

## 14.8. MIDCOAST RURAL STRATEGY

### REPORT INFORMATION

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<b>Date of Meeting</b>	<b>14 December 2022</b>
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### SUMMARY OF REPORT

The 'MidCoast Rural Strategy - The Way Forward' document responds to the Rural Strategy submissions received and identifies future planning controls for rural and natural landscapes using an evidence-based approach.

This report outlines the key components of the 'MidCoast Rural Strategy - The Way Forward' for inclusion in the future draft MidCoast Local Environmental Plan.

### RECOMMENDATION

1. That the 'MidCoast Rural Strategy - The Way Forward' (Attachment 1) be adopted, placed on Council's website and implemented through the development of a new draft MidCoast Local Environmental Plan and Development Control Plan.
2. That the summary of recommendations (Attachment 2) be adopted, placed on Council's website and implemented through the development of a new draft MidCoast Local Environmental Plan and Development Control Plan.
3. That the amended Paper Subdivision Analysis Report (Attachment 3) be adopted and placed on Council's website.
4. That the remaining Rural Strategy merger funding be retained for the implementation of Rural Strategy projects.

### FINANCIAL / RESOURCE IMPLICATIONS

State merger funds were allocated to the preparation of the draft Rural Strategy and were used to engage consultants for background papers and consultation. Preparation of the draft Rural Strategy and the 'MidCoast Rural Strategy - The Way Forward' has been undertaken by the Land Use Planning Team.

NSW Department of Primary Industries are undertaking research projects which have the potential to alter the approach to rural lands. The remaining merger funds would enable Council to respond promptly to implement any opportunities made available through the following:

- State Significant Agricultural Land mapping,
- Agricultural Planning Snapshots for the MidCoast,
- The findings of a joint research project between Department of Primary Industries and University of NSW into minimum lot sizes for rural land (due to commence in 2023).

### LEGAL IMPLICATIONS

Council is required to undertake a public exhibition process prior to the adoption of a land use strategy that will inform the preparation of local environmental planning instruments. The draft Rural Strategy consultation was completed in early 2022..

## RISK IMPLICATIONS

Nil.

## BACKGROUND

The draft Rural Strategy (along with Background Papers), Infrastructure Zones Review and Recreation Zones Review were made available for community comment from 30 August 2021 until 28 January 2022.

431 submissions were received (included in Attachment 4) and have been grouped as shown in Figure 1 below.

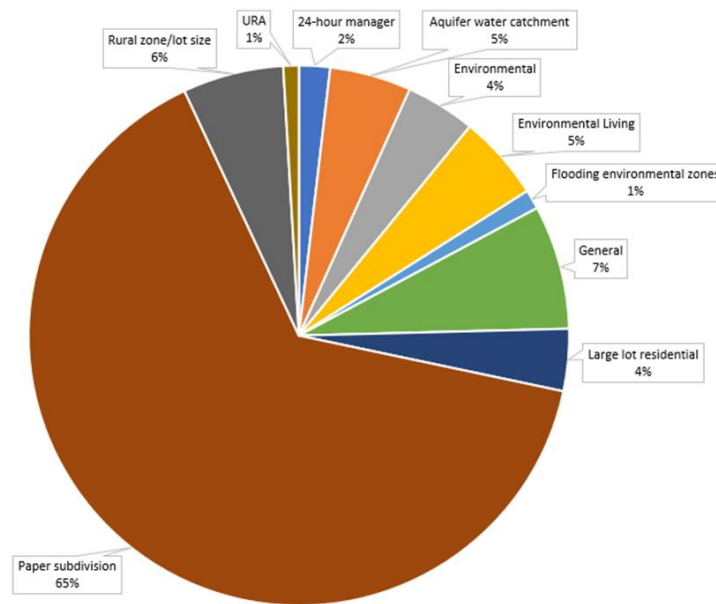


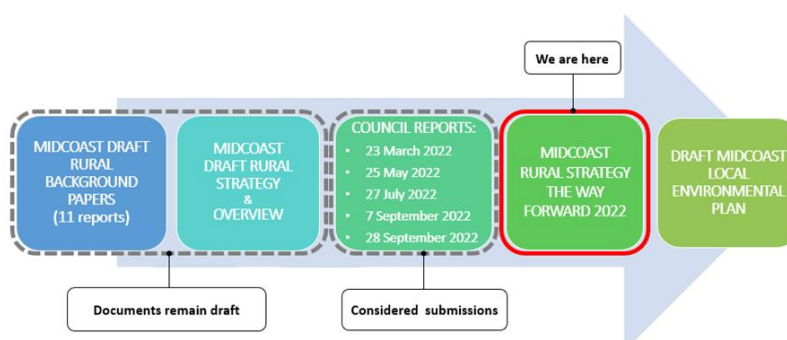
Figure 1: Rural Strategy submissions

## DISCUSSION

The 'MidCoast Rural Strategy - The Way Forward' (Attachment 1) examines the zones to be applied to the rural landscape, being the rural, conservation and waterways zones. It also examines special consideration areas that were raised in the submissions received to the draft rural strategy being paper subdivisions, drinking water and aquifer catchments, high velocity floodplains, urban release areas, villages, large lot residential areas, visitor accommodation and dwelling entitlements.

The aim of the 'MidCoast Rural Strategy - The Way Forward' is to provide a clear approach for future rural planning controls based on evidence and in response to the submissions received in relation to the draft rural strategy.

Figure 2 below shows the process undertaken for the Rural Strategy. The 'MidCoast Rural Strategy - The Way Forward' will guide the drafting of the MidCoast Local Environmental Plan. The MidCoast Draft Rural Strategy, Overview and Background Papers will remain draft documents that have been integral in developing the 'MidCoast Rural Strategy - The Way Forward'.



## Figure 2: Rural Strategy process

It is important to note that in reviewing and clarifying the future planning controls, some changes have been made to the recommendations in previous Council reports regarding the rural zones, aquifer catchments, urban release areas and dwelling entitlements, as outlined below.

### 1. Rural zones

Apart from the application of the Forestry zone, the draft Rural Strategy proposed applying one rural zone over the majority of rural areas. Specifically, the Rural Landscape zone was proposed with a minimum lot size of 40ha.

During consultation, twenty-six submissions raised concerns regarding the proposed rural zone. The two key areas of concern were:

- reduction of the minimum lot size from 100ha to 40ha,
- discontinuation of the Primary Production zone and applying a 'one-size-fits all' approach.

The NSW Government was a key submitter requesting a review to this approach. A review was undertaken as part of developing the 'MidCoast Rural Strategy - The Way Forward'. This review has identified the potential to create three rural zones for the MidCoast. Figure 3 shows the three rural areas that will be subject to different zones and development standards as outlined below:

- **Western rural lands** - given the steepness of these lands and the quality of the soil, it is proposed to include this land in the Rural Landscape zone with a minimum lot size of 100ha. The range of rural activities currently permitted will be generally retained.
- **Gloucester basin** - this area contains important agricultural land, with relatively good soil capability. The land is less steep land and has been typically cleared along the floodplain close to the Gloucester township. It is proposed to include this land in the Primary Production zone to enable a range of rural activities. The minimum lot size is to be reduced from 100ha to 60ha to enable more rural activities close to the Gloucester township, which provides access to markets and services.
- **Eastern lands** - this area offers a diverse rural landscape, intermingled with steep lands, clusters of good vegetation and patches of land with a relatively good soil capability. There has been significant fragmentation of these lands prior to the mid 1990s. It is proposed to include this land in the Primary Production Small Lots zone, with the majority of land having a minimum lot size of 40ha. The 20ha minimum lot size will be retained in locations around The Bight, Tinonee, Mondrook, Dyers Crossing, Krumbach and Mitchells Island.

### 2. Aquifer catchments

The draft Rural Strategy investigated how the planning framework could assist with ensuring water security in the region, particularly for the aquifer catchments. There are two aquifer catchments at Nabitac and Tea Gardens. Each aquifer has been mapped as the aquifer footprint (where water is drawn directly from the aquifer) and the aquifer catchment (where water from these sites add to the aquifer).

The draft Rural Strategy proposed rural zoned land in both the aquifer footprint and catchment be included in the Environmental Management zone and an overlay be included in the draft MidCoast Local Environmental Plan. The overlay will be linked to a local provision which outlines criteria that must be considered by development.

During consultation, twenty-one submissions raised concerns regarding the proposed change from a rural to a conservation zone. A review of the approach for aquifers and their boundaries was undertaken and it is now proposed that:

- rural zoned land in the aquifer footprint be included in the Environmental Management zone (except where changes are proposed for environmental purposes). Minor changes to the aquifer footprint boundary are proposed,

- the aquifer catchment remains in a rural zone (except where changes are proposed for environmental purposes),
- an overlay be applied to the aquifer footprint and catchment, to be included in the draft MidCoast Local Environmental Plan, accompanied by a local provision which ensures any new development does not impact on the quality of water entering the aquifer (same process applied to the drinking water catchments).



### **Figure 3: The three proposed rural areas**

#### **3. Urban Release Areas**

Urban release areas are sites that will cater for the future growth of our towns and villages. They are identified in the MidCoast Urban Release Areas Report 2021.

The draft Rural Strategy proposed a change to the zone of high priority urban release areas (to be rezoned over the next five years) in Forster and Tea Gardens to an Environmental Living zone.

During consultation four submissions were received on urban release areas, and they raised concerns about the proposed change from a rural to a conservation zone, given the land is proposed to be rezoned for urban purposes.

A review was undertaken, and the NSW Government consulted. It is proposed to change the approach in the Rural Strategy to retain all of the 'greenfield' urban release areas in the relevant rural zone in the draft MidCoast Local Environmental Plan.

#### **4. Dwelling entitlements**

Not all properties in rural or conservation zones have the entitlement to build a house on the property. The size of the lot is key to determining if a house approval can be sought or more research is needed.

In the rural and conservation zones the minimum lot size can vary from 10ha up to 100ha. If the lot area is the same or larger than the minimum lot size, there is a dwelling entitlement. If the lot area is less, the landowner may need to apply for a dwelling entitlement search.

The search is undertaken under *Clause 4.2A Erection of dwelling houses on land in certain rural and conservation protection zones* of the Local Environmental Plans and examines:

- any subdivision approvals and the date of the approval. For example, some rural land may have been subdivided under historic Local Environmental Plan provisions. It is important to determine that the subdivision was lawfully approved enabling the dwelling entitlement
- the history of the land holding. The three existing Local Environmental Plans specify different dates for when dwelling entitlements first occurred. The existing holdings that applied on the dates outlined below need to be considered in the search – only one dwelling entitlement could be applied to each existing holding, no matter how many lots existed. The dates are:
  - 15 May 1964 for the Great Lakes Local Environmental Plan 2014
  - 2 June 1967 for the Greater Taree Local Environmental Plan 2010
  - 17 October 1969 for the Gloucester Local Environmental Plan 2010.

Applying the three dates across the MidCoast was considered problematic, given the former Council areas no longer exist. The draft Rural Strategy proposed removing the dates, which meant that properties that relied on existing holdings to justify their dwelling entitlements would no longer have a dwelling entitlement when the MidCoast Local Environmental Plan came into force. It is important to note that landowners have had opportunity since the 1960s to establish dwelling entitlements on these properties and build a house.

Between 2018 and 2021, there was a significant number of applications to undertake a dwelling entitlement search, indicating that there is still a need to provide this service to landowners. It is also important to clearly communicate to the community about the proposed changes to dwelling entitlements. Some Councils have provided a sunset provision that outlines a timeframe for when the existing provisions would lapse (e.g. Clarence Valley, Snowy Monaro and Cessnock).

It is proposed to include a two-year sunset provision into proposed Clause 4.2A in the draft MidCoast Local Environmental Plan. This will enable information to be communicated to the community, enabling them to enquire about dwelling entitlements prior to the proposed changes coming into force.

Minor changes are also proposed based on some of the site-specific submissions. The summary of recommendations (Attachment 2) details the recommended changes proposed based on the submissions received.

The Paper Subdivision Analysis Report (Attachment 3) has been amended to reflect the recommendations of the Council Report dated 28 July 2022 relating to Paper Subdivisions and will be made available on Council's website.

## **CONSULTATION**

Community consultation occurred from 30 August 2021 until 28 January 2022 and involved:

- thirteen information sessions (including a Zoom session) attended by around 59 people,
- sending 3,666 letters and 2,940 emails,
- 587 phone and 293 email enquiries,
- 11,833 visits to our 'Know Your Zone' project page on our website.

We received 431 submissions which have been considered at four Council meetings where topics were grouped, reviewed and recommendations provided. Submitters were notified prior to the relevant report being tabled for consideration by Council. All submitters have been notified of this report.)

## **COMMUNITY IMPACTS**

The 'MidCoast Rural Strategy - The Way Forward' aims to provide future planning controls for the rural and natural landscapes using an evidence-based approach. Implementation of the 'MidCoast Rural Strategy - The Way Forward' will occur through the development of the draft MidCoast Local Environmental Plan and Development Control Plan and will provide environmental, social and economic benefits to the communities and residents of the MidCoast.

## **ALIGNMENT WITH COMMUNITY PLAN/OPERATIONAL PLAN**

### **Community Strategic Plan**

The 'MidCoast Rural Strategy - The Way Forward' reflects many of the key values, objectives and outcomes of the MidCoast 2022-2032: Shared Vision, Shared Responsibility (MidCoast Community Strategic Plan), and is consistent with the community outcomes, being:

1. A resilient and socially connected community
2. An integrated and considered approach to managing our natural and built environments
3. A thriving and strong economy
4. Strong leadership and good governance

### **Delivery Program (2022-26) and Operational Plan (2022-23)**

The Rural Strategy framework and outcomes will contribute to key Land Use Planning Projects, being the draft MidCoast Local Environmental Plan and Development Control Plan. These projects are requirements of the Delivery Program (2022-26) and Operational Plan (2022-23).

## **TIMEFRAME**

Adoption of the 'MidCoast Rural Strategy - The Way Forward' will enable the preparation of the draft MidCoast Local Environmental Plan and Development Control Plan.

## **LIST OF ATTACHMENTS**

The following attachments are available on the meeting page of Council's website under the 'Attachments to Agenda' heading. The copy of attachment 4 on the website has had the personal information redacted to protect the privacy of the members of the public providing submissions.

Attachment 1 - MidCoast Rural Strategy - The Way Forward for adoption (83 pages)

Attachment 2 - Summary of recommendations (23 pages)

Attachment 3 - Amended Paper Subdivision Analysis Report for adoption (152 pages)

Attachment 4 - Draft Rural Strategy submissions (1408 pages)