



This is a summary of the 431 submissions during the draft Rural Strategy consultation. Submissions have been grouped, reviewed and recommendations proposed.







NOTE: Submissions to the Paper Subdivision Analysis Report include duplicates and, in some instances, more than one submission from a landowner. As a result, the number of submissions referenced, and the number of properties mapped in any location, may not correspond.

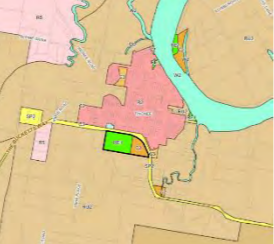

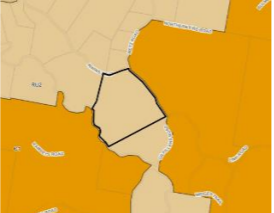
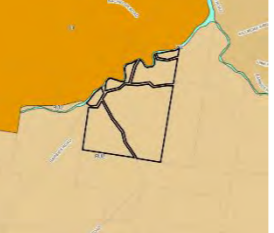


Topic:	Summary of submissions:	Response and recommendation:
	<p>General feedback</p> <p>Submissions provided general constructive feedback, and support is given to issues such as:</p> <ul style="list-style-type: none"> the prohibition of manufactured home estates (caravan parks) on rural lands; diversity of housing in rural communities to enable retirement to rural villages, not in retirement villages; ongoing Council submissions to mining and extractive industry proposals; balanced and collaborative initiatives with land holders across rural and urban environments; increased conservation of habitats and connectivity, including protection of water quality and resources; and site responsive subdivision as an alternative to inflexible lot sizes, noting challenges with consistent assessment and State support. <p>The submissions also recommend increased action to:</p> <ul style="list-style-type: none"> address the broad rural industry definition, additional development activities and extractive industries allowed in the rural zone exacerbating land use conflict and impacts upon the rural landscape; balance between development and protection of our environment across all zones; encourage affordable housing in areas with services and facilities for residents; enable housing fit-for-purpose and reflect community needs for diverse, not always large, dwellings; and facilitate innovative environmental and renewable energy projects to limit impacts of unsustainable extractive industries. <p>The submissions also raised the following points:</p> <ul style="list-style-type: none"> support community consultation on the MidCoast Local Environmental Plan and Development Control Plan; clarity on how the rural zone will be applied, including to small lots currently used for rural residential and environmental living purposes; recognition of environmental habitats, wildlife corridors and properties suitable for the Environmental Living zone; provisions addressing the climate change emergency; how in-active but authorised developments will be addressed; not using the lowest common denominator from previous planning tools; conservation zones being applied to land in conservation agreements or other protection mechanisms; site responsive subdivision and development controls that require consideration of water bodies, catchments and resources; greater focus on maintaining and improving infiltration, hydrological flows, wetland ecosystems within urban and rural areas, on public and private land; increase support for local hubs for renewable energy, transport and telecommunication to increase sustainable communities and visitation; and applying conservation zones may exacerbate unwanted activities prior to zone being enforced; and the impact fees and rates may have on multi-property activities and initiatives. <p>Submissions: 11, 77, 253, 354, 372</p>	<p>These submissions are to be considered in context with other grouped submissions on these topics, with the following notes:</p> <ul style="list-style-type: none"> the online mapping tool was not intended as a comprehensive reflection of the future zoning of land but illustrated the broad principles of the draft Rural Strategy to enable discussion and consultation; one rural zone and a standard 40ha minimum lot size was applied in the absence of additional detailed Important Agricultural Land and State Significant Agricultural Land mapping from the Department of Primary Industries. Based on submissions this approach has been reviewed with new rural zones proposed in the Rural Strategy - The Way Forward document; the identification of land being used for rural residential and environmental living purposes is an ongoing issue across the MidCoast given the diversity of landscapes and activities occurring across the rural landscape; the prohibition of caravan parks in rural zones is proposed to be included in the draft MidCoast Local Environmental Plan; the Rural Strategy - The Way Forward outlines the proposed zoning approach for aquifers; it is noted that land use definitions and certain planning controls are mandated by the State and cannot be amended by Council. For example mining and extractive industries may occur on any land used for agriculture or industry under the State Environmental Planning Policy (Resources and Energy) 2021. Provisions relating to activities such as short-term holiday letting (eg. Airbnb) are determined by the State, with limited opportunity for council input, other than from compliance and management of impacts associated with inappropriate activities in response to complaints. <p>Recommendation: As part of the draft MidCoast Local Environmental Plan program, continue to update the Land Use tables to reflect NSW Government reforms</p>



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Consultation process		
	<p>The submission raises concern that Council cannot consider the issues covered in the Strategy without appropriate consultation and input from landowners. The submission also questions why Council is adding to existing State and Federal legislation and processes, without appropriate expertise in the issues being covered.</p> <p>Submission: 309</p>	<p>Council has undertaken consultation on a range of land use strategies and zone reviews with the support of the NSW Government and will continue this consultation for the drafting of the MidCoast Local Environmental Plan and Development Control Plan. Consultation on the draft MidCoast Local Environmental Plan and Development Control Plan is planned as a combined consultation program and will involve extensive community notification and consultation.</p> <p>Recommendation: No change</p>
	<p>Suggestion that Council focus on fixing roads and bridges instead of focussing on a strategy that no one will agree on.</p> <p>Submission: 50</p>	<p>While maintaining roads and bridges is a priority for Council, we also need to have planning controls in place to accommodate growth and encourage economic development, while keeping what is important, being our rural and natural landscapes. The Rural Strategy is an important step towards having one set of planning controls for the MidCoast.</p> <p>Recommendation: No change.</p>
	<p>Objection to an implied “one size fits all” approach to telecommunications.</p> <p>Submission: 256</p>	<p>The Rural Strategy advocates for improved telecommunications across the MidCoast but does not require landowners to install facilities. The intent was to highlight the need for ongoing advocacy for improved telecommunications across the MidCoast in partnership with providers and agencies.</p> <p>Recommendation: No change</p>
	<p>Seeks confirmation that undersized lots with existing dwelling entitlements will not have these entitlements affect by future changes recommended in the Rural Strategy.</p> <p>Submission: 89</p>	<p>Applying the three dates for existing holdings across the MidCoast was 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.</p> <p>This approach has been reviewed and it is proposed to include a two-year sunset provision into the proposed Clause 4.2A in the draft MidCoast Local Environmental Plan. This will enable information to be communicated to the community, providing the opportunity to enquire about dwelling entitlements prior to the proposed changes coming into force.</p> <p>Recommendation: The Rural Strategy – The Way Forward document propose that as part of the draft MidCoast Local Environmental Plan, Council include a two-year sunset provision whereby the dwelling entitlement on vacant existing holdings and rural and conservation lots below the minimum lot size that have not been created by a lawfully approved Council subdivision would lapse..</p>
	<p>Request that Council extend the sewer to existing dwellings in Darawank east of The Lakes Way.</p> <p>Submission: 57</p>	<p>The Asset Planning Coordinator provided a response in August 2021 indicating that Council have no current plans to extend the sewer network to this area.</p> <p>Recommendation: No change.</p>
	<p>Support for primitive camping in rural and conservation zones if appropriate controls for effluent disposal and wastewater are provided. The Local Government Regulations are outdated and do not reflect RV and self-contained camping options. It is requested that Council consider new Local Environmental Plan provisions that enable alternative and extended visitation where suitable waste disposal and management facilities are provided to support primitive camping grounds.</p> <p>Submission: 286</p>	<p>Primitive camping grounds are a defined land use with limited assessment provisions within the planning assessment framework, being largely governed by the provisions of the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021.</p> <p>It was reasonable to consider additional provisions for primitive camping grounds in both rural and conservation zones in the draft Rural Strategy, as an additional income opportunity for landowners, where an appropriate level of on-site management and environmental protection can be maintained.</p> <p>Recommendation: Local Government Regulations for primitive camping grounds will be reviewed prior to finalising the draft MidCoast Local Environmental Plan, to examine whether suitable local provisions could be included in the draft MidCoast Local Environmental Plan.</p>
Data gaps		
	<p>The submissions are concerned that there is not enough emphasis on biodiversity conservation and corridor creation and recommend that Council apply the ‘precautionary principle’ when preparing the new planning controls. Areas identified as Koala Conservation Action Plan precincts should be identified and reflected in the Local Environmental Plan and Development Control Plan.</p> <p>It is important to ensure consideration is given to policies/principles from the Greening Strategy and Biodiversity Strategy in this future planning. Any reduced minimum lot sizes could impact on biodiversity, scenic, natural and agricultural values of the MidCoast through additional subdivision and rural residential development across the landscape.</p> <p>Submissions: 420, 428</p>	<p>The Rural Strategy - The Way Forward document provides additional clarity on rural and environmental zone criteria, to guide the drafting of the new Local Environmental Plan. A key aim being to provide a consistent approach to the application of these zones and planning controls across the MidCoast. As a result of submissions, the proposed zones and minimum lot size applied to rural lands has changed to maintain a range of lot sizes being 100ha, 60ha, 40ha and 20ha.</p> <p>The Way Forward document also outlines the range of biodiversity and conservation local provisions being considered for the draft MidCoast Local Environmental Plan that will be informed by Council’s Biodiversity Framework and State Policy provisions. It needs to be recognised that there are different levels of biodiversity information across the three former Council areas, as noted in the further work outlined in the Biodiversity Framework. The planning controls will provide the framework which can then be added to as new research is undertaken.</p> <p>The karsts that were previously identified in Gloucester Local Environmental Plan 2010 are proposed to be reinstated through the new Local Environmental Plan.</p> <p>Consultation on the draft MidCoast Local Environmental Plan and Development Control Plan will occur simultaneously enabling the community and landowners to not only review proposed zones but also the planning controls to be applied.</p> <p>Recommendation: Reintroduce the karst mapping and a suitable clause in the draft MidCoast Local Environmental Plan</p>


Topic:	Summary of submissions:	Response and recommendation:
Proposed conservation zones		
<p>The landowner will be affected by a potential rezoning from rural to environmental and supports this, provided additional consideration is given to the effective application of the zones and minimum lot sizes to achieve the objectives of the conservation zones. The landowner suggests that properties being considered for the:</p> <ul style="list-style-type: none"> • Environmental Living zone have at least 1-2ha or 5-10% of natural bush or revegetated natural bush, suitable for wildlife corridors and habitat and is applied to properties generally smaller than 40ha, which are less suited to primary production • Environmental Conservation zones be applied with a minimum lot size of 100ha wherever possible to reduce fragmentation. <p>Submission: 83</p>	<p>The number of conservation zones available to use in a local environmental plan are limited by the NSW Government. As a result, the Environmental Living zone applies to land basically with two different scenarios. Properties currently in this zone adjoin the lakes, have a semi-rural lifestyle and have a minimum lot size of 10ha. The new properties are currently in a rural zone but are not typically used for agriculture. They adjoin a National Park, have sensitive vegetation or waterways and often contain bushland, are home to fauna and have an outlook over the natural landscape. They are 'lifestyle' lots nestled amongst the natural landscape, not intended for a range of rural activities. The minimum lot size for this zone was reduced from 40ha to 20ha, to reflect the majority of existing lot sizes found in these locations.</p> <p>The minimum lot size for the Environmental Conservation zone typically applied across regional NSW is 40ha. There is no intention to change this minimum lot size.</p> <p>Recommendation: No change</p>	
Agency Submissions		
<p>NSW Department of Primary Industries – Fisheries, Aquaculture Unit support identification of aquaculture as key to primary production and tourism in the region and recommend minor amendments. The Strategy should be amended to reflect the 2021, updated NSW Oyster Industry Sustainable Aquaculture Strategy (OISAS) and ensure relevant hyperlinks are active. The Healthy Estuaries for Healthy Oysters Guidelines should also be referenced.</p> <p>Submission: 207</p>	<p>The further information is noted. The Rural Strategy and Background Papers are written at a certain point in time and it is acknowledged that strategies and guidelines referred to in these documents can change. Support for identifying aquaculture as a key rural industry in the MidCoast is noted.</p> <p>Recommendation: No change</p>	
<p>NSW Rural Fire Service (RFS) provided the following comment with regards to the draft Rural Strategy: <i>“Where rural land use zones changes are proposed, Council shall review the outcome of the proposed changes, specifically whether any new residential opportunities will be generated by the rural zone change. Where rural zone changes create new (or additional) dwelling opportunities on rural lands, Council shall prepare a bush fire report, outlining if those new residential opportunities can comply with the requirements of bush fire legislation and associated Planning for Bushfire Protection guidelines.”</i></p> <p>Submission: 129</p>	<p>It is considered outside of the scope of the Rural Strategy to prepare a bushfire report for all lands where a proposed change may result in additional housing. This level of assessment is undertaken through site specific planning proposals, place strategies or development applications. and considered unreasonable for a whole of Council Strategy, particularly the size of the MidCoast.</p> <p>NSW RFS officers have been unavailable to discuss this submission. Council will continue to work with RFS officers through the development of the draft MidCoast Local Environmental Plan and Development Control Plan to ensure bushfire risk is appropriately considered in future development. Changes to the Paper Subdivision Analysis Report are proposed to include the RFS considerations for future development</p> <p>Recommendation: Amend the Paper Subdivision Analysis Report to ensure the NSW RFS concerns are reflected</p>	
<p>NSW Department of Primary Industries -Agriculture generally support the goals and objectives of the Strategy, however they do not support:</p> <ol style="list-style-type: none"> 1. Discontinuation of the current Primary Production zone and application of the Rural Landscape zone across the MidCoast. This area is topographically diverse, containing high quality rural land well suited to agriculture as well as steep, heavily vegetated land. Distinction should be provided in planning controls to reflect these differences and maintain the viability of agricultural activities. 2. Reduction of the minimum lot size from 100ha to 40ha in the proposed Rural Landscape zone. Part 10.7.6 of the Strategy, indicated that beef farms require 50-100ha and dairy 40-80ha. With beef, dairy and poultry being the main agriculture industries, the minimum lot size should consider requirements for viable and sustainable agricultural operations, land required for buffer areas, and separation distances to address biosecurity risks. <p>Submission: 350</p>	<p>There has been an absence of the NSW Governments important agricultural land mapping for the MidCoast to assist with the development of appropriate rural zones.</p> <p>Based on this submission, a review of 'best-available' data has been undertaken to recommend the use of three rural zones across the MidCoast with a variety of minimum lot sizes. The proposed rural zones and planning controls are provided in the MidCoast Rural Strategy – The Way Forward document.</p> <p>Recommendation: Council adopt the Rural Strategy - The Way Forward document which proposes the application of three rural zones across the MidCoast with a variety of minimum lot sizes.</p>	
<p>NSW Department of Planning and Environment - Biodiversity and Conservation Division concerns related to:</p> <ul style="list-style-type: none"> • references to 'Environmental Zones' be updated to 'Conservation Zones' • if extensive agriculture is be permitted in the Environmental Management and Environmental Living zones, the State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007 can apply • the minimum lot size for the Environmental Living zone is to be increased from 10ha to 20ha. Will this apply to existing lots in this zone? Will this reduce the environmental protection of the values of the land (Ministerial Direction 2.1) 	<ul style="list-style-type: none"> • the Rural Strategy - The Way Forward document makes the correct reference to 'conservation' zones • many of the lands in conservation zones are used for rural activities, which needs to be reflected in the land use tables. The application of this policy is an unfortunate consequence, which should be reviewed by the NSW Government • the 20ha minimum lot size will apply to new areas of Environmental Living, while the existing locations in this zone adjoining Wallis Lake will retain the 10ha minimum lot size. In addition, the area of Environmental Living at Brimbin has a current minimum lot size of 600ha. This area is identified as being suitable for transition to the Environmental Conservation zone and will retain the 600ha minimum lot size. This information is provided in the Rural Strategy – The Way Forward document • the Rural Strategy and Background Papers are written at a certain point in time and it is acknowledged that strategies and guidelines can change <p>Recommendation: The Rural Strategy - The Way Forward document makes the correct reference to 'conservation' zones</p>	

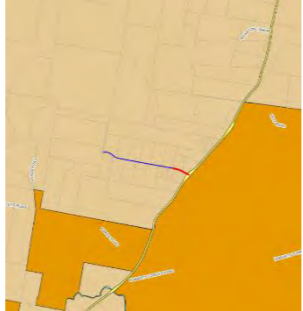
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<ul style="list-style-type: none"> Rural Waterways Background Report references Clause 7.3 Flood Planning of the Standard Instrument which is now repealed. Two Local Environmental Plan clauses were developed to apply to flood prone land. The Background report should be updated <p>Submission: 441</p>		
Villages		
<p>Support the change for the Bundook and Mount George settlements to be included in the Village zone.</p> <p>Submission: 39, 90</p>	<p>Support for these zone changes is noted</p> <p>Recommendation: No change.</p>	
<p>Objection to the removal of the Village zone from the Markwell settlement and inclusion in a rural zone with a minimum lot size of 40ha.</p> <p>Submission: 160</p>	<p>A review of the Markwell settlement was undertaken. The framework for the application of the Village zone included the need to have more than 20 residential dwellings, have a residential subdivision layout, services and room for expansion. Markwell has been included in the Village zone for over 20 years, with minimal change. The poultry farm and sawmill are important rural industries that would be potentially impacted by more residences in this location. Given all of these factors, the removal of the Village zone was considered to be consistent with the Village zone framework</p> <p>Recommendation: No change.</p>	
Urban Release Areas		
<p>Objection to conservation zones proposed over priority Urban Release Areas in Forster given the sites are identified to cater for future urban growth within the next 5 years and the change to an environmental zone is inappropriate.</p> <p>Submission: 15, 190, 363, 404</p>	<p>This approach has been reviewed based on submissions. Discussions with the NSW Government confirmed that the rural zone is commonly used for land identified as urban release areas. The Rural Strategy – The Way Forward proposes to retain all rural zoned land in the ‘greenfield’ urban release areas (including Forster) in the appropriate rural zone</p> <p>Recommendation: Retain all rural zoned land in the ‘greenfield’ urban release areas (including Forster) in the appropriate rural zone.</p>	
<p>Request to include existing rural land at Wallabi Point in a residential zone to enable expansion of Wallabi Point given its proximity to services and facilities and the land being undersized and underutilised for rural purposes.</p> <p>Submissions: 110, 111</p>	<p>The site is not identified as an urban release area, meaning that it is unable to be considered for a residential zone. The Urban Release Area Report 2021 identifies two sites immediately adjoining the existing residential areas of Wallabi Point for future residential, which are anticipated to be rezoned within the next five years.</p> <p>Recommendation: No change.</p>	
Large Lot Residential		
<p>A number of submissions requested that the Large Lot Residential zone be extended over areas at Hallidays Point, Kundle, Old Bar, Barrington, Coomba Park, Tinonee, Pindimar, Pampoolah, Darawank, Glenthorne, Nabiac, Wingham and Gloucester. The aim being to allow for additional subdivision and development.</p> <p>Submissions: 23, 61, 101, 121, 164, 168, 248, 263, 299, 323, 329, 368, 370, 392</p>	<p>Extension of the Large Lot Residential zone over these areas was reviewed. None of these locations display the lot size or character of a large lot residential area. In most cases, the request was to enable further subdivision of the land, which fell outside the scope of the Rural Strategy.</p> <p>It is acknowledged that in some cases, the existing lots are well under 40ha. These lots were created for various reasons over time, including original land releases in the 1800s and early 1900s; the creation of concessional lots in the 1970-80s; and the creation of agricultural lots without a dwelling entitlement. Under current controls these lot sizes would not be permitted and extending provisions to further fragment rural lands is opposed by the Department of Primary Industries.</p> <p>Recommendation: No change.</p>	
Rezoning requests		
<p>The submission seeks to include a property west of Nabitac in the Primary Production Small Lots zone to enable a subdivision of two 20ha lots.</p> <p>Submission: 174</p>		<p>The draft rural mapping had included this site in the Rural Landscape zone with a minimum lot size of 20ha. The landowner was made aware during consultation that the minimum lot size was an error and should have remained 40ha as per the existing planning controls.</p> <p>Given this location has been identified previously as having important agricultural lands, there is no justification for a reduced minimum lot size.</p> <p>Recommendation: Retain the 40ha minimum lot size in this location as proposed in the Rural Strategy - The Way Forward document.</p>
<p>The Big4 Colonial Holiday Park requested a change to the rural zone of Lot 373 DP 720801 to be included in the Private Recreation zone.</p> <p>Submission: 12</p>		<p>This change of zone was dealt with in the Know your Urban zone consultation in 2020. The submitter was advised that the change is approved but will not come to fruition until the draft MidCoast Local Environmental Plan is adopted.</p> <p>Recommendation: No change.</p>

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<p>This submission opposed the proposed Environmental Conversation and Environmental Living zones over the existing tourist facility at 84 Chapmans Road, Tuncurry. The site is currently in the Rural Landscape and Environmental Conservation zone. The extent of the Environmental Conservation zone does not change. The submission raised concern about the continuation, management and expansion of existing facilities if the zone is amended and requested that moorings and wharf or boating facilities be retained as permitted uses.</p> <p>Submission: 169</p>		<p>The Recreation Zone Review identified that certain caravan park facilities are to be zoned Private Recreation, while others like this site are to be incorporated into a suitable conservation zone, dependent upon the site location and environmental characteristics. This site was identified to be included in the Environmental Living zone, based on its proximity to sensitive waterways and coastal wetlands. Any extension to this facility would be considered as an extension to an existing use. The request to allow uses like moorings and wharf or boating facilities has been included in the relevant land use.</p> <p>Recommendation: Amend the draft land use tables for the Environmental Management, Environmental Living, Working Waterways zones to include jetties and wharf or boating facilities.</p>
<p>Coomba Park foreshore surrounding the village of Coomba Park is made up of several lots (Lot 7007 DP 1075725, Lot 7008 DP 1075608, Lot 312 DP 216499, Lot 12 DP 216499, and Lot 176 DP 222756). This land is proposed to be included in a combination of the Public Recreation, Environmental Conservation and Environmental Management zones. The submission seeks an alternate zone and raised issues relating to the maintenance of the land.</p> <p>Submission: 375</p>		<p>This land is publicly owned and has been subject to unauthorised clearing in recent years. It contains Saltmarsh, Swamp Oak, Palm Forest and Southern Red Gum-Apple and is suitably proposed to be included in the Environmental Conservation and Environmental Management zones.</p> <p>Maintenance of the Clive Manners walk is currently permitted with agreement from Council, with this including minor clearing within 1m on either side of the trail. Broad scale mowing is not permitted in this area unless there is a service level agreement in place with documented areas for mowing. The document is to be issued by MidCoast Council staff and take into account the zoning and classification of the land.</p> <p>Recommendation: No change.</p>
<p>George Gibson Drive, Coopernook (Lot 3 DP 589946) is in private ownership and incorrectly identified in the Public Recreation zone. This error was identified internally by Council staff.</p> <p>Submission: N/A</p>		<p>To correct this error, this zone should be changed to reflect the use of the land and ownership being a rural zone.</p> <p>Recommendation: Change the zone of Lot 3 DP 589946 to a rural zone as outlined in the Rural Strategy - The Way Forward.</p>
<p>During the exhibition two small areas that form part of the Taree Airport were identified as being incorrectly included in a rural zone. This error was identified internally by Council staff.</p> <p>Submission: N/A</p>		<p>This land should be included in the Infrastructure zone given it forms part of Taree Airport.</p> <p>Recommendation: Change the zone of the two areas to the Infrastructure zone.</p>
<p>Transport for NSW requested the removal of the Infrastructure Zone over their land at Jericho Road, Moorland (Lots 1 and 2 DP1217323) as the land is no longer required for road purposes. A zone consistent with the underlying former zone was requested.</p> <p>Submission: 157</p>		<p>This was considered in a report to an Ordinary Meeting of Council on 27 July 2022. Given the environmental values of the land an Environmental Management zone was considered appropriate.</p> <p>Recommendation: Change the zone of Lots 1 and 2 DP1217323 to the Environmental Management zone.</p>
<p>This land at Coomba Park is currently zoned Village and Environmental Living with a 1,000m² minimum lot size for the Village zoned land and 10ha for the Environmental Living zoned land. The Rural Strategy proposed no change. The submission requested the whole site be included in the Village zone to allow for additional development and expansion of Coomba Park.</p> <p>Submission: 399</p>		<p>Any extension to the Coomba Park village would need to be considered through a planning proposal. There would need to be a demonstrated strategic need to pursue a zone change and be included as a priority location in the MidCoast Urban Release Area Report 2021.</p> <p>Noted and no changed proposed. The rezoning request is outside the scope of the Rural Strategy and the site is not identified as a priority location in the Urban Release Area Report (2021).</p> <p>Recommendation: No change.</p>
<p>Request the application of an Environmental Living zone at Girvan adjoining Myall Lakes National Park to reflect the environmental values of the land. The submission notes that further conservation of land in this area could promote habitat connectivity, stabilise soil health and hydrate the landscape.</p> <p>Submission: 60</p>		<p>The land is currently included in the Rural Landscape zone with the with a minimum lot size of 40ha. The considerations for any zone change would be:</p> <ul style="list-style-type: none"> the extent of land to be changed – a spot rezoning change is not favourably considered the appropriate conservation and planning controls. An Environmental Management zone would be more suitable to protect the environmental values identified by the submitter and the minimum lot size (40ha) more appropriate to reduce the fragmentation of the lots and conserve the vegetation <p>Recommendation: Reconsider this conservation zone request through the draft MidCoast Local Environmental Plan.</p>

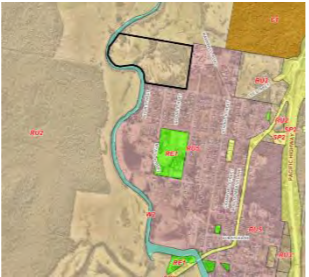

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<p>The publicly owned Tinonee recreation lands are currently in the Public Recreation zone. It is proposed to be included in both the Public Recreation and Environmental Conservation zone to reflect the environmental values of the site. The submitter requested the application of a conservation zone to the vegetated land to provide important koala habitat.</p> <p>Submission: 151</p>		<p>The Rural Strategy proposed zones were consistent with this request – no change is required</p> <p>Recommendation: No change.</p>
<p>This land at Booral land is currently included in the Rural Landscape zone with a minimum lot size of 40ha .The submission outlines the environmental values of the land and requests the application of the Environmental Living zone with a minimum lot size of 20ha to allow subdivision of the land. This would allow the landowner to subdivide the land, sell one block to a tree changer and manage their remaining block better.</p> <p>Submission: 154</p>		<p>The land is currently included in the Rural Landscape zone with the with a minimum lot size of 40ha. The considerations for any zone change would be:</p> <ul style="list-style-type: none"> the extent of land to be changed – a spot rezoning change is not favourably considered the appropriate conservation and planning controls. An Environmental Management zone would be more suitable to protect the environmental values identified by the submitter and the minimum lot size (40ha) more appropriate to reduce the fragmentation of the lots and conserve the vegetation <p>Recommendation: Reconsider this conservation zone request through the draft MidCoast Local Environmental Plan.</p>
<p>This land at Koorainghat is currently included in the Primary Production zone with a minimum lot size of 40ha. The submission outlines that given the property adjoins a National Park and has natural values an Environmental Living zone would be more appropriate for this site.</p> <p>Submission: 192</p>		<p>The land is currently included in the Rural Landscape zone with the with a minimum lot size of 40ha. The considerations for any zone change would be:</p> <ul style="list-style-type: none"> the extent of land to be changed – a spot rezoning change is not favourably considered the appropriate conservation and planning controls. An Environmental Management zone would be more suitable to protect the environmental values identified by the submitter and the minimum lot size (40ha) more appropriate to reduce the fragmentation of the lots and conserve the vegetation <p>Recommendation: Reconsider this conservation zone request through the draft MidCoast Local Environmental Plan.</p>
<p>This land at Bungwahl is currently included in the Rural Landscape zone with a minimum lot size of 40ha. The submission outlines that the property is suitable for including in the Environmental Living zone, due to the environmental characteristics and qualities of the land. The land adjoins a National Park and has ecological and aesthetic qualities.</p> <p>Submission: 249</p>		<p>The land is currently included in the Rural Landscape zone with the with a minimum lot size of 40ha. The considerations for any zone change would be:</p> <ul style="list-style-type: none"> the extent of land to be changed – a spot rezoning change is not favourably considered the appropriate conservation and planning controls. An Environmental Management zone would be more suitable to protect the environmental values identified by the submitter and the minimum lot size (40ha) more appropriate to reduce the fragmentation of the lots and conserve the vegetation <p>Recommendation: Reconsider this conservation zone request through the draft MidCoast Local Environmental Plan.</p>
<p>Request for additional consideration of site-specific zones in the context of a Place Strategy for areas between Pacific Palms and Smiths Lake. Site specific zones would recognise the constructed golf course within the recreation zone and application of alternative zones and land uses for existing caravan parks in environmentally sensitive areas.</p> <p>Submissions: 422, 423</p>		<p>Based on the submission, the consultant has specific uses they would like to pursue on this site which are beyond that of the current rural zone. The proposed rural zones permit more land uses that support agricultural activities (eg. agritourism), consistent with the objectives of the zone. A change to the land use tables has been made to enable a golf course permitted with consent in the zones proposed over the site.</p> <p>Recommendation: Amend the Environmental Management zone land use table to permit Recreation Facility (outdoor) as permitted with consent.</p>
<p>The submission requests that this site at Wallabi Point be included in a Tourist zone to allow for an eco-tourism or camping facility, with associated café, gallery and function centre within the existing environmental setting.</p> <p>Submission: 297</p>		<p>The site is not identified as an urban release area, meaning that it is unable to be considered for an urban zone, including the Tourist zone. Camping grounds and eco-tourist facilities will continue to be permitted with consent in the rural zones, which will apply over this site. Function centres have been reviewed and a change is proposed to permit them with consent in the proposed rural zones.</p> <p>Recommendation: Include ‘function centre’ in the Primary Production, Rural Landscape and Primary Production Small Lots land use tables as permitted with consent.</p>
<p>The submission relates to the application of the Environmental Living zone across rural lifestyle lots with environmental value. The submission requests that broader consideration of the application of the Environmental Living zone be applied across rural lifestyle allotments with environmental value like properties at Limeburners Creek.</p> <p>Concern is also expressed about the range of rural and extractive industries that are permitted in the Rural Landscape zone but generally incompatible with rural lifestyle and environmental management activities. Particularly without koala habitat and wildlife corridors being identified or mapped across the MidCoast.</p>		<p>The land is currently included in the Rural Landscape zone with the with a minimum lot size of 40ha. The considerations for any zone change would be:</p> <ul style="list-style-type: none"> the extent of land to be changed – a spot rezoning change is not favourably considered the appropriate conservation and planning controls. An Environmental Management zone would be more suitable to protect the environmental values identified by the submitter and the minimum lot size (40ha) more appropriate to reduce the fragmentation of the lots and conserve the vegetation <p>With regard to mining, certain land uses are automatically allowed in rural zones by State planning policies, which Council cannot over-ride. The compulsory requirement to allow aquaculture within all rural zones creates a situation where, under the existing provisions of the Standard Instrument - Principal Local Environmental Plan and State Environmental Planning Policy (Resources and Energy) 2021, the NSW Government has allowed application for mining, petroleum production and extractive industries in all rural zones. In the same regard, by allowing agricultural uses in the Environmental Living and Environmental Management zones, the State Environmental Planning Policy (Resources and Energy) 2021 has allowed application for mining, petroleum production and extractive industries in these conservation zones</p>



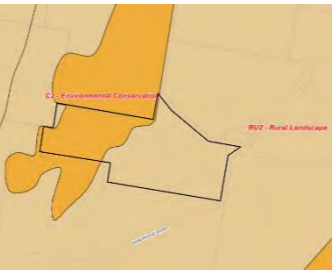

Topic:	Summary of submissions:	Response and recommendation:
<p>Submission: 247</p>		<p>While Council cannot override these provisions, an extractive industries Development Control Plan chapter will be considered in the draft MidCoast Development Control Plan to provide a consistent assessment framework for small-scale extractive industry projects in rural zones.</p> <p>Recommendation: Reconsider this conservation zone request through the draft MidCoast Local Environmental Plan.</p> <p>Recommendation: An extractive industries chapter be considered in the draft MidCoast Development Control Plan to provide a consistent assessment framework for small-scale extractive industry projects in rural zones.</p>
Waterway Zones		
<p>Objection to Nerong Harbour being identified as a working harbour given the environmental setting. Concern that surrounding waterways are not identified. The submission also raises concerns about the urban provisions of the Village zone, conflict between native animals and domestic pets, street lighting and use of community toilets and parks by trucks from the highway.</p> <p>Submission: 142</p>		<p>Nerong currently is predominantly included in the Village zone and the existing harbour is zoned Natural Waterways to reflect its direct connection to the waterways and RAMSAR Wetlands of the Myall National Park. The Rural Strategy proposed the Recreation Waterways zone over the harbour. This has been reviewed and it is agreed that retaining the existing Natural Waterways zone is more appropriate given the environmental significance. All land and waters within a National Park are required to be included in the National Parks and Nature Reserves zone, which is why the adjoining waterways are not included in a waterways zone.</p> <p>The Village zone reflects the character and development pattern of this location and maintaining this zone is consistent with the Rural and Housing Strategy. Concerns regarding domestic animals, lights and trucks using community facilities in this location are outside of the scope of this Strategy. More details on any specific concerns should be reported to Council for consideration by the relevant Departments.</p> <p>Recommendation: Identify in the Rural Strategy - The Way Forward document that Nerong Harbour should remain in the Natural Waterways zone.</p>
<p>Support for the environmental protection of Smiths Lake through the proposed Natural Waterway zoning, and a request for additional protection from development in the surrounding catchment</p> <p>The submission notes proposed changes to the Marine Park sanctuary zone and potential downgrading of protections for the lake through the Marine Park Plan; and raises concerns about the lack of resources available to coordinate monitoring and management of the lake.</p> <p>The submission also highlights the sensitivity of the surrounding environment and that without additional controls on land-based subdivision and development within the catchment, the waterway zone will not provide sufficient protection for the lake.</p> <p>Submission: 386</p>		<p>Support for the Natural Waterways zone over Smiths Lake is noted. Currently, the immediate area surrounding Smiths Lake is included in a combination of National Park and Nature Reserves, Environmental Conservation, Environmental Management, Environmental Living and Village zones. The Housing Strategy propose to change the Village zone to the Low Density and General Residential zones to reflect the predominant single-dwelling character of this location, limiting the intensity of future development. Council has also purchased significant areas of undeveloped land within this location for environmental protection and bushfire access purposes.</p> <p>The sensitivity of the Smiths Lake catchment is recognised and is reflected in the potential transition of some rural to conservation zones, particularly the Environmental Living zone. The requests for appropriate levels of monitoring and management of the lake and surrounding foreshores is outside of the scope of the Rural Strategy. More details on any specific concerns should be reported to Council for consideration by the relevant Departments.</p> <p>Recommendation: No change</p>
Rural zones		
<p>Objection to the proposed rural zone change from Primary Production to Rural Landscape for land at Coralville and Nabic. Concerns in submissions related to:</p> <ul style="list-style-type: none"> the impact on dairy farms expanding the uses permitted to provide more flexibility <p>Submissions: 135, 206</p>		<p>A review of the proposed zones was undertaken and outlined in the Rural Strategy - The Way Forward document. Please note that:</p> <ul style="list-style-type: none"> in many cases the Rural Strategy proposed a change in zone, but the uses permitted remained the same dairies (pasture-based) are a form of extensive agriculture and will continue to be permitted without consent in the proposed rural zones the range of land uses permitted in each rural zone has been broadened and considers the guidelines provided by the Department of Primary Industries <p>Recommendation: The Rural Strategy – The Way Forward document outline what zones will now apply over the rural areas.</p>
<p>Request for a reduced minimum lot size to allow a concessional lot subdivision of a 5ha housing lot from existing farms (eg. Pindimar). The 5ha minimum lot size would allow aged farmers to remain on their property and obtain a pension, while the remaining farm can be managed by other family members or sold for farming purposes.</p> <p>Submission: 356</p>		<p>Fragmentation of rural lands occurred between the 1980s to mid-1990s, enabled by Local Environmental Plans with clauses that encouraged concessional lots. Farmers could retire and still live on the land and pass the farm onto family members to run. Other clauses permitted the farmer to create additional lots to sell to help the farmer through rough times on the land.</p> <p>While the idea of enabling farmers to remain on the land was well intentioned, it created lots below the minimum subdivision lot size and has led to fragmentation of rural lands. Given the level of fragmentation, the NSW Government is opposed to these provisions being considered in any planning controls.</p> <p>Recommendation: No change.</p>
<p>Objection to change in rural zone at Dyers Crossing. The submission requests that the property remain in the Primary Production Small Lot zone where “intense livestock and intense agricultural activities are permitted without consent”.</p> <p>Submission: 373</p>		<p>The Rural Strategy recommends that certain intensive agricultural activities be permitted with consent, to ensure an appropriate and consistent approval pathway. While the current Primary Production Small Lots zone allows intensive plant agriculture without consent, for certain activities this is recognised as unsustainable and inappropriate given:</p> <ul style="list-style-type: none"> the additional services, facilities and infrastructure required to operate intensive agricultural activities potential environmental and amenity impacts on adjoining properties the potential cumulative impact on finite land and water resources in any given locality.




Topic:	Summary of submissions:	Response and recommendation:
		<p>It is proposed that the potential impacts of intensive agricultural activities across the MidCoast be considered through a development application process to ensure the development has appropriate social, infrastructure, biosecurity and environmental management processes in place.</p> <p>The landowner retains the opportunity to commence an intensive plant agricultural activity on the site using the existing zone provisions until the MidCoast Local Environmental Plan comes into in force.</p> <p>Refer to the Rural Strategy – The Way Forward document to see what zones will now apply over the rural areas.</p> <p>Recommendation: No change.</p>
<p>Object to specific land uses being permitted with consent in the Rural Landscape zone being as they impact on the rural landscape values. Uses include Correctional centres, Electricity generating works, Extractive Industries, Hazardous storage establishments, Offensive storage establishments, Open cut mining, Transport depots, Truck depots, Vehicle body repair workshop and Vehicle repair stations.</p> <p>Submissions: 417, 419</p>		<p>Correctional centres are permitted with consent in many rural areas of NSW due to their operational requirements. They are currently only permitted with consent in the RU1 Primary Production zone in Greater Taree Local Environmental Plan 2010 and will be recommended for removal.</p> <p>Extractive industries are also permitted with consent on any land where agriculture or industries are permitted under the State Environmental Planning Policy (Resources and Energy) 2021 formerly the Mining State Environmental Planning Policy, irrespective of Council’s Local Environmental Plan provisions. The State Environmental Planning Policy provides triggers for when these applications are assessed by Council or another consent authority. Extractive industries in the MidCoast include activities such as road base, gravel and limestone quarries and dredging in waterways for navigation and related purposes.</p> <p>Truck depots, vehicle body repair workshops and vehicle repair stations are activities that should be permitted with consent as they can provide a secondary income stream on a farm, by providing a local service for the maintenance and repair of agricultural and other vehicles.</p> <p>The Department of Environment and Planning Employment Zones Reform program (exhibition 31 May – 12 July 2022) will provide additional opportunities for hazardous and offensive storage establishments and transport depots to be more readily accommodated in industrial areas across the MidCoast and allow their removal from rural zones.</p> <p>Recommendation: Amend the rural land uses tables to remove correctional centres, hazardous storage establishments, offensive storage establishments and transport depots.</p>
<p>Support the Strategy and associated changes. Requests consistent rules to allow detached dual occupancies and secondary dwellings in rural zones. The submissions acknowledge these would only be permitted on land with an existing dwelling.</p> <p>Submissions: 156, 177</p>		<p>Secondary dwellings and dual occupancies are being considered as permissible with consent in the rural zones. The current inconsistency comes from having three sets of planning controls across the MidCoast. The drafting of the MidCoast Local Environmental Plan and Development Control Plan is the next body of work to be undertaken and will address this inconsistency issue.</p> <p>Recommendation: No change</p>
<p>Objections to the current minimum 40ha lot size being applied to rural lands in Willina and Bulahdelah. Propose reduced minimum lot sizes of 20 or 10ha to enable subdivision and diverse/emerging agricultural operations and industries.</p>		<p>The purpose of the Rural Strategy is not change development standards for the purpose of allowing additional subdivision or residential development across the rural landscape. The intent is to apply a framework for rural zones across the MidCoast. The Rural Strategy – The Way Forward document provides more details on how the rural zones will be applied across the MidCoast. The proposed minimum lot sizes are generally consistent with the requirements of the Department of Primary Industries. This Department has advised that they are undertaking research into appropriate lot sizes for rural uses. If any changes are proposed as part of this research, we can examine changing the minimum lot sizes at that time.</p> <p>Recommendation: No change.</p>
<p>Request consideration of a reduced minimum lot size to allow subdivision of the lot at Harrington. There are two approved dwellings on the property and the landowner is seeking support for a reduced minimum lot size to enable subdivision.</p> <p>Submission: 308</p>		<p>This site-specific request for a reduced minimum lot size to enable subdivision is outside of the scope of the draft Rural Strategy. The landowner has been referred to Council’s Development Assessment team to discuss existing Local Environmental Plan provisions and the subdivision request.</p> <p>Recommendation: No change.</p>
<p>Submissions (particularly from the Gloucester region), do not support replacing the 100ha minimum lot size (for subdivision and dwelling entitlements) with a 40ha minimum lot size. Reasons include:</p> <ul style="list-style-type: none"> • there has been no appropriate consideration of land capacity and suitability for primary agricultural production • risk of proliferation of dwellings across the rural landscape that have limited access, services and infrastructure • residential development across the rural landscape would have limited economic benefit for communities given the potential impact on agricultural activities and production • would result in more families and visitors being in remote locations that are inaccessible to NSW Rural Fire Service and emergency services. 		<p>Based on submissions, a review was undertaken on the proposed rural zones and minimum lot sizes to be applied. The Rural Strategy- The Way Forward outlines the factors considered in the development of three sets of rural zones and minimum lot size provisions proposed for the MidCoast. In addition, local provisions are to be included in the draft MidCoast Local Environmental Plan regarding the development of steep land and environmental values of the land. General subdivisions provisions ensure access to roads, services and facilities are considered through the application process.</p> <p>Recommendation: Refer to the Rural Strategy – The Way Forward document to see what zones will now apply over the rural areas</p>


Topic:	Summary of submissions:	Response and recommendation:
<p>The submissions support rural zones and minimum lot size provisions that would enable site responsive subdivision, particularly responding to the topography of the area (steep land) and continuing to allow agricultural activities on suitable holdings.</p> <p>Submissions: 29, 62, 118, 171, 268, 305, 409</p>		
<p>Concerns that the Rural Strategy does not address right of carriageways on rural properties. The submission noted NSW RFS limits the use of rights of carriageways to three properties and recommends that Council require landowners to consolidate lots when a development is approved, to ensure 'excess' lots cannot be on-sold and as a result, increase the number of properties relying on the one carriageway.</p> <p>Submission: 240</p>		<p>During recent natural disasters it became clear that the reliance on rights of carriageways to rural properties can impact on the ability of emergency services to locate properties and may be placing residents and visitors at increased risk during a medical emergency or natural disaster. The Rural Strategy proposes:</p> <ul style="list-style-type: none"> • that the construction of 'roads' in any location requires approval, to ensure consistent identification and construction across the MidCoast • a new Site responsive subdivision in rural and conservation zones clause that would require consideration of both hazards and access arrangements. <p>In consideration of the submission and ongoing concerns about access arrangements, particularly in times of emergency, an amendment could be considered, within the existing Clause 4.2A Erection of dwelling houses on land in certain rural and conservation zones that requires:</p> <p>(X) Despite any other provision of this clause, deferred development consent may be granted for the erection of a dwelling house on land in a zone to which this clause applies if:</p> <p>(a) the dwelling house is to be located on a lot that can be consolidated to achieve the minimum lot size specified for that land by the Lot Size Map</p> <p>A similar requirement could be proposed for the Clause 4.6 Exceptions to development standards which may allow development on consolidated lots or an under-sized lot in certain circumstances. It must be noted that these additional requirements would rely upon the support of the Department of Planning and Environment as the identification of a 'deferred commencement consent' and requirement to 'consolidate' are generally only able to be enforced through a development approval process and may not be endorsed within a Local Environmental Plan.</p> <p>Recommendation: Examine opportunities to include the Site responsive subdivision in rural and conservation zones clause and amendments to Clause 4.2A and Clause 4.6 to consider the access issues above in the draft MidCoast Local Environmental Plan.</p>
<p>Objection relating to industrial development and clearing within existing rural areas at Limeburners Creek. The submitter is concerned that rural industry and home industrial businesses, are subject to limited assessment and could result in significant areas of clearing and environmental impact, as well as noise, dust, vibration, traffic and social impacts in areas occupied primarily for rural residential and environmental living purposes.</p> <p>The submitter is also concerned that native vegetation clearing and management under Local Land Services approvals, are impacting on the existing environmental values of the land and water quality of surrounding creeks and waterways.</p> <p>Submission: 188</p>		<p>The land in question is currently within a rural zone where a range of land uses are permissible with consent. Extractive industries are permitted with consent on any land where agriculture or industries are permitted under the State Environmental Planning Policy (Resources and Energy) 2021 formerly the Mining State Environmental Planning Policy, irrespective of Council's Local Environmental Plan provisions.</p> <p>Extractive industries in the MidCoast include activities such as road base, gravel and limestone quarries and dredging in waterways for navigation and related purposes. An extractive industries Development Control Plan chapter could be prepared to provide a consistent assessment framework for small-scale extractive industry projects in rural zones.</p> <p>Home industries, truck depots, vehicle body repair workshops and vehicle repair stations are identified as activities that could be permitted with consent in rural areas as they can provide a secondary income stream on a farm, by providing a local service for the maintenance and repair of agricultural and other vehicles. Additional provisions could be considered for these activities during the preparation of the MidCoast Development Control Plan.</p> <p>Clearing on land within rural and conservation zones is regulated by several pieces of legislation, notably the Local Land Services Act 2013 for rural land and the State Environmental Planning Policy Biodiversity and Conservation 2021 in non-rural areas, including conservation zones.</p> <p>Within the future draft MidCoast Local Environmental Plan, mapping of draft zones, development standards, environmental and other mapping layers will be undertaken comprehensively and consistently across the local Government Area, based on the adopted recommendations of land use strategies and plans, including the Rural Strategy – The Way Forward document. Land uses currently permitted with or without consent within the existing rural and conservation zones will remain in place until the MidCoast Local Environmental Plan is in force.</p> <p>As mentioned above, in the Environmental Living zone Council continues to allow extensive agriculture and has included horticulture as activities permissible with consent; and prohibits industries; however, oyster aquaculture, pond-based aquaculture and tank-based aquaculture, are required by the Department of Planning and Environment to be permitted with consent in this zone.</p> <p>Recommendation: That the Rural Strategy - The Way Forward document exclude wherever possible industrial activities from conservation zones and that home industries require development consent.</p> <p>Recommendation: Additional planning provisions be considered for home industries, truck depots, vehicle body repair workshops and vehicle repair stations in the draft MidCoast Development Control Plan.</p>



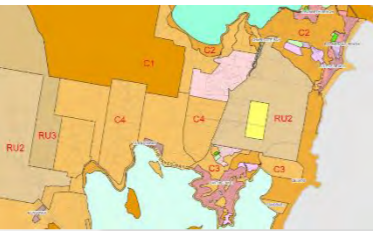
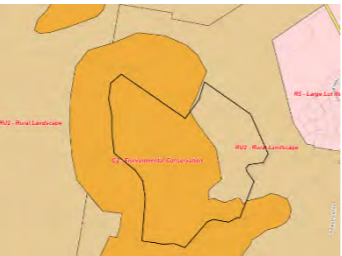
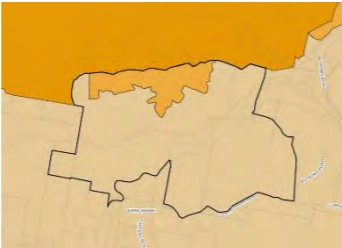
Topic:	Summary of submissions:	Response and recommendation:
<p>Visitor accommodation</p> <p>Objection to the requirement for short term rental accommodation providers in rural zones to have on-site caretaker. This onerous requirement should be replaced with an arrangement for a 24-hour contact, who can attend the property in a reasonable time to help visitors if required, consistent with the new short-term rental accommodation requirements. There was also objection to the lack of recognition of “whole of house” visitor accommodation.</p> <p>Submissions: 227, 245, 251, 256, 275, 342, 394, 421</p>	<p>During the public exhibition of the Rural Strategy the NSW Government implemented a new State-wide regulatory framework for short-term rental accommodation which is considered to be a stand-alone form of visitor accommodation, that is regulated outside of the Local Environmental Plan.</p> <p>Short term rental accommodation (STRA) provisions came into effect on 1 November 2021 and are regulated by the NSW Government. The STRA planning policy framework comprises standard provisions for short-term rental accommodation including:</p> <ul style="list-style-type: none"> • a definition for STRA, hosted STRA and non-hosted STRA • an exempt development pathway for hosted and non-hosted STRA, including an annual 180-day limit for non-hosted STRA based on location • an exemption of bookings of 21 consecutive days or more from the day limits for non-hosted STRA • fire safety standards for dwellings used for STRA and associated penalty notice offences for non-compliance • a government-run STRA Register that will ensure compliance with the new fire safety standards, as well as tracking day limits of each STRA dwelling and provide details to assist local councils with monitoring STRA in their local government areas. <p>The new definitions for STRA are provided below:</p> <ul style="list-style-type: none"> • hosted short-term rental accommodation means short-term rental accommodation provided where the host resides on the premises during the provision of the accommodation. (Note: ‘Hosted’ means the owner needs to be living on the property but not necessarily in the home being rented, for example homeowners who live on a property with a granny flat are able to rent out the granny flat 365 days of the year.) • non-hosted short-term rental accommodation means short-term rental accommodation provided where the host does not reside on the premises during the provision of the accommodation. (NB. Individual units in a premises where there is an onsite manager or concierge are generally considered as non-hosted). <p>All lawfully constructed dwellings that are permitted to be used as residential accommodation in all land-use zones can be used for short-term rental, excluding: boarding houses; seniors’ housing; rural workers’ dwellings; group homes; hostels; refuge or crisis accommodation; build-to-rent housing; co-living housing; and moveable dwellings.</p> <p>The mandatory Code of Conduct for the Short-term Rental Accommodation Industry (Code) started on 18 December 2020 and it is administered by the Commissioner for Fair Trading in the NSW Department of Customer Service. The Code sets out the legal responsibilities and creates new minimum standards of behaviour and requirements for all industry participants, including booking platforms; hosts; guests; letting agents and facilitators. The Code is available on the NSW Fair Trading website.</p> <p>The STRA register is also available for hosts to register their STRA property and is accessed via the Planning Portal. All hosts or letting agents must comply with the new fire and safety requirements and agree to follow the code of conduct. Refer to the Planning Portal for more information.</p> <p>Goal 2 Objective 2 ‘Provide a range of tourist accommodation and experiences’ of the Rural Strategy stated that “that in all rural and environmental zones, tourist and visitor accommodation, events and facilities will only be permitted where there is an existing dwelling on the site, that is occupied by managers of the facility or event”. To address this concern the Rural Strategy - The Way Forward document clarifies that accommodation, events or facilities where a significant number of visitors or guests may be on-site at any given time, may be required to have a site manager in attendance. This will be determined through the development application process.</p> <p>Recommendation: The Rural Strategy - The Way Forward document clarify that an on-site manager may only be required for accommodation, events and facilities where a significant number of visitors or guests are in attendance. This would be considered through the development assessment process.</p>	
<p>Objection to the Rural Strategy recommendations for visitor accommodation regarding:</p> <ul style="list-style-type: none"> • reference to permitting ‘small scale’ visitor accommodation and tourist and visitor accommodation being ancillary to primary agricultural and environmental purposes • tourist and visitor accommodation, camping grounds, eco-tourist facilities and the like are not permitted on land without a dwelling entitlement • extending the need to provide a diverse mix of visitor accommodation beyond the Village zone to the rural and conservation zones • camping grounds (including primitive camping) being the main form of temporary visitor accommodation outside of the towns and villages • the imposition of fire and weather risk management constraints on all rural and environmental land <p>Submission: 256</p>		<ul style="list-style-type: none"> • Many of the terms used in the rural Strategy refer to definitions and assessment frameworks outlined in the Local Environmental Plan and cannot be changed. For example, the Plan refers to agricultural, rural and tourism activities that operate ‘ancillary’ to the main land use or development on a site. This terminology cannot be changed by Council. • The need to have a dwelling entitlement for visitor accommodation will remain. This requirement is typically applied by councils across regional NSW and ensures that development is appropriately located with the relevant services and facilities, while retaining the rural landscape character. • The type and scale of visitor accommodation proposed in the Rural Strategy (eg. farm stay, eco-tourist facility, bed and breakfast) for rural and conservation zones is appropriate to maintain the rural landscape values. The Village zone allows accommodation which can cater for more people, given there is typically better access to services and facilities. This accommodation services the nearby rural and conservation areas. • Caravan parks are proposed to be prohibited in the rural and conservation zones. The intensity of development and potential for the caravan parks to transform into higher density manufactured homes estates, is not consistent with the rural landscape values and the infrastructure, services and facilities are not available for future residents. • The draft emergency management clause was developed in direct response to community input during consultation. The clause identifies matters that the community thought Council should consider for any proposal where existing rural and conservation land is to be occupied by a significant number of people, whether on a temporary or permanent basis. The clause will be amended to remove the requirement for an on-site manager for residential accommodation.

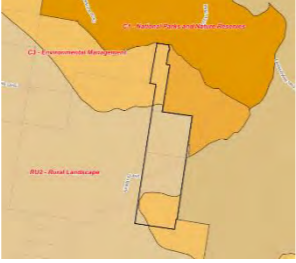
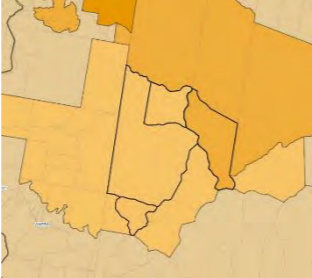
Topic:	Summary of submissions:	Response and recommendation:
<p>Objection to prohibiting caravan parks in the proposed Rural Landscape zone for this site at Bulahdelah, given:</p> <ul style="list-style-type: none"> the current planning controls permit caravan parks with consent other planning controls effectively regulate the development of land for caravan parks and the potential conversion of these parks into manufactured home estates potential changes may occur to differentiate tourist park from residential parks in the NSW Governments document "Improving the regulation of Manufactures Hones, Caravan Parks, Manufactured Homes Estates and Camping Grounds" (2015) the prohibition will require caravan parks to be established through a planning proposal, unnecessarily restricting the development of caravan parks. <p>Submission: 351</p>		<p>Recommendation: The Rural Strategy - The Way Forward document clarify that an on-site manager may only be required for accommodation, events and facilities where a significant number of visitors or guests are in attendance. This would be considered through the development assessment process.</p> <p>Caravan parks are proposed to be prohibited in the rural and conservation zones. The intensity of development and potential for the caravan parks to transform into higher density manufactured homes estates, is not consistent with the rural landscape values and the infrastructure, services and facilities are not available for future residents. While the NSW Government proposed regulation improvements in 2015 to clarify the issues around caravan parks, we have been consistently informed that they will not be provided in the short term. Given the lapse in time, how the uses are defined could significantly change. As a result, we propose to prohibit caravan parks in the rural and conservation zones and will update these provisions when the NSW Government introduces new definitions/provisions.</p> <p>Recommendation: No change</p>
Conservation zones		
<p>Request consideration of a secondary dwelling or small dual occupancy in the Environmental Management and Environmental Living zones. The secondary dwelling could be provided as affordable housing to family members or as an income stream from private rental. The location and size of the dwelling could be designed to have minimal impact on the environment based on the existing Great Lakes Local Environmental Plan secondary dwelling on rural land policy and clause.</p> <p>Submissions: 196, 286</p>		<p>The land use tables for the Environmental Management and Environmental Living zones were reviewed and it was proposed to include dual occupancies as permitted with consent, in conjunction with appropriate provisions regarding the design/siting. However, secondary dwellings were not considered appropriate, given the dual occupancy can provide the additional dwelling</p> <p>Recommendation: That the land use tables for the Environmental Management and Environmental Living zones be amended to include dual occupancies and The Rural Strategy - The Way Forward document reflect this change. Relevant provisions be developed for the draft MidCoast Development Control Plan.</p>
<p>Objection to proposed application of Environmental Conservation and Environmental Living zones on identified sites at Fame Cove. Proposed rezoning would prohibit agricultural uses and is contrary to objectives of the Rural Strategy and State policy, without justification or objective assessment of attributes of the land. The land is characterised by highly disturbed western lots with roads, a dwelling, outbuildings and is used in part, for orchards and free-range chicken farming.</p> <p>The rezoning must be based on existing environmental significance of the land and while the land adjoins a Marine Park sanctuary zone, contains Biodiversity Values, coastal wetlands and other features, this does not warrant conservation zones given existing disturbance and ability to manage the land without impact on adjoining sensitive environments. Conservation zones will reduce bushfire protection measures and undermine existing commercial agricultural use of the land and prevent the logical growth of Bundabah.</p> <p>Submission: 382</p>		<p>While the submission focuses on agricultural aims and objectives of draft Rural Strategy, it is silent on the environmental components which are relevant to this specific site and sensitive location. Ecological knowledge has been compiled from investigations and descriptions of the land, which identify many threatened species populations, habitat of endangered ecological communities, high conservation value vegetation and high biodiversity and water quality protection values. This knowledge informs and justifies the proposed conservation zones.</p> <p>Land use zones do not prohibit bushfire protection measures or actions permitted by the NSW Rural Fire Service. Agricultural activity and development on the site are restricted, due to the application of Orders of the NSW Land and Environment Court. Areas of the site that are used for legitimate agricultural activities will have the benefit of existing use rights, in the event that the Court matter is resolved.</p> <p>The site is not identified within Council's adopted Urban Release Area Report and therefore is not identified as a potential or future site for urban development. Threatened species populations, habitat of endangered ecological communities, high conservation value vegetation and high biodiversity and water quality protection values have been identified across the site. This informs the application of conservation zones, consistent with the zone criteria within the Rural Strategy – The Way Forward document.</p> <p>Recommendation: No change.</p>
<p>Support for the rezoning of identified rural land at Fame Cove to Environmental Conservation and Environmental Living This site at Fame Cove contains Endangered Ecological Communities (EEC). Council can ensure continued preservation of important and sensitive environmental areas, and protect them and the adjacent Port Stephens bay, from future inappropriate development.</p> <p>The application of the Environmental Conservation zone to existing proclaimed 'wildlife refuges' in this location is also supported and will not impact on wildlife refuge agreements that allow existing residential and farming to continue. The application of the Environmental Living zone to surrounding land is also supported in recognition of the environmental biodiversity in the location and opportunity to enhance and complement the adjoining Marine Park.</p> <p>Submissions: 313, 348, 356, 397</p>		<p>Support for the application of conservation zones is noted. The proposed change to the zone will be progressed within the draft MidCoast Local Environmental Plan.</p> <p>Recommendation: No change.</p>

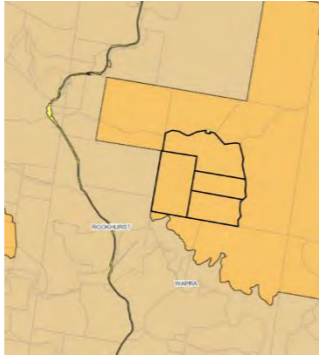
Topic:	Summary of submissions:	Response and recommendation:
<p>Objection to the application of the Environmental Conservation zone and Environmental Living zone at Darawank. The land is currently zoned Rural Landscape with a minimum lot size of 40ha.</p> <p>The landowner objects to the conservation zones being applied to the property given they have a small number of cattle, grow vegetables, live on the property and anticipate the change to the zone will reduce the value of the property. The landowner is aware and has managed the property in consideration of the coastal wetland and is concerned that Council has not assessed the environmental values of the land or undertaken a strategy to support the rezoning.</p> <p>Submission: 259</p>		<p>The application of the conservation zones across the property are consistent with State policy, reflecting the location of a coastal wetland and limited development potential of the remainder of the site given the constraints and sensitivity of the environment. The existing activities undertaken on the site may continue under existing use right provisions within any new zone.</p> <p>The proposed changes to the zone recommended within the draft Rural Strategy, reflect the existing level of environmental constraint and limited development potential of the land, particularly for various forms of intensive agriculture and rural industries allowed in rural zones.</p> <p>The Environmental Conservation zoning of the State-identified Coastal Wetland is consistent with State policy protection requirements. The Environmental Living zone reflects the limited and low-scale development potential of the site given the environmental constraints and sensitivity of the location.</p> <p>Recommendation: No change.</p>
<p>Objection to the application of conservation zones which will restrict future agricultural and business operations on the land at Harrington. The land is currently zoned Environmental Conservation and Primary Production with a minimum lot size of 40ha. It is proposed to include the site in the Environmental Conservation and Environmental Living zones with a minimum lot size of 40ha and 20ha respectively.</p> <p>The agricultural and commercial activities are not currently active but are permitted in the Primary Production zone and the landowner would prefer the site to be rezoned for rural purposes. The submission states that the rezoning of the land will also limit bushfire prevention strategies.</p> <p>The landowner notes that surrounding, similarly affected lands were not identified for rezoning from rural to environmental purposes and questions the requirement and purpose of the zoning change. The submission also notes that the rezoning must comply with Local Planning Directions and State planning policies and this is not demonstrated.</p> <p>Submission: 349</p>		<p>The application of the conservation zones across the property are consistent with State policy, reflecting the location of a coastal wetland and limited development potential of the remainder of the site given the constraints and sensitivity of the environment. The proposed changes to the zone reflect the existing level of environmental constraint and limited development potential of the land, particularly for various forms of intensive agriculture and rural industries allowed in rural zones.</p> <p>The opportunity to make a development application for land uses currently permitted within the existing Primary Production zone will remain in place until the MidCoast Local Environmental Plan is in force, however it is noted that the existing environmental constraints may affect the extent and intensity of development permitted on the site.</p> <p>Within the draft MidCoast Local Environmental Plan, mapping of draft zones, development standards, environmental and other mapping layers will be undertaken comprehensively and consistently across the local government area, based on the adopted recommendations of land use strategies and plans, including the Rural Strategy – The Way Forward document.</p> <p>Land use zones do not prohibit bushfire protection measures or actions permitted by the NSW Rural Fire Service. The Environmental Conservation zone applied to the State-identified Coastal Wetland is consistent with State policy protection requirements. The Environmental Living zone reflects the limited and low-scale development potential of the site given the environmental constraints and sensitivity of the location.</p> <p>Recommendation: No change.</p>
<p>Objection to the identification of coastal wetlands and application of Environmental Conservation zone on the site at Mitchells Island. The land is currently zoned Primary Production with a minimum lot size of 40ha. It is proposed to be included in the Environmental Conservation and Rural Landscape zone with a minimum lot size of 40ha.</p> <p>The landowner objects to the conservation zone being applied to the areas identified as coastal wetland. The landowner has provided documents to Council and the Department of Planning and Environment, indicating that the vegetated area was originally a plantation. The landowner also has significant concerns about the lack of consultation undertaken by the Department of Planning and Environment when the coastal wetland mapping was prepared. The landowner requests that Council undertake a review of the coastal wetland mapping.</p> <p>Submission: 260</p>		<p>Further investigations will be undertaken. Should the vegetation not be identified as 'coastal wetland', an amendment to the Coastal Management State Environmental Planning Policy mapping could be requested through the draft MidCoast Local Environmental Plan program. Should the vegetation be confirmed as 'coastal wetland', the resolution of any inconsistency between the plantation activity and coastal wetlands protection, is outside the scope of the Rural Strategy and the Environmental Planning and Assessment Act 1979, and discussions with the NSW Government will be required. Council would proceed with the proposed zone change to Environmental Conservation.</p> <p>Refer to the Rural Strategy – The Way Forward document to see what zones will now apply over the rural areas.</p> <p>Recommendation: Based on the evidence provided by the landowner with the submission, an inspection of the property will be arranged to assess the 'coastal wetland' vegetation. Should the vegetation not be identified as 'coastal wetland', an amendment to the Coastal Management State Environmental Planning Policy mapping could be requested through the draft MidCoast Local Environmental Plan program.</p>
<p>Object to the application of the Environmental Living zone to land in proximity to Crowdy Bay National Park. The land is used for grazing and the change in zone will restrict future improvements such as replacement of sheds and buildings. Wetlands are fenced to protect these environments from cattle. Restricting the use of the land will result in a reduced value of the land.</p> <p>Submissions: 175, 195</p>		<p>The application of the conservation zones across the property are consistent with State policy, reflecting the location of a coastal wetland and limited development potential of the remainder of the site given the constraints and sensitivity of the environment. The existing activities undertaken on the site may continue under existing use right provisions within any new zone, including the replacement of existing buildings and structures.</p> <p>It is also noted that the opportunity to make a development application for land uses currently permitted within the existing Primary Production will remain in place until the MidCoast Local Environmental Plan is in force. The Environmental Living zone reflects the limited and low-scale development potential of the site given the environmental constraints and sensitivity of the location.</p> <p>Recommendation: No change.</p>

Topic:	Summary of submissions:	Response and recommendation:
	<p>Objection to the application of the Environmental Living zone to land at Bachelor Forest Road, Wootton. The land is used for farming and the change in zone will restrict what the land can be used for, warranting compensation for lost property value. Rezoning from rural to environmental classification is likely to impact on landowner's ability to obtain financing, reducing resale and devaluing the land. Some land was purchased with option to also construct a dual occupancy for family members which will not be permitted in the conservation zone.</p>  <p>Self-sufficient and off-grid, looking to have some livestock and produce. Rezoning will limit land uses and restrict other activities such as collection of firewood and timber grown for sustainable harvesting as an income source, for on-site construction and repair of fencing etc. Logging of existing trees and future plantation likely to be restricted or prohibited. Construction and maintenance of permanent boundary fences, internal fences, roads and tracks likely to be limited.</p> <p>The landowners are also concerned about the community consultation process and request that future notification and opportunities for consultation are directly addressed to ratepayers in specific correspondence and incorporate all potential areas identified for this rezoning.</p> <p>Submissions: 41, 53, 191, 243, 410</p>	<p>The draft Rural Strategy identifies goals and objectives that relate to both primary production and environmental protection and while these may appear contradictory, across the MidCoast there are properties and holdings where both objectives apply and must be considered when applying future zones, land uses and development standards.</p> <p>The Environmental Living zone that is being considered for land adjoining sensitive environments (eg. national parks), includes provisions for extensive agricultural activities occurring on the site; and activities that may become prohibited in the Environmental Living zone would continue to have existing use rights. The State Environmental Planning Policy (Biodiversity and Conservation) 2021 also continues to make provisions for the clearing and management of vegetation within conservation zones for activities associated with farm management. Land use zones do not prohibit bushfire protection measures or actions permitted by the NSW Rural Fire Service.</p> <p>The resolution of any inconsistency between the plantation and/or exempt farm forestry activity and existing areas of environmental protection, is outside the scope of the draft Rural Strategy noting the provisions of the Plantations and Reafforestation Act 1999.</p> <p>Within the future draft MidCoast Local Environmental Plan, mapping of draft zones, development standards, environmental and other mapping layers will be undertaken comprehensively and consistently across the local government area, based on the adopted recommendations of land use strategies and plans, including the Rural Strategy – The Way Forward document.</p> <p>The opportunity to make a development application for land uses currently permitted within the existing Rural Landscape zone will remain in place until the MidCoast Local Environmental Plan is in force. Also, on land where a dwelling entitlement has been confirmed through a dwelling entitlement search, changes to land uses zones and development standards will not remove this dwelling entitlement.</p> <p>Standard Instrument – Principal Local Environmental Plan Clause 3.3 does not determine if land is environmentally sensitive but provides clear guidance on land where exempt and complying development is not allowed, due to environmental criteria contained in Clause 3.3 Environmentally sensitive areas excluded. Within this clause there is also an option for each Council to include additional criteria, and this is illustrated by the additional criteria in Great Lakes Local Environmental Plan 2014 to exclude areas within 100m from coastal waters and coastal lakes.</p> <p>Recommendation: Include discussion in the Rural Strategy - The Way Forward about the application of the C4 Environmental Living zone and the proposed intent and purpose of the zone.</p>
	<p>Objection to the application of the Environmental Living zone to land at Tarbuck Bay as use of the land is already over-regulated. Requests for the current Rural Landscape zoning to remain as is.</p> <p>Submission: 170</p> 	<p>The draft Rural Strategy identifies goals and objectives that relate to both primary production and environmental protection and while these may appear contradictory, across the MidCoast there are properties and holdings where both objectives apply and must be considered when applying future zones, land uses and development standards.</p> <p>The Environmental Living zone that is being considered for land adjoining sensitive environments (eg. national parks), includes provisions for extensive agricultural activities occurring on the site; and activities that may become prohibited in the Environmental Living zone would continue to have existing use rights. The State Environmental Planning Policy (Biodiversity and Conservation) 2021 also continues to make provisions for the clearing and management of vegetation within conservation zones for activities associated with farm management. Land use zones do not prohibit bushfire protection measures or actions permitted by the NSW Rural Fire Service.</p> <p>Within the future draft MidCoast Local Environmental Plan, mapping of draft zones, development standards, environmental and other mapping layers will be undertaken comprehensively and consistently across the local government area, based on the adopted recommendations of land use strategies and plans, including the Rural Strategy – The Way Forward document.</p> <p>Recommendation: Include discussion in the Rural Strategy - The Way Forward about the application of the C4 Environmental Living zone and the proposed intent and purpose of the zone.</p>
	<p>Objection to the application of the Environmental Living zone which will restrict extensive agricultural and approved commercial activities on the holding at Bundabah. The lot fronting Bundabah Road would lose its dwelling entitlement as a result of the change in zone and changed application of Clause 4.2A. The holdings are operating as one semi-rural property, including bushfire management and clearing of vegetation consistent with the provisions of the existing Rural Landscape zone.</p>  <p>The Environmental Living zone would be more appropriate on larger lots with more significant environmental features and attributes than the subject allotment. This would reflect the Department of Planning and Environment's Practice Note 09-002 which states the C4 Environmental Living zone is for "land with special environmental or scenic values" and "provides for low-impact residential development in areas with special ecological, scientific or aesthetic value". Clause 3.3 of Standard Instrument –</p>	<p>The draft Rural Strategy identifies goals and objectives that relate to both primary production and environmental protection and while these may appear contradictory, across the MidCoast there are properties and holdings where both objectives apply and must be considered when applying future zones, land uses and development standards.</p> <p>The Environmental Living zone that is being considered for land adjoining sensitive environments (eg. national parks), includes provisions for extensive agricultural activities occurring on the site; and activities that may become prohibited in the Environmental Living zone would continue to have existing use rights. The State Environmental Planning Policy (Biodiversity and Conservation) 2021 also continues to make provisions for the clearing and management of vegetation within conservation zones for activities associated with farm management. Land use zones do not prohibit bushfire protection measures or actions permitted by the NSW Rural Fire Service.</p> <p>Within the future draft MidCoast Local Environmental Plan, mapping of draft zones, development standards, environmental and other mapping layers will be undertaken comprehensively and consistently across the local government area, based on the adopted recommendations of land use strategies and plans, including the Rural Strategy – The Way Forward document.</p>

Topic:	Summary of submissions:	Response and recommendation:
<p>Principal Local Environmental Plan also defines “environmentally sensitive areas” and the site does not meet these criteria.</p> <p>Submission: 362</p>		<p>The opportunity to make a development application for land uses currently permitted within the existing Rural Landscape zone will remain in place until the MidCoast Local Environmental Plan is in force. Also, on land where a dwelling entitlement has been confirmed through a dwelling entitlement search, changes to land uses zones and development standards will not remove this dwelling entitlement.</p> <p>Standard Instrument - Principal Local Environmental Plan Clause 3.3 does not determine if land is environmentally sensitive but provides clear guidance on land where exempt and complying development is not allowed, due to environmental criteria contained in Clause 3.3 Environmentally sensitive areas excluded. Within this clause there is also an option for each Council to include additional criteria, and this is illustrated by the additional criteria in Great Lakes Local Environmental Plan 2014 to exclude areas within 100m from coastal waters and coastal lakes.</p> <p>Recommendation: Include discussion in the Rural Strategy - The Way Forward about the application of the C4 Environmental Living zone and the proposed intent and purpose of the zone.</p>
<p>Objection to the application of the Environmental Living zone which will restrict the existing pine plantation activities on the site at Pindimar and diminish land management and maintenance outcomes. The holding is operating in accordance with the Rural Landscape zone as a pine plantation and the Northern Councils E Zone Review recommends that “if the environmental significance is not the primary consideration, then the land should not be allocated an environmental zoning”. The rezoning from rural to conservation purposes is contrary to the primary production initiatives and goals of the Strategy.</p> <p>Submission: 367</p>		<p>The draft Rural Strategy identifies goals and objectives that relate to both primary production and environmental protection and while these may appear contradictory, across the MidCoast there are properties and holdings where both objectives apply and must be considered when applying future zones, land uses and development standards.</p> <p>The Environmental Living zone that is being considered for land adjoining sensitive environments (eg. national parks), includes provisions for extensive agricultural activities occurring on the site; and activities that may become prohibited in the Environmental Living zone would continue to have existing use rights. The State Environmental Planning Policy (Biodiversity and Conservation) 2021 also continues to make provisions for the clearing and management of vegetation within conservation zones for activities associated with farm management. Land use zones do not prohibit bushfire protection measures or actions permitted by the NSW Rural Fire Service.</p> <p>The resolution of any inconsistency between the plantation and/or exempt farm forestry activity and existing areas of environmental protection, is outside the scope of the draft Rural Strategy noting the provisions of the Plantations and Reafforestation Act 1999.</p> <p>Within the future draft MidCoast Local Environmental Plan, mapping of draft zones, development standards, environmental and other mapping layers will be undertaken comprehensively and consistently across the local government area, based on the adopted recommendations of land use strategies and plans, including the Rural Strategy – The Way Forward document.</p> <p>The opportunity to make a development application for land uses currently permitted within the existing Rural Landscape zone will remain in place until the MidCoast Local Environmental Plan is in force. Also, on land where a dwelling entitlement has been confirmed through a dwelling entitlement search, changes to land uses zones and development standards will not remove this dwelling entitlement.</p> <p>Recommendation: Include discussion in the Rural Strategy - The Way Forward about the application of the C4 Environmental Living zone and the proposed intent and purpose of the zone.</p>
<p>Objection to the application of the Environmental Living zone given its inconsistent application to land in similar condition and location. The holding at Bungwahl is to be used for tea tree essential oil production which is permitted in a rural but not conservation zone. It is also unclear how the rezoning will affect financing in the future. Part 10.4 of the draft Rural Strategy in discussing the Environmental Living zone, refers to more information in the “rural living section”, which does not exist.</p> <p>Submission: 371</p>		<p>The draft Rural Strategy identifies goals and objectives that relate to both primary production and environmental protection and while these may appear contradictory, across the MidCoast there are properties and holdings where both objectives apply and must be considered when applying future zones, land uses and development standards.</p> <p>The Environmental Living zone that is being considered for land adjoining sensitive environments (eg. national parks), includes provisions for extensive agricultural activities occurring on the site; and activities that may become prohibited in the Environmental Living zone would continue to have existing use rights. The State Environmental Planning Policy (Biodiversity and Conservation) 2021 also continues to make provisions for the clearing and management of vegetation within conservation zones for activities associated with farm management. Land use zones do not prohibit bushfire protection measures or actions permitted by the NSW Rural Fire Service.</p> <p>Within the future draft MidCoast Local Environmental Plan, mapping of draft zones, development standards, environmental and other mapping layers will be undertaken comprehensively and consistently across the local government area, based on the adopted recommendations of land use strategies and plans, including the Rural Strategy – The Way Forward document.</p> <p>The opportunity to make a development application for land uses currently permitted within the existing Rural Landscape zone will remain in place until the MidCoast Local Environmental Plan is in force. Also, on land where a dwelling entitlement has been confirmed through a dwelling entitlement search, changes to land uses zones and development standards will not remove this dwelling entitlement.</p> <p>Recommendation: Include discussion in the Rural Strategy - The Way Forward about the application of the C4 Environmental Living zone and the proposed intent and purpose of the zone.</p>

Topic:	Summary of submissions:	Response and recommendation:
<p>Objection to the application of the Environmental Living zone which will restrict extensive agricultural and approved commercial activities on land at Darawank. The semi-rural holdings allow for horticulture, limited grazing and certain commercial activities in the Rural Landscape zone. Existing approved commercial activities would become prohibited in the Environmental Living zone and would be reliant on existing use rights, limiting expansion and potentially require relocation. Do not believe that land is near any sensitive environments or within an environmentally sensitive catchment.</p> <p>Submissions: 127, 333</p>		<p>The draft Rural Strategy identifies goals and objectives that relate to both primary production and environmental protection and while these may appear contradictory, across the MidCoast there are properties and holdings where both objectives apply and must be considered when applying future zones, land uses and development standards.</p> <p>The Environmental Living zone that is being considered for land adjoining sensitive environments (eg. national parks), includes provisions for extensive agricultural activities occurring on the site; and activities that may become prohibited in the Environmental Living zone would continue to have existing use rights. The State Environmental Planning Policy (Biodiversity and Conservation) 2021 also continues to make provisions for the clearing and management of vegetation within conservation zones for activities associated with farm management. Land use zones do not prohibit bushfire protection measures or actions permitted by the NSW Rural Fire Service.</p> <p>The opportunity to make a development application for land uses currently permitted within the existing RU2 Rural Landscape zone will remain in place until the MidCoast Local Environmental Plan is in force. Also, on land where a dwelling entitlement has been confirmed through a dwelling entitlement search, changes to land uses zones and development standards will not remove this dwelling entitlement.</p> <p>Recommendation: No change</p>
<p>Objection to the application of the Environmental Living zone and associated 20ha minimum lot size at Pindimar. The land is currently included in the Rural Landscape zone with a minimum lot size of 40ha. It is proposed to be included in the Environmental Conservation and Environmental Living zones, with a minimum lot size of 40ha and 20ha respectively.</p> <p>The proposed conservation zones and minimum lot sizes will compound existing bushfire risk. The application of a reduced lot size of 1.5ha, either with the Environmental Living zone or the Large Lot Residential zone, would allow for expansion of the village using existing roads and facilities, and allow additional clearing for fire trails and management.</p> <p>Submission: 124</p>		<p>The site is not identified within Council's adopted Urban Release Area Report and therefore is not identified as a potential or future site for urban development. Consideration of the Environmental Living zone with a minimum lot size of 20ha in this location is considered consistent with the guidance of the Department of Planning and Environment Practice Note PN09-002 Environmental Protection Zones which states:</p> <ul style="list-style-type: none"> • this zone is for land with special environmental or scenic values and accommodates low impact residential development. As with the Environmental Management zone, any development is to be well located and designed so that it does not have an adverse effect on the environmental qualities of the land; • this zone will be typically applied to existing low impact residential development. This may include areas already zoned for rural residential that have special conservation values. Where lands have higher conservation values and fewer intended land uses than the Environmental Living zone, an Environmental Conservation or Environmental Management zone may be appropriate; and • regional councils should distinguish carefully between the Environmental Living zone, the Primary Production Small Lots and Large Lot Residential zones to address environmental, agricultural and residential land capabilities respectively. <p>Land use zones do not prohibit bushfire protection measures or actions permitted by the NSW Rural Fire Service. High conservation value vegetation and threatened species have been identified on the site and the application of a conservation zone is consistent with criteria within the draft Rural Strategy.</p> <p>Recommendation: No change.</p>
<p>Objection to any change in zone in the villages of Pacific Palms or surrounding areas, that allows additional development and subdivision. The unique character and landscape of Pacific Palms and surrounding areas should be excluded from the draft Rural Strategy. The reduced minimum lot size in areas surrounding Pacific Palms allows subdivision and development by stealth.</p> <p>Submissions: 318, 365, 369, 374</p>		<p>Existing village, business and conservation zones in the vicinity of Pacific Palms and Smiths Lake are not identified for change as part of the draft Rural Strategy. Only land within the existing Rural Landscape zone in the vicinity of Pacific Palms and Smiths Lake is identified for change as part of the Rural Strategy.</p> <p>The application of a new zone and reduced minimum lot size do not guarantee an additional subdivision or development outcome, as the Strategy also includes a range of clauses that require consideration of risk, environmental impact and the suitability of the land for new and additional development across the rural landscape.</p> <p>Recommendation: No change.</p>
<p>Objection to extended area of Environmental Conservation on land adjoining The Bucketts outcrops at Gloucester. The existing conservation area consists mostly of The Bucketts rock formation and is well suited, however the extension covers areas used for grazing and agriculture. The zone change will also impact on plans for future tourism and commercial activities on the land.</p> <p>Submission: 66</p>		<p>The amended alignment of the Environmental Conservation zone has been drafted to reflect those areas of the subject and adjoining sites that not only include the visible granite outcrops of The Bucketts, but the surrounding steep and heavily vegetated land that are a feature of this natural landscape. The proposed amendment to the zone boundary reflects the existing level of environmental constraint in these areas of the site, constraints that would likely also limit the potential for tourism and commercial activities within the current zone.</p> <p>Recommendation: No change.</p>
<p>Objection to the application of the Environmental Conservation zone at Curricabark. The land is currently included in the Environmental Conservation and Primary Production zones with a minimum lot size of 100ha. It is proposed to be included in the Environmental Conservation and Rural Landscape with a minimum lot size of 40ha.</p> <p>The identified area of Environmental Conservation is a private forest and not part of the National Park (adjoining land). The property</p>		<p>The extent and classification of conservation zones on the identified land has not been changed by the draft Rural Strategy. Throughout the Gloucester, Great Lakes and Greater Taree Local Environmental Plans there are extensive areas of land included in the Environmental Conservation and Environmental Management. Except for the Environmental Management zone located in the immediate vicinity of Gloucester and The Bucketts formation, these existing areas were retained in the exhibited draft Rural Strategy.</p> <p>Many properties that have areas of Environmental Conservation and Environmental Management operate as existing farms and may also have areas of private native forestry. The properties have been reviewed and the areas within the existing conservation zones are consistently identified as steep land, heavily</p>

Topic:	Summary of submissions:	Response and recommendation:
<p>boundary (between the National Park and Environmental Conservation) is a ridge between two valleys and there are distinct differences between the environments on either side of this ridge.</p> <p>Submission: 84</p>	<p>vegetated, with direct linkages to adjoining or surrounding national parks and these areas not used as cleared pasture within the existing farm holdings. This demonstrates that the application of conservation zones does not automatically result in the removal or cessation of existing lawful activities on affected lands.</p> <p>The application of conservation zones does, however, require a higher level of consideration of the potential impact of new development or land uses, to ensure environmentally sensitive lands are suitably protected and managed into the future. When Environmental Conservation and Environmental Management zoned land is transitioned and applied in the future draft MidCoast Local Environmental Plan, these areas will be subject to the Ministerial Direction 3.1 Conservation Zones. The draft Rural Strategy, by retaining existing areas of Environmental Conservation and Environmental Management is consistent with this Direction, except for the areas in the vicinity of Gloucester.</p> <p>Refer to the Rural Strategy – The Way Forward document to see what zones will now apply over the rural areas.</p> <p>Recommendation: No change.</p>	
<p>Objection to the application of the Environmental Management zone. This land at Lansdowne is currently included in the Environmental Management and Primary Production zones with a minimum lot size of 100ha. It is proposed to be included in the Environmental Management and Rural Landscape with a minimum lot size of 40ha.</p> <p>The landowner indicates the original intention of the conservation zone was to maintain the aesthetics of the area, but much of the land is used for other purposes including dams, grazing and a transmission line easement. The landowner believes that they are “not allowed to do anything on this land” and therefore nobody benefits from it and it cannot be managed in the same way as the rest of the farm.</p> <p>Submission: 106</p>	 <p>The extent and classification of conservation zones on the identified land has not been changed by the draft Rural Strategy. Throughout the Gloucester, Great Lakes and Greater Taree Local Environmental Plans there are extensive areas of land included in the Environmental Conservation and Environmental Management. Except for the Environmental Management zone located in the immediate vicinity of Gloucester and The Bucketts formation, these existing areas were retained in the exhibited draft Rural Strategy.</p> <p>Many properties that have areas of Environmental Conservation and Environmental Management operate as existing farms and may also have areas of private native forestry. The properties have been reviewed and the areas within the existing conservation zones are consistently identified as steep land, heavily vegetated, with direct linkages to adjoining or surrounding national parks and these areas not used as cleared pasture within the existing farm holdings. This demonstrates that the application of conservation zones does not automatically result in the removal or cessation of existing lawful activities on affected lands.</p> <p>The application of conservation zones does, however, require a higher level of consideration of the potential impact of new development or land uses, to ensure environmentally sensitive lands are suitably protected and managed into the future. When Environmental Conservation and Environmental Management zoned land is transitioned and applied in the future draft MidCoast Local Environmental Plan, these areas will be subject to the Ministerial Direction 3.1 Conservation Zones. The draft Rural Strategy, by retaining existing areas of Environmental Conservation and Environmental Management is consistent with this Direction, except for the areas in the vicinity of Gloucester.</p> <p>Refer to the Rural Strategy – The Way Forward document to see what zones will now apply over the rural areas.</p> <p>Recommendation: No change.</p>	
<p>Object to the application of the Environmental Conservation and Environmental Management zones. This land at Bowman Farm is currently included in the Environmental Conservation and Environmental Management zones with a minimum lot size of 100ha. It is proposed to be included in the Environmental Conservation and Environmental Management zones with a minimum lot size of 40ha.</p> <p>The landowner objects to the conservation zones being applied when the primary use of the land has been farming and forestry. The landowner requests the application of the Rural Landscape zone, consistent with adjoining properties. A Private Native Forestry permit allows selective logging over two portions, which are also used for cattle grazing and honey production. The properties are subject to an Ecological Succession Plan and operating the farm and forestry activities in a manner complementary to environmental protection and management.</p> <p>Submission: 321</p>	 <p>The extent and classification of conservation zones on the identified land has not been changed by the draft Rural Strategy. Throughout the Gloucester, Great Lakes and Greater Taree Local Environmental Plans there are extensive areas of land included in the Environmental Conservation and Environmental Management. Except for the Environmental Management zone located in the immediate vicinity of Gloucester and The Bucketts formation, these existing areas were retained in the exhibited draft Rural Strategy.</p> <p>Many properties that have areas of Environmental Conservation and Environmental Management operate as existing farms and may also have areas of private native forestry. The properties have been reviewed and the areas within the existing conservation zones are consistently identified as steep land, heavily vegetated, with direct linkages to adjoining or surrounding national parks and these areas not used as cleared pasture within the existing farm holdings. This demonstrates that the application of conservation zones does not automatically result in the removal or cessation of existing lawful activities on affected lands.</p> <p>The application of conservation zones does, however, require a higher level of consideration of the potential impact of new development or land uses, to ensure environmentally sensitive lands are suitably protected and managed into the future. When Environmental Conservation and Environmental Management zoned land is transitioned and applied in the future draft MidCoast Local Environmental Plan, these areas will be subject to the Ministerial Direction 3.1 Conservation Zones. The draft Rural Strategy, by retaining existing areas of Environmental Conservation and Environmental Management is consistent with this Direction, except for the areas in the vicinity of Gloucester.</p> <p>Refer to the Rural Strategy – The Way Forward document to see what zones will now apply over the rural areas.</p> <p>Recommendation: No change.</p>	

Topic:	Summary of submissions:	Response and recommendation:
<p>Objection to the application of the Environmental Management zone at Rookhurst. The land is currently included in the Environmental Management zone with a minimum lot size of 100ha. It is proposed to retain the land in the Environmental Management zone.</p> <p>The landowner objects to the conservation zone being applied when the primary use of the land (with adjoining parcels) is farming and forestry. The landowner requests the application of a Primary Production zone consistent with adjoining properties of similar characteristics.</p> <p>Submission: 366</p>	 <p>The extent and classification of conservation zones on the identified land has not been changed by the draft Rural Strategy. Throughout the Gloucester, Great Lakes and Greater Taree Local Environmental Plans there are extensive areas of land included in the Environmental Conservation and Environmental Management. Except for the Environmental Management zone located in the immediate vicinity of Gloucester and The Bucketts formation, these existing areas were retained in the exhibited draft Rural Strategy.</p> <p>Many properties that have areas of Environmental Conservation and Environmental Management operate as existing farms and may also have areas of private native forestry. The properties have been reviewed and the areas within the existing conservation zones are consistently identified as steep land, heavily vegetated, with direct linkages to adjoining or surrounding national parks and these areas not used as cleared pasture within the existing farm holdings. This demonstrates that the application of conservation zones does not automatically result in the removal or cessation of existing lawful activities on affected lands.</p> <p>The application of conservation zones does, however, require a higher level of consideration of the potential impact of new development or land uses, to ensure environmentally sensitive lands are suitably protected and managed into the future. When Environmental Conservation and Environmental Management zoned land is transitioned and applied in the future draft MidCoast Local Environmental Plan, these areas will be subject to the Ministerial Direction 3.1 Conservation Zones. The draft Rural Strategy, by retaining existing areas of Environmental Conservation and Environmental Management is consistent with this Direction, except for the areas in the vicinity of Gloucester.</p> <p>Recommendation: No change.</p>	
High velocity floodplains		
<p>Objection to the Environmental Management zone with a minimum lot size of 40ha being applied on flood prone land at:</p> <ul style="list-style-type: none"> Bulahdelah where the land is currently included in the Village zone with a minimum lot size of 1000sqm. Landowners believe that the zone change is unreasonable and site-specific flood restrictions are more appropriate. The landowners are concerned that development has occurred on land between the subject site and river, within the flood area and without appropriate drainage provisions. The owners are also concerned that the zoning change will impact on insurance premiums if based on flooding information. Wingham where the land is currently in the Primary Production zone with a minimum lot size of 40ha. Landowners believe that the zone change is unreasonable and site-specific flood restrictions are more appropriate. The landowners request clarification on land uses and existing use rights as a result of the zone change in terms of dwelling entitlements, existing dwelling, dual occupancy and agricultural activities. The owners are also concerned that the zoning change will impact on their ability to undertake work on their property, reduce the property value and limit existing and future use of the land. It is noted in the submission that Council have not provided options for compensation for any financial impact of a rezoning. <p>It is requested that Council clarify which Ministerial Direction recommends application of a conservation zone on flood prone land; and apply rural and conservation zones consistently, noting Oxley Island and Mitchells Island are flood affected but not included in the proposed conservation zone.</p> <p>It is mentioned that if Council change the zone to Environmental Management, they should also be responsible for the cleaning up flood waste and undertake maintenance on the site. It is also mentioned that better management of Farquhar Inlet will reduce up-stream flooding as experienced in and around Wingham.</p> <p>Submissions: 44, 56, 148,283</p>	<p>Recent flood events have resulted in significant changes to how flood prone land is considered in land use strategies and environmental planning instruments. In particular, the Local Planning Directions that must be complied with when preparing a new Local Environmental Plan, including Local Planning Direction 4.1 Flooding (commenced 1 March 2022).</p> <p>Across the MidCoast, there are significant areas of flood-prone land which are subject to flood related development controls. In some cases, these areas are already in an urban zone and the flood controls restrict future development. In this instance the land is currently in a rural zone (Primary Production zone at Wingham and Village zone at Bulahdelah) where its development has been impeded by the flooding issues and it is recognised as a high-risk flood area. While there is a recognised high flood risk, we receive regular enquiries for additional housing to be established in these locations. Changing the zone will assist with recognising the flood impacts and limiting future risks to life and property.</p> <p>Recent changes to the Standard Instrument – Principal Local Environmental Plan have included amendments to the assessment of development on flood prone land under <i>Clause 5.21 Flood planning</i> and <i>Clause 5.22 Special flood considerations</i>, directly aimed at the protection of life and property within the parameters of the land use planning framework. The draft Rural Strategy and land use zone recommendations do not change the flood prone status of land, which is the basis of the application of insurance premiums to flood prone land.</p> <p>The flood prone status of land is based on technical studies. Council undertakes flood studies which identify flood hazards and potential risks to life and property and provides information on flood prone land and the application of flood-related development controls, within planning instruments and planning certificates where this information is available. As mentioned above, the flood prone status of land is not changed by the proposed zone change in the draft Rural Strategy.</p> <p>NSW Government planning requirements for flood prone lands will evolve over the next few years, given the recent flooding events across NSW. The Rural Strategy applied flooding provisions over the land identified above as they are known to experience high velocity flooding and ongoing requests for housing. It is acknowledged that other areas experience flooding, and it is anticipated that future NSW Government controls will identify the constraints and the approach to be undertaken. As these NSW Government planning controls are released, they will be implemented in the MidCoast Local Environmental Plan</p> <p>Recommendation: No change. The application of a conservation zone, additional development restrictions or planning controls over other flood prone land will be reviewed as the NSW Government releases new flood reforms to be included in the draft MidCoast Local Environmental Plan and Development Control Plan.</p>	
<p>Support for conservation zones being applied on flood prone land. The landowners have lived experience of floods and support the application of a conservation zone to ensure inappropriate development and (permanent or temporary) structures are not located on flood prone land. It is also requested that where there are existing agricultural activities, existing use rights are acknowledged.</p> <p>Submissions: 284, 352</p>	<p>Support for the application of conservation zones on flood prone land is noted. Lawfully established uses will be able to continue to operate from these sites.</p> <p>Recommendation: No change.</p>	

Topic:	Summary of submissions:	Response and recommendation:
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Aquifer catchments		
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Objection to the proposed change from a rural to Environmental Management zone over the aquifer catchments at Nabic. Much of the area is currently in the Rural Landscape zone with a minimum lot size of 40ha. The submissions were concerned that the rezoning:

- does not comply with the Department of Planning and Environment guidelines for applying conservation zones
- is inequitable, given the property owners being asked to protect the water supply, are not provided with town water or sewer connections that would provide additional protection to the water supply
- will reduce property values
- changes may be applied retrospectively.

The owners question the minimum lot size standard seeking a reduced minimum lot size to enable additional subdivision. Also request whether additional dwelling entitlements can be provided on existing under-sized lots.

The land owners undertake a range of activities that would become prohibited: horticulture including cropping for native flower production, protected hydroponics; cattle grazing; tree and vegetation clearing for maintenance and property improvements; fencing and dam construction; exempt development provisions – driveways, sheds and farm outbuildings; LLS native vegetation management provisions; truck depots and industrial activities.

Landowners want to maintain the following land use activities that would have minimal impact on the land or aquifer catchment:

Without consent – *Extensive agriculture; Home businesses;*

With consent - *Agricultural produce industries; Animal boarding or training establishments; Artisan food and drink industry; Boat launching; Boat shed; Camping grounds; Car park; Charter and tourism boating facilities; Community facilities; Dwelling houses; Dual occupancies; Eco-tourist facilities; Educational establishments; Flood mitigation works; Forestry; Home-based child care; Home industries; Home occupation; Jetties; Kiosks; Markets, Marinas; Moorings; Mooring pens; Plant nurseries; Recreation areas; Recreation facilities (indoor); Recreation facilities (outdoor); Respite day care centres; Roadside stalls; Rural workers’ dwellings; Secondary dwellings; Signage; Water recreation structures; Wharf or boating facilities;*

Additional information is requested on how the rezoning would affect: noxious weed control, bushfire hazard reduction burns, use of fire suppressants by NSW RFS on environmental lands; feral animal control, firewood collection; rates. Concern also regarding existing use rights for activities including a sand quarry, motor cross track, business equipment storage and holiday accommodation.

Landowners have questioned:

- the aquifer plant’s compliance with health guidelines;
- how Pacific Highway runoff is managed to address pollution of waterways and the aquifer;
- the acquisition and rezoning of properties by Council for the construction and operation of a potentially polluting landfill within the aquifer catchment; and
- whether the land fill site has already breached the aquifer and contaminated it.

A small number of landowners are also concerned that the boundary incorrectly identifies their property as draining into the aquifer instead of Wallamba River; and that the aquifer catchment is being treated differently to other drinking water catchments such as Bootawa Dam.

Submissions: 54, 71, 87, 133, 137, 153, 186, 187, 226, 234, 254, 262, 267, 270, 276, 295, 310, 316, 331, 396, 408, 424

There is no clear approach for dealing with aquifers across NSW in Local Environmental Plans. The changing of the zones would provide a clear indication of the importance of the aquifer footprint and catchment, ensuring the protection of the water quality of the aquifer. Reviewing the submissions, it was made clear that the zone change had numerous impacts on landowners. A review of options was undertaken, and the following approach is proposed to address the submissions, while still providing a level of protection for the water quality of the aquifers:

- land in a rural zone in the aquifer footprint is to be included in the Environmental Management zone (except where changes are proposed given the environmental values of the land). A review of the boundary of the footprint was undertaken with Council’s Water Services Department to ensure the accuracy of the footprint. This resulted in some properties in the aquifer footprint being removed (refer to map)
- the aquifer catchment is to remain in a rural zone – no change to a conservation zone is proposed (except where changes are proposed given the environmental values of the land)
- an overlay will be applied to both the aquifer footprint and catchment which will be included in the draft MidCoast Local Environmental Plan. This overlay will be accompanied by a local provision which ensures any new development does not impact on the quality of water entering the aquifer. This is the same process applied to the drinking water catchments.

It should be noted that the rural zones proposed across the MidCoast have been reviewed and changed. Refer to the Rural Strategy – The Way Forward document to see what zones will now apply over the rural areas. There is no proposal to reduce the minimum lot size of rural lands in this area below 40ha.

The following provides feedback on specific information being sought through the submissions.

Advice from Council’s Infrastructure and Engineering Services Division confirms that the work undertaken at the Nabic Water Treatment Plant is at all times undertaken in accordance with the relevant licences, permits and health guidelines. The requests for Council to consider extending town water and sewer connections to dwellings within the aquifer catchment to assist in protecting this water resource, have been referred to the Infrastructure and Engineering Services Division for consideration and the team have provided the following response:

The water and sewer system finish on the outskirts of the Nabic Urban Area. The network does not extend to the southern side of the Wallamba River and there is no plan to extend the network in the future. The costs of extending the network to connect any properties in this area would be significant and well beyond any measure of affordability for property owners in this area.

Over the long term, it would be uneconomical to service this area due to the distances between residences and the existing system as well as the low service density.

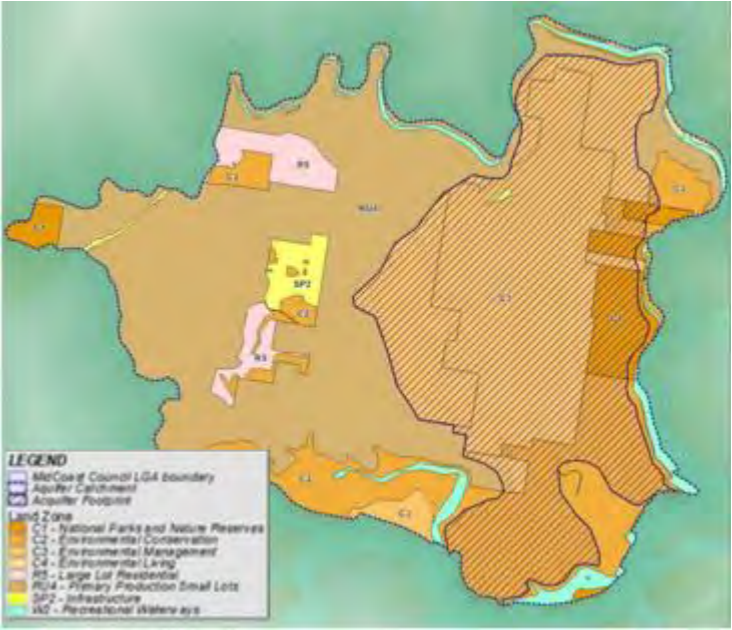
Council’s Waste Services section provided the following regarding the existing landfill approval.

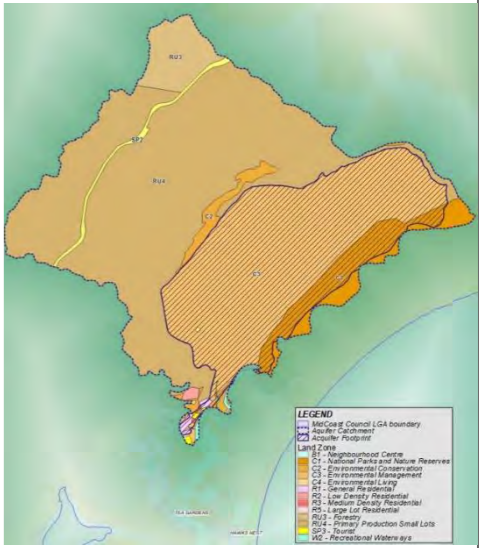
The Minimbah landfill operates under Environmental Protection licences with NSW EPA, as such the landfill is required to be constructed with an engineered lining system as per the Solid Waste Landfill Guidelines. The lining barrier is designed to protect the ground from any contamination from the landfill. The barrier system is made up of a Geosynthetic Clay Liner, 2mm High density polyethylene liner and an impermeable clay barrier (this equates to a three-layer impermeable barrier system, protecting the ground from contamination).

In 2021 after the major flood, waste was temporarily stored at the Minimbah facility for processing after which all waste was removed and sent to the Kemps Creek landfill in Sydney under a State Disaster Recovery Contract with SUEZ. The area utilised at the Minimbah site had a temporary leachate management system that collected all runoff so that wastewater could be transported to the Dawson River Sewage Treatment Plant for treatment. After all waste was removed from the Minimbah site, the area utilised for processing was remediated with all contaminated material removed.

The Minimbah landfill has no Waste deposited at the site and is not programmed to be operated until 2042.

Recommendation: The Rural Strategy - The Way Forward document will identify the zones that will be applied to the land and the development standards.



Topic:	Summary of submissions:	Response and recommendation:
	<p>Objection to the application of the conservation zone over existing rural areas of land within the Tea Gardens aquifer catchment. The land is currently included in the Environmental Conservation and Rural Landscape zones with a minimum lot size of 40ha. It is proposed to include land in the Environmental Conservation and Environmental Management zones with a minimum lot size of 40ha.</p> <p>The submission is concerned that the proposed zones would prohibit agricultural uses and is contrary to objectives of the draft Rural Strategy and State policy, without justification or objective assessment of attributes of the land. The submission states that the land is highly disturbed with roads, clearing, an airstrip and agricultural activities. Current extensive agricultural activities including cropping and grazing; pine cultivation, milling and treatment. A water treatment plant is also located within and accessed via one of the southern lots.</p> <p>Rezoning must be based on existing environmental significance of the land and while the land contains Biodiversity Values, coastal wetlands and adjoins a Marine Park, RAMSAR wetland and National Park, this does not warrant the application of additional conservation zones, given existing disturbance and ability to manage the land without impact on adjoining sensitive environments.</p> <p>Submission: 385</p>	<p>There is no clear approach for dealing with aquifers across NSW in Local Environmental Plans. The changing of the zones would provide a clear indication of the importance of the aquifer footprint and catchment, ensuring the protection of the water quality of the aquifer. Reviewing the submissions, it was made clear that the zone change had numerous impacts on landowners. A review of options was undertaken, and the following approach is proposed to address the submissions, while still providing a level of protection for the water quality of the aquifers:</p> <ul style="list-style-type: none"> land in a rural zone in the aquifer footprint is to be included in the Environmental Management zone (except where changes are proposed given the environmental values of the land). A review of the boundary of the footprint was undertaken with Council's Water Services Department to ensure the accuracy of the footprint and no changes were proposed to this catchment (refer to map) the aquifer catchment is to remain in a rural zone – no change to a conservation zone is proposed (except where changes are proposed given the environmental values of the land) an overlay will be applied to both the aquifer footprint and catchment which will be included in the draft MidCoast Local Environmental Plan. This overlay will be accompanied by a local provision which ensures any new development does not impact on the quality of water entering the aquifer. This is the same process applied to the drinking water catchments.  <p>While the submission focuses on agricultural aims and objectives of draft Rural Strategy, it is silent on the environmental components which are relevant to this sensitive location. The Environmental Management zone that is being considered within the aquifer catchment, does not require the removal or cessation of extensive agricultural activities and other activities that may become prohibited would continue to have existing use rights. The State Environmental Planning Policy (Biodiversity and Conservation) 2021 also continues to make provisions for the clearing and management of vegetation within conservation zones for activities associated with farm management.</p> <p>The resolution of any inconsistency between the pine plantation activity and existing areas of environmental protection, is outside the scope of the Rural Strategy noting the provisions of the Plantations and Reafforestation Act 1999.</p> <p>It should be noted that the rural zones proposed across the MidCoast have been reviewed and changed. Refer to the Rural Strategy – The Way Forward document to see what zones will now apply over the rural areas. The minimum lot size of rural lands in this area will remain 40ha.</p> <p>Recommendation: The Rural Strategy - The Way Forward document will identify the zones that will be applied to the land and the development standards.</p>
<p>Paper Subdivision Analysis Report</p> <p>Some paper subdivision landowners were concerned about the consultation process being held during the COVID lock down, because landowners could not visit their land, attend a public meeting or meet Council officers face-to-face to discuss their concerns.</p> <p>Within some submissions it was also clear that landowners thought the exhibition of the draft Rural Strategy and the Paper Subdivision Analysis Report would result in an 'immediate' change to the zone, development standards and land use provisions on their land. There also was objection to the conservation zone, the technical nature of the documents and consultation process.</p> <p>Submissions: 100, 103, 416</p>	<p>The draft Rural Strategy considered all waterways, rural and environmental lands across the MidCoast, as part of a strategic and comprehensive process for establish a framework of planning controls for the draft MidCoast Local Environmental Plan and Development Control Plan.</p> <p>During the draft Rural Strategy exhibition public health orders limited opportunities for public forums and meetings until November 2021. Council were also aware that many owners of land within paper subdivisions reside outside of the local government area and would have limited opportunities to attend public meetings, whether public health orders were in place or not.</p> <p>To ensure a high level of customer service to landowners outside of the Council area, a call-back appointment process was established and maintained throughout the 22-week exhibition period. The program of review and strategy development has involved extensive consultation programs in accordance with the Environmental Planning and Assessment Act, Regulations and Council's Community Participation Plan.</p> <p>Consultation on the draft MidCoast Local Environmental Plan and Development Control Plan is planned as a combined consultation program and will involve notification of all landowners and rate payers and additional information and resources.</p> <p>The rezoning of land does not affect the existing use rights of approved and lawful activities or development; or require the removal of approved and lawful structures and development. Council will undertake additional consultation and engagement when the draft MidCoast Local Environmental Plan is on exhibition. The rezoning of land will only occur when the MidCoast Local Environmental Plan comes into force.</p> <p>Recommendation: Council undertake additional consultation and engagement when the draft MidCoast Local Environmental Plan and Development Control Plans are on exhibition.</p>	
<p>Several submissions also expressed disappointment with the North Arm Cove Local Community Plan process and 'exclusion' of non-urban landowners from the steering committee for this program.</p>	<p>In April 2022 Council resolved not to have any future role in the preparation of local community plans. The plan prepared for North Arm Cove was facilitated by Council but undertaken by members of the local community. When the local community plan process was commenced under the MidCoast Local Community Planning Framework (prior to its rescission) there was no exclusion of any member of the community.</p> <p>The zoning of land and issues associated with non-urban land at North Arm Cove were however excluded from the process, as they are outside the scope of a Local Community Plan, which is not a plan for the purpose of considering land use zones, development or to inform the preparation of an environmental</p>	

Topic:	Summary of submissions:	Response and recommendation:
		<p>planning instrument. The Local Community Plan program is not related to the strategic land use planning program of the draft Rural Strategy and Paper Subdivision Analysis Report.</p> <p>Recommendation: No change.</p>
	<p>Many landowners expressed frustration within their submissions, that they continue to pay rates for land that cannot be built upon, with no noticeable improvement in the services, facilities or infrastructure in the location. Several submissions also ask Council to use the rates income from landowners, to resolve the issues identified within the Paper Subdivision Analysis Report, provide infrastructure and allow development on all existing allotments.</p>	<p>Under the Local Government Act 1993, Council must levy rates on all land, whether it can be built upon or not, as a result non-urban land is not exempt from rates. The only land which is exempt from the payment of rates is as follows: vacant crown land; national parks; state forests; schools; reserves; and land used for charitable or religious purposes. The calculation of property values, rate classifications, rating of property and allocation of rates to services and infrastructure within the local government area are outside the scope of the draft Rural Strategy and Paper Subdivision Analysis Report. Additional information on rates is available on Council's website.</p> <p>Recommendation: No change.</p>
	<p>Several submissions raised objections to the recommendations of the Paper Subdivision Analysis Report and asked for the land to remain within a rural zone until the land was zoned for residential purposes. Others objected based on the following grounds:</p> <ul style="list-style-type: none"> the application of a conservation zone without enough justification and consideration of how constraints could be overcome to achieve a development outcome; object to the conservation zone as it potentially impacts on the current and future use of the land; that Council keep the land as it is, they are happy to retain their land for camping until such time as it is rezoned for residential use; and that Council consider the different circumstances of each paper subdivision. <p>Submissions: 1, 31, 59, 68, 72, 78, 102, 161, 166, 306, 412, 413</p>	<p>The Paper Subdivision Analysis Report identified paper subdivisions as generally:</p> <ul style="list-style-type: none"> too constrained to support commercially viable primary production activities (a rural zone); too constrained to support development on all existing allotments (a residential or village zone); and environmentally constrained or ecologically significant in whole or part (a conservation zone). <p>The rezoning of these lands for the purpose of informing the draft MidCoast Local Environmental Plan has not triggered the criteria that would require implementation of the Planning for Paper Subdivision Guidelines or "prohibit dwelling entitlements". The Department of Planning and Environment's Planning for Paper Subdivision Guidelines provides a separate framework for the resolution of issues associated with services, infrastructure, environmental constraints and development potential by landowners and a relevant authority, through a concept Development Plan and Subdivision Order. In particular, the land within the North Arm Cove paper subdivision is not identified as a potential urban growth area of urban release area within the MidCoast Urban Release Area Report or the Hunter Regional Plan.</p> <p>Council, in preparing the Paper Subdivision Analysis Report, reviewed each identified paper subdivision in the MidCoast, and provided two key outcomes based on the information currently available:</p> <ul style="list-style-type: none"> the Paper Subdivision Analysis Report provides zone, land use and development standard recommendations consistent with the draft Rural Strategy, for implementation in the draft MidCoast Local Environmental Plan program; and the Paper Subdivision Analysis Report identifies the key issues and constraints that would require further investigation and resolution should landowners collectively, wish to fund and pursue a development outcome using the process outlined within the Department's Planning for Paper Subdivisions Guideline. <p>Recommendation: Amend the Paper Subdivision Analysis Report to:</p> <ul style="list-style-type: none"> reflect any updated State, regional and local strategy documents wherever possible; and replace the names of E1, E2, E3 and E4 zones with C1, C2, C3 and C4 zones include a copy of Landowner Contact Form and information on the NSW Government Planning for Paper Subdivision Guidelines (2013) mention the zone criteria and clauses discussion contained in the Rural Strategy – The Way Forward document.
	<p>Landowners raise concerns about the difference between a rural and a conservation zone and how this will impact on existing land uses, occupation and activities. Many landowners have objected to the conservation zone on the basis that it removes dwelling entitlements, reduces land management and maintenance outcomes, while potentially exacerbating bushfire hazard conditions.</p> <p>Submission: 16, 20, 34, 49, 70, 79, 80, 81, 82, 86, 92, 93, 96, 97, 104, 123, 143, 149, 158, 159, 165, 167, 183, 185, 189, 194, 202, 230, 258, 265, 302, 312, 325, 344, 346, 359, 360, 361, 364, 380, 405, 426, 427</p>	<p>The conservation zones generally reflect the provisions of the Department of Planning and Environment Practice Note PN09-002 Environmental Protection Zones and the draft conservation zone criteria from the Rural Strategy:</p> <ul style="list-style-type: none"> coastal wetlands, ecologically and environmentally significant land (C2 Environmental Conservation); Council land that is heavily vegetated, flood affected, with biodiversity value or adjoining coastal wetlands (C3 Environmental Management); private land that is heavily vegetated, flood affected, with biodiversity value or adjoining coastal wetlands (C3 Environmental Management); and private land used for low intensity residential uses in an environmentally sensitive location (C4 Environmental Living). <p>The conservation zones applied to the land reflect the environmental constraints and sensitivity of the location, consistent with the zone criteria provided within the draft Rural Strategy. These criteria continue to be reviewed and refined in response to State agency and public submissions received during exhibition of the draft Rural Strategy.</p> <p>Existing dwelling entitlements and development approvals for dwellings will not be affected by the proposed change in zone. Clause 4.2A provides a definition of an existing holding (dwelling entitlements) but will not be able to be retained in its current form given different provisions in each Local Environmental Plan. The existing clauses will remain in force until such time as the MidCoast Local Environmental Plan is made.</p> <p>The rezoning of land does not affect the existing use rights of approved and lawful activities or development; or require the removal of approved and lawful structures and development. Land use zones also do not prohibit bushfire protection measures or actions permitted by the NSW Rural Fire Service.</p>

Topic:	Summary of submissions:	Response and recommendation:
		<p>The State Environmental Planning Policy (Biodiversity and Conservation) 2021 also continues to make provisions for the clearing and management of vegetation within conservation zones for activities associated with farm management. The resolution of any inconsistency between plantation and/or exempt farm forestry activities and existing areas of environmental protection, is outside the scope of the Rural Strategy noting the provisions of the Plantations and Reafforestation Act 1999.</p> <p>In response to many submissions and enquiries requesting additional information on the environmental value and or features of the land within and adjoining paper subdivisions, the Paper Subdivision Analysis Report will be amended to include publicly available information from the Biodiversity Values Map and BioNet Threatened Species database (flora and fauna information).</p> <p>Recommendation: Amend the Paper Subdivision Analysis Report to include additional biodiversity and ecological information.</p> <p>Recommendation: As part of the draft MidCoast Local Environmental Plan include a clause based on the draft Rural Strategy Clause 4.2A that is amended to include requirement for consolidation of existing holding allotments, where that existing holding is relied upon for the purpose of development approval for a dwelling house.</p> <p>Recommendation: Council undertake additional consultation and engagement when the draft MidCoast Local Environmental Plan and Development Control Plans are on exhibition.</p>
<p>Many submissions support a development outcome on land within the identified paper subdivisions, with an overwhelming number supporting a residential development outcome on every allotment within the existing subdivision layout. Various submissions also express frustration that the constraints identified in the Paper Subdivision Analysis Report have not already been resolved by Council utilising the income from rates.</p> <p>Submissions: 2, 3, 4, 5, 6, 8, 9, 10, 13, 14, 17, 18, 19, 21, 22, 24, 26, 27, 28, 30, 32, 33, 35, 36, 37, 38, 40, 42, 43, 45, 47, 48, 51, 52, 55, 58, 63, 64, 65, 67, 69, 73, 74, 75, 76, 85, 88, 91, 94, 95, 98, 99, 107, 108, 109, 112, 113, 114, 115, 116, 117, 120, 122, 125, 130, 131, 132, 134, 136, 138, 139, 140, 141, 144, 145, 146, 147, 150, 155, 167, 173, 178, 179, 180, 181, 182, 184, 193, 197, 198, 199, 204, 205, 209, 210, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 228, 229, 231, 232, 233, 235, 238, 239, 241, 242, 244, 246, 252, 255, 257, 264, 266, 269, 271, 272, 273, 274, 277, 279, 280, 218, 282, 285, 287, 288, 289, 290, 291, 292, 293, 294, 296 298, 300, 303, 304, 311, 314, 317, 319, 320, 322, 326, 327, 332, 334, 335, 336, 337, 339, 340, 341, 343, 345, 347, 353, 355, 358, 376, 377, 378, 379, 381, 383, 384, 387, 388, 389, 390, 391, 393, 395, 398, 400, 401, 402, 403, 406, 407, 415, 425, 430, 433</p>	<p>A development outcome on every existing allotment within the identified paper subdivisions is not possible given identified constraints and legislative requirements, therefore the Paper Subdivision Analysis Report recommendations will be progressed through the draft MidCoast Local Environmental Plan program. The Paper Subdivision Analysis Report was prepared as a high-level assessment of paper subdivisions, to determine if any of these areas could be rezoned to enable development on each existing allotment as part of the draft MidCoast Local Environmental Plan program. There were no locations where this scenario was found to be possible.</p> <p>Council has prepared the Paper Subdivision Analysis Report in good faith, based on information that is either publicly available and/or Council would normally consider in the preliminary stages of any rezoning proposal – infrastructure, services, bushfire, flood and ecological constraints. The Paper Subdivision Analysis Report also provides information to all landowners on the constraints that apply to the land that would have to be addressed and resolved, should they wish to collectively pursue a development outcome in accordance with the Paper Subdivision Guideline process and requirements.</p> <p>While the Paper Subdivision Analysis Report can be amended to identify key principles for each location, should landowners within any of the identified subdivisions wish to pursue a development outcome, this would be reliant on more detailed studies being undertaken. These detailed studies and additional work required to prepare a Development Plan are outside the scope of the draft Rural Strategy and the Paper Subdivision Analysis Report. These detailed studies would be required to inform the preparation of a concept Development Plan and to make an application to the Minister in accordance with the Department of Planning’s Paper Subdivision Guidelines process.</p> <p>This work is also beyond the resource capacity of MidCoast Council and would likely require financial and resource commitments from affected landowners prior to commencement, and the State government throughout the process, as has been the case in other locations in NSW. Costs associated with consolidation, subdivision, development and any other associated processes are borne by the landowner and/or developer. The identification of select allotments for rezoning from rural and village, without resolution of the remaining allotments, is inconsistent and should not be progressed through to the draft MidCoast Local Environmental Plan mapping program at this time.</p> <p>Within the Paper Subdivision Analysis Report, consistent with existing Council policy and practice, land transferred to Council is to be rezoned conservation to reflect the level of constraint that exists on these sites. Council will also classify these lands to community purpose, to reflect the intent that these lands are not on-sold for development but retained for environmental or community purpose in the future.</p> <p>Council acknowledges that initiating communication between landowners is challenging given privacy restrictions, however, the Paper Subdivision Analysis Report could be amended to include the ‘Request to initiate contact with adjoining property owner form’ available on Council’s website.</p> <p>A development outcome on every existing allotment within the identified paper subdivisions is not possible given identified constraints and legislative requirements. The Paper Subdivision Analysis Report recommendations will be progressed through the draft MidCoast Local Environmental Plan program.</p> <p>Recommendation: Amend the Paper Subdivision Analysis Report to include:</p> <ul style="list-style-type: none"> • a form to enable contact between adjoining landowners. • key principles for each location, based on identified constraints and legislative requirements, will be provided where possible, to provide additional context for landowners willing to fund the studies, investigations and master planning required to follow the Department of Planning’s Paper Subdivision Guidelines process. <p>Recommendation: Remove the draft land use zone mapping shown in the Paper Subdivision Analysis Report at Coolongolook as it is not consistent with the approach required by the Department of Planning’s Paper Subdivision Guidelines, in that the whole of the paper subdivision must be considered as part of a Development Plan and Subdivision Order.</p>	

Topic:	Summary of submissions:	Response and recommendation:
	<p>Many landowners have requested ongoing support for low impact camping activities but request additional information on what can be done on non-urban land to facilitate camping activities. Requests included clear guidance on the following:</p> <ul style="list-style-type: none"> • can I flatten the ground to allow for caravan to be driven through and parked levelled? • if I am allowed to flatten the ground, can I put a concrete slab? What are the maximum metres square I can build? • I would like to put on a fence around my block, are there any requirements regarding what materials, heights, etc I need to use? • Can I remove vegetation on the fence line? • I am able to put a shed to store gardening / Camping tools? What is the allowable size and Material? • I am able to build a Carport/ shelter? What are the maximum requirements? 	<p>Information on camping, clearing vegetation and structures on non-urban land is available on Council’s Non-urban Land webpage, but community feedback indicates it is unclear and applied inconsistently.</p> <p>Private camping on private land is not a development matter that is addressed by a local environmental plan or development control plan but is regulated by the Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021.</p> <p>The State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (Codes SEPP) allows for certain low scale and low impact structures and activities to be undertaken on properties without approval, this is known as exempt development. Additional information on the requirements and provisions of the Codes State Environmental Planning Policy are available on the NSW Legislation website.</p> <p>Recommendation: Include additional information on camping and associated activities on Council’s Non-urban Land webpage to ensure relevant information is available to landowners.</p>
	<p>Submissions from residents and landowners raising the use of land for camping. Submissions also raise issues about the services, facilities and enforcement activities of Council.</p> <p>Submissions: 7, 20, 46, 172</p>	<p>Public amenities, management of on-site sewage, waste and garbage are outside of the scope of the Paper Subdivision Analysis Report and draft Rural Strategy. Matters relating to public amenities, management of on-site sewage by camping landowners and the management of waste and garbage, particularly during holiday periods have been referred to the relevant sections of Council and the following comments provided:</p> <ul style="list-style-type: none"> • public recreation areas and facilities are being reviewed as part of Council’s Open Space review program and community comments; • additional waste services and bulk bins are provided in high use areas during holiday periods. The use and location of these facilities is reviewed following each holiday period and within the waste services review; and • Council is not the regulatory authority for traffic, trespass or property damage offences and these matters should be referred to the NSW Police. <p>Recommendation: Include additional information on camping and associated activities on Council’s Non-urban Land webpage to ensure relevant information is available to landowners.</p>
	<p>There are a small number of submissions that support the Paper Subdivision Analysis Report recommendations to apply a conservation zone in recognition of the unique natural setting and environmental sensitivity of many of the coastal paper subdivisions. These landowners support the ongoing protection of these areas through the application of a conservation zone, with recognition of existing farms and camping arrangements.</p> <p>Submissions: 105, 126, 200, 201, 203, 250, 261, 301, 324, 328, 330, 338, 429</p>	<p>The conservation zones applied to the land reflect the environmental constraints and sensitivity of the location, consistent with the zone criteria provided within the draft Rural Strategy. These criteria continue to be reviewed and refined in response to State agency and public submissions received during exhibition of the draft Rural Strategy.</p> <p>The conservation zones applied to paper subdivisions generally reflect the provisions of the Department of Planning and Environment Practice Note PN09-002 Environmental Protection Zones and the draft conservation zone criteria from the Rural Strategy:</p> <ul style="list-style-type: none"> • coastal wetlands, ecologically and environmentally significant land (Environmental Conservation); • Council land that is heavily vegetated, flood affected, with biodiversity value or adjoining coastal wetlands (Environmental Management); • private land that is heavily vegetated, flood affected, with biodiversity value or adjoining coastal wetlands (Environmental Management); and • private land used for low intensity residential uses in an environmentally sensitive location (Environmental Living). <p>In response to many submissions and enquiries requesting additional information on the environmental value and or features of the land within and adjoining paper subdivisions, the Paper Subdivision Analysis Report could be amended to include publicly available information from the Biodiversity Values Map and BioNet Threatened Species database (flora and fauna information).</p> <p>The conservation zones being considered do not require the removal or cessation of extensive agricultural activities; and other activities that may become prohibited would continue to have existing use rights. The rezoning of land does not affect the existing use rights of approved and lawful activities or development; or require the removal of approved and lawful structures and development.</p> <p>Recommendation: Amend the Paper Subdivision Analysis Report to include additional biodiversity and ecological information.</p> <p>Recommendation: Amend the Environmental Management zone objective to read “To conserve biological diversity and native vegetation corridors, and their scenic qualities, in a rural setting”.</p>
	<p>A small number of landowners have requested that the C3 Environmental Management zone be amended to the C4 Environmental Living zone, to enable consideration of low impact residential development in areas with special ecological, scientific or aesthetic values.</p> <p>Submissions: 24, 236, 237, 278</p>	<p>The conservation zones applied to paper subdivisions generally reflect the provisions of the Department of Planning and Environment Practice Note PN09-002 Environmental Protection Zones and the draft conservation zone criteria from the Rural Strategy:</p> <ul style="list-style-type: none"> • coastal wetlands, ecologically and environmentally significant land (Environmental Conservation); • Council land that is heavily vegetated, flood affected, with biodiversity value or adjoining coastal wetlands (Environmental Management); • private land that is heavily vegetated, flood affected, with biodiversity value or adjoining coastal wetlands (Environmental Management); and

Topic:	Summary of submissions:	Response and recommendation:
		<ul style="list-style-type: none"> private land used for low intensity residential uses in an environmentally sensitive location (Environmental Living). <p>In response to many submissions and enquiries requesting additional information on the environmental value and or features of the land within and adjoining paper subdivisions, the Paper Subdivision Analysis Report could be amended to include publicly available information from the Biodiversity Values Map and BioNet Threatened Species database (flora and fauna information).</p> <p>The conservation zones being considered do not require the removal or cessation of extensive agricultural activities; and other activities that may become prohibited would continue to have existing use rights. The rezoning of land does not affect the existing use rights of approved and lawful activities or development; or require the removal of approved and lawful structures and development.</p> <p>Recommendation: Amend the Paper Subdivision Analysis Report to include additional biodiversity and ecological information.</p>
<p>Support for initiatives to recognise the heritage value of the North Arm Cove subdivision. The subdivision by Walter Burley Griffin includes a network of public open spaces and cultural heritage that is not recognised in the Strategy but is to be nominated as a heritage item of State Significance.</p> <p>Submission: 307</p>		<p>The significance is the subdivision design by Walter Burley Griffin and associated documentation is a historical archival record kept in several organisations including the Land Registry office, NSW State Library and MidCoast Council. This would apply to most original parish plans and old town plans that have historical value but have no heritage influence on the ground. Given there is nothing tangible or interpretable at North Arm Cove, it would fail to satisfy the NSW Heritage Council's criteria for heritage significance and therefore would be unable to be listed as a heritage item.</p> <p>Recommendation: Amend the Paper Subdivision Analysis Report to include key principles for a North Arm Cove Development Plan, including 'reflecting the historic subdivision layout and character'</p>