

14.3. RURAL STRATEGY SUBMISSIONS – RURAL AND WATERWAYS ZONE CRITERIA AND STANDARDS

REPORT INFORMATION

Report Author	Alex Macvean - Senior Land Use Planner
Date of Meeting	27 July 2022
Authorising Director	Paul De Szell - Director Liveable Communities

SUMMARY OF REPORT

This report documents the submissions received during the public exhibition of the Draft Rural Strategy and associated background reports, between 30 August 2021 and 28 January 2022.

The submissions discussed in this report cover: rural and waterways zone criteria, land uses, development standards and State agency submissions related to these issues.

RECOMMENDATION

That Council endorse proposed amendments to the Draft Rural Strategy as documented within this report.

FINANCIAL / RESOURCE IMPLICATIONS

Merger funds were allocated to the preparation of the draft Rural Strategy. The public exhibition, review, amendment and completion of the draft Rural Strategy have been undertaken utilising these funds and the resources of the Council's Land Use Planning team.

LEGAL IMPLICATIONS

Council is required to undertake a public exhibition process prior to the adoption of a land use strategy that will inform the preparation of local environmental planning instruments.

RISK IMPLICATIONS

The extended public exhibition and opportunities for consultation provided during exhibition of the Draft Rural Strategy reduced the risk of proceeding with the preparation of planning controls for the MidCoast that are inconsistent with community expectations.

BACKGROUND

The Rural Strategy commenced in 2016 as the MidCoast "Rural Economic Diversity Strategy". The scope and program were subsequently placed on hold in response to the launch and undertaking of the MidCoast "Regional Economic Development Strategy" by the NSW Government in 2018.

The program remained on hold during the *Urban Zoning In* program, which included finalisation and exhibition of the Manning Health & Taree CBD Precinct Plan, Housing Strategy, Employment Zones Review, Infrastructure Zones Review and Recreation Zones Review for urban areas of the MidCoast.

The Infrastructure Zones Review and Recreation Zones Review documents were noted as having ongoing relevance to rural areas and formed part of the public exhibition of the Rural Strategy.

The Rural Strategy was reviewed in January 2020 to incorporate learnings from the *Urban Zoning In* program; and recommenced in February 2020 with:

- a clear focus on analysis of challenges and opportunities within the rural, environmental and waterway zones of the MidCoast;

- clarity regarding the strategic recommendations of the Strategy and those to be directly translated into the MidCoast Local Environmental Plan and Development Control Plan programs; and
- an expanded scope of work, to ensure an online mapping platform was available to landowners and the community, to illustrate the land use zone and development standards being proposed.

The Draft Rural Strategy was prepared over several years, with five key stages of consultation:

1. Preliminary research and investigation work undertaken by Council's consultancy team which included: the identification of locally specific issues by engaging with landholders, stakeholders, Council, agency and the MidCoast community to inform the preparation of Rural Issue Papers. The Papers were presented to Council in November 2018 and remain available as an attachment to the Council business paper.
2. Rural Issue Papers preparation, distribution and consultation with landholders, stakeholders and the MidCoast community at workshops and drop-in sessions: to confirm that the preliminary issues, opportunities and constraints have been appropriately identified and considered, prior to the preparation of the Draft Rural Strategy.
3. Preparation of draft Background Reports and consultation with inter-divisional Council teams and other key State agencies on key findings and recommendations. Identification of additional work required in response to feedback at workshops and information sessions: E4 Environmental Living Snapshot Report, RU4 Primary Production Small Lot Snapshot Report, and the Paper Subdivision Analysis Report.
4. Reflection on Urban *Zoning In* consultation program, feedback and submissions to Local Strategic Planning Statement exhibition and incorporation of new and amended legislation, National, State and regional plans and policies into Background Reports. Identification and consultation with Councillors and Council officers, on the strategic and long-term recommendations, and plan-making recommendations for the new MidCoast Local Environmental Plan and Development Control Plan, of the Draft Rural Strategy.

DISCUSSION

Public exhibition was based on the adopted Communication and Consultation Strategy and provided an opportunity for Council to 'check-in' with the community and key stakeholders.

The community consultation program was initially scheduled for 12 weeks between 30 August and 19 November 2021. Based on the feedback received after the first 6 weeks, and in anticipation of changes to public health orders in October-November 2021, the exhibition was extended by 10 weeks to 28 January 2022.

During the 22-week public exhibition 430 submissions were received, including five from State agency organisations.

Throughout the engagement period, the property locations of enquiries and submissions were recorded. This allowed the engagement activities to be adaptive and target additional locations where representation hadn't been achieved.

It is noted that a significant number of enquiries were received regarding land within paper subdivisions, and these will be discussed and considered in a separate Council report.

Additional details on community consultation process are documented within the Rural Strategy Engagement Report that was provided in Attachment A to the Council report on 25 May 2022.

SUBMISSIONS

To ensure the matters raised in submissions can be given appropriate consideration by Council in amending and finalising the Rural Strategy, the submissions have been considered and will be reported based on the following common locations, themes or issues:

- General submissions, Rezoning requests, Urban Release Areas and the Villages of Bundook, Bunyah, Markwell, Mt George and Newells Creek (25 May 2022 report)
- **Rural and Waterways Zones - Zone criteria, Land uses and Development Standards (lot sizes, building height) – this report**
- Environmental Zones - Zone criteria, Land uses and Development Standards (lot sizes, building height)
- Paper subdivisions

Authors of submissions are notified prior to the relevant report being tabled for consideration by Council.

The report attachments include:

1. Zones Submission Summary table in Attachment 1 that includes maps for location and site-specific submissions;
2. Rural Zones Submission Summary table in Attachment 2 that includes maps for location and site-specific submissions; and
3. Copies of the relevant submissions in Attachment 3.

As matters in submissions are reported to Council, responses and recommendations will be provided, including any recommendations for amendments to the Draft Rural Strategy and Paper Subdivision Analysis Report.

At the conclusion of the submission reports, a final report documenting all endorsed amendments to the Rural Strategy and Paper Subdivision Analysis Report will be tabled, for Council's consideration for adoption.

Adoption of the Rural Strategy will enable commencement of the MidCoast Local Environmental Plan (LEP) program.

The following sections of this report provide information and responses to submissions on:

A. Waterway Zones – zone criteria, land uses and development standards; and

B. Rural Zones – zone criteria, land uses and development standards.

A. Waterway Zones – zone criteria, land uses and development standards

During public exhibition of the Draft Rural Strategy submissions were received providing feedback on the provisions for waterway zones and activities within these areas of the MidCoast.

It is noted that Waterways zones are generally applied to rivers, coastal waters and coastal lakes from the local government area boundary to the tidal extent of their tributaries, to reflect the provisions of the former Coastal Management State Environmental Planning Policy (SEPP), now reflected within [SEPP Resilience and Hazards 2021](#).

The Submissions Summary table in Attachment 1 includes map references for these items where relevant.

S.207 NSW Department of Primary Industries – Fisheries, Aquaculture Unit appreciate identification of aquaculture as key to primary production and tourism in the region.

Support the commentary throughout the Strategy on the impact of human activity (agriculture, development and recreation) on water quality and the aquaculture industry, particularly the oyster industry.

Advise that 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, as it provides advice on how to ensure development near estuaries is compatible with the requirements of oyster aquaculture.

Response– Strategy amended to reflect recommendations.

References and information to be updated in the Rural Strategy sections:

- G1 OB01 Outcome (1) Protect established agricultural industries
- State Legislative Framework – Ministerial Directions
- 10.7.2 Local Clauses to Sustain Primary Production Opportunities – Aquaculture clause

S.142 objects to the identification of Nerong harbour as a working harbour.

The submission also highlights the environmental setting and concern that surrounding waterways are not identified. The submission also raises concerns about the urban provisions of the RU5 Village zone, conflict between native animals and domestic pets, street lighting and use of community toilets and parks by trucks from the highway.

Response – Amend Rural Strategy to acknowledge that Nerong harbour should remain in the W1 Natural Waterway zone given its sensitive location.

Nerong is predominantly zoned RU5 Village and the existing harbour is zoned W1 Natural Waterway to reflect its direct connection to the waterways and RAMSAR Wetlands of the Myall National Park. The existing W1 Natural Waterway is not appropriately identified in the Rural Strategy and corrections will be made wherever appropriate.

The RU5 Village zone reflects the character and development pattern of this location. Concerns regarding domestic animals, lights and trucks using community facilities in this location are outside of the scope of this Strategy but have been referred to the relevant Council teams for consideration.

S.386 supports environmental protection for Smiths Lake through the W1 zoning and requests additional protection from development in the surrounding catchment

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.

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.

Response– Apply W1 Natural Waterway zone to Smiths Lake and review land uses in this zone. Review zone, subdivision and land uses of surrounding areas in consideration of catchment management requirements.

Smiths Lake is zoned RU5 Village and has been identified as an area for change within the adopted Housing Strategy. The R2 Low Density Residential zone reflects the predominant character of this location and limits intensity of development in this bushland setting. MidCoast Council in July 2020 purchased a significant area (50 ha) of generally steep undeveloped land within the village to ensure the ongoing management and water quality/environmental protection of this location along with strategic bushfire management and localised stormwater flooding issue.

The sensitive nature of the Smiths Lake catchment is recognised through the potential transition of rural zoned land to various environmental zones, where the topography, vegetation and proximity of land to other sensitive environments such as national parks, is consistent with the environmental zone criteria.

The requests for appropriate levels of monitoring and management of the lake and surrounding foreshores is outside of the scope of the Rural Strategy but have been referred to the coordinator of the Wallis & Smiths Coast & Estuaries Committee for consideration and incorporation into the ongoing work of this committee.

B. Rural Zones – zone criteria, land uses and development standards;

During public exhibition of the Draft Rural Strategy submissions were received providing feedback on the provisions for rural zones, minimum lot size (for subdivision) amendments and potential land uses within these areas of the MidCoast.

The diverse range of issues covered within these submissions have been summarised in this report under the following themes:

1. State Agency submissions
2. Application of the Rural Zone
3. Rural Zone Land Uses
4. Minimum Lot Size
5. Infrastructure and Access

The Submissions Summary table in Attachment 2 includes map references for these items where relevant.

The Summary table also provides additional technical and background to certain items, including clauses and definitions from the *Environmental Planning & Assessment Act 1979, Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2021, Standard Instrument Principal Local Environmental Plan* and State Environmental Planning Policies where this information is relevant to the responses and recommendations outlined below.

1. State Agency submissions

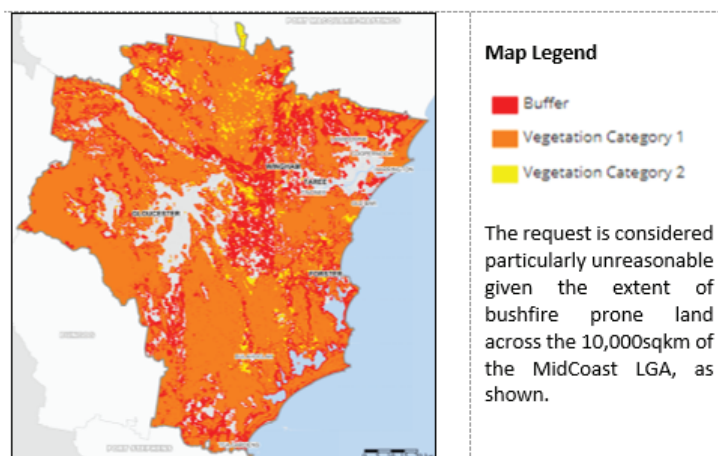
S.129 NSW Rural Fire Service has stated that where “rural zone changes create new (or additional) dwelling opportunities on rural lands, Council shall prepare a bush fire report, outlining if those new residential opportunities can comply with the requirements of bush fire legislation and associated Planning for Bushfire Protection guidelines.”

Response – *Noted, however outside of the scope of the Rural Strategy and considered unnecessary and unreasonable.*

Council officers have made several attempts to discuss the implications of this advice with the relevant officers of NSW RFS given the purpose and intent of the Rural Strategy is not to rezone land for new or additional residential development but is aimed at establishing a clear and consistent planning framework for waterways, rural and environmental lands within the future MidCoast LEP and DCP. Despite numerous calls and emails to the relevant NSW RFS personnel requesting further discussion about this submission, there has been no response.

MidCoast Council does implement policies and procedures that address the NSW RFS comments when considering changes to rural land use zones within planning proposal or place strategy processes, for example:

- Planning proposals to rezone land from a rural to an urban purpose includes consideration of bushfire risk, mitigation and controls.
- Urban Release Areas are required to consider vegetation, topography and bushfire risk in conjunction with other matters during the preparation of site-specific planning proposals.
- Hallidays Point Place Strategy includes consideration of vegetation, topography and bushfire risk in conjunction with other matters to guide future conservation and development outcomes within the study area.



The minimum lot size provisions will be discussed in additional detail in response to the Department of Agriculture and community submissions.

Noting that the only compulsory bushfire clause in any LEP is one that allows bushfire hazard reduction work in any zone with NSW RFS approval, additional consideration has been given to the emergency management planning in response to identified hazards, including bushfire, in a range of draft LEP local clauses in the Rural Strategy:

1. *Site responsive subdivision in rural and environmental zones (new draft clause)*
2. *Subdivision of land in certain rural, residential or environment protection zones (amended existing clause)*
3. *Rural and nature-based tourism development (new draft clause)*
4. *Rural and nature-based tourist accommodation (new draft clause)*
5. *Erection of dual occupancies and secondary dwellings in Zone RU2 (amended existing clause)*
6. *Rural land sharing community development (amended existing clause)*
7. *Temporary use of land for the purpose of function centre (new draft clause)*
8. *Essential Services and infrastructure (amended existing clause)*
9. *Emergency management (amended existing clause)*
10. *Clause 4.2A Erection of dwelling houses on land in certain rural and conservation Zones (amended existing clause)*
11. *Exceptions to development standards [compulsory] (amended existing clause)*
12. *Lot consolidation within identified paper subdivisions in environment zones (new draft clause)*
13. *Master Planning on land within identified paper subdivisions (new draft clause)*

The recommendations of the Strategy will therefore be considered and reviewed in consideration of not only the NSW Rural Fire Service submission, but landowner feedback on the rural zones and land uses.

S.350 NSW Department of Primary Industries generally support the goals and objectives of the Strategy however the Department does not support:

1. ***Discontinuation of the current Primary Production (RU1) zone and application of the Rural Landscape (RU2) zone across the local government area (LGA).***
2. ***Reduction of the minimum lot size (MLS) from 100ha to 40ha in the proposed RU2 zone***

Discontinuation of the RU1 Primary Production Zone

MidCoast LGA 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.

Maintaining (at least) two distinct land use zones (RU1 Primary Production and RU2 Rural Landscape) enables proposed developments to be assessed against narrower and more relevant zone objectives appropriate to the constraints of the land.

A single rural zone would mean that a wide range of land uses will be permissible in rural areas, including land uses which are likely to be incompatible with each other. Permissibility of differing and incompatible land uses can have an adverse impact on agriculture as:

- the risk of potential land use conflict is greater; and
- agricultural land uses compete with non-agricultural land uses for land making the establishment or expansion of agricultural businesses more difficult.

Reduction in minimum lot size (MLS) from 100ha to 40ha.

A 40ha MLS is not considered suitable for large areas of the MidCoast given the types of agricultural enterprises that dominate the LGA and availability of current information to guide Council on selecting a suitable MLS.

DPI Agriculture notes that, during the development of the draft Strategy, Council engaged with landowners and industry groups to determine minimum land area requirements for a range of agricultural land uses to determine a minimum lot size.

The findings from the engagement, in part 10.7.6 of the draft Strategy, indicate that beef farms require 50-100ha while dairy require 40-80ha. The draft Strategy identifies that beef and dairy industries are two of the main agriculture industries, along with poultry, for the LGA.

The justification to reduce the MLS to a size less than that needed for the main agricultural industries in the LGA is inconsistent with the first goal of the draft Strategy to sustain primary production opportunities and the outcomes to protect established agricultural industries and support farm-based efficiency, profitability and income diversification.

Land area requirements should consider:

- Minimum land area requirements for viable and sustainable agricultural operations, excluding areas that are identified as steep, flood prone or subject to other physical constraints;
- Land required for buffer areas to mitigate impacts between land uses;
- Land that may be required for expansion, diversification or value adding operations; and
- Separation distances to address biosecurity risks.

Response– Rural Strategy will be amended to include zone criteria and draft land use provisions for RU1 Primary Production and RU4 Small Lot Primary Production to reflect additional information provided by the Department of Primary Industries – Agriculture to provide further options for future consideration.

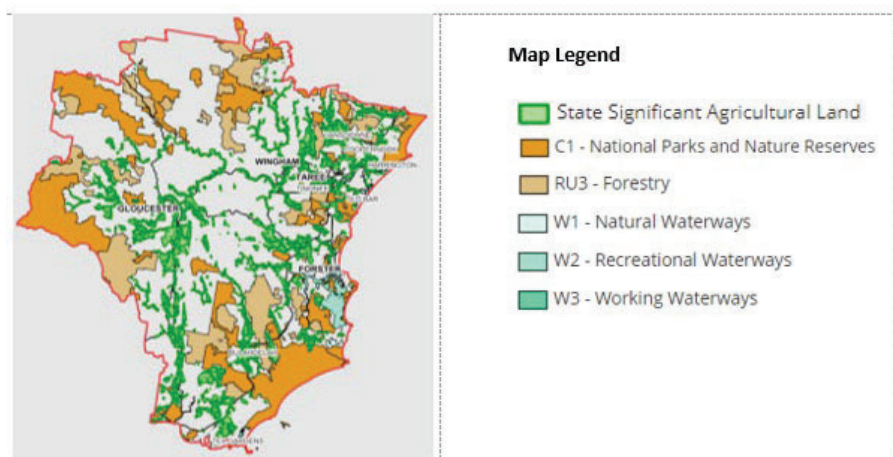
It is noted that Council had been working with the Department of Primary Industries – Agriculture throughout the development of the Rural Strategy Background Reports.

The recommendations within the Strategy reflect the position that rural zones, land uses and development standards such as minimum lot sizes, would be informed by the Important Agricultural Land Mapping project that was being undertaken by DPI – Agriculture during development of the Rural Strategy. At the time of preparation of the Draft Rural Strategy, this absence of mapping was identified as a clear data gap.

While the status of the [Important Agricultural Land Mapping](#) project is unknown, DPI – Agriculture placed [draft State Significant Agricultural Land mapping](#) on exhibition in November 2021 - January 2022 (during the exhibition of the Rural Strategy) and Council officers did provide feedback on this project. A snapshot of the draft State Significant Agricultural Land mapping is provided below.

Additional information has been sought from DPI – Agriculture to reflect areas of improvement identified in the submission. Upon receipt of the additional information Council will review the recommendations of the Strategy that relate to rural land use zones, objectives, land uses and development standards.

The focus will continue to be for land use planning provisions to provide opportunities for diversity and growth of agriculture and associated activities across our rural landscape commensurate with the sustainable use and management of our land and water resources.



The minimum lot size provisions will be discussed in additional detail in response to landowner submissions.

2. Application of the Rural Zone

S.135 Objection to the proposed zone changes to rural zone. The submissions requests that the dairy farm remain in a rural zone.

Response– *Noted, no change to Rural Strategy.*

Dairies (pasture-based) are currently permitted without consent in all rural zones as a form of extensive agriculture. The Strategy recommends that extensive agriculture continues to be permitted without consent in all rural zones.

S.206 Objection to change in rural zone. The submission argues against the RU2 Rural Landscape zone.

Response–*The Rural Strategy will be amended to include provisions for all rural zones, to ensure the framework supports the diversification of farm-based activity and income.*

Additional consideration will be given to the rural zones, how they are applied, and the range of land uses permitted in each zone, based on the additional information and guidelines provided by the Department of Primary Industries – Agriculture.

S.373 Objection to change in rural zone. The submissions requests that the property remain in an RU4 Primary Production Small Lot zone where “*intense livestock and intense agricultural activities are permitted without consent*”.

Response – *Noted: no change to Rural Strategy.*

The Strategy recommends that certain intensive agricultural activities are permitted with consent, to ensure an appropriate and consistent approval pathway.

Note: **agriculture** means any of the following— (a) aquaculture, (b) extensive agriculture, (c) intense livestock agriculture, (d) intensive plant agriculture.

Extensive agriculture and *intensive plant agriculture* are permitted without consent in the RU1 Primary Production and RU4 Primary Production Small Lot zones in Greater Taree LEP 2010.

The Standard Instrument LEP only requires *extensive agriculture* to be permitted without consent in the RU1 Primary Production and RU2 Rural Landscape zones. This is reflected in the Gloucester and Great Lakes LEP land use tables.

While the current RU4 Primary Production Small Lots zone allows *intensive plant agriculture* without consent, for certain activities this is recognised as unsustainable and inappropriate given:

- the additional services, facilities and infrastructure required to operate intensive agricultural activities; and
- potential environmental and amenity impacts on adjoining properties; and
- the potential cumulative impact on finite land and water resources in any given locality.

Therefore, additional consideration will be given to the potential impacts of intensive agricultural activities across the MidCoast. In certain locations and/or for certain activities, an approval process will be required to ensure the development has appropriate social, infrastructure, biosecurity and environmental management processes in place.

The land owner will however, retain the opportunity to commence an intensive plant agricultural activity on the site using the existing zone provisions until the MidCoast LEP is in force.

S.247 Objection to change in rural zone without additional consideration of relevance of C4 Environmental Living zone criteria.

The submissions requests that broader consideration of the application of the Environmental Living zone criteria across rural lifestyle allotments with environmental value.

Concern is also expressed about the range of rural and extractive industries that are permitted in the RU2 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.

Response – Certain land uses are automatically allowed in rural zones by State planning policies, which Council cannot over-ride. However, Council will continue to consider environmental zone criteria and the potential application of these zones in a separate report.

The mapping of the Environmental Living zone as part of the Rural Strategy exhibition was not exhaustive. In isolated and densely vegetated areas adjoining National Parks, such as the landowner's site, this zone may be identified as more appropriate than the current rural zoning.

The environmental zone criteria will be considered in a separate Council report, while more detailed and exhaustive mapping will be carried out as part of the draft MidCoast LEP program.

Extractive industries are permitted with consent on any land where agriculture or industries are permitted under the [SEPP \(Resources and Energy\) 2021](#) formerly the Mining SEPP. While Council cannot override these provisions, an extractive industries Development Control Plan (DCP) chapter will be prepared to provide a consistent assessment framework for small-scale extractive industry projects in rural zones.

3. Rural Zone Land Uses

S.417 and 419 Object to a specified list of land uses being permitted with consent in the RU2 Rural Landscape zone.

The following additional activities should not be permitted in areas zoned RU2 as they do not enhance the environment: 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.

Response – Rural Strategy rural land uses to be amended in part.

In consideration of the Standard Instrument LEP, SEPP Resources and Energy 2021, DPE Employment Zones Reform program and provisions of existing local environmental plans, the following land uses will be recommended for removal from the rural zones of the MidCoast - Correctional centres, Hazardous storage establishments, Offensive storage establishments and Transport depots.

The Department of Environment & Planning Employment Zones Reform program (exhibition 31 May – 12 July 2022) will provide additional opportunities for hazardous and offensive storage establishments to be more readily accommodated in industrial areas across the MidCoast and allow their removal from rural zones.

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 zone in Greater Taree LEP 2010 in the MidCoast and therefore they will be recommended for removal.

The Standard Instrument LEP requires certain land uses to be identified as permitted with consent in rural zones including Extractive industries and Open cut mining in the RU1 Primary Production zone.

Extractive industries are also permitted with consent on any land where agriculture or industries are permitted under the [SEPP \(Resources and Energy\) 2021](#) formerly the Mining SEPP, irrespective of Council's local environmental plan provisions. The SEPP 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.

It is noted that while extractive industries may be listed as permitted with consent in the rural zone, the process of a merit assessment may still exclude some activities based on access, topography or other constraints. An extractive industries Development Control Plan (DCP) chapter will be prepared to provide a consistent assessment framework for small-scale extractive industry projects in rural zones.

Truck depots, vehicle body repair workshops and vehicle repair stations are identified as 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.

S.227, 245, 251, 275, 394 and 421 object to the requirement for short term holiday accommodation providers in rural zones to have on-site caretaker.

The authors requests that this onerous requirement 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 holiday accommodation requirements.

Response – Rural Strategy to be amended to include information on short-term holiday accommodation for transparency and completeness.

Short term holiday accommodation provisions came into effect on 1 November 2021 and is regulated by the State. While this form of accommodation is generally outside the scope of the Rural Strategy as the provisions will not be incorporated into the local environmental plan, additional information will be provided for transparency and completeness.

S.256 and 342 objects to the Strategy comments and recommendations about tourist and visitor accommodation, particularly Local Plan Recommendations for LEP provisions in section G2 OB2 Outcome (1) Provide opportunities for visitor accommodation.

Response - The submission refers to Local Plan Recommendations for LEP provisions that are based on technical definitions and assessment frameworks.

These will be addressed separately, and technical information summarised and noted within responses as appropriate and relevant to the intent of the submission and the intent of the LEP provisions in the Strategy.

For context, the Local Plan recommendations for **G2 Objective 2 Provide a range of tourist accommodation and experiences** are documented in three parts:

Outcome 1 Provide opportunities for visitor accommodation;

Outcome 2 Provide opportunities for visitor experiences; and

Outcome 3 Risk management planning for disasters and emergencies.

Similarly, there are a range of recommendations under each Outcome:

Outcome 1 (the focus of **S.256 and 342**) considers various forms of tourist accommodation and makes Local Plan Recommendations on where these may be most appropriate, based on services, facilities, infrastructure and compatibility with other land uses within the relevant zones:

- Tourist and visitor accommodation in the village zone;
- Caravan parks in rural and environmental zones;
- Camping grounds and primitive camping sites;
- Accommodation on land without a dwelling entitlement; and
- Essential services for various forms of accommodation.

Note: The submissions also object terms such as “small-scale”. This is terminology from the Standard Instrument LEP that 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.

Item 1 – objection to the lack of recognition of “whole of house” visitor accommodation.

Response – Short-term holiday accommodation is regulated outside of the LEP and DCP. Information on this form of accommodation will be outlined in the Strategy for transparency and completeness.

Item 2 - objection is to the requirement for accommodation providers in rural zones to have on-site caretaker.

Response – The Strategy will be amended to clarify that an on-site manager will be required for accommodation, events and facilities where a significant number of visitors or guests may be in attendance.

Item 3 - is an objection to the **G2 OB2 Outcome 1 Provide opportunities for visitor accommodation** Local Plan Recommendation to only allow “tourist and visitor accommodation, camping grounds, eco-tourist facilities and the like are not permitted on land without a dwelling entitlement”.

Response – Noted, no change to Rural Strategy

The Rural Strategy will not be amended, as similar clauses exist in the current LEPs to ensure applications for tourist and visitor accommodation do not create an otherwise unlawful dwelling entitlement.

Item 4 - is an objection to the **G2 OB2 Outcome 1 Provide opportunities for visitor accommodation** Local Plan Recommendation to “Provide for a diverse mix of tourist and visitor accommodation within the village zone” while not including rural and environmental zones.

Response – The G2 OB2 Outcome 1 Local Plan Recommendation will be expanded to state: “Provide for a diverse mix of tourist and visitor accommodation within the village zone where infrastructure, services and a range of community facilities and events are available to accommodate an extended stay.”

Item 5 – is an objection to the **G2 OB2 Outcome 1 Provide opportunities for visitor accommodation** Local Plan Recommendation that “Camping grounds and primitive camping sites should be the predominant form of temporary visitor accommodation across the rural landscape, outside towns and villages.”

Response - The recommendations relating to camping grounds, primitive camping and caravan parks cannot be addressed individually given the legislative framework, so the key recommendations shall be amended to provide clarity on where and why these activities may be appropriate across the rural landscape.

Item 6 – objects to tourist and visitor accommodation being ancillary to primary agricultural and environmental purposes of the land in all cases.

Response – Noted, no change to the Rural Strategy as this is consistent with the purpose and intent of rural and environmental zone objectives.

Item 7 – objects to an implied “one size fits all” approach to telecommunications.

Response – Noted, no change to Rural Strategy, which advocates for improved telecommunications across the MidCoast; and permits, but does not require, landowners to install facilities.

Item 8 – objects to the imposition of fire and weather risk management constraints on all rural and environmental land.

Response – The Emergency management clause will be reviewed to consider scope of application and intent for tourist and visitor accommodation and remove the requirement for “residential accommodation”.

S.351 objects to the Local Plan Recommendation to “Prohibit caravan parks in rural and environmental zones to ensure these facilities are not transitioned into a higher density residential manufactured home estate proposed in locations where there may be limited access to community services and facilities.”

Response – *To clarify the intent and purpose of the recommendation it will be amended to “Prohibit caravan parks in rural and environmental zones to ensure these facilities are not proposed in locations where there may be limited access to community services, facilities and infrastructure such as reticulated water and sewage systems.”*

Camping grounds and caravan parks are a complex planning issue as they relate to accommodation for “moveable dwellings”, which are not consistently defined by the two pieces of legislation that must be considered in the assessment, approval, occupation and operation of these facilities: the [Standard Instrument Principal Local Environmental Plan](#); and the [Local Government \(Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings\) Regulation 2021](#).

However, the matters raised in the submission will be discussed separately to provide clear responses to the issues raised.

Item 1 - The current Great Lakes LEP 2014 permits caravan parks with consent.

Response – *Noted, no change to Rural Strategy.*

The Rural Strategy is being prepared to provide a clear and consistent framework for planning across the waterways, rural and environmental zones of the MidCoast LGA and inform the preparation of a new LEP and DCP. The intent and purpose of the Strategy is to consider best-practice and contemporary planning, which may in some instances amend and in other instances replace the provisions of the existing Gloucester, Great Lakes and Greater Taree LEPs.

The land owner will however, retain the opportunity to lodge an application for a caravan park on any land they own within the RU2 Rural Landscape zone using the existing zone provisions of Great Lakes LEP 2014 until the MidCoast LEP is in force.

Item 2 - Other planning controls effectively regulate the development of land for caravan parks and the potential conversion of these parks into manufactured home estates, primarily those in the Great Lakes DCP and land based exclusions of the Housing SEPP 2021.

Response – *The provisions of the Housing SEPP do not refer to MidCoast Council. The Rural Strategy will be amended to include recommendations to amend Schedule 6 of the Housing SEPP 2021 and for MidCoast LEP to include mapping that clearly identified the land based exclusions identified in this SEPP.*

The Rural Strategy is being prepared to provide a clear and consistent framework for planning across the waterways, rural and environmental zones of the MidCoast LGA and inform the preparation of a new LEP and DCP. These instruments will replace Great Lakes DCP 2014.

The land owner will however, retain the opportunity to lodge an application for a caravan park on any land they own within the RU2 Rural Landscape zone using the existing zone provisions of Great Lakes LEP 2014 and Great Lakes CP until the MidCoast LEP and DCP are in force.

The objection highlights the land based exclusions of the Housing SEPP which do provide some level of guidance on where these activities are to be located. However, while the Housing SEPP was created in 2021, it continues to identify Great Lakes and Greater Taree, rather than the MidCoast, creating inconsistencies in land use planning across the LGA. This section of the SEPP will require amendment, in conjunction with the creation of a MidCoast LEP.

The land based exclusions identified in Schedule 6 - priority drinking water catchment and aquifer catchments; buffers to heavy industry zones, sewage treatment plants, intensive agricultural activities; extractive resources, habitat corridors, containing significant remnant vegetation, littoral rainforests and wetlands - are not all clearly or consistently applied in existing planning instruments across the MidCoast.

Therefore, the additional clarification and guidance that can be provided within the Rural Strategy and progressed through to the MidCoast LEP and DCP programs, will provide a clear and consistent planning framework for these forms of development across the LGA.

S.156 and 177 Support the Strategy and associated changes and requests consistent rules to allow detached dual occupancies and secondary dwellings in rural zones.

Response – Additional consideration of residential development within rural zones will be informed by ongoing discussion with DPI – Agriculture.

While secondary dwellings and dual occupancies are being recommended as permissible with consent in rural zones, consistent rules will only be established through the MidCoast LEP.

4. Minimum Lot Size

S.89 seeks confirmation that undersized allotments with existing dwelling entitlements will not have these entitlements affected by future changes recommended in the Rural Strategy.

Response – Allotments with an existing dwelling entitlement are not affected by the recommended zone changes in the Rural Strategy.

S.23 objects to the retention of a rural zone and 40ha minimum lot size over this 4ha property.

The 4ha property is surrounded by a range of small rural holdings, including 1ha allotments. It is requested that this property and surrounding land be rezoned to R5 Large Lot Residential with a 1ha minimum lot size given the existing development pattern and to allow additional subdivision and development in this location.

Response – Noted, no change to Rural Strategy.

The purpose of the Rural Strategy is not change development standards for the purpose of allowing additional subdivision but is to establish a new planning framework for the future MidCoast LEP.

S.356 requests a reduced minimum lot size to allow a ‘concessional allotment’ subdivision of a 5ha housing lot from existing farms.

Response – Noted, no change to Rural Strategy.

There is no support from either the Department of Planning & Environment or Department of Primary Industries – Agriculture to reinstate these subdivision provisions, which are contrary to contemporary rural land use planning principles.

The subject land holding already comprises several allotments of various sizes and in consideration of this situation, the land holder has been referred to Council's Duty Planner service and Development Assessment Panel to explore existing opportunities for a boundary realignment to achieve a reasonable outcome using existing planning controls and provisions.

S.176 objects to the 40ha minimum lot size and requests a 10ha or 20ha minimum lot size to enable subdivision.

Response – Noted, no change to Rural Strategy.

The purpose of the Rural Strategy is not to change development standards for the purpose of allowing additional subdivision but is to establish a new planning framework for the future MidCoast LEP.

S.128 objects to the 40ha minimum lot size and requests consideration of 20ha minimum lot size to enable subdivision for diverse and emerging agricultural operations and industries.

Response – The Rural Strategy will be amended to include all rural zones and expanded consideration of development standard (lot size) criteria, similar to those provided by the State for environmental zones.

Amendments to the Strategy will continue to focus on enabling diversification of farm-based activity across the rural landscape and be informed by additional information provided by the Department of Primary Industries – Agriculture.

It is noted the submission supports ongoing consideration of lot size provisions as they relate to capability and suitability for agricultural production, affordability of land and opportunities for retired farmers to stay on-farm.

Wherever possible, the future minimum lot sizes and provisions for site-responsive rural subdivision will consider land and water resources, cite constraints, access to transport and infrastructure into account within the context of the Rural Strategy and the future MidCoast LEP, noting the scale and diversity of landscapes across the MidCoast LGA do make this challenging, as illustrated by the map provided in response to **S.29, S.62, S.118** and **S.409** below.

S.29, S.62, S.118, S.171 and S.409 do not support replacing the 100ha minimum lot size (for subdivision and dwelling entitlements) with a 40ha minimum lot size.

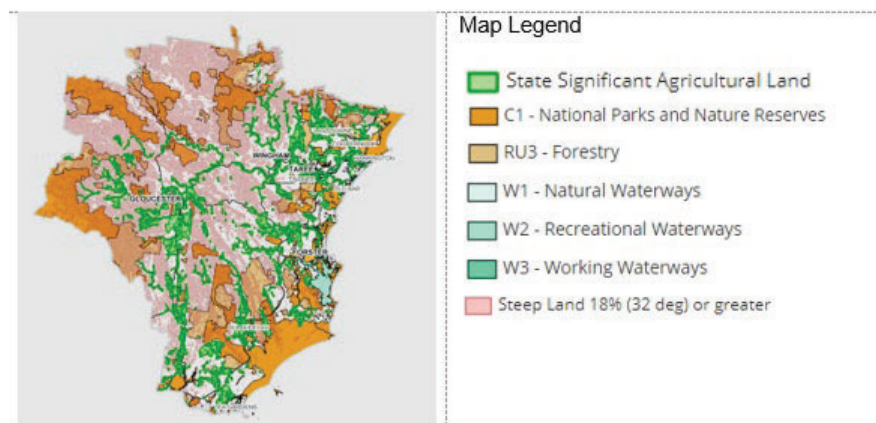
The submissions, from land owners in the Gloucester region, do not support the reduction in minimum lot size:

- without appropriate consideration of land capacity and suitability for primary agricultural production;
- identify significant concerns that such a reduction will result in a proliferation of dwellings across the rural landscape that have limited access, services and infrastructure;
- the increase in residential development across the rural landscape would increase property prices, but have limited economic benefit for communities given the potential impact on agricultural activities and production; and
- would result in more families and visitors being in remote locations that are inaccessible to NSW Rural Fire Service and emergency services.

The submissions do 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.

Response –The Rural Strategy will be amended to include all rural zones and expanded consideration of development standard (lot size) criteria.

Amendments to rural zones and development standards will continue to focus on enabling diversification of farm-based activity across the rural landscape and be informed by additional information provided by the Department of Primary Industries – Agriculture.



It is noted the submissions support ongoing consideration of lot size provisions as they relate to capability and suitability for primary agricultural production, including land and water resources; existing agricultural activities; biophysically significant agricultural lands; transport; infrastructure and proximity to towns and villages.

Wherever possible, these characteristics are being considered within the context of the Rural Strategy and the future MidCoast LEP, noting the scale and diversity of landscapes across the MidCoast LGA do make this challenging, as illustrated by the map above.

These principles are consistent with the purpose and intent of the Rural Strategy and previous comments on the recently exhibited State Significant Agricultural Land mapping produced by the Department of Primary Industries – Agriculture.

Additional consideration will be given to the rural zones, how they are applied, minimum lot size development standard and the range of land uses permitted in each zone, based on the additional information and guidelines provided by the Department of Primary Industries – Agriculture.

5. Infrastructure and Access

S.50 Suggest focus on roads and bridges, rather than trying to get a strategy all rural communities can agree upon.

Response – *Noted, no change to Rural Strategy.*

Council is required to undertake the Rural Strategy to inform preparation of the MidCoast Local Environmental Plan. The Strategy is a merger-funded project and does not utilise funds or resources allocated to the construction or maintenance of roads and bridges.

S.240 outlines 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 3 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.

Response– *Amend Rural Strategy to apply clear and consistent access requirements for rural lands and subdivision applications; and include recommendations for the consolidation of rural lots where this is relied upon for approval to build a dwelling.*

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 already proposes:

- 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 environmental zones* that would require consideration of both hazards and access arrangements:

(4) Development consent must not be granted for the subdivision of land to which this clause applies unless the consent authority is satisfied that the subdivision:

(g) ensures any existing or future residential accommodation on any proposed allotment can be located safely on the site, in consideration of fire and flood hazards;

(h) each future dwelling and allotment have direct access to a publicly constructed and maintained road, not on a battle axe allotment, not via an easement or other access mechanism, or reliant upon an extended private access road or driveway

- the Erection of *dual occupancies and secondary dwellings* could be applied across all rural and environmental zones and recommend that *(b) each dwelling will use the same vehicular access to and from a public road.*

In consideration of the submission and ongoing concerns about access arrangements, particularly in times of emergency, an amendment is to be included, within the existing *Clause 4.2A Erection of dwelling houses on land in certain rural and conservation Zones* that requires:

(7) 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:

(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

A similar requirement will be incorporated into Clause 4.6 *Exceptions to development standards* which may allow development on consolidated allotments 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 & 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.

S.268 and S.305 raise similar concerns about the impact of the reduced minimum lot size for subdivision resulting in the sale of existing and creation of new 'dwelling' allotments that have no public road access.

Examples of 'private roads' and a development approval that required but did not result in consolidation is provided. In this instance the author indicates that the excess allotments were then on-sold and additional rights of carriageway created.

Response – Continue to consider the potential impacts of a reduced minimum lot size for rural lands, in conjunction with additional information from DPI - Agriculture.

Noting the information provided in response to **S.240** above is also relevant to the issues raised within these submissions, additional consideration will be given to the potential impacts of a reduced minimum lot size for rural lands, particularly in the more remote locations of the local government area, in conjunction with additional information from DPI – Agriculture and consultation with NSW DPE.

However, it is also noted that the buying and selling of existing properties are a private matter outside of Council's control or influence, and the identification of public and/or legal access arrangements, and maintenance and construction thereof, is not an item that is reported on any legal document produced by Council such as a S10.7 Planning Certificate.

S.57 requests that Council review the extension of sewer to existing dwellings in Darawank east of The Lakes Way.

The author documents ongoing concerns about the impact of flooding events on septic systems and potential impacts this may have within the sensitive catchment.

Response – Noted, outside the scope of the Rural Strategy.

The request was previously lodged in August 2021 to the Asset Planning Coordinator, and a response provided indicating that Council have no current plans to extend the sewer network to this area.

CONSULTATION

The public exhibition was based on the adopted Communication and Consultation Strategy and provided an opportunity for Council to 'check-in' with the community and key stakeholders.

The community consultation program was undertaken between 30 August 2021 and 28 January 2022.

Public exhibition of the Draft Rural Strategy, with supporting information including but not limited to background reports, online mapping, fact sheets and FAQs commenced in an online and physically distanced capacity, requiring personal and site-specific consultation to be undertaken in one-on-one phone calls and via email enquiries only.

Given the number of submissions received, they are being reported to Council by issue and/or location to enable due consideration of the issues raised, the options available in response, and any recommended amendments to the draft Rural Strategy.

As relevant issues or locations are reported to Council, individuals, land owners or organisations that made a related submission are notified.

COMMUNITY IMPACTS

Completion of the Rural Strategy is aimed at providing a clear and consistent framework for land use, conservation and development across the rural, natural areas and waterways of the MidCoast.

Implementation of the Strategy recommendations through the MidCoast LEP and DCP are expected to provide environmental, social and economic benefits to the communities and residents of the MidCoast.

The communication and consultation program were therefore an important opportunity to: gain feedback from the community on the short and long-term recommendations in the Strategy; involve the community in the process; and provide a sense of ownership of the outcomes.

ALIGNMENT WITH COMMUNITY PLAN/OPERATIONAL PLAN

The Rural Strategy program is complex and diverse and as a result, reflects many of the key values, objectives and outcomes of the MidCoast Community Strategic Plan:

WE VALUE... our unique, diverse and culturally rich communities

We are a diverse community that works together to care for all our members

- *Acknowledge, celebrate and empower our local Aboriginal communities.*
- *Empower our towns and villages to retain and celebrate their unique identity, while working towards a shared community vision.*

We will embrace the uniqueness and creativity of our communities

- *Support communities to identify priorities for ensuring they are sustainable into the future.*
- *Support the preservation and uniqueness of our history and cultural heritage in our towns, villages and significant places.*

WE VALUE... a connected community

It is safe and easy to get around our region

- *Plan for, provide and maintain a safe road network that meets current and future needs.*

WE VALUE... our environment

We protect maintain and restore our natural environment

- *Value, protect, monitor, and manage the health and diversity of our natural assets, wildlife and ecosystems.*
- *Ensure climate change risks and impacts are understood and managed.*
- *Protect, maintain and restore water quality within our estuaries, wetlands and waterways.*
- *Improve the capacity of industry and the community to achieve the best possible outcomes for the natural environment.*
- *Ensure our natural assets are maintained to a standard appropriate to their use.*

We manage resources wisely

- *Sustainably manage our waste through reduction, reuse, recycling and repurposing.*
- *Proactively manage our resource consumption.*

We balance the needs of our natural and built environments

- *Ensure growth and new development complements our existing natural assets, cultural assets and heritage sites.*
- *Optimise land use to meet our environmental, social, economic and development needs.*

WE VALUE... our thriving and growing economy

Our region is a popular place to visit, live, work and invest

- *Develop and promote our region as an attractive visitor destination offering products and experiences that meet the needs of our visitors and residents.*
- *Provide an environment to grow and strengthen local businesses and attract new business.*

Our villages and business precincts are vibrant commercial, cultural and social hubs

- *Support and encourage the development and attraction of strategic events.*
- *Ensure strategies and processes recognise, maintain and support sustainable economic growth.*
- *Use existing knowledge, expertise and technology to develop businesses based on new ways of thinking.*

We encourage greater rural and agricultural economic diversity

- *Encourage the diversification and sustainability of agribusiness through the utilisation of sustainable farming practices, new technologies and innovation.*

WE VALUE... strong leadership & shared vision

We make opportunities available for the community to inform decisions that shape our future

- *Provide clear, accessible, timely and relevant information to support and inform the community.*
- *Improve community understanding of how decisions are made for the local area.*
- *Empower community members to participate in decision-making by providing a broad range of engagement opportunities.*

The Rural Strategy is also consistent with the following Strategies and activities in the 2018-2022 Delivery Program and 2021-2022 Operational Plan:

Strategy 7.1: Value, protect, monitor and manage the health and diversity of our natural assets, wildlife and ecosystems

7.1.4 Ensure that our areas and features of high natural environmental value are properly recognised and protected in land use planning

Strategy 7.2: Ensure climate change risks and impacts are understood and managed

7.2.3 Develop appropriate responses to climate change in land use planning

Strategy 7.3: Protect, maintain and restore water quality with our estuaries, wetlands and waterways

7.3.6 Protect water catchments to sustain high quality and dependable water supplies across the region

Strategy 12.1: Encourage diversification and sustainability of agribusiness through the utilisation of sustainable farming practices, new technologies and innovation

12.1.3 Prepare a rural land use strategy that identifies, protects, manages and reinforces rural activities, industry and agribusiness

12.1.4 Identify and protect important agricultural land including intensive agriculture clusters and protect, manage and reinforce agribusiness in local land use plans

Strategy 15.3: Empower community members to participate in decision-making by providing a broad range of engagement opportunities

15.3.2 Develop a consistent and transparent approach to community involvement in planning decisions by preparing a Community Participation Plan (CPP) for Council's land use planning functions

TIMEFRAME

Reports on submissions received during public exhibition of the Draft Rural Strategy are being reported to Council in a coordinated manner to ensure consideration can be given to the matters raised and how these may result in amendments to the Strategy prior to adoption.

Adoption of the final amended Rural Strategy by September 2022 will enable commencement of the MidCoast Local Environmental Plan and Development Control Plan programs in 2022 and exhibition of these documents in 2023.

LIST OF ATTACHMENTS

The following attachments are available on the meeting page of Council's website under the 'Attachments to Agenda' heading. The copy of Attachment 3 on the website has had the personal information redacted to protect the privacy of the members of the public providing submissions.

1. Waterway Zones Submission Summary table
2. Rural Zones Submission Summary tables
3. Submissions – Zone criteria, Land Uses, Development standards and related State agency submissions

Nerong Village and Harbour



Nerong Village and waterway



Nerong Village & Natural Waterway zones

S.142 objects to the identification of Nerong Harbour as a working harbour.

The submission highlights the environmental setting and concern that surrounding waterways are not identified.

The submission also raises concerns about the urban provisions of the RU5 Village zone, conflict between native animals and domestic pets, street lighting and use of community toilets and parks by trucks from the highway.

Response – amend Rural Strategy to acknowledge that Nerong harbour should remain in the W1 Natural Waterways zone given its sensitive location.

Nerong is predominantly zoned RU5 Village and the existing harbour is zoned W1 Natural Waterways to reflect its direct connection to the waterways and RAMSAR Wetlands of the Myall National Park.

The existing W1 Natural Waterways zone is not appropriately identified in the Rural Strategy and corrections will be made wherever appropriate.

All land and waters within a National Park are required to be included in the C1 National Parks and Nature Reserves zone, as shown.

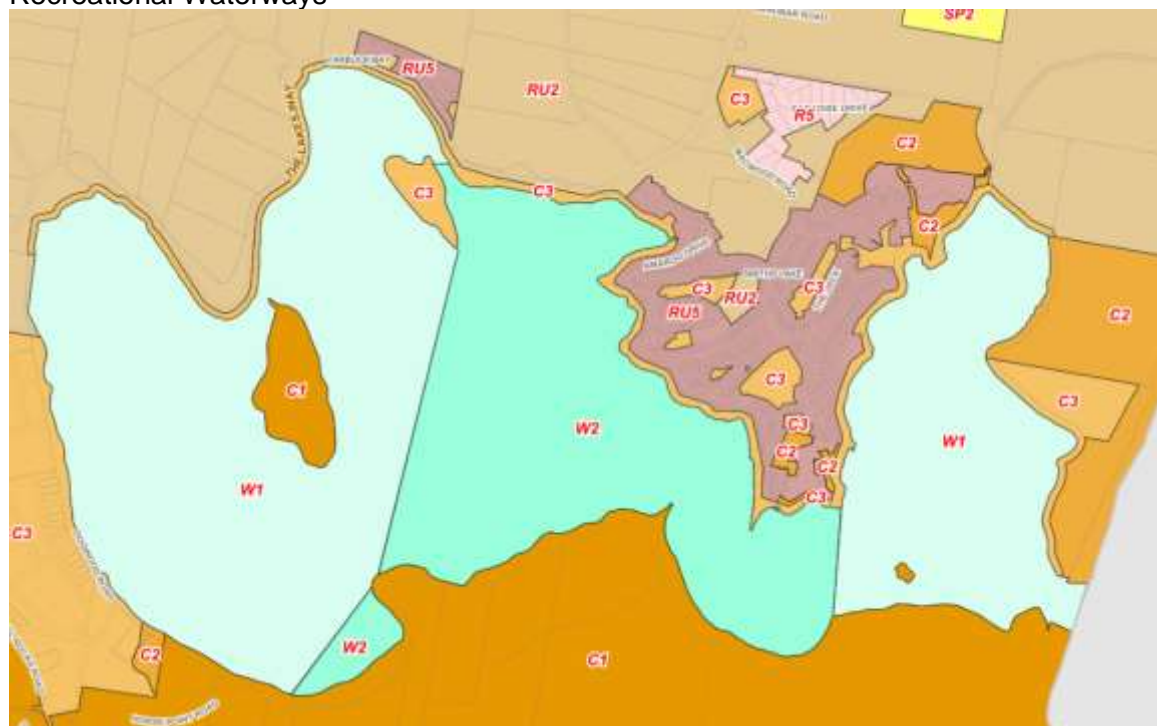
The RU5 Village zone reflects the character and development pattern of this location and maintaining this zone is consistent with the findings and recommendations of the Rural Strategy.

Concerns regarding domestic animals, lights and trucks using community facilities in this location are outside of the scope of this Strategy but have been referred to the relevant Council team for consideration.

Smiths Lake and surrounding environment

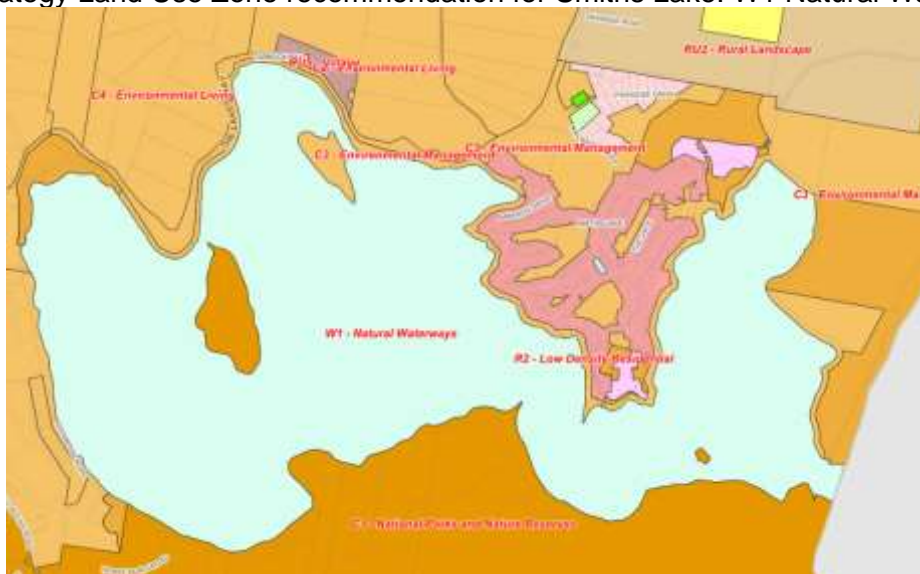


Great Lakes LEP 2014 Land Use Zones of Smiths Lake: W1 Natural Waterways and W2 Recreational Waterways



Smiths Lake and surrounding environment

Rural Strategy Land Use Zone recommendation for Smiths Lake: W1 Natural Waterway



S.386 supports environmental protection for Smiths Lake through the W1 zoning and requests additional protection from development in the surrounding catchment

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.

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.

Response – apply W1 Natural Waterway zone to Smith Lake and review land uses in this zone. Review zone, subdivision and land uses of surrounding areas in consideration of catchment management requirements.

Smiths Lake village is currently zoned RU5 Village. The Housing Strategy recommended a change to the R2 Low Density Residential zone 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.

The sensitivity of the Smiths Lake catchment is recognised and is reflected in the potential transition of rural to environmental zones (as shown in maps above), consistent with the environmental zone criteria in the draft Rural Strategy.

The requests for appropriate levels of monitoring and management of the lake and surrounding foreshores is outside of the scope of the Rural Strategy but have been referred to the coordinator of the Wallis & Smiths Coast & Estuaries Committee for consideration and incorporation into the ongoing work of this committee.

NSW Rural Fire Service

S.129 NSW Rural Fire Service (RFS) has made one comment with regards to the Draft Rural Strategy:

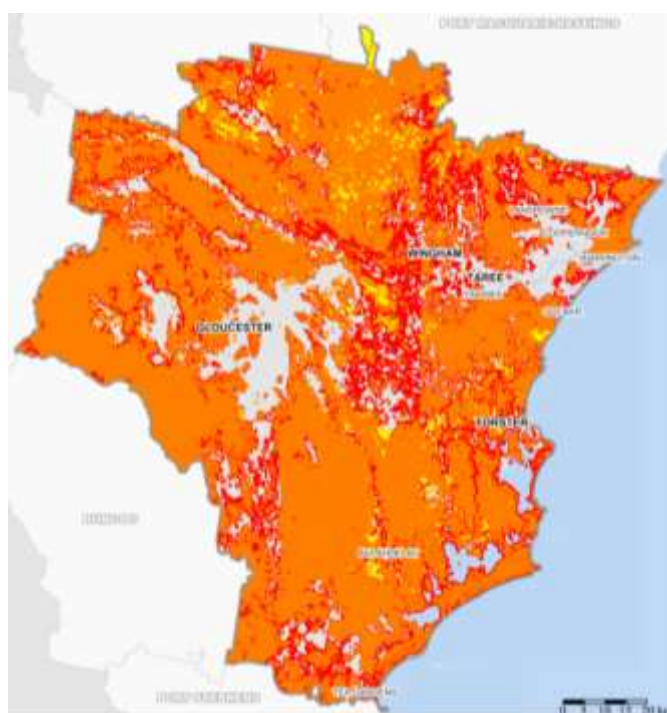
“Where rural land use zones changes are proposed, Council shall review the outcome of the proposed changes, specifically whether any new residential opportunities will be generated by the rural zone change. Where rural zone changes create new (or additional) dwelling opportunities on rural lands, Council 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.”

Response – Noted, however outside of the scope of the Rural Strategy and considered unnecessary and unreasonable.

Council officers have made several attempts to discuss the implications of this advice with the relevant officers of NSW RFS given the purpose and intent of the Rural Strategy is not to rezone land for new or additional residential development but is aimed at establishing a clear and consistent planning framework for waterways, rural and environmental lands within the future MidCoast LEP and DCP. Despite numerous calls and emails to the relevant NSW RFS personal, there has been no response.

MidCoast Council does implement policies and procedures that address the NSW RFS comments when considering changes to rural land use zones within planning proposal or place strategy processes, for example:

- Planning proposals to rezone land from a rural to an urban purpose includes consideration of bushfire risk, mitigation and controls.
- Urban Release Areas are required consider vegetation, topography and bushfire risk in conjunction with other matters during the preparation of site-specific planning proposals.
- Hallidays Point Place Strategy includes consideration of vegetation, topography and bushfire risk in conjunction with other matters to guide future conservation and development outcomes within the study area.



Map Legend

- Buffer
- Vegetation Category 1
- Vegetation Category 2

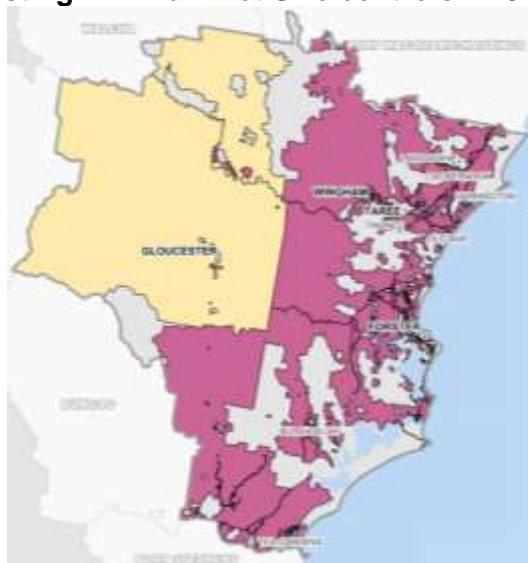
The request is considered particularly unreasonable given the extent of bushfire prone land across the 10,000sqkm of the MidCoast LGA, as shown.

NSW Rural Fire Service

Council is also working with NSW RFS to review and update existing bushfire prone land mapping (shown above) to ensure appropriate land use planning and development assessment processes are in place across the MidCoast in accordance with the updated Planning for Bushfire Protection requirements.

It is noted that the draft recommendation to replace the existing 100ha minimum lot size with a standard minimum 40ha, has the potential to create a significant increase in dwelling entitlements on existing lots (between 40-100ha), and increase the subdivision potential (any lots over 80ha). These additional dwelling entitlements and lots would primarily be in the rural areas of the existing Gloucester LEP.

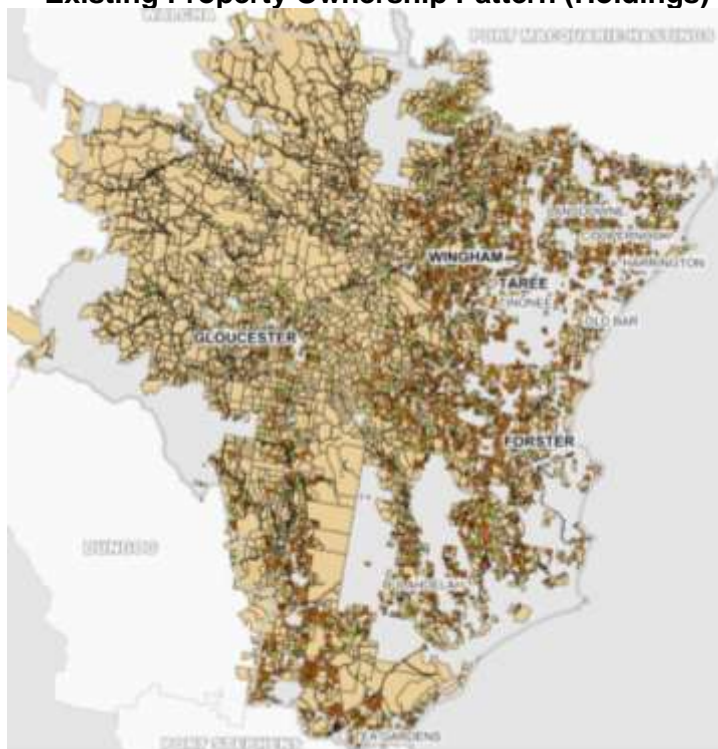
Existing Minimum Lot Size controls – 40ha, 70ha and 100ha



Map Legend

- AB3 - 40ha (GTCC and GLC)
- AC - 70ha (GSC)
- AD - 100ha (GTCC)

Existing Property Ownership Pattern (Holdings) – over 40ha



Map Legend

- Holdings 40.0ha to less than 80.0ha
- Holdings 80.0ha to less than 100.0ha
- Holdings 100.0ha or greater

Note:

NSW Rural Fire Service

The minimum lot size provisions will be discussed in additional detail in response to the Department of Agriculture and community submissions.

Noting that the only compulsory bushfire clause in any LEP is one that allows bushfire hazard reduction work in any zone with NSW RFS approval, additional consideration has been given to the emergency management planning in response to identified hazards, including bushfire, in a range of draft LEP local clauses in the Rural Strategy:

1. *Site responsive subdivision in rural and environmental zones (new draft clause)*
2. *Subdivision of land in certain rural, residential or environment protection zones (amended existing clause)*
3. *Rural and nature-based tourism development (new draft clause)*
4. *Rural and nature-based tourist accommodation (new draft clause)*
5. *Erection of dual occupancies and secondary dwellings in Zone RU2 (amended existing clause)*
6. *Rural land sharing community development (amended existing clause)*
7. *Temporary use of land for the purpose of function centre (new draft clause)*
8. *Essential Services and infrastructure (amended existing clause)*
9. *Emergency management (amended existing clause)*
10. *Clause 4.2A Erection of dwelling houses on land in certain rural and conservation Zones (amended existing clause)*
11. *Exceptions to development standards [compulsory] (amended existing clause)*
12. *Lot consolidation within identified paper subdivisions in environment zones (new draft clause)*
13. *Master Planning on land within identified paper subdivisions (new draft clause)*

The recommendations of the Strategy will therefore be considered and reviewed in consideration of not only the NSW Rural Fire Service submission, but landowner feedback on the rural zones and land uses.

NSW Department of Primary Industries - Agriculture

S.350 NSW Department of Primary Industries generally support the goals and objectives of the Strategy however the Department does not support:

- 1) Discontinuation of the current Primary Production (RU1) zone and application of the Rural Landscape (RU2) zone across the local government area (LGA).***
- 2) Reduction of the minimum lot size (MLS) from 100ha to 40ha in the proposed RU2 zone***

Discontinuation of the RU1 Primary Production Zone

MidCoast LGA 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.

Maintaining (at least) two distinct land use zones (RU1 Primary Production and RU2 Rural Landscape) enables proposed developments to be assessed against narrower and more relevant zone objectives appropriate to the constraints of the land.

A single rural zone would mean that a wide range of land uses will be permissible in rural areas, including land uses which are likely to be incompatible with each other. Permissibility of differing and incompatible land uses can have an adverse impact on agriculture as:

- the risk of potential land use conflict is greater; and
- agricultural land uses compete with non-agricultural land uses for land making the establishment or expansion of agricultural businesses more difficult.

Reduction in minimum lot size (MLS) from 100ha to 40ha.

A 40ha MLS is not considered suitable for large areas of the MidCoast given the types of agricultural enterprises that dominate the LGA and availability of current information to guide Council on selecting a suitable MLS.

DPI Agriculture notes that, during the development of the draft Strategy, Council engaged with landowners and industry groups to determine minimum land area requirements for a range of agricultural land uses to determine a minimum lot size.

The findings from the engagement, in part 10.7.6 of the draft Strategy, indicate that beef farms require 50-100ha while dairy require 40-80ha. The draft Strategy identifies that beef and dairy industries are two of the main agriculture industries, along with poultry, for the LGA.

The justification to reduce the MLS to a size less than that needed for the main agricultural industries in the LGA is inconsistent with the first goal of the draft Strategy to sustain primary production opportunities and the outcomes to protect established agricultural industries and support farm-based efficiency, profitability and income diversification.

Land area requirements should consider:

- Minimum land area requirements for viable and sustainable agricultural operations, excluding areas that are identified as steep, flood prone or subject to other physical constraints;
- Land required for buffer areas to mitigate impacts between land uses;
- Land that may be required for expansion, diversification or value adding operations; and
- Separation distances to address biosecurity risks.

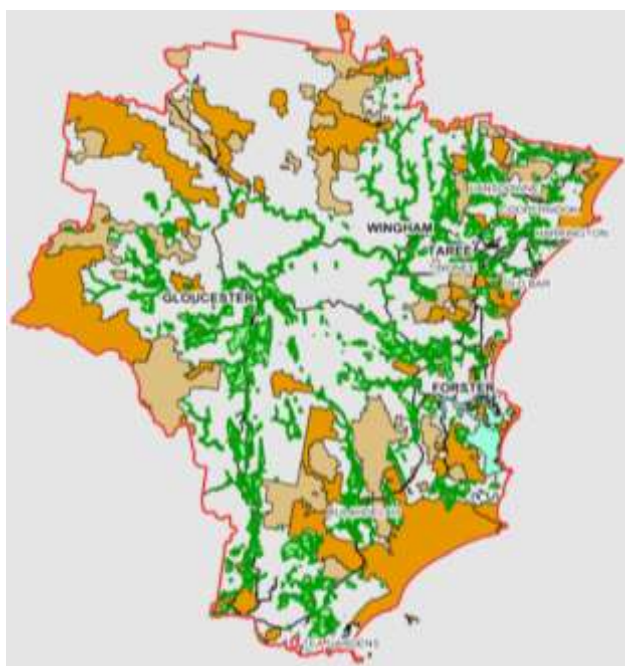
NSW Department of Primary Industries - Agriculture

Response – Noted. Rural Strategy will be amended to include zone criteria and draft land use provisions for Primary Production and RU4 Small Lot Primary Production to reflect additional information provided by the Department of Primary Industries – Agriculture.

It is noted that Council had been working with the Department of Primary Industries – Agriculture throughout the development of the Rural Strategy Background Reports.

The recommendations within the Strategy reflect the position that rural zones, land uses and development standards such as minimum lot sizes, would be informed by the Important Agricultural Land Mapping project that was being undertaken by DPI – Agriculture during development of the Rural Strategy. At the time of preparation of the Draft Rural Strategy, this absence of mapping was identified as a clear data gap.

While the status of the [Important Agricultural Land Mapping](#) project is unknown, DPI – Agriculture placed [draft State Significant Agricultural Land mapping](#) on exhibition in November 2021 - January 2022 (during the exhibition of the Rural Strategy) and Council officers did provide feedback on this project. A snapshot of the draft State Significant Agricultural Land mapping is provided below.



Map Legend

- State Significant Agricultural Land
- C1 - National Parks and Nature Reserves
- RU3 - Forestry
- W1 - Natural Waterways
- W2 - Recreational Waterways
- W3 - Working Waterways

Additional information has been sought from DPI – Agriculture to reflect areas of improvement identified in the submission. Upon receipt of the additional information Council will review the recommendations of the Strategy that relate to rural land use zones, objectives, land uses and development standards.

The focus will continue to be for land use planning provisions to provide opportunities for diversity and growth of agriculture and associated activities across our rural landscape commensurate with the sustainable use and management of our land and water resources.

The minimum lot size provisions will be discussed in additional detail in response to landowner submissions.

Application of the Rural Zone



Current RU1 Primary Production and



Proposed RU2 Rural Landscape zone

S.135 Objection to the proposed zone changes to rural zone. The submissions requests that the dairy farm remain in a rural zone.

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

Proposed - RU2 Rural Landscape with a Minimum Lot Size of 40ha and no Height of Building control

Response – Noted, no change to Rural Strategy.

Dairies (pasture-based) are currently permitted without consent in all rural zones as a form of extensive agriculture. The Strategy recommends that extensive agriculture continues to be permitted without consent in all rural zones.

Extensive agriculture is permitted without consent in the RU1 Primary Production, RU2 Rural Landscape and RU4 Primary Production Small Lot zones of the current local environmental plans.

extensive agriculture means any of the following—

- (a) the production of crops or fodder (including irrigated pasture and fodder crops) for commercial purposes,
- (b) the grazing of livestock (other than pigs and poultry) for commercial purposes on living grasses and other plants on the land as their primary source of dietary requirements, and any supplementary or emergency feeding, or temporary agistment or housing for weaning, dipping, tagging or similar husbandry purposes, of the livestock,
- (c) bee keeping,
- (d) a **dairy (pasture-based)** where the animals generally feed by grazing on living grasses and other plants on the land as their primary source of dietary requirements, and any supplementary or emergency feeding, or temporary agistment or housing for weaning, dipping, tagging or similar husbandry purposes, of the animals.

Note— Extensive agriculture is a type of **agriculture**—see the definition of that term in this Dictionary.

The Strategy recommends that extensive agriculture continues to be permitted without consent in all rural zones.

Application of the Rural Zone



Current RU1 Primary Production zone and
RU4 Primary Production Small Lot



Proposed RU2 Rural Landscape zone

S.206 Objection to change in rural zone. The submission argues against the RU2 Rural Landscape zone.

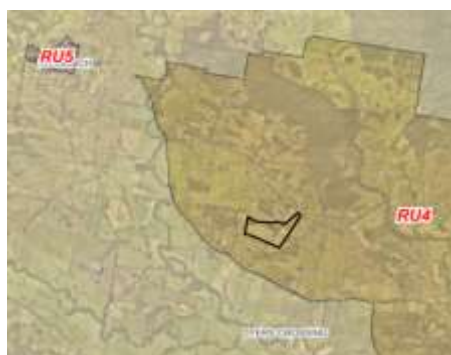
Current – Part RU1 Primary Production with a Minimum Lot Size of 40ha and no Height of Building control, Part RU4 Small Lot Primary Production with a Minimum Lot Size of 20ha and no height of Building control

Proposed - RU2 Rural Landscape with a Minimum Lot Size of 40ha and no Height of Building control

The landowner supports expansion of the permitted land uses and development in rural areas.

Response –The Rural Strategy will be amended to include provisions for all rural zones, to ensure the framework supports the diversification of farm-based activity and income.

Additional consideration will be given to the rural zones, how they are applied, and the range of land uses permitted in each zone, based on the additional information and guidelines provided by the Department of Primary Industries – Agriculture.



Current RU4 Primary Production Small Lot
zone



Proposed RU2 Rural Landscape zone

S.373 Objection to change in rural zone. The submissions requests that the property remain in an RU4 Primary Production Small Lot zone where “*intense livestock and intense agricultural activities are permitted without consent*”.

Application of the Rural Zone

Current – RU4 Small Lot Primary Production with a Minimum Lot Size of 20ha and no Height of Building control

Proposed - RU2 Rural Landscape with a Minimum Lot Size of 20ha and no Height of Building control

Response – Noted, no change to Rural Strategy.

The Rural Strategy recommends that certain intensive agricultural activities are permitted with consent, to ensure an appropriate and consistent approval pathway.

Note: **agriculture** means any of the following— (a) aquaculture, (b) extensive agriculture, (c) intensive livestock agriculture, (d) intensive plant agriculture.

Extensive agriculture and *intensive plant agriculture* are permitted without consent in the RU1 Primary Production and RU4 Primary Production Small Lot zones in Greater Taree LEP 2010.

The Standard Instrument LEP only requires *extensive agriculture* to be permitted without consent in the RU1 Primary Production and RU2 Rural Landscape zones. This is reflected in the Gloucester and Great Lakes LEP land use tables.

extensive agriculture means any of the following—

- (a) the production of crops or fodder (including irrigated pasture and fodder crops) for commercial purposes,
- (b) the grazing of livestock (other than pigs and poultry) for commercial purposes on living grasses and other plants on the land as their primary source of dietary requirements, and any supplementary or emergency feeding, or temporary agistment or housing for weaning, dipping, tagging or similar husbandry purposes, of the livestock,
- (c) bee keeping,
- (d) a dairy (pasture-based) where the animals generally feed by grazing on living grasses and other plants on the land as their primary source of dietary requirements, and any supplementary or emergency feeding, or temporary agistment or housing for weaning, dipping, tagging or similar husbandry purposes, of the animals.

Note— Extensive agriculture is a type of **agriculture**—see the definition of that term in this Dictionary.

intensive livestock agriculture means the keeping or breeding, for commercial purposes, of cattle, poultry, pigs, goats, horses, sheep or other livestock, and includes any of the following — (a) dairies (restricted), (b) feedlots, (c) pig farms, (d) poultry farms, but does not include extensive agriculture, aquaculture or the operation of facilities for drought or similar emergency relief.

intensive plant agriculture means any of the following — (a) the cultivation of irrigated crops for commercial purposes (other than irrigated pasture or fodder crops), (b) horticulture, (c) turf farming, (d) viticulture.

While the current RU4 Primary Production Small Lots zone allows *intensive plant agriculture* without consent, for certain activities this is recognised as unsustainable and inappropriate given:

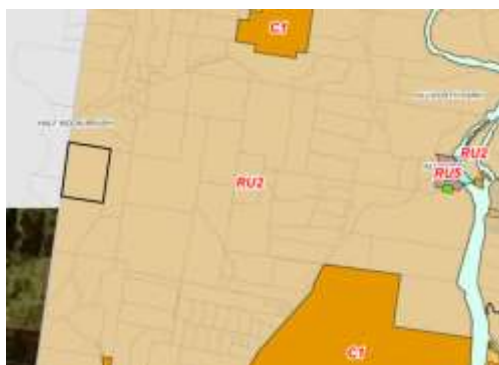
- the additional services, facilities and infrastructure required to operate intensive agricultural activities; and
- potential environmental and amenity impacts on adjoining properties; and

Application of the Rural Zone

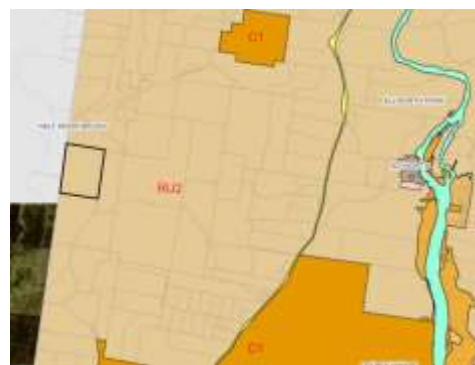
- the potential cumulative impact on finite land and water resources in any given locality.

Therefore, additional consideration will be given to the potential impacts of intensive agricultural activities across the MidCoast. In certain locations and/or for certain activities, an approval process will be required to ensure the development has appropriate social, infrastructure, biosecurity and environmental management processes in place.

The land owner will however, retain the opportunity to commence an intensive plant agricultural activity on the site using the existing zone provisions until the MidCoast LEP is in force.



Current RU2 Rural Landscape zone



Proposed RU2 Rural Landscape zone

S.247 Objection to change in rural zone without additional consideration of relevance of C4 Environmental Living zone criteria.

Current – 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 maximum 8.5m Height of Building.

The submissions requests that broader consideration of the application of the Environmental Living zone criteria across rural lifestyle allotments with environmental value.

Concern is also expressed about the range of rural and extractive industries that are permitted in the RU2 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.

Response – Certain land uses are automatically allowed in rural zones by State planning policies, which Council cannot over-ride. However, Council will continue to consider environmental zone criteria and the potential application of these zones in a separate report.

The mapping of the Environmental Living zone as part of the Rural Strategy exhibition was not exhaustive. In isolated and densely vegetated areas adjoining National Parks, such as the landowner's site, this zone may be identified as more appropriate than the current rural zoning.

Application of the Rural Zone

The environmental zone criteria will be considered in a separate Council report, while more detailed and exhaustive mapping will be carried out as part of the draft MidCoast LEP program.

Extractive industries are permitted with consent on any land where agriculture or industries are permitted under the [SEPP \(Resources and Energy\) 2021](#) formerly the Mining SEPP. While Council cannot override these provisions, an extractive industries Development Control Plan (DCP) chapter will be prepared to provide a consistent assessment framework for small-scale extractive industry projects in rural zones.

Rural Zone Land Uses – Industrial and Inappropriate land uses

S.417 and 419 Object to a specified list of land uses being permitted with consent in the RU2 Rural Landscape zone.

The following additional activities should not be permitted in areas zoned RU2 as they do not enhance the environment: 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.

Response – Rural Strategy rural land uses to be amended.

In consideration of the Standard Instrument LEP, SEPP Resources and Energy 2021, DPE Employment Zones Reform program and provisions of existing local environmental plans, the following land uses will be recommended for removal from the rural zones of the MidCoast - Correctional centres, Hazardous storage establishments, Offensive storage establishments and Transport depots.

The Department of Environment & Planning Employment Zones Reform program (exhibition 31 May – 12 July 2022) will provide additional opportunities for hazardous and offensive storage establishments to be more readily accommodated in industrial areas across the MidCoast and allow their removal from rural zones.

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 zone in Greater Taree LEP 2010 in the MidCoast and therefore they will be recommended for removal.

The Standard Instrument LEP requires certain land uses to be identified as permitted with consent in rural zones including Extractive industries and Open cut mining in the RU1 Primary Production zone.

Extractive industries are also permitted with consent on any land where agriculture or industries are permitted under the [SEPP \(Resources and Energy\) 2021](#) formerly the Mining SEPP, irrespective of Council's local environmental plan provisions. The SEPP 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.

It is noted that while extractive industries may be listed as permitted with consent in the rural zone, the process of a merit assessment may still exclude some activities based on access, topography or other constraints. An extractive industries Development Control Plan (DCP) chapter will be prepared to provide a consistent assessment framework for small-scale extractive industry projects in rural zones.

Truck depots, vehicle body repair workshops and vehicle repair stations are identified as 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.

Rural Zone Land Uses – Short Term Holiday Accommodation

S.227, 245, 251, 275, 394 and 421 object to the requirement for short term holiday accommodation providers in rural zones to have on-site caretaker.

The authors requests that this onerous requirement 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 holiday accommodation requirements.

Response – Rural Strategy to be amended to include information on short-term holiday accommodation for transparency and completeness.

Short term holiday accommodation provisions came into effect on 1 November 2021 and is regulated by the State. While this form of accommodation is generally outside the scope of the Rural Strategy as the provisions will not be incorporated into the local environmental plan, additional information will be provided for transparency and completeness.

The authors identify the provisions on p.93-94 of the Strategy which state:

G2 Objective.02 Provide a range of tourist accommodation and experiences

“A key principle for this will be 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. This ensures that any tourist and visitors unfamiliar with the area and property, can be provided with a great visitor experience during our peak seasons, and a safe visitor experience, even during our worst weather events.”

It is noted that the form of accommodation identified within the submissions is short-term holiday accommodation, commonly referred to as “[Airbnb](#)” accommodation, which is outside the scope of the Rural Strategy and future local environmental plan provisions as it is regulated by the NSW Government. The following additional information will, however, be included in the Strategy for completeness:

During 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 and development control plan framework of local government.

The new policy was introduced via amendments to the [State Environmental Planning Policy \(Affordable Rental Housing\) 2009](#) (ARHSEPP) and the [Environmental Planning and Assessment Regulation](#) (EP&A Regulation). These provisions are now incorporated into [SEPP \(Housing\) 2021, Part 6 Short-term rental accommodation](#).

The new STRA planning policy framework comprises new standard provisions and introduced:

- *a new definition for STRA, hosted STRA and non-hosted STRA;*
- *an exempt development pathway for:*
 - *hosted STRA in a dwelling, 365 days per year;*
 - *non-hosted STRA in a dwelling, 180 days per year in Greater Sydney and nominated regional NSW LGAs and 365 days per year in all other locations; and*

Rural Zone Land Uses – Short Term Holiday Accommodation

- an exemption of bookings of 21 consecutive days or more from day limits for non-hosted STRA.

The STRA policy is supported by:

- amendments to the EP&A Regulation to introduce minimum fire safety standards for dwellings used for STRA and associated penalty notice offences for non-compliance; and
- the implementation of a new 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 (LGA).

The new definitions for STRA are provided below:

- **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.

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: caravans, tents or glamping accommodation.

The new STRA policy commenced for most of the State on **1 November 2021**. 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](#).

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. More information about the new rules for STRA are available on the [Planning Portal](#).¹

Other forms of tourist and visitor accommodation, festivals and events regulated through the local environmental plan will continue to be identified as activities where an on-site manager arrangement is appropriate for visitor comfort and emergency management purposes.

¹ [Short-term rental accommodation - \(nsw.gov.au\)](#)

Rural Zone Land Uses – Tourist accommodation Local Plan Recommendations

S.256 and 342 objects to the Strategy comments and recommendations about tourist and visitor accommodation, particularly Local Plan Recommendations for LEP provisions in section G2 OB2 Outcome (1) Provide opportunities for visitor accommodation.

Response - The submission refers to Local Plan Recommendations for LEP provisions that are based on technical definitions and assessment frameworks.

These will be addressed separately, and technical information summarised and noted within responses as appropriate and relevant to the intent of the submission and the intent of the LEP provisions in the Strategy.

For context, the Local Plan recommendations for **G2 Objective 2 Provide a range of tourist accommodation and experiences** are documented in three parts:

- Outcome 1** Provide opportunities for visitor accommodation;
- Outcome 2** Provide opportunities for visitor experiences; and
- Outcome 3** Risk management planning for disasters and emergencies.

Similarly, there are a range of recommendations under each Outcome:

Outcome 1 (the focus of **S.256 and 342**) considers various forms of tourist accommodation and makes Local Plan Recommendations on where these may be most appropriate, based on services, facilities, infrastructure and compatibility with other land uses within the relevant zones:

- Tourist and visitor accommodation in the village zone;
- Caravan parks in rural and environmental zones;
- Camping grounds and primitive camping sites;
- Accommodation on land without a dwelling entitlement; and
- Essential services for various forms of accommodation.

Note: The submissions also object terms such as “small-scale”. This is terminology from the Standard Instrument LEP that 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.

Item 1 – objection to the lack of recognition of “whole of house” visitor accommodation.

Response – Short-term holiday accommodation is regulated outside of the LEP and DCP. Information on this form of accommodation will be outlined in the Strategy for transparency and completeness.

This form of accommodation is defined as “short term holiday accommodation” and is discussed in detail in response to **S.227, 245, 251, 275, 394 and 421** above.

Short term holiday accommodation provisions are regulated outside of the LEP and DCP however, additional information on this land use and approval pathways will be outlined in the Strategy for transparency and completeness.

Rural Zone Land Uses – Tourist accommodation Local Plan Recommendations

Item 2 - objection is to the requirement for accommodation providers in rural zones to have on-site caretaker.

Response – The Strategy will be amended to clarify that an on-site manager will be required for accommodation, events and facilities where a significant number of visitors or guests may be in attendance.

This objection primarily relates to short-term accommodation and has been addressed previously. However, other forms of tourist and visitor accommodation, festivals and events regulated through the local environmental plan will continue to be identified as activities where an on-site manager arrangement is appropriate for visitor comfort and emergency management purposes.

To clarify the intent of the Rural Strategy the provisions under **G2. Objective 2 Provide a range of tourist accommodation and experiences** will be amended to state *“Accommodation, events or facilities where a significant number of visitors or guests may be on-site at any given time, will also be required to have a site manager in attendance.”*

What constitutes a “significant” number of guests will continue to be considered as we progress to the drafting of the LEP and DCP, in consultation with the Department of Planning & Environment as they progress the Agritourism & Small-Scale Agriculture Development amendments to the Standard Instrument LEP; and the MidCoast Development Assessment Panel, who provide pre-application advice on these activities.

Item 3 - is an objection to the **G2 OB2 Outcome 1 Provide opportunities for visitor accommodation** Local Plan Recommendation to only allow *“tourist and visitor accommodation, camping grounds, eco-tourist facilities and the like are not permitted on land without a dwelling entitlement”*.

Response – Noted, no change to Rural Strategy.

The Rural Strategy will not be amended, as similar clauses exist in the current LEPs to ensure applications for tourist and visitor accommodation do not create an otherwise unlawful dwelling entitlement.

All three existing LEPs contain Department of Planning & Environmental Model Clause **4.2A Erection of dwelling houses on land in certain rural and environmental zones**.

This model clause was drafted by the Department of Planning & Environment to reflect most dwelling house provisions in existing LEPs in NSW. The Department recommends that the *clause be used by all councils that currently permit dwelling houses in rural and/or environment protection zones or intend to in the new comprehensive SI LEPs*.

The clause determines when a dwelling entitlement (existing holding) exists for land in a rural or environmental zone, when the land is less than the minimum lot size shown on the LEP map. In many areas of the MidCoast this minimum lot size is either 40ha or 100ha.

Rural Zone Land Uses – Tourist accommodation Local Plan Recommendations

All three existing LEPs also contain local clauses that prohibit the use and occupation of land without a dwelling entitlement for residential, tourist and visitor accommodation and the like:

Gloucester LEP 2010 Clause 6.7 Restrictions on certain development in Zones RU1 and E3 specifies that:

Development consent must not be granted to the erection of eco-tourist facilities, residential accommodation or tourist and visitor accommodation on land to which this clause applies unless the erection of a dwelling house is permitted on that land under clause 4.2A.

Greater Taree LEP 2010 Clause 7.7 Development for farm stay accommodation applies to land in Zone RU1 Primary Production and Zone RU4 Primary Production Small Lots and specifies that:

Development consent must not be granted for development for the purpose of farm stay accommodation on land to which this clause applies unless a dwelling is permitted to be erected on that land under clause 4.2A(3).

Great Lakes LEP 2014 Clause 7.24 Restriction of certain development in rural and environment protection zones specifies that:

If development for the purposes of residential accommodation, tourist and visitor accommodation, camping grounds or eco-tourist facilities on land to which this clause applies is permitted with development consent, consent must not be granted unless development consent for the erection of a dwelling house on that land may be granted in accordance with clause 4.2A.

While there are inconsistencies in these local clauses, this relates to the different zones and land uses that apply in the three existing LEPs.

Similar clauses are adopted in most rural and regional LEPs across the State to ensure that applications for tourist and visitor accommodation do not create an otherwise unlawful dwelling entitlement, or occupation of land by proxy, contrary to the provisions of Clause 4.2A.

The Strategy proposes retention and consistent application of these provisions in draft clauses, such as the *Rural and nature-based tourism development* clause (from Lismore LEP 2012) which states:

(4) *Development consent must not be granted to development for the purposes of tourism development on land to which this clause applies unless—*

- (a) *a lawfully erected dwelling house or dual occupancy is situated on the land, or*
- (b) *a dwelling house may be erected on the land under this Plan.*

(5) *Development consent must not be granted to development under subclause (4) if the development—*

- (a) *includes an ancillary caretaker's or manager's residence, or*
- (b) *is for the purpose of more than 1 bed and breakfast accommodation.*

Noting that Part (5) of this clause directly addresses this issue, by identifying that a “caretaker's residence”, or “1 bed and breakfast”, would create an otherwise unlawful dwelling, contrary to the provisions of Clause 4.2A.

Item 4 - is an objection to the **G2 OB2 Outcome 1 Provide opportunities for visitor accommodation** Local Plan Recommendation to “Provide for a diverse mix of tourist and

Rural Zone Land Uses – Tourist accommodation Local Plan Recommendations

visitor accommodation within the village zone” while not including rural and environmental zones.

Response – The G2 OB2 Outcome 1 Local Plan Recommendation will be expanded to state: “Provide for a diverse mix of tourist and visitor accommodation within the village zone where infrastructure, services and a range of community facilities and events are available to accommodate an extended stay.”

This LEP recommendation was included to reflect:

- the limited range of activities included within the standard definition of “tourist and visitor accommodation” - backpackers’ accommodation, bed and breakfast accommodation, farm stay accommodation, hotel or motel accommodation, and serviced apartments.
- existing local environmental plan inconsistencies regarding the range of tourist and visitor accommodation permitted within our village zones; and
- the additional infrastructure, services, facilities, resources and workers available in villages (compared to rural properties) that provide additional capacity for the successful development and operation of hotels, motels, serviced apartments, caravan parks and the like, in villages compared to individual rural properties.

The range of activities that may be considered and permitted in rural and environmental zones are discussed separately within the same table of Local Plan Recommendations.

However, the recommendation can be amended to clarify the intent of the recommendation to “Provide for a diverse mix of tourist and visitor accommodation within the village zone where infrastructure, services and a range of community facilities and events are available to accommodate an extended stay”.

Item 5 – is an objection to the ***G2 OB2 Outcome 1 Provide opportunities for visitor accommodation*** Local Plan Recommendation that *“Camping grounds and primitive camping sites should be the predominant form of temporary visitor accommodation across the rural landscape, outside towns and villages.”*

Response – The recommendations relating to camping grounds, primitive camping and caravan parks cannot be addressed individually given the legislative framework, so the key recommendations shall be amended to provide clarity on where and why these activities may be appropriate across the rural landscape.

Camping grounds and caravan parks are a complex planning issue as they relate to accommodation for “moveable dwellings”, which are not consistently defined by the two pieces of legislation that must be considered in the assessment, approval, occupation and operation of these facilities: the [Standard Instrument Principal Local Environmental Plan](#); and the [Local Government \(Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings\) Regulation 2021](#).

To clarify the intent and purpose of these LEP provisions, additional clarification shall be provided in the relevant recommendations as follows:

“Prohibit caravan parks in rural and environmental zones to ensure these facilities are not transitioned into a higher density residential manufactured home estate proposed in

Rural Zone Land Uses – Tourist accommodation Local Plan Recommendations

locations where there may be limited access to community services, ~~and~~ facilities and infrastructure such as reticulated water and sewage systems.”

Existing caravan parks within rural zones are to be included in a recreation zone or environmental zone based on site characteristics and application of the zone criteria and ~~caravan parks within environmental zones are to remain in the most appropriate environmental zone.~~

Existing caravan parks within environmental zones are to remain in the most appropriate environmental zone based on site characteristics and application of the zone criteria.

Camping grounds and primitive camping sites ~~should be the predominant form~~ are the preferred form of temporary short-term visitor accommodation for caravans, campervans, tents, annexes or other similar portable and lightweight temporary accommodation across the rural landscape, outside towns and villages.

Update the essential services local clause to ensure infrastructure and services are available to accommodate additional occupancy of tourist and visitor accommodation, caravan parks, camping grounds, eco-tourist facilities and the like.

Item 6 – objects to tourist and visitor accommodation being ancillary to primary agricultural and environmental purposes of the land in all cases.

Response – Noted, no change to the Rural Strategy as this is consistent with the purpose and intent of rural and environmental zone objectives.

The Standard Instrument Local Environmental Plan includes compulsory zone objectives that guide the primary use and related activities that are to be considered within these areas. Within the Strategy the rural and environmental zones have clear agricultural and conservation objectives respectively, but do give scope to ancillary and complementary land uses:

Zone RU1 Primary Production

- To minimise conflict between land uses within this zone and land uses within adjoining zones.

Zone RU2 Rural Landscape

- To provide for a range of compatible land uses, including extensive agriculture.

Zone RU4 Primary Production Small Lots

- To enable sustainable primary industry and other compatible land uses.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.

Zone C2 Environmental Conservation

- To prevent development that could destroy, damage or otherwise have an adverse effect on those values.

Zone C3 Environmental Management

- To provide for a limited range of development that does not have an adverse effect on those values.

Zone C4 Environmental Living

Rural Zone Land Uses – Tourist accommodation Local Plan Recommendations

- *To provide for low-impact residential development in areas with special ecological, scientific or aesthetic values.*

The recommendations of the Rural Strategy expand the recognition of tourist and visitor accommodation, events and facilities wherever possible, to allow for diversity in both activities across the MidCoast and economic outcomes for landowners, while remaining consistent with these requirements.

Item 7 – objects to an implied “one size fits all” approach to telecommunications.

Response – Noted, no change to Rural Strategy which advocates for improved telecommunications across the MidCoast; and permits, but does not require, landowners to install facilities.

The intent of the Rural Strategy is to highlight the need for ongoing advocacy for improved telecommunications across the MidCoast in partnership with providers and agencies.

Telecommunications are to be permitted with consent in all zones to facilitate and recognise that landowners may wish to install additional facilities on their land or property but does not require their installation.

The Essential Service and Infrastructure clause does not include telecommunication requirements but has been expanded to facilitate “off-grid” energy, water and sewage management in locations where power and/or reticulated water and sewage are not available or cost-prohibitive.

Item 8 – objects to the imposition of fire and weather risk management constraints on all rural and environmental land.

Response – The Emergency management clause will be reviewed to consider scope of application and intent for tourist and visitor accommodation and remove the requirement for “residential accommodation”.

The draft emergency management clause was developed in direct response to community input during consultation. The clause identifies those matters that community members thought Council should consider for any proposal where existing rural and environmental land is to be occupied by more people, whether on a temporary or permanent basis.

This was considered particularly relevant as a result of recent fire and flood events and the anticipated impacts of climate change.

It is noted that the inclusion of “residential accommodation” in this clause is unnecessary given other similar clauses that relate to this land use.

Emergency management

(1) The objective of this clause is to protect the safety of the community and visitors in residential accommodation, tourist accommodation, eco tourist facilities and attending temporary events and the like, from the risks of natural disasters and emergencies

Rural Zone Land Uses – Tourist accommodation Local Plan Recommendations

(2) This clause applies to all rural and environmental land.

(3) Before determining a development application on land to which this clause applies, the consent authority must consider the following—

(a) whether or not the development has safe egress and evacuation routes during natural disaster events

(b) whether any such egress and ingress to land is accessible by emergency vehicles

(c) provisions for evacuation and emergency management procedures accompanying the development

(d) there are sufficient water resources available on the site for emergency management purposes in addition to minimum requirements for occupation and attendance at the facility or event.

Rural Zone Land Uses – Caravan Parks



Current RU2 Rural Landscape zone



Proposed RU2 Rural Landscape zone

S.351 objects to the Local Plan Recommendation to “Prohibit caravan parks in rural and environmental zones to ensure these facilities are not transitioned into a higher density residential manufactured home estate proposed in locations where there may be limited access to community services and facilities.”

The submission objects to the prohibition of caravan parks on the following grounds:

1. The current Great lakes LEP 2014 permits caravan parks with consent;
2. Other planning controls effectively regulate the development of land for caravan parks and the potential conversion of these parks into manufactured home estates, primarily the land based exclusions of the Housing SEPP 2021 and Great Lakes DCP 2014;
3. The Strategy does not acknowledge the potential changes that may occur to differentiate tourist park from residential parks in the DPE “Improving the regulation of Manufactures Hones, Caravan Parks, Manufactured Homes Estates and Camping Grounds” (2015).
4. The prohibition will require caravan parks proposals in rural zones to be established through a planning proposal to amend the LEP.

Response – To clarify the intent and purpose of the recommendation it will be amended to “Prohibit caravan parks in rural and environmental zones to ensure these facilities are not proposed in locations where there may be limited access to community services, facilities and infrastructure such as reticulated water and sewage systems.”

Camping grounds and caravan parks are a complex planning issue as they relate to accommodation for “moveable dwellings”, which are not consistently defined by the two pieces of legislation that must be considered in the assessment, approval, occupation and operation of these facilities: the [Standard Instrument Principal Local Environmental Plan](#); and the [Local Government \(Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings\) Regulation 2021](#).

However, the matters raised in the submission will be discussed separately to provide clear responses to the issues raised.

Rural Zone Land Uses – Caravan Parks

Item 1 - The current Great lakes LEP 2014 permits caravan parks with consent.

Response – Noted, no change to Rural Strategy.

The Rural Strategy is being prepared to provide a clear and consistent framework for planning across the waterways, rural and environmental zones of the MidCoast LGA and inform the preparation of a new LEP and DCP.

The intent and purpose of the Strategy is to consider best-practice and contemporary planning, which may in some instances amend and in other instances replace the provisions of the existing Gloucester, Great Lakes and Greater Taree LEPs.

The land owner will however, retain the opportunity to lodge an application for a caravan park on any land they own within the RU2 Rural Landscape zone using the existing zone provisions of Great Lakes LEP 2014 until the MidCoast LEP is in force.

Item 2 - Other planning controls effectively regulate the development of land for caravan parks and the potential conversion of these parks into manufactured home estates, primarily those in the Great Lakes DCP and land based exclusions of the Housing SEPP 2021.

Response – The provisions of the Housing SEPP do not refer to MidCoast Council. The Rural Strategy will be amended to include recommendations to amend Schedule 6 of the Housing SEPP 2021 and for MidCoast LEP to include mapping that clearly identified the land based exclusions identified in this SEPP.

The Rural Strategy is being prepared to provide a clear and consistent framework for planning across the waterways, rural and environmental zones of the MidCoast LGA and inform the preparation of a new LEP and DCP. These instruments will replace Great Lakes DCP 2014.

The land owner will however, retain the opportunity to lodge an application for a caravan park on any land they own within the RU2 Rural Landscape zone using the existing zone provisions of Great Lakes LEP 2014 and Great Lakes CP until the MidCoast LEP and DCP are in force.

Housing SEPP

The objection highlights the land based exclusions (Schedule 6 below) of the Housing SEPP which do provide some level of guidance on where these activities are to be located. However, the following provisions of the Housing SEPP are also noted as being relevant to the consideration of caravan parks in the rural areas of the MidCoast:

Part 8 Manufactured home estates

118 Aims and strategies

(1) The aims of this Part are — (a) to facilitate the establishment of manufactured home estates as a contemporary form of medium density residential development that provides an alternative to traditional housing arrangements

122 Where development for the purposes of a manufactured home estate may be carried out

Rural Zone Land Uses – Caravan Parks

*Development for the purposes of a manufactured home estate may be carried out pursuant to this Part **on any land on which development for the purposes of a caravan park may be carried out**, except—*

- (a) land within one or more of the categories described in Schedule 6, or*
- (b) land dedicated or reserved under the National Parks and Wildlife Act 1974, or*
- (c) land within a Crown reserve.*

The following provisions of Schedule 6 are relevant to the establishment of caravan parks in the MidCoast:

Schedule 6 Categories of excluded land

- 1** *Land which the council, after taking into account the principles set out in the Coastline Management Manual published by the New South Wales Government in September 1990, considers is unsuitable for residential development because of coastal erosion, tidal inundation, slip, dunal movement or any other risk of a similar nature.*

This excludes caravan parks from being establish within coastal risk/vulnerability areas.

- 2** *Land which the council, after taking into account the principles set out in the Floodplain Development Manual published by the New South Wales Government in December 1986, considers is unsuitable for residential development because of flooding.*

These areas are not clearly or consistently applied in existing planning instruments across the MidCoast and additional consideration will be given to mapping and identifying these areas in the new LEP and/or DCP.

- 3** *Land which is within a water catchment area identified by a water supply authority.*

The Rural Strategy includes recommendations to include new and updated local clauses and mapping of priority drinking water catchment and aquifer catchments across the MidCoast.

- 4** *Land which, in the opinion of the council, is affected to an unacceptable level by an offensive or hazardous industry or any form of pollution.*

Buffers to heavy industry zones, sewage treatment plants, intensive agricultural activities and the like are not clearly or consistently applied in existing planning instruments across the MidCoast and additional consideration will be given to mapping and identifying these areas in the new LEP and/or DCP.

- 5** *Land which is identified in an environmental planning instrument, or in any planning strategy of the Department or the council approved for the time being by the Director, by words which are cognate with or a description consistent with any one or more of the following — extractive resources, services corridors, airport/industry buffer area, habitat corridor, containing significant remnant vegetation, littoral rainforest, water catchment, and wetlands.*

These areas are not clearly or consistently applied in existing planning instruments across the MidCoast and additional consideration will be given to mapping and identifying these areas in the new LEP, DCP and relevant State Environmental Planning Policies where necessary.

- 6** *Land which under any environmental planning instrument is within an area or zone identified in that instrument by the description— open space, other than private open space; environmental*

Rural Zone Land Uses – Caravan Parks

protection; scenic protection; rural (where the land is not adjacent to or adjoining land zoned for urban use).

Significant areas of the MidCoast fall into the “rural land that is adjacent to or adjoining land zoned for an urban purpose”, where urban zones are any residential, business or industrial zone.

This creates an unclear planning outcome, where the extent of a town or village becomes unclear, and the potential for adjoining rural land to be developed for a “medium density residential” purpose create impacts on the provision of services, facilities and infrastructure to these areas.

- 7** *Land that is within the following coastal local government areas, being land that is not zoned or reserved under an environmental planning instrument for urban use and is not identified as suitable for urban development under the Coastal Urban Planning Strategies or Residential Strategies approved for the time being by the Director — Great Lakes and Greater Taree are listed.*

Noting that the Housing SEPP was created in 2021, the identification of Great Lakes and Greater Taree, rather than MidCoast, creates inconsistencies in land use planning across the LGA. This section of the SEPP will require amendment, in conjunction with the creation of a MidCoast LEP.

Therefore, the additional clarification and guidance that can be provided within the Rural Strategy and progressed through to the MidCoast LEP and DCP programs will provide a clear and consistent planning framework for these forms of development across the LGA.

Item 3 - The Strategy does not acknowledge the potential changes that may occur to differentiate tourist park from residential parks in the DPE “Improving the regulation of Manufactures Hones, Caravan Parks, Manufactured Homes Estates and Camping Grounds” (2015).

Response – Given delays to the Department’s Review program, Council is taking an alternative and proactive approach to development through the Rural Strategy.

Council has previously advocated for the completion of the Department’s review program, including a planning proposal to incorporate a definition for manufactured homes within the existing local environmental plans.

These actions have not resulted in any change from the Department, and given the review commenced in 2015, Council is taking an alternative and proactive approach to development across the rural landscape through the Rural Strategy.

Part of this process requires consideration of new initiatives and best-practice from other Councils in NSW. Most recently, Central Coast Council was successful in consolidating the local environmental plans from Wyong and Gosford into a new LEP, which will be enforced from 1 August 2022.

Consistent with the recommendations of the Rural Strategy, the new Central Coast LEP prohibits caravan parks in rural and environmental zones, and is more restrictive on where camping grounds may be permitted:

Rural Zone Land Uses – Caravan Parks

RU1 Primary Production zone and all Environmental zones - caravan parks and camping grounds are prohibited

RU2 Rural Landscape and RU5 Village – prohibits caravan parks but permits camping grounds with consent

This LEP also includes the following clause to protect residents of existing caravan parks and manufactured home estates:

7.9 Caravan parks and manufactured home estates

(1) *The objectives of this clause are as follows*

- (a) to ensure the social and economic well-being of residents of caravan parks and manufactured home estates at risk of displacement due to the redevelopment of caravan parks and manufactured home estates,*
- (b) to encourage the retention of caravan parks and other forms of low-cost accommodation on certain land in the Central Coast,*
- (c) to prevent development that would result in a loss of low-cost accommodation on land unless sufficient comparable accommodation is available elsewhere in the Central Coast.*

(2) *This clause applies to development on land identified as “Caravan Parks and Manufactured Home Estates” on the Manufactured Home Estate Map, other than development for the following purposes—*

- (a) caravan parks,*
- (b) camping grounds,*
- (c) manufactured home estates,*
- (d) public utility undertakings.*

(3) *Development consent must not be granted for development to which this clause applies unless the consent authority has considered the following—*

- (a) whether the proposed development is likely to reduce the availability of low-cost accommodation on the land,*
- (b) whether sufficient comparable accommodation is available to meet the demand for low-cost accommodation in the Central Coast,*
- (c) whether the proposed development is likely to cause adverse social and economic impacts on existing residents or the general community of the Central Coast,*
- (d) whether adequate arrangements have been made to assist existing residents to find alternative and comparable accommodation in the Central Coast,*
- (e) whether the cumulative impact of the loss of low-cost accommodation is likely to significantly decrease the availability of low-cost accommodation in the Central Coast.*

(4) *Development consent must not be granted for development to which this clause applies unless the consent authority is satisfied that—*

- (a) sufficient accommodation will be available to accommodate the maximum number of persons who could be accommodated by any existing development on the land from time to time in the 12 months before 27 February 2004, and*
- (b) the accommodation referred to in paragraph (a) will be comparable to that provided on the land in relation to price, facilities, services and type of tenure.*

(5) *In this clause—*

manufactured home estate has the same meaning as in the Local Government Act 1993.

The intent of protecting residents within these areas, which provide a form of low-cost accommodation, is consistent with the social and economic intent of the Rural Strategy

Rural Zone Land Uses – Caravan Parks

recommendations. Therefore, it is considered appropriate to include this clause for consideration as a *Local Clause to Improve Planning and Plan-making in Practice* within the Strategy.

Item 4 - The prohibition will require caravan parks proposals in rural zones to be established through a planning proposal to amend the LEP, unnecessarily restricting the development of land for caravan park purposes.

Response – Noted, no change to Rural Strategy.

The Rural Strategy encourages other forms of caravanning in more diverse locations through a separate Local Plan Recommendation that states: *“Camping grounds and primitive camping sites are the preferred form of short-term visitor accommodation for caravans, campervans, tents, annexes or other similar portable and lightweight temporary accommodation across the rural landscape, outside towns and villages.”*

However, the land owner retains the opportunity to lodge a development application for a caravan park on any land they own within the RU2 Rural Landscape zone using the existing zone provisions of Great Lakes LEP 2014 until the MidCoast LEP is in force.

Rural Zone Land Uses – Dual Occupancies & Secondary Dwellings

S.156 and 177 Support the Strategy and associated changes and requests consistent rules to allow detached dual occupancies and secondary dwellings in rural zones.

The submissions request that consistent rules for detached dual occupancies and secondary dwellings in rural zones be included in the future LEP. The submissions acknowledge these would only be permitted on land with an existing dwelling.

Response – Additional consideration of residential development within rural zones will be informed by ongoing discussion with DPI – Agriculture.

All types of Dual Occupancies, including detached Dual Occupancies are recommended as being permitted with consent in the RU2 Rural Landscape zone. Secondary dwellings are also being recommended as permitted with consent in rural zones in the Strategy.

Consistent rules for secondary dwellings and dual occupancies in rural zones will be provided in the MidCoast LEP.

Rural Zones - Minimum Lot Size

S.89 seeks confirmation that undersized allotments with existing dwelling entitlements will not have these entitlements affect by future changes recommended in the Rural Strategy.

Response – Allotments with an existing dwelling entitlement are not affected by the recommended zone changes in the Rural Strategy.

As stated in response to **S.23** above, allotments have been created for various purposes. Dwelling entitlements are established in accordance with the provisions of Clause 4.2A. For this submission, Clause 4.2A from Greater Taree LEP 2010 specifies how this is established:

4.2A Erection of dwelling houses on land in certain rural and environmental protection zones

(1) The objectives of this clause are as follows—

- (a) to minimise the introduction of unplanned rural residential development, and
- (b) to enable the replacement of lawfully erected dwelling houses in rural zones.

(2) This clause applies to land in the following zones—

- (a) Zone RU1 Primary Production,
- (b) Zone RU3 Forestry,
- (c) Zone RU4 Primary Production Small Lots,
- (d) Zone E2 Environmental Conservation,
- (e) Zone E3 Environmental Management.

(3) Development consent must not be granted for the erection of a dwelling house on a lot in a zone to which this clause applies, and on which no dwelling house has been legally erected, unless the lot is—

- (a) a lot that is at least the minimum lot size specified for that lot by the [Lot Size Map](#), or
- (b) a lot created before this Plan commenced and on which the erection of a dwelling house was permissible immediately before that commencement, or
- (c) a lot resulting from a subdivision for which development consent (or equivalent) was granted before this Plan commenced and on which the erection of a dwelling house would have been permissible immediately before that commencement, or
- (d) an existing holding.

Note—

A dwelling cannot be erected on a lot created under clause 9 of [State Environmental Planning Policy \(Rural Lands\) 2008](#) or clause 4.2.

(4) Despite any other provision of this clause, development consent may be granted for the erection of a dwelling house on land in a zone to which this clause applies if—

- (a) there is, or there was in the 5 years before the commencement of this Plan, a lawfully erected dwelling house on the land and the dwelling house to be erected is intended only to replace the existing or previous dwelling house, or
- (b) the land would have been a lot or a holding referred to in subclause (3) had it not been affected by—
 - (i) a minor realignment of its boundaries that did not create an additional lot, or
 - (ii) a subdivision creating or widening a public road or public reserve or for another public purpose.

(5) In this clause—

existing holding means—

- (a) all adjoining land, even if separated by a road or railway, held in the same ownership—
 - (i) on 2 June 1967, and
 - (ii) at the time of lodging a development application for the erection of a dwelling house under this clause, or

Rural Zones - Minimum Lot Size

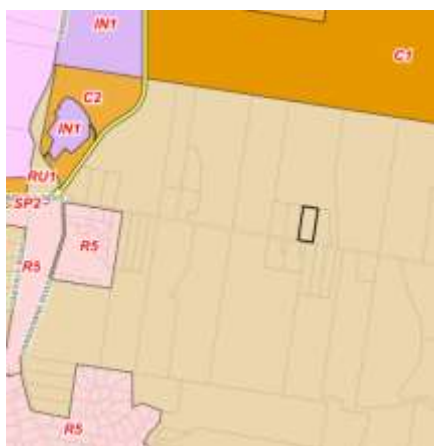
(b) where a lot was not held in ownership with any other adjoining lot constituting part of any existing holding, the same lot, portion or parcel of land as it was on 2 June 1967.

Note—

The owner in whose ownership all the land is at the time the application is lodged need not be the same person as the owner in whose ownership all the land was on 2 June 1967.

Note:

- Some rural and regional Councils have implemented a 'five (5) year sunset' provision for Clause 4.2A due to the complexity of establishing entitlements.
- Should MidCoast Council consider this in the future MidCoast LEP, land owners would have 5 years from the date of the LEP being made, to establish whether their undersized allotment, has a dwelling entitlement and therefore, the right to lodge a development application to build a dwelling house on the allotment.
- A dwelling entitlement is not a guarantee of development approval.



Current – RU1 Primary Production



Proposed – RU2 Rural Landscape

S.23 objects to the retention of a rural zone and 40ha minimum lot size over this 4ha property.

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

Proposed - RU2 Rural Landscape with a Minimum Lot Size of 40ha and no Height of Building control

The 4ha property is surrounded by a range of small rural holdings, including 1ha allotments. It is requested that this property and surrounding land be rezoned to R5 Large Lot Residential with a 1ha minimum lot size given the existing development pattern and to allow additional subdivision and development in this location.

Response – Noted, no change to Rural Strategy.

The purpose of the Rural Strategy is not change development standards for the purpose of allowing additional subdivision but is to establish a new planning framework for the future MidCoast LEP.

Rural Zones - Minimum Lot Size

It is noted that across the rural landscape of the MidCoast there are a significant number of allotments that are less than the minimum lot size. These allotments have been created for various reasons over time, including original land releases in the 1800's and early 1900s; the creation of concessional lots in the 1970-80's; and the creation of agricultural allotments without a dwelling entitlement.

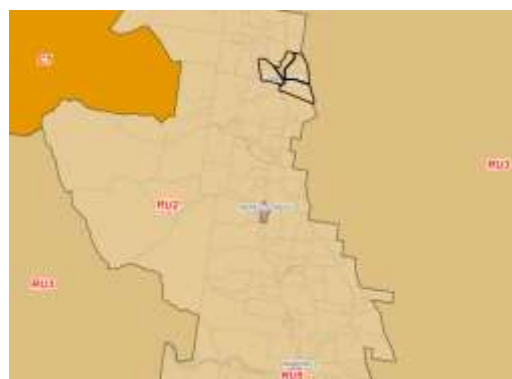
The diversity of allotments is also reflected by the increasing diversity of land uses across the rural landscape.

The planning framework is not being created to ensure additional subdivision and residential development across the rural landscape, but the reasonable and rational application of waterway, rural and environmental zones to enable a diversity of agricultural, environmental and rural community outcomes, where land capability and capacity can support these activities.

Applying a residential zone and a rural residential lot size to all allotments that are less than the minimum lot size would have unintentional and potentially detrimental outcomes. This would be contrary to and undermine the Department of Primary Industries – Agriculture *Right to Farm Policy* by increasing land use conflict between agricultural producers and 'residential' land owners in rural areas.



Current – RU2 Rural Landscape



Proposed – RU2 Rural Landscape

S.356 requests a reduced minimum lot size to allow a 'concessional allotment' subdivision of a 5ha housing lot from existing farms.

Current - RU2 Rural Landscape with a Minimum Lot Size of 40ha and 8.5m Height of Building control

Proposed - RU2 Rural Landscape with a Minimum Lot Size of 40ha and no Height of Building control

The 5ha minimum lot size is requested to allow aged farmers to remain on their property and obtain a pension, while the remaining farm land can be managed by other family members or sold for farming purposes.

Response – Noted, no change to Rural Strategy.

Rural Zones - Minimum Lot Size

There is no support from either the Department of Planning & Environment or Department of Primary Industries – Agriculture to reinstate these subdivision provisions, which are contrary to contemporary rural land use planning principles.

As stated in response to **S.23** above, concessional allotments were allowed during the 1970-80's and enabled farmers to subdivide 1ha allotments from the primary farm holding, for family members. This resulted in significant fragmentation of rural land and has created legacy issues relating to dwelling entitlements and land use conflict between new 'residential' land owners and surrounding farm operators.

As a result, the concessional allotment provisions were generally removed from planning instruments in the 1980's. There is no support from either the Department of Planning & Environment or Department of Primary Industries – Agriculture to reinstate these subdivision provisions, which are contrary to contemporary rural land use planning principles.

The subject land holding already comprises several allotments of various sizes and in consideration of this situation, the land holder has been referred to Council's Duty Planner service and Development Assessment Panel to explore existing opportunities for a boundary realignment to achieve a reasonable outcome using existing planning controls and provisions.



Current – RU2 Rural Landscape



Proposed – RU2 Rural Landscape

S.176 objects to the 40ha minimum lot size and requests a 10ha or 20ha minimum lot size to enable subdivision.

Current - RU2 Rural Landscape with a Minimum Lot Size of 40ha and 8.5m Height of Building control

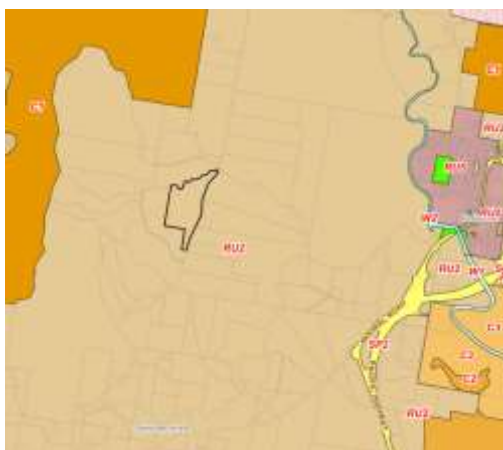
Proposed - RU2 Rural Landscape with a Minimum Lot Size of 40ha and no Height of Building control

Response – Noted, no change to Rural Strategy.

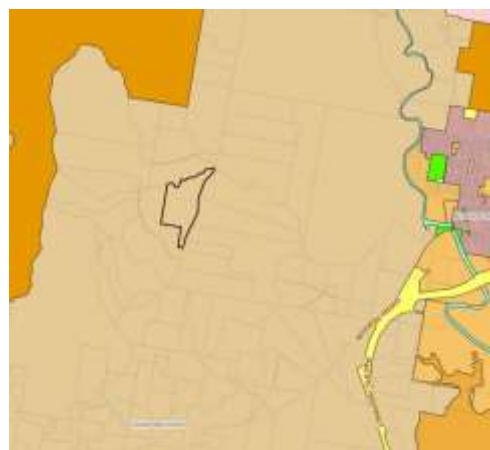
Rural Zones - Minimum Lot Size

The purpose of the Rural Strategy is not change development standards for the purpose of allowing additional subdivision but is to establish a new planning framework for the future MidCoast LEP.

Similar to the response to **S.23** above, the planning framework is not being created to ensure additional subdivision and residential development across the rural landscape, but the reasonable and rational application of waterway, rural and environmental zones to enable a diversity of agricultural, environmental and rural community outcomes, where land capability and capacity can support these activities.



Current – RU2 Rural Landscape



Proposed – RU2 Rural Landscape

S.128 objects to the 40ha minimum lot size and requests consideration of 20ha minimum lot size to enable subdivision for diverse and emerging agricultural operations and industries.

Current - RU2 Rural Landscape with a Minimum Lot Size of 40ha and 8.5m Height of Building control

Proposed - RU2 Rural Landscape with a Minimum Lot Size of 40ha and no Height of Building control

Response – The Rural Strategy will be amended to include all rural zones and expanded consideration of development standard (lot size) criteria, similar to those provided by the State for environmental zones.

Amendments to the Strategy will continue to focus on enabling diversification of farm-based activity across the rural landscape and be informed by additional information provided by the Department of Primary Industries – Agriculture.

It is noted the submission supports ongoing consideration of lot size provisions as they relate to capability and suitability for agricultural production, affordability of land and opportunities for retired farmers to stay on-farm.

Wherever possible, the future minimum lot sizes and provisions for site-responsive rural subdivision will consider land and water resources, cite constraints, access to transport and infrastructure into account within the context of the Rural Strategy and the future MidCoast

Rural Zones - Minimum Lot Size

LEP, noting the scale and diversity of landscapes across the MidCoast LGA do make this challenging, as illustrated by the map provided in response to **S.29, S.62, S.118** and **S.409** below.

S.29, S.62, S.118, S.171 and S.409 do not support replacing the 100ha minimum lot size (for subdivision and dwelling entitlements) with a 40ha minimum lot size.

The submissions, from land owners in the Gloucester region, do not support the reduction in minimum lot size:

- without appropriate consideration of land capacity and suitability for primary agricultural production;
- identify significant concerns that such a reduction will result in a proliferation of dwellings across the rural landscape that have limited access, services and infrastructure;
- the increase in residential development across the rural landscape would increase property prices, but have limited economic benefit for communities given the potential impact on agricultural activities and production; and
- would result in more families and visitors being in remote locations that are inaccessible to NSW Rural Fire Service and emergency services.

The submissions do 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.

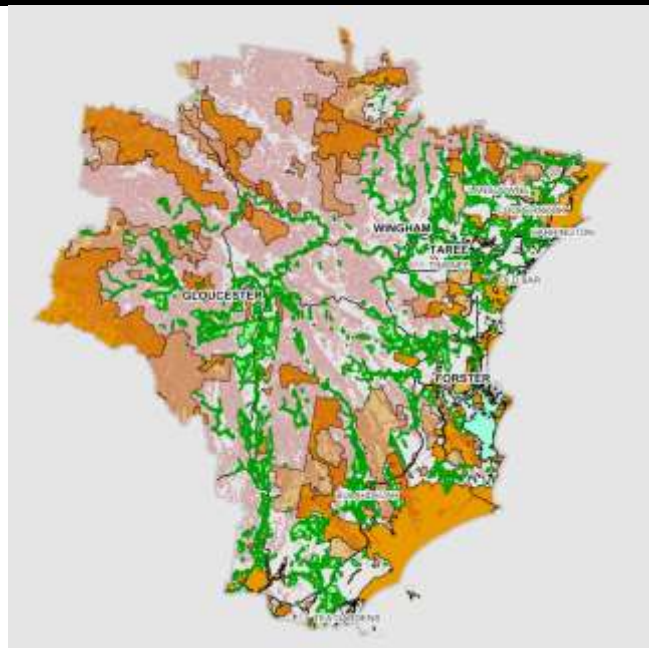
Response – The Rural Strategy will be amended to include all rural zones and expanded consideration of development standard (lot size) criteria, similar to those provided by the State for environmental zones.

Amendments to the Strategy will continue to focus on enabling diversification of farm-based activity across the rural landscape and be informed by additional information provided by the Department of Primary Industries – Agriculture.

It is noted the submissions support ongoing consideration of lot size provisions as they relate to capability and suitability for primary agricultural production, including land and water resources; existing agricultural activities; biophysically significant agricultural lands; transport; infrastructure and proximity to towns and villages.

Wherever possible, these characteristics are being considered within the context of the Rural Strategy and the future MidCoast LEP, noting the scale and diversity of landscapes across the MidCoast LGA do make this challenging, as illustrated by the map below.

Rural Zones - Minimum Lot Size



Map Legend

- State Significant Agricultural Land
- C1 - National Parks and Nature Reserves
- RU3 - Forestry
- W1 - Natural Waterways
- W2 - Recreational Waterways
- W3 - Working Waterways
- Steep Land 18% (32 deg) or greater

These principles are consistent with the purpose and intent of the Rural Strategy and previous comments on the recently exhibited State Significant Agricultural Land mapping produced by the Department of Primary Industries – Agriculture.

Additional consideration will be given to the rural zones, how they are applied, minimum lots size development standard and the range of land uses permitted in each zone, based on the additional information and guidelines provided by the Department of Primary Industries – Agriculture.

It is appropriate that this be expanded to include consideration of the minimum lot size development standard which, while not a primary determinant of the productivity or profitability of an agricultural pursuit, can create an unnecessary barrier to the establishment, operation and expansion of agricultural activities.

Infrastructure and Access - Roads, Access and Rights of Carriageway

S.50 suggests Council focus on fixing roads and bridges instead of focussing on a strategy that no one will agree on.

Response – Noted, no change to Rural Strategy.

While Council continue to progress the asset management program for the renewal and maintenance of roads and bridges, this is outside the scope of the Rural Strategy.

The Rural Strategy is the final component of a broad strategic land use planning review program, endorsed by the Department of Planning, and resourced through merger-related funding programs, as critical to the preparation of a new planning framework for the MidCoast local government area.

As part of the Land Use Planning program, Council will also prepare and ultimately adopt a new 7.11 and 7.12 Contributions Plan which as relevant to the Rural Strategy will aim to ensure development in rural areas contributes to the costs for the upgrade of rural roads and bridges both as a direct consequence to development and in the broader scheme.

S.240 outlines 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 3 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.

Response – Amend Rural Strategy to apply clear and consistent access requirements for rural lands and subdivision applications; and include recommendations for the consolidation of rural lots where this is relied upon for approval to build a dwelling.

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 already proposes:

- 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 environmental zones* that would require consideration of both hazards and access arrangements:

(4) Development consent must not be granted for the subdivision of land to which this clause applies unless the consent authority is satisfied that the subdivision:

(g) ensures any existing or future residential accommodation on any proposed allotment can located safely on the site, in consideration of fire and flood hazards;

(h) each future dwelling and allotment have direct access to a publicly constructed and maintained road, not on a battle axe allotment, not via an easement or other access mechanism, or reliant upon an extended private access road or driveway

Infrastructure and Access - Roads, Access and Rights of Carriageway

- and the *Erection of dual occupancies and secondary dwellings* could be applied across all rural and environmental zones and recommend that *(b) each dwelling will use the same vehicular access to and from a public road.*

In consideration of the submission and ongoing concerns about access arrangements, particularly in times of emergency, an amendment is to be included, within the existing *Clause 4.2A Erection of dwelling houses on land in certain rural and conservation Zones* that requires:

(7) 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:

(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

A similar requirement will be incorporated into *Clause 4.6 Exceptions to development standards* which may allow development on consolidated allotments 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 & 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.

S.268 and S.305 raise similar concerns about the impact of the reduced minimum lot size for subdivision resulting in the sale of existing and creation of new 'dwelling' allotments that have no public road access.

Examples of 'private roads' and a development approval that required but did not result in consolidation is provided. In this instance the author indicates that the excess allotments were then on-sold and additional rights of carriageway created.

Response – Continue to consider the potential impacts of a reduced minimum lot size for rural lands, in conjunction with additional information from DPI - Agriculture.

Noting the information provided in response to **S.240** above is also relevant to the issues raised within these submissions, additional consideration will be given to the potential impacts of a reduced minimum lot size for rural lands, particularly in the more remote locations of the local government area, in conjunction with additional information from DPI – Agriculture and consultation with NSW DPE.

However, it is also noted that the buying and selling of existing properties are a private matter outside of Council's control or influence, and the identification of public and/or legal access arrangements, and maintenance and construction thereof, in a contract of sale is not an item that is reported on any legal document produced by Council such as a S10.7 Planning Certificate.

Infrastructure and Access - Sewer Infrastructure

S.57 requests that Council review the extension of sewer to existing dwellings in Darawank east of The Lakes Way.

The author documents ongoing concerns about the impact of flooding events on septic systems and potential impacts this may have within the sensitive catchment.

Response – Noted, outside the scope of the Rural Strategy.

The request was previously lodged in August 2021 to the Asset Planning Coordinator, and a response provided indicating that Council have no current plans to extend the sewer network to this area.

Harry Lloyd

From: haveyoursay@midcoast.nsw.gov.au
Sent: Friday, 3 September 2021 10:08 AM
To: MidCoast Council
Subject: Make an online submission - Draft MidCoast Rural Strategy Form Submission

	
---	---

Make an online submission - Draft MidCoast Rural Strategy Form Submission

There has been a submission of the form Make an online submission - Draft MidCoast Rural Strategy through your Have Your Say website.

First Name

[REDACTED]

Last Name

[REDACTED]

Your email address

[REDACTED]

Your best contact phone number

[REDACTED]

Suburb

Kundle Kundle

Postcode

2430

Property address of interest

[REDACTED]

Property suburb of interest

Kundle Kundle

Submission subject

Rezoning not suiting the land at Kundle Kundle as it is used in majority currently.

Please provide your submission here and/or upload your supporting documents below.

We are wanting to submit an objection to the proposed rezoning of our property at Kundle Kundle.

The map on the rural Strategy shows a proposed rezone to RU2, with a minimum lot size of 40ha. We are currently sitting on 4.0ha, therefore much smaller than the proposed minimum lot size. We also have neighbouring properties at [REDACTED] that are sitting on 1acre (4000sqm approx), which are also proposed to be RU2.

Kundle Kundle sits very close to the Clovernook Estate, zoned RU5 and has May Dries Close as an off street with zoning RU5. With lots from addresses at [REDACTED] Kundle Kundle Rd, to past [REDACTED] Kundle Kundle Rd being well under the RU2 minimum lot size already, would it not be viable from a council perspective to look at the potential of large lot development at Kundle Kundle, given the proximity to the Brimbin development, and the current use of the majority of the land NOT being production, and look at zoning RU5 for the current DP's that are already under the 40ha minimum size? If anyone asks for interest from landowners along Kundle Kundle of their uses on their land, it is not used as production land, but rural residential. The idea of zoning to RU2 shows very minimal change to the current zoning, which contradicts the size of the majority of land along Kundle Kundle Rd, being that it is well under 40ha. Zoning of RU5 could align properties with their current uses & minimum lot sizes of 1.5ha. It brings potential increased housing, jobs, income for council through increased rates, if more properties are rezoned away from the one size fits all current approach. The potential of the area is being overlooked, when there are

subdivisions located very close that have been able to subdivide away from the blanket rule. The current zoning has not changed in at least more than 30 years for Kundle Kundle. Land owners have not been able to subdivide into large lots, leaving a majority of land unused. Other than the 3 or 4 farms, the bulk of land is well under the 40ha rule.

MidCoast Urban Releases Areas Report from July 2021 shows Lansdowne has had a negative growth, and Cundletown is fully developed from a residential perspective. Kundle Kundle is sitting right in the middle and has great potential to be the greater of Cundletown & the gateway for Lansdowne. Lansdowne Zoning may be the exact reason Lansdowne has had a negative growth. In submissions to council for the MidCoast Urban Releases Areas, there were 4 Submissions requesting council look at rezoning for Large Lot residential opportunities.

Thank you for looking at the potential of Kundle Kundle, as it looks like there is very minimal changes in the zoning around the Cundletown/Lansdowne area, even with the proposed Brimbin New town plan bringing in a potential Taree size population, multiple shopping precincts, and schools, along with the Northern Gateway and Employment Precinct both on the doorstep of Kundle Kundle, it looks as though the area loosens out again.

To view all of this form's submissions, visit

https://haveyoursay.midcoast.nsw.gov.au/index.php/dashboard/reports/forms_new/data/46

This is not SPAM. You are receiving this message because you have submitted feedback or signed up to Have Your Say.

Harry Lloyd

From: haveyoursay@midcoast.nsw.gov.au
Sent: Monday, 13 September 2021 9:57 AM
To: MidCoast Council
Subject: Make an online submission - Draft MidCoast Rural Strategy Form Submission

	
---	---

Make an online submission - Draft MidCoast Rural Strategy Form Submission

There has been a submission of the form Make an online submission - Draft MidCoast Rural Strategy through your Have Your Say website.

First Name

[REDACTED]

Last Name

[REDACTED]

Your email address

[REDACTED]

Your best contact phone number

[REDACTED]

Suburb

Gloucester

Postcode

2422

Property address of interest

[REDACTED]

Property suburb of interest

Gloucester and Barrington

Submission subject

Draft Rural Strategy.

Please provide your submission here and/or upload your supporting documents below.

From what I see of the Draft Rural Strategy there is no consideration of giving people what they want. Council needs to be more aware of the demand for property types and number of transactions in that type to guide them in this strategy. I believe there has been little or no consultation with real estate agents in our area to gauge the demand.

The broad brush approach allows for subdivision into 40 hectare lots but doesn't stipulate areas of the shire where that is feasible. Council should look at a worse case scenario for example where large properties at the end of a windy dirt road could be subdivided and create up to 20 or 30 homes. This would put an enormous strain on roads and infrastructure which didn't exist before. Council should look at providing smaller subdivision sizes close to town and larger lot sizes further out. This not only makes sense but also reflects the demand for properties which has been the same for the last 20 years. The Gloucester and Barrington Tops area is becoming a much sought after destination for not only tourists but also retirees. While these people want to have a rural property they don't necessarily need 40 hectares. You can still have a rural feel with 10 hectare allotments when people run horses, cows, chickens etc.

In summary I would suggest that Council do more community consultation before adopting any changes to the LEP as these are so hard to reverse if you get it wrong. There should be more sympathetic treatment of each region of the LGA to address supply and demand in that area rather than have a one size fits all approach.

I hope that you will take this submission on board and I look forward to contributing further if requested.

To view all of this form's submissions, visit

https://haveyoursay.midcoast.nsw.gov.au/index.php/dashboard/reports/forms_new/data/46

This is not SPAM. You are receiving this message because you have submitted feedback or signed up to Have Your Say.

Email secured by Check Point

Harry Lloyd

From: [REDACTED]
Sent: Wednesday, 1 September 2021 5:12 PM
To: Rural Strategy
Subject: Re: MidCoast Council Draft Rural Strategy open for feedback

Follow Up Flag: Follow up
Flag Status: Completed

I would suggest Council fix the roads and bridges before you waste \$+++ on something which you will take years to actually get a strategy which all the various Rural communities can agree on.

[REDACTED]. Rate payer.

Sent from my iPad

On Aug 30, 2021, at 6:21 PM, Rural Strategy <rural@midcoast.nsw.gov.au> wrote:

Good afternoon,

As part of consolidating planning controls to apply across the MidCoast region, we have developed a draft Rural Strategy, which is currently on public exhibition. The strategy considers how we can identify and protect productive land and water resources, provide accommodation and services for rural communities and manage development in rural environments into the future. Among other proposed changes, it looks at bringing rural land into a single zone with consistent rules about what landowners can do on their properties, and proposes a standard minimum lot size across the region.

To learn more and view the draft Rural Strategy visit www.haveyoursay.nsw.gov.au/draft-rural-strategy where you can also have your say on the proposed changes.

We are also on hand to help you identify and understand how the proposed changes impact your individual situation:

- Check out the series of fact sheets and FAQs on the website
- Use the online mapping tool and search function that displays proposed zone changes for properties in rural areas
- Ask our Land Use Planning team a question, by emailing rural@midcoast.nsw.gov.au (please include property address)
- Speak with a member of our team by calling 7955 7777 (business hours) – depending on availability, we may arrange a call-back appointment at a time that suits you.

Submissions are invited until 4.30pm on Friday 19 November and can be made using the online submission form, by email (council@midcoast.nsw.gov.au) or by mail (PO Box 482 Taree NSW 2430), making sure to quote the reference **Rural Strategy SPR 02/04**.

We look forward to hearing from you on the draft Rural Strategy, which is the final body of work to inform a single MidCoast Local Environmental Plan (LEP) and Development Control Plan (DCP). If you haven't already, make sure to "follow" the [web page](#) to continue receiving updates on the "Zoning In on our Future" project.

Kind regards
Alexandra Macvean
Senior Land Use Planner

Submission 50

You are receiving this email as you registered your interest in the *Zoning in on our Future* project which involves developing new planning rules for the MidCoast. Since our last email, we have updated our Urban strategies in accordance with [Council's resolution](#) in December 2020. The final amended documents are now available on our website [Know Your Urban Zone | Have Your Say \(nsw.gov.au\)](#) . *If you would like to be removed from this email list, please respond to this email with "OPT OUT"*

Rural Strategy

Land Use Planning Team



rural@midcoast.nsw.gov.au

www.midcoast.nsw.gov.au or follow us 



Email secured by Check Point

Harry Lloyd

From: [REDACTED]
Sent: Monday, 13 September 2021 3:33 PM
To: Rural Strategy
Subject: Environmental Living Zone

Follow Up Flag: Follow up
Flag Status: Completed

Manager, Natural Systems and Land Use Planning

Dear Mr Tuckerman,

Thank you for your letter Reference SPR 02/04 informing us of your intention to rezone rural areas including our property to an Environmental Living Zone.

The reason for my email is not to question your motives or complain but to gain some clarity. On 15th August I emailed the Council enquiring if the homes that were missed in the sewerage works done after the environmental problem suffered some years ago would be included in any strategy in the near or distant future as we are at a stage of negotiation with upgrading our septic system at a cost of many, many thousands of dollars.

I received a reply dated 3rd September Ref: ECM_15382788 from Adam Turville, Asset Planning Coordinator including a map of the area. His reply stated "The land on the eastern side of the Lakes Way between Darawank Close and Ton O Fun Road is predominantly zoned Rural Landscape with a small Environmental Conservation Zone and the Infrastructure Zone associated with the Darawank reservoir and pumping station. Council has no plan to rezone the land on the eastern side of the Lakes Way nor to extend the sewer network to the eastern side of the Lakes Way".

The location of our property is [REDACTED] [REDACTED], Darawank..... and our Rate Notice for 2021/2022 clearly stated Property Rating Category – Residential (GLC).

We were concerned this year with the flooding that the environmental conservation area that now partly surrounds our properties maybe restricting groundwater flowing into the collection area. As the pooling becomes deeper the water rushes from the higher ground near Ton O Fun Road over the surface of our properties. Although the majority of blocks are sand this year it was evident septic systems could be compromised by the amount of water unable to absorb as the water table was held to capacity.

We are just as desirous as yourself to avoid sewerage entering into the sensitive environmental catchments.

Many thanks

[REDACTED]

Harry Lloyd

From: haveyoursay@midcoast.nsw.gov.au
Sent: Wednesday, 22 September 2021 4:30 PM
To: MidCoast Council
Subject: Make an online submission - Draft MidCoast Rural Strategy Form Submission

			
---	--	---	--

Make an online submission - Draft MidCoast Rural Strategy Form Submission

There has been a submission of the form Make an online submission - Draft MidCoast Rural Strategy through your Have Your Say website.

First Name

Last Name

Your email address

Your best contact phone number

Suburb

Tugrabakh

Postcode

2422

Property address of interest

[REDACTED]

Property suburb of interest

Tugrabakh

Submission subject

My background in natural resource management and agriculture leads me to suggest that the 40ha minimum size is not helpful for economic development. There are many parcels of land in the area that would be economically viable at 5ha but the zoning should be based on land capability. Size is an outdated constraint. Land capability zoning would allow for intensive horticulture, aquaculture and animal production. These lots do not necessarily need housing entitlements - in fact these simply increase the price of the land for no value to the enterprise. There is a lot of data available for the region that would enable land capability mapping, planning and zoning. Such capability planning would also enable housing lots to be separated from productive land to the benefit of both categories. I would like an opportunity to discuss these ideas with appropriate staff before the Strategy is finalised. Thankyou.

To view all of this form's submissions, visit

https://haveyoursay.midcoast.nsw.gov.au/index.php/dashboard/reports/forms_new/data/46

This is not SPAM. You are receiving this message because you have submitted feedback or signed up to Have Your Say.

From: haveyoursay@midcoast.nsw.gov.au
To: [MidCoast Council](#)
Subject: Make an online submission - Draft MidCoast Rural Strategy Form Submission
Date: Wednesday, 6 October 2021 8:10:11 PM

Have Your Say logo



Make an online submission - Draft MidCoast Rural Strategy Form Submission

There has been a submission of the form Make an online submission - Draft MidCoast Rural Strategy through your Have Your Say website.

First Name

Last Name

Your email address

Your best contact phone number

Suburb

Belbora

Postcode

2422

Property address of interest

Property suburb of interest

Belbora

Submission subject

Building Entitlement for small acre properties within the RU1 zoning.

Please provide your submission here and/or upload your supporting documents below.

Under the proposed draft rural strategy proposal it states that the minimum rural lot size with a building entitlement will be reduced from 100 ac to 40 ac. Areas with minimum lot sizes less than 40ha will remain but will be reviewed to ensure a single lot size applies to a property wherever possible, except where an environmental zone applies (page 163). My property that I brought back in 2013 is only 10ac and has a building entitlement as it was subdivided under an old system. I have been in contact with Council a few years back now and they did advise then (old Taree Council) that the building entitlement will remain with the property. Could you advise me that under this new rural strategy proposal, that my building entitlement will be still valid?

Upload Submission details and/or supporting documents

- [Building_Entitlement.pdf](#)
- [Email_correspondance_with_Council_re_Building_Entitlement.pdf](#)

To view all of this form's submissions, visit

https://haveyoursay.midcoast.nsw.gov.au/index.php/dashboard/reports/forms_new/data/46

This is not SPAM. You are receiving this message because you have submitted feedback or signed up to Have Your Say.

7 March 2012

Ref: 31/2012/DE
Enquiries: Arna Fotheringham

Dear Sir/Madam

Request for Dwelling Entitlement Information

Belbora

I refer to your Dwelling Entitlement Information request for the above property dated 29 February 2012. The subject lot, pursuant to Greater Taree Local Environmental Plan 2010, is zoned RU1 Primary Production

A search of Council's records indicates that the subject land was created under a former environmental planning instrument and as such satisfies the criteria of Clause 4.2A (3)(b) of the Greater Taree Local Environmental Plan 2010.

Accordingly, the land does have a dwelling entitlement and Council may consider a development application for the erection of a dwelling on the land, subject to normal assessment processes including bushfire, access, flooding, effluent disposal issues as are relevant to each application.

Yours faithfully



Arna Fotheringham
Development Planner

From: [REDACTED]
Sent: Thursday, 23 September 2021 4:38 PM
To: [REDACTED]
Subject: FW: Name change to dwelling entitlement [REDACTED] Belbora

From: Arnna Fotheringham [mailto:Arnna.Fotheringham@MidCoast.nsw.gov.au]
Sent: Friday, 2 November 2018 2:01 PM
To: [REDACTED]
Subject: RE: Name change to dwelling entitlement [REDACTED] Belbora


Hi [REDACTED]

When any changes are being proposed to the LEP, it will be advertised to the community for submissions and has a lengthy consultation period. It would not be an individual letter.

Regards

Arnna Fotheringham
Development Planner



Direct 02.6592.5247.
arnna.fotheringham@midcoast.nsw.gov.au
www.midcoast.nsw.gov.au or follow us 

From: [REDACTED]
Sent: Friday, 2 November 2018 12:53 PM
To: Arnna Fotheringham <Arnna.Fotheringham@MidCoast.nsw.gov.au>
Subject: RE: Name change to dwelling entitlement [REDACTED] Belbora

Thanks Arnna

If by some chance that Council reviewed dwelling/building entitlements, would we get a letter mentioning that small entitlements were under the microscope?

[REDACTED]

From: Arnna Fotheringham [mailto:Arnna.Fotheringham@MidCoast.nsw.gov.au]
Sent: Friday, 2 November 2018 12:38 PM
To: [REDACTED]
Subject: RE: Name change to dwelling entitlement [REDACTED] Belbora

Hi [REDACTED]

Forms are on the website if you wish to apply for a new one. However to be frank, you would be wasting your money if the LEP hasn't changed. The dwelling entitlement goes with the land, not the person and the response would be the same wording until the Council adopted a new combined LEP.

Certainly your decision though.

Regards

Arinna Fotheringham
Development Planner



Direct 02 6592 5247

arnna.fotheringham@midcoast.nsw.gov.au

www.midcoast.nsw.gov.au or follow us 

From: [REDACTED]
Sent: Friday, 2 November 2018 10:01 AM
To: Arinna Fotheringham <Arinna.Fotheringham@MidCoast.nsw.gov.au>
Subject: RE: Name change to dwelling entitlement [REDACTED] Belbora

Thanks Arinna

That's good to know it is still current

Is there a form that I'm required to fill-out for a new dwelling entitlement request so that I could have it in my name?

I'm just concerned that with the merger of Councils, that the current building entitlement on my property will be taken away, as my property is only 10 acres, set among properties with a minimum area of 100 acres.

From: Arinna Fotheringham [<mailto:Arinna.Fotheringham@MidCoast.nsw.gov.au>]
Sent: Friday, 2 November 2018 9:54 AM
To: [REDACTED]
Subject: Name change to dwelling entitlement [REDACTED] Belbora

Hi [REDACTED]

I refer to your email regarding the possible name change for the dwelling entitlement letter issued 7 March 2012. Unfortunately Council is unable to change names unless by way of you applying for a new dwelling entitlement request. However, while Council has now merged, the Greater Taree Local Environmental Plan 2010 is still in force. Accordingly the letter is still current in terms of dwelling entitlement response.

Regards

Arnna Fotheringham
Development Planner



Direct 02 6592 5247

arnna.fotheringham@midcoast.nsw.gov.au

www.midcoast.nsw.gov.au or follow us 

Before printing, please consider the environment

IMPORTANT NOTICE: This email and any attachment to it are intended only to be read or used by the named addressee. It is confidential and may contain legally privileged information. No confidentiality or privilege is waived or lost by any mistaken transmission to you. [REDACTED] is not responsible for any unauthorised alterations to this email or attachment to it. Views expressed in this message are those of the individual sender, and are not necessarily the views of [REDACTED]. If you receive this email in error, please immediately delete it from your system and notify the sender. You must not disclose, copy or use any part of this email if you are not the intended recipient.

Before printing, please consider the environment

IMPORTANT NOTICE: This email and any attachment to it are intended only to be read or used by the named addressee. It is confidential and may contain legally privileged information. No confidentiality or privilege is waived or lost by any mistaken transmission to you. [REDACTED] is not responsible for any unauthorised alterations to this email or attachment to it. Views expressed in this message are those of the individual sender, and are not necessarily the views of [REDACTED]. If you receive this email in error, please immediately delete it from your system and notify the sender. You must not disclose, copy or use any part of this email if you are not the intended recipient.

This email is intended only for the addressee and may contain confidential information. If you receive this email in error please delete it and any attachments and notify the sender immediately by reply email. Transport for NSW takes all care to ensure that attachments are free from viruses or other defects. [REDACTED] assume no liability for any loss, damage or other consequences which may arise from opening or using an attachment.



Consider the environment. Please don't print this e-mail unless really necessary.

Submission details

Reference number

Submission relating to

Rural Strategy SPR 02/04

Address (if applicable)

Tugrabakh

Your submission

As Attached.

Additional information may be attached

How to lodge this form

Save this form to your computer and then attach, with any other additional information, to an email to council@midcoast.nsw.gov.au. The Email subject will be 'Submission relating to [Reference]'

Forward by Post; or

Lodge at our Customer Service Counters - Monday to Friday (Excluding Public Holidays).

Privacy: This information is required to assist with your application and will not be used for any other purpose without seeking your consent, or as required by law. Your application will be retained in our Records Management System and disposed of in accordance with current legislation. Your personal information can be accessed and corrected at any time by contacting us.

MidCoast Council | Yalawanyi Ganya | 2 Biripi Way Taree | PO Box 482 Taree
Phone 02 7955 7777 | email council@midcoast.nsw.gov.au
www.midcoast.nsw.gov.au

Office use only

Reference number

Submission number

Submission - V4 May 2021

Page 2 of 2

Rural Strategy SPR 02/04

SUBMISSION FOR CONSIDERATION OF DRAFT RURAL STRATEGY – RURAL LANDSCAPE ZONE.

Having lived in the Gloucester region for over 50 years and running a Stock and Station and Real Estate business since 1978 I feel I have a good understanding of the general landscape and farming practices both large and small of our region.

My submission reflects the effect on me as a landowner and possibly many others in a similar situation.

My wife and I are landholders in the Gloucester region situated at Lot [REDACTED] Tugrabakh being [REDACTED] containing an area of 104.33ha.

We currently run about 100 steers to background for feedlots or fatten for processing at the meat works.

We are happy to now have an opportunity to subdivide and create "2" building concessions on our holding, however would like to submit that planners give consideration to allow FLEXIBILITY as to lot sizes based on the TOPOGRAPHY of the land.

Our land has a high, long ridge adjoining the Bucketts Way and then falls steeply to the Mograni Creek valley and then gently rising to join the Mograni Creek Road.

As an ageing self-funded retired farmer, and unable to secure a pension because of the asset value of our holding, I would like to subdivide the high ridge country fronting the Bucketts Way of approximately 20 ha and retain the balance of the farm to carry on our livestock business. Two forty hectare blocks would sever the holding and would not enable us to carry on our cattle business.

Flexibility in area would allow the property to still have the two building entitlements and would provide on the one hand, an excellent small hobby farm block and on the other an area of some 80 ha which would allow for the continuation of our ongoing cattle farming activity.

Both blocks would have bitumen road frontage within 10 kms of the town amenities of Gloucester.

In summary, our submission would certainly achieve the four key Rural Strategy goals.

Sustain Primary Production Opportunities; Enhance Rural Lifestyles and Livelihoods; Protect Natural Landscapes; Improve Planning and Plan-making in Practice.

We would be happy to have an on-site inspection to explain our submission to council planners.

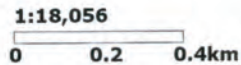
We would appreciate acknowledgement of receipt of our submission.

[REDACTED]



Area Tool

Area: 21.66 ha
Perimeter: 2.760 km



Advanced Search

Address

Lot (1)

Suburb

POI

Survey Mark

Lot

Section

Plan

Plan Type

Search

Reset

Lot

Section

Plan



Michelle Jobson

From: haveyoursay@midcoast.nsw.gov.au
Sent: Monday, 25 October 2021 12:34 PM
To: MidCoast Council
Subject: Make an online submission - Draft MidCoast Rural Strategy Form Submission

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Blue Category



HAVE YOUR SAY
Share what matters to you



MIDCOAST
council

Make an online submission - Draft MidCoast Rural Strategy Form Submission

There has been a submission of the form Make an online submission - Draft MidCoast Rural Strategy through your Have Your Say website.

First Name

Last Name

Your email address

Your best contact phone number

Suburb

Bulahdelah

Postcode

2423

Property address of interest

[REDACTED]

Property suburb of interest

bulahdelah

Submission subject

Adoption of 40ha limit for sub division / with dwelling consent

Please provide your submission here and/or upload your supporting documents below.

I have read the strategy summary and wish to comment on the proposed adoption of 40ha as the minimum lot size for sub division and dwelling permission. Nowhere in the document I read does it explain where this number comes from because it makes no sense for a number of reasons.

If it is an arbitrary number based on an assumption of what you need to have a profitable farming enterprise then its nonsense. Most of the land in the shire except river flats would struggle to run a profitable farming business based on traditional beef/sheep on 40ha. You could have 1000ha of some of this land and fail to make money unless you are growing gum trees. On the other hand non-traditional enterprises can be profitable on far less than 40ha e.g vineyards, fruit and vegetable production, mushrooms, eggs, honey etc... so the 40ha makes no sense on any level but it is hindering growth now and will only cause more retardation of the farming economy into the future if it remains.

There is currently a shortage of smaller acreages in the LGA so those who want to move here and start a farming business find it difficult to find something or prohibitively expensive. This LGA will never be able to compete with LGAs further west on traditional farming practices so we should be focusing on boutique operations that can make a profit because they can demand premium prices. Again this 40ha restriction leaves us stranded

in no-mans land because its not big enough for traditional farming and too big and therefore to expensive for boutique operations. It would also seem to contradict Outcome 1.1.2. Support emerging agricultural operations and industries. There are also a lot of locals who want to work and buy land where they were born and grew up but are now being locked out of that opportunity because of the cost which can only be changed if more land is made available by reducing the minimum lot size. There are also a generation of farmers now nearing retirement who want to stay on their farms and therefore not become a burden to the tax payer, but they would need to sell some land to fund their retirement. A 20ha minimum with dwelling permission would still allow the LFA to retain its rural flavour but make it easier for people who are here now to stay here, people who were born here to make a life here, people who want to move here and invest in a farming business and, provide more rate payers for council.

In another part of the strategy it says we need "improved infrastructure to deliver a positive visitor experience." then says "Within all rural and environmental zones, it is recommended that tourist and visitor accommodation, events and facilities are permitted only where there is an existing dwelling and facility manager on the site." These two statements would seem to contradict each other.

To view all of this form's submissions, visit

https://haveyoursay.midcoast.nsw.gov.au/index.php/dashboard/reports/forms_new/data/46

This is not SPAM. You are receiving this message because you have submitted feedback or signed up to Have Your Say.

Submission 129

From: "Do-not-reply" <do-not-reply@id.ngcomms.net>
Sent: Mon, 18 Oct 2021 20:52:45 +1100 (EST)
To: "MidCoast Council" <council@MidCoast.nsw.gov.au>
Subject: NSW RFS Determination - TAREE NSW 2430
Attachments: SPI20210920000159 - 18-10-2021 17_55_47 - Determination Letter.pdf

Security Notice: The attachments in this email were secured by a Check Point SandBlast.
The original attachments were not modified.



Attention: Alexandra Macvean

Your Reference: Rural Strategy SPR 02/04.


Application Details: Other – Exhibition –

Request for Advice - Draft Rural Strategy

Site Address:
TAREE NSW 2430

Please find attached correspondence relating to the above development.

Should you wish to discuss this matter please contact Alan Bawden on 1300 NSW RFS and quote SPI20210920000159.

	<p>Planning and Environment Services</p> <p>NSW RURAL FIRE SERVICE</p> <p>Locked Bag 17 Granville NSW 2142</p> <p>P 1300 NSW RFS E records@rfs.nsw.gov.au</p> <p>www.rfs.nsw.gov.au www.facebook.com/nswrfs www.twitter.com/nswrfs</p> <p>PREPARE. ACT. SURVIVE.</p>
---	---

Email secured by Check Point

**NSW RURAL FIRE SERVICE**

Mid-Coast Council
PO Box 450
FORSTER NSW 2428

Your reference: Rural Strategy SPR 02/04.
Our reference: SPI20210920000159

ATTENTION: Alexandra Macvean

Date: Monday 18 October 2021

Dear Sir/Madam,

**Strategic Planning Instrument
Other - Exhibition
Request for Advice - Draft Rural Strategy**

I refer to your correspondence dated 09/09/2021 inviting the NSW Rural Fire Service (NSW RFS) to comment on the above Strategic Planning document.

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

- 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 creates 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 Bush Fire Protection guidelines.

For any queries regarding this correspondence, please contact Alan Bawden on 1300 NSW RFS.

Yours sincerely,

Timothy Carroll
**Manager Planning & Environment Services
Built & Natural Environment**

Postal address

NSW Rural Fire Service
Locked Bag 17
GRANVILLE NSW 2142

Street address

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

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

20th October, 2021

RE: Rural Strategy SPR 02/04

Att: Gerard Tuckerman



We wish to express our concern regarding re-zoning of rural land. This property is privately owned and operated by 5th generation family farmers. The existing dairy is still on the property and should the family desire to continue dairy farming we would require the opportunity to be left without restriction by re-zoning. We ask that the property remain as rural zone to permit existing farming rites.

Yours sincerely,



Submission 142

From: [REDACTED]
Sent: Thu, 18 Nov 2021 17:01:19 +1100
To: "MidCoast Council" <council@MidCoast.nsw.gov.au>
Subject: RE: Draft Rural Strategy for Mid Coast Rural LGA
Attachments: NERONG VILLAGE_MYALL LAKES NATIONAL PARK.jpg

Thursday.
18 November 2021

RE: Draft Rural Strategy for Mid Coast Rural LGA

and Environmental and Bushfire Strategy.

Nerong Village is Environmental.

We are a tiny village within The Myall Lakes National Park.

Our Native species are supposed to be Protected under Australian Laws.

We are not suburban and, never have been.

We have are an active Wildlife Corridor.

RE: Mid Coast Rural Waterways Strategy Background Report Version 5 June 2020

We are the Entrance to The Bombah Broadwater and the International Recognized and protected Ramsar Zone.

We are the Entrance to The Port Stephens Great Lakes Marine Park as per New South Wales State Government signage.

Our tiny harbour has been earmarked on a map as a working harbour.

It is not a working harbour.

You are being conned.

There are no huge Fishing Fleets here.

It is also being damaged by blow in trucks.

To get to the Bombah Broadwater you have to use Nerongs boatramp. This area is totally Environmental_not suburban.

Your RE: Draft Vegetaion Management Plan.

We have are an active Wildlife Corridor. These trees and this National Park protect these species.

We have Sugar Gliders, Native Fruit Bats, Koalas, Wallabys, Bandicoots, Kangaroos, Lace Monitors, Tawny Frogmouths, Native and Migratory birds etc,

This Habitat, Their habitat, is supposed to be protected.

Submission 142

Street lights blind these Marsupials and detract from this Villages Atmosphere at night.

We are not suburban.

People use canoes and small watercraft to negotiate Nerongs waterways.

Nerong Village is not rural Nerong.

We have trucks using our village each day_who do not live here and are using our community toilet and parks.

These trucks are a nuisance and risk killing our Native Animals.

Domestic Dogs and Cats threaten our Native Animals and our Native Marsupials.

Already 10 Koalas have been killed in Nerong by your (new) residents putting up fences, blocking the free movement of our Marsupials to get to their Habitats.

link: <https://www.newsofthearea.com.au/ladders-keep-myall-coast-koalas-out-of-danger-81062>

Domestic dogs also kill Native Animals for fun. Including domestic cats.

Nerong Village was designed for residents to share the rich Wildlife Coridoors that have always existed here, not to fence them off.

The Nerong waterway has been blocked off with fencing by your (new) residents blocking all marsupial movements to the water.

Is this Mayor Wests and Mr Roberts idea of their (new) because selling out to Criminal suburban Developers does not match your Mid Coast Council Visions of, and, Environmental fluffy brochure s full of words.

Link: <https://www.abc.net.au/news/2021-11-08/hawks-nest-obeid-four-corners/100577504>

Since 2017 we have noticed this Habitat being destroyed, not protected. All complaints fall on deaf ears.

The Great Lakes Council did not wreck its habitat.

It protected its Native Animals and National Parks and honoured its protections.

The Great Lakes are The Myall Lakes and Wallis Lakes.

Renaming and casting a vote for our coast to be named after the long dead Lord Barrington, nowhere near this Coast, against peoples wishes does not make it so.

Lord Barrington was not Environmental, nor true to these Habitats.

Your council is 77km away in rural Taree, nowhere near our tiny Marine Village or its Myall Lakes National Parks.

Keep your trucks out of Nerong Village. These trucks also damage our roadways, gutters and pavements.

Every day our Village is harrassed by truck drivers.

Our village has four small roads.

We do not need trucks destroying our Coastal Environment.

Submission 142

Please refer your Rural map for Nerong Village_ it is missing the huge body of Waterways that are accessed by this villages Boatramp.

Your maps are misleading.

We are a Marine Village within The Myall Lakes National Park

Zones in focus in the Draft MidCoast Rural Strategy

The Draft MidCoast Rural Strategy will predominantly focus on land to which the following zonings do, or should, apply:

- RU1 – Primary Production
- RU2 – Rural Landscape
- RU3 – Forestry
- RU4 – Primary Production Small Lots
- RU5 – Village
- E1 – National Parks and Nature Reserves
- E2 – Environmental Conservation
- E3 – Environmental Management
- E4 – Environmental Living
- W1 – Natural Waterways
- W2 – Recreational Waterways
- W3 – Working Waterways



Email secured by Check Point



Submission 156

From: haveyoursay@midcoast.nsw.gov.au
Sent: Mon, 22 Nov 2021 16:54:05 +1100
To: "MidCoast Council" <council@MidCoast.nsw.gov.au>
Subject: Make an online submission - Draft MidCoast Rural Strategy Form Submission



Make an online submission - Draft MidCoast Rural Strategy Form Submission

There has been a submission of the form Make an online submission - Draft MidCoast Rural Strategy through your Have Your Say website.

First Name

[REDACTED]

Last Name

[REDACTED]

Your email address

[REDACTED]

Your best contact phone number

[REDACTED]

Suburb

Krambach

Postcode

2429

Property address of interest

[REDACTED]

Property suburb of interest

Krambach

Submission subject

Rezoning of usage of land from RU1 to RU2

Upload Submission details and/or supporting documents

- [Submission for Mid Coast Rural Strategy.docx](#)

To view all of this form's submissions, visit

https://haveyoursay.midcoast.nsw.gov.au/index.php/dashboard/reports/forms_new/da

This is not SPAM. You are receiving this message because you have submitted feedback or signed up to Have Your Say.

Submission for Mid Coast Rural Strategy

To Whom It May Concern

I write in reference to the planned Zoning changes in the Mid Coast Rural Strategy.

I welcome the unification of all 3 Council areas having the same zoning classifications. This will allow all rate payers to fall under the same umbrella of rulings rather than potentially 3 different scenarios depending upon the old Council area you live in.

I also welcome the flexibility of land use for all ratepayers being offered by Council in the new LEP guidelines. Council is recognising that not all the land under its zoning is for Primary Production and this new Rural Strategy which will allow greater diversity of land use which will only help in attracting more people to either visit the area or to reside in the area.

Of particular interest to me is the future allowance of having a dual occupancy anywhere on my land. Currently whilst I am allowed this, I certainly find the ruling that it must be attached to my existing dwelling undesirable. I hope to retire in a couple of years and knowing that if this new LEP Strategy is put forward successfully that by the time I want to retire this new LEP won't be too far off being adopted. I'm sure that those who may be considering putting a dual occupancy on their land (assuming it meets the land size criteria) would want to have this located in a position of their choice on their land.

Congratulations on a well thought out Strategy and I look forward to it being adopted for the benefit of all who reside in The Mid North Coast Council area.

Warm Regards



22/11/21

Submission 171

From: "Have Your Say" <haveyoursay@midcoast.nsw.gov.au>
Sent: Tue, 23 Nov 2021 15:40:00 +1100
To: "Rural Strategy" <rural@midcoast.nsw.gov.au>
Subject: FW: REF rural strategy SPR 02/04

Hello,

Please find an email submission below regarding Rural Strategy, for your attention.

Thank you

Regards,
Melisha

-----Original Message-----

From: [REDACTED]
Sent: Tuesday, 23 November 2021 8:36 AM
To: Have Your Say <haveyoursay@midcoast.nsw.gov.au>
Subject: REF rural strategy SPR 02/04

I want to make a submission to the rural strategy plan, but haven't been able to get the website have-your-say to work.

My submission refers to the proposal to reduce the minimum lot size to 40ha.

My submission is this:

The proposal for a 40 ha minimum lot size in the rural area of Gloucester is incompatible with the stated objectives of the plan as outlined in objectives 1.1 A 40 ha block would not be able to be economically or commercially viable in this region. Nor could it protect important agricultural land and resources.

I believe encouragement of these small, unviable lots would be analogous to the disastrous soldier settlement schemes.

Stewardship of the landscape would be unachievable; weed and pest control would become impossible. The Rural Fire Service would be unable to service a proliferation of rural housing, specially with absentee owners.

Sent from my iPad

Email secured by Check Point

Michelle Jobson

From: haveyoursay@midcoast.nsw.gov.au
Sent: Friday, 24 December 2021 2:44 PM
To: MidCoast Council
Subject: Make an online submission - Draft MidCoast Rural Strategy Form Submission

Categories: Blue Category



Make an online submission - Draft MidCoast Rural Strategy Form Submission

There has been a submission of the form Make an online submission - Draft MidCoast Rural Strategy through your Have Your Say website.

First Name

Last Name

Your email address

Your best contact phone number

Suburb

Willina

Postcode

2423

Property address of interest

[REDACTED]

Property suburb of interest

Willina

Submission subject

Subdividing 100 acres into smaller blocks of 10 to 20 acre lots

Please provide your submission here and/or upload your supporting documents below.

I currently own 2 x 100 acres on [REDACTED] and would like to subdivide 100 acres into 10 or 20 acre lots.

To view all of this form's submissions, visit

https://haveyoursay.midcoast.nsw.gov.au/index.php/dashboard/reports/forms_new/data/46

This is not SPAM. You are receiving this message because you have submitted feedback or signed up to Have Your Say.

Email secured by Check Point

Michelle Jobson

From: haveyoursay@midcoast.nsw.gov.au
Sent: Tuesday, 28 December 2021 10:55 AM
To: MidCoast Council
Subject: Make an online submission - Draft MidCoast Rural Strategy Form Submission

Categories: Blue Category



Make an online submission - Draft MidCoast Rural Strategy Form Submission

There has been a submission of the form Make an online submission - Draft MidCoast Rural Strategy through your Have Your Say website.

First Name

Last Name

Your email address

Your best contact phone number

Suburb

Wingham

Postcode

2429

Property address of interest

[REDACTED]

Property suburb of interest

Wingham 2429

Submission subject

Draft MidcoastRural Strategy SPR 02/04

Please provide your submission here and/or upload your supporting documents below.

We attended a meeting at Mondrook Hall on 30 November 2021 with Council planning staff where we discussed our desire to possibly erect another cottage on our land.

We understand this is something the Council is considering allowing in the new Rural Strategy for the MidCoast Council area.

We feel this could of great benefit to many older folk who are happily living on rural land but do not have the ability to continue the required maintenance.

With the ever growing value of real estate it has become very difficult for some family members to become property owners and have a more secure place of residence out of the rental market which has seen some people homeless.

For the relatively small area that an extra cottage would have in a not too distant proximity to our existing home, it would have little impact on the useage of our rural acreage or the environment.

We believe Great Lakes Council had adopted a second dwelling policy on rural land before the councils were amalgamated so we hope that MidCoast Council can recognise the need for the same.

To view all of this form's submissions, visit

https://haveyoursay.midcoast.nsw.gov.au/index.php/dashboard/reports/forms_new/data/46

From: "Have Your Say" <haveyoursay@midcoast.nsw.gov.au>
Sent: Tue, 4 Jan 2022 14:25:14 +1100
To: "Rural Strategy" <rural@midcoast.nsw.gov.au>
Subject: FW: REF Rural Strategy SPR 02/04

Good afternoon,

Please see below email submission for the Rural Strategy, for your attention.

Thank you

Regards,
Melisha

From: [REDACTED]
Sent: Monday, 27 December 2021 6:22 PM
To: Have Your Say <haveyoursay@midcoast.nsw.gov.au>
Subject: REF Rural Strategy SPR 02/04

Dear Paul,

I have read through the material on the rezoning as it applies to former rural zones being rezoned to Ru2.

The rhetorical question I would ask is "why?" it seems completely pointless exercise in shuffling the deck chairs and doesn't appear to address any issues but rather restrict the residents use of their land and honestly the only reason I can see for these restrictions is the total lack of any substantive services provided outside of Forster, Taree or Gloucester.

I am opposed to the proposed changes to zoning.

This area needs more permitted land use not less.

More homes lead to more rates allowing council to actually maintain roads and provide services to the rest of the community outside of the major centres of the lga.

Housing prices are painful with few rental properties available, restrictions on building will only worsen the problem.

The area has massive unemployment and especially among young people. The solution from council is to further reduce the acceptable use of land.

With all due respect, it seems an exceptionally poorly considered proposal put together by people with little or no understanding of living outside the 3 major centres of the LGA. I realise that Council here governs for their own convenience but even by MCC standards this is an absurd proposal.

Time to consider actually improving land use options.



Email secured by Check Point



Department of Primary Industries

Your Ref: *Rural Strategy SPR 02/04*

Alex Macvean
Senior Land Use Planner
MidCoast Council
PO Box 482
Taree NSW 2430

Our ref: RDOC22/4154

Dear Alex

MidCoast Council draft Rural Strategy

NSW DPI-Fisheries, Aquaculture Unit would like to thank you for the opportunity to review the MidCoast Council draft Rural Strategy (Strategy) which was placed on public exhibition for community consideration.

In reviewing the Strategy it was appreciated that aquaculture was identified as a key feature of the region in relation to primary production and tourism.

The anthropogenic impacts on water quality has been an ongoing concern of the aquaculture industry, particularly the oyster industry and the commentary throughout the Strategy on this matter is supported. The protection of established agricultural industries section of the Strategy included the oyster industry and referenced provisions within the NSW Oyster Industry Sustainable Aquaculture Strategy 2016.

The Aquaculture Unit would like to advise that the NSW Oyster Industry Sustainable Aquaculture Strategy (OISAS) was updated in 2021 and that reference to OISAS on pages 70 of the draft should be amended to reflect the current version of the Strategy. In addition the web link to OISAS on page 153 appeared to not work, the link should be [NSW Oyster Industry Sustainable Aquaculture Strategy 2021 - Fourth Edition](#)

The Aquaculture Unit would also like to advise that in respect of protecting the oyster industry from anthropogenic impacts the *Healthy Estuaries for Healthy Oysters – Guidelines* provide councils, state government agencies, private landowners and developers with advice about how to ensure development in close proximity to estuaries is compatible with the requirements of oyster aquaculture. The web link to these guidelines can be found at [Aquaculture \(nsw.gov.au\)](#).

If you wish to discuss matters further please contact me on (02) 4916 3845.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Graeme Bowley'.

Graeme Bowley
Snr Policy Officer, Aquaculture
20/1/2022

Michelle Jobson

From: haveyoursay@midcoast.nsw.gov.au
Sent: Sunday, 23 January 2022 2:26 PM
To: MidCoast Council
Subject: Make an online submission - Draft MidCoast Rural Strategy Form Submission



HAVE YOUR SAY
Share what matters to you



MIDCOAST
council

Make an online submission - Draft MidCoast Rural Strategy Form Submission

There has been a submission of the form Make an online submission - Draft MidCoast Rural Strategy through your Have Your Say website.

First Name

[Redacted]

Last Name

[Redacted]

Your email address

[Redacted]

Your best contact phone number

[Redacted]

Suburb

Bindera

Postcode

2422

Property address of interest

[REDACTED]

Property suburb of interest

Bindera

Submission subject

Draft Rural Strategy,

Please provide your submission here and/or upload your supporting documents below.

Hello,

I would like to express my strong opposition to the proposal on page 93 of the Draft Rural Strategy Plan to require short term accommodation providers in rural zones areas to have a on site caretaker living there. Although I do not currently let my property, I have spent significant money on my property in preparation to do so. At a time when the greater Gloucester area is experiencing somewhat of a tourism renaissance as a side effect of the Covid pandemic, it seems completely illogical to impose such a wide reaching and excessive requirement on what is mostly small/individual business owners. Surely a more practical and reasonable option would be stipulating the need for a 24 hour contact who can attend the property in a reasonable time frame to sort any issues or provide assistance. Indeed, any reputable business would already have this in place.

Such a wide reaching mandate would adversely effect a significant number of small local operators who for many various reasons (eg physical space/building configuration being the most obvious) would be unable to comply with this rule and be forced to close their business. Surely this would be the last thing the council would want to see happen?

Thanks for your time,

Sincerely

[REDACTED]

[REDACTED]

To view all of this form's submissions, visit

https://haveyoursay.midcoast.nsw.gov.au/index.php/dashboard/reports/forms_new/data/46

This is not SPAM. You are receiving this message because you have submitted feedback or signed up to Have Your Say.

Email secured by Check Point

Michelle Jobson

From: haveyoursay@midcoast.nsw.gov.au
Sent: Monday, 24 January 2022 2:56 PM
To: MidCoast Council
Subject: Make an online submission - Draft MidCoast Rural Strategy Form Submission



HAVE YOUR SAY
Share what matters to you



MIDCOAST
council

Make an online submission - Draft MidCoast Rural Strategy Form Submission

There has been a submission of the form Make an online submission - Draft MidCoast Rural Strategy through your Have Your Say website.

First Name

[Redacted]

Last Name

[Redacted]

Your email address

[Redacted]

Your best contact phone number

[Redacted]

Suburb

Bindera

Postcode

2422

Property address of interest

[REDACTED]

Property suburb of interest

Bindera

Submission subject

I am very concerned that Council does not address Right of Carriageways on rural properties in its draft Rural Strategy.

Please provide your submission here and/or upload your supporting documents below.

Our property has a Right of Carriageway and eleven (11) properties access it and it is in a designated Fire Prone Area.

RFS rules are very clear, that a maximum of three (3) properties can access a Right of Carriageway.

One property is ours and the other ten (10) properties are owned by five (5) owners. Three (3) of the owners own multiple properties. As a very minimum, Council should require these landholders to consolidate their properties into one title because as it stands these owners can sell off their extra blocks which will worsen the current serious problem. This is of great concern and needs to be urgently addressed by MidCoast council.

To view all of this form's submissions, visit

https://haveyoursay.midcoast.nsw.gov.au/index.php/dashboard/reports/forms_new/data/46

This is not SPAM. You are receiving this message because you have submitted feedback or signed up to Have Your Say.

Michelle Jobson

From: haveyoursay@midcoast.nsw.gov.au
Sent: Monday, 24 January 2022 9:42 PM
To: MidCoast Council
Subject: Make an online submission - Draft MidCoast Rural Strategy Form Submission



HAVE YOUR SAY
Share what matters to you



MIDCOAST
council

Make an online submission - Draft MidCoast Rural Strategy Form Submission

There has been a submission of the form Make an online submission - Draft MidCoast Rural Strategy through your Have Your Say website.

First Name

[Redacted]

Last Name

[Redacted]

Your email address

[Redacted]

Your best contact phone number

[Redacted]

Suburb

Kotara

Postcode

2289

Property address of interest

[REDACTED] Bindera

Property suburb of interest

Gloucester

Submission subject

Draft Rural Strategy

Please provide your submission here and/or upload your supporting documents below.

MidCoast Council

Submission to Draft Rural Strategy

From [REDACTED],
Owners of [REDACTED],
[REDACTED] Bindera (via Barrington)
NSW 2422

We wish to object strongly to the proposal contained on page 93 of the draft strategy to effectively ban unhosted visitor accommodation on all rural and environmental zoned land across the MidCoast LGA.

We have operated unhosted visitor accommodation on our 16ha block at [REDACTED] [REDACTED] Bindera, since 1999. The house on the block was built by us expressly for this purpose, with a view to providing us with income, including in retirement. As such, we now depend on the income derived from the property for a considerable portion of our livelihood.

Our concern is that the recommendation contained in the draft strategy may ultimately deprive us of our income and/or devalue our property and the goodwill we have created in

over more than 20 years of operation.

In our opinion the proposed ban on unhosted visitor accommodation on rural land and the proposal to overwhelmingly favour primitive camping in rural zonings may prove counterproductive to council's broad aim of encouraging a diverse visitor accommodation offering. Over the decades during which we have operated, the vast majority of our visitors have been people (mostly from Sydney and Newcastle, but also from regional centres and overseas) who would not have been interested in primitive camping. For the most part our visitors tend to want to enjoy the wildlife, seclusion and private relaxation our property offers without sacrificing their creature comforts. They want comfortable beds, internet access, good kitchen and bathroom facilities, air-conditioning and other homelike comforts while still having direct and immediate access to the rural and bushland setting. We are also certain that the vast majority of these visitors would not appreciate being subjected to the presence of live-in or on-site supervisors.

It is also clear to us that our visitors spend freely in Gloucester and Barrington and are always seeking interesting experiences in the surrounding area. We believe that visitors of the type that come to spend more money in the area than typical campers might.

Whilst the references in the draft strategy to safety are noted, it is also important to acknowledge that town and village settings are not immune from extreme weather events and, on balance, rural or bushland settings are arguably no less safe.

If it became mandatory for us to provide a live-in or on-site caretaker in order to continue operating, we are not sure how or whether this would be practically or economically possible. It is also likely, in our opinion, that the prospect of such supervisory personnel being present at the accommodation would discourage many potential visitors.

For these reasons we object strongly to the proposal and hope the council will find other more realistic and tailored means of achieving its goals while still supporting and fostering a diverse visitor accommodation offering across the LGA.



Upload Submission details and/or supporting documents

- [objection.doc](#)

To view all of this form's submissions, visit

https://haveyoursay.midcoast.nsw.gov.au/index.php/dashboard/reports/forms_new/data/46

This is not SPAM. You are receiving this message because you have submitted feedback or signed up to Have Your Say.

Email secured by Check Point

From: [REDACTED]
Sent: Tue, 25 Jan 2022 10:22:58 +1100
To: "MidCoast Council" <council@MidCoast.nsw.gov.au>
Subject: REF Rural Strategy SPR 02/04
Attachments: MidCoast Council Draft Rural Strategy Plan.docx

Security Notice: The attachments in this email were secured by a Check Point SandBlast.
The original attachments were not modified.

Good Morning

Please see attached document for our comments

[REDACTED]

Email secured by Check Point

To MidCoast Council

Re Draft Rural Land Strategy SPR 02/04

Firstly, this is a very complex document to read and understand.

- 1) The use of RU2 for most rural land including small lots seems to be an easy way out of assessing lots that are currently rural residential and may not allow their continuing present use/lifestyle.
- 2) The strategy appears to favour development over lifestyle. Again, using RU2 as a generic land use it enables small businesses to be established that are more suited to light industrial areas.
- 3) The definition of rural industries is far too broad.
- 4) Can see that this wide use of RU2 will cause land use conflicts
- 5) Don't believe enough consideration has been given to our flora and fauna. We live in an area which is a known habitat for koalas. Nothing has been included to safeguard their area through partial zoning of land at the most appropriate environmental level. Current wild life corridors are not recognised.
- 6) There is not enough consideration for E4 zoning. As stated in the draft this zoning would be suitable for properties that are low density, rural residential. We drive through a National Park to our property and yet none of the properties near the park are zoned E4 but all are RU2.
- 7) The fact sheet states that Mid Coast Council wants to keep the rural landscape but the generically applied RU2 zoning will allow for extractive industries close to properties. The basic description in rural landscape fact sheet encourages the keeping of this flavour for MidCoast. When reading the actual draft strategy "extractive" businesses and light industrial activities would be allowed, neither of these are compatible with rural lifestyle and activities. Farming, grazing and ecotourism and many home businesses are mutually compatible as is selling produce at the farm gate, see page 25. In one of the objectives, page 37, 13.1-13.4 allows mining. Also, page 42
Page 65 mentions existing primary production and avoiding land use conflict, but pages 37 and 42 contradict this in page 76 council does not want to get involved in quarry applications even though the criteria the basic core of councils' rural land description.

In summary, we contend that our property and many others are actually being operated under the description on E4 and should not be changed to RU2



From: [REDACTED]
Sent: Tue, 25 Jan 2022 18:15:53 +1100
To: "MidCoast Council" <council@MidCoast.nsw.gov.au>
Cc: [REDACTED]
Subject: Draft MidCoast Rural Strategy

I would like to express my concern to parts of the draft plan. Particularly pages 93 - 95 in relation to Tourist accommodation.

In the draft it is stated that MidCoast Council would like Tourism to grow, however some of the suggestions to be implemented would heed this.

I would like to draw your attention to the statement "A key principle for this will be 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."

I understand the key principles behind this suggestion however, there are other ways to ensure guest safety.

Similar to the STRA (Short Term Rental Accommodation) Policies from the NSW Government. This includes properties having to have an Emergency Management Plan to be implemented as standard practice in all accommodation properties. This plan includes emergency phone numbers for absolutely everything, dentist, SES, ambulance, hospital, What to do if there is a bushfire, flood, black out, apps to download onto your phone ie fires near me, emergency +, storms etc. What you will find in your accommodation – fire extinguisher, fire blanket, first aid kit, emergency lantern. Contact for hurt animals – Wires. Flood safe fact sheet, bushfire fact sheet, Earthquake fact sheet, what is a total fire ban. Fact sheets on bites & stings. This is to arm the guests with everything they need to know.

In my situation as [REDACTED], I manage houses / properties for the owners, who live in Sydney, Newcastle & the Central Coast. I am on call 24 hours a day, if a guest rings I answer the phone and if the problem cannot be resolved over the phone I will be at the property within 15 minutes no matter what time of the day it is.

If an onsite manager was to be made mandatory for properties, a lot of accommodation would have no choice but to close due to the cost involved in building accommodation and paying someone to be at the property full time, in a lot of my cases, it is not practical, possible or within the Council Regulations to have managers living on site.

This is not a practical request if tourism is to continue to grow in our region

[REDACTED]



Email secured by Check Point

This email's attachments were cleaned of potential threats by Check Point SandBlast.
Click [here](#) if the original attachments are required (justification needed).

From: [REDACTED]
Sent: Tue, 25 Jan 2022 16:56:33 +1100
To: "MidCoast Council" <council@MidCoast.nsw.gov.au>
Subject: Submission - REF Rural Strategy SPR 02/04
Attachments: MCC Draft Rural Strategy Submission [REDACTED].cleaned.pdf
Importance: High

MidCoast Council

Please see the attached Submission to the Draft Rural Strategy REF Rural Strategy SPR 02/04.

Could you please confirm your receipt of the email and ability to open and read the attachment via return email?

Regards

[REDACTED]

[REDACTED]
[REDACTED]
Gloucester NSW 2422
NSW 2422

MidCoast Council
Via email to: council@midcoast.nsw.gov.au

Submission to Draft Rural Strategy
REF Rural Strategy SPR 02/04

Dear Sir / Madam

Over the last eleven years we have been successful operators of a single house holiday rental located on our 40 Hectare Environmental Zone block just outside Gloucester. We recently added a single additional one bedroom eco-cabin to our accommodation offering, which has been very well received in the tourism market. Our Development Approval for the Eco-Cabin is for a Staged Development of up to six Eco-Cabins in total.

Our review of the DRAFT MIDCOAST RURAL STRATEGY document has given cause to a number of concerns in relation to the Objectives, Outcomes and Local Plan Recommendations where they relate to visitor accommodation on Rural and Environmental Zoned land.

While we realise that the Draft Strategy proposes changes to the Local Environment Plan (LEP) and Development Control Plan (DCP) which are likely to be applicable to future developments we have grave concerns that some of the objectives and recommendations could become part of ongoing regulation and operational policies which could impact existing as well as future visitor accommodation businesses within the LGA.

We wish to point out that there seems to be a direct conflict between some of the Objectives and some of the Outcomes and Recommendations.

We set out our Observations, Suggestions and Objections in the attached pages.

The Key Points being:

- We Object to the Rural Strategy Plan's failure to recognise small scale 'whole of house' style visitor accommodation or 'whole of house – plus other associated small scale accommodations' being located within Rural and Environmental zones land.
- We object to the perceived area for 'diverse mix of tourist and visitor accommodation' not including Rural and Environmental zoned areas in addition to within the village zone.
- We Object to the recommendation that *camping grounds and primitive camping sites should be the predominant form of temporary visitor accommodation across the rural landscape, outside towns and villages.*
- We Object to a blanket requirement for visitor accommodation on Rural or Environmental zoned land having a dwelling with on-site manager.

- We Object to the Key Principle and question the validity of this statement as well as the practicality and economic viability of the proposed requirement that every tourist accommodation, event and facility should have a dwelling on the site, that is occupied by managers, towards enhancing the visitor experience and or safety.
- We Object to the recommendation to maintain a local clause that ensures tourist and visitor accommodation, camping grounds, eco-tourist facilities and the like are not permitted on land without a dwelling entitlement.
- We Object to the recommendation that visitor accommodation remains 'ancillary' to the primary agricultural or environmental purpose of the site and surrounds, **IN ALL CASES**, as currently drafted.
- We Object to the implied 'one size fits all' approach when it comes to communications etc and suggest would not be appropriate and may impose significant unnecessary constraints or costs to accommodation sites were communication is good (often due to significant expenditure by the accommodation owner).
- We Object to the imposition of global fire and weather risk management constraints, such as requiring on-site resident manager at all visitor accommodations on Rural and Environmental zone land.
- We object to the potential development control under draft clauses 4 and 5 (of which there appears to be multiple).

Development consent must not be granted to development under subclause (4) if the development— (a) includes an ancillary caretaker's or manager's residence, or (b) is for the purpose of more than 1 bed and breakfast accommodation.

Development consent must not be granted to development under subclause (4) if the development—

(a) includes an ancillary caretaker's or manager's residence, or

(b) is for the purpose of more than 1 bed and breakfast accommodation.

We thank you for the opportunity to contribute to the Rural Strategy Process and hope that our submission is reviewed and our objections and suggestions fairly and duly considered as part of the constructive engagement process towards a workable Rural Strategy, LEP and DCP.

We would be happy to provide additional information and feedback if requested.

We look forward to seeing the next step in the Rural Strategy being completed and the development of fair, reasonable, practical and workable LEP and DCP in due course.

Yours faithfully



SUBMISSION OF OBSERVATIONS AND OBJECTIONS

G2 OB02 Outcome (1) - Provide opportunities for visitor accommodation

There is a significant number of current and likely future visitor accommodation opportunities within rural and environmental zones land where the single dwelling on the property is rented on a short term holiday basis as a 'whole of house' rental. Our property being an example.

The Draft Strategy seems to omit specific reference to this visitor accommodation type, as it is clearly different to *B&B or accommodation within people's homes* and also different to accommodation such as *cabins, villas etc separate from the family home*, nor could they be considered as resorts or holiday parks etc.

The Strategy also fails to recognise these properties generally have non-resident owners and hence may be incorrectly proposing to impose overly restrictive, expensive and or impractical operational and or planning recommendations on such accommodation types.

We Object to the Rural Strategy Plan's failure to recognise small scale 'whole of house' style visitor accommodation or 'whole of house – plus other associated small scale accommodations' being located within Rural and Environmental zones land and hence potentially treating such accommodations the same as hosted B&B's or Farm Stays or as larger scale eco-tourism, caravan park, camping or event facilities.

We suggest that this category of 'whole of house' and 'whole of house – plus other associated small scale visitor accommodation be added to the accommodation offering type and that the nature and intricacies of that style of accommodation be recognised in the Rural Strategy and ultimately in the LEP and DCP.

The Outcomes listed of this section once again seem to ignore the significant and growing visitor accommodation demand for 'whole of house' style rentals in rural and environmental zone areas.

We suggest that:

Outcome a) specifically includes this style of accommodation as part of the flexibility diversity assessment processes.

Outcome b) should include investigation of investigate tourist and visitor accommodation, demand and supply **in all areas** (including rural and environmental zones) , not just towns and village areas.

Our review of the Local Plan Recommendations suggests:

1. We object that the perceived 'diverse mix of tourist and visitor accommodation' does not **include rural and environmental zoned areas** in addition to within the village zone
2. **We Object** to the recommendation that *camping grounds and primitive camping sites should be the predominant form of temporary visitor accommodation across the rural landscape, outside towns and villages*. In fact our experience is that there is a growing trend away from camping towards 'whole of house' and small scale cabin style accommodation and should be recognised as such.

3. **We Object** to the recommendation *to maintain a local clause that ensures tourist and visitor accommodation, camping grounds, eco-tourist facilities and the like are not permitted on land without a dwelling entitlement*, as in many cases, including most 'whole of house' and small scale cabin style accommodations, such a requirement is undesirable, unnecessary, impractical and economically unjustifiable.
4. In the case of the recommendation that visitor accommodation remains 'ancillary' to the primary agricultural or environmental purpose of the site and surrounds. **We Object to this recommendation** being adopted on a global basis for all rural and environmental zones land as we suggest that in many cases, particularly smaller rural and environmental zones blocks the visitor accommodation is in fact the major economic purpose of the property, and in almost all cases these accommodations have no detriment to the agricultural or environmental purpose of the land.

G2 OB02 Outcome (2) - Provide a range of tourist accommodation and experiences

On page 94 the is the following Statement:

*"A key principle for this will be 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**. This ensures that any tourist and visitors unfamiliar with the area and property, can be provided with a great visitor experience during our peak seasons, and a safe visitor experience, even during our worst weather events."*

We Object to this Key Principle and question the validity of this statement as well as the practicality and economic viability of the proposed requirement that **every** tourist accommodation, event and facility should have a dwelling on the site, that is occupied by managers, towards enhancing the visitor experience and or safety.

In fact our experience is that enhanced visitor experience, and by far to most preferred visitor outcome, is provided by leaving visitors alone to enjoy the peace and quiet of comfortable accommodation and a back-to-nature experience of being in a natural and rural environment without the knowledge of a proximate manager, could be 'checking up on them'.

We have no idea how having an occupied managers residence add to most visitors' experience in a typical 'whole of house' style short term holiday situation.

While we do recognise that a safe visitor experience, especially during bad weather events, needs to be ensured, but believe that this would equally apply to all accommodation offerings whether within town of village areas as well as on rural or environmental zones land.

We Object to a blanket requirement for on site manager and suggest that it would not be an appropriate answer in most cases as it would be unwanted, unnecessary, impractical and economically unjustifiable. Instead, appropriate communication and visitor guidance prior to and during the visitors' period in the region would in almost all cases be adequate. These communications would include safety and evacuation procedures, as is required under the NSW Short Term Rental Accommodation Policy (April 2021).

Our review of the Local Plan Recommendations suggests:

1. **We Object** to the recommendation to *Maintain a local clause that ensures tourist and visitor services, facilities and events and the like are not permitted on land without a dwelling entitlement* as we believe that this represents an ‘over the top’ potential constraint on current and future small scale visitor accommodation operations and developments. In most cases such a requirement would render the accommodation offering practically and economically unviable, and resulting in **the exact opposite to the stated Objective** to *Provide for a diverse mix of tourist and visitor services, facilities and events within the village, rural and environmental zones, as ‘whole of house and small scale rentals would close down.*
2. **We Object** to the recommendation that visitor accommodation remains ‘ancillary’ to the primary agricultural or environmental purpose of the site and surrounds, IN ALL CASES as currently drafted. We suggest that in many cases, particularly smaller rural and environmental zones blocks the visitor accommodation is in fact the major economic purpose of the property, and in almost all cases have no detriment to the agricultural or environmental purpose of the land.

G2 OB02 Outcome (3) - Risk management planning for disasters and emergencies

We note that the issue of telecommunications has been identified:

In locations where mobile phone services are either unreliable or not available, the appeal of the rural landscape, which allows people to disconnect whilst on holiday, may also put people at risk of not being able to access emergency services if an event arises.

While we accept that this is true, but **We Object** to the implied ‘one size fits all’ approach would not be appropriate and may impose significant unnecessary constraints or costs to accommodation sites where communication is good (often due to significant expenditure by the accommodation owner).

We also agree with the statement that:

During the bushfires, the combination of limited telecommunications and isolation during an extreme event placed unreasonable pressure both on our community services and individual land owners. Providing safe and effective emergency management and evacuation for tourists and visitors to our region only adds to these pressures.

We Object to the imposition of global fire and weather risk management constraints, such as requiring on-site resident manager, on the basis that this is an over the top reaction to what is typically managed well by current accommodation owners and operators in manners best suited to their individual property and accommodation setting and once that these matters are addressed under the NSW Short Term Rental Accommodation Policy (April 2021) .

Section 10.7.1 Development Standards of a local environmental plan**Tourism Activities – Farm Gates and similar facilities****Tourist Accommodation – Farm Stay and similar facilities**

We note the common thread in the background sections:

Council identified that within the MidCoast, locally relevant provisions may also be required to ensure land uses and activities are sustainable, environmentally responsive and complementary to existing primary production on the site and surrounding areas.

Here we suggest that in most all cases short term visitor accommodation are indeed focussed on being sustainable, environmentally responsive and complementary to existing primary production and surrounding areas. However there is a failure to recognise that many rural or environmental zones properties include sustainable and environmentally responsive short term visitor accommodation as the major economic activity and that primary production is in fact the ancillary economic focus. As pointed out in the previous sections **We Object** to the implied requirement for a dwelling for resident manager on all properties that offers visitor accommodation as we believe that in many cases such a requirement would be unwanted, unnecessary, impractical and economically unjustifiable.

We object to the potential development control under draft clauses 4 and 5 (of which there appears to be multiple).

Development consent must not be granted to development under subclause (4) if the development— (a) includes an ancillary caretaker's or manager's residence, or (b) is for the purpose of more than 1 bed and breakfast accommodation.

We Object to this being a Blanket Development Control but suggest that each visitor accommodation development should be treated on its own merits and requirements and that some development may in fact offer better visitor, property and environmental management, safety and community outcomes if there is an ancillary caretaker's or manager's residence on the property. Often the existing dwelling may be the major visitor accommodation on the property and a separate caretaker's or manager's residence would offer a superior outcome.

We suggest that a development could be proposed without a requirement for dwelling house or alternatively could include an ancillary caretaker's or manager's residence (as the existing dwelling house may be part of the visitor accommodation development), both cases would be subject to Development Approval

We note the definition

small scale means a scale that is small enough to be generally managed and operated by the principal owner living on the property.

We Object to this definition, as written as it implies that the scale of development is judged by the principal owner of the property living on the property, which is not always the case, and even if it is the case then the principal owner of the property may not always be managing and operating the visitor accommodation. Often the case will be that someone other than the principal owner, not living on the property will be managing the visitor accommodation.

In regards to *the objective of this clause being to ensure that tourism development in rural and natural areas is small scale and does not adversely impact on the agricultural production, scenic or environmental values of the land* we suggest that each visitor accommodation development should be treated on its own merits and requirements and that the key point being *does not adversely impact on the agricultural production, scenic or environmental values of the land* rather than defined by *generally managed and operated by the principal owner living on the property*.

Security Notice: The attachments in this email were secured by a Check Point SandBlast.
The original attachments were not modified.

From: [REDACTED]
Sent: Wed, 26 Jan 2022 15:43:48 +1100
To: "MidCoast Council" <council@MidCoast.nsw.gov.au>
Subject: REF - Rural Strategy SPR 02/04 Submission
Attachments: DA 112_94 J & R Westley.pdf

Midcoast Council
PO Box 482
TAREE NSW 2430

Ref - Rural Strategy SPR 02/04

The use of Right of Carriageways in lieu of public road access.

Currently the Rural Strategy does not address Right of Carriageways, Right of Access, or Private Roads.

My concerns are:

1. Sale of existing rural lots with no public road access
2. The creation of new 50ha lots (subdivision) with no public road access

Historical Example

Ref: Gloucester Council DA 112/94 – Subdivision – J & R Westley

The Development proposed the creation of two lots from Lot 90 ie Lot 901/902 with access to the boundary of Lot 901 by Right of Carriageway.

Gloucester Council expressed concern in their minutes to Right of Carriageways, however approved this subdivision with the following key conditions (see attached Gloucester Council DA approval and conditions)

2. "The balance of the adjoining land owned by Mr & Mrs J Westley shall be consolidated" ... "to ensure that the balance of the land is not sold in separate allotments".

This condition was to prevent the subsequent creation of a maze of Right of Carriageways.

7. "the allocation and provision of a rural road number for the additional allotment"

This condition is critical for emergency access

Whilst the subdivision went ahead there was NO consolidation of lots.

Additional lots were subsequently sold and additional right of carriageways created. None of these properties have rural road addresses.

Six unique property owners currently require access via a common right of carriageway or right of access creating complex civil issues. There are additional existing lots that could be sold (additional right of ways), exacerbating the current dilemma.

The Problems



- The subdivision and sale of 50ha lots will allow more rural property with access via private Right of Carriageways.
- Right of Carriageways, Right of Access and Private roads are a blight; which many Councils don't allow.
- The Council LEP must to be aligned with Rural Fires Services regulations.
- Right of Carriageway 88B Instruments/Conditions are not reviewed or enforced by Council prior to approving DA's.
- There are many environmental issues in rural areas e.g Water (river) quality, waste water management, garbage/ waste and Fire Prone Lands.
- Council gravel roads are poorly maintained and unsuitable for the additional subdivision traffic creating issues for everyone living on these roads.

Solution

Public road access must be mandated such that any rural lot sold must have

1. Direct public road access at the developers or Council cost.
2. A correct rural road address.

Regards


Phone number 

95

9. D/A NO. 112/94 - J. & R. Westley
Consideration of Access to Proposed Subdivision
 File: T5/3-94

At its meeting on 15th march 1995 Council considered the above application for subdivision.

Council resolved to defer the matter pending the Forward Planning Committee consideration of extensions of the road network maintenance lengths.

This is scheduled to be discussed at Council's meeting on 10th May, 1995.

The applicant has however requested that a Right of Carriageway be used to access the allotments proposed to be subdivided. A Right of Carriageway would be required from the end of the maintained section of road through to proposed Lot A. (Refer to Plan A).

Council in the past has been reluctant to allow the use of Rights of Carriageway for access to subdivisions/allotments as a result of the potential legal implications of maintenance if Council approves a subdivision with no direct access to a Council maintained road.

e.g. Hannaford Subdivision - a corridor of land was created which allowed direct access from the road to the site being subdivided.

Industrial Timbers - Upper Avon - Where a Right of Carriageway was not considered suitable and road upgrade and dedication was carried out.

It would therefore be more appropriate not to support such a proposal which is inconsistent with past decisions. It would be more appropriate to consider the issue of Road Maintenance prior to any decision being made.

RECOMMENDATION

That Council deny the request for a Right of Carriageway at this stage and determine application No. 112/94 following a decision made on Road Maintenance lengths.

9. DEVELOPMENT APPLICATION NO. 112/94 (CONSIDERATION OF ACCESS TO PROPOSED SUBDIVISION)
 File: T5/3-94

Mr. Denver Webb addressed Council on this matter in the public participation session.

253/95 RESOLVED:-

1. That Council approve of the granting of a right of carriageway across private land to provide access to proposed Lot A.
2. That the balance of the holding be consolidated.
3. That the Manager of Environmental Planning be delegated authority to approve the subdivision subject to usual conditions.

FIVE F66400

GLOUCESTER SHIRE COUNCIL

**NOTICE OF DETERMINATION
OF DEVELOPMENT APPLICATION**

issued under the Environmental Planning and Assessment Act
1979
Section 92

development application

<u>applicant name</u>	M Webb Bros. Pty Ltd (J Westley)
<u>applicant address</u>	PO Box 84, Gloucester. 2422
<u>development application no.</u>	112/94
<u>land to be developed: address</u>	Portion 90, Parish of Barrington - Bindera
<u>proposed development determination</u>	Subdivision (1 additional allotment)
<u>made on (date)</u>	24/5/95
<u>determination</u>	consent granted subject to conditions described below
<u>consent to operate from (date)</u>	24/5/95
<u>consent to lapse on (date)</u>	24/5/97

details of conditions

- A. That development consent be granted for Development Application No. 112/94 for the subdivision of Portion 90, Parish of Barrington, Bindera, subject to the following conditions:-
1. The submission of a final plan of survey suitable for lodgement with the Registrar General in accordance with the tentative plan, however modified, to show a Right of Carriageway from the end of the Council maintained section of Westleys Road to the southern boundary of proposed Lot A.
 2. The balance of the adjoining land owned by Mr & Mrs J Westley shall be consolidated.
 3. The submission of documentary evidence from Shortland Electricity that satisfactory arrangements have been made for:
 - a) Provision of easements in favour of Shortland Electricity over private land for existing and proposed power lines and where the developer requires the relocation of power lines or other assets of Shortland Electricity; and
 - b) The provision of grid-based overhead electricity supply to each of the resultant lots in the subdivision.

4. Payment to Council of \$3,638 shall be made being a contribution towards Roadworks.
5. Payment to Council of \$500 shall be made being a contribution towards Bushfire Facilities.
6. Payment to Council of \$600 shall be made being a contribution to Recreation and Community Facilities.
7. Payment shall be made to Council of \$15.00 for the allocation and provision of a Rural Road Number for the additional allotment.
8. This development consent shall lapse in two years from the date of determination, if within which time, work has not commenced as directed under S.99 of the Environmental Planning & Assessment Act, 1979.

reasons for conditions

1. For consideration under the Local Government Act, 1993 and to provide suitable access.
2. To ensure the balance of the land is not sold in separate allotments.
3. To ensure electricity is supplied to each allotment.
4. Contribution under S.94 of the Environmental Planning & Assessment Act, 1979.
5. Contribution under S.94 of the Environmental Planning & Assessment Act, 1979.
6. Contribution under S.94 of the Environmental Planning & Assessment Act, 1979.
7. For provision of a rural road number.
8. Lapsing date of consent.

right of appeal

If you are dissatisfied with this decision, section 97 of the Environmental Planning and Assessment Act 1989 gives you the right to appeal to the Land and Environment Court within 12 months after the date on which you receive this notice.

signed

on behalf of the consent authority

signature
name


N.S. McLeod, General Manager
Gloucester Shire Council

date

30 May 1995

From: [REDACTED]
Sent: Wed, 26 Jan 2022 17:52:23 +1100
To: "MidCoast Council" <council@MidCoast.nsw.gov.au>
Subject: Draft Rural Strategy - letter outlining concerns re tourism impacts
Attachments: letter to mid coast council.cleaned.pdf

This email's attachments were cleaned of potential threats by Check Point SandBlast.

Click [REDACTED]

[REDACTED] if the original attachments are required (justification needed).

Dear Sir/Madam,

I attach my letter addressed to the General Manager, Mid Coast Council dated 26 January 2022.

Kind regards,

[REDACTED]

Email secured by Check Point

[REDACTED],
Barrington NSW 2422

26 January 2022

The General Manager
Mid Coast Council
PO Box 482
Taree 2430

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

Dear Sir,

Draft Rural Strategy – comments and objections re proposed tourism and accommodation controls and impacts

I manage and operate the [REDACTED] on the Barrington River as tourist and guest accommodation.

My experience in the Tourism sector of the Mid Coast Council (and former Gloucester Shire Council) areas is based on being an operator and a guest of numerous holiday accommodation options across the Mid Coast. I have a TAFE Certificate III in Travel and Tourism, a Statement of Attainment in Engaging Customers Using Social Media with TAFE Digital. I am also a lawyer and lecturer.

Thank you for the opportunity to comment on the Draft Mid Coast Rural Strategy. I wish to make the following submissions:

1. Key principle - 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** - https://hdp-au-prod-app-midcst-haveyoursay-files.s3.ap-southeast-2.amazonaws.com/6916/2985/5820/Draft_Rural_Strategy_FINAL_For_WEB.pdf

Looking at Council's Strategic Planning Report p 47 – I note that Council states:

*There are no requirements for a permanent resident to be on the site. To ensure appropriate management of the activity, particularly in emergency situations it is considered essential that any exempt or complying development activity associated with residential or tourist accommodation on rural land should only be permitted where there is an existing, lawfully approved dwelling on the property that is occupied by a permanent resident of the property. **This requirement is consistent with the new short-term holiday accommodation***

definition, gazetted on Friday 9 April 2021 that will come into effect on 30 July 2021: hosted short-term rental accommodation means short-term rental accommodation provided where the host resides on the premises during the provision of the accommodation.

In my view, the section (which I have highlighted in bold above) is not correct.

The Short Term holiday accommodation definition identified by Council above contemplates BOTH hosted and non-hosted accommodation not only the hosted accommodation as identified by Council – see link for ease of reference - <https://www.planning.nsw.gov.au/Policy-and-Legislation/Under-review-and-new-Policy-and-Legislation/Short-term-rental-accommodation>

This significant error seems to have been perpetuated in the Draft Rural Strategy and identified in the above key principle.

2. Disadvantage to Mid Coast Rural Area in comparison to other Rural Local Government areas if Council was to adopt the above key principle

The Mid Coast Council area would be seriously disadvantaged and unable to compete with other Local Government Areas that would not have this Key principle embedded in their planning framework.

The cost of tourist accommodation would increase exponentially to cover the significant costs associated with a live-in Manager. Guests would look elsewhere for essentially the same or similar rural experience but at a lesser cost.

Visitor numbers in the rural areas of the Mid Coast would be lost to surrounding Local Government Areas. In particular Dungog - which is also seen as a base for exploring the Barrington Tops.

3. The effect of the adoption of the Key Principle would be the forced closure of numerous Short Term Accommodation/ Bed and breakfast type operations.

As a consequence, numerous jobs would be lost, supporting trades and every small business would be impacted by the fall in visitor numbers if this key principle is to be rolled out as proposed.

As an example I retain the services of a local manager, guest contact and a housekeeping and laundry team. I have gardening, maintenance and other trades retained on an as needs basis. I estimate the costs of such support to my business to be in the region of \$25,000 per annum. This does not even consider the economic impact of the guest expenditure whilst on holiday in the area.

The impact of forced closures could be catastrophic.

4. Is this Key Principle to be rolled out to all Tourist and Visitor accommodation in the Mid Coast Council area?

The Coastal areas are just, if not more, impacted by the safety concerns and guest experiences that are outlined in the Draft Rural Strategy. I can imagine the furore that would come from holiday rental operators and real estate agents were this Key Principle to be rolled out across the entire Mid Coast Local Government Area.

5. References to Peak Season – these references are not relevant to rural areas.

Our peak season – if there is such a thing in rural accommodation is traditionally from March to November although Covid has just seen a very busy summer season. This is a very different peak season to the Coastal strip which would see summer as the peak.

6. I have read the submission made by Trudy Schultz of Destination Gloucester and I endorse her submission in its entirety.

Under representation of rural areas by the Barrington Coast brand and Mid Coast Council

As an aside – rural areas are seriously under represented by Mid Coast Tourism and the Barrington Coast brand – the name really does say it all.

A review of social media and other marketing carried out such as the Barrington Coast Magazine clearly support this view.

The draft Rural Strategy and the above Key principle further highlight this divide and demonstrate that the rural tourism market and rural sector is not represented or understood by Mid Coast Council. It is no surprise that rate payers across the state are unhappy with the amalgamations of the smaller, more in tune with ratepayers local government areas.

Solution

My suggested solution is for the Draft Rural Strategy to abandon the above Key principle and retain non-hosted accommodation in line with the NSW Government and other local government areas across the State.

Thank you again for the opportunity to comment. I would welcome the opportunity to meet with council officers to further discuss this ill conceived plan.

Kind regards,

[Redacted signature]

Security Notice: The attachments in this email were secured by a Check Point SandBlast.
The original attachments were not modified.

From: [REDACTED]
Sent: Thu, 27 Jan 2022 12:37:38 +1100
To: "MidCoast Council" <council@MidCoast.nsw.gov.au>
Subject: Rural Strategy SPR 02/04 - Submission [REDACTED]
Attachments: Building entitlements with ROW access.pdf

Midcoast Council
PO Box 482
TAREE NSW 2430

Ref - Rural Strategy SPR 02/04

The Rural Strategy does not address Right of Carriageways, Right of Access, or Private Roads.

Right of Carriageways, Right of Access and Private Roads are archaic instruments that Council might approve to satisfy a rural subdivision.

In many case, private roads are created without Council awareness, as these instruments are established by private agreements, providing for the sale of existing rural lots; no matter the size of the lot.

The plan to reduce the size of rural subdivisions to 50Ha per lot (with building approval) has pros and cons (not debated here); however it is the implementation of such a policy that is critical, lest it incumber the rural landscape with a maze of private and unmaintained thoroughfares.

Out of sight out of mind is one way to look at private roads.

Another, is that in a rural environment, privacy simply attracts ne'er-do-wells. Illegal activities, illegal buildings, anti-social behaviour; the list is endless.

A map of such a maze of private roads located at the end of Westleys Road, Bindera is attached. This nightmare of some 13km of private thoroughfare's has unfolded over recent years; but **all** with full Council knowledge. Note: Each of the landholdings are fire prone designated.

Police cannot find their way as the thoroughfares are unidentified. Response by emergency service is impossible as no property has a rural road address.

Currently the land described has **six** landholders.

Should unused existing lots be sold and Council approves a current DA; there is the potential for **ten** landholders, all with no address and no public road access.

And if 50ha subdivisions are allowed this number could **double**, or much worse.

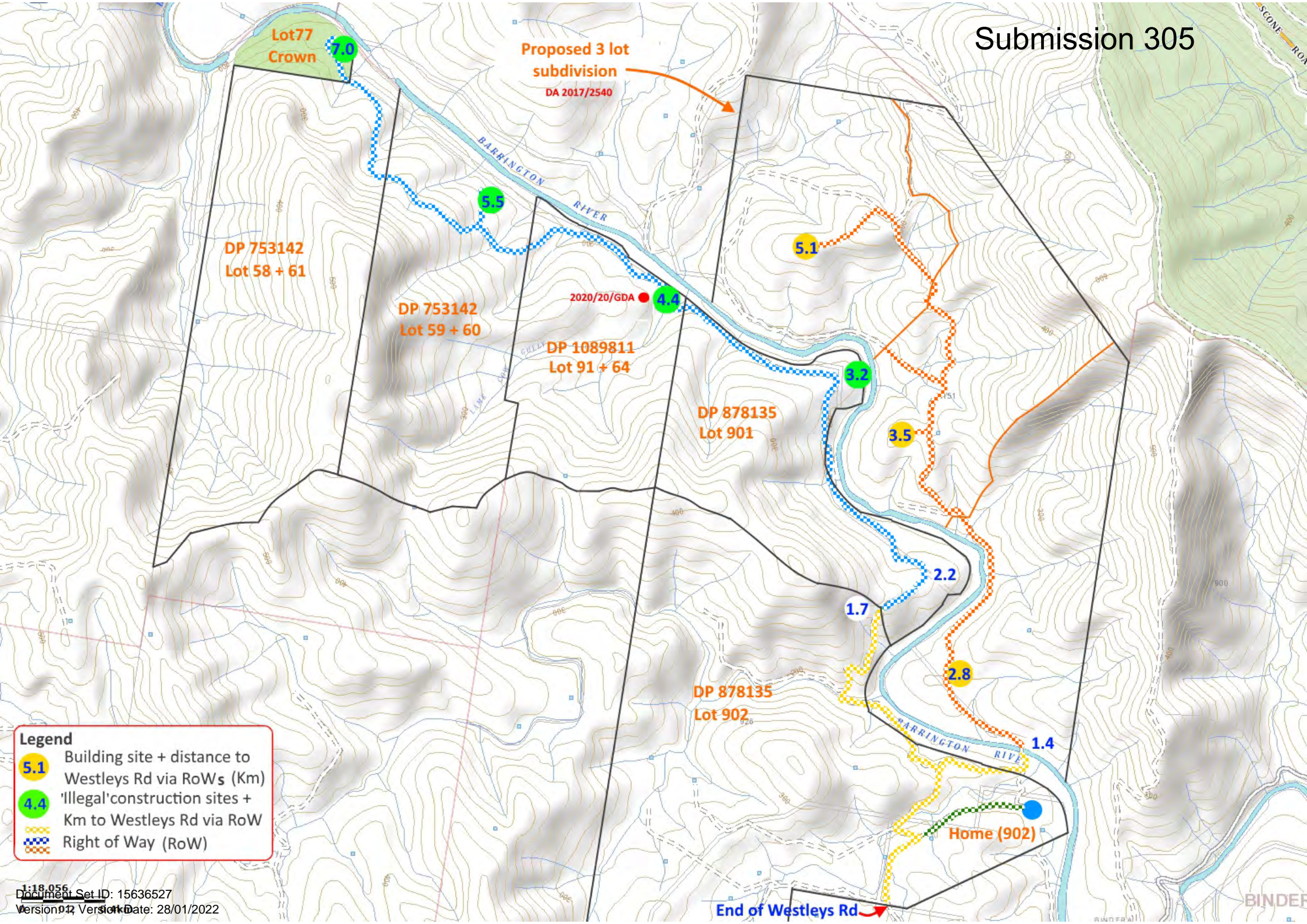
Ludicrous!

All rural properties must be accessible via a public road.

Regards



Email secured by Check Point



Legend

- 5.1** Building site + distance to Westleys Rd via RoWs (Km)
- 4.4** 'Illegal' construction sites + Km to Westleys Rd via RoW
- Right of Way (RoW)

From: "Gloucester Business Chamber" <gloucesterchamber@hotmail.com>
Sent: Fri, 28 Jan 2022 10:03:54 +1100
To: "MidCoast Council" <council@MidCoast.nsw.gov.au>
Subject: Draft Rural Strategy - Objection Submission
Attachments: GBC Rural Strategy Objection.cleaned.pdf

This email's attachments were cleaned of potential threats by Check Point SandBlast.
Click [here](#) if the original attachments are required (justification needed).

Please find attached.

Kind Regards,

Gloucester Business Chamber



Your Committee

President - Matt Clinch 0478 599 283

Leveltec Engineering

Vice President - Evette Terras 0417 042 082

Uptown Country

Treasurer - Sandra Twomey 0428 581 101

Yates and Twomey

Secretary - Sandra Twomey (acting)

Yates and Twomey

Ordinary Member - Trudy Schultz 0427 589 075

Accommodation Gloucester

Ordinary Member - Hailey Dodds 0407 001 778

Batter and Dough

Email secured by Check Point

Wednesday, January 26, 2022

General Manager – MidCoast Council
Yalawanyi Ganya, 2 Biripi Way
PO Box 482, Taree NSW 2430
Distribution – Email & Express Post
council@midcoast.nsw.gov.au

Re: Draft Rural Strategy – Submission of objection and request for further consultation with stakeholders on behalf and including Gloucester Business Chamber and the general Gloucester Business Community

Dear Adrian,

To get straight to the point, on review of Midcoast Rural Strategy – June 2021 also marked FINAL it is observed there are a number of proposed changes which concern the tourism accommodation operators and further threaten subsequent businesses who also derive income from not only the tourism traffic, but that of the accommodation operators also. These changes will also be to the detriment of the Chamber and further, the community it supports.

I have discussed the proposed changes with a number of accommodation operators to gain a better understanding of how these changes would affect their operations. It is very clear that the following changes will be to the detriment of those stakeholders listed above, and likely to affect others in our community that at this point we are unaware of.

I bring the following to your attention; with the expectation you will take into consideration the effects the following proposed changed will have on accommodation and tourism operators across the proposed area of introduction.

G2 Objective.02 Provide a range of tourist accommodation and experiences

“By establishing clear and consistent planning framework that enables a diverse range of tourist and visitor accommodation, events and facilities, Council can also partner with communities and land owners to ensure tourist services and facilities are effectively managed for long-term sustainability.

A key principle for this will be 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. This ensures that any tourist and visitors unfamiliar with the area and property, can be provided with a great visitor experience during our peak seasons, and a safe visitor experience, even during our worst weather events.”

Is this to suggest, suitable short term accommodation dwellings, both existing and future must have a live in manager to be certified legal? If this is the case, how is it proposed existing operators continue to effectively manage their businesses when in most cases they are a one- or two-person operator, contracting cleaning and provisioning services? Onboarding live in managers is unsustainable, particularly in this current economic climate with enormous skill and experience shortages nationally.

Wednesday, January 26, 2022

It could be argued, much of the allure of Rural Short Term tourism visitations is the privacy and anonymity much of our accommodation services provide.

To implement this objective would be to the detriment of the entire LGA. Just the Chamber, is at risk of losing ~\$8000 in sponsorship and support if operators are forced to change or wind up as a result of this objective.

There are a number of other concerns, referenced to the Rural Strategy, and I wish to draw attention to a submission made by Trudy Schutz. Trudy has raised and address concerns that directly affect a wide range if not all of the accommodation providers in Gloucester. The Chamber fully supports and concurs with Trudy's submission as valid and pertinent.

The opportunity for further consultation with stakeholders is necessary as the implication from this key principal will be wide spread and devastating for all involved- including the communities in which these operators trade.

Ideally, removing this key principal from this strategy is a favourable outcome for all involved- including MidCoast Council and the population it serves and services.

The Chamber is happy to provide key representation with the Accommodation businesses, alongside Tourism Gloucester, Destination Gloucester and Essentially Barrington in further discussions regarding this Strategy.

We appreciate the consideration of this submission, and those of our respective businesses on the same matter.

Sincere Regards,

Matt Clinch

President

Gloucester Business Chamber



OUT22/1156

Gerard Tuckerman
Acting Manager
Land Use Planning Team
MidCoast Council

rural@midcoast.nsw.gov.au

Dear Mr Tuckerman

MidCoast Draft Rural Lands Strategy

Thank you for the opportunity to comment on MidCoast Council's Draft Rural Lands Strategy (draft Strategy). A comprehensive and strategic approach to resource and land use planning is needed to appropriately value and prioritise agricultural production in planning decisions.

The Department of Primary Industries – Agriculture (DPI) has reviewed the draft Strategy. The goals and objectives of the draft Strategy are generally supported.

DPI Agriculture does not support the following recommendations of the draft Strategy:

- 1) Discontinuation of the current Primary Production (RU1) zone and application of the Rural Landscape (RU2) zone in place of the RU1 zone across the local government area (LGA).
- 2) Reduction of the minimum lot size (MLS) from 100ha to 40ha in the proposed RU2 zone.

Discontinuation of RU1 Zone

DPI Agriculture does not support the proposal to discontinue the use of the RU1 Primary Production zone and apply the RU2 Rural Landscape zone to all rural land in the MidCoast LGA.

The zoning of rural land should not be based purely on the extent of mapped Biophysical Strategic Agricultural Land (BSAL) which was developed for the purposes of assessing impacts from state significant mining and coal seam gas proposals. DPI Agriculture notes that the mapping shown in the draft Strategy's Attachment F – Agriculture and Rural Industries Background Report, Figure 5 is incorrect as it is not BSAL mapping. It is unclear where this mapping is sourced from, the methodology for its development or its purpose.

DPI Agriculture recommends that Council review the current Preliminary Draft State Significant Agricultural Land Map (SSAL) as a starting point to help determine potential significant agricultural land. It is understood that Council has received a copy of the SSAL GIS data to help in strategic planning. Further information on SSAL can be found at this link
<https://www.dpi.nsw.gov.au/agriculture/lup>

A guideline on the different types of agriculture mapping along with information on their strengths and weaknesses can be found at this link: <https://www.dpi.nsw.gov.au/agriculture/lup/agriculture-industry-mapping/agricultural-land-use-mapping-resources-in-nsw-user-s-guide>

DPI Agriculture can provide guidance to Council in developing their own Locally Important Agricultural Land Mapping.

Regardless of the mapping used to identify agricultural land, the use of a single zone for all rural land is not supported. MidCoast LGA is topographically diverse, containing both high quality rural land well suited to agriculture as well as steep, heavily vegetated land. A single zone for all rural areas of the LGA means that no distinction can be provided in the planning controls (objectives and permissible land uses) for land which has differing characteristics. It also does not enable appropriate and proportional planning controls to be applied to different types of land.

Maintaining two distinct land use zones (RU1 Primary Production and RU2 Rural Landscape) enables proposed developments to be assessed against narrower and more relevant zone objectives appropriate to the constraints of the land.

A single rural zone would mean that a wide range of land uses will be permissible in rural areas, including land uses which are likely to be incompatible with each other. Permissibility of differing and incompatible land uses can have an adverse impact on agriculture as:

- the risk of potential land use conflict is greater; and
- agricultural land uses have to compete with non-agricultural land uses for land making the establishment or expansion of agricultural businesses more difficult.

Council is encouraged to reconsider the use of a single RU2 zone in the LGA.

Reduction in minimum Lot Size (MLS) from 100ha to 40ha

The recommendation to adopt a single 40ha MLS for all rural zoned land is not supported.

The 40ha MLS that is often used in other LGAs was developed as an interim measure until detailed investigations were conducted by councils on the most appropriate MLS for their LGA. A 40ha MLS is not considered to be suitable for large areas of the MidCoast LGA given the types of agricultural enterprises that are dominant in the LGA and the availability of current information available to guide Council on setting a suitable MLS.

DPI Agriculture notes that, during the development of the draft Strategy, Council engaged with landowners and industry groups to determine minimum land area requirements for a range of agricultural land uses to determine a MLS. The findings from the engagement, in part 10.7.6 of the draft Strategy, indicate that beef farms require 50-100ha while dairy require 40-80ha. The draft Strategy identifies that beef and dairy industries are two of the main agriculture industries, along with poultry, for the LGA.

The justification to reduce the MLS to a size less than that needed for the main agricultural industries in the LGA is inconsistent with the first goal of the draft Strategy to sustain primary production opportunities and the outcomes to protect established agricultural industries and support farm-based efficiency, profitability and income diversification.

Objective 1.1 notes the need to avoid land use conflict however increasing the density of dwelling entitlements via a reduced MLS will likely hinder this. The draft Strategy also aims to achieve less fragmentation of rural lands. This will not be achieved if a 40ha MLS is adopted.

If a rural land strategy is to consider revision of the MLS applied to rural land in an LGA it should ensure that the land area requirements of the likely or preferred agricultural industries in the LGA are met. These land area requirements should be determined by consideration of the following:

- Minimum land area required for viable and sustainable agricultural operations. This should not just be based on current prices and expected production volumes but should examine industry and market trends to factor in necessary expansion to maintain viability or sustainability of the broader industry. It also needs to consider the need for land which is flood free and free of steep slopes and other physical constraints relevant to the production system for the commodity.
- Land required for buffer areas to mitigate any impacts the expected or preferred land use in the area may have on neighbouring properties.
- Land that may be required for expansion of farming operations or land needed for diversification or value adding operations.
- Any required separation distance between agricultural land uses necessary to address biosecurity risks.

DPI would be happy to assist Council in further developing their Rural Land Strategy to help achieve the Goals and Objectives outlined in the draft Strategy.

Should you have any questions in relation to this matter please contact Agricultural Land Use Planning Officer, Helen Squires, on 0437 645 719 or landuse.ag@dpi.nsw.gov.au .

Yours sincerely

A handwritten signature in black ink, appearing to read 'Paul Garnett', with a stylized flourish at the end.

8 February 2022

Paul Garnett

A/Manager Agricultural Land Use Planning

Security Notice: The attachments in this email were secured by a Check Point SandBlast.
The original attachments were not modified.

From: "Matt Clancy" <matt@accuplan.com.au>
Sent: Fri, 28 Jan 2022 11:59:35 +1100
To: "MidCoast Council" <council@MidCoast.nsw.gov.au>
Cc: "Richard Pamplin" <Richard.Pamplin@MidCoast.nsw.gov.au>
Subject: REF Rural Strategy SPR 02/04 - Submission
Attachments: 21432_MCC_270122.pdf

ATTN: Land Use Planning Team

Please find attached submission in relation to the draft MidCoast Rural Strategy which is presently on public exhibition.

Should you wish to discuss any aspects of the submission I can be contacted on the number below or by return email.

Regards

Matt Clancy

[Accuplan](#)

Head Street, Forster NSW 2428

PO Box 34, Forster NSW 2428

(t) 02 6555 5522

(e) matt@accuplan.com.au

Find us on [Facebook](#) or www.accuplan.com.au

[town and environmental planning / ecology / bushfire assessment / development applications / building code of australia / fire engineering / bushfire evacuation plans and management plans / rezoning / social impact assessments / local government liaison](#)

Email secured by Check Point



PO Box 34 FORSTER NSW 2428

Level 1 Building Q, Head Street Carpark
Head Street Forster 2428

Phone: (02) 6555 5522

27 January 2022

General Manager
Mid-Coast Council
PO Box 482
Taree NSW 2430

Our Ref: 21432

Attention: Land Use Planning Team

Dear Sir or Madam,

**SUBMISSION IN RELATION TO "DRAFT MID-COAST RURAL STRATEGY, JUNE 2021"
(REF RURAL STRATEGY SPR 02/04)**

Accuplan has been engaged by Pentola Partners Pty Ltd (Pentola Partners) to prepare a submission in relation to the "Draft Mid-Coast Rural Strategy, June 2021".

Pentola Partners are the owners of a number of land holdings throughout the southern part of the Mid-Coast local government area (LGA). The land holdings owned by Pentola Partners are predominantly zoned RU2 Rural Landscape under the provisions of *Great Lakes Local Environmental Plan 2014* (LEP 2014) and include land at Lot 32 DP 753150 (Lee Street Bulahdelah).

The purpose of this submission is to "object" to proposed amendments to the Land Use Table to the RU2 Rural Landscape zone. Specifically, objection is raised to the proposal to exclude the land use definition of "caravan parks" from the list of permitted land uses in the RU2 zone.

The grounds of objection are as follows:

1. LEP 2014 presently includes "caravan parks" as a land use that is permitted with the consent of Council in the RU2 Rural Landscape zone. While the feasibility of a caravan park on any particular lot is dependant on a range of environmental, social and servicing constraints, the general prohibition of "caravan parks" represents a significant reduction in the development potential of certain RU2 zoned land including land at Lot 32 DP 753150, Lee Street Bulahdelah.
2. The prohibition of caravan parks in the RU2 zone is unnecessary given the existence of other planning controls. In particular, the provisions of the following planning controls effectively regulate the development of land for the purposes of caravan parks and provide an appropriate framework for the consideration of the merits and suitability of individual sites:
 - *State Environmental Planning Policy (Housing) 2021* (Housing SEPP); and
 - *Great Lakes Development Control Plan 2014* (DCP), *Chapter 17* "Manufactured Home Estates and Caravan Parks".

It is apparent that the prohibition of caravan parks in the RU2 zone has been proposed with the intent of excluding the development of that land within that zone for the purposes of a "manufactured home estate" (MHE) under Part 8 of the Housing SEPP.

This assumption is supported by the following “Local Plan Recommendations” relating to “Objective.02 - Provide a range of tourist accommodation and experiences” of the Rural Strategy:

Prohibit caravan parks in rural and environmental zones to ensure these facilities are not transitioned into a higher density residential manufactured home estate in locations where there may be limited access to community services and facilities.

We submit that the existing planning framework is adequate to regulate the development of MHEs without prohibiting caravan parks and associated tourist accommodation. The existing planning controls provide sufficient ‘land based exclusions’ and regulation of MHEs on rural and environmental zoned land, including:

- Clause 122 of the Housing SEPP prescribes that MHEs cannot be carried out on categories of excluded land in Schedule 6. These exclusions include land zoned “rural (where the land is not adjacent to or adjoining land zoned for urban use)”.
- Clause 125 of the Housing SEPP prescribes matters to be considered by Councils in granting consent to MHEs. This includes *“that sufficient community facilities and services, whether situated within or outside the estate, are or will be available and reasonably accessible to the residents of the manufactured home estate”*.

Part 9 of the Housing SEPP also regulates the development of land for the purposes of caravan parks. Importantly, Clause 133 of the Housing SEPP provides “matters to be considered by Councils” in the determination of a development application for a caravan park”. These matters include (among other things):

“whether, because of its location or character, the land concerned is particularly suitable for use as a caravan park for tourists or for long-term residence”.

Clause 133 provides Councils with the statutory mechanism to take into account the suitability of any particular site for “long-term residence” while also retaining the ability for caravan parks to be established for appropriate tourism purposes (i.e. holiday parks).

With regard to the above Clauses of the Housing SEPP, it is apparent that the ‘Local Plan Recommendations’ (Rural Strategy, page 96) are not well founded. The recommendation does not consider the existing range of development controls that will continue to apply to any proposal to develop rural land for the purposes of a caravan park or MHE, or consider whether the land is suitable for those particular forms of development.

3. The prohibition of caravan parks in rural zones will unnecessarily restrict the range of tourist accommodation that may be developed in rural areas and will not *“allow the planning and assessment framework to respond to opportunities that may be created by future changes to State planning instruments”* (Rural Strategy, page 93).

While no draft SEPPs have been exhibited, it is expected that future changes to the Housing SEPP and/or Standard Instrument could include new land use definitions for caravan parks which could (if adopted) differentiate between “tourist parks” and “residential parks”. These land use definitions are proposed in the NSW Department of Planning and Environment (DPE) Discussion Paper *“Improving the Regulation of Manufactured Homes, Caravans Parks, Manufactured Homes Estates and Camping Grounds (2015)”* (the “Discussion Paper”).

The general prohibition of caravan parks in the RU2 zone could therefore prohibit the establishment of caravan parks in locations that would otherwise be well suited to “tourist park” development under future State planning instruments.

As discussed above, the current planning framework (particularly Chapter 17 of the DCP) provides controls that limit the ratio of long-term sites for caravan parks in rural zones. The existing DCP controls generally respond to the proposed amendments described in the Discussion Paper and already achieve the intent of the Local Plan Recommendations outlined in the Rural Strategy. The outright prohibition of such development is unnecessary.

4. The prohibition of caravan parks in Rural zones will result in the need for caravan park (including tourist park) proposals in rural zones to be supported by a "Planning Proposal" to amend the LEP.

As mentioned above, the existing planning system provides an appropriate framework to determine the suitability of any particular site for use as a caravan park. The necessity for an LEP amendment would result in unnecessary burdens on both Council and the proponent seeking to develop land for caravan park purposes. This would inhibit the ability for the tourism industry to respond and to changing tourism demands and could impact negatively on economic development (contrary to the objectives of the Rural Strategy and Destination Management Plan).

The Discussion Paper provides a thorough overview of the key issues with the existing planning system and outlines proposed amendments to better facilitate development for caravan parks and MHEs. It is expected that the controls available via the planning system concerning caravan park and MHE development will continue to evolve under the direction of the State Government with particular focus on the differentiation between definitions of "tourist park" and "residential park".

The above submission highlights the adequacy of the current local and state planning controls for the purposes of regulating development of rural land for caravan parks or MHEs (particularly with respect to providing long-term residential accommodation). Having regard to those controls, and the fact that very few (if any) new caravan parks have recently been approved in rural zones, it is submitted that the land use definition of "caravan park" should be retained in the LEP land use table for the RU2 Rural Landscape zone.

Importantly, there are not presently any RU2 zoned lands in the areas of the Mid-Coast LGA covered by Greater Taree LEP and Gloucester LEP. The Strategy (at Section 10.3.2) notes that the RU2 Rural Landscape zone has been broadly applied to:

- *land adjoining urban settlements; and*
- *variable environments, not just productive agricultural lands, and enabled a broad range of land uses.*

The above indicates that the retention of 'caravan parks' as a permissible land use in the RU2 zone will not create any inconsistencies in terms of any future Mid-Coast LEP and will be consistent with enabling a broad range of land uses on land within the RU2 zone.

Should you wish to discuss any aspect of this matter please contact me on (02) 6555 5522.

Yours faithfully



Matt Clancy

Registered Planner (RPIA)

Accuplan

email to: matt@accuplan.com.au

An Attachment to the Rural Strategy Comment

I am making this attached comment on behalf of myself, [REDACTED] [REDACTED] and my partner [REDACTED] with our previous online submission. We have also taken part in the face to face meeting with Staff re of the MIDCOAST Rural Strategy at Bulahdelah.

We would particularly like to address Goal 2: Enhance Rural Lifestyles and Livelihoods and comment on past subdivisions and entitlement of concessional lots, where new people have moved into our Markwell, Upper Myall and Warranulla areas.

It has been a positive change where people with enthusiasm have taken on the Rural Lifestyle. It has also benefited the township of Bulahdelah and increased valuable membership in our local Fire brigade, where one local member has even become the Fire captain. It has also boosted membership to the worthy Lions club, Chamber of Commerce with its improvements to the town, as well as volunteer members for Visitor centre and Library. The support for local clubs and businesses has also increased with the influx of residents.

This is all very positive and increased lifestyle opportunities would be a great asset to rural communities. However in the Rural Strategy Plan there has been little concern for the farmers that live in our area and their valuable input over the years.

In our own case after 40 years of living here at [REDACTED], Upper Myall, for 20 years dairying and the remainder in beef farming, we have reached the stage where we want to continue to live in our farm homestead, which we completely renovated in 1992 using our own timber.

After raising our family here, it is time for retirement on preferably a 5 acre block (or less) so we can access a pension, which is one of the requirements. We can no longer manage the 228 acres of our farm due to our age so hopefully it can then be moved on to a younger generation without splitting up the remaining area.

We also want to reinforce the fact that the stress of moving and resettling will be too difficult and after 40 years we have made our niche amongst our neighbours and community and want to remain in our area.

Also our family which were raised here want to continue to visit the family homestead with our grand children and enjoy it well into the future with the next generations.

We are making this submission not only for ourselves but all farmers living in the Mid coast region which are in the same position as us. As farmers face the fact that they all grow older, we feel we have been omitted from the Rural Strategy, in any future planning of farmers in their retirement. All farms should, after an extended period, have one entitlement of subdivision of their homestead and a small area surrounding it, in wanting to remain in their much loved homes.



As an extra we are enclosing a map of our farm, it runs on [REDACTED] [REDACTED] [REDACTED] [REDACTED] We have highlighted the farmstead and sheds which are situated adjacent to [REDACTED] [REDACTED] [REDACTED]. We again submit these comments for your consideration.



From: [REDACTED]
Sent: Fri, 28 Jan 2022 14:59:34 +1100
To: "MidCoast Council" <council@MidCoast.nsw.gov.au>
Cc: [REDACTED]
Subject: Submission for Draft Rural Rezoning

Hi Team

I would like to make a submission under the Proposed Draft Rural Re Zoning

Property Address-

[REDACTED]

Dyers Crossing

My current zoning is RU4 and had purchased the property due to its land/ business capabilities without being subject to seeking approvals or DA consent to run both high intensity livestock and high intensity agriculture activities. Including building shedding.

I have today spoken with a council member expressing my concern that the proposed rezoning of my land to R2 could not only potentially prohibit me from conducting the above resulting in financial loss but also leave me subject financially to DA costs and approvals.

We made careful decisions surrounding these issues prior to purchasing the land (that is why we purchased RU4 land to begin with)

I would like to seek consideration from Council to remain designated as RU4 and if the need arises to conduct activities that fall outside my Current RU4 zoning permission would be sought at that time.

Please feel free to call and discuss

Thanks

[REDACTED]

Sent from my iPhone

Email secured by Check Point

This email's attachments were cleaned of potential threats by Check Point SandBlast.
Click [here](#) if the original attachments are required (justification needed).

From: [REDACTED]
Sent: Fri, 28 Jan 2022 15:59:39 +1100
To: "MidCoast Council" <council@MidCoast.nsw.gov.au>
Subject: Midcoast Council Draft Rural Strategy - Smiths Lake
Attachments: Submission-V4-May-2021 (1).cleaned.pdf, 20220128_Draft Rural Strategy - Smiths Lake.cleaned.pdf

Midcoast Council
Email: council@midcoast.nsw.gov.au

Submission in respect of Draft Rural Strategy -Smiths Lake

Form and pdf formatted submission attached.

PS I have no idea what "reference" on the form refers to?

[REDACTED]

Email secured by Check Point

Submission details

Submission 386

Reference number

Submission relating to

Address (if applicable)

Your submission

Additional information may be attached

How to lodge this form

Save this form to your computer and then attach, with any other additional information, to an email to council@midcoast.nsw.gov.au. The Email subject will be 'Submission relating to [Reference]'

Forward by Post; or

Lodge at our Customer Service Counters - Monday to Friday (Excluding Public Holidays).

Privacy: This information is required to assist with your application and will not be used for any other purpose without seeking your consent, or as required by law. Your application will be retained in our Records Management System and disposed of in accordance with current legislation. Your personal information can be accessed and corrected at any time by contacting us.

MidCoast Council | Yalawanyi Ganya | 2 Biripi Way Taree | PO Box 482 Taree

Phone 02 7955 7777 | email council@midcoast.nsw.gov.au

www.midcoast.nsw.gov.au

Office use only

Reference number

Submission number

[REDACTED]
[REDACTED]
Smiths Lake NSW 2428

M: [REDACTED]
[REDACTED]

28 January 2022

Submission Mid Coast Council Draft Rural Strategy – SMITHS LAKE

At the Council presentation at Pacific Palms, 1 – 6pm on Thursday 11 November, hand marked maps were pinned up showing the original zonings (W1, W2, W1 portions) and the proposed new zonings for Smiths Lake waterway (all zoned W1).

I had not expected this and there had been no information prior that this was part of this process. There was nothing referred to in respect of the critical foreshore. What foreshore controls will partner the waterway zonings?

Reading the FACT Sheet '*Looking After our Waterways*', it appears that the W1 Zoning will only apply to Smiths Lake, described as a *requiring sensitive and ongoing management and monitoring*. But what are the controls, as it was said that Zonings under the old plan and the proposed Plan, having the same designation may have completely different controls?

If this W1 Zoning applies to the whole of Smiths Lake, what are the new controls and what is the proposed monitoring?

How will these controls and monitoring interface with the Marine Park status?

Currently there is a planned new Marine Park Plan proposed to which I have written a comprehensive objection specifically in respect of Smiths Lake where it is proposed to remove the Sanctuary Zone in the western area. In essence, the New Marine Park Plan will downgrade protections for Smiths Lake.

If the new W1 Zoning means more environmental protection for Smiths Lake, I am fully supportive. If more is not done to protect the topography and vegetation of the Smiths Lake Village, then what use will the W1 Zoning be?

Over the last decade many, and I mean many, submissions have been made to Council and Marine Parks about issues impacting on the foreshores, waterway, and

vegetation. Trying to engage with both has been frustrating in the extreme. Both have been unwilling generally and unsupportive in the first instance leaving it to individual staff to do the right thing. With Council the left hand never seems to know what the right is doing, and one has the clear impression that there is a lack of resources and willingness to take environmental issues seriously.

To date, despite the Estuary Management Plan objectives for various (eg control of siltration and protection of the forshore intertidal saltbush and vegetation), the Lake water quality has declined from an 'A' rating, to a 'B' rating. What the absolute data is is not known.

Things I see need to be done to protect Smiths Lake:

- improve the water quality of the Lake (recently downgraded from an A to a B rating);
- protect and enhance the Sanctuary Zone;
- do something to protect the seagrasses and the foreshore 'intertidal' zone;
- remove all the watercraft left unattended year round. Including derelict hulls etc.
- no further development around the total perimeter of SMITHS LAKE;
- do something to filter the increasing run-off into the LAKE (provide Council with the resources to get this done;9I thought that this was a long standing objective in Estuary Management Plan?)
- introduce an environmental focused conservation management plan to protect the **SMITHS LAKE VILLAGE** foreshore vegetation buffer zone (and stop landholders "privatising portions and removing natural vegetation in front of LAKE properties), and to restore damaged and removed natural vegetation species;
- and stop the illegal unilateral foreshore cutting of walkways along the foreshore through vegetation;
- provide Mid Coast Council the resources to effectively manage environmental qualities of the LAKE.
- NSW Government to progressively buy-out some of the Commercial Fishing Licences.
- Protect and monitor/report on the two unique sponges.

- For Debert Reserve, Council must establish a clear natural vegetation management plan and not abrogate responsibility to the likes of the local restaurant staff. The vegetation has been severely emasculated and the area is a disgrace.
- There must not be any commercial development to the foreshores of Smiths Lake.

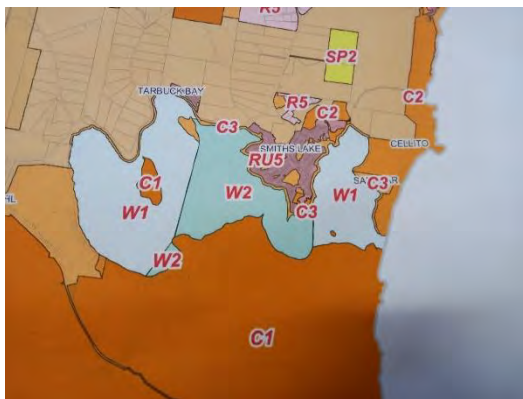
It is my opinion Council, and its predecessor, have a poor track record in respect of management and monitoring of Smiths Lake and foreshores.

If the W1 Zoning is a step in the right direction, particularly in the old W2 area, then I am all for it. But I want to know what management and monitoring will amount to in the new Plan.

Regards

[Redacted Signature]

Attached: Council map extracts displayed at Pacific Palms, 1 – 6pm on Thursday 11 November



Old Plan - W1 and W2 Zonings



New Plan - W1 Zoning

Michelle Jobson

From: haveyoursay@midcoast.nsw.gov.au
Sent: Friday, 28 January 2022 4:19 PM
To: MidCoast Council
Subject: Make an online submission - Draft MidCoast Rural Strategy Form Submission

Categories: Blue Category



Make an online submission - Draft MidCoast Rural Strategy Form Submission

There has been a submission of the form Make an online submission - Draft MidCoast Rural Strategy through your Have Your Say website.

First Name

Last Name

Your email address

Your best contact phone number

Suburb

Bindera

Postcode

2422

Property address of interest**Property suburb of interest**

Bindera

Submission subject

MidCoast Rural Strategy Plan - Tourist Accommodation

Please provide your submission here and/or upload your supporting documents below.

The requirement for tourism accommodation to have onsite managers in rural areas, as stated in the Draft Rural Strategy, is unrealistic. Many self-contained tourist accommodation venues operate in the Gloucester region currently. Accommodation providers supply guests with information both before and during their stay to keep them safe. Where there is no phone reception, it is possible for accommodation providers to contact guests in person should they need information urgently or via a land line. Where no landline is available there is the option for a satellite phone to be provided rather than an onsite manager. There are many other ways to provide information to visitors than to provide an on-site manager. This requirement would also mean that accommodation providers could not go about their everyday lives if they were required to be at the beck and call of visitors at all times during their stay. This is not realistic given the number of family businesses in the region that cannot afford staff to man a help desk 24 hrs per day. Additionally, many visitors are booking this region for a remote experience and the last thing they are looking for is to share a property with the owners or staff.

To view all of this form's submissions, visit

https://haveyoursay.midcoast.nsw.gov.au/index.php/dashboard/reports/forms_new/data/46

Security Notice: The attachments in this email were secured by a Check Point SandBlast.
The original attachments were not modified.

From: "OpenForms" <council@midcoast.nsw.gov.au>
Sent: Mon, 31 Jan 2022 16:04:58 +1100
To: "MidCoast Council" <council@MidCoast.nsw.gov.au>
Subject: Report & Request Form Submission
Attachments: Rural Land Zoning submission by [REDACTED].docx



Report & Request Form Submission

MCCR&R8434

When to use this form	
Your details	
Title	Mr
Surname	[REDACTED]
Firstname	[REDACTED]
Your postal Address	[REDACTED]
Contact telephone number(s)	[REDACTED]
Email address	[REDACTED]
How should we contact you if we need to?	Either
How can we help you today?	
What is the problem / service request	Other: RURAL LAND POLICY

about?	
Which Council region are you located in?	Gloucester region
Where is the problem / or service request located ? (exact location or address) Location of problem or required service? (Please provide a full address).	
Please provide a short summary of the problem / service request:	Rural land policy submission attached I was late in sending my expanded submission on the Rural Land Strategy. It is attached
Additional information that may help us resolve the request:	
Upload a picture(s) or document(s) that may help us if you wish:	Rural Land Zoning submission by .docx
Privacy	

Email secured by Check Point

Rural Land Zoning

MidCoast Council Draft Rural Strategy

The Draft Rural Strategy “aims to provide clear and consistent land use planning and management principles.” It aims to inform “well-balanced development and conservation outcomes across our rural landscape into the future.”

It does not yet do this because it does not allow for location and specific use flexibility.

Two priority actions from the Local Strategic Planning Strategy (2020) that impact on rural land are:

- “Priority 8.1 Identify and protect the rural and environmental values of the MidCoast and explore opportunities to support and grow our rural sector through the Rural Strategy” and
- “Priority 8.2 Work with the NSW Government to develop and implement the Important Agricultural Land mapping.”

While the lack of the mapping referred to in 8.2 is an acknowledged data gap, it should not mean that opportunities in 8.1 are not considered using similar principles and processes. Unfortunately, I consider that a blanket 40ha subdivision size, limits opportunity for economic growth while doing nothing to protect environmental values. In this context, a 40ha zone limit is no better than the previous 100ha limit.

Zoning or landuse approvals based on land capability or land suitability would be far better in protecting rural and environmental values. Such classifications or approvals would, when properly assessed, support economic growth in the rural sector.

Classifying Important Agricultural Land is a process in NSW to assist in making planning decisions about agricultural land and its contribution to regional economies. The program will in any given area:

- “provide more certainty for agribusiness to remain, invest and grow
- reduce land use conflict
- enable compatible development in zones that permit agriculture
- choose appropriate zones for non-agricultural development
- support essential agricultural assets and the agricultural supply chain
- identify future opportunities for agricultural industries.”

While the mapping is not available for the MCC area, the process is documented and can be used by trained personnel at a local scale. The results are robust and could form a basis for land use and zoning.

MCC could provide:

1. a current land use map that identifies where agricultural industries are located;
2. a simple map of important biophysical resources for agriculture applicable across all agricultural industries; and
3. an overlay of socio-economic data such as transport and infrastructure

An applicant for a rural use subdivision could then apply for a subdivision of specific size and purpose. An application for a 3ha market garden would be very different to an application for 15ha citrus orchard. The application would be justified with criteria such as in the following table.

Example of Criteria for approval of subdivision for specific landuse.

Proposed Landuse	
Existing landuse	
Rural land capability	
Slope	
Soil type	
Rainfall	
Irrigation	
Elevation	
Relations to neighbours	
Onsite environmental issues	
Offsite environmental issues	
Onsite processing	
access	
other	

A rural parcel of land does not have to include a housing approval. Small size intensive land use does not necessarily require the operator to live on site. Housing approval inflates the price of such land and brings with it issues of water, energy, sewerage, and access supply.

The NSW Draft Agricultural Landuse Planning Strategy (2020) says the following about minimum lot size:

Fragmentation of agricultural land is one of the primary factors affecting the continued use of rural land for productive agriculture. Fragmentation of rural land can lead to competition for the land from other land uses which prevents the future use of rural land for productive agricultural purposes. On the other hand, small lots are important to the rural lifestyle and should be encouraged in a planned and controlled way. The minimum lot size for rural land is often a reflection of historical policy and is not based on evidence. Achieving the minimum lot size does not guarantee that the land will continue to be used for agriculture as the size of the lot may be unsuitable for the particular farming method. Moreover, there is some evidence that minimum lot sizes can also be too large – too small to be viable businesses but too large for effective hands on management.

Council Actions

1. Finalise a Landuse Study and the 3 maps suggested above.
2. Develop an LEP that supports agricultural subdivision on the basis of appropriate landuse (irrespective of size) and prevents urban, mining, industrial or tourist development on productive rural land

Submitted for consideration



Michelle Jobson

From: [REDACTED]
Sent: Friday, 4 February 2022 12:35 PM
To: Have Your Say
Cc: Rural Strategy
Subject: Feedback Proposed Changes to RU2 Zoning

Hi

We would like to oppose the following additional activities being permitted in areas zoned RU2:

Correctional centres
Electricity generating works
Extractive Industries
Hazardous storage establishments
Offensive storage establishments
Open cut mining
Transport depots
Truck depots
Vehicle body repair workshop
Vehicle repair station

These activities do not enhance the environment and should be removed.

Kind regards

[REDACTED]

Email secured by Check Point

Michelle Jobson

From: Have Your Say
Sent: Thursday, 27 January 2022 10:30 AM
To: Rural Strategy
Subject: FW: REF Rural Strategy SPR 02/04

Follow Up Flag: Follow up
Flag Status: Completed

Good morning,

Please see below email submission re Rural Strategy, for your attention.

Thank you

Regards,
Melisha

From: [REDACTED]
Sent: Tuesday, 25 January 2022 4:26 PM
To: Have Your Say <haveyoursay@midcoast.nsw.gov.au>
Subject: REF Rural Strategy SPR 02/04

Dear Sir, Madam, Councillors,

After reviewing the Draft MidCoast Rural Strategy, I wish to make the following comments and request changes be made to align with the visions of the council and in general with the wider community expectation.

With regard to changes in the RU2 Rural Landscape I notice a number of additional "Permitted with Consent" these new applications together with some existing must be removed and placed in the prohibited section as follows:

Correctional centres
Electricity generating works
Extractive Industries
Hazardous storage establishments
Offensive storage establishments
Open cut mining
Transport depots
Truck depots
Vehicle body repair workshop
Vehicle repair station

They appear to have been included to suit local developers.
Please - they do not even pass the pub test !!!

The above applications do not come anywhere near meeting the objectives of zone

1. Sustain Primary production Opportunities
2. Enhance Rural Lifestyles and Livelihoods
3. Protect Natural Landscapes
4. Improve Planning and Plan-making in practice

Submission 419

I appreciate your attention in this matter and look forward to an explanation of these changes.

Thanks & Regards,



Email secured by Check Point

From: "Have Your Say" <haveyoursay@midcoast.nsw.gov.au>
Sent: Thu, 27 Jan 2022 10:30:56 +1100
To: "Rural Strategy" <rural@midcoast.nsw.gov.au>
Subject: FW: REF Rural Strategy SPR 02/04

Good morning,

Please see below email submission re Rural Strategy, for your attention.

Thank you

Regards,
Melisha

-----Original Message-----

From: [REDACTED]
Sent: Sunday, 23 January 2022 8:50 AM
To: Have Your Say <haveyoursay@midcoast.nsw.gov.au>
Subject: REF Rural Strategy SPR 02/04

I wish to express my strong concerns over the proposal on page 93 of the plan to force short term accommodation providers to have a care taker living on site in rural zoned areas

We own a 12 hectare property at [REDACTED], some 6 kilometres from Gloucester. It is located just below the telecommunications facility on [REDACTED] and is situated in a very low bush fire risk area.

We have established a successful [REDACTED] business since purchasing the property in 2015. When consulting the then Gloucester Shire Council no reference to a caretaker was raised and I do not believe there was any formal document that referred to such a need.

It is a business that draws more tourists to the district and pumps in tens of thousands of dollars to the local economy each year.

We employ a manager who is on call 24 hours a day when guests are there. They generally meet the guests, give them a run down of the place, and advise guests to contact them when needed. We also provide the phone numbers of a local plumber and electrician. This allows us to provide a positive visitor experience and is flexible enough to allow such services to be engaged when guests are present. In the quieter months a few weeks can pass without any guests.

I believe this is a sufficient standard/operating procedure that should be reflected in the strategy. I agree some remote settings may require a full time caretaker - and I would assume operators would factor this in as part of their usual business planning. You would not want to have someone on call when they were more than an hour away as it would simply add to your costs.

It would seem clumsy to try to use a planning document to dictate the business operations of a very diverse sector. I believe the market combined with commonsense would address most of these situations

The proposal is too broad brushed and does not reflect the differing situations in which STHL businesses find themselves. The strategy should have the addition "or equivalent" when referring to this matter. This would allow Council to look at individual cases and ensure appropriate settings are in place to deal with emergency situations.

I have several questions on this aspect of the draft strategy:

1. what document is council referring to when it refers to "an existing clause" regarding caretakers?
2. would there be any requirements in terms of skills and training or such a caretaker? Would the caretaker be

subject to health assessment to ensure they could respond in any situation? Would they require a driver's licence? This could simply be a "tick the box" exercise.

3. How would such a system be policed?

4. Was the tourism section of Council consulted on these proposed changes?

5. Should these provisions find themselves in any future DCP or LEP, will current operations still enjoy existing use rights?

6. What evidence is council relying upon to justify the requirement to have a live in caretaker?

I would very much appreciate an opportunity to discuss these matters with a council officer. I am aware there are other operators in the district who are in a similar situation.

Gloucester is finally leaving the old battles around CSG and coal and, underpinned by a unique and dynamic tourism sector, is looking to transform itself. It would be most concerning if the rural strategy effectively shut down a number of tourism operators who offer unique places for visitors to holiday and enjoy the remarkable environment in the Gloucester/Barrington region.

I can be contacted on [REDACTED]

Regards
[REDACTED]

Email secured by Check Point