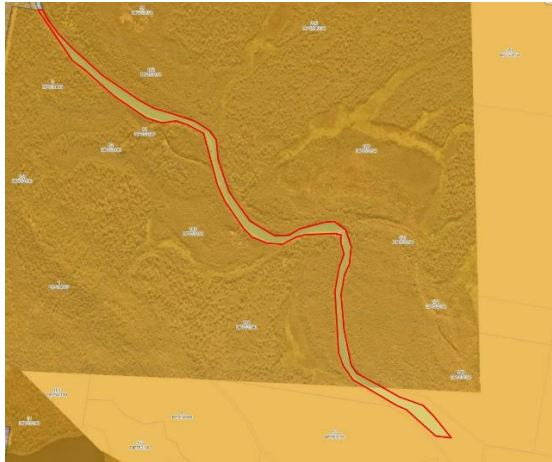
Proposed zone	Comment and response
	<p>East of The Lakes Way, Darawank, being Lot 34 DP753207</p> <p>NPWS advise that the C1 National Parks and Nature Reserves zone is not appropriate for the site given the land needs to be rehabilitated by Council prior to the transfer of the land to NPWS. NPWS recommends that the site be retained in the C2 Environmental Conservation zone</p> <p>Recommendation: amend the draft MidCoast LEP mapping to include part of Lot 34 DP753207 in the C2 Environmental Conservation zone and amend the development standard maps accordingly</p>
<p>Site to be included in W1 Natural Waterways zone</p>	
	<p>Nerong Inlet</p> <p>NPWS recognises that the Nerong Inlet is fully surrounded by Myall Lakes National Park, however, there is no current commitment from the NSW Government for the future reservation of the inlet as part of the park. NPWS recommends that the W1 Natural Waterways zone be applied to the inlet consistent with the current zones. It is noted that this is only a small portion of the Nerong Inlet that is currently in the W1 Natural Waterways zone</p> <p>Recommendation: amend the draft MidCoast LEP mapping to retain the zoning of the section of the Nerong Inlet that is currently zoned W1 Natural Waterways zone and amend the development standard maps accordingly</p>

NATIONAL PARKS AND WILDLIFE SERVICE (NPWS) – PROPOSED ZONE CHANGES

Proposed zone

Comment and response

Site to be included in W1 Natural Waterways zone – detailed maps for Nerong Inlet



Attachment 3 - National Parks and Wildlife Service Heritage Comments

NATIONAL PARKS AND WILDLIFE SERVICE (NPWS) – PROPOSED CHANGES TO SCHEDULE 5			
Item no and name	NPWS Park or Reserve	Comment	Response
Items and areas listed in draft Schedule 5 that occur on NPWS-managed lands			
A15 – Sawpits C14 - Wingham Heritage Conservation Area I424 - Wingham Brush Reserve	Wingham Brush Nature Reserve (part)	Not currently listed in HHIMS (NPWS's Section 170 Register, known as the Historic Heritage Information Management System)	Wingham Brush is a heritage item in it's own right (I424) and also forms part of the Wingham Heritage Conservation Area (C14) with the sawpits being identified as an archaeological site. Wingham Brush is listed given it is an intrinsic part of the Wingham township to the natural reserves to the east of the town. Its significance is due to it's community dedication as a reserve, its associations with cedar-getting in the Manning and as a site for groundbreaking bush regeneration techniques. These local listing occurred around 1995 prior to the Brush being gazetted as a National Park Reserve in 2000. No current statement of significance currently exist for these listings. Work on the heritage inventories is underway and will be provided as they are completed Recommendation: no change
A9 - Lansdowne Wharf remains	Lansdowne Nature Reserve (part)	The draft Heritage Map shows only Lot 308 DP46702 as being listed as per the Greater Taree LEP. Crown reserve R50557 covered Lot 305 DP722610. It is assumed the mapping should be corrected to display Lot 305 as being part of the item, if the item extended over R50557. Both Lot 305 and Lot 308 were reserved as Lansdowne Nature Reserve on 7 March 2008. R50557 no longer exists	It is agreed that the Heritage Mapping and Schedule 5 of the LEP needs to be amended to include both Lot 305 and 308 DP 722610 Recommendation: amend Schedule 5 of the draft MidCoast LEP and mapping to include both Lot 305 and 308 DP 722610 in Archaeological site A9

NATIONAL PARKS AND WILDLIFE SERVICE (NPWS) – PROPOSED CHANGES TO SCHEDULE 5

Item no and name	NPWS Park or Reserve	Comment	Response
I46 - Corduroy section of AA Company	Karuah Nature Reserve (part)	Not currently listed in HHIMS. To be clearer, the name of this item could include the words 'historic road'	<p>It is agreed that the word 'road' should be included in the description for this heritage item. No statement of significance currently exists for these listings. Work on the heritage inventories is underway and will be provided as they are completed</p> <p>Recommendation: amend Schedule 5 of the draft MidCoast LEP to change the item name for I46 to be 'historic road'</p>
I74 - Copeland Tops Forest and Historic Gold Mining Preserve	Copeland Tops State Conservation Area	The Conservation Management Plan for Mountain Maid Gold Mine identifies it having potential State heritage significance	<p>Council supports the nomination of Mountain Maid Gold Mine for State Heritage Significance. This process would have to be undertaken by NPWS working with Heritage NSW prior to the future inclusion in the draft MidCoast LEP</p> <p>Recommendation: no change</p>

NATIONAL PARKS AND WILDLIFE SERVICE (NPWS) – PROPOSED ADDITIONS TO SCHEDULE 5

Lot and DP	Grid Ref. GDA Zone 56	Name	NPWS Park or Reserve	Comment	Response
NPWS Additional heritage items					
Lot 48 DP753684 (part)	E: 381341 N: 6495875	Karamea Homestead Complex	Curracabundi National Park	<p>Assessment of significance completed by Liz Vines, Heritage Architect, of McDougall and Vines.</p> <p>The complex includes the 1914 Karamea Homestead (fully restored), the foundations of the original dwelling, remains of a shearing shed, sheep dip and stockyards, a flying fox and two graves</p>	<p>Support the proposed local heritage listing</p> <p>Recommendation: amend Schedule 5 of the draft MidCoast LEP to include this site as a local heritage item. Information provided in heritage assessment added to heritage inventory for this item.</p>
Lot 47 DP753701 (part)	E: 364527 N: 6497468	Lea-Hurst Complex	Curracabundi National Park	<p>Assessment of significance completed by Liz Vines, Heritage Architect, of McDougall and Vines.</p> <p>Built in early 1920s, it is identified as having local heritage significance as a surviving example of a cottage/homestead complex in a geographically remote location</p>	<p>Support the proposed local heritage listing</p> <p>Recommendation: amend Schedule 5 of the draft MidCoast LEP to include this site as a local heritage item. Information provided in heritage assessment added to heritage inventory for this item.</p>
Lot 22 DP753692 (part)	E: 371457 N: 6497018	Monkeycot Homestead Complex	Curracabundi National Park	<p>Assessment of significance completed by Liz Vines, Heritage Architect, of McDougall and Vines.</p> <p>The Monkeycot Homestead Complex, which includes Monkeycot house (built 1930s-40s) as well as ruins of two other houses and associated stockyards (1915) has been identified as having local heritage significance as a surviving example of a remnant homestead complex in a geographically remote location</p>	<p>Support the proposed local heritage listing</p> <p>Recommendation: amend Schedule 5 of the draft MidCoast LEP to include this site as a local heritage item. Information provided in heritage assessment added to heritage inventory for this item.</p>
Lot 129 DP753154 (part)	E: 432796 N: 6407044	Carters (Cutlers) House	Myall Lakes National Park	<p>Assessment of significance completed by Miriam Stacy, Heritage Architect.</p> <p>The precinct includes a number of sheds and gardening structures, including remnants of an orchard, and as such</p>	<p>Support the proposed local heritage listing</p> <p>Recommendation: amend Schedule 5 of the draft MidCoast LEP to include this site as a local heritage item. Information provided in</p>

NATIONAL PARKS AND WILDLIFE SERVICE (NPWS) – PROPOSED ADDITIONS TO SCHEDULE 5

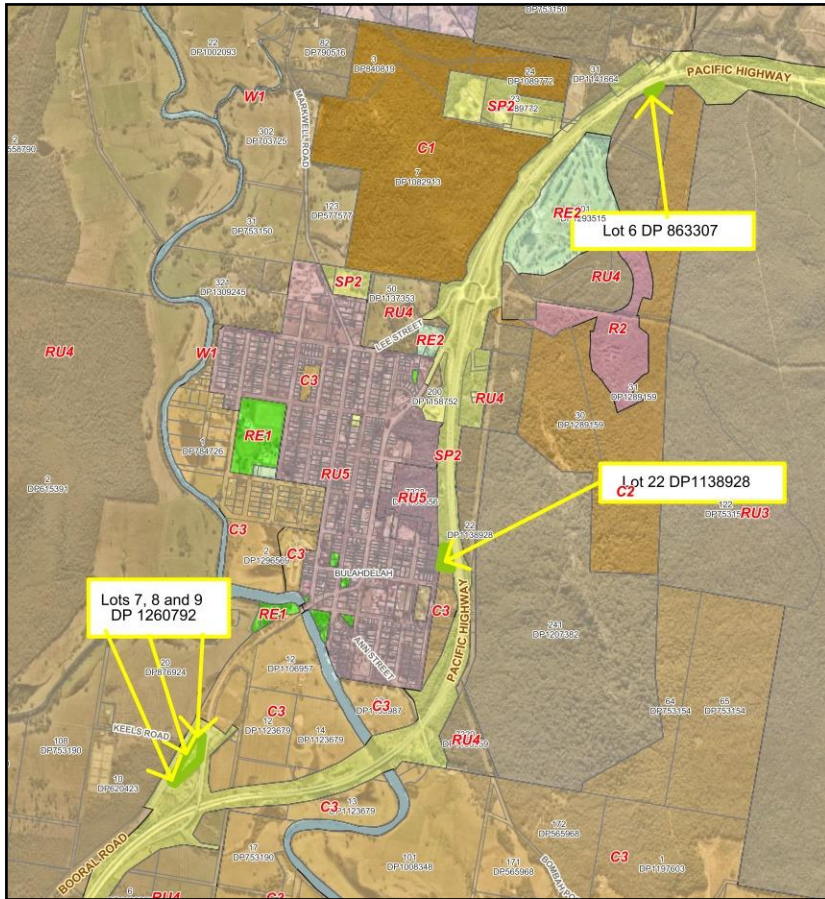
Lot and DP	Grid Ref. GDA Zone 56	Name	NPWS Park or Reserve	Comment	Response
		Precinct		is a good example of a rural property on Myall Lake which is associated with subsistence lifestyles in the area. The main house has been fully restored.	heritage assessment added to heritage inventory for this item.

Attachment 4 – Transport for NSW (TfNSW) – Zone Changes

TRANSPORT FOR NSW (TFNSW) – PROPOSED ZONE CHANGES

MULTIPLE SITES IN THE BULAHDELAH LOCALITY – PROPOSED ZONES

Comment and response



TfNSW advised that these sites were acquired for the Bulahdelah Bypass, are now surplus to their needs and are to be sold. TfNSW recommends that the zone of this land be changed from the SP2 Infrastructure zone and be included in the zone applied to adjoining land being the RU4 Primary Production Small Lots zone.

The inclusion of Lot 6 DP 863307 and Lots 7, 8 and 9 of DP 1260792 in the RU4 Primary Production Small Lots zone is supported.

The part of Lot 22 DP1138928 in the SP2 Infrastructure zone is to the west of the Pacific Highway and adjoins land to be included in the C3 Environmental Management zone. Given the proximity of the land to the highway, the environmental values of the site and that it forms part of the Bulahdelah village; a rural zone is not considered appropriate. The C3 Environmental Management zone is considered appropriate for this site, which is consistent with adjoining zones and the environmental values of the property

Recommendation: amend the draft MidCoast LEP mapping to include Lot 6 DP 863307 and Lots 7, 8 and 9 of DP 1260792 in the RU4 Primary Production Small Lots zone and amend the development standard maps accordingly.

Amend the draft MidCoast LEP mapping to include part of Lot 22 DP1138928 (west of the Pacific Highway) in the C3 Environmental Management zone and amend the development standard maps accordingly.

TRANSPORT FOR NSW (TFNSW) – PROPOSED ZONE CHANGES

MOORLAND – LOTS 1 AND 2 DP 1217323

Proposed zone



Comment and response

Lots 1 and 2 DP 1217323 in Moorland were purchased by TfNSW when constructing the Pacific Highway bypass and are currently included in the SP2 Infrastructure zone. In 2021, the lots were proposed to be included in the C3 Environmental Management zone to reflect the environmental values of the land.

Prior to the purchase of this property by TfNSW it was included in a 1(f) Rural Forests zone. Since that time the importance of the vegetation on this site has increased, warranting the inclusion of these lots in the C3 Environmental Management zone. TfNSW have requested that the land be included in the RU4 Primary Production Small Lots zone, which is inappropriate given the environmental values of the land.

Recommendation: no change

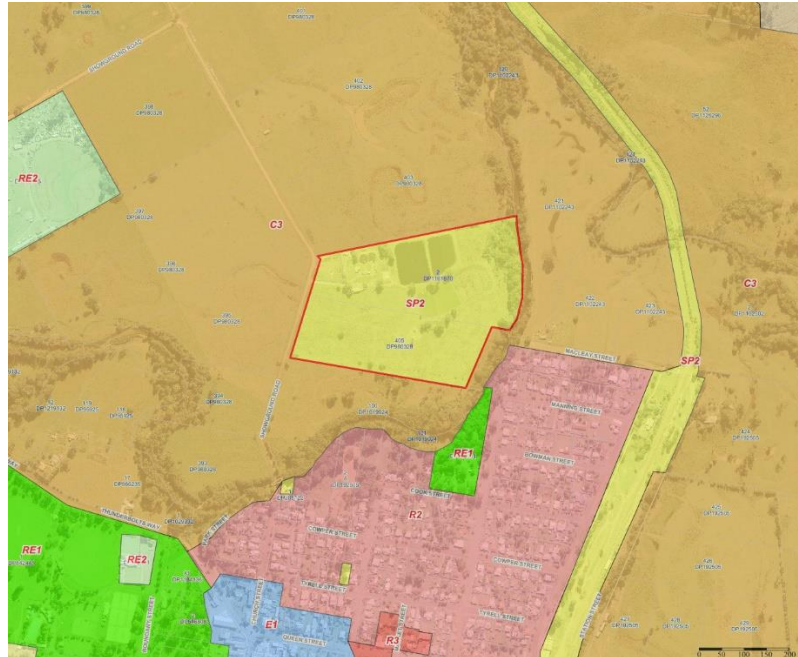
Attachment 5 – Environmental Protection Authority (EPA)

REVIEW OF POEO PUBLIC REGISTER – COUNCIL LAND	
LOCATED OFF INDUSTRIAL ROAD, HARRINGTON	
Existing zone	Proposed zone
Comment and response	
<p>The site is to be included in the SP2 Infrastructure zone to clearly identify the site as a sewage treatment plant. Surrounding land is proposed to be included in the C4 Environmental Living zone to recognise the environmental values of the site. While the minimum lot size has been reduced to 20ha, there is not sufficient land in this zone to enable subdivision. It is proposed to reduce the residential zone (pink) to the east and the RE2 Private Recreation zone (green) to the south given the land is identified as coastal wetlands. The proposed zones in the draft MidCoast LEP will not intensify land uses on surrounding lands. Any development application for establishing land uses in proximity to the treatment plant will need to consider potential impacts</p> <p>Recommendation: no change</p>	

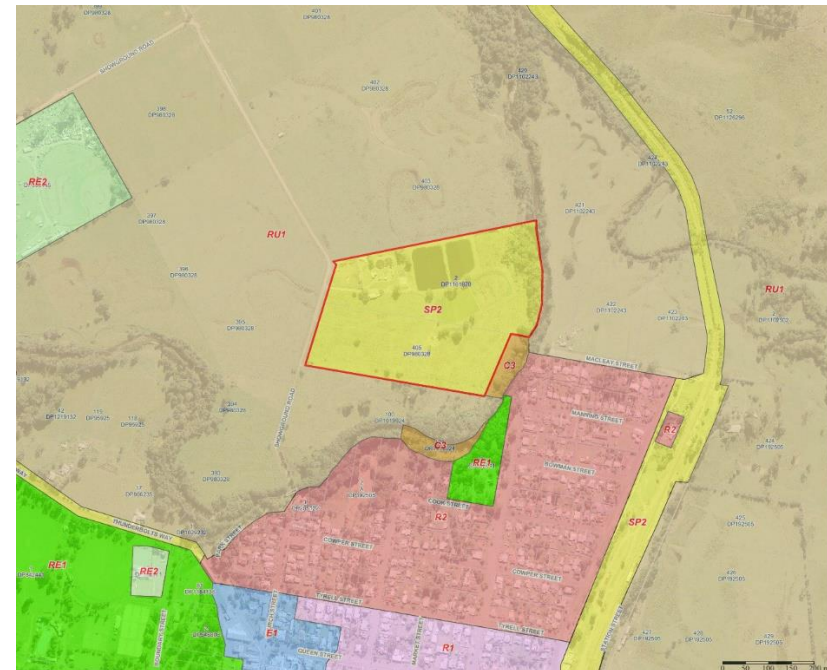
REVIEW OF POEO PUBLIC REGISTER – COUNCIL LAND

84 SHOWGROUND ROAD, GLOUCESTER

Existing zone



Proposed zone



Comment and response

The site will be retained in the SP2 Infrastructure zone to clearly identify the site as a sewage treatment plant. Surrounding land is to be included in the RU1 Primary Production to reflect rural use of the land and to consistently apply the rural zones across the MidCoast. The minimum lot size will decrease from 100ha to 60ha, however there is no potential for further subdivision in this location given the surrounding lots are less than 15ha. No changes are proposed to the extent of residential lands (pink). The proposed zones in the draft MidCoast LEP will not intensify land uses on surrounding lands. Any development application for establishing land uses in proximity to the sewage treatment plant will need to consider potential impacts

Recommendation: no change

REVIEW OF POEO PUBLIC REGISTER – COUNCIL LAND

PACIFIC HIGHWAY, BULAHDELAH

Existing zone



Proposed zone



Comment and response

The site will be retained in the SP2 Infrastructure zone to clearly identify the site as a sewage treatment plant. The RE2 Private Recreation zone is proposed to be extended over the golf course to the south of the Pacific Highway. Sensitive land uses such as caravan parks and hotel or motel accommodation will continue to be permitted with consent in this new zone. Any development application for establishing land uses in proximity to the sewage treatment plant will need to consider potential impacts

Recommendation: no change

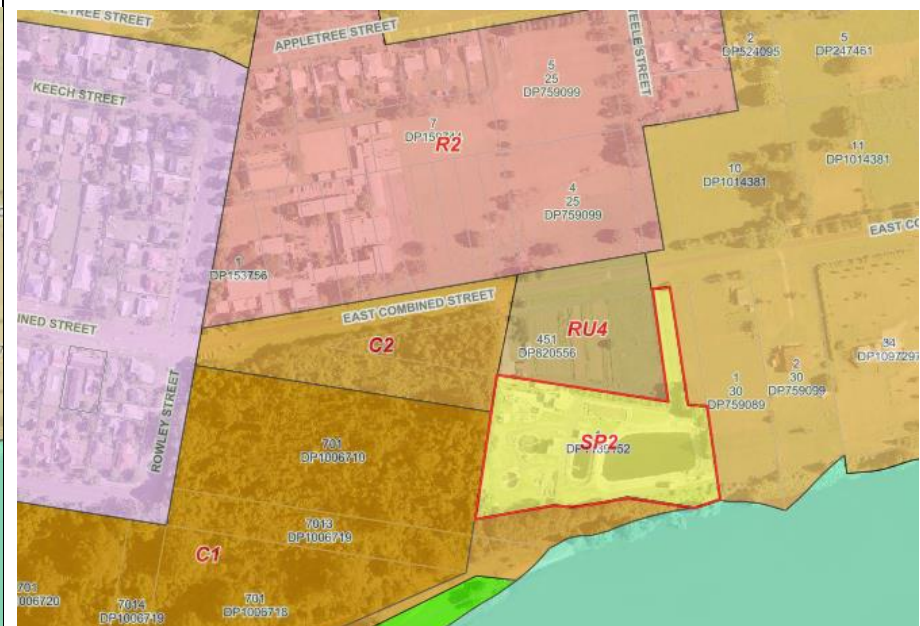
REVIEW OF POEO PUBLIC REGISTER – COUNCIL LAND

COMBINED STREET, WINGHAM

Existing zone



Proposed zone



Comment and response

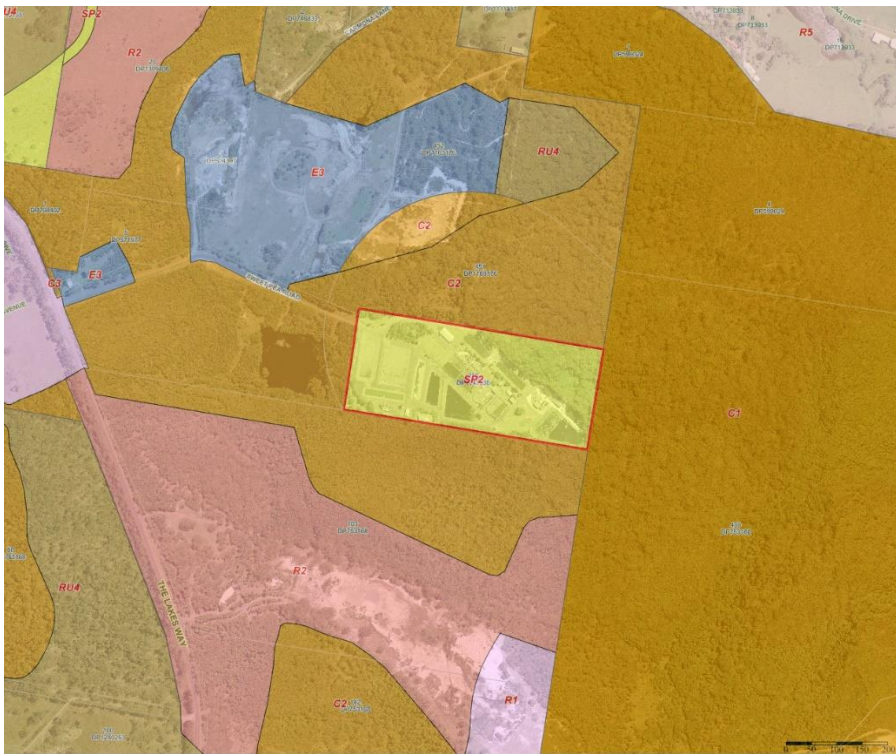
The site is to be included in the SP2 Infrastructure zone to clearly identify the site as a sewage treatment plant. Wingham currently has only the R1 General Residential zone (light pink). It is proposed to include the R2 Low Density Residential zone (dark pink) in Wingham which allows less residential uses than the existing R1 General Residential zone. Rural land to the east is proposed to be included in the C3 Environmental Management zone due to the flooding constraints of the land. The proposed zones in the draft MidCoast LEP will not intensify land uses on surrounding lands. Any development application for establishing land uses in proximity to the sewage treatment plant will need to consider potential impacts

Recommendation: no change

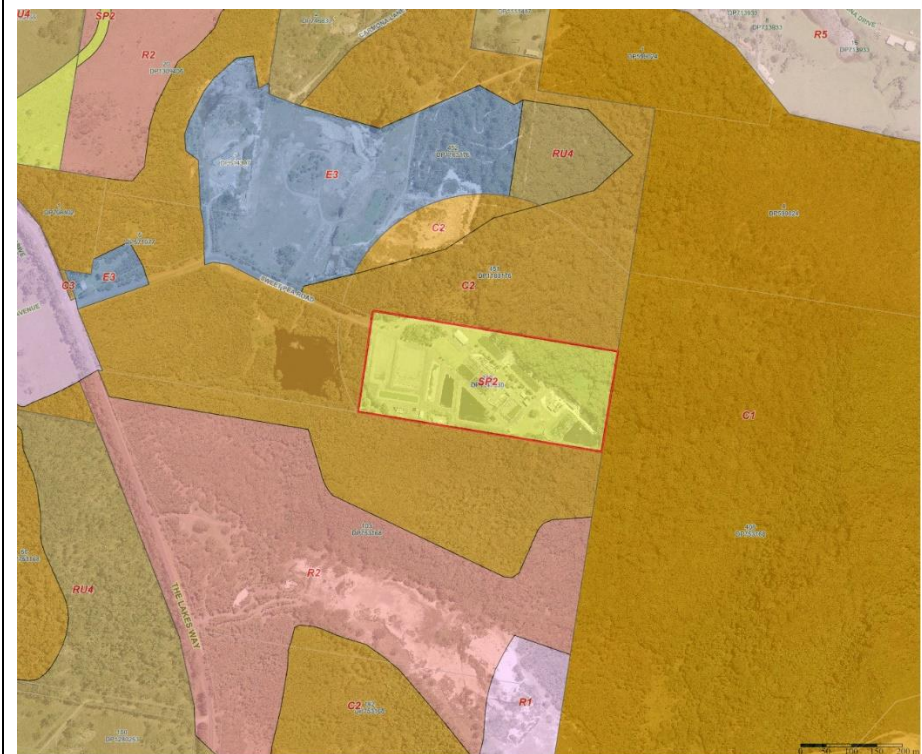
REVIEW OF POEO PUBLIC REGISTER – COUNCIL LAND

SWEET PEA ROAD, FORSTER

Existing zone



Proposed zone



Comment and response

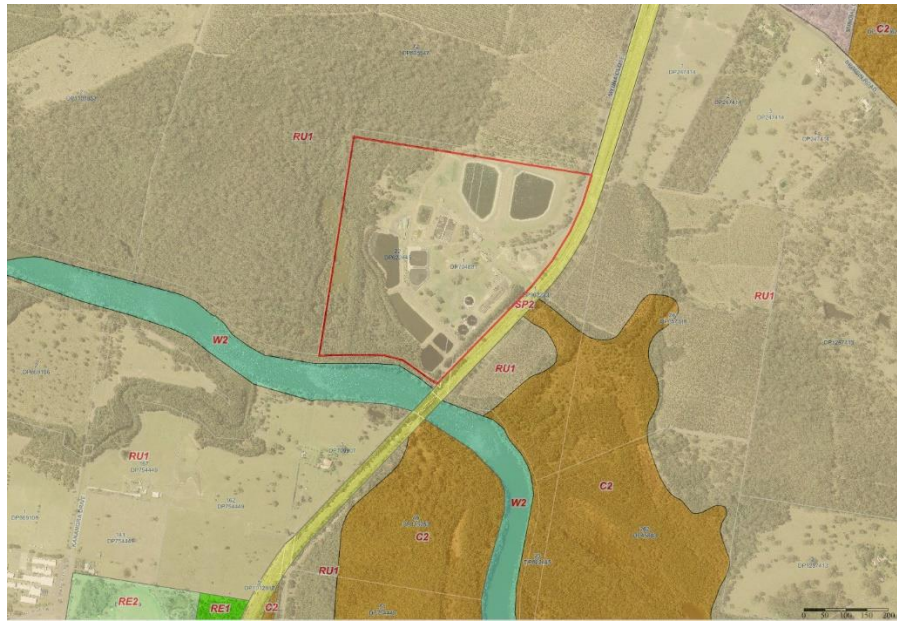
The site will be retained in the SP2 Infrastructure zone to clearly identify the site as a sewage treatment plant. The proposed zones in the draft MidCoast LEP will not intensify land uses on surrounding lands. Any development application for establishing land uses in proximity to the sewage treatment plant will need to consider potential impacts

Recommendation: no change

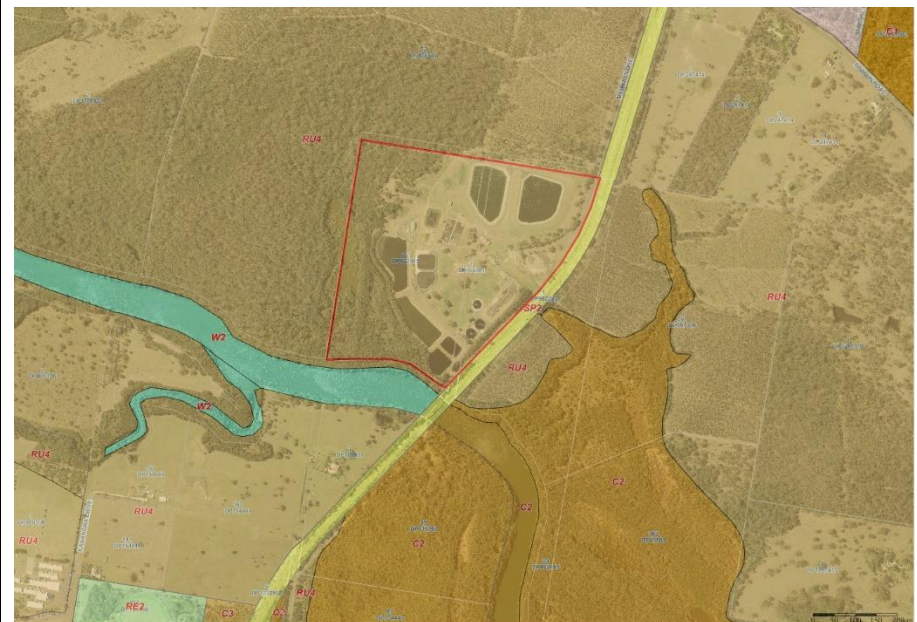
REVIEW OF POEO PUBLIC REGISTER – COUNCIL LAND

78 MYUNA CLOSE, BRIMBIN

Existing zone



Proposed zone



Comment and response

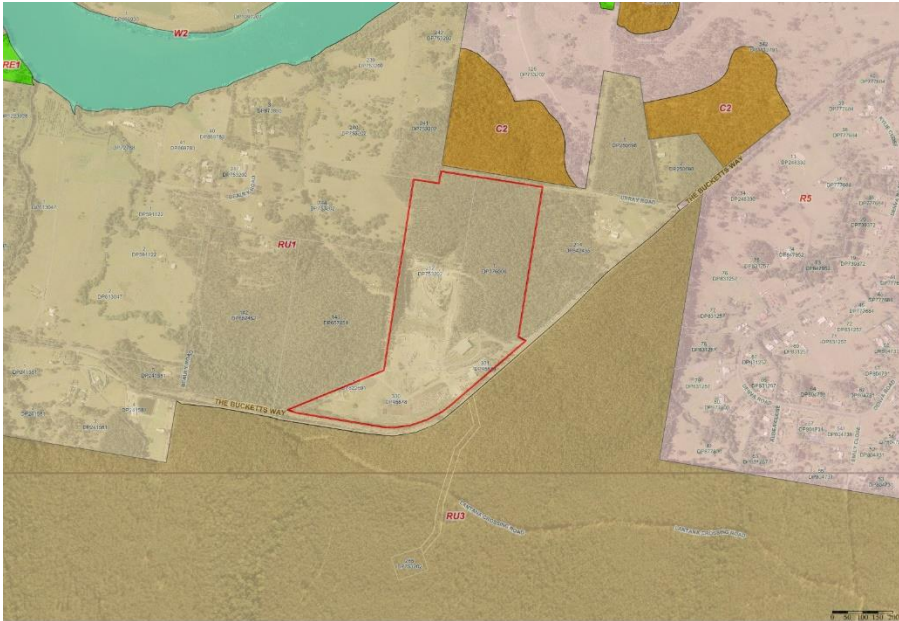
It is proposed to amend the draft MidCoast LEP to include the sewage treatment plant in the SP2 Infrastructure zone to clearly identify the site as a sewage treatment plant. The proposed zones in the draft MidCoast LEP will not intensify land uses on surrounding lands. Any development application for establishing land uses in proximity to the sewage treatment plant will need to consider potential impacts

Recommendation: amend the draft MidCoast LEP to include the sewage treatment plant on part of Lot 22 DP622445 in the SP2 Infrastructure zone and amend the development standard maps accordingly

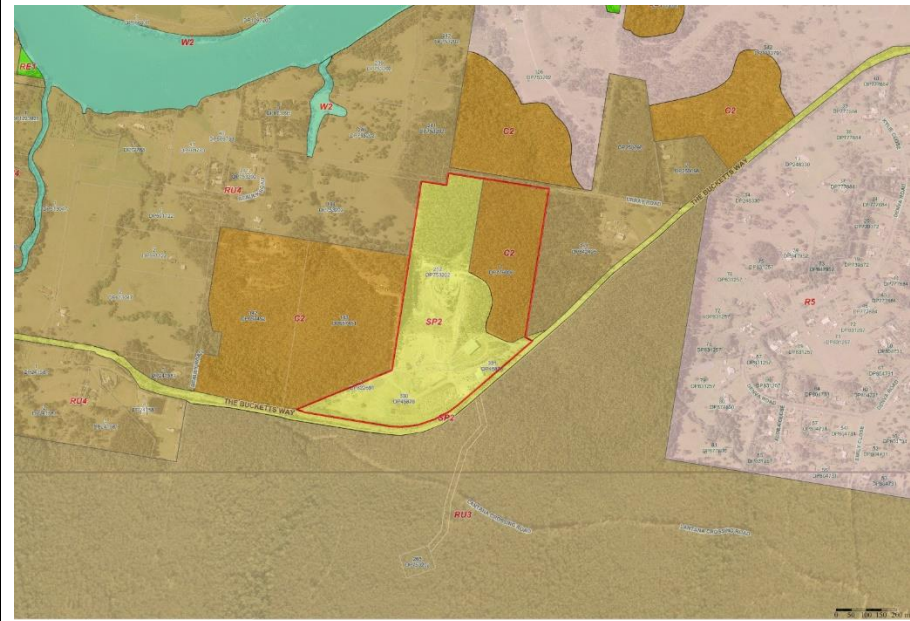
REVIEW OF POEO PUBLIC REGISTER – COUNCIL LAND

THE BUCKETTS WAY, TINONEE

Existing zone



Proposed zone



Comment and response

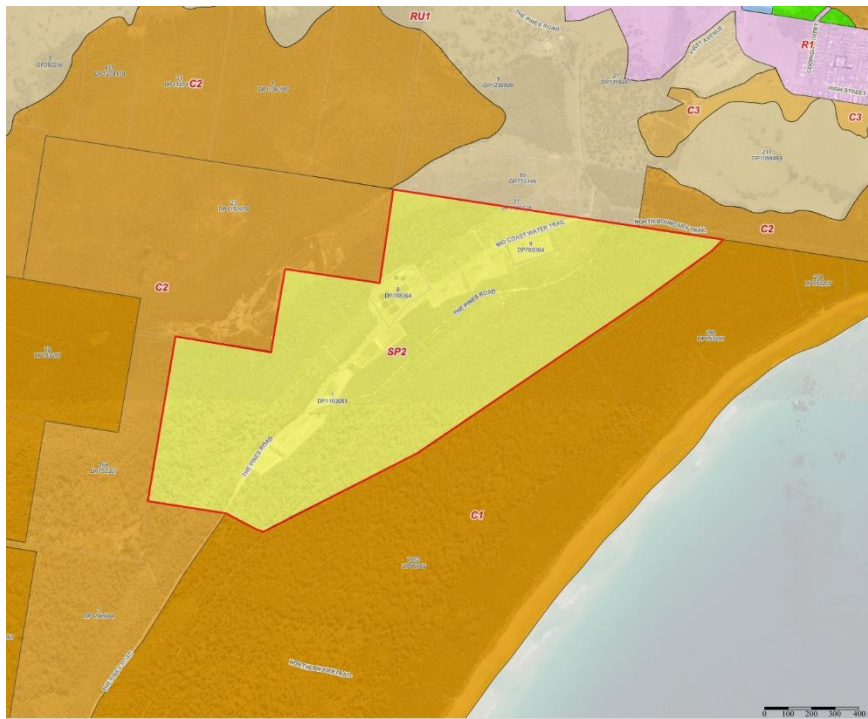
The site is to be included in the SP2 Infrastructure zone to clearly identify the site as a waste landfill site. Surrounding land that forms part of the landfill is proposed to be included in the C2 Environmental Conservation zone to recognise the environmental values of the site. The proposed zones in the draft MidCoast LEP will not intensify land uses on surrounding lands. Any development application for establishing land uses in proximity to the waste landfill site will need to consider potential impacts

Recommendation: no change

REVIEW OF POEO PUBLIC REGISTER – COUNCIL LAND

PLANT LOCATED AT MIDCOAST WATER TRAIL (OFF THE PINES ROAD), DARAWANK

Existing zone



Proposed zone



Comment and response

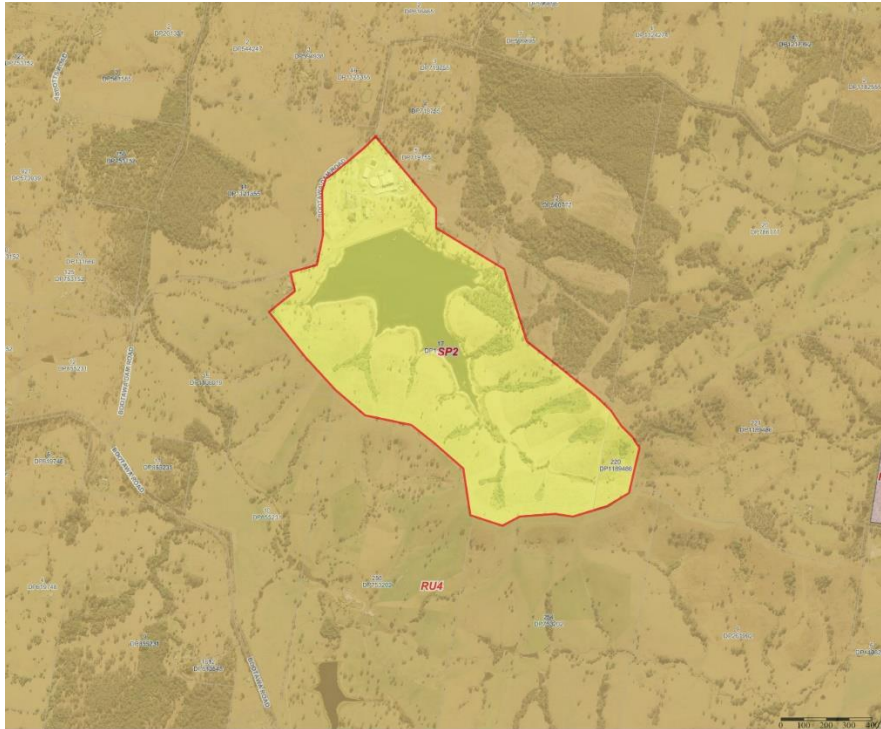
The site is to be retained in the SP2 Infrastructure zone to clearly identify the site as a sewage treatment plant. There has been a minor extension of the residential zone over the seniors living facility to the north of the sewage treatment plant. This zone was applied to reflect that the use of the land is an established aged care facility and no longer used for rural activities. Any development application for establishing land uses in proximity to the sewage treatment plant will need to consider potential impacts

Recommendation: no change

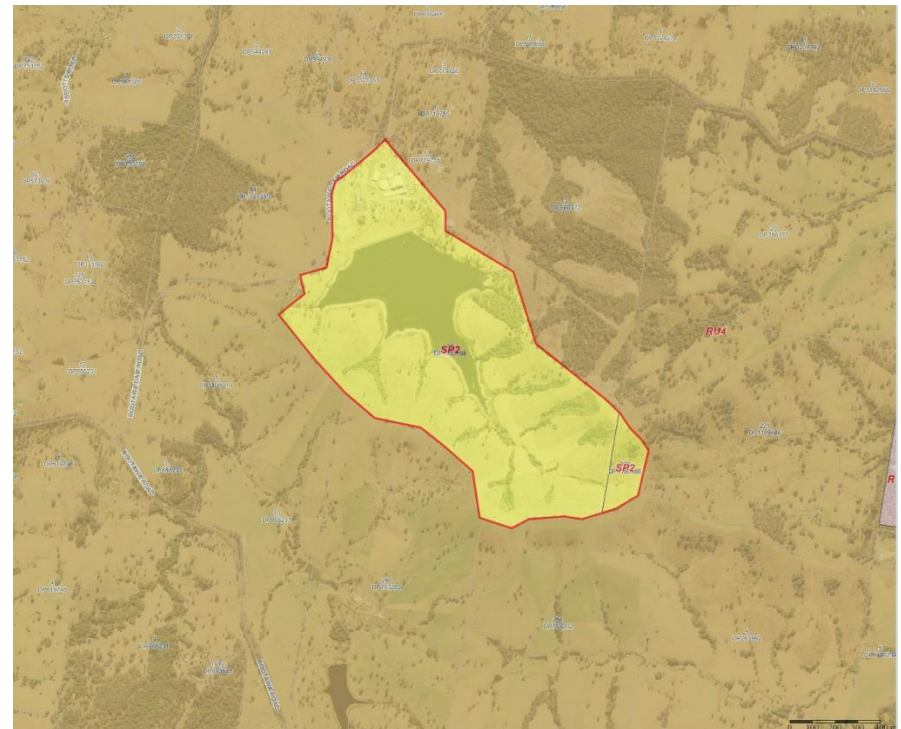
REVIEW OF POEO PUBLIC REGISTER – COUNCIL LAND

BOOTAWA DAM ROAD, BOOTAWA

Existing zone



Proposed zone



Comment and response

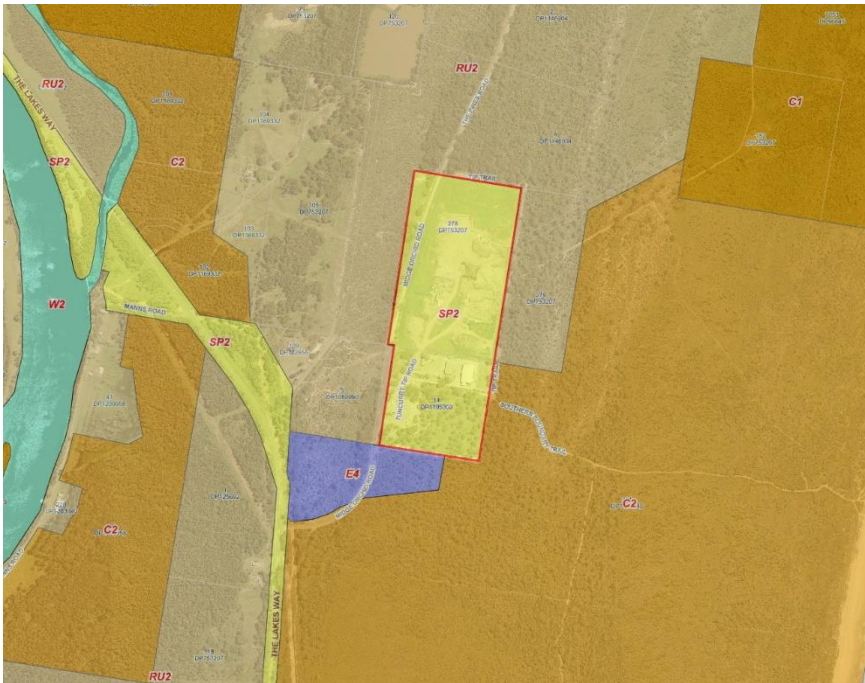
The site will be retained in the SP2 Infrastructure zone to clearly identify the site as a water supply site. The proposed zones in the draft MidCoast LEP will not intensify land uses on surrounding lands. Any development application for establishing land uses in proximity to the water supply site will need to consider potential impacts

Recommendation: no change

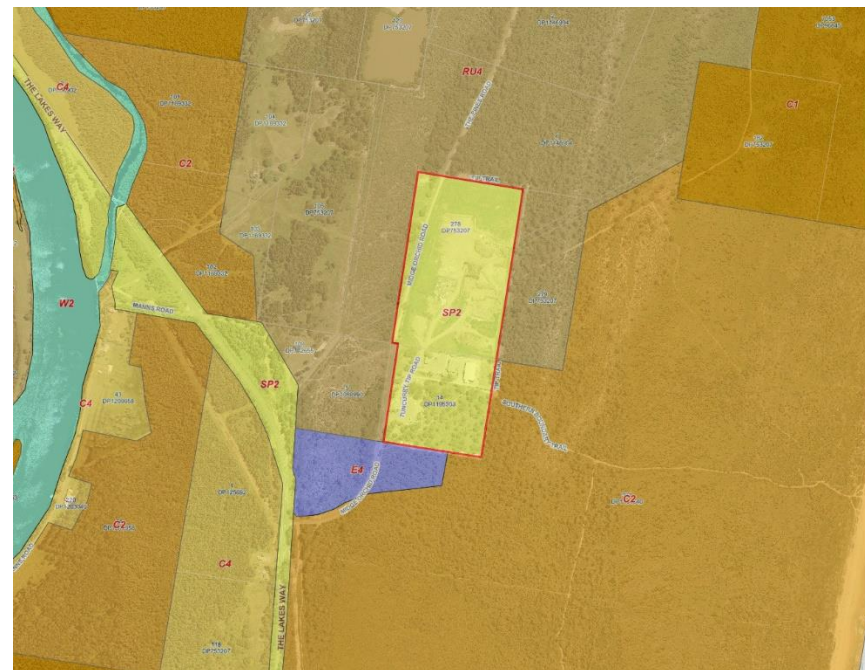
REVIEW OF POEO PUBLIC REGISTER – COUNCIL LAND

MIDGE ORCHID ROAD, TUNCURRY

Existing zone



Proposed zone



Comment and response

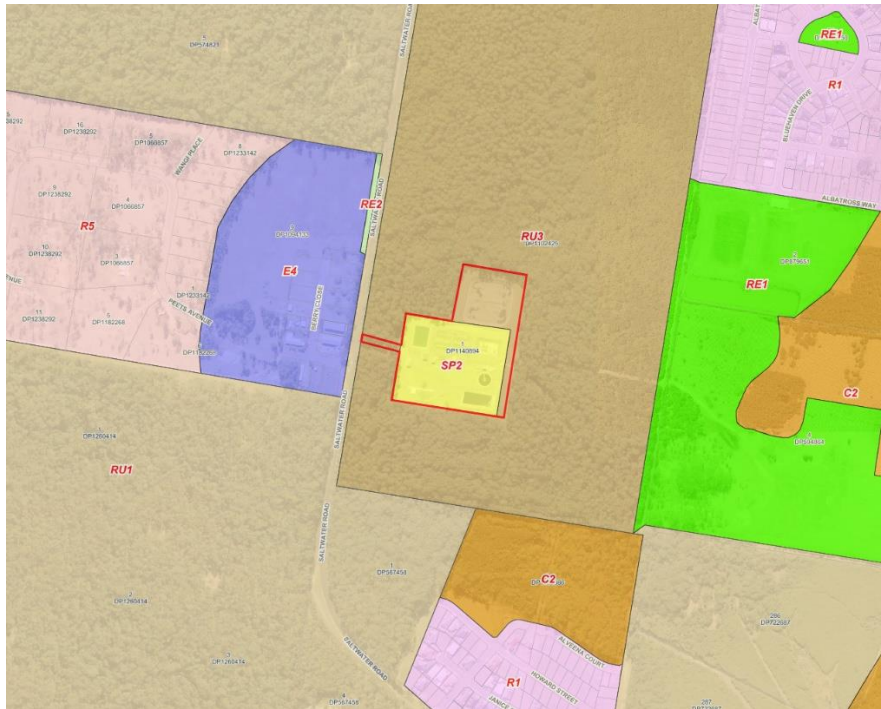
The site will be retained in the SP2 Infrastructure zone to clearly identify the site as a waste landfill site. Land to the south-west is proposed to be included in the C4 Environmental Living zone to recognise the environmental values of the site. While the minimum lot size has been reduced to 20ha, there is not sufficient land in this zone to enable further subdivision. The proposed zones in the draft MidCoast LEP will not intensify land uses on surrounding lands. Any development application for establishing land uses in proximity to the waste landfill site will need to consider potential impacts

Recommendation: no change

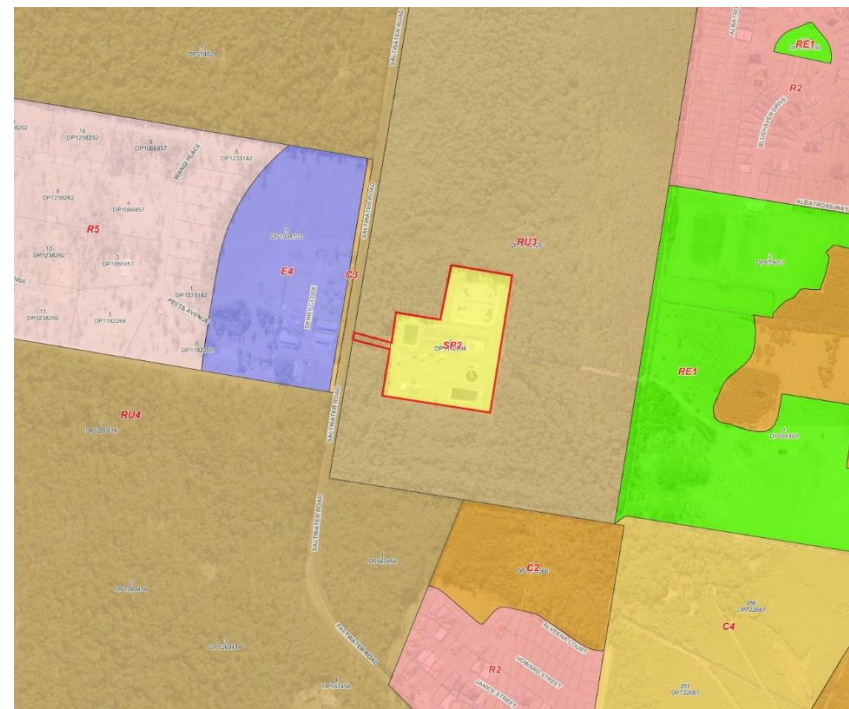
REVIEW OF POEO PUBLIC REGISTER – COUNCIL LAND

187 SALTWATER ROAD, OLD BAR

Existing zone



Proposed zone



Comment and response

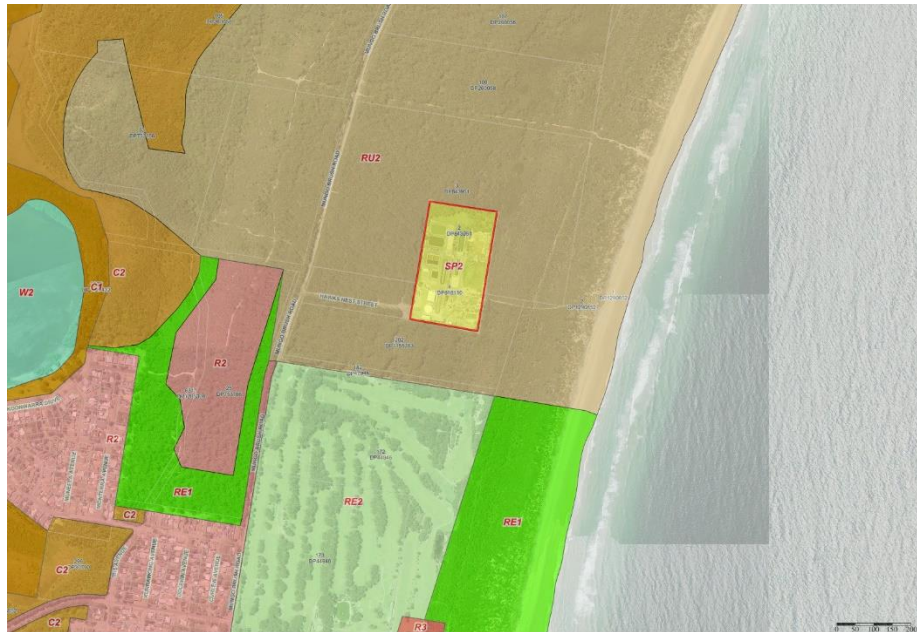
The SP2 Infrastructure zone will be extended over the lot to the north to clearly identify the site as a sewage treatment plant. Land to the south-east is proposed to be included in the C4 Environmental Living zone to recognise the environmental values of the site. While the minimum lot size has been reduced to 20ha, there is not sufficient land in this zone to enable further subdivision. The proposed zones in the draft MidCoast LEP will not intensify land uses on surrounding lands. Any development application for establishing land uses in proximity to the sewage treatment plant will need to consider potential impacts

Recommendation: no change

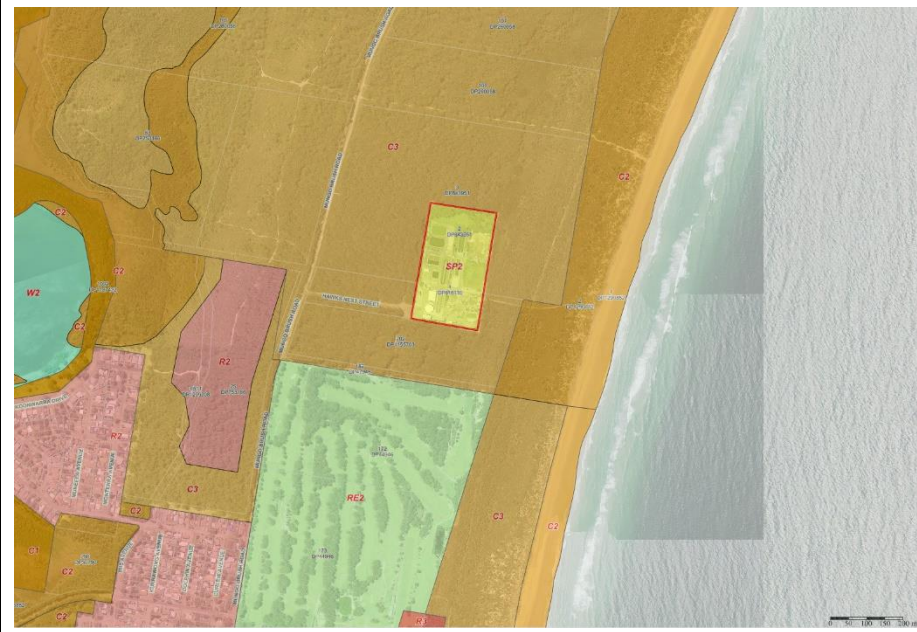
REVIEW OF POEO PUBLIC REGISTER – COUNCIL LAND

MUNGO BRUSH ROAD, HAWKS NEST

Existing zone



Proposed zone



Comment and response

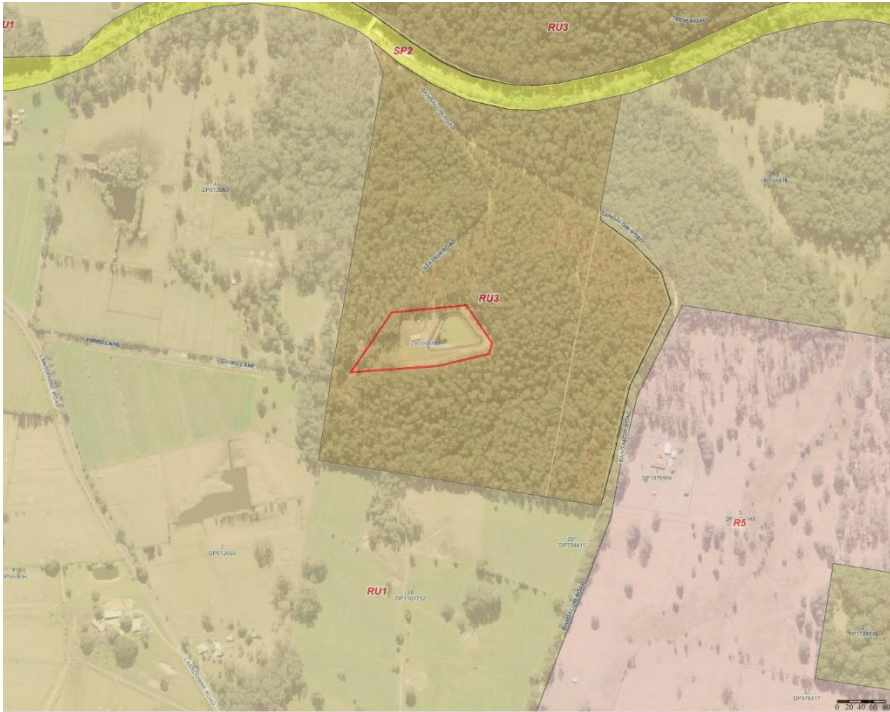
The site will be retained in the SP2 Infrastructure zone to clearly identify the site as a sewage treatment plant. Surrounding environmental lands are proposed to be included in the C2 Environmental Conservation and C3 Environmental Management zones which will limit some sensitive uses currently permitted in the existing rural zone (e.g. caravan parks). The proposed zones in the draft MidCoast LEP will not intensify land uses on surrounding lands. Any development application for establishing land uses in proximity to the sewage treatment plant will need to consider potential impacts

Recommendation: no change

REVIEW OF POEO PUBLIC REGISTER – COUNCIL LAND

EMMO LANE, COOPERNOOK

Existing zone



Proposed zone



Comment and response

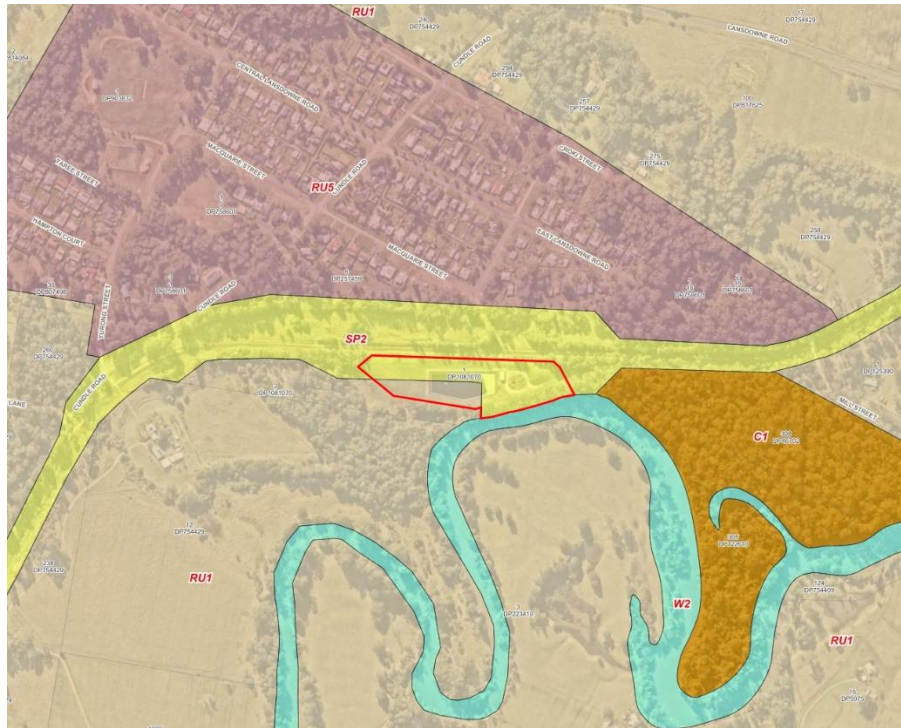
It is proposed to amend the draft MidCoast LEP to include the sewage treatment plant in the SP2 Infrastructure zone to clearly identify the site as a sewage treatment plant. The proposed zones in the draft MidCoast LEP will not intensify land uses on surrounding lands. Any development application for establishing land uses in proximity to the sewage treatment plant will need to consider potential impacts

Recommendation: amend the draft MidCoast LEP to include the sewage treatment plant on part of Lot 1 DP1066819 in the SP2 Infrastructure zone and amend the development standard maps accordingly

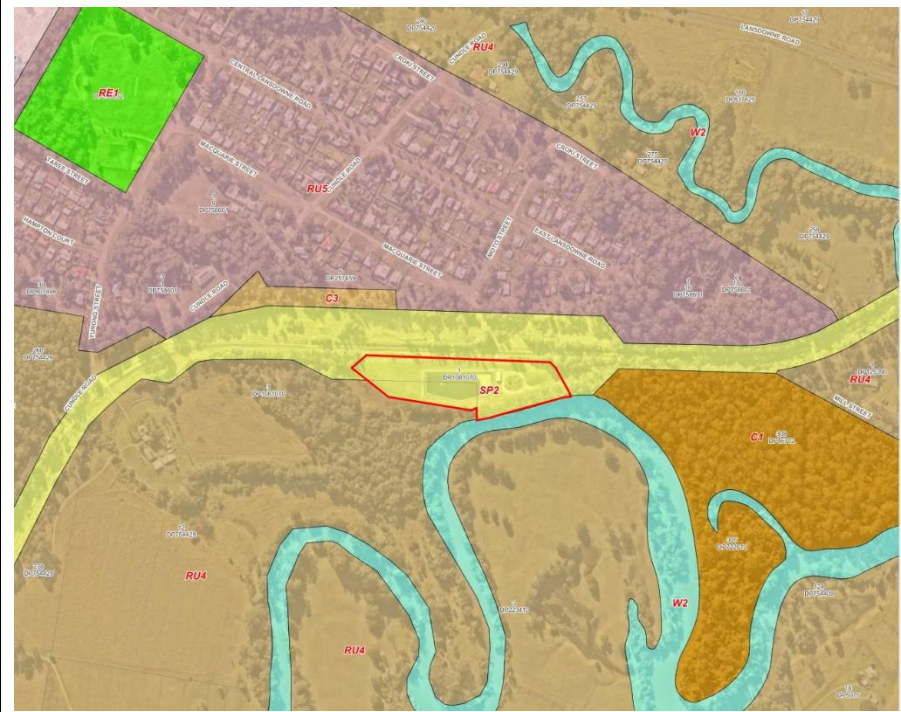
REVIEW OF POEO PUBLIC REGISTER – COUNCIL LAND

OFF CENTRAL LANSDOWNE ROAD, LANSDOWNE

Existing zone



Proposed zone



Comment and response

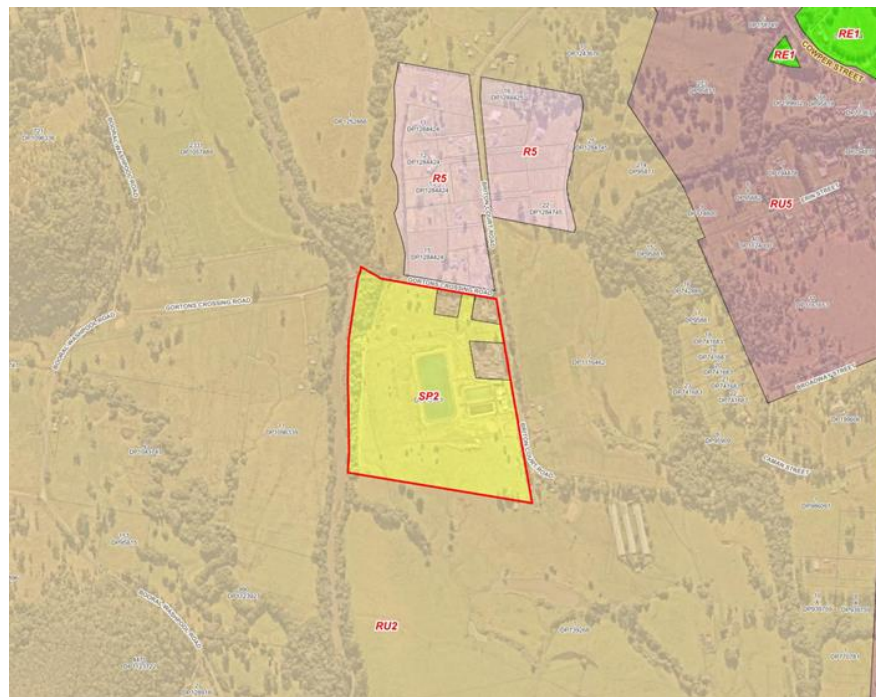
The site will be included in the SP2 Infrastructure zone to clearly identify the site as a sewage treatment plant. Environmental lands north of the railway line are proposed to be included in the C3 Environmental Management zones which will limit some sensitive uses currently permitted in the existing village zone. The proposed zones in the draft MidCoast LEP will not intensify land uses on surrounding lands. Any development application for establishing land uses in proximity to the sewage treatment plant will need to consider potential impacts

Recommendation: no change

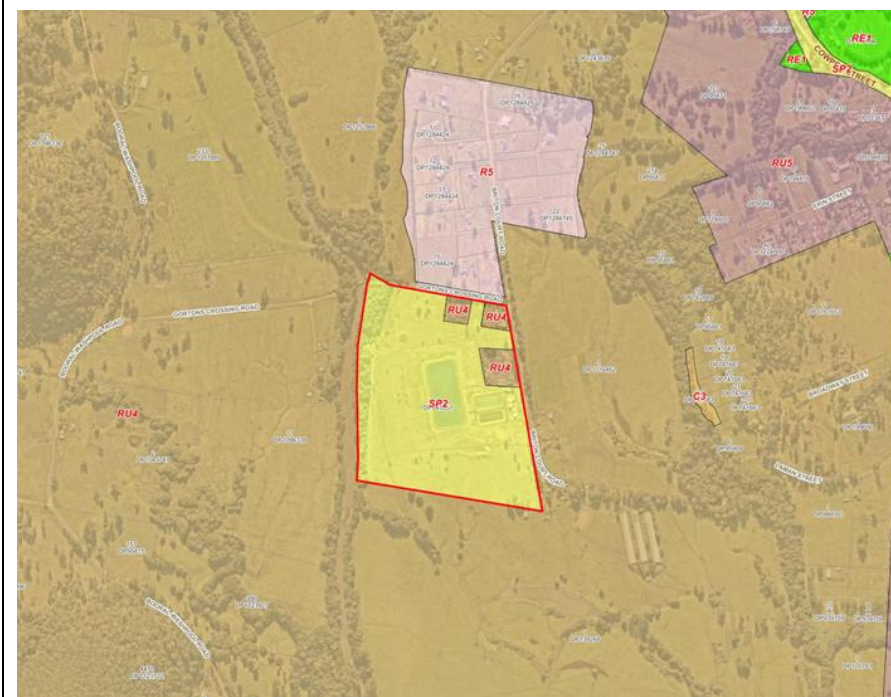
REVIEW OF POEO PUBLIC REGISTER – COUNCIL LAND

BRITON COURT ROAD, STROUD

Existing zone



Proposed zone



Comment and response

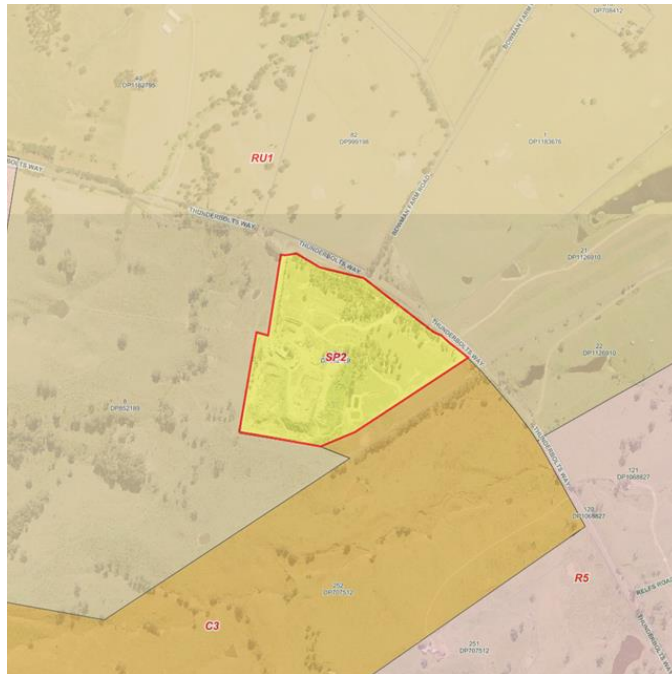
The site will be retained in the SP2 Infrastructure zone to clearly identify the site as a sewage treatment plant. Surrounding rural lands will be retained in a rural zone being the RU4 Primary Production Small Lots zone. It is proposed to reduce the extent of the RU5 Village zone (pink) to the east of the site which will limit some sensitive uses currently permitted in the existing RU5 Village zone. The proposed zones in the draft MidCoast LEP will not intensify land uses on surrounding lands. Any development application for establishing land uses in proximity to the sewage treatment plant will need to consider potential impacts

Recommendation: no change

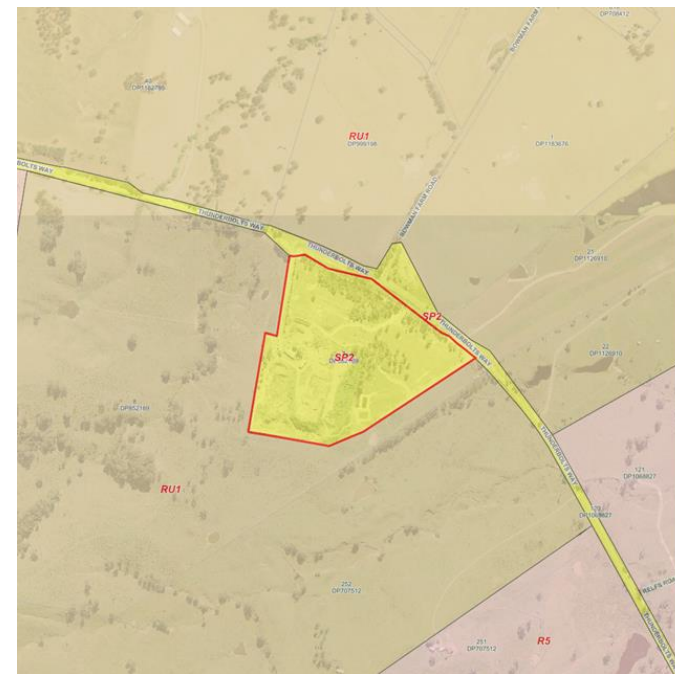
REVIEW OF POEO PUBLIC REGISTER – COUNCIL LAND

385 THUNDERBOLTS WAY, GLOUCESTER

Existing zone



Proposed zone



Comment and response

The site will be retained in the SP2 Infrastructure zone to clearly identify the site as a waste landfill site. Surrounding land is to be included in the RU1 Primary Production to reflect rural use of the land and to consistently apply the rural zones across the MidCoast. The minimum lot size will decrease from 100ha to 60ha, however there is no potential for further subdivision in this location given the surrounding lots in this rural zone are less than 120ha in size. The proposed zones in the draft MidCoast LEP will not intensify land uses on surrounding lands. Any development application for establishing land uses in proximity to the waste landfill site will need to consider potential impacts

Recommendation: no change

REVIEW OF POEO PUBLIC REGISTER – COUNCIL LAND

SIMMSVILLE ROAD, STROUD

Existing zone



Proposed zone



Comment and response

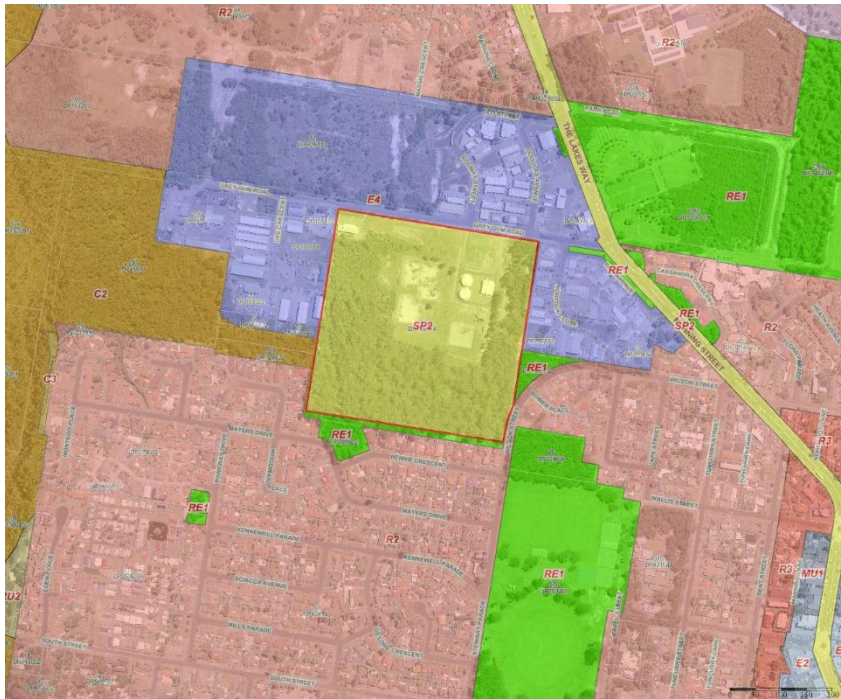
The sites will be retained in the SP2 Infrastructure zone to clearly identify the sites as a waste landfill and sewage treatment plant. The proposed zones in the draft MidCoast LEP will not intensify land uses on surrounding lands. Any development application for establishing land uses in proximity to the waste landfill site will need to consider potential impacts

Recommendation: no change

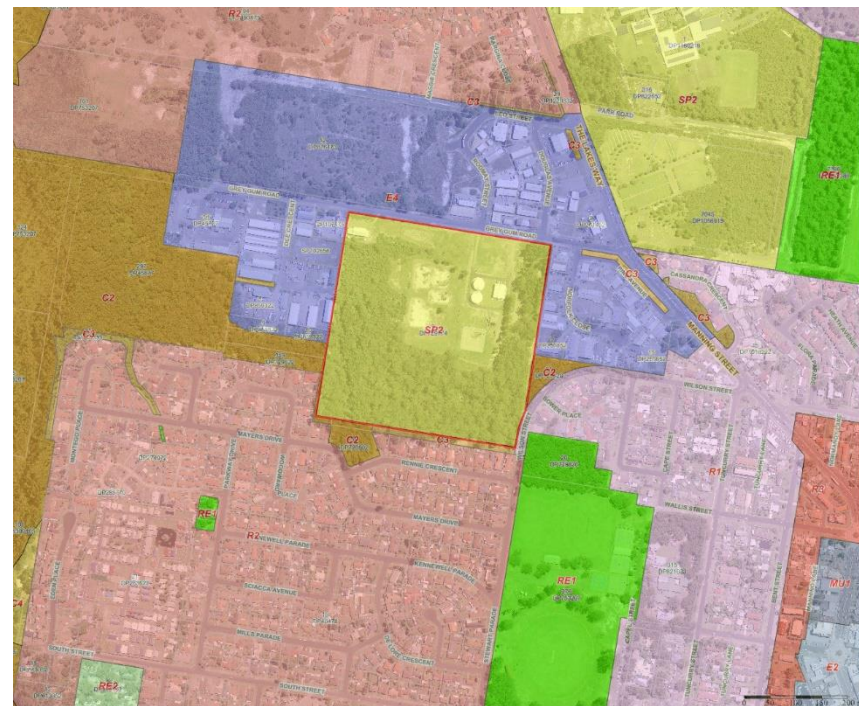
REVIEW OF POEO PUBLIC REGISTER – COUNCIL LAND

GREY GUM ROAD, TUNCURRY

Existing zone



Proposed zone



Comment and response

The sites will be retained in the SP2 Infrastructure zone to clearly identify the site as a water treatment facility. There are minor changes to residential zones with the TAFE site (north) being included in a SP2 Infrastructure zone and the introduction of the R1 General Residential zone (light pink) to the east. The proposed R1 General Residential zone had similar land uses to the existing R2 Low Density Residential zone. Any development application for establishing land uses in proximity to the water treatment facility site will need to consider potential impacts

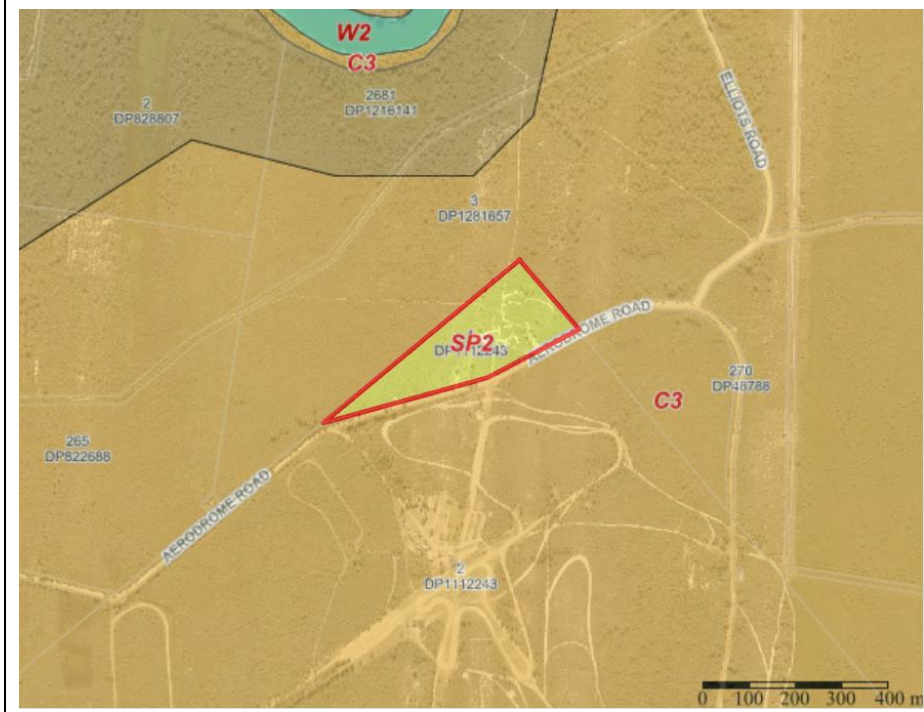
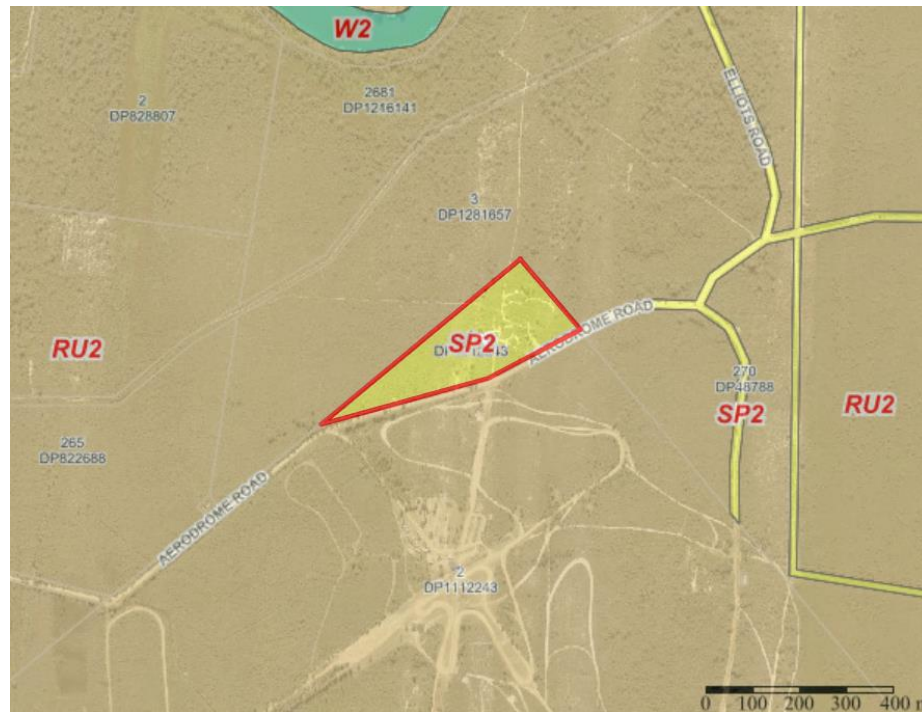
Recommendation: no change

REVIEW OF POEO PUBLIC REGISTER – COUNCIL LAND

AERODROME ROAD, NABIAC

Existing zone

Proposed zone



Comment and response

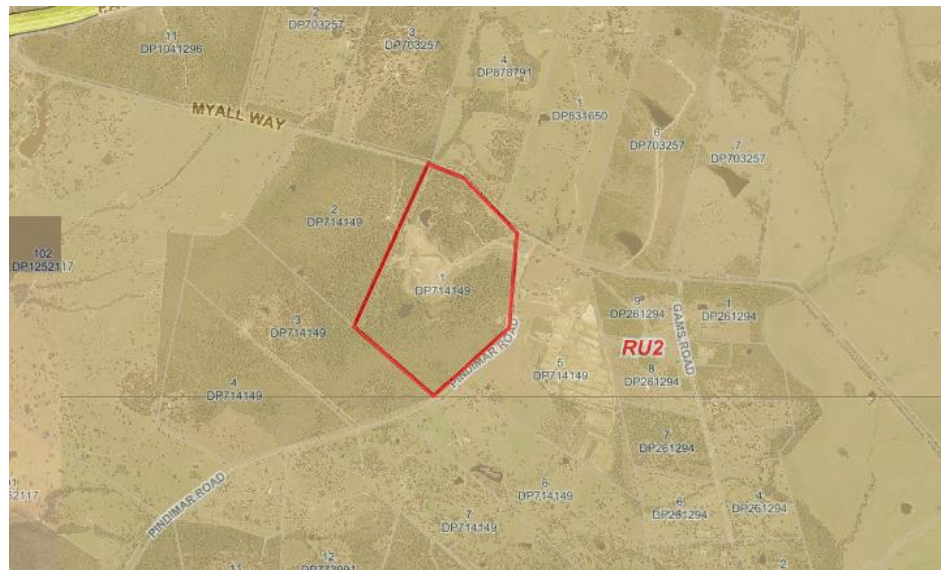
The site will be retained in the SP2 Infrastructure zone to clearly identify the site as a water treatment facility. Surrounding land within the aquifer footprint is proposed to be included in the C3 Environmental Management zone to provide protection of the water quality entering the aquifer. The Groundwater Vulnerability Map (referred to in Clause 7.7) maps both the aquifer footprint and catchment. Any future development within the aquifer footprint or catchment needs to address Clause 7.7 to ensure that any impacts on groundwater are considered.

Recommendation: no change

REVIEW OF POEO PUBLIC REGISTER – Private lands

LOT 1 PINDIMAR ROAD, TEA GARDENS

Existing zone



Proposed zone



Comment and response

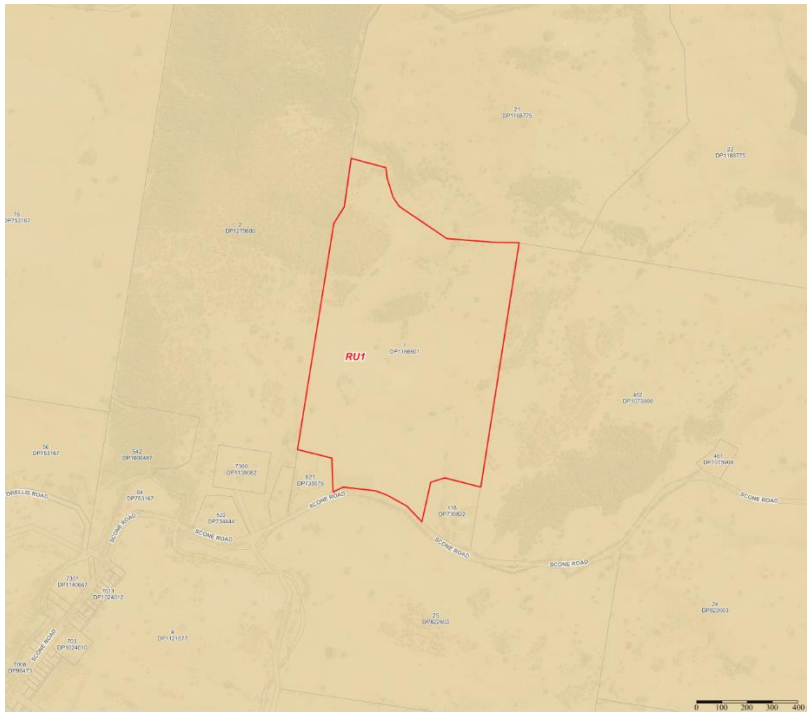
The site and surrounding land will be retained in a rural zone, being the RU4 Primary Production Small Lots zone. The proposed zones in the draft MidCoast LEP will not intensify land uses on surrounding lands. Any development application for establishing land uses in proximity to the quarry will need to consider potential impacts

Recommendation: no change

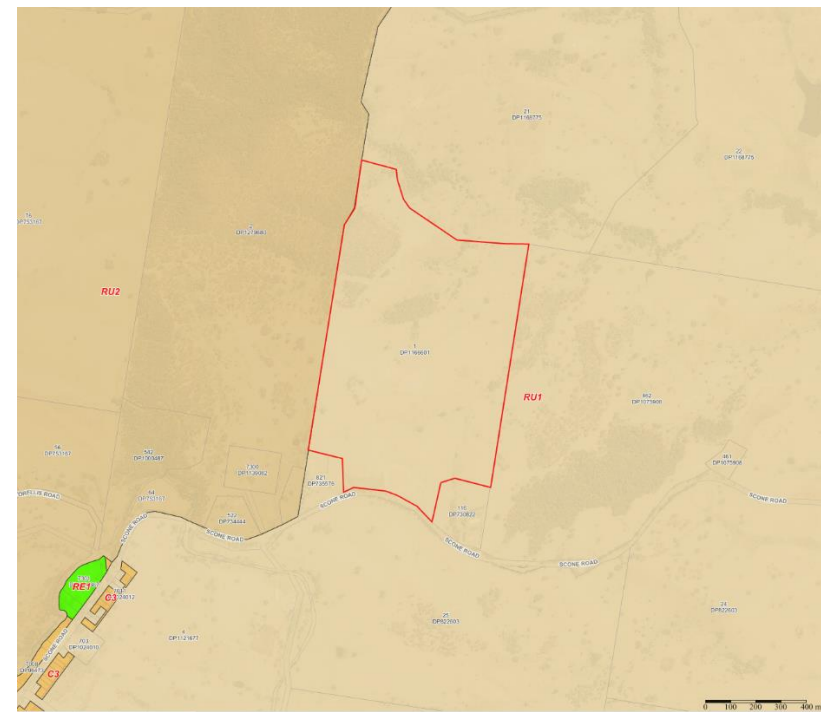
REVIEW OF POEO PUBLIC REGISTER – Private lands

256 SCONE ROAD, BARRINGTON

Existing zone



Proposed zone



Comment and response

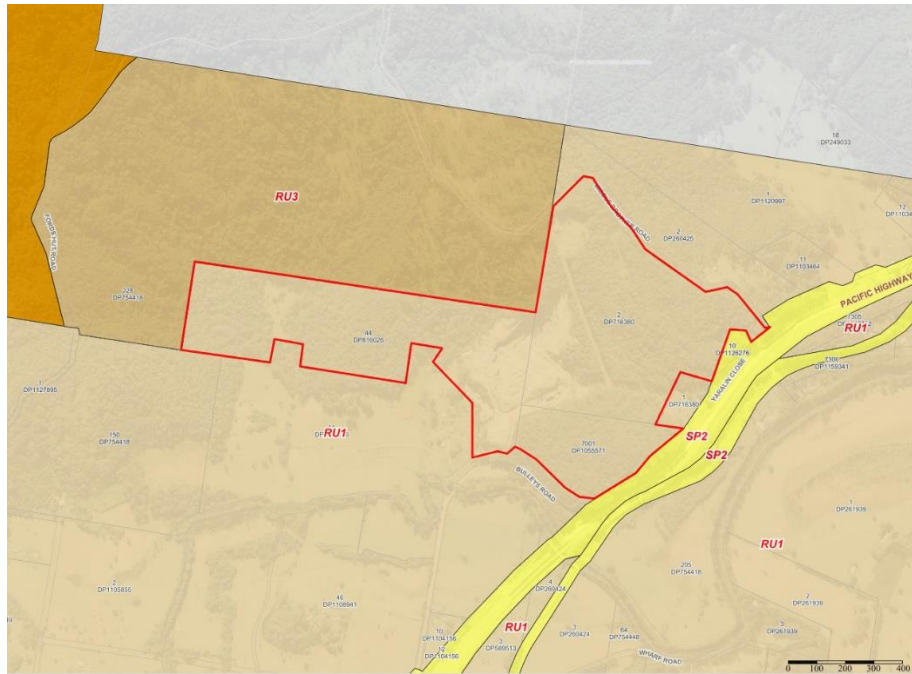
The site and surrounding land will be retained in rural zone. The site and land to the north, south and east will be included in the RU1 Primary Production zone, which will have a reduced minimum lot size from 100ha to 60ha. Some adjoining land has the potential for further subdivision. Land to the west will be included in the RU2 Rural Landscape zone with a minimum lot size of 100ha. Any development application for subdivision in proximity to the quarry will need to consider potential impacts

Recommendation: no change

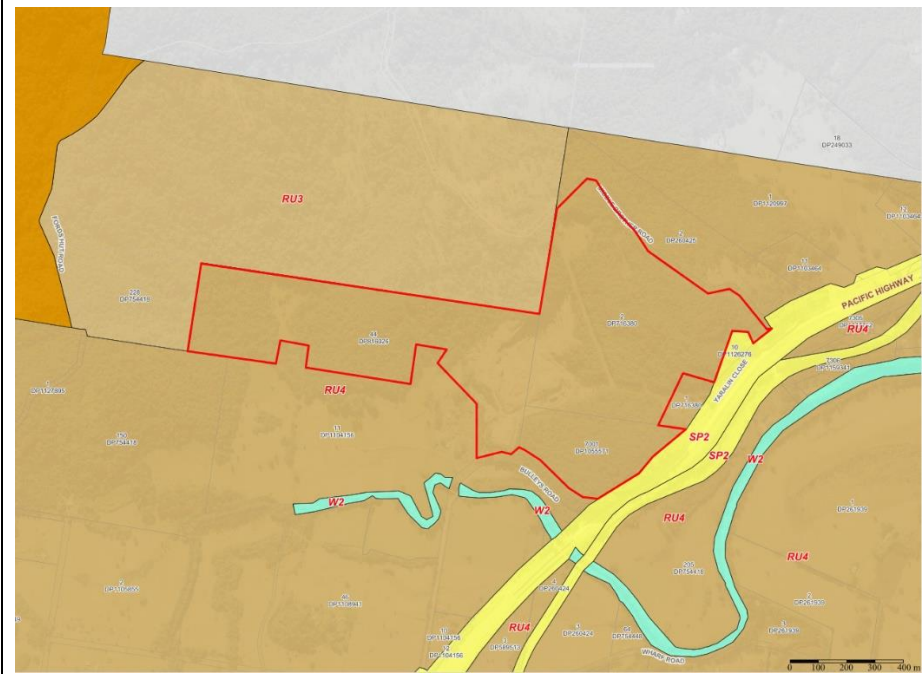
REVIEW OF POEO PUBLIC REGISTER – Private lands

BULLEY'S ROAD, JOHNS RIVER

Existing zone



Proposed zone



Comment and response

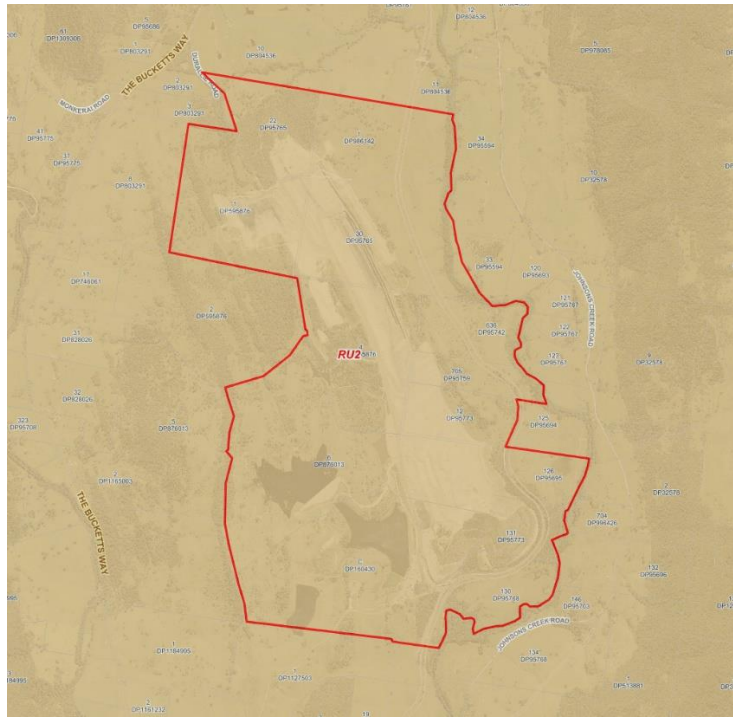
The site and surrounding land will be retained in a rural zone, being the RU4 Primary Production Small Lots zone. The proposed zones in the draft MidCoast LEP will not intensify land uses on surrounding lands. Any development application for establishing land uses in proximity to the quarry will need to consider potential impacts

Recommendation: no change

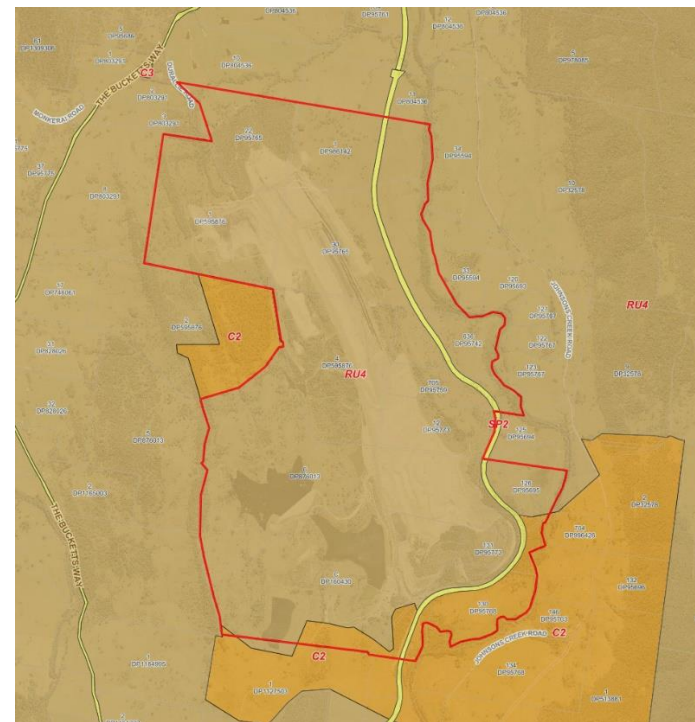
REVIEW OF POEO PUBLIC REGISTER – Private lands

DURALIE COAL MINE SITE, STROUD ROAD

Existing zone



Proposed zone



Comment and response

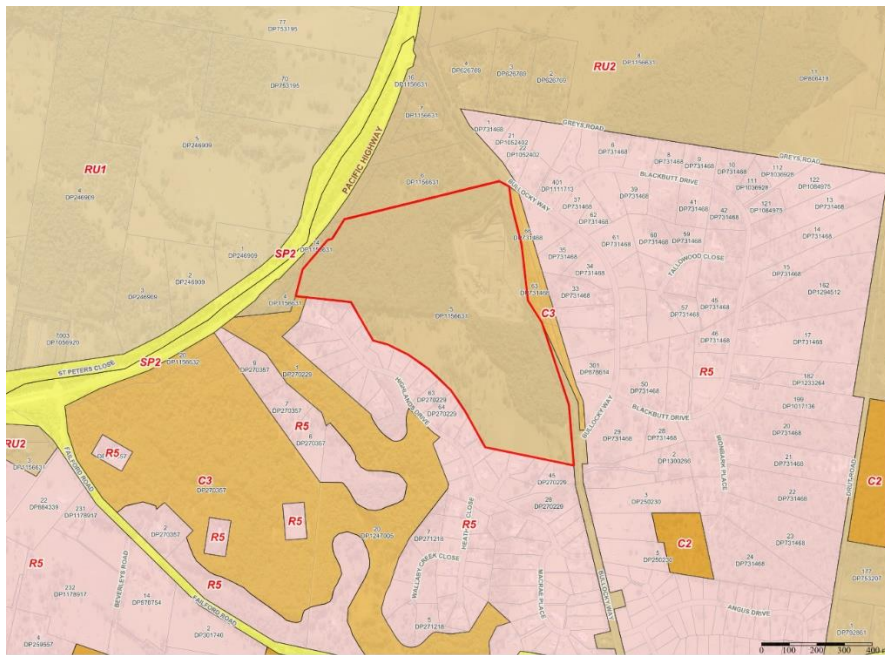
The site and surrounding land will be retained in a rural zone, being the RU4 Primary Production Small Lots zone. Some surrounding land is proposed to be included in the C2 Environmental Conservation zone to reflect the environmental values of the land. The road and rail corridors are proposed to be included in the SP2 Infrastructure zone. The proposed zones in the draft MidCoast LEP will not intensify land uses on surrounding lands. Any development application for establishing land uses in proximity to the Duralie Coal Mine will need to consider potential impacts

Recommendation: no change

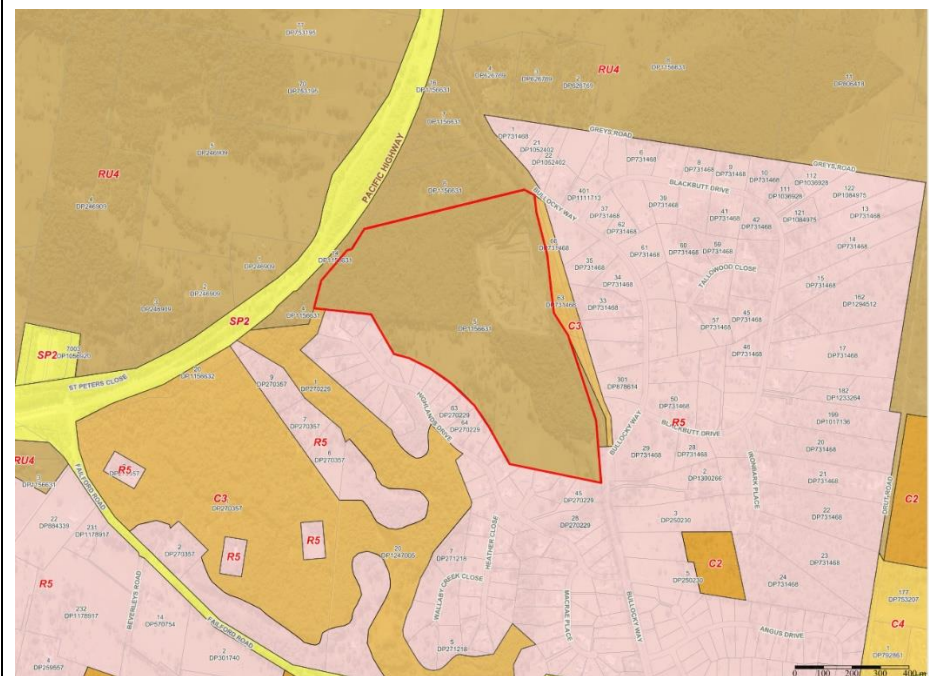
REVIEW OF POEO PUBLIC REGISTER – Private lands

107 BULLOCKY WAY, FAILFORD, NSW 2430

Existing zone



Proposed zone



Comment and response

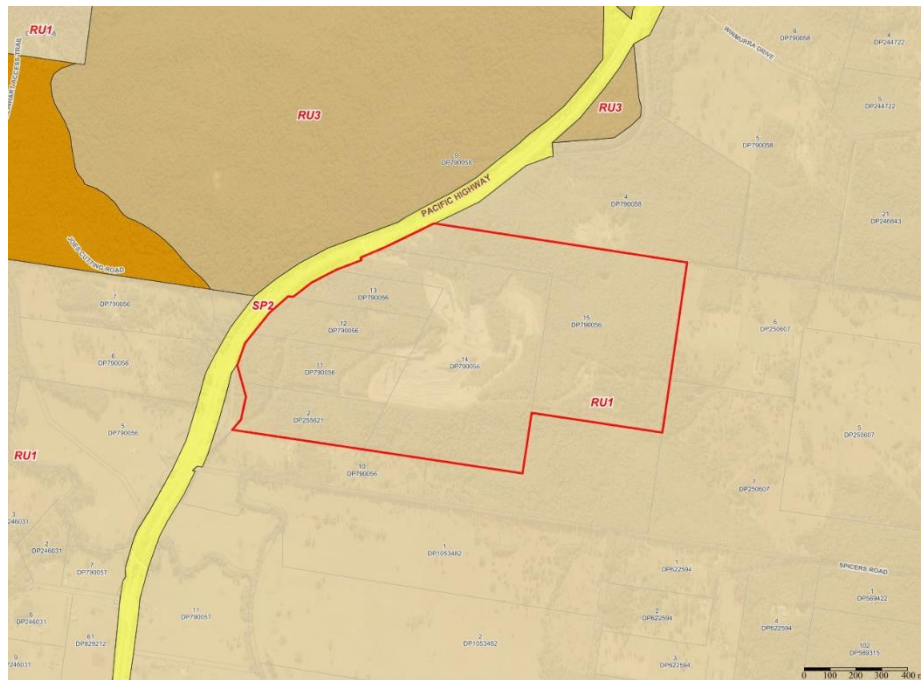
The site and surrounding land will be retained in a rural zone, being the RU4 Primary Production Small Lots zone. No changes are proposed to the surrounding zones and the proposed zones in the draft MidCoast LEP will not intensify land uses on surrounding lands. Any development application for establishing land uses in proximity to the quarry will need to consider potential impacts

Recommendation: no change

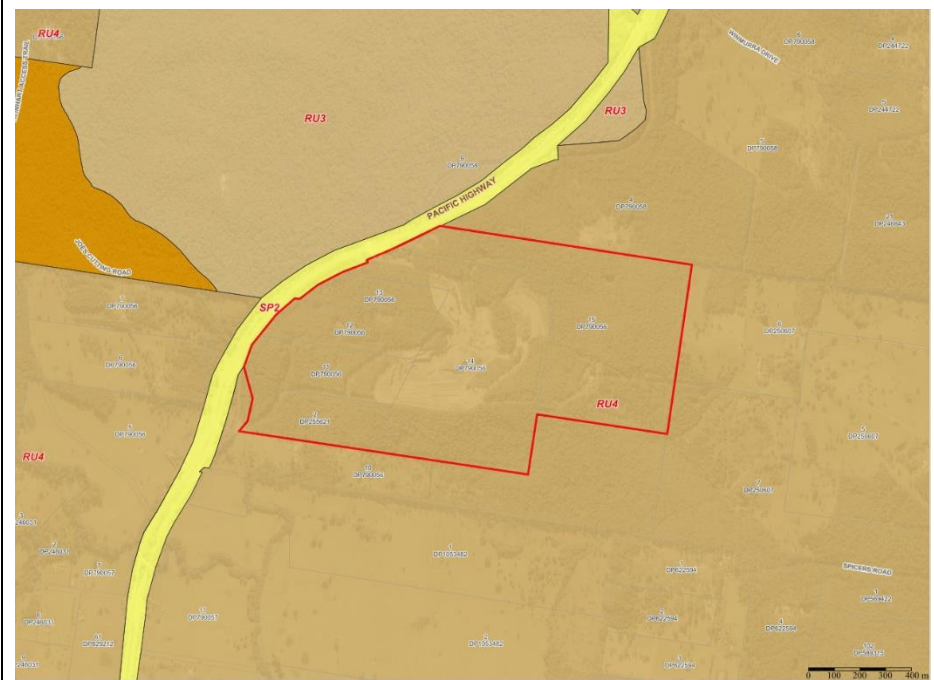
REVIEW OF POEO PUBLIC REGISTER – Private lands

15312 PACIFIC HIGHWAY, POSSUM BRUSH

Existing zone



Proposed zone



Comment and response

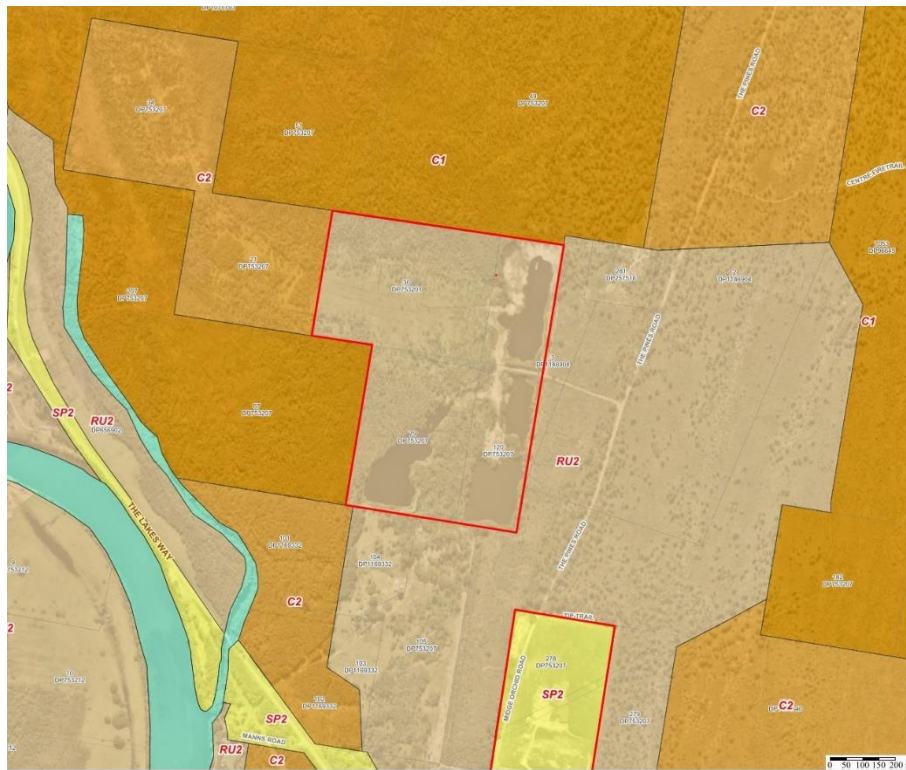
The site and surrounding land will be retained in a rural zone, being the RU4 Primary Production Small Lots zone. The proposed zones in the draft MidCoast LEP will not intensify land uses on surrounding lands. Any development application for establishing land uses in proximity to the quarry will need to consider potential impacts

Recommendation: no change

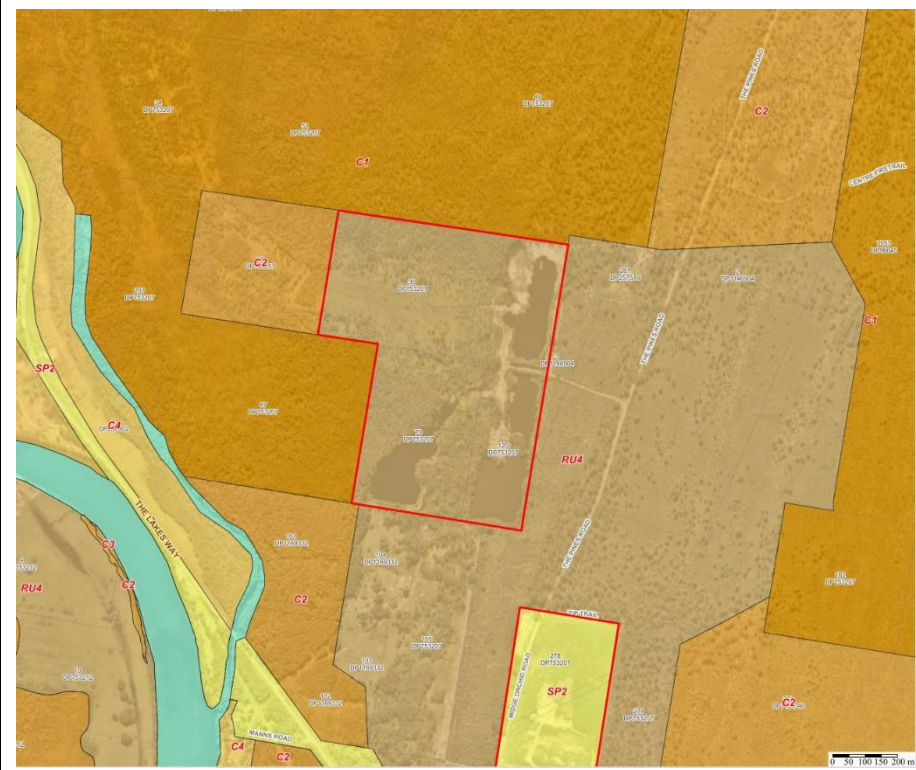
REVIEW OF POEO PUBLIC REGISTER – Private lands

THE PINES ROAD, DARAWANK

Existing zone



Proposed zone



Comment and response

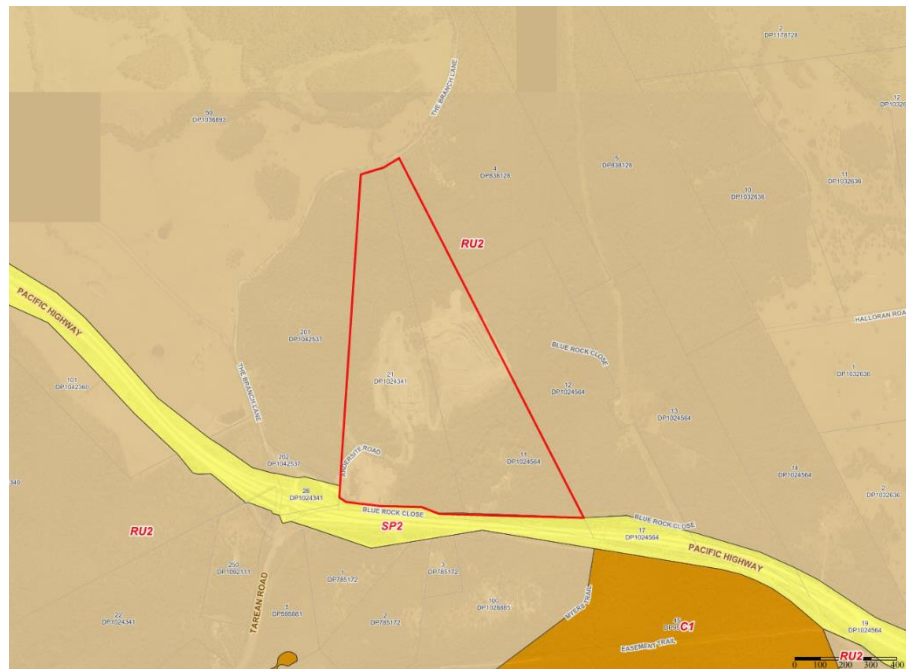
The site and surrounding land will be retained in a rural zone, being the RU4 Primary Production Small Lots zone. The proposed zones in the draft MidCoast LEP will not intensify land uses on surrounding lands. Any development application for establishing land uses in proximity to the sand extraction will need to consider potential impacts

Recommendation: no change

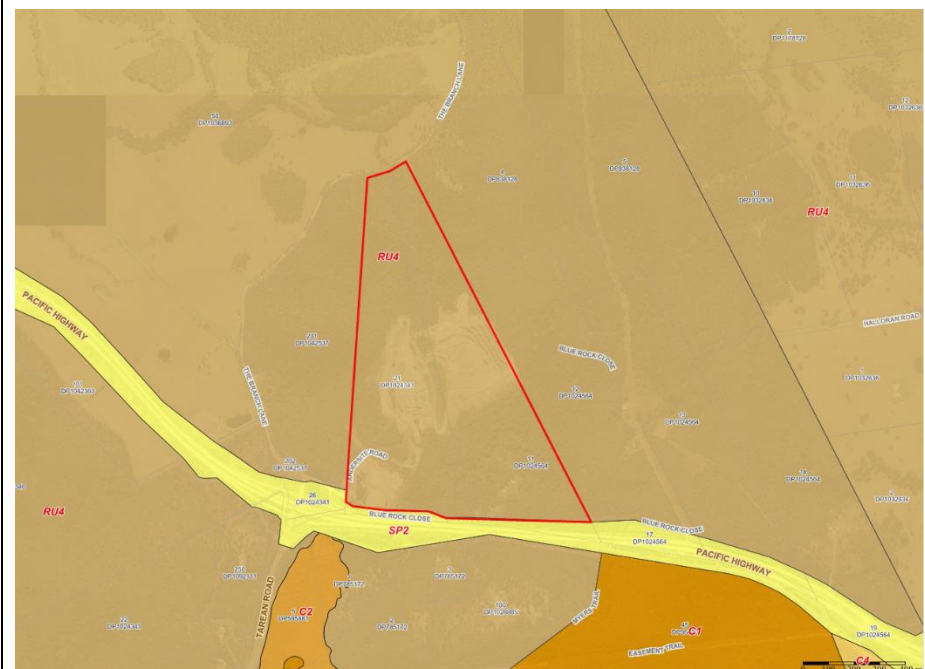
REVIEW OF POEO PUBLIC REGISTER – Private lands

CORNER OF ANDERSITE ROAD AND THE BRANCH LANE, KARUAH

Existing zone



Proposed zone



Comment and response

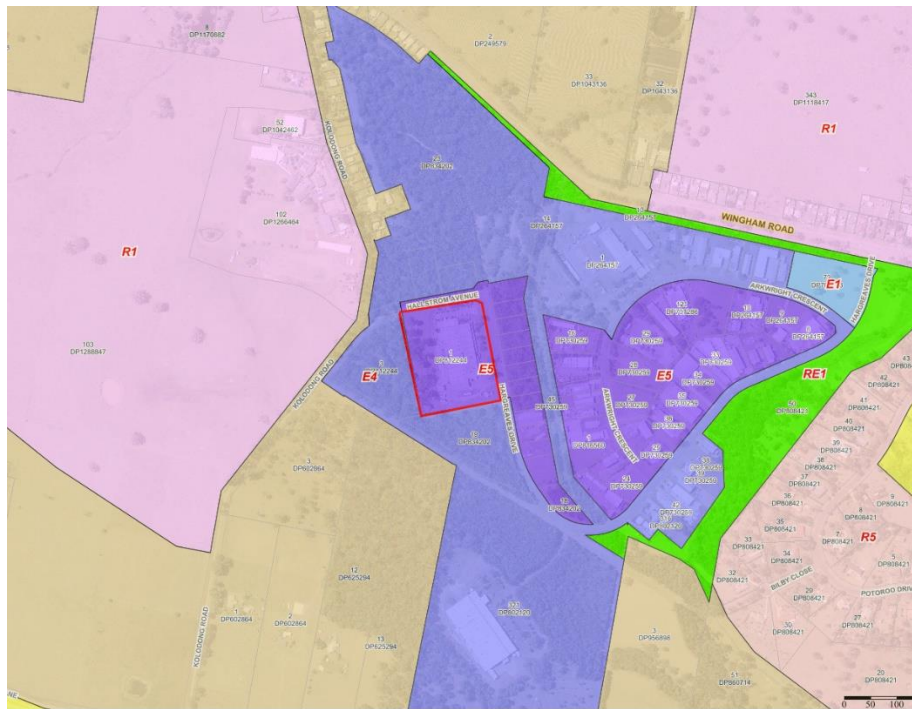
The site and surrounding land will be retained in a rural zone, being the RU4 Primary Production Small Lots zone. Some land to the south of the Pacific Highway is proposed to be included in the C2 Environmental Conservation zone to reflect the environmental values of the site. The proposed zones in the draft MidCoast LEP will not intensify land uses on surrounding lands. Any development application for establishing land uses in proximity to the quarry will need to consider potential impacts

Recommendation: no change

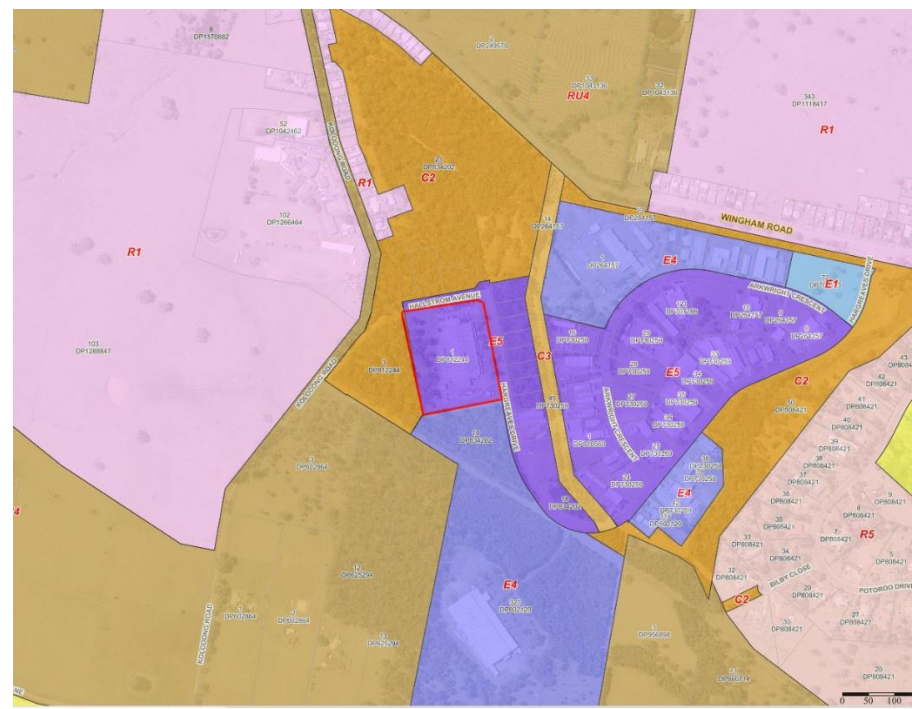
REVIEW OF POEO PUBLIC REGISTER – Private lands

2 HALLSTROM AVENUE, KOLODONG

Existing zone



Proposed zone



Comment and response

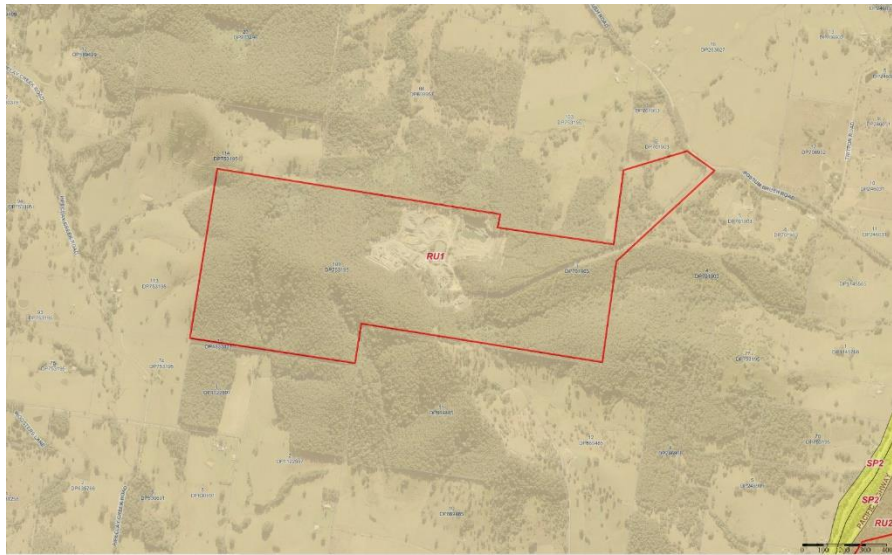
The site will be retained in the E5 Heavy Industrial zone. Surrounding land (north and west) is to be included in the C2 Environmental Conservation zone to reflect the environmental values of the site. The R1 General Residential zone has been applied to existing houses fronting Kolodong Road and Wingham Road to reflect the existing use of the land. Surrounding rural lands will be included in the RU4 Primary Production Small Lots zone. Any development application for establishing land uses in proximity to the existing industry will need to consider potential impacts

Recommendation: no change

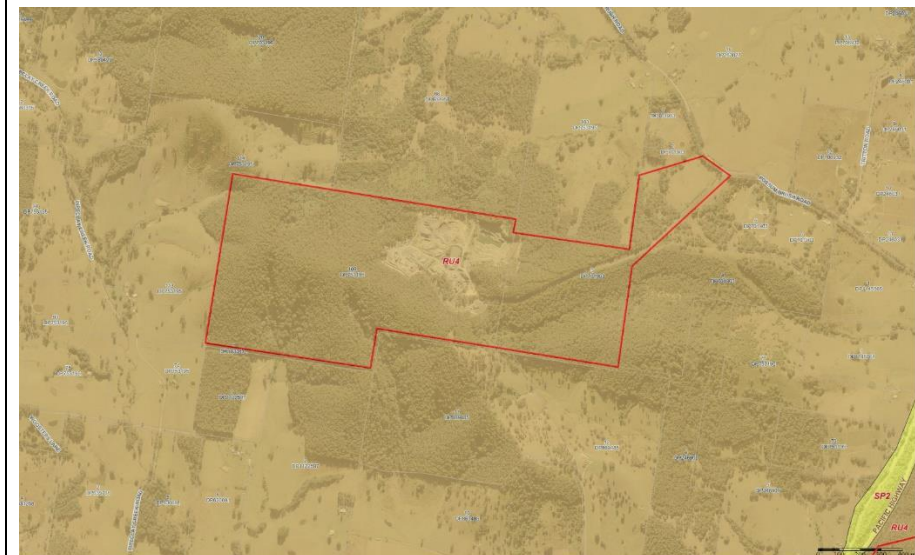
REVIEW OF POEO PUBLIC REGISTER – Private lands

113-115 POSSUM BRUSH ROAD, POSSUM BRUSH

Existing zone



Proposed zone



Comment and response

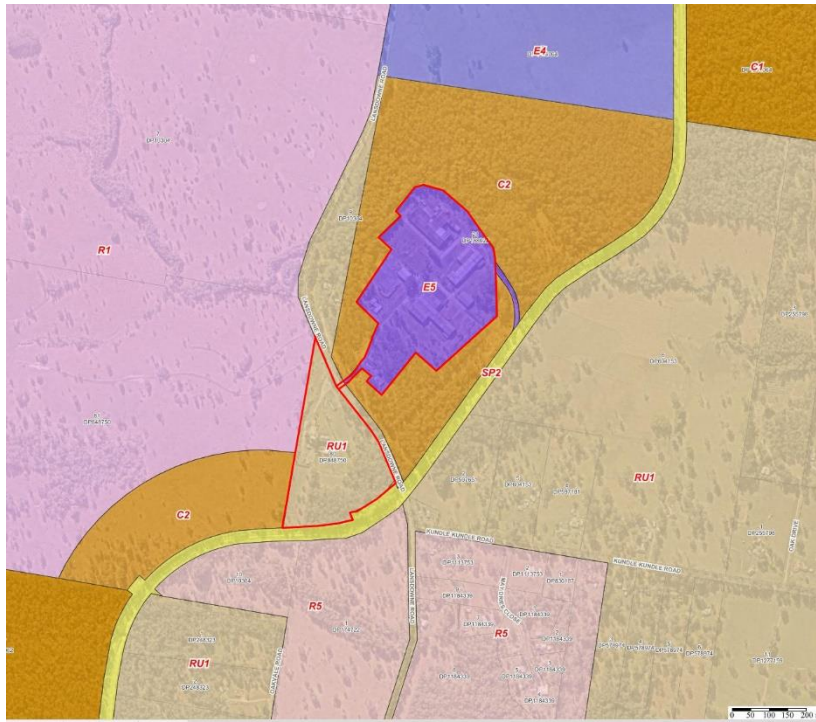
The site and surrounding land will be retained in a rural zone, being the RU4 Primary Production Small Lots zone. The proposed zones in the draft MidCoast LEP will not intensify land uses on surrounding lands. Any development application for establishing land uses in proximity to the quarry will need to consider potential impacts

Recommendation: no change

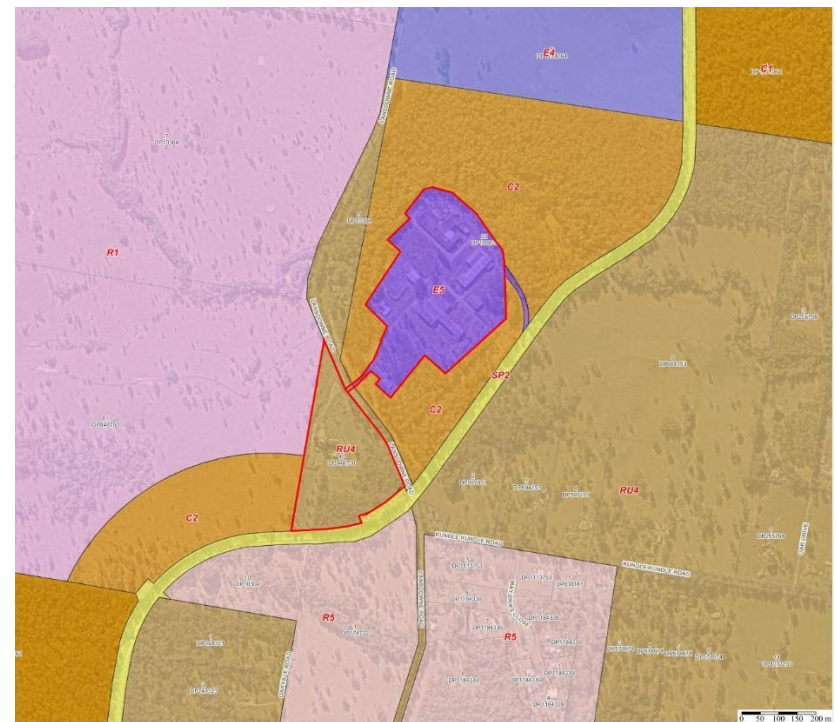
REVIEW OF POEO PUBLIC REGISTER – Private lands

591 AND 586 LANSDOWNE ROAD, KUNDLE KUNDLE

Existing zone



Proposed zone



Comment and response

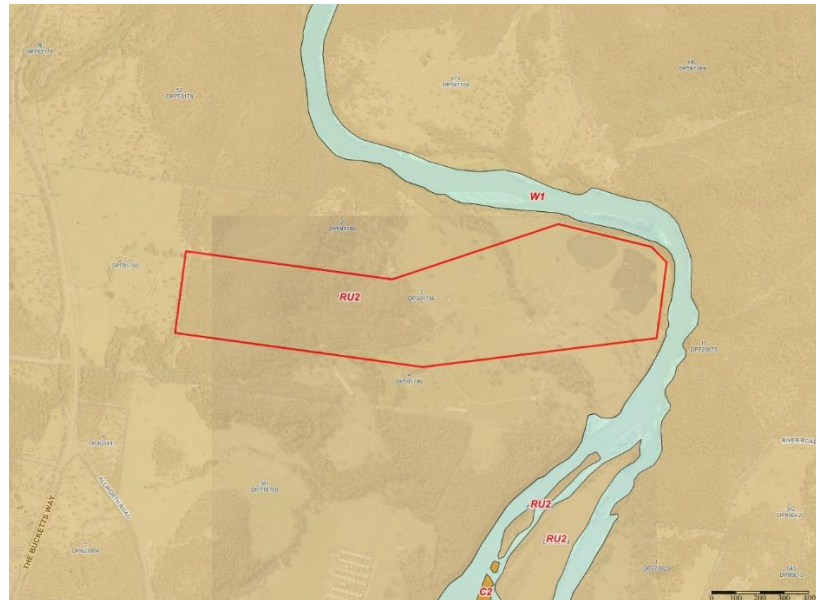
The southern site will be retained in a rural zone, being the RU4 Primary Production Small Lots zone. The northern site will be retained in the E5 Heavy Industrial zone. The proposed zones in the draft MidCoast LEP will not intensify land uses on surrounding lands. Any development application for establishing land uses in proximity to these industries will need to consider potential impacts

Recommendation: no change

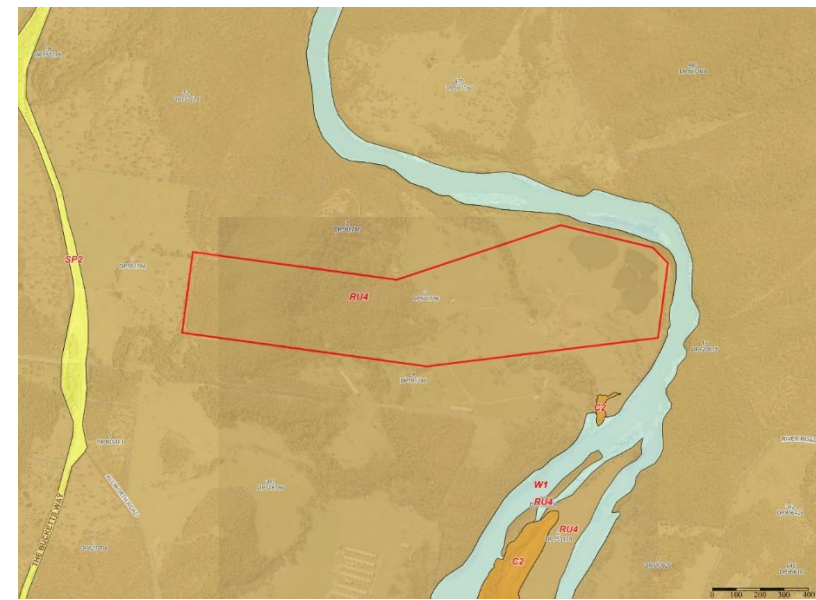
REVIEW OF POEO PUBLIC REGISTER – Private lands

1642 BUCKETTS WAY, BOORAL

Existing zone



Proposed zone



Comment and response

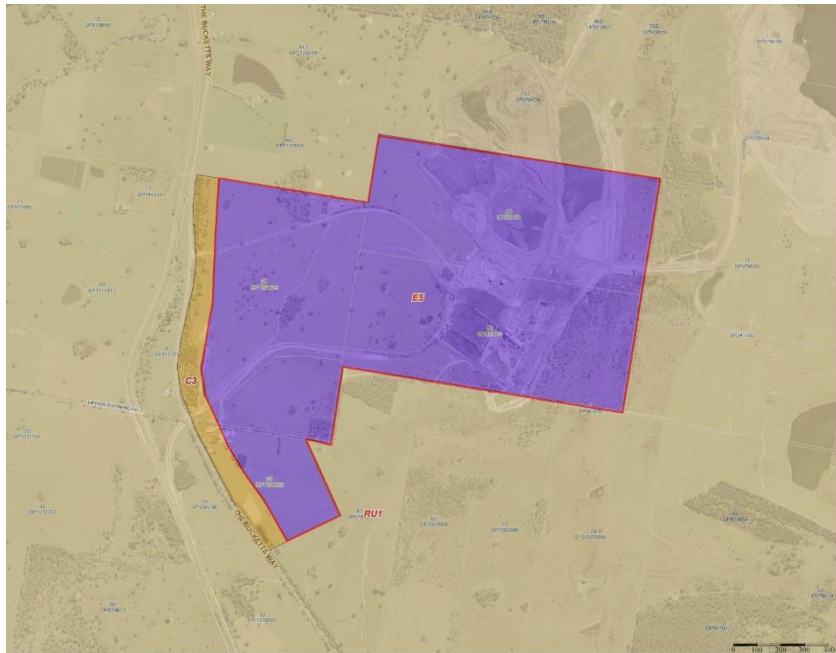
The site and surrounding land will be retained in a rural zone, being the RU4 Primary Production Small Lots zone. The proposed zones in the draft MidCoast LEP will not intensify land uses on surrounding lands. Any development application for establishing land uses in proximity to the quarry will need to consider potential impacts

Recommendation: no change

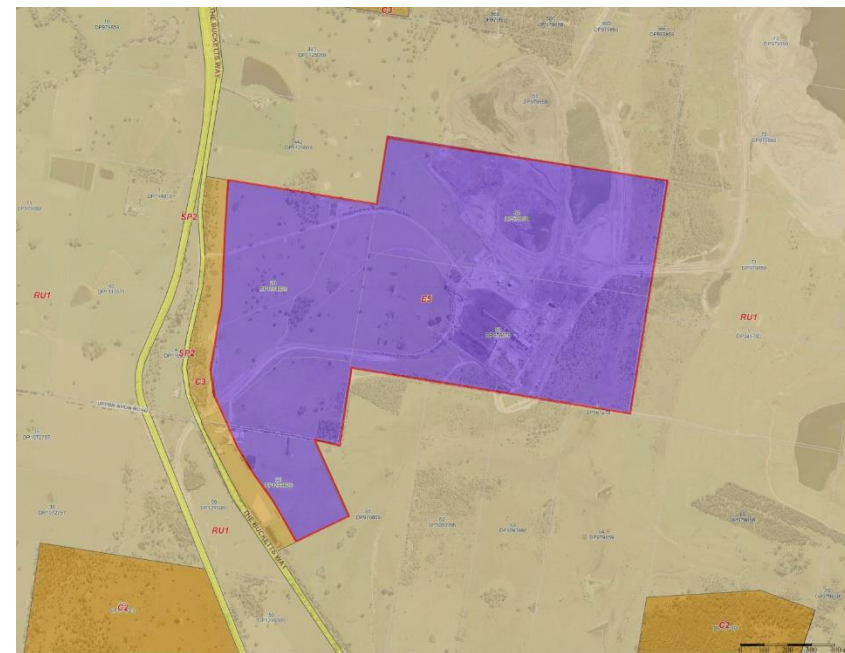
REVIEW OF POEO PUBLIC REGISTER – Private lands

BUCKETTS WAY, STRATFORD

Existing zone



Proposed zone



Comment and response

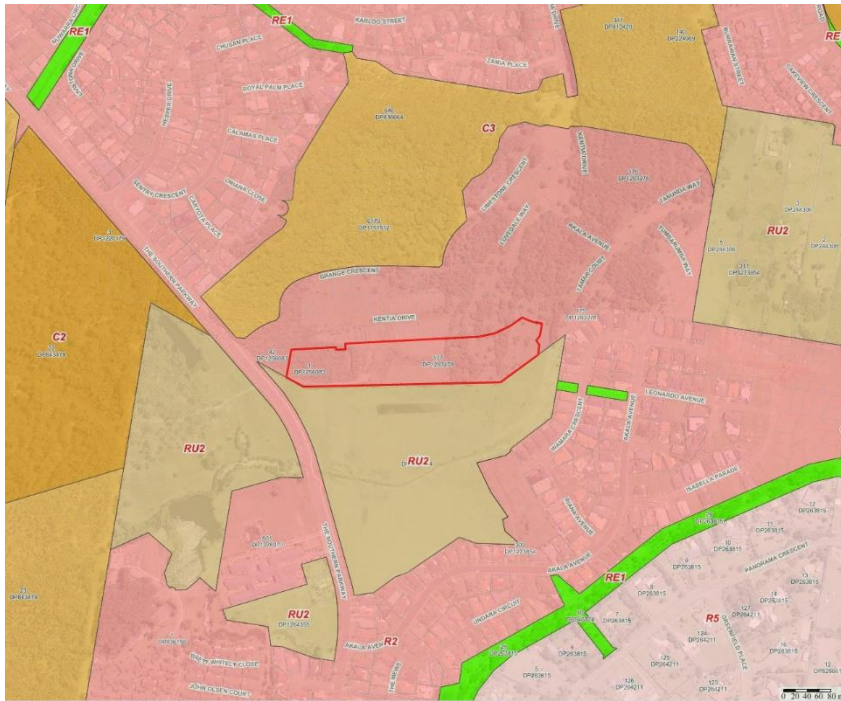
The site will be retained in the E5 Heavy Industrial zone. Surrounding land will be retained in the RU1 Primary Production zone with the minimum lot size reduced from 100ha to 60ha. Surrounding lots are in the same ownership and have no potential for further subdivision. Some land further to the south is proposed to be included in the C2 Environmental Conservation zone to reflect the environmental values of the land. Any development application for establishing land uses in proximity to the Stratford Coal Mine will need to consider potential impacts

Recommendation: no change

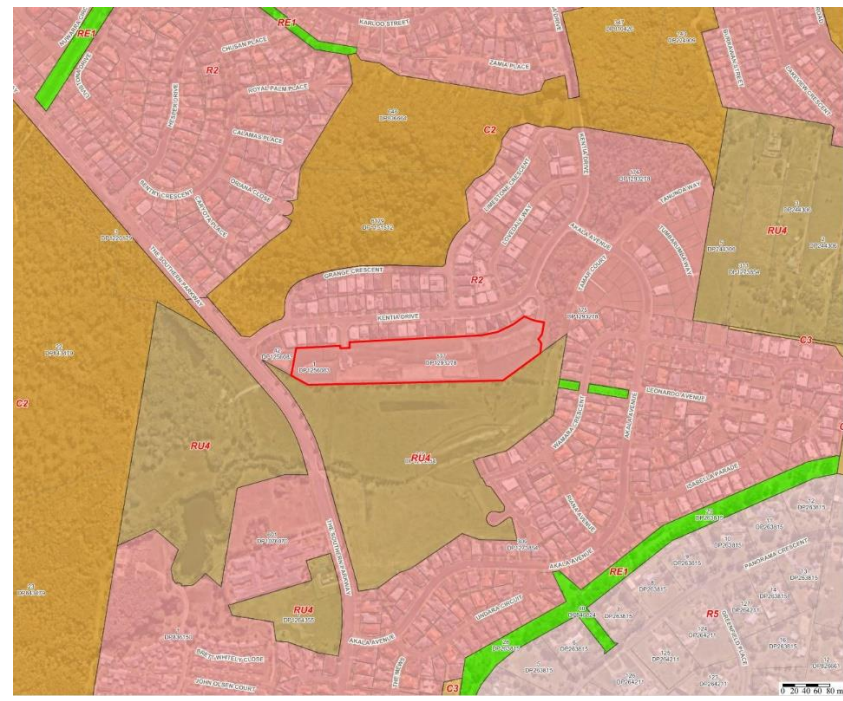
REVIEW OF POEO PUBLIC REGISTER – Private lands

KENTIA DRIVE, FORSTER

Existing zone



Proposed zone



Comment and response

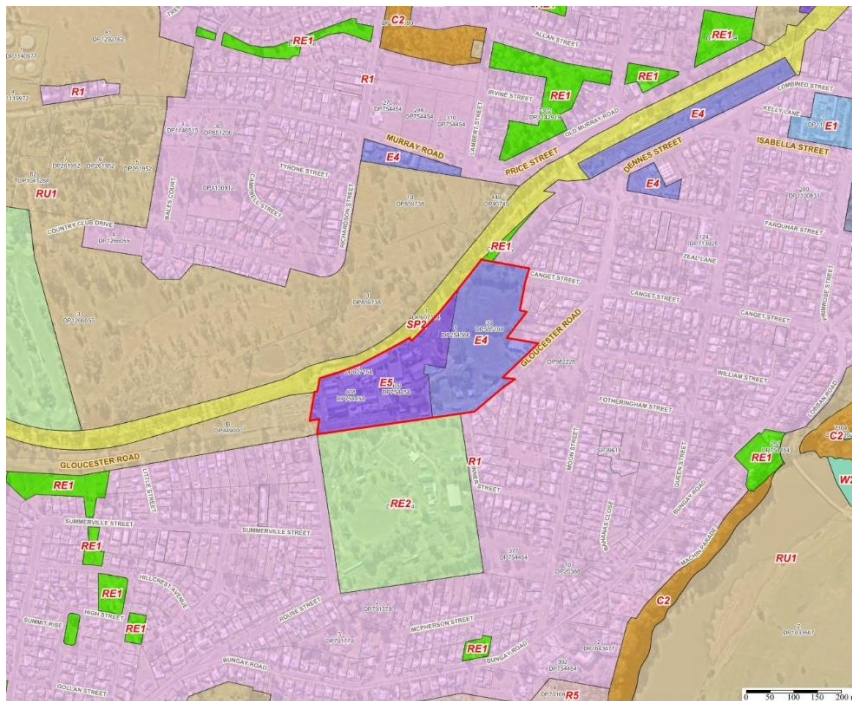
The site will be retained in the R2 Low Density Residential zone. Rural lands are proposed to be included in the RU4 Primary Production Small Lots zone and conservation land to the north included in the C2 Environmental Conservation zone. The proposed zones in the draft MidCoast LEP will not intensify land uses on surrounding lands. Any development application for establishing land uses in proximity to the site will need to consider potential impacts

Recommendation: no change

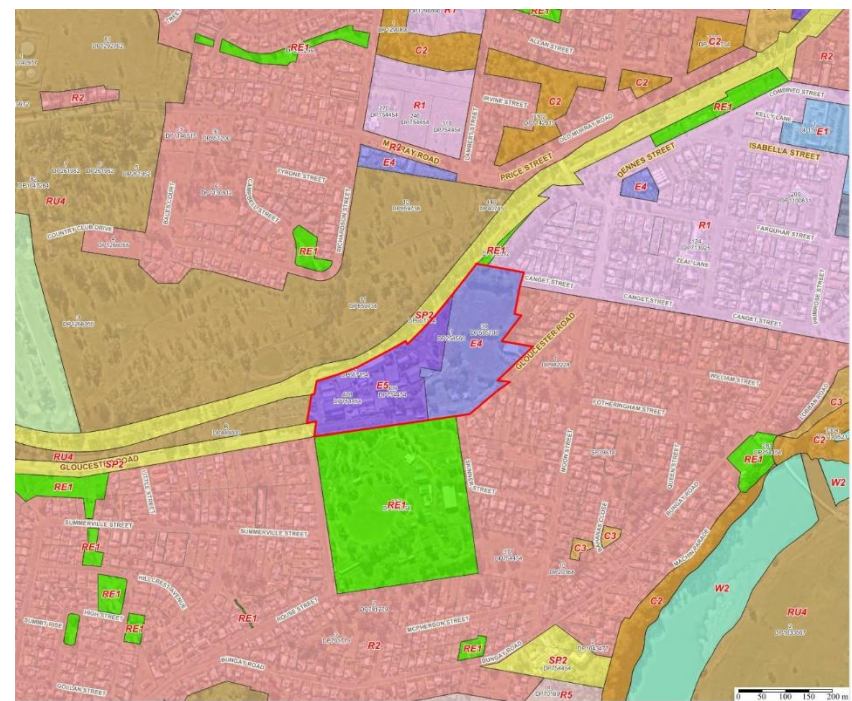
REVIEW OF POEO PUBLIC REGISTER – Private lands

1295 GLOUCESTER ROAD, WINGHAM

Existing zone



Proposed zone



Comment and response

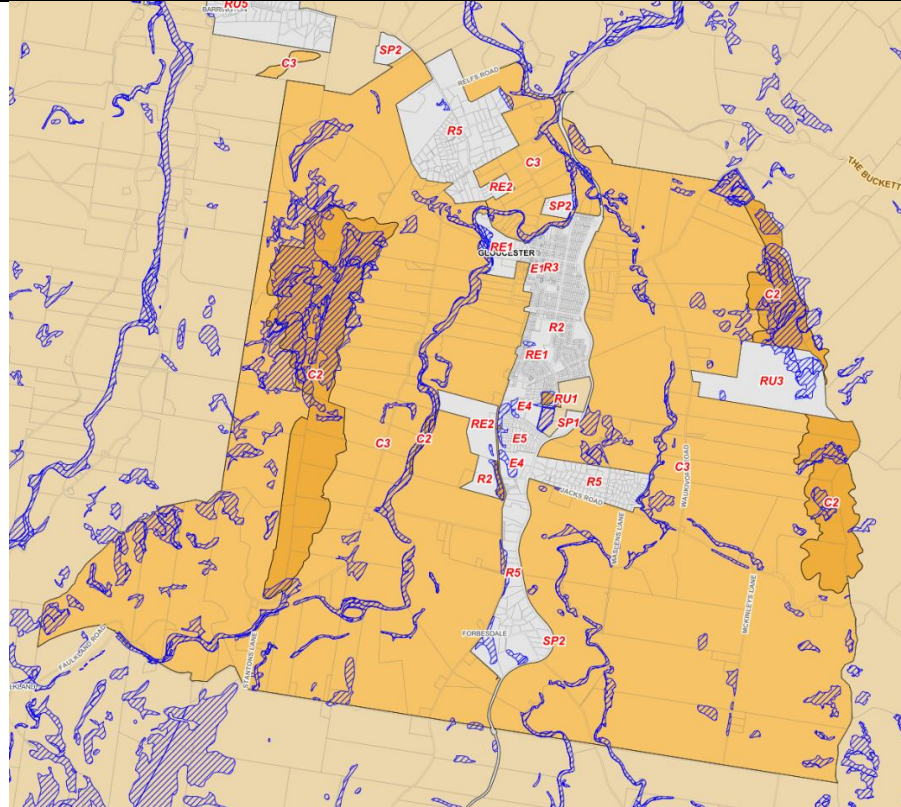
The site is to be retained in the E3 Productivity Support and E4 General Industrial zones. Wingham currently has only the R1 General Residential zone (light pink). It is proposed to include the R2 Low Density Residential zone (dark pink) in Wingham which allows less residential uses than the existing R1 General Residential zone. Rural land to the north is proposed to be included in the RU4 Primary Production Small Lots zone. The proposed zones in the draft MidCoast LEP will not intensify land uses on surrounding lands. Any development application for establishing land uses in proximity to the Wingham Abattoir will need to consider potential impacts

Recommendation: no change

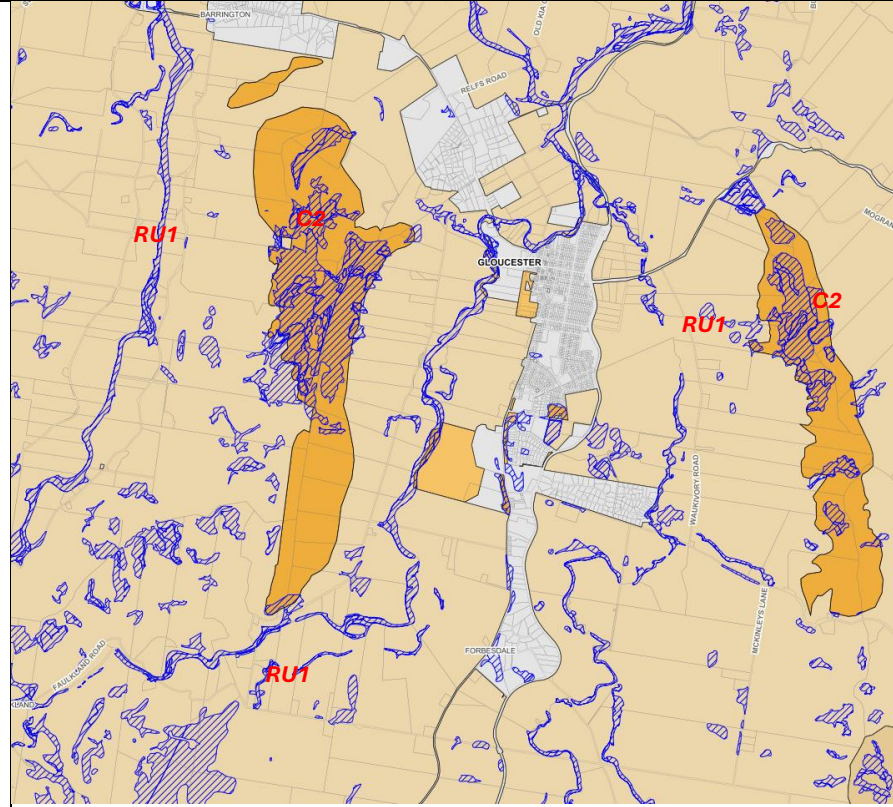
Attachment 6 – DCCEW – Gloucester Basin Comments

RURAL LANDS IN THE GLOUCESTER BASIN

Existing zones with HEV mapping (blue hatching)



Proposed zones with HEV mapping (blue hatching)



DCCEW issue

That a sensitive lands layer be used to protect any remnant areas of High Environmental Value (HEV) in the Gloucester Basin

RURAL LANDS IN THE GLOUCESTER BASIN

Comment and response

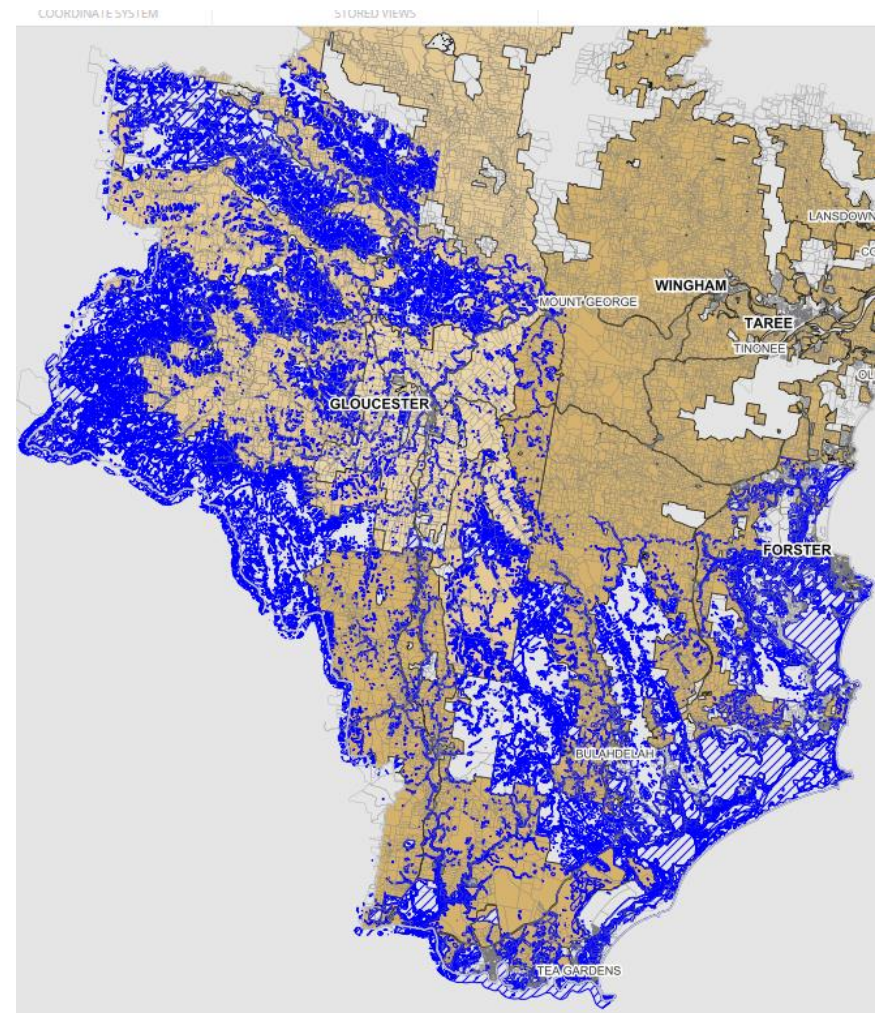
The draft MidCoast LEP aims to provide a consistent application of zones across the MidCoast. The Gloucester Local Environmental Plan 2010 utilised the C3 Environmental Management zone around the Gloucester township to protect the landscape view of the Bucketts (west) and Mograni (east) ranges. However, the dominant use of land between the ranges and the Gloucester township is rural activities, with extensive agriculture being a permitted without consent use in the C3 Environmental Management zone. Both ranges were included in a C2 Environmental Conservation zone.

Given the predominant rural use of the land, the draft MidCoast LEP proposes to include this land in the RU1 Primary Production zone to provide a consistent application of zones. In addition, the extent of C2 Environmental Conservation zone applied to the Bucketts and Mograni ranges was increased to provide a higher level of protection over steep and well vegetated lands.

It is acknowledged that HEV mapping identifies fragmented parcels outside of the proposed C2 Environmental Conservation zone. It is noted that the HEV mapping:

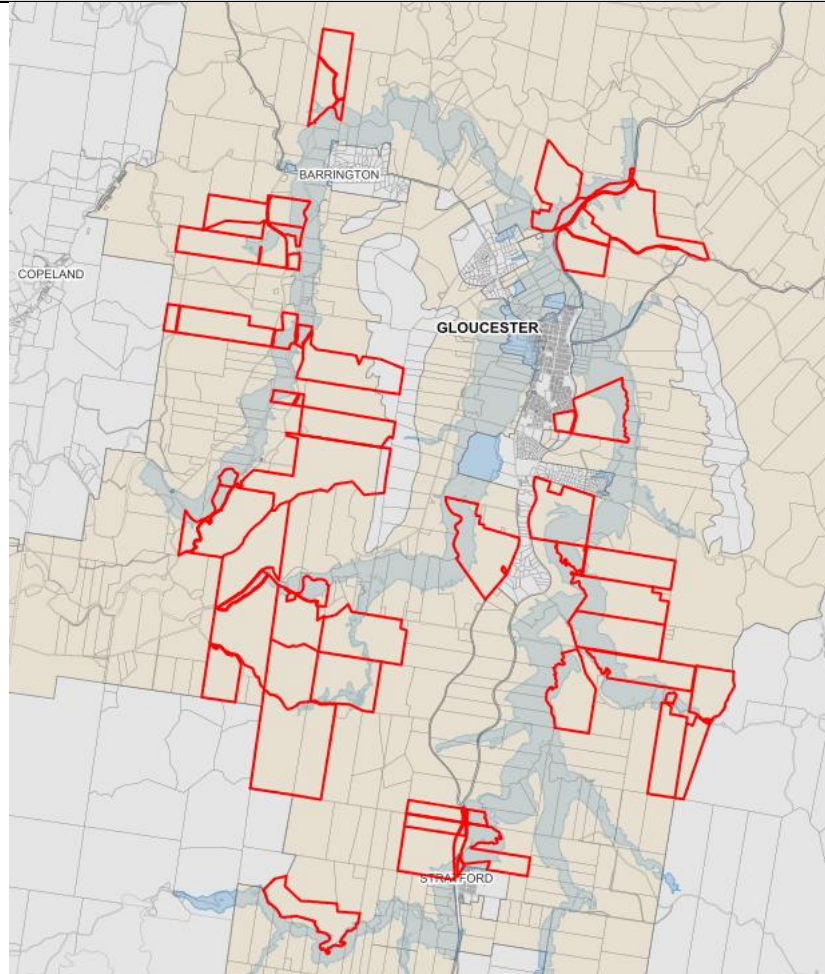
- applies to waterways - Clause 7.6 - Riparian land and watercourses in the draft MidCoast LEP aims to ensure that the appropriate setbacks and considerations are given to any development near waterways identified in the Strahler stream classification system
- applies extensively to land currently in rural zones (as shown to the right with HEV areas in blue and rural zone in brown shades). It is not appropriate to apply a higher level of planning controls over this rural land in Gloucester when it is not applied consistently across the MidCoast
- was undertaken in 2016 and does not cover the whole of the MidCoast. While the mapping can be considered for assessing development applications, it is inappropriate to target a specific area and require stricter controls than other rural areas across the MidCoast. Council will continue to improve its mapping of significant vegetation and corridors, and incorporate this in the future into the LEP when the information becomes available

Recommendation: no change



RURAL LANDS IN THE GLOUCESTER BASIN

Proposed zone, flood constraints and potential subdivision



Comment and response

The draft MidCoast LEP brings together the three existing LEPs into one LEP, with a key aim being to provide consistency across the MidCoast, which covers over 10,000km². To achieve this aim there has had to be a consolidation process based on evidence, which is the case for the Gloucester Basin.

The 100ha minimum lot size applied to the Gloucester Basin was historically applied in 1975 to protect its then significant dairy industry. The Planning Proposal - Appendix 16 – Rural Strategy – Supplementary Report outlines this history, examines how this minimum lot size is larger than that applied to most rural areas in the NSW north coast and that the most viable rural lands typically occur on land with a minimum lot size of 40ha. The 60ha minimum lot size was applied to provide a transition between the 100ha minimum lot size applied to the west and 40ha to the east. This outcome has the potential to improve the viability of rural lands in the Gloucester Basin and does not remove the application of Ministerial Direction 9.1 (Rural Zones) when considering a subdivision application.

The map (left) shows the land to be included in the RU1 Primary Production zone (yellow), the flood development control areas (blue) and lots with a potential to be subdivided (red outline). This demonstrates that many of the lots subject to flooding have no further subdivision potential, and for the majority with subdivision potential, there is sufficient land not subject to flooding to enable additional houses to be permitted. It should be noted that smaller lots along the creek often form part of an adjoining larger lot. As a result of this analysis, no site is fully constrained by flooding. It would be unreasonable to restrict these sites from achieving a subdivision outcome due a partial flooding constraint that could be addressed through a development application.

It is important to note that if the landowner proposes to subdivide in the future, the subdivision application would need to consider Ministerial Direction 9.1 (Rural Zones) in their assessment.

Recommendation: no change

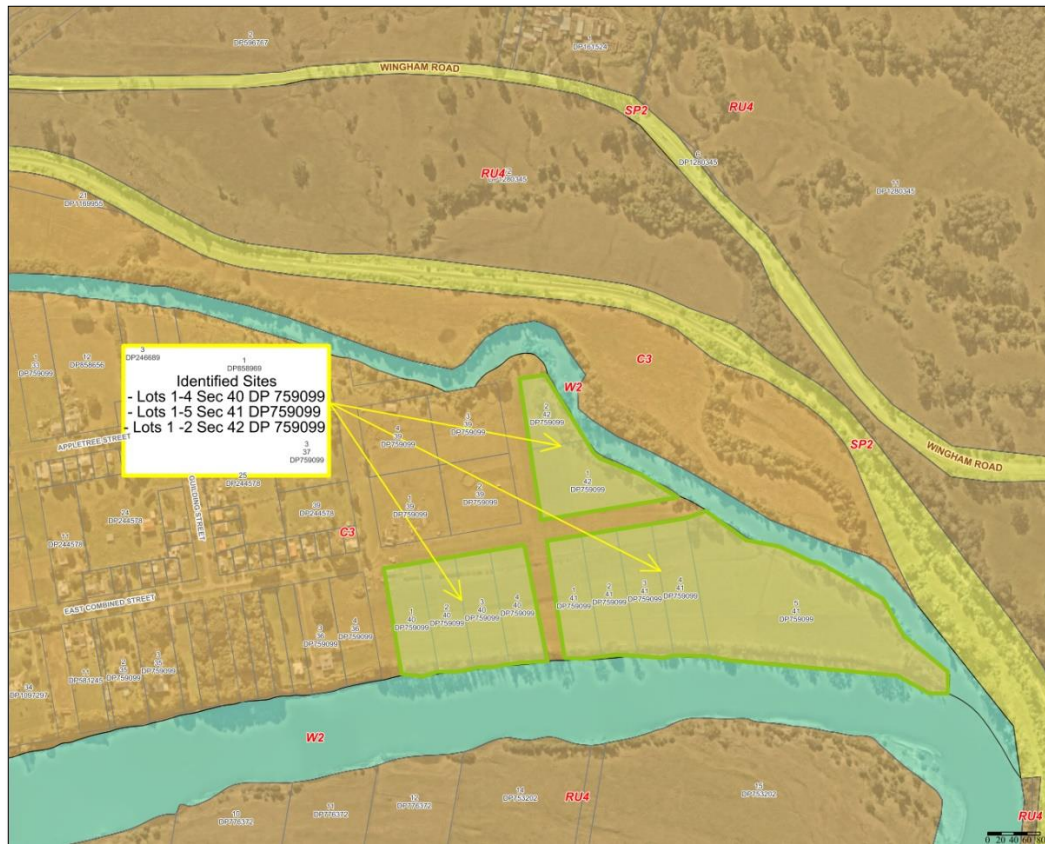
Attachment 7 – NSW Department of Education – Zone Changes

NSW DEPARTMENT OF EDUCATION – ZONE CHANGES

Wingham Peninsula

Proposed zone

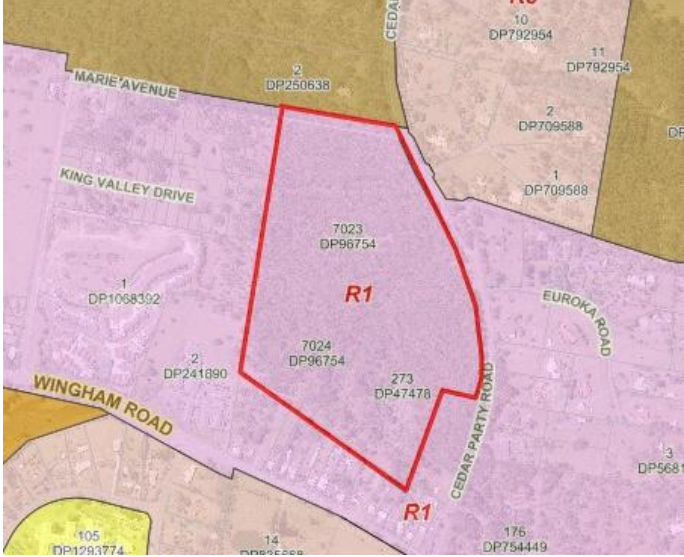
Comment and response



The zone principle applied to NSW Department of Education’s school agricultural plots was for these areas to be included in the relevant rural zone. Through the mapping review, Council identified that this principle had not been applied to Wingham High School agricultural plots adjoining the Manning River and Cedar Party Creek, which were proposed to be included in the C3 Environmental Management zone. Council brought this to the attention of the NSW Department of Education, and it was agreed to include Lots 1-4 Sec 40 DP 759099, Lots 1-5 Sec 41 DP759099 and Lots 1 -2 Sec 42 DP 759099 in the RU4 Primary Production Small Lots zone

Recommendation: amend the draft MidCoast LEP to include Lots 1-4 Sec 40 DP 759099, Lots 1-5 Sec 41 DP759099 and Lots 1 -2 Sec 42 DP 759099 in the RU4 Primary Production Small Lots zone and amend the development standard maps accordingly

Attachment 8 – NSW Crown Lands – Zone Changes

NSW CROWN LANDS – ZONE CHANGES	
Cedar Party Road, Taree (Lot 7023-7024 DP96754 and Lot 273 DP47478 – Reserve 71324, 46423 and 38)	
Proposed zone	Comment and response
	<p>Crown Lands advise that these sites have high conservation value due to complete example of Eucalyptus Glaucina forest, which has been mostly cleared around Taree. This land contains the Federally Vulnerable Cynanchum elegans and endangered Eucalyptus Glauncina (information provided by botanist Andrew Pagett).</p> <p>Currently these lots are included in the R1 General Residential zone in the Greater Taree Local Environmental Plan 2010. Crown Lands requests the zoning of the lots be changed to C2 Environmental Conservation given the high conservation value.</p> <p>Crown Lands also advise that Aboriginal Land Claims 29254 and 22136 are under investigation, being Lot 7023 DP96754. As a result, this lot should not be included in the C2 Environmental Conservation zone</p> <p>Recommendation: amend the draft MidCoast LEP to include Lot 7024 DP96754 and Lot 273 DP47478 in the C2 Environmental Conservation zone and amend the development standard maps accordingly</p>

NSW CROWN LANDS – ZONE CHANGES

The Bucketts Way, Tinonee (Lot 2 DP 1075414 – Reserve 55175)

Proposed zone



Comment and response

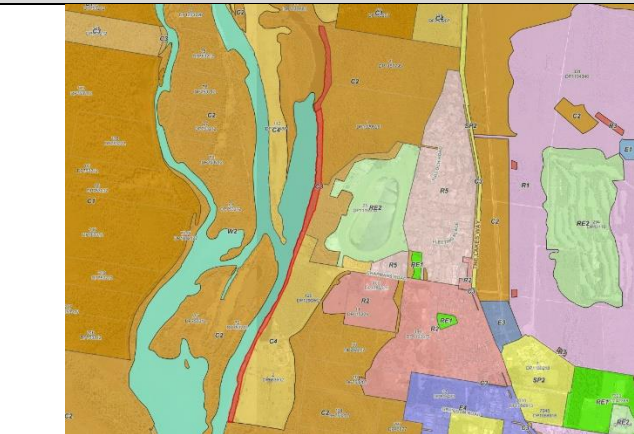
Crown Lands advise that this site has high conservation value being Swamp Oak Forest Endangered Ecological Community (EEC). The land also contains a number of significant plant species including the Federally listed *Syzygium paniculatum* and *Asperula asthenes*. Also a regionally rare *Typhonium* species (information provided by botanist Andrew Pagett). Crown Lands request that the proposed RU4 Primary Production Small Lots zone be changed to include the site in the C2 Environmental Conservation zone. Crown Lands also advise that Aboriginal Land Claims 10343 and 29309 are under investigation.

Despite this advice above, the presence of Aboriginal Land Claims over the property means that the zone change should not occur at this time

Recommendation: no change

Foreshore fronting Millers Mistake Creek (CADID 100371999 and 100371999)

Proposed zone





Comment and response

Crown Lands advise that this site has high conservation value, being classed as “remnant native vegetation” as defined by the Local Land Services Act 2013. Forest type to be analogous to the “Swamp Oak Floodplain Forest of the NSW North Coast, Sydney Basin and South-east Corner bioregions” endangered ecological community listed on the Biodiversity Conservation Act 2015 (information provided by Mat Bell, Senior Ecologist at MidCoast Council). Crown Lands request that the proposed C3 Environmental Management zone be changed to include the site in the C2 Environmental Conservation zone.

Crown Lands advise that there are no Aboriginal Land Claims over the site

Recommendation: amend the draft MidCoast LEP to include the site in the C2 Environmental Conservation zone

Attachment 9 – Local Aboriginal Land Council Comments – Zone Changes

LOCAL ABORIGINAL LAND COUNCIL – ZONE CHANGES	
Mungo Brush Road, Hawks Nest (Part of Lot 25 DP753166) – Karuah LALC	
Proposed zone	Comment and response
	<p>This site is currently in the R2 Low Density Residential zone and is proposed to be retained in this zone in the draft MidCoast LEP.</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. 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>The Karuah LALC were supportive of this change</p> <p>Recommendation: amend the draft MidCoast LEP to include part of Lot 2 DP753166 in the R1 General Residential zone and amend the development standard maps accordingly</p>
7 Amsley Street, Allworth (Lot 78 DP822630) – Karuah LALC	
Proposed zone	Comment and response
	<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>

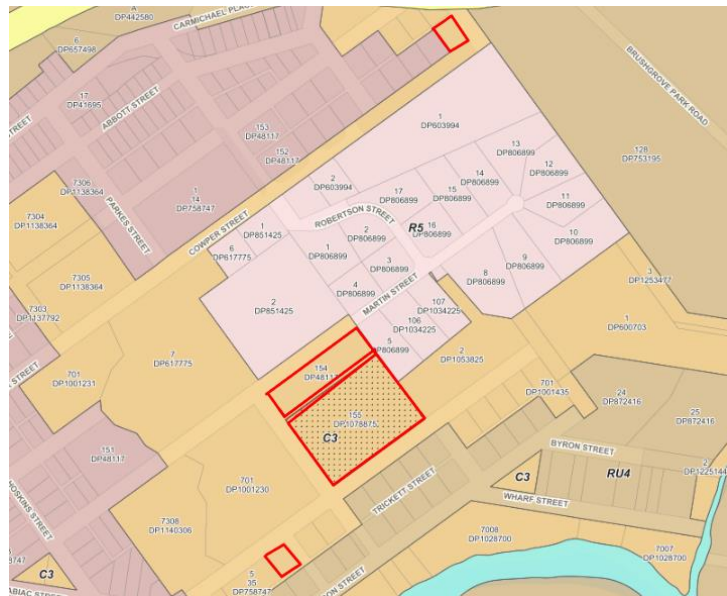
LOCAL ABORIGINAL LAND COUNCIL – ZONE CHANGES

Trickett Street, Nabic (Lot 4 Sec 35 DP758747) – Forster LALC
Trickett Street, Nabic (Lot 155 DP 1078875) – Forster LALC

38 Parkes Street, Nabic (Lot 154 DP48117) – Forster LALC
Dibbs Street, Nabic (Lot 6 Sec 16 DP 758747) – Forster LALC

Proposed zone

Comment and response



These sites are currently included in a rural zone and are proposed to be included in the C3 Environmental Management zone in the draft MidCoast LEP. This zone change was proposed given the environmental values of the land, flooding and the land was owned by the NSW Government.

During community consultation, it was identified that the sites were no longer owned by the NSW Government. The Forster LALC were consulted and opposed the zone change given it restricts the potential use of the land. 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.

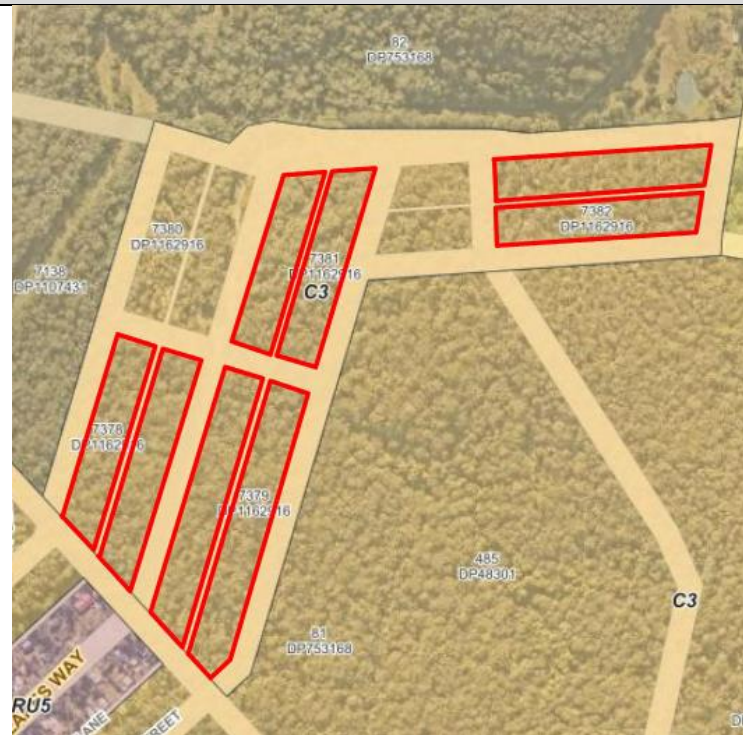
Recommendation: amend the draft MidCoast LEP mapping to retain Lot 4 Sec 35 DP758747, Lot 155 DP1078875, Lot 154 DP48117 and Lot 6 Sec 16 DP 758747 in a rural zone being the RU4 Primary Production Small Lots zone with a minimum lot size of 40ha.

LOCAL ABORIGINAL LAND COUNCIL – ZONE CHANGES

High Street, Bungwhal (Lot 7378 - 7379 DP 1162916) – Forster LALC

High Street, Bungwhal (Lot 7381 - 7382 DP 1162916) – Forster LALC

Proposed zone



Comment and response

These sites are currently in a rural zone and were proposed to be included in the C3 Environmental Management zone in the draft MidCoast LEP to reflect the environmental values of the sites and ownership by the NSW Government.

During community consultation, it was identified that the sites were no longer owned by the NSW Government. The Forster LALC were consulted and opposed the zone change given it restricts the potential use of the land. 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.

Recommendation: amend the draft MidCoast LEP to include Lot 7378 DP1162916, Lot 7379 DP1162916, Lot 7381 DP1162916 and Lot 7382 DP1162916 in the RU4 Primary Production Small Lots Zone and amend the development standards map accordingly.

LOCAL ABORIGINAL LAND COUNCIL – ZONE CHANGES

Tuloa Avenue, HAWKS NEST (Lot 154 DP823151) – Worimi LALC

Tuloa Avenue, Hawks Nest (Lot 140 DP45638) – Worimi LALC

Proposed zone	Comment and response
	<p>These sites at Tuloa Drive (Lot 154 DP823152 and Lot 140 DP45638) are 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. 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>Consultation with the landowners confirmed their support for the residential zone over the site.</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 amend the development standard maps accordingly.</p>

Department of Primary Industries - Agriculture
Department of Regional NSW



OUT24/5826

Mr Adrian Panuccio
The General Manager
Mid Coast Council
PO Box 482
TAREE NSW 2430

council@midcoast.nsw.gov.au
sue.calvin@midcoast.nsw.gov.au

Attention: Ms Sue Calvin

Planning Proposal PP-2023-2287 - MidCoast Comprehensive Local Environmental Plan (LEP)

Dear Mr Panuccio

Thank you for your correspondence via the planning portal and the opportunity to provide comments on the planning proposal for the MidCoast Comprehensive Local Environmental Plan (LEP).

The NSW Department of Primary Industries (DPI) Agriculture collaborates and partners with our stakeholders to protect and enhance the productive and sustainable use and resilience of agricultural resources and the environment.

DPI Agriculture has reviewed the planning proposal and associated reports and studies. We acknowledge the immense work Council has completed to consolidate the current Local Environmental Plans (LEP) (Greater Taree LEP 2010, Gloucester LEP 2010, and Great Lakes LEP 2014) that apply to the MidCoast Local Government Area (LGA).

We note previous consultation with Council and the Department of Planning, Housing and Infrastructure (DPHI) occurred in 2023 where DPI Agriculture raised some issues and concerns with the reduction of the minimum lot size (MLS) and the application of the rural zones and in particular the land uses permitted with consent in the rural zones. Some of these concerns have not been addressed and are detailed below.

We acknowledge Council's *The Rural Strategy – The Way Forward, The Supplementary Report* considered the historical rationale for MLS on the coast, attributes of the land, and the productivity and agricultural GVP to provide evidence to support the proposed MLS for the MidCoast LGA.

We also acknowledge, following feedback from DPI Agriculture, that proposed clause 4.1H Exceptions to minimum lot sizes for State Significant Agricultural Land has been omitted. Further, we acknowledge that 'Car parks', 'Public administration buildings', 'Vehicle body repair

workshops', and 'Vehicle repair stations' are no longer permitted with consent in the RU1 Primary Production and RU2 Rural Landscape zones, and 'Places of public worship' are not permitted with consent in the RU2 zone. These omissions are supported.

Differentiation of Rural Zones

We note that the land uses permitted with consent in the RU1, RU2 and RU4 Primary Production Small Lot zones are very similar and quite extensive.

DPI Agriculture strongly recommends limiting land uses in the RU1 and RU4 zones to those that support or are compatible with agriculture. This approach ensures a clear prioritisation for agriculture in these zones which are expected to be applied to the best quality agricultural land.

Council's proposed approach of creating open rural zones and permitting a wide range of land uses risks creating competition for agricultural land and increasing the potential for land use conflict in rural areas of the LGA. There is potential where in time with the rural zones so open for non-agricultural development, especially in the highly sought-after coastal areas, that the land may become economically unviable for new agriculture enterprises.

DPI Agriculture's strategic planning guidance includes a comprehensive list of land uses that are considered to be compatible with agriculture and support the future of agriculture by minimising loss of potential agricultural productivity from land use conflict with incompatible non-agricultural land uses.

Land Use Tables

DPI Agriculture previously advised that it does not support the extensive list of land uses permitted with consent in the rural zones. There is little differentiation in permissible land uses between the RU1, RU2 and RU4 zones. We note Council has retained a large list of permissible land uses based on existing permissibility, industry feedback and the characteristics of the rural areas of the LGA and intends to manage adverse impacts through controls in its Development Control Plan and the development application process.

A diverse range of agricultural land uses is important in rural zones, however, non-agricultural land uses should be limited in rural zones, particularly the RU1 zone, unless:

- the non-agricultural land uses are dependent on natural resources that are present on land in rural zones.
- the non-agricultural land uses are broadly beneficial to agricultural production or have a clear strategic benefit to the community.
- thorough consideration has been given to any potential adverse impacts that the non-agricultural land uses will have on agricultural production on surrounding land.

Non-agricultural land uses that are incompatible with agriculture should be directed away from rural areas and towards other more suitably zoned land. We note the LEPs of adjacent LGAs do not

permit the same extent of non-agricultural land uses with consent in their corresponding rural zones.

While Planning Priority 3 for the Barrington District in the Hunter Regional Plan 2041 has been relied upon to support the intensification and diversification of on-farm agricultural activities including larger visitor facilities and events, this planning priority also advocates for identifying and protecting important agricultural land and intensive agricultural clusters to avoid land use conflicts. The RU1 Primary Production zone should be used for the LGA's highest quality agricultural land and permissible land uses should complement and support agriculture and food and fibre production.

There is a significant potential for non-agricultural developments such as 'Function centres' and 'Recreation facilities (major)' to create land use conflict with surrounding agriculture. Agriculture typically produces noise, dust, and odour. Non-agricultural developments can introduce conflict arising from increased visitor numbers, amenity impacts from transport, supporting infrastructure and the number and type of events permitted.

DPI Agriculture strongly recommends that Council use the development of the new consolidated comprehensive LEP to resolve legacy permissibility in rural zones and provide a clear prioritisation for agriculture in the RU1 & RU4 zones.

DPI Agriculture would also welcome the opportunity to assist Council in developing its Development Control Plan (DCP) to ensure rural considerations and appropriate planning controls are included.

Land Zoning and Minimum Lot Size to Support Agriculture

DPI Agriculture's strategic planning guidance supports the application of the RU1 Primary Production zone to the best agricultural land in the LGA. We note that most rural land in the eastern half of the LGA has had the RU4 zone applied to it. It is understood that this has been done to enable a 40 hectare minimum lot size to be applied to this land.

The inclusion of a Lot Size Map in the Standard Instrument Principal Local Environmental Plan enables the application of different minimum lot sizes to land in the same zone. DPI Agriculture is of the view that the best agricultural land in the LGA should be zoned RU1 Primary Production. A suitable lot size for that land can then be applied to that land by the Lot Size Map depending on the location and characteristics of the land.

It is strongly suggested that Council reconsider whether the proposed RU4 zone is the best zone for important agricultural land in the eastern half of the LGA or whether an RU1 zone would be more appropriate when paired with the proposed 40 hectare MLS.

Land Zoning and MLS Amendment for Gloucester Basin

The proposed change to the zone and minimum lot size for the eastern parts of the Gloucester basin are questionable. The area has relatively low Land and Soil Capability (LSC) ranging from small pockets of Class 4 (the better agricultural land) to Class 6 and 7 areas that are steep and heavily

vegetated. If the minimum lot size is decoupled from the applied land use zone then an RU2 zone may be appropriate for this land and the 60 hectare minimum lot size could be retained.

This area does not appear to be consistent with the Objectives of the RU4 zone “to encourage and promote diversity and employment opportunities in relation to primary industry enterprises, particularly those that require smaller lots or that are more intensive in nature.” As there is little evidence of more intensive forms of agriculture requiring smaller lots in this area.

We note Council’s advice that the land directly to the east has had a 40 hectare minimum lot size applied since the mid-1990s and subdivision of this land has been minimal with lots being predominately greater than 100 hectares.

Should you require clarification on any of the information contained in this response, I have arranged for Helen Willis, Agricultural Land Use Planning Officer to assist you. Helen can be contacted by email at landuse.ag@dpi.nsw.gov.au.

Sincerely



Paul Garnett
A/Manager, Agricultural Land Use Planning

14 June 2024

.Our ref: Draft Mid Coast Council Local Environment Plan

Your ref: PP-2023-2287

Sue.calvin@midcoast.nsw.gov.au

Kate.kennedy@midcoast.nsw.gov.au

1 July 2024

Subject: Draft Mid Coast Council Local Environment Plan

Dear Ms Calvin

The Department Groundwater Management and Science unit has the following comments regarding the Draft LEP:

- Clause 7.5 - Must include borefields. For example
 - Nabic coastal sands aquifer water supply
 - Tea Gardens coastal Sand aquifer TWS
- Clause: 7.7 Can you refer to a particular Groundwater Vulnerability map? Is this a link?
- Shallow town water supply (TWS) borefield in coastal sand and alluvial aquifers will have a high vulnerability to potential polluting activities.
- The TWS borefields should have council zoning to protect the groundwater quality close to the borefields (Protect them from all sources of potential contamination).
- Note the TWS borefield may have been developed subsequent to the development of the groundwater vulnerability maps.
- Dewatering for building construction missing.
- Groundwater extraction for building construction requires IDAS approval and a license to extract groundwater from WaterNSW.
 - https://water.dpie.nsw.gov.au/data/assets/pdf_file/0006/607533/groundwater-supply-investigation-minimal-requirements-for-integrated-developments.pdf
 - https://water.dpie.nsw.gov.au/data/assets/pdf_file/0003/541605/minimum-requirements-for-building-site-groundwater-investigations-and-reporting.pdf
- Groundwater discharge on site from dewatering is regulated via EPA legislation POE Act.
- Often councils permit treated groundwater discharge from dewatering to the following: stormwater or sewer. Groundwater disposal from dewatering is regulated via EPA legislation POE Act.
- Development Basements below groundwater table should be tanked (sealed basements stopping groundwater ingress for the life of the building).
 - Note building in low lying areas are subject to high groundwater levels related to climate and regular flooding events.
- NSW Aquifer interference Policy 2012 (AIP) need to be considered with any structure that may intersect the water table.

Department of Climate Change, Energy, the Environment and Water



— <https://www.bing.com/search?q=NSW+Aquifer+interference+Policy+2012+pdf&FORM=AWRE>

Should you require a meeting please let me know and we can have relevant staff available to assist you with further discussions on any of the matters.

Yours sincerely,

Richard Green

Richard Green

Lead Hydrogeologist

Groundwater Management and Science

Our ref: DOC24/323638

Your ref: PP-2023=2287, Ref:2849

Sue Calvin, Senior Land Use Planner,
Mid Coast Council, 2 Biripi Way,
Taree, NSW 2430
Email: sue.calvin@midcoast.nsw.gov.au

Subject: PP-2023 – 2287 - Mid Coast Draft LEP – Ref: 2849.

Dear Ms Calvin,

Thank you for the opportunity to comment on the planning proposal for the creation of the Mid Coast Local Environmental Plan for the three (3) LGA's currently under the following three LEP's - Gloucester Local Environmental Plan 2010, Great Lakes Local Environmental Plan 2014, Greater Taree Local Environmental Plan 2010. In regard to heritage matters the following has been considered:

We have reviewed the draft LEP planning proposal and note the following matters which relate to heritage:

- *Under Clause 1.2 -Aims of plan, the inclusion of the aim '(f) to protect places and objects of cultural and heritage value,...';*
- *Under Clause 5.10 – Heritage Conservation – the Objectives are as follows:
'...(a) to conserve the environmental heritage of the Mid-Coast,
(b) to conserve the heritage significance of heritage items and heritage conservation areas, including associated fabric, settings and views,
(c) to conserve archaeological sites, (d) to conserve Aboriginal objects and Aboriginal places of heritage significance....
(7) Archaeological sites - The consent authority must, before granting consent under this clause to the carrying out of development on an archaeological site (other than land listed on the State Heritage Register or to which an interim heritage order under the Heritage Act 1977 applies) – (a) notify the Heritage Council of its intention to grant consent, and (b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent...*

(8) Aboriginal places of heritage significance - The consent authority must, before granting consent under this clause to the carrying out of development in an Aboriginal place of heritage significance –

(a) consider the effect of the proposed development on the heritage significance of the place and any Aboriginal object known or reasonably likely to be located at the place by means of an adequate investigation and assessment (which may involve consideration of a heritage impact statement), and

(b) notify the local Aboriginal communities, in writing or in such other manner as may be appropriate, about the application and take into consideration any response received within 28 days after the notice is sent.

(9) Demolition of nominated State heritage items - The consent authority must, before granting consent under this clause for the demolition of a nominated State heritage item –

(a) notify the Heritage Council about the application, and

(b) take into consideration any response received from the Heritage Council within 28 days after the notice is sent.

- Under Clause 6.24 Farm Stay Accommodation – the following is considered when a development application is being considered:

'... (b) whether the development will have a significant adverse impact on the following on or near the land – (i) the visual amenity or heritage or scenic values, ...'

- Under Clause 7.2 Earthworks – the objectives include:

'...(a) to ensure that earthworks for which development consent is required will not have a detrimental impact on environmental function and processes, neighbouring uses, cultural or heritage items or features of the surrounding land, ...'

- Under Clause 7.19 Development on land in karst areas (limestone caves etc.) – when assessing any development application, the consent authority must assess:

1. 'the impact of the development on the karst environment, including the following – (iii) its heritage, geology and ecology, ...'

- Under Schedule 2- Exempt Development – 8 – Street Art –

'...(3) Must not be located on a heritage item or within a heritage conservation area...'

8- Existing cemeteries or burial grounds (that are not heritage items)

'...(3) Must not be a heritage item or within a heritage conservation area...'

...(4) Must not disturb human remains, relics in the form of grave goods, or an Aboriginal place of heritage significance...'

The numbering error – repeated use of '8' is noted in regard to this series.

- Schedule 5 – Environmental Heritage for the new LEP is being created - Based on a review of the schedules within the three existing LEPs, a number of changes are proposed within the draft Mid Coast LEP (as supplied with documentation):

- *the removal of a heritage item where the item was found to be incorrectly listed as it did not meet heritage criteria (Greater Taree Local Environmental Plan – Wherrol Flat concrete road bridge).*
- *the removal of a (reconstructed) heritage item that was found to be located in adjacent local government area (Gloucester Local Environmental Plan - PGK Survey mark).*
- *the removal of a heritage items that had been demolished (Gloucester Local Environmental Plan – Barrington Bridge).*
- *the removal of a heritage item that was destroyed in the 2019 Bushfire event (Greater Taree Local Environmental Plan – Bobin school building).*
- *various heritage items have been renamed to provide a consistent approach.*
- *the addresses have been reviewed and some corrections made. Some sites have had subdivisions occur changing the Lot and DP references in property description column.*
- *combining some heritage items into grouped items, where there were a number of heritage items listed for one site.*
- *a number of heritage items have been re-assessed and listed as archaeological items. A field survey of these items has observed no above-ground evidence.*

The SHR listed Items shown in the table below are proposed to be Included in Schedule 5 of the new LEP. These thirteen (13) 'State' listings were considered against the SHR database as follows:

'State' listings under Council's draft LEP	Corresponding SHR item
"Gundayne House" group, including residence and school house – I12 9 Lowes Lane, Booral, Lot 1, DP 632812	Gundayne House – SHR item No. 00309 The Bucketts Way, Booral
"Tahlee House" Estate Group, including main building, reception and ballroom wing, boat harbour, grounds, gardens and Nissen huts – I44 31 Church Street, Carrington, Lot 342,DP 740621 (partial)	Tahlee Bible College – SHR Item N o. 00569 <i>Former name:</i> Tahlee House, Tahlee Estate, Carrington Archaeological Site, Australian Agricultural Company Tahlee Road, Carrington, Lot 340, DP 735514, Lot 341, DP 740621, Lot 342, DP 740621, Lot 540, DP 95442.
Monkerai Bridge over Karuah River	Monkerai Bridge over Karuah River – SHR item No. 01475

'State' listings under Council's draft LEP	Corresponding SHR item
Monkerai Road, Monkerai, Road Reserve, Lot 1, DP 798203; Lot 16, 17, DP 216749; Lot 1, DP 798241 (adjoining lots).	Weismantels, Dingadee Road, Monkerai & Main Road 101, Monkerai.
Rail Bridge over Manning River North Coast Railway, Mt George (off Nowendoc Road), Mount George. Lot 21, DP 1049994; Lot 12, DP 754455; Lot 1, DP995206 (adjoining lots).	Taree Rail Bridge over Manning River – SHR item No. 01059 Near Mount George North Coast Railway, Taree.
Old Bar Airfield 1A Old Bar Road, Old Bar. Lot 2, DP 1287740 (partial).	Old Bar Airfield – SHR item No. 01304 0.6km off Old Bard Road, Old Bar.
"Stobo" 35 Moppy Road, Rawdon Vale. Lot 101, DP 1175967 (partial).	Cannot find any associated SHR listing – please review prior to including in LEP.
"Bonnie Doon" 932 Rawdon Vale Road, Rawdon Vale. Lot 8, DP 952430 (partial).	Cannot find any associated SHR listing – please review prior to including in LEP.
Sugarloaf Point Lighthouse group including lighthouse, lightkeeper's residences, signal station, flagpole, paint store, generator shed, garage, brick outhouses, retaining walls, drains and underground storage tanks. Sugarloaf Point (Myall Lakes National Park) (off Kinka Road). Seal Rocks. Lots 1, 2, DP 847752; Lots 300, 301 (partial), DP 1246499.	Sugarloaf Point Lightstation Group = SHR listing No. 02025 Seal Rocks Road, Myall Lakes National Park, Seal Rocks.

'State' listings under Council's draft LEP	Corresponding SHR item
<p>"Stroud House"</p> <p>42 Cowper Street, Stroud. Lot 75, DP 1063954.</p>	<p>Stroud House – SHR Item No. 01969</p> <p>42 Cowper Street, Stroud,</p>
<p>St John the Evangelist Anglican Church Group (including Quambi House)</p> <p>83, 85, 87 Cowper Street, Stroud. Lots 6, DP 1134158; Lots 91, 92, DP 584892</p>	<p>St John the Evangelist Anglican Church Group -SHR item No. 00330</p> <p>Cowper Street, Stroud.</p>
<p>Taree Railway Station</p> <p>Road frontage to Olympia Street and Queen Street, Taree. Road reserve. Lot 2 DP 1010244 (partial)</p>	<p>Taree Railway Station Group - SHR item No. 01264</p> <p>North Coast Railway, Taree.</p>
<p>Wingham Memorial Town Hall</p> <p>52 Farquhar Street, Wingham. Lot 124, DP 713925 (partial)</p>	<p>Wingham Memorial Town Hall – SHR item No. 01967</p> <p>52 Farquhar Street, Wingham.</p>
<p>Post Office</p> <p>Wynter Street, Wingham. Lot 20, DP 773785</p>	<p>Wingham Post Office – SHR item No. 01419</p> <p>Wynter Street, Wingham.</p>

State and local heritage considerations under the *Heritage Act 1977*

The following comments have been formulated after consideration of the information provided as part of the planning proposal documentation:

We consider that the proposed heritage elements included in the draft LEP identified above will have a positive heritage impact.

However, we do suggest the following amendments:

1. As shown above – please review the state items as per draft Schedule 5 as we believe there may be errors/inconsistencies. In relation to the inconsistencies in the naming of items outlined above, Council should consider renaming items or amending the addresses of items to ensure that they align with the SHR listings.
2. In relation to the primary planning Development Standards – Please include references in the associated Objectives for Height of Building, Minimum Lots Size and FSR, as relevant to heritage values, to recognise the importance of preserving such heritage for future generations.
3. In addition, consideration of the addition of reference to heritage values in objectives for relevant zones e.g., Environmental Conservation, Management and Living (C2, C3, C4).

Aboriginal cultural heritage considerations under the *National Parks and Wildlife Act 1974*

We recommended that Council consider preparing an Aboriginal Cultural Heritage Study, which could be used to inform amendments to its LEP and is recommended. This study should be done in consultation with the local Aboriginal community and the Local Aboriginal Land Councils.

Ministerial Direction 2.3, Heritage Conservation, requires planning proposals to address the conservation of Aboriginal objects. Heritage NSW recommends that a comprehensive Aboriginal cultural heritage assessment report is needed and should inform this planning proposal.

The results of this assessment should inform the proposal. Early assessment provides the best opportunity to identify and protect Aboriginal cultural heritage values. It also provides certainty to all parties about any future Aboriginal cultural heritage management requirements.

The requirement for a full assessment to be prepared at the planning proposal stage is consistent with the Regional Plan. It is important that any management, mitigation and conservation mechanisms are developed at the planning proposal stage to help mitigate the cumulative impact of development in this region on Aboriginal cultural heritage.

We recommend the planning proposal also consider impacts to the Aboriginal cultural landscape, including potential impacts on visual corridors. These potential impacts can only be understood through consultation with the Aboriginal community. Measures to limit any impacts to identified Aboriginal cultural landscape values should be developed and integrated into the planning proposal.

General Comments

Prior to finalisation of the proposal, Council should be satisfied that all necessary heritage assessments have been undertaken and that any impacts have been sufficiently addressed. Council's assessment should include, but not be limited to, a search of the State Heritage Inventory (<https://www.heritage.nsw.gov.au/search-for-heritage/search-for-nsw-heritage/>) and the Aboriginal Heritage Information Management System (<https://www.heritage.nsw.gov.au/protecting-our-heritage/record-aboriginal-sites/>).

If you have any questions, please contact Nancy Sample at nancy.sample@environment.nsw.gov.au or on (02) 8275 1521.

Yours sincerely,

Rajeev Maini

Rajeev Maini

Manager, South Assessments

Heritage NSW

as Delegate of the Heritage Council of NSW

17 May 2024



NSW National Parks and Wildlife Service

Your ref: PP 2023-2287
Our ref: DOC24/519890

Ms Sue Calvin
Senior Land Use Planner
MidCoast Council
PO Box 482
TAREE NSW 2430

By email: sue.calvin@midcoast.nsw.gov.au; kate.kennedy@midcoast.nsw.gov.au

Dear Ms Calvin

Thank you for your referral of the draft MidCoast Local Environmental Plan (LEP) to the NSW National Parks and Wildlife Service (NPWS) for comment. I apologise for the delay in responding to this referral.

I understand the draft MidCoast LEP is a comprehensive plan for the MidCoast Council's area and seeks to consolidate the provisions in the current LEPs for the former Gloucester, Greater Taree and Great Lakes local government areas.

NPWS acknowledges the considerable work that has been involved in preparing the draft LEP, and the extensive consultation that was carried out to confirm the boundaries of lands acquired or reserved under the *National Parks and Wildlife Act 1974*.

As such, NPWS has few comments, including:

- Recommendations for some changes to proposed land use zones and the land reservation acquisition map, mostly in relation to lands which are proposed to be zoned C1 National Parks and Nature Reserves but are not yet secured for reservation.
- Additional heritage items that have been assessed to be of local heritage value and so suitable for inclusion in Schedule 5.

Further information regarding these comments is in the Attachment to this letter.

If you have any further questions about this issue, please contact Janet Cavanaugh, Senior Project Officer, Planning and Assessment Unit at npws.envplanningadvice@environment.nsw.gov.au or on 02 66411551.

Yours sincerely

Doug Beckers
**a/Director, Hunter Central Coast Branch
National Parks and Wildlife Service**

12 July 2024

Planning Proposal Draft MidCoast Council LEP May 2024

1. Certain changes are needed to the proposed land use zones

NPWS acknowledges and confirms that MidCoast Council provided appropriate opportunities for input to the preparation of the draft LEP, particularly in relation to proposed changes to the mapping of lands subject to zoning as C1 National Parks and Nature Reserves. However, not all feedback was fully incorporated and NPWS requests some lands proposed for zoning as C1 should remain as currently zoned or rezoned as C2 Environmental Protection. Recommended changes are listed in **Table 1**.

NPWS recommends:

- Amend the proposed Land Zoning Map and the Land Reservation Acquisition Map as outlined in **Table 1**.

Table 1. Changes recommended to proposed zonings and land acquisitions for public purposes.

Lot/DP	Current zoning	Proposed zoning	Issue/context and recommendation
Section of road reserve (Old Copeland Road) north of Lot 1 DP749604	RU1 (Gloucester LEP)	RU2	NPWS recommends a zoning of C1 , consistent with the zoning of Lot 1 DP749604. Hidden Treasure Picnic Area is partly located on this road reserve. It is currently managed by NPWS as part of Copeland Tops State Conservation Area (SCA) although it is not reserved as part of the SCA. The picnic area was established long before the SCA's reservation and NPWS obtained the agreement of the former Gloucester Shire Council that the land will be added to the SCA. NPWS regards RU2 (which is the zoning of the neighbouring part of Lot 2/-/DP749604) to be an inappropriate zoning for this land as it would not reflect the objectives for the land's management. Instead, it should be clearly identified as a future addition to the SCA, consistent with the Copeland Tops State Conservation Area Plan of Management and the previous agreement from Gloucester Shire Council. NPWS will work with Council to acquire the land as part of the SCA.
Land between Lot 277/ DP754415 & Lot 7322/ DP1163707 (not captured in digital cadastre)	C1 (Greater Taree LEP)	C1	NPWS has previously advised that, due to the serious weed issues on this land, it would not make a desirable acquisition for addition to Crowdy Bay National Park. NPWS recommends change to C2 on both the Land Zoning Map and Land reservation Acquisition Map.
Lot 7306/ DP1162930 (part)	C1 (Greater Taree LEP)	C1	NPWS has previously advised there is no future intention to reserve this land as park due to issues associated with managing the vehicle access to Crowdy Head Beach and dogs in those vehicles. NPWS recommends change to C2 on both the Land Zoning Map and Land reservation Acquisition Map.
Lot 7315 DP1162684 (part)	C1 (Great Lakes LEP)	C1	The C1 zone is proposed for only part of the Lot 7315. This lot is subject to an Aboriginal Land Claim. If the claim is granted it would be difficult for the claimants to use the land with a C1 zone. NPWS recommends a change to C2.

Lot/DP	Current zoning	Proposed zoning	Issue/context and recommendation
Lot 34/ DP753207	C2 (Great Lakes LEP)	C1	It is acknowledged that this land was acquired in 2007 by Great Lakes Council with the future intention of transferring the land as an addition to the surrounding Darawank NR once rehabilitation works are completed. NPWS recommends retention of the C2 zone until acquisition by NPWS occurs.
Nerong Inlet	W1 (Great Lakes LEP)	C1	NPWS recognises Nerong Inlet is fully surrounded by Myall Lakes National Park. However, there is no current commitment from the NSW Government for its future reservation as part of the park. NPWS recommends either retention of the W1 zone or a change to C2 .

2. NPWS recommends changes to Schedule 5 Environmental Heritage

NPWS has reviewed the proposed Schedule 5 and has identified the sites in **Table 2** are on lands reserved under the *National Parks and Wildlife Act 1974*. NPWS agrees to the listing of most of these sites on the LEP as local heritage, noting that some of them are not currently recorded in NPWS's Section 170 Register, known as the Historic Heritage Information Management System (HHIMS). NPWS requests further information including statements of significance for those items.

With respect to the Mountain Maid Gold Mine and the Cyanide Treatment Works (Rainbow Battery), these items were listed in the Gloucester LEP 2010 as being of State significance. NPWS advises that the Mountain Maid Conservation Management Plan (Ecotecture 2006) has assessed that the Mountain Maid Gold Mine as being of State significance.

HHIMS includes several other items that have been assessed as having local significance and so should be listed in Schedule 5. See **Table 3**. Spatial data associated with HHIMS is available from SEED at <https://datasets.seed.nsw.gov.au/dataset/historic-heritage-information-management-system-hhims-records>.

NPWS recommends

- Amend the proposed Schedule 5 as follows:
 - Item A9 – remove reference to Reserve 50557 in the listing, confirm whether the item includes Lot 305 DP722610 and, if so, correct the mapping
 - Add all items listed in **Table 3**.
- Support a State Heritage listing for part or all of item I74 [Copeland Tops Forest and Historic Gold Mining Preserve] in Council's future dealings with Heritage NSW should discussions include the identification of any potential State Heritage listings.

Table 2. Items and areas listed in the draft Schedule 5 that occur on NPWS-managed lands

Item number	Item name	NPWS park or reserve	NPWS comment
A11	Old Mill Well Site	Myall Lakes National Park (part)	-
A15	Sawpits	Wingham Brush Nature Reserve (part)	Not currently listed in HHIMS

Item number	Item name	NPWS park or reserve	NPWS comment
A9	Lansdowne Wharf remains	Lansdowne Nature Reserve (part?)	The draft Heritage Map shows only Lot 308 DP46702 as being listed, consistent with the mapping for the current Greater Taree LEP. Crown reserve R50557 covered Lot 305 DP722610. It is assumed the mapping should be corrected to display Lot 305 as being part of the item, if the item extended over R50557. Both Lot 305 and Lot 308 were reserved as Lansdowne Nature Reserve on 7 March 2008. R50557 no longer exists.
C14	Wingham Heritage Conservation Area	Wingham Brush Nature Reserve (plus surrounding areas)	Not currently listed in HHIMS
I27	Neranie Head Cemetery	Myall Lakes National Park (part)	-
I46	Corduroy section of Australian Agricultural Company	Karuah Nature Reserve (part)	Not currently listed in HHIMS. To be clearer, this item's name could include the words 'historic road'.
I74	Copeland Tops Forest and Historic Gold Mining Preserve, including Mountain Maid Gold Mine, Hidden Treasure Gold Mine, Cyanide Treatment Works (Rainbow Battery)	Copeland Tops State Conservation Area	The Conservation Management Plan for Mountain Maid Gold Mine identifies it is of potential State heritage significance.
I210	Sugarloaf Point Lighthouse group including lighthouse, lightkeeper's residences, signal station, flagpole, paint store, generator shed, garage, brick outhouse, retaining walls, drains and underground.	Myall Lakes National Park (part)	-
I304	Cocumbac Island	Cocumbac Island Nature Reserve	-
I424	Wingham Brush Reserve	Wingham Brush Nature Reserve	Not currently listed in HHIMS

Table 3. Additional items and areas on NPWS-managed lands that are of local heritage significance

Lot/DP	Grid ref. GDA, Zone 56	Name	NPWS park or reserve	NPWS comments
Lot 48 DP753684 (part)	E: 381341 N: 6495875	Karamea Homestead Complex	Curracabundi National Park	Assessment of significance completed by Liz Vines, Heritage Architect, of McDougall and Vines. The complex includes the 1914 Karamea Homestead (fully restored), the foundations of the original dwelling, remains of a shearing shed, sheep dip and stockyards, a flying fox and 2 graves.

Lot/DP	Grid ref. GDA, Zone 56	Name	NPWS park or reserve	NPWS comments
Lot 47 DP753701 (part)	E: 364527 N: 6497468	Lea-Hurst Complex	Curracabundi National Park	Assessment of significance completed by Liz Vines, Heritage Architect, of McDougall and Vines. Built in early 1920s, it is identified as having local heritage significance as a surviving example of a cottage/homestead complex in a geographically remote location.
Lot 22 DP753692 (part)	E: 371457 N: 6497018	Monkeycot Homestead Complex	Curracabundi National Park	Assessment of significance completed by Liz Vines, Heritage Architect, of McDougall and Vines. The Monkeycot Homestead Complex, which includes Monkeycot house (built 1930s-40s) as well as ruins of two other houses and associated stockyards (1915) has been identified as having local heritage significance as a surviving example of a remnant homestead complex in a geographically remote location.
Lot 129 DP753154 (part)	E: 432796 N: 6407044	Carters (Cutlers) House Precinct	Myall Lakes National Park	Assessment of significance completed by Miriam Stacy, Heritage Architect. The precinct includes a number of sheds and gardening structures, including remnants of an orchard, and as such is a good example of a rural property on Myall Lake which is associated with subsistence lifestyles in the area. The main house has been fully restored.

17 May 2024

File No: NTH24/00332/001
Your Ref: 2857

Department of Planning, Housing & Infrastructure
Industry Assessments
GPO Box 39
SYDNEY NSW 2001

Attention: Paul Maher

PP-2023-2287 - Planning proposal - Draft Mid Coast Local Environmental Plan

I refer to the abovementioned Planning Proposal referred to Transport for NSW (TfNSW) on 26 April 2024 for comment in accordance with the Department of Planning Housing and Infrastructure's (DPHI) Local Environmental Plan Making Guideline (August 2023).

TfNSW key interests are the safety and efficiency of the transport network, the needs of our customers and the integration of land use and transport in accordance with the *Future Transport Strategy*.

TfNSW understands that the planning proposal is to create a single MidCoast Local Environmental Plan that will apply to the whole of the MidCoast area. This plan will replace the Gloucester, Great Lakes and Greater Taree Local Environmental Plans.

TfNSW has reviewed the supplied documents and provides the following comments:

- Council's approach to consistently applying SP2 zoning for State roads and railways is supported.
- Proposed Clause 7.22 of the draft Planning Proposal '*Events permitted without development consent*'. This should be expanded to include the requirement for endorsement by the Local Traffic Committee.
- The proposed exempt development provision relating to bus shelters (other than by or for the Council) should include a notation that other approvals may be required, and must be obtained, under other Acts, including the Roads Act 1993.
- TfNSW is supportive of building height limits and rezoning of land (there is multiple and extensive uplift proposed).
- TfNSW has reviewed the Mid Coast Local Housing Strategy and other documents and supports the proposed settlement patterns.

OFFICIAL

6 Stewart Avenue (Locked Bag 2030) Newcastle West NSW 2302
76 Victoria Street (PO Box 576) Grafton NSW 2460

1300 207 783 ABN 18 804 239 602
transport.nsw.gov.au 1 of 2

If you have any further enquiries regarding the above comments please contact Tim Chapman, Development Services Case Officer, on 1300 207 783 or 0412274356 or by emailing development.north@transport.nsw.gov.au.

Yours faithfully



Court Walsh
Team Leader Development Services
North Region | Community & Place
Regional & Outer Metropolitan

OFFICIAL

6 Stewart Avenue (Locked Bag 2030) Newcastle West NSW 2302
76 Victoria Street (PO Box 576) Grafton NSW 2460

1300 207 783 ABN 18 804 239 602
transport.nsw.gov.au 2 of 2

Att: The Land Use Planning Team

Thank you for providing an opportunity to comment on the Draft MidCoast Local Environmental Plan ("draft planning proposal").

We understand that this draft planning proposal aims to create a single MidCoast Local Environmental Plan (LEP) that will apply to the whole of the MidCoast area and will replace the Gloucester, Great Lakes and Greater Taree Local Environmental Plans.

Our team (Planning and Property Coordination) manages surplus road parcels owned by Transport for NSW (Transport) and I note that there are a few Transport owned surplus parcels zoned SP2 Classified Road within the MidCoast LGA that are no longer required for infrastructure purposes. These parcels require rezoning from SP2 to their adjoining/ underlying zoning and we request that Council includes these properties as part of this planning proposal pursuant to Ministerial Direction 5.2 Reserving Land for Public Purposes issued by the Minister for Planning under Section 9.1 of the *Environmental Planning and Assessment Act 1979*.

Attached is our submission in relation to the above.

I note that this submission is only in relation to surplus land owned by Transport, and you may receive an additional response from the Transport Land Use team in relation to SP2 zoning across the LGA.

Kind regards,
Deeksha

Deeksha Nathani

Senior Project Officer Property Planning
Land & Maritime Planning
Property Group - Commercial, Performance & Strategy
Infrastructure and Place
Transport for NSW

M 0403 256 248 E deeksha.nathani@transport.nsw.gov.au

transport.nsw.gov.au



Transport
for NSW

General Manager
MidCoast Council
PO Box 482
Taree NSW 2430

By email: LEP@midcoast.nsw.gov.au

Rezoning of Transport owned SP2 Infrastructure zoned surplus lots

25 June 2024

To the General Manager,

Thank you for providing Transport for NSW (Transport) the opportunity to comment on the Draft MidCoast Local Environmental Plan ("draft planning proposal").

Transport understands that this draft planning proposal aims to create a single MidCoast Local Environmental Plan (LEP) that will apply to the whole of the MidCoast area and will replace the Gloucester, Great Lakes and Greater Taree Local Environmental Plans.

Pursuant to Ministerial Direction 5.2 Reserving Land for Public Purposes issued by the Minister for Planning under Section 9.1 of the *Environmental Planning and Assessment Act 1979*, Transport requests that Council rezones Transport owned surplus land from SP2 Infrastructure 'Classified Road' (SP2) to their adjoining/ underlying zoning and amend other associated development standards as part of this draft planning proposal as identified in **Appendix A**.

The subject lots were acquired by Transport for road infrastructure projects including the Bulahdelah Bypass and the Cooperook to Moorland road corridor, however, the land is not required by Transport for infrastructure purposes as confirmed in the relevant Deposited Plans (attached in **Appendix B**).

The recommended amendments identified in Appendix A only apply to land outside of the final boundaries of the road corridor and are intended to rezone the land from SP2 to a zone that is consistent with the underlying land uses and surrounding context. The removal of SP2 zoning will avoid sterilisation of land and will allow Transport to divest of the subject lots on the open market in accordance with NSW Treasurer Directions and NSW Government policy.

Transport thanks Council for considering this submission. If you wish to discuss the matter or require additional information, please contact the Planning and Property Coordination team at PandPC_PlanningAdviceRequests@transport.nsw.gov.au.

Yours sincerely,





Kylie Clarke
Senior Manager Planning & Property Coordination
Infrastructure & Place
Transport for NSW

Encl:

Appendix A: Transport owned surplus lots requiring LEP amendments

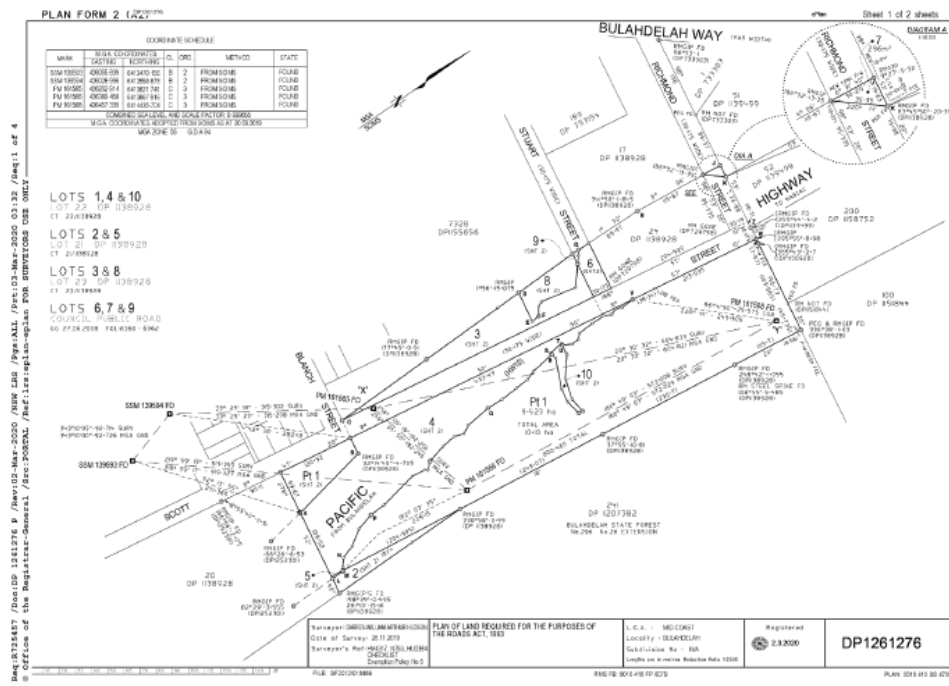
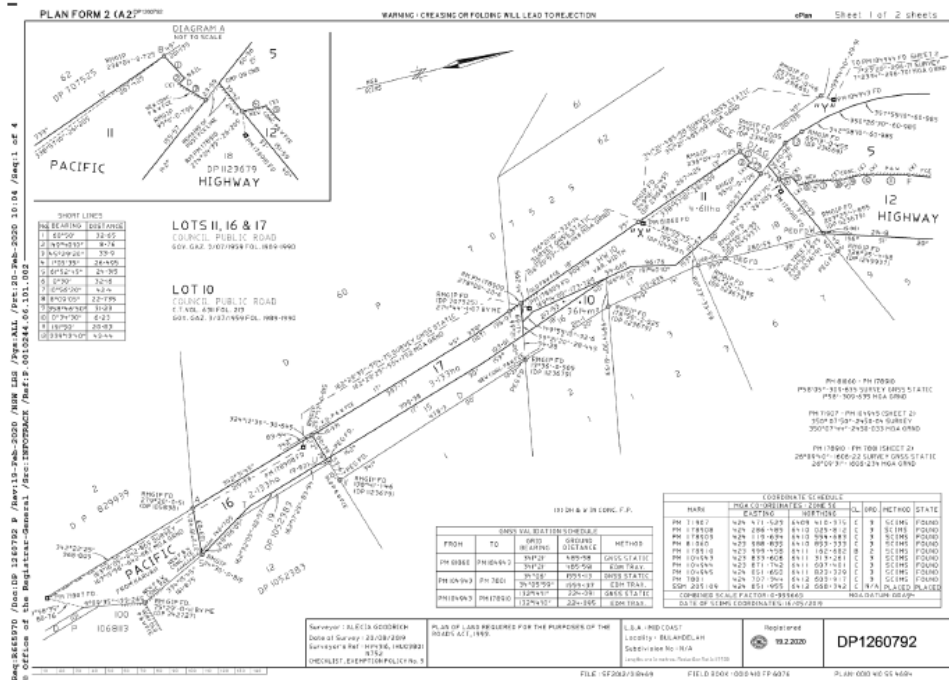
Appendix B: Deposited Plans for subject lots identified in Appendix A

Appendix A – Transport owned surplus lots requiring LEP amendments

1	Transport Surplus ID	Property details Lot/DP & Address	Relevant WLEP 2009 provisions	Recommended amendments	Surplus lot (blue outline) overlaid with zoning
	97926	Lot 6 DP863307 PACIFIC HWY BULAHDELAH 2423	<ul style="list-style-type: none"> • Zoning –SP2 Infrastructure (Classified Road) • Minimum Lot Size (MLS) – N/A • Height of building (HOB)- N/A • Floor Space Ratio (FSR) – N/A 	<ul style="list-style-type: none"> • Rezone from SP2 to RU2 Rural Landscape zoning • Apply MLS standard of 40 Ha • Apply HOB standard of 8.5m • Apply FSR standard of 0.4:1 <p>Rationale- Consistent with the standards on the adjoining land.</p>	
	101066	Lots 1 and 2 DP1217323 PACIFIC HWY MOORLAND 2443	<ul style="list-style-type: none"> • Zoning –SP2 Infrastructure (Classified Road) • Minimum Lot Size (MLS) – N/A • Height of building (HOB)- N/A • Floor Space Ratio (FSR) – N/A 	<ul style="list-style-type: none"> • Rezone from SP2 to RU1 Primary Production zoning • Apply MLS standard of 40 Ha • Apply HOB standard of 8.5m • Apply FSR standard of 0.4:1 <p>Rationale- Consistent with the standards on the adjoining land.</p> <p><i>Note: Transport has previously liaised with Council in relation to rezoning this land on 7 May 2021. Council's response dated 18 May 2021 advised that this request would be considered when preparing the consolidated LEP. However, this rezoning has not been included in the draft planning proposal.</i></p>	

	Transport Surplus ID	Property details Lot/DP & Address	Relevant WLEP 2009 provisions	Recommended amendments	Surplus lot (blue outline) overlaid with zoning
3	101634	<p>Lot 1 DP1261276</p> <p>(Identified as Lot 22 DP1138928 in the NSW Planning Portal Spatial Viewer)</p> <p>SCOTT ST BULAHDELAH 2423</p>	<ul style="list-style-type: none"> • Zoning – This is a vinculum lot. The eastern severance of this lot is zoned part SP2 Infrastructure (Classified Road) and part RU2 Rural Landscape. The western severance is zoned RU2. • Minimum Lot Size (MLS) – 40Ha for the RU2 zoned part • Height of building (HOB)– 8.5m for the RU2 zoned part • Floor Space Ratio (FSR) – 0.4:1 for the RU2 zoned part 	<ul style="list-style-type: none"> • Remove SP2 zoning and apply RU2 zoning to entire lot • Apply MLS standard of 40 Ha across entire lot • Apply HOB standard of 8.5m across entire lot • Apply FSR standard of 0.4:1 across entire lot <p>Rationale- Consistent with the standards on the remainder of the land.</p>	
4	101824	<p>Lots 7, 8 and 9 DP1260792</p> <p>9564 PACIFIC HWY BULAHDELAH 2423</p>	<ul style="list-style-type: none"> • Zoning –SP2 Infrastructure (Classified Road) • Minimum Lot Size (MLS) – N/A • Height of building (HOB)– N/A • Floor Space Ratio (FSR) – N/A 	<ul style="list-style-type: none"> • Rezone from SP2 to RU2 Rural Landscape zoning • Apply MLS standard of 40 Ha • Apply HOB standard of 8.5m • Apply FSR standard of 0.4:1 <p>Rationale- Consistent with the standards on the adjoining land.</p>	

Appendix B files





Your ref: Draft MidCoast LEP
Our ref: DOC24/514425

The General Manager
MidCoast Council
PO BOX 482
TAREE NSW 2430

By email: council@midcoast.nsw.gov.au

Attn: Sue Calvin

Dear Sue

I refer to the proposal for the Draft MidCoast Local Environmental Plan (LEP) on exhibition from 29 April 2024 to 14 July 2024.

The NSW Environment Protection Authority (EPA) understands that the objective of the Draft MidCoast LEP is to create a single LEP to replace the three existing LEP's of the former Gloucester, Great Lakes and Greater Taree local government areas (LGAs). The MidCoast LEP aims to:

- provide a consistent approach to planning across the MidCoast that is relevant and robust
- be responsive to the diverse landscapes and desired character across the MidCoast
- remove outdated or unnecessary controls
- give effect to planning priorities for the MidCoast as outlined in the MidCoast Local Strategic Planning Statement 2020
- be consistent with the key directions from the supporting documents.

The EPA has reviewed the submitted information and provides comments (**Attachment A**) for the consideration of Council to assist in the refinement of the MidCoast LEP.

If you have any further questions about this issue, please contact Claire McQueeney, Strategic Planning Unit at environmentprotection.planning@epa.nsw.gov.au.

Yours sincerely

Kim Stuart
**A/Unit Head – Strategic Planning Unit
Policy & Strategy**

8 July 2024

Phone 131 555
Phone 02 9995 5555
(from outside NSW)

TTY 133 677, then
ask for 131 155

Locked Bag 5022
Parramatta
NSW 2124

6 Parramatta Square
10 Darcy Street
Parramatta NSW
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info@epa.nsw.gov.au
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ABN 43 692 285 758

Appendix A – EPA comments on the Draft MidCoast LEP

General Comments

The EPA seek engagement on planning matters that have the potential to pose a significant risk to the environment and human health. This could include issues such as a proposal or strategy seeking approval to locate sensitive receivers in proximity to:

- notified or regulated contaminated sites
- existing or proposed new heavy industrial uses
- other existing activities which have a current environment protection licence (EPL) to operate.

Land Use Conflict

The EPA recommends that the MidCoast LEP seek to prevent or mitigate the risk of land use conflict between proposed residential (and other sensitive) uses and existing scheduled activities, other industrial uses, road and rail corridors, contaminated lands and agricultural zones. Clustering incompatible land uses can result in adverse impacts on industry, increased regulatory burden on the EPA and Council, and adversely impact the environment and human health.

The EPA notes that Part 5 (Clause 5.3) of the Draft MidCoast LEP provides for a buffer of 20 metres from a zone boundary where the zoning of adjacent land must be considered when proposing new development. The EPA encourages Council to minimise the potential for land use conflicts arising between incompatible land uses.

Appropriate buffer distances should be maintained between premises that are scheduled under the *Protection of the Environment Operations Act 1997* (POEO Act) and any areas proposed for rezoning or development which will result in an increase in sensitive receivers, regardless of the land zoning. Premises such as (but not limited to) sewage treatment facilities, landfills and waste handling facilities, animal processing facilities, industrial activities and intensive livestock operations have the potential to impact on the amenity of sensitive receivers.

Urban Release Areas

The Draft MidCoast LEP includes lands identified for future urban growth known as Urban Release Areas (URA). The release of each URA for development will be controlled by Part 6 of the Draft MidCoast LEP which ensures that the release of land is planned, managed and sequenced to meet the needs of the community in a manner that is economically and environmentally efficient and sustainable.

Development of URA's will be subject to controls provided by a site-specific Development Control Plan (DCP) which will identify and address all relevant local matters, such as:

- infrastructure provision and sequencing – water and sewer
- road access and transport movements
- landscaping strategy for the protection and enhancement of riparian areas and remnant vegetation, and gateways/entries to towns
- stormwater and water quality management controls.

It is important that the EPA is consulted throughout the development of the DCP when appropriate, as the EPA may be the Appropriate Regulatory Authority for some of the above activities, in particular if any works are to be carried out by, or on behalf of, a public authority.

The EPA has previously provided comment on the North Tuncurry Urban Release Area (DOC22/406255-1) in which we encouraged particular attention be paid to any sensitive or residential development near existing or proposed industrial and commercial uses, such as the waste management facility to the north of the site, to prevent the potential for land use conflict.

EPA scheduled activity considerations

There are a range of scheduled and non-scheduled activities within the MidCoast area that have the potential to interact with future sensitive receivers. These interactions may cause land use conflict in the form of contamination, water quality, noise, odour, and air quality impacts. Consideration of these activities is crucial in any strategic planning matter, including the Draft MidCoast LEP, to ensure that new developments do not conflict with existing industrial or commercial operations.

The [POEO Public Register](#) is a valuable tool for identifying sites with EPLs operating under Schedule 1 of the *Protection of the Environment Operations Act 1997*. This register holds records of all scheduled activities along with associated licensing information. By consulting this register, consent authorities can identify potential environmental risks for proposed developments in specific areas.

Potential Interaction with Contaminated Land

The Draft MidCoast LEP is a principally administrative proposal to create consistency across the three former LGA's and does not propose to address contamination that may be present on land that is already developed.

Where new land releases or redevelopment of existing sites are proposed, Council must ensure appropriate contamination investigations are undertaken as guided by the *State Environmental Planning Police (Resilience and Hazards) 2021*, the *Managing Land Contamination: Planning Guidelines SEPP 55 – Remediation of Land* (EPA and Department of Urban Affairs and Planning, 1998) and the relevant guidelines made or approved under section 105 of the *Contaminated Land Management Act 1997* (CLM Act).

Waste Management Considerations

Aims of the MidCoast LEP

The MidCoast Local Strategic Planning Statement (LSPS) Planning Priority 9, Action 9.3 proposes to utilise the connectivity of the Pacific Highway by investigating industrial precincts in proximity to the highway. The EPA suggests that within the scope of this action, Council include opportunities to identify suitable land for infrastructure that will focus on circular economy principles. The circular economy is a whole-of-system approach that accounts for the full cost and lifecycle of materials and retains the value of materials in the economy for as long as possible, reducing the unsustainable depletion of natural resources and impacts on the environment.

To support transitioning to a circular economy, the following definition is provided:

Circular Economy Infrastructure focuses on facilities that collect used resources, reuse, repurpose or remanufacture materials and goods, to retain their productive value and prevent their disposal to landfill. Examples of circular economy infrastructure includes reuse and repair facilities, sharing and leasing facilities, reverse vending machines, community recycling centres, collection points for producer responsibility schemes, material reprocessing and remanufacturing, anaerobic digestion, washing or pelletising facilities, reverse logistics facilities.

More information is available in the [NSW Circular Economy Statement](#).

To help support the planning priorities in Councils LSPS, the EPA suggests the following amendment to the aim of the Draft MidCoast LEP:

- Inclusion as subclause (k):
to contribute to a circular economy that recognises waste as a resource and the collection and transport of waste and recycling as an essential service that must be undertaken in a manner that is safe, efficient, cost effective and does not negatively impact on liveability and the environment.

MidCoast LEP Zone Objectives

Council may wish to consider additional provisions in industrial/commercial zones to promote the establishment of circular economy businesses within the MidCoast LGA. For example, these additional objectives may be suitable:

- *To encourage the development of circular economy infrastructure to enable the community to reuse, repair, recycle or dispose of their waste at safe, clean and easily accessible facilities.*
- *To prevent and minimise any adverse effect of development on the environment.*



20 June 2024

Contact: Stuart Little
Telephone: 0436 948 347
Our ref: D2024/49609

General Manager
MidCoast Council
PO Box 482
TAREE NSW 2430

Draft MidCoast Planning Proposal & Local Environmental Plan (PP-2023-2287)

Dear Sir/ Madam,

I refer to Council's Planning Portal referral of the Draft Midcoast Planning Proposal to support the consolidation of the current Gloucester, Great Lake and Greater Taree Local Environmental Plans (LEPs) into a single comprehensive LEP for the entire MidCoast Local Government Area (LGA). We note that the Proposal is accompanied by a Draft MidCoast LEP for the LGA and that the Planning Proposal and Draft LEP are currently being public exhibited at the time of referral to us.

WaterNSW operates and maintains a large number of water monitoring sites in the Mid Coast LGA including surface and groundwater monitoring sites. Planning pathways for the management, maintenance and upgrade of these sites is generally via the 'exempt development' and 'development without consent' planning pathways provided under Division 24 (Water supply systems) of Chapter 2 of State Environmental Planning Policy (Transport and Infrastructure) 2021 (the Transport and Infrastructure SEPP).

WaterNSW owns land in the LGA, including that associated with Cedar Party Creek Weir in the Eastern Rural Lands area (Lots 1 & 2 DP 548166; Rural Strategy Appendix 16). Based on the Planning Portal, the current zoning for the land is RU1 Primary Production although the zoning is proposed to change to RU4 Primary Production Small Lots. While changing this zoning may assist agriculture and land management, it will disaffect the 'development without consent' planning pathway available to us under Division 24 (s 2.159) of the T&I SEPP for the weir, and likely default any 'non-exempt development' works to requiring consent. However, s 2.159 of the T&I SEPP is proposed to be amended as put forward in a recently exhibited Explanation of Intended Effect (EIE) for 'Improving planning processes to deliver infrastructure faster'. This would overcome the current zoning the implications of the proposed RU4 zoning for us. Our preference is for the making of the LEP to follow in proposed changes to Division 24 of Chapter 2 of the T&I SEPP. We request to be advised of the timing of the making of the proposed LEP so that we know which planning pathways will apply.

Overall, WaterNSW is supportive of Council's initiative in providing a comprehensive LEP for the MidCoast Area and incorporating comprehensive provisions for water-related matters. We note that the protection of water-related resources features prominently in the Draft LEP including through various waterway zones, objectives clauses for those zones, and through specific local provisions for Stormwater management (proposed clause 7.4), Drinking water catchments (proposed clause 7.5), riparian land and

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169 Macquarie Street Parramatta NSW 2150
PO Box 398, Parramatta NSW 2124
t. 1300 662 077 e. Customer.Helpdesk@waternsw.com.au

[WaterNSW](#) | We're at the source

watercourses (proposed clause 7.6) and Groundwater vulnerability (proposed clause 7.7). We also note that other local provisions also assist in protecting water quality, groundwater systems, and water resources across the LGA including dedicated clauses for Acid Sulfate Soils, Earthworks, Development of land in Karst areas, Development on steep land, and an Essential services clause. We support Council's consideration and inclusion of these provisions.

Given the emphasis on protecting water resources as provided in zoning controls and local provisions of the Draft LEP, Council may wish to include an additional subclause in the aims of the LEP (proposed clause 1.2) to explicitly protect water resources and promote the protection of waterways, water quality, groundwater, riparian areas and aquatic and marine ecosystems and environments. This would further help protect water resources for the social, economic and environmental benefit of the community and the LGA.

If you have any questions regarding this letter, please contact Stuart Little at stuart.little@waterNSW.com.au.

Yours sincerely,



ALISON KNIHA
Environmental Planning Assessments & Approvals Manager



Ms Sue Calvin
Senior Land Use Planner
MidCoast Council
PO Box 482
Taree NSW 2430

By email: sue.calvin@midcoast.nsw.gov.au

Cc: kate.kennedy@midcoast.nsw.gov.au

Dear Ms Calvin

Planning Proposal – draft MidCoast Council Local Environmental Plan

I refer to your request for agency consultation, received the 29 April 2024, requesting feedback on the draft planning proposal for the amalgamated MidCoast Council LEP. This includes the consolidation of the LEPs of the three former LGAs (Great Lakes, Gloucester and Taree), and has considered a rural strategy, an assessment of residential lands, a review of infrastructure, housing and recreation zones and an analysis of paper subdivisions.

Biodiversity, Conservation and Science's (BCS) detailed comments are provided in **Attachment A**.

The National Parks and Wildlife Service (NPWS) has also reviewed the draft LEP and its detailed comments will be provided in a separate letter.

If you have any further questions about this issue, please contact our Planning team at huntercentralcoast@environment.nsw.gov.au

Yours sincerely

A handwritten signature in black ink that reads 'Joe Thompson'.

Joe Thompson
Director Hunter Central Coast Branch
Biodiversity, Conservation and Science

11/7/2024

Enclosure: Attachment A

BCS Comments

Planning Proposal Draft MidCoast Council LEP May 2024

Biodiversity

1. BCS considers the LEP's inconsistency with Ministerial Direction 3.1 to be minor and justified

It is noted that the inconsistency with Ministerial Direction 3.1 is caused by the change in zones in the Gloucester Basin from a conservation zone to a rural zone. BCS understands that the conservation zone was a result of the desire to protect rural landscapes, and that the primary land use in the Gloucester Basin is rural. BCS accepts this inconsistency as minor. However, BCS recommends that any remnant HEVs, such as vegetation on the steep slopes either side of the basin not protected in a conservation zone, could be protected with a sensitive lands layer.

Recommendation 1

- BCS considers the inconsistency with Ministerial Direction 3.1 to be minor and justified.
- That a sensitive lands layer is used to protect any remnant HEV in the Gloucester Basin.

2. Land adjoining creeks and rivers should be zoned for conservation

Land either side of creeks/rivers should be zoned for conservation, not recreation or to match the adjoining zone. It is recommended that riparian zones which are mapped in the BV map should be zoned C2. Land adjacent to rivers and creeks on agricultural land should also be zoned for conservation in recognition of their ecosystem function.

Recommendation 2

- Land adjacent to rivers and creeks should be zoned C2 (Environmental Protection) if the riparian zone is mapped in the BV layer.
 - Land adjacent to rivers and creeks not mapped on the Biodiversity Map should be zoned for Conservation (C2 (Environmental Protection), C3 (Environmental Management) or C4 (Environmental Living)) in recognition of their ecosystem function.
3. Vegetated sites should be assessed in accordance with Stage 1 BAM if the new zone is going to reduce environmental protection

It is acknowledged that the majority of zone changes presented in this draft LEP are corrections to zones which currently do not reflect the existing land-use, or for existing residential areas in which an intensification of residential use is desired. There appears to be a large number of rural zoned lots which will be rezoned to large lot residential (R5) to better reflect their current use.

In a small number of sites, however, it appears as if some of the development areas may impact on areas covered by the Biodiversity Values Map (BV Map). A stage 1 BAM assessment is required for sites which are on the BV Map and is recommended for other well vegetated sites prior to rezoning for development. As these sites are likely to contain High Environmental Values (HEVs) which may limit development potential, it is recommended that Council does not raise unrealistic development expectations in the landowner by changing the zone prior to

the flora and fauna assessment. A Stage 1 BAM assessment will ensure that HEVs can be adequately avoided.

BCS has checked to see whether there is Important Habitat Mapping (IHM) for shorebirds, regent honeyeaters and swift parrots intersecting with proposed development areas, as impacts on IHMs are potential Serious and Irreversible Impacts (SII) and these areas may not be developable. Some of the rivers/creeks are important habitat for shorebirds and should be zoned C2. Impacts from development on these areas must be avoided and the areas should be well buffered. There is some swift parrot IHM within the local government area, but it does not appear to intersect with the development sites. There is currently no regent honeyeater IHM in the LGA (24/05/2024).

It is possible that there are other potential SII entities apart from the important habitat mapped areas. For this reason it is recommended that vegetated sites are assessed in accordance with Stage 1 BAM, so that areas are not rezoned for development when they possibly have no development potential.

Recommendation 3

- If part of a proposed development site is on the BV Map or vegetated a Stage 1 BAM should be used to inform Council's decisions regarding the zone and potential development footprint.

4. MidCoast Council's use of Conservation Zones is supported

BCS applauds Council's decision to rezone the paper subdivisions and flood-prone areas for conservation. This has resulted in 24,303 hectares more in conservation zones and is a more accurate reflection of their HEVs. A 10-hectare minimum lot size for C4 and a 20-hectare minimum lot size for C3 would ensure these values are well protected.

Recommendation 4

- BCS congratulates MCC on its decision to rezone its paper subdivisions to conservation in acknowledgement of their conservation values.
 - BCS recommends a Conservation zone as a buffer to National Park estate.
 - BCS recommends a minimum lot size for the C3 (Conservation Management) zone of 20 hectares. A smaller size lot would reduce the ability to protect the conservation values of the zone if it is required to accommodate extensive agriculture or is expected to provide a biodiversity corridor.
 - A minimum lot size of 10 hectares for a C4 zone is recommended, so that the high environmental values are not too fragmented and there would be fewer edge effects (e.g. weed invasion, feral pests) than would occur in a 5-hectare site.
 - BCS recommend that no horticulture is permitted in C4 zones. Some horticultural uses (e.g. glasshouses, vegetable growing) will otherwise result in very little native vegetation remaining on the site.
5. BCS retains its preference for not having recreation areas in the C2 zone and not permitting sewerage facilities in the C2 zone

BCS confirms its preference to not having recreation areas or sewerage facilities in the C2 zone, as this could result in the removal of a lot of native vegetation. If a recreation area or sewerage facility is to be built in an area which is already degraded, split zones could be used to differentiate land uses or a Schedule to cover existing uses in a C zone.

Recommendation 5

- Exclude recreation areas and sewerage facilities as permissible land uses for the C2 zone.
6. BCS recommends that MidCoast Council undertake a wildlife corridor study in order to inform structure plans and planning proposals

It is noted that no corridor study has been carried out. It is recommended that MCC undertake a wildlife corridor study in future to underpin strategic conservation planning decisions.

Recommendation 6

- That MCC undertake a wildlife corridor study in future to underpin strategic conservation planning decisions.
7. Tourism should be limited in C zones

BCS notes that there is a wide range of tourism uses included in the provisions of the C zones, and that this probably comes from the more rural nature of parts of the LGA. Eco-tourist facilities, agritourism, and camping grounds all have the potential to degrade environmental values and should be assessed carefully prior to granting consent.

Recommendation 7

- Tourism in conservation zones should be made subject to certain limits to ensure development for tourism purposes (including eco-tourism, agritourism and camping grounds) do not degrade the environment.

Flooding

8. Optional Standard Instrument clause 5.22 Special Flood Considerations would provide protection for new development that, as the result of a flood, will cause a risk to life or evacuation issues.

Standard Instrument (Local Environmental Plans) Amendment (Flood Planning) Order 2021 under the Environmental Planning and Assessment Act 1979 includes optional clause 5.22 Special Flood Considerations. This clause applies to:

- sensitive and hazardous development, such as caravan parks, hospitals and seniors housing, between the flood planning area (FPA) and the probable maximum flood (PMF), or
- development that is not sensitive or hazardous on land that the consent authority considers that, in a flood, may pose a particular risk to life and where people may need to evacuate, or where there are other safety concerns.

Many of the floodplains in MCC LGA are subject to significant flood risk beyond the FPA. For example, in the lower Gloucester River and Avon River floodplain the peak PMF levels are up to 8 meters higher than the Flood Planning Level (FPL) in places, and in the Manning River floodplain at Taree West peninsula the peak PMF levels are around 5 meters higher than the FPL. The Draft LEP does not provide a mechanism to identify and place flood related development control on properties that are located outside of the FPA, but that may be subject to significant risk to life for more extreme events up to the PMF.

The Flood Prone Land Policy (NSW Government, 2023) recognises that flood prone land is a valuable resource and that development applications and proposals for rezoning of flood prone land should be the subject of careful assessment which incorporates consideration of local

circumstances. Clause 5.22 would allow MCC to ensure development on flood prone land is compatible with the flood risk, where there is significant risk to life in an extreme flood event.

Since optional clause 5.22 was introduced in 2021, it has been adopted by 33 local councils.

Recommendation 8

- MCC should consider including clause 5.22 Special Flood Considerations in the LEP.
9. Areas of land susceptible to high hazard flooding may require zoning or zone boundary adjustment.

The Draft LEP has considered land susceptible to flooding impacts at Bulahdelah, Wingham and Gloucester, and has included these in the C3 Environmental Management zone. It is understood the intention of this change is to ensure development proposals consider and address the natural hazards, risks and constraints of the land, which in this case includes high velocity floodwater.

There may be other locations within the LGA that require similar consideration. A cursory review of existing Floodplain Risk Management Studies and Plans (FRMSPs) adopted by Council was undertaken when preparing these comments. Planning advice provided in the Manning River FRMSP (BMT, 2020) indicated that review of existing zoning in many locations, including South Taree, Tinonee, Cundletown, Croki, Coopernook, Harrington and Oxley Island, required further investigation to determine whether zoning or zone boundaries should be adjusted to capture land that is highly constrained by flooding and that may, in some cases, be unsuitable for intensification of development.

Detailed flood mapping outputs generated for Flood Studies and FRMSPs typically includes flood function (floodway, flood storage and flood fringe), flood hazard and sometimes flood planning constraint categories. This mapping information should be reviewed across the LGA to confirm the suitability of proposed zoning in high hazard floodway areas, consistent with Flood Risk Management Manual (NSW Government, 2023) guideline FB01 Understanding and managing flood risk.

Recommendation 9

- Review of zones boundaries against detailed flood mapping outputs should be undertaken to identify where adjustments are required to limit uses to those that are compatible with the flood function and flood hazard in the area.
10. The proposal is considered to be inconsistent with Ministerial Direction 9.1 Part 3(d).

Part 3(d) of Ministerial Direction 4.1 Flooding issued under section 9.1(2) of the *Environmental Planning and Assessment Act 1979* states that planning proposals must not contain provisions that permit a significant increase in the development and/or dwelling density of floodprone land.

The proposal is considered to be inconsistent with this Direction where the minimum lot size has been reduced compared to the current development standards, as this has increased potential for land subdivision. For example, current zoning on the Gloucester and Avon River floodplain around the Gloucester township is C3 Environmental Management with a minimum lot size of 100 hectares. Proposed zoning is RU1 Primary production with a minimum lot size of 60 hectares.

Recommendation 10

- The Draft LEP should be reviewed to ensure minimum lot sizes have not reduced within the FPA.



Education

8th August 2024

Midcoast City Council
2 Biripi Way,
Taree, NSW, 2430

Attn: Sue Calvin, Sue.Calvin@MidCoast.nsw.gov.au

Dear Ms Calvin,

RE: DEPARTMENT OF EDUCATION ENGAGEMENT – MIDCOAST COUNCIL LOCAL ENVIRONMENT PLAN (LEP) REVIEW (PP-2023-2287)

The New South Wales Department of Education (DoE), welcome the opportunity to provide additional comments on the draft amendments to the MidCoast Local Environmental Plan (PP-2023-2287). This advice complements that provided by the DoE in September 2023.

The DoE understand that the planning proposal seeks to harmonise the planning framework for the MidCoast Local Government Area (LGA). Noting the response provided by Council in May 2024, the DoE acknowledges the exhibited changes (and justification provided) and can advise that the use of rural zones over existing school agricultural plots is supported to ensure continuity of educational uses at these sites.

Further, DoE request consideration be given to the following matters in future planning reviews:

- Consistent application of planning controls relevant to height for educational establishments. Height requirements to be guided to by the *State Environmental Planning Policy (Transport and Infrastructure) 2021* in regional and rural areas and consistent with existing character in more urbanised settings (that allow height above 6 storeys).
- Ongoing consideration of impacts of cumulative growth on the provision of enabling infrastructure. This is relevant to the introduction of intensified residential typologies in infill areas.

Should you require further information about this submission, please contact the DoE Strategic Planning Team at StrategicPlanning@det.nsw.edu.au

Yours Sincerely,

Lincoln.Lawler@det.nsw.edu.au
Digitally signed by
Lincoln.Lawler@det.nsw.edu.au
Date: 2024.08.19 09:20:50
+1000'

Lincoln Lawler

Director, Statutory Planning and Heritage

New South Wales Department of Education, School Infrastructure



Department of Education-School Infrastructure NSW
GPO Box 33, Sydney, NSW 2001

Our ref: DOC24/216223

Your ref: MidCoast Draft LEP

General Manager
Mid Coast Council
Yalawanyi Ganya
2 Biripi Way
Taree NSW 2430

Subject: **Draft MidCoast Local Environmental Plan**

I refer to the Council correspondence dated 1 May 2024 inviting agency comment on the proposed MidCoast Local Environmental Plan (LEP). The NSW Department of Planning, Housing & Infrastructure – Crown Lands (“the Department”) has reviewed the proposal and due to the conservation value of the following Crown Land lots, seek Council consideration to reassess the LEP Zoning:

- 1. Lot/DP Reserve:** 7023/96754, 7024/96754 & 273/47478 – Reserve 71324, 46423 & 38
Location: Cedar Party Rd Taree
Management: LAMC/The Minister
Purpose: Future Public Requirements (13 Oct 1944), Limestone (27 Jun 1877) and Quarry (15 Mar 1911)
Conservation Value: High conservation value due to complete example of Eucalyptus glaucina forest, which has been mostly cleared around Taree. Contains Federally Vulnerable Cynanchum elegans and endangered Eucalyptus Glaucina. Information provided by Botanist Andrew Pagett.
Current LEP Zoning: Greater Taree Local Environmental Plan 2010: R1 General Residential
Draft LEP Zoning: Greater Taree Local Environmental Plan 2010: R1 General Residential
Crown Lands LEP zoning proposal: C2 Environmental Conservation
ALC: 29254 – under investigation & 22136 – under investigation.
- 2. Lot/DP Reserve:** Lot 2 DP 1075414 – Reserve 55175
Location: The Bucketts Way Tinonee
Management: The Minister
Purpose: Camping, Water – Gazetted 17/02/1922
Conservation Value: High conservation value vegetation, being Swamp Oak Forest EEC. Also contains a number of significant plant species including the Federally listed Syzygium paniculatum and Asperula asthenes. Also regionally rare Typhonium sp. Information provided by Botanist Andrew Pagett.
Current LEP Zoning: Greater Taree Local Environmental Plan 2010: R4 Primary Production Small Lots
Draft Proposed LEP Zoning: Primary Production Small Lots – no change
Crown Lands LEP zoning proposal: C2 Environmental Conservation
ALC: 10343 & 29309 – both under investigation.
- 3. Lot/DP Reserve:** CADID 100371999 and 100371999
Location: Foreshore fronting Millers Mistake Creek
Management: Crown Lands
Purpose: Road purposes, Shipping Timber,
Conservation Value: Classed as “remnant native vegetation” as defined by the Local Land Services Act 2013. Forest type to be analogous to the “Swamp Oak Floodplain Forest of the NSW North Coast, Sydney Basin and South-east Corner bioregions” endangered ecological

community listed on the Biodiversity Conservation Act 2015. Information provided by Mat Bell, Senior Ecologist at Mid Coast Council

Current LEP Zoning: Great Lakes Local Environmental Plan 2014 - C3 Environmental Management

Draft Proposed LEP Zoning: C3 Environmental Management – no change

Crown lands LEP zoning proposal: C2 Environmental Conservation – required stronger conservation rules

ALC: No claims.

Overall, please note that the following points should be considered:

- The application of land use zonings to Crown land should not compromise the principles of Crown land management from the Crown Lands Act 1989 and Crown Lands Management Act 2016.
- Zonings should be considerate of the future use potential of Crown land including development capacity and continued access to appropriate public land.
- The LEP should acknowledge the potential for development opportunities on Crown land to deliver balanced social, environmental and commercial outcomes.
- Zoning of Crown Reserves should be consistent with the public purpose of the reserve.
- Infrastructure or buffer zones to service new development should not be located on Crown land. This includes drainage infrastructure, utilities and services and bush fire asset protection zones.
- Due regard should be made to the NSW Aboriginal Land Rights Act 1983 and Commonwealth Native Title Act 1993 and the impact of Native Title and Aboriginal Land Claims on the proposed LEP zonings.
- Native Title has not been investigated over the Crown land lots and until such time as Native Title is determined, restrictions of the use of the land would apply under the Native Title Act 1993.

Thank you for the opportunity to comment and should you wish to discuss this matter further please contact Ms Sharon Bennett on 0427 784 289 or by email: sharon.bennett@crowmland.nsw.gov.au

Yours Sincerely



Sharon Bennett
Group Leader Property Management
Crown Lands
6 September 2024

Sue Calvin – Senior Land Use Planner
Mid-Coast Council
Sue.calvin@midcoast.nsw.gov.au
Via: C&R Planning Portal

ADVICE RESPONSE: MidCoast Local Environment Plan replacing the Gloucester, Great Lakes, and Greater Taree Local Environment Plans

Dear Sue,

I refer to your correspondence dated 26 April 2024 inviting the Department of Regional NSW – Mining, Exploration and Geoscience (MEG) to provide comments on the MidCoast Local Environment Plan replacing the Gloucester, Great Lakes, and Greater Taree Local Environment Plans, submitted by MidCoast (Council).

MEG has reviewed the information supplied in relation to this matter and has considered section 9.1(2) of the *Environmental Planning and Assessment Act 1979*, Direction 8.1 Mining, Petroleum Production and Extractive Industries and based on this review MEG has no resource sterilisation concerns in respect to scheduled minerals under the *Mining Act Regulation 2016*.

MEG acknowledges the consultation with MidCoast Council regarding the proposed removal of 'Extractive industry, 'Open cut mining' and 'Mining' as land uses that are permitted with consent within the C3 Environmental Management and C4 Environmental Living Zones. It was agreed that if any of these land uses were to be pursued in these zones, then it would be through the State Environmental Planning Policy (Resources and Energy) 2021.

For further advice on this matter, please contact Pamela Gould, GIS & Coordination Officer, Industry Advisory and Mining Concierge - Industry Development on 02 4063 6860 or mining.concierge@regional.nsw.gov.au.

Sincerely



Scott Anson

Manager Industry Advisory and Mining Concierge
Industry Development
Department of Regional NSW – Mining, Exploration and Geoscience

for

Tony Linnane

Executive Director Strategy, Performance and Industry Development
Department of Regional NSW – Mining, Exploration and Geoscience

From: [Lara Fusco](#)
To: [Kate Kennedy](#); [Sue Calvin](#)
Cc: [Santina Camroux](#); [Krishti Akhter](#); [Liza Miller](#)
Subject: RE: Update on request for feedback on the draft MidCoast Local Environmental Plan
Date: Friday, 28 June 2024 2:49:02 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)

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Good afternoon Sue and Kate,

Thank you for the opportunity to provide comment on the Planning Proposal - draft MidCoast Local Environmental Plan (PP-2023-2287).

Please note the following is not a submission from the Bush Fire Planning team for the above mentioned planning proposal. The following comments are only provided for information.

We note that the RFS have provided a submission to council.

We also note that MidCoast Council have participated as part of the Technical Working Group to provide important feedback on the draft Bush Fire Prone Land Package. This process is being prepared in partnership between the Department and RFS, and the draft package is currently anticipated to be exhibited in 2024. There may be opportunity for Council to address the draft Bush Fire Prone Land Package in the post-exhibition phase of this Planning Proposal.

Happy to discuss further if required.

Strategic Bush Fire Study

- Chapter 4 of *Planning for Bush Fire Protection 2019* (PBP) requires a Strategic Bush Fire Study to be prepared for strategic development proposals on bush fire prone land which addresses, at a minimum, the components of Table 4.2.1.
- The Department considers this a particularly important consideration given that the Planning Proposal seeks to increase the amount of residential area within the local government area (LGA) by 137 hectares, some of which is on bush fire prone land. It is therefore unknown if those areas have addressed any relevant bush fire considerations as required by PBP.
- It is suggested that the Planning Proposal be amended to consider Chapter 4 of PBP prior to finalisation, in particular the strategic planning principles.

Evacuation

- It is understood that the Planning Proposal seeks to create a single MidCoast Local Environmental Plan (LEP) that will apply to the whole MidCoast LGA by replacing the three LEPs that currently apply (Manning Region LEP, Great Lakes Region LEP, and Gloucester Region LEP). We also understand that Council have used the opportunity to undertake a number of minor amendments and adjustment of land use zones, including (amongst other amendments):
 - 1.173ha increase in the application of 'Other' zones, including the Special Purpose zone for tourist and infrastructure uses,

- 28ha reduction in employment zones, and
- 137ha increase in residential areas.
- Further information should be provided to understand what bush fire information was used to confirm the re-allocation of these land use zones, particularly the increase in residential zones.
- It will be important to assess access and egress considerations, as well as an assessment of the future impact of new development, as a result of the changes proposed in the planning proposal, on emergency services. These are relevant considerations for a Strategic Bush Fire Study, as required by Table 4.2.1 of the PBP.
- It is suggested that Council consider undertaking a review of its infrastructure and evacuation plan for the entire LGA as part of the next Local Strategic Planning Statement, as well as any significant planning proposal or rezoning activity.

Subdivision / lot sizes

- It is understood that some growth is proposed in the Gloucester Basin through a reduction of minimum lot sizes from 100ha to 60ha.
- It is acknowledged that the Planning Proposal's desktop analysis recognised that not all these lots would come into fruition given the constraints of the land including steepness, ecological values, flooding and bush fire, along with the expense of providing infrastructure to the sites (e.g. roads, power, water). However, the reduction of minimum lot sizes, particularly in rural areas within the MidCoast region which may be bush fire prone, must be supported by a strategic bush fire study to address bush fire risks.
- In addition, there is no bush fire mapping identified in the Planning Proposal to assess the appropriateness of the proposed lot size reduction.

Kind regards,

Lara Fusco (*she/her*)
 A/Senior Manager, Bush Fire Planning Team
 Resilience and Sustainability
Department of Planning, Housing and Infrastructure
 T (02) 9995 5961 E lara.fusco@dpie.nsw.gov.au
www.dphi.nsw.gov.au

4 Parramatta Square
 12 Darcy Street
 Parramatta NSW 2150



I acknowledge the traditional custodians of the land and pay respects to Elders past and present. I also acknowledge all the Aboriginal and Torres Strait Islander staff working with NSW Government at this time.

Please consider the environment before printing this email.



Mid-Coast Council
PO Box 450
FORSTER NSW 2428

Your reference: (REF-2847) PP-2023-2287
Our reference: SPI20240428000055

ATTENTION: Sue Calvin

Date: Thursday 16 May 2024

Dear Sir/Madam,

**Strategic Planning Instrument
Draft LEP – Draft Proposal
MidCoast Local Environmental Plan 2024**

I refer to your correspondence dated 26/04/2024 inviting the NSW Rural Fire Service (NSW RFS) to comment on the above Strategic Planning document.

The NSW RFS has considered the information submitted and provides the following comments.

The objective of this planning proposal is to create a single MidCoast Local Environmental Plan that will apply to the whole of the MidCoast area. This plan will replace the Gloucester, Great Lakes and Greater Taree Local Environmental Plans.

Instead of consolidating the current LEPs, the approach was to undertake strategies and reviews to guide new planning controls. The supporting documents include:

- MidCoast Housing Strategy
- MidCoast Rural Strategy – The Way Forward
- Paper Subdivision Analysis Report
- Recreation Zones Review
- Employment Zones Review
- Infrastructure Zones Review
- Manning Health/Taree CBD Precinct Plan
- Zoning in Urban – Response to Feedback
- Rural Strategy – Supplementary Report.

In respect to bushfire risk, council contends

The draft MidCoast LEP brings together three LEPs into one plan. There are no significant changes proposed to increase the population of the urban areas across the MidCoast. The only increase would be as a result of the Manning Health/Taree CBD Precincts Plan which will occur within the town centre, removed from any bush fire hazards. In relation to the population of Taree the potential increase from this precinct plan would not be considered significant.

1

Postal address

NSW Rural Fire Service
Locked Bag 17
GRANVILLE NSW 2142

Street address

NSW Rural Fire Service
4 Murray Rose Ave
SYDNEY OLYMPIC PARK NSW 2127

T (02) 8741 5555
F (02) 8741 5550
www.rfs.nsw.gov.au





Land use planning can be an effective tool in minimising or avoiding the impact of natural hazards such as bush fire. From a risk management perspective, the safest approach is always to avoid high risk areas. Local land use strategies and LEPs should consider and identify land affected by natural hazards and direct development away from inappropriate and constrained lands. In a bush fire context, strategic planning must ensure that future land uses are in appropriate locations to minimise the risk to life and property from bush fire attack. Services and infrastructure that facilitate effective suppression of bush fires also need to be provided for at the earliest stages of planning.

Based upon Council's contentions, the NSW RFS has no objection to the Planning Proposal proceeding. While it is acknowledge, undertaking a comparative review of bushfire risk, between the existing and proposed LEP, would be onerous, where it is identified that the draft LEP has created new dwelling opportunities, through subdivision (minimum lot size) or entitlement, a bushfire study will be required.

For any queries regarding this correspondence, please contact Neil Pengilly on 1300 NSW RFS.

Yours sincerely,

Alan Bawden
Manager Planning & Environment Services
Built & Natural Environment



Response from Fisheries/Marine Parks – no objection

Discussed with Andrew Hamstead on 19 [August 2024](#)

|

Proposal case details	Referral case details	Documents	Action summary
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Following a preliminary review, is the detail provided complete and is the case ready for a decision?
Yes, the application is ready for decision

What is the outcome of your review?
Decision not required

Comments
Response to advice provided from DPI Fisheries / Marine Parks relating to the Draft LEP addressed questions relating to the LEP.

Documents

27 September 2024

Sue Calvin
Senior Land Use Planner
MidCoast Council
PO Box 482
Taree NSW 2430

Email: sue.calvin@midcoast.nsw.gov.au

Dear Ms Calvin

I refer to your correspondence dated 1 May 2024 seeking feedback from TAFE NSW on the draft Mid Coast Local Environmental Plan (draft LEP). We thank you for the opportunity to review your plans and provide comments.

TAFE NSW notes the following in relation to the draft LEP for the two TAFE NSW sites at Tuncurry and Taree, outlined as follows:

1. **2 The Northern Parkway, Tuncurry (Lot 1 DP1180218)**: Rezoning the site to SP2 Infrastructure has no material benefit to TAFE NSW due to existing use rights under residential zonings.
2. **2 Montgomery Crescent, Taree (Lot 1 DP1011229)**: TAFE NSW supports your proposal as identified in the draft planning controls supplied to TAFE NSW.

We appreciate the opportunity you have provided to supply feedback. Should you wish to discuss the contents of this letter, or to discuss anything further, please contact Wendy Williams, Program Manager-Property Transactions, Property Operations on either wendy.williams38@tafensw.edu.au or 0428 415 232.

Yours sincerely,



Scott Nemeth
Director Property Operations
TAFE NSW

From: [Land Administration](#)
To: [Kate Kennedy](#); [Sue Calvin](#)
Cc: [Garth Nagle](#); Paul.Maher@planning.nsw.gov.au
Subject: RE: Consultation for the draft MidCoast Local Environmental Plan
Date: Tuesday, 3 September 2024 11:43:23 AM
Attachments: [image001.png](#)
[image002.png](#)

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Good morning Kate & Sue,

Apologies for the delay in our response, we discussed this internally last month, however, must not have responded.

I advise that FCNSW has no objections to the draft MidCoast LEP. We note that the zoning appears to be correct for State forests.

FYI – Kim has changed roles, so please direct any future correspondence to me/Land Admin and Garth.

Thanks,

Rachel

Rachel Brade | Senior Land Administrator
Forestry Corporation of NSW | Country & Community
Maher Street Wauchope, NSW 2446
M: 0457 314 681 | E: Rachel.Brade@fcnsw.com.au | W: www.forestrycorporation.com.au
We work flexibly. If you have received an email from me outside of normal business hours, I'm sending it at a time that suits me.

From: [Ramsey Awad \(Hunter New England LHD\)](#)
To: [Kate Kennedy](#)
Subject: RE: Consultation for the draft MidCoast Local Environmental Plan
Date: Thursday, 5 September 2024 2:17:44 PM
Attachments: [~WRD3871.jpg](#)
[image001.jpg](#)
[image002.png](#)
[image003.png](#)

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Dear Kate,

Apologies again for my late response.

I have reviewed the draft MidCoast Local Environmental Plan and have no comments to make on behalf of Hunter New England Health.

Regards,

Dr Ramsey Awad

Executive Director, Infrastructure, Planning and Sustainability

Area Administration, Locked Bag No 1, New Lambton NSW 2305

Tel 02 4923 6288 | Mobile 0438 603 421 | ramsey.awad@health.nsw.gov.au



From: [Cherie Colyer-Morris](#)
To: [Kate Kennedy](#)
Cc: [Craig Blount](#); [Andrew Hampstead](#)
Subject: RE: Update on request for feedback on the draft MidCoast Local Environmental Plan
Date: Tuesday, 18 June 2024 4:01:31 PM
Attachments: [image003.png](#)
[image004.png](#)
[image005.png](#)

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Hi Kate,

Thanks for your follow up email.

Our coastal systems team have undertaken a review of the response to Fisheries comments provided in *Appendix 7: NSW Government Consultation*, and are satisfied with Council's response and have no additional comments to make. The Marine Parks team are also undertaking a review, led by Andrew Hampstead (the acting marine park manager), and will provide their comments separately if they have any.

Kind regards,

Cherie

Cherie Colyer-Morris (she/her) | Fisheries Manager – Coastal Systems Unit
NSW Department of Primary Industries | Fisheries
Port Stephens Fisheries Institute | Taylors Beach Road, Taylors Beach, NSW 2316
ALL MAIL TO: DPI Fisheries, Attn: M.Coughran, 1243 Bruxner Hwy, Wollongbar NSW 2477
M: 0472 713 714 E: cherie.colyer-morris@dpi.nsw.gov.au

