

LIVEABLE COMMUNITIES

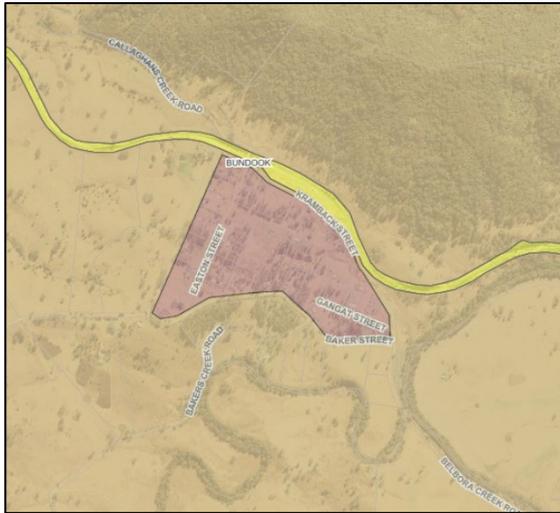
ATTACHMENT 2

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

ORDINARY MEETING

25 MAY 2022

C. Village Zone Changes at Bundook, Bunyah, Markwell, Mt George and Newells Creek



S.39 supports the Bundook rezoning to Village. The submission also includes a request to remove fences obstructing existing road reserves and undertake road improvements to support development within the village.

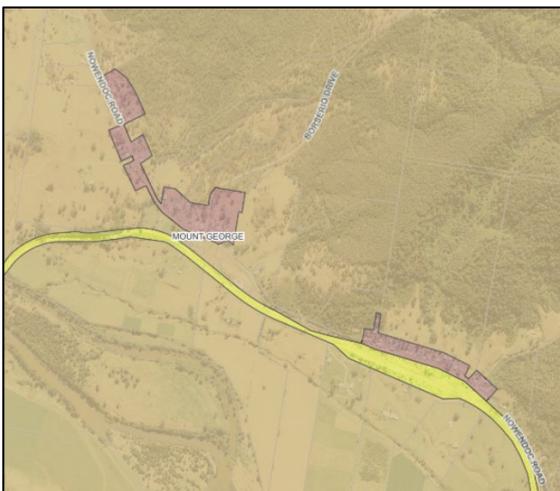
Response – Proceed with proposed zone changes.

Current – R5 Large Lot Residential zone with a Minimum Lot Size of 8000sqm and maximum 7.5m Height of Building

Proposed – RU5 Village Zone with 8000sqm Minimum Lot Size and maximum 8.5m Height of Buildings

The changes will progress within the MidCoast Local Environmental Plan program.

C. Village Zone Changes at Bundook, Bunyah, Markwell, Mt George and Newells Creek



S.90 supports the Mt George rezoning to Village. The submission supports the rezoning to allow development and tourism initiatives, while maintaining rural charm outside of the village.

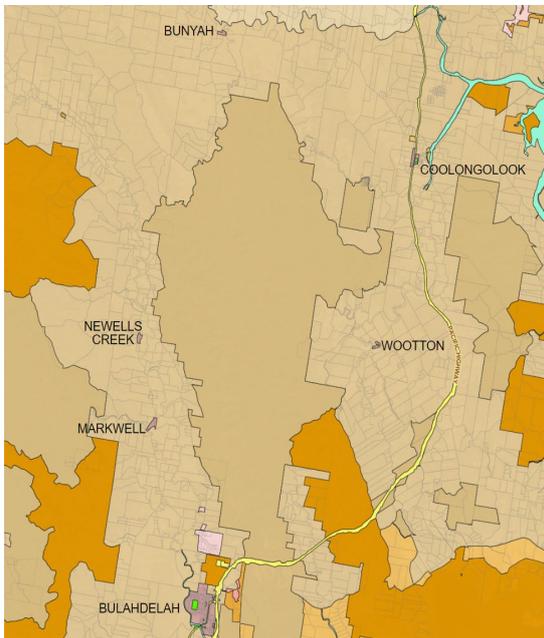
Response – Proceed with proposed zone changes.

Current - RU1 Primary Production zone with a Minimum Lot Size of 40ha and no Height of Building control

Proposed – RU5 Village Zone with 4000sqm Minimum Lot Size and maximum 8.5m Height of Building. The minimum lot size reflects the predominant lot size of properties in the locality of Mount George.

The changes will progress within the MidCoast Local Environmental Plan program.

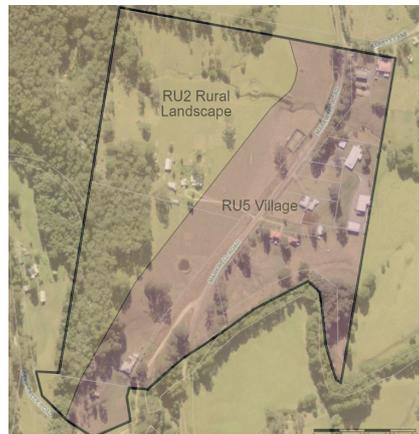
C. Village Zone Changes at Bundook, Bunyah, Markwell, Mt George and Newells Creek



S.160 Objection to removal of village zone at Markwell.

Removing the village zone will remove subdivision potential on the identified land and result in the subdivision of surrounding agricultural land.

Allowing additional subdivision of surrounding agricultural land will increase land use conflict between farming and non-farming landholders. Maintaining and allowing additional smaller allotments in villages areas should be encouraged.



Response – Proceed with proposed zone changes.

Current – RU5 Village with a Minimum Lot Size of 1000sqm and maximum 8.5m Height of Building; and some allotments also have – RU2 Rural Landscape with a Minimum Lot Size of 40ha and maximum 8.5m Height of Building

Proposed - RU2 Rural Landscape with a Minimum Lot Size of 40ha and remove the Height of Building control

Ten allotments, ranging in size from 4000sqm to 9.8ha are within the identified village zone at Markwell. Council records indicate the village zone has been in place since the first planning scheme without any significant development or subdivision occurring, compared to the village of Bulahdelah, approximately 10min south of Markwell.

Most allotments are also identified as potentially flood affected, limiting additional subdivision or development.

However, the opportunity to make a subdivision application on large flood free lots using the existing controls will remain in place until the MidCoast LEP is in force.

D. Urban Release Areas in the Rural Strategy - Forster



S.15 Objection to Environmental zones over Urban Release Areas

Land holdings in Forster have been identified in the Rural Strategy as transitioning from rural to environmental zones.

These lands are also identified in the adopted Urban Release Area Report as “Priority” sites for an urban rezoning.

It is requested that the sites identified in the Urban Release Area Report be removed from the Rural Strategy.

No amendment to Rural Strategy recommendations.

The Rural Strategy considers 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 new MidCoast Local Environmental Plan and Development Control Plan.

The subject sites are currently zoned in whole or part as rural or environmental lands and therefore must be considered as part of the Strategy and cannot be excluded.

The C2 Environmental Conservation zone has not been amended and reflects the location of State-identified and protected Coastal Wetlands in [State Environmental Planning Policy \(Resilience and Hazards\) 2021](#).

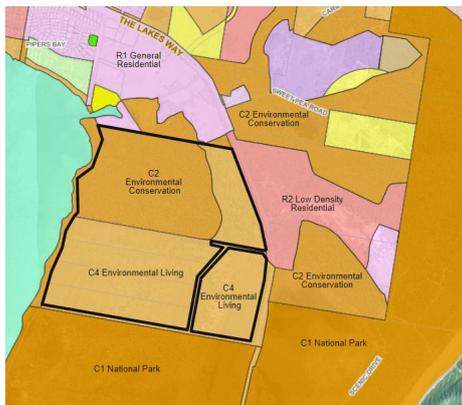
The remaining rural areas of these sites have been identified for transition from a rural to C4 Environmental Living zone in accordance with the principles of the Rural Strategy.

In particular, the locations identified in these submissions would be unsuitable for intensive agricultural activities allowed in the existing rural zone due to the potential for land use conflict with surrounding residential activities and potential impact on surrounding sensitive environments.

The MidCoast Urban Release Area Report provides a separate framework for the lodgement and processing of planning proposals to rezone land from a rural to an urban purpose.

The zones recommended by the Rural Strategy may therefore be amended in accordance with site-specific investigations and assessments when a planning proposal is determined.

D. Urban Release Areas in the Rural Strategy – South Forster



S.190, S.363 & S.404 Objection to Environmental zones over Urban Release Areas

Land holdings in South Forster have been identified in the Rural Strategy as transitioning from rural to environmental zones. These lands are also identified in the adopted Urban Release Area Report as “Priority” sites for an urban rezoning.

It is requested that the sites identified in the Urban Release Area Report be removed from the Rural Strategy and remain in a rural zone.

It is also requested that the Urban Release Area Report be amended to identify the full extent of these lands.

No amendment to Rural Strategy recommendations.

The Rural Strategy considers 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 new MidCoast Local Environmental Plan and Development Control Plan.

The subject sites are currently zoned in whole or part as rural or environmental lands and therefore must be considered as part of the Strategy and cannot be excluded.

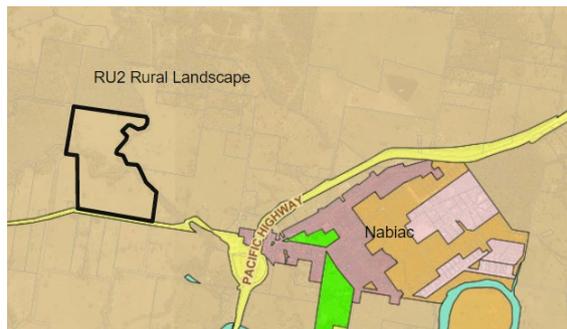
The C2 Environmental Conservation zone reflects the location of State-identified and protected Coastal Wetlands in [State Environmental Planning Policy \(Resilience and Hazards\) 2021](#).

The remaining rural areas of these sites have been identified for transition from a rural to C4 Environmental Living zone in accordance with the principles of the Rural Strategy. In particular, the location identified in these submissions would be unsuitable for intensive agricultural activities allowed in the existing rural zone due to the potential for land use conflict and impact on surrounding sensitive environments.

The MidCoast Urban Release Area Report provides a separate framework for the lodgement and processing of planning proposals to rezone land from a rural to an urban purpose. The zones recommended by the Rural Strategy may therefore be amended in accordance with site-specific investigations and assessments when a planning proposal is determined.

In addition, it is noted that amendments to the adopted Urban Release Area Report are outside of the scope of the Rural Strategy.

E. Rezoning Request to RU4 Primary Production Small Lot



S.174 requests rezoning from rural to RU4 Primary Production Small Lot to allow for additional subdivision.

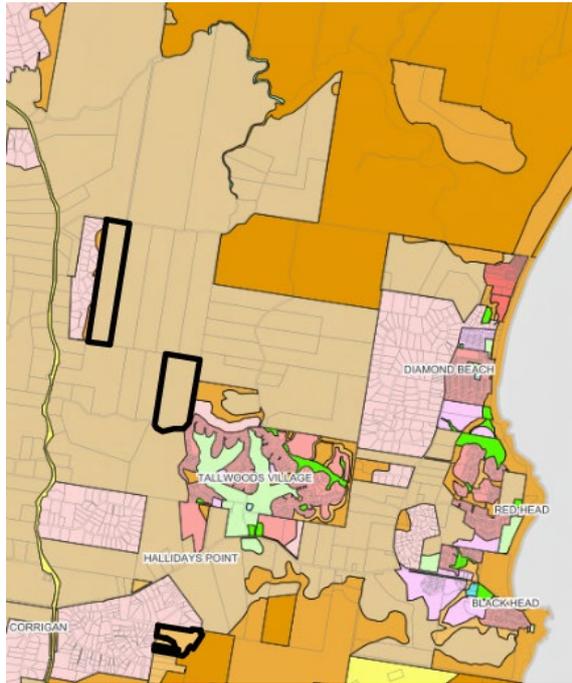
Noted for further consideration as part of zone, land use and development standard report.

Land west of Nabiac is identified as Biophysical Strategic Agricultural Land (BSAL) and draft State Significant Agricultural Land (SSAL) by the Department of Primary Industries (DPI) - Agriculture.

The broad location is a combination of RU1 Primary Production with 40ha minimum lot size and RU4 Primary Production Small Lot with 20ha minimum lot size under the current LEP.

Additional consideration will be given to the appropriate zone and subdivision controls in a future report based on the DPI Agriculture submission. However, it is noted that within the DPI submission it is recommend that no further subdivision be permitted within identified BSAL or SSAL to ensure continue opportunities for agriculture.

E. Rezoning Requests – R5 Large Lot Residential



S.61, S.101, S.168 & S.368 request rezoning from rural to R5 Large Lot Residential to allow for additional subdivision and development.



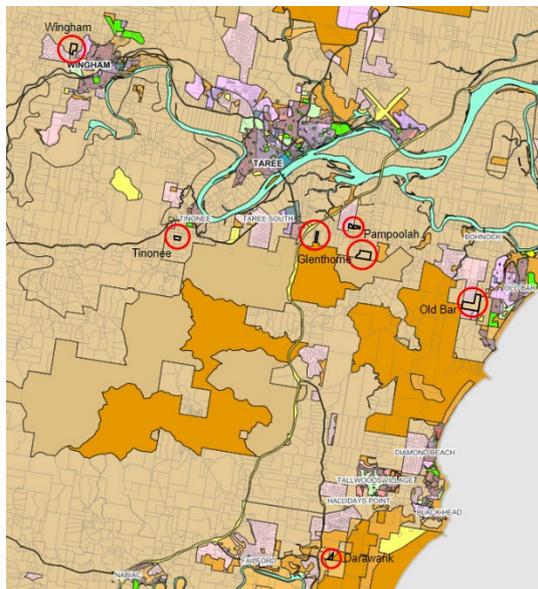
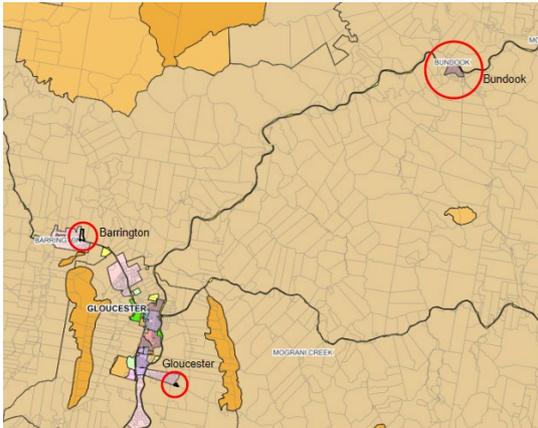
No action at this time – located within Hallidays Point study area.

These submissions have been referred to the coordinator of the Hallidays Point Place Strategy, given they are located within the study area, shown above.

Until the Hallidays Point Place Strategy is finalised and a program of urban release areas are identified within this precinct, the land within the study is to be transitioned to rural and environmental zones in accordance with the criteria within the Rural Strategy.

The zones recommended by the Rural Strategy and implemented through a future MidCoast LEP may in the future, be amended in accordance with site-specific investigations and assessments when site-specific planning proposals are lodged and determined in accordance with the recommendations of the Hallidays Point Place Strategy.

E. Rezoning Requests to R5 Large Lot Residential



Noted for consideration in a future Rural Residential Land Strategy.

The sites identified in the submissions are dispersed across the MidCoast and are not identified as priority locations in Council’s adopted Urban Release Area Report (2020).

Council resolved to prepare a Rural Residential Land Strategy however this work is not scheduled until after the MidCoast LEP and DCP programs are complete.

Since this resolution the draft Hunter Regional Plan 2041 was exhibited and stated that rezoning additional land east of the Pacific Highway to Large Lot Residential is not supported by the Department of Planning & Environment. It is unclear at this time whether this will remain in the final Hunter Regional Plan, scheduled for finalisation in 2022.

S.121, S.164, S.248, S.263, S.299, S.323, S.329, S.370 and S.392 request rezoning from rural to R5 Large Lot Residential to allow for additional subdivision and development to allow for additional subdivision and development on undersized and underutilised rural land close to services and facilities of existing urban areas.

E. Rezoning Request to RU5 Village



S.399 requests rezoning from C4 Environmental Living to RU5 Village to allow for additional development and expansion of Coomba Park.

Noted, no action at this time.

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 (2020).

E. Rezoning Requests to Residential



S.110 and S.111 request rezoning from rural to residential to enable expansion of the existing Wallabi Point residential area.

The site is nominated as a suitable location for additional subdivision and development on undersized and underutilised rural land close to services and facilities of existing urban areas of Taree and Old Bar.

Noted, no action at this time.

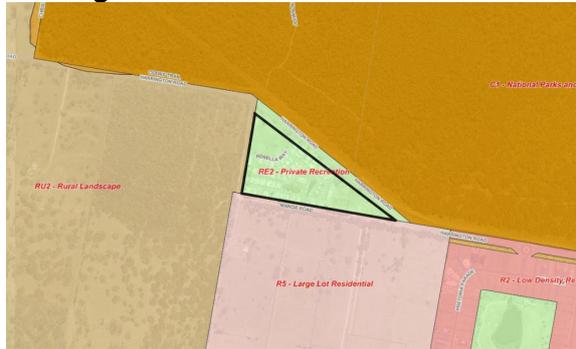
The site identified in the submissions are not identified as priority locations (URA) in the adopted Urban Release Area Report (2020).

Council has identified two sites immediately adjoining the existing residential areas of Wallabi Point within the Urban Release Area Report, labelled URA on the map.

These sites are identified as suitable for site-specific investigation as part of a planning proposal process to examine opportunities for expansion at Wallabi Point in the short-term (1-5 years).

E. Rezoning Requests to reflect existing Tourist Facilities

Harrington



Noted, recreation and environmental zones to be applied based on recommendations of the Recreation Zone Review and Rural Strategy zone principles.

These rezoning requests must be considered in the Rural Strategy and Recreation Zone Review.

The Recreation Zone Review identifies that certain caravan park facilities are to be zoned RE2 Private Recreation, while others are to be incorporated into a suitable environmental zone, dependent upon the site location and environmental characteristics.

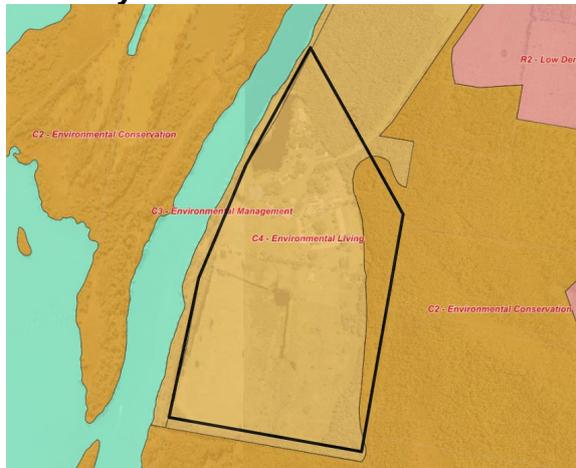
Similar recommendations are made for the application of environmental zones generally, within the Rural Strategy.

In reviewing the sites, the Harrington site is a small, contained and largely developed site and suitable for the RE2 Private Recreation zone.

The Tuncurry site was identified in an environmental living zone within the Rural Strategy exhibition, based on its proximity to sensitive waterways and coastal wetlands. Additional consideration will be given to the application of an additional permitted use over this site to facilitate the land uses requested if not otherwise permitted in the zone.

These requests will be progressed within the MidCoast Local Environmental Plan program.

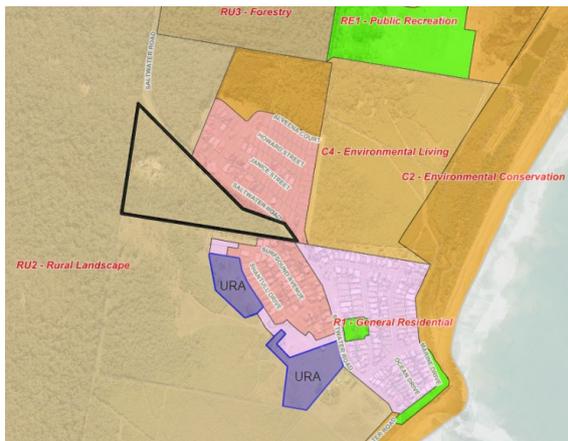
Tuncurry



S.12 and S.169 request rezoning from rural/environmental to reflect existing caravan park tourist facilities at Harrington and Tuncurry.

The submissions raise concerns about the continuation, management and expansion of existing facilities if the zone is amended.

E. Rezoning Request to enable Tourism



Noted, no action required.

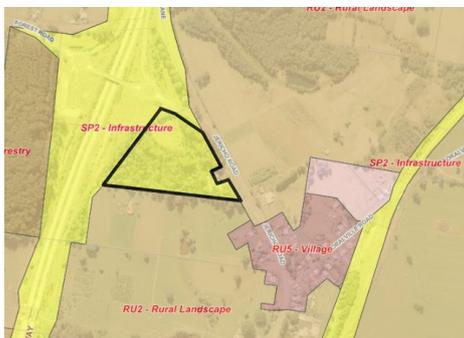
The primary activities of camp grounds or eco-tourist facilities are also currently permitted with consent in the RU1 Primary Production zone that applies to the land.

All activities identified in the submission are also recommended as permitted with consent in the proposed RU2 Rural Landscape zone.

S.297 requests rezoning from rural to tourism.

The rezoning is sought to allow for an eco-tourism or camping facility, with associated café, gallery and function centre within the existing environmental setting.

E. Rezoning Request to change SP2 Infrastructure to Rural zone



Noted for consideration in Infrastructure Zone Review.

This rezoning request is relevant to the Infrastructure Zone Review, which is the subject of a separate Council report.

If supported by the Infrastructure Zone Review, the application of a rural or environmental zone will be in accordance with the zone principles of the Rural Strategy.

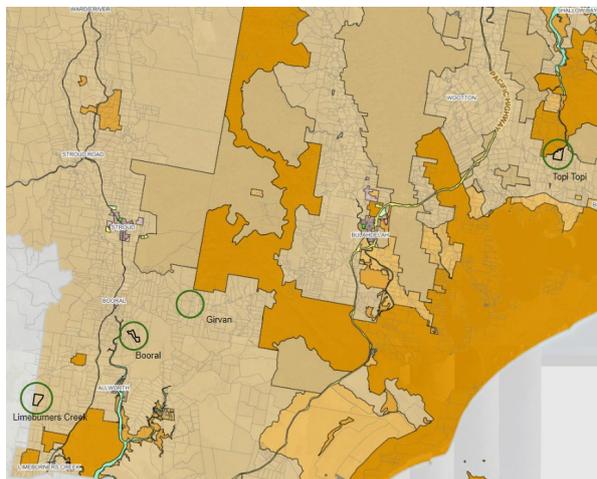
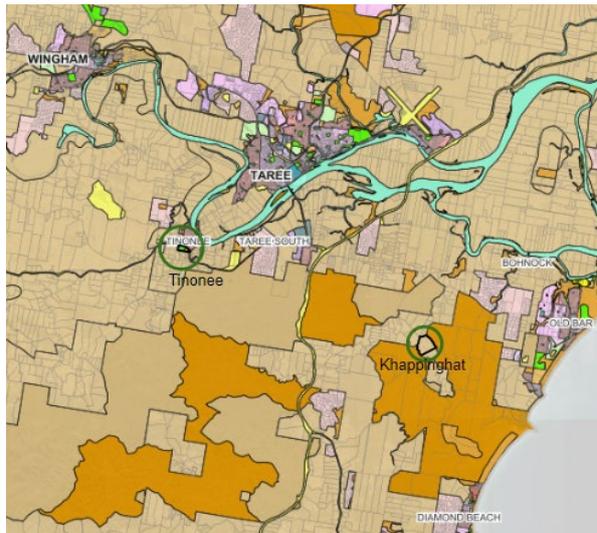
S.157 Transport NSW (TfNSW) requests removal of the SP2 Infrastructure zone.

Transport for NSW identified certain land at Jericho Road, Moorland (Lots 1 & 2 DP1217323) as it is no longer required for road purposes.

The agency requests that a zone is applied, consistent with the underlying former zone that applied to the land (or equivalent) prior to the land being zoned SP2 Infrastructure.

The request will be progressed within the MidCoast Local Environmental Plan program.

E. Rezoning Requests for Environmental Zones



S.60, S.151, S154, S.192, S.249 request the application of an environmental zone to various sites, dispersed across the MidCoast LGA.

The submissions request either site-specific rezoning based on the existing attributes of the owner’s land; koala habitat provision and protection; or comprehensive and dispersed application of environmental zones.

The broad application is requested in locations where land is unsuitable for agricultural and associated land uses and would be more suited to site-responsive subdivision for environmental living or eco-tourism activities.

Response - Noted for further consideration as part of the zone, land use and development standard report.

The application of environmental zones within the online mapping tool are not comprehensive at this time, but were shown to reflect the potential application of these zones if the Rural Strategy principles are followed:

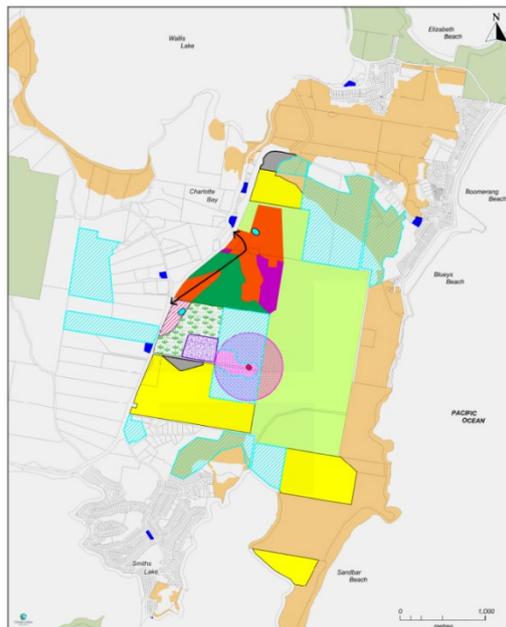
- C2 Environmental Protection zones as they currently exist, with additional areas only applied to those locations where evidence is available to support application of the zone;
- C3 Environmental Management as they currently exist, with additional areas shown to illustrate for example, where intensive agricultural land would be unsuitable due to the sensitivity of the location.
- C4 Environmental Living as they currently exist adjoining Wallis Lake, with additional areas shown to illustrate for example, locations where intensive agricultural activities would be unsuitable due to proximity to sensitive environments.

Note: also applied in paper subdivisions where lot sizes are generally unsuitable for agricultural activities permitted within rural zones.

The request for the rezoning of land for environmental purposes are supported, but must be given additional consideration within the zone, land use and development standard report, with the finalisation of zone principles in particular, will be finalised and clarify how and where these zones are to be applied across the MidCoast.

The requests will also be reviewed as we progress through the MidCoast Local Environmental Plan program.

F. Rezoning Request – Pacific Palms – Smiths Lake Place Strategy



- Legend**
- Residential Development (Planning Proposal)
 - Environmental Management (Planning Proposal)
 - Environmental Conservation (Planning Proposal)
 - Private Recreation - Flood Prone (Planning Proposal)
 - Employment Land Investigation Area- flood free and outside STP buffer zone
 - Public Recreation Investigation Area (approx - 0.5ha)
 - Residential Development Investigation Area - flood free and with buffer to Lakes
 - Existing Rural Residential Property
 - Development & Environmental Offset Investigation Area
 - Existing Commercial Land Uses and Zones
 - Approx. location of MCW STP Inlet Works
 - 400m Buffer Zone surrounding MCW STP Inlet Works
 - Land subject to existing permanent protection measures
 - LEP 2014 E2 Environmental Conservation Zone
 - Water Quality & Ecological Systems Rehabilitation Area (flood prone)
 - National Park and Reserve Estate
 - ↔ Access Link To Be Investigated

S.422 and 423 request additional consideration of site specific zones in the context of a Place Strategy for areas between Pacific Palms and Smiths Lake.

Site specific zones include recognition of a constructed golf course within the recreation zone and application of alternative zones and land uses for existing caravan parks in environmentally sensitive areas.

The indicative Strategic Development and Conservation Concept Plan (2014) above illustrates issues for consideration and review as part of a future place strategy.

The request for a Place Strategy for areas between Pacific Palms and Smiths Lake is noted.

The land is not identified in the Urban Release Area Report (2020) and has not been identified as a high priority area for development of a place strategy within the current Land Use Planning work program.

Council is committed to preparing a MidCoast LEP and DCP, progressing short term (1-5yr) urban release areas and the Hallidays Point Place Strategy.

Therefore, the land is to be transitioned to rural and environmental zones in accordance with the criteria within the Rural Strategy.

Recreation and environmental zones are to be applied based on recommendations of the Recreation Zone Review and Rural Strategy zone principles.

A subdivision that reflects the extent of the golf course, approved club house and car park and previously identified environmentally significant areas adjoining the golf course, would enable Council to apply appropriate rural, recreation and environmental zones in this location.

The caravan park/tourist facilities have been identified in an environmental zone within the Rural Strategy exhibition, based on proximity to sensitive waterways, national parks, coastal wetlands and identified environmental constraints.

Additional consideration will be given to the application of additional permitted uses to reflect existing land uses if not otherwise permitted in the zone.

This request will be progressed within the MidCoast Local Environmental Plan program.