



# MidCoast RU4 Primary Production Small Lot Zone Snapshot

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# 1 Introduction

## Purpose

The purpose of this report is to provide a snapshot of how the RU4 Primary Production Small Lots zone is used in the MidCoast and whether the objectives of the zone are being achieved. The snapshot will consider zone location and quantity, servicing, development constraints, natural constraints, agricultural values and environmental values.

## Background

The RU4 Primary Production Small Lots Zone Snapshot informs the Rural Strategy which is part of a body of work that will guide future planning controls for the MidCoast.

The report complements other similar reviews of 'rural lifestyle' type zones including R5 Large Lot Residential and E4 Environmental Living.

## Scope and Limitations

The report is primarily a desktop analysis with local area site visits also informing part of the snapshot summaries.

## Methodology

The report is a desktop analysis undertaken internally by Council. The report will be communicated to the community as part of the Rural Strategy public consultation.

The data in the report has been sourced from MidCoast Council spatial datasets, relevant local environmental plan information and mapping, and site visits to the localities.

***Photo: RU4 grazing land at Bootawa***



## Zone Overview

The RU4 Primary Production Small Lots zone is described by the NSW Department of Planning, Industry and Environment (the Department) as *'land which is to be used for commercial primary industry production, including emerging primary industries and agricultural uses that operate on smaller rural holdings'*. The zone is primarily intended for small scale allotments for agricultural uses.

### Locations in the MidCoast

This zone is currently applied to 886 lots across 15,330ha of land in the MidCoast. Please note that this area is the lot area, and therefore it includes some additional land from split zone properties.

It has been used in four broad areas at 1) Brimbin and Melinga; 2) Mitchells Island and Oxley Island; 3) Bootawa and surrounds; and, 4) Krambach to Nabiach. Each of these four areas have their own distinct characteristics and qualities.

### Zone Objectives

In the MidCoast there are three Local Environmental Plans (LEP) currently in place: Great Lakes LEP 2014, Greater Taree LEP 2010 and Gloucester LEP 2010. The RU4 Primary Production Small Lots zone is only used in the Greater Taree LEP 2010, which defines the following objectives for this zone:

- *To enable sustainable primary industry and other compatible land uses.*
- *To encourage and promote diversity and employment opportunities in relation to primary industry enterprises, particularly those that require smaller lots or that are more intensive in nature.*
- *To minimise conflict between land uses within this zone and land uses within adjoining zones.*

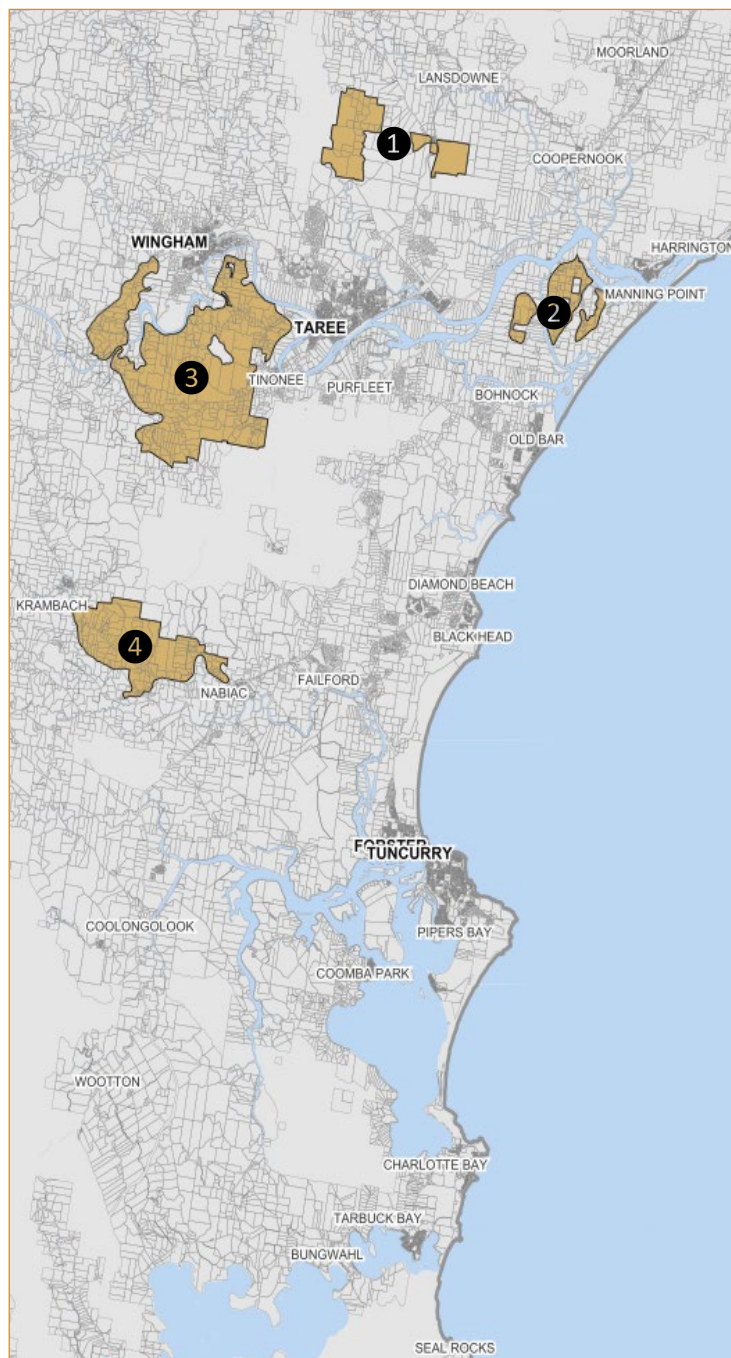
These are as per the objectives listed in the Standard Instrument – Principal LEP. No additional objectives have been included for this zone.

**Photo: RU4 zoned land near Pelican Bay, Mitchells Island**





## Map: Defined local areas of RU4 and overview summary



### RU4 Primary Production Small Lots Zone

#### Purpose

Commercial primary industry production that operate on smaller rural holdings

#### Quantity

15,330 ha

886 lots

#### LEP Application

- ☒ Great Lakes LEP 2014
- ☒ Greater Taree LEP 2010
- ☒ Gloucester LEP 2010

#### Locations Used

- ① Brimbin and Melinga
- ② Mitchells Island and Oxley Island
- ③ Bootawa and surrounds
- ④ Krambach to Nabiac

#### Minimum Subdivision Lot Size

20ha and 300ha (at Brimbin only)

#### Actual Lot Sizes

|                |                   |
|----------------|-------------------|
| Less than 5ha: | 340 lots (38.37%) |
| 5 to 9.99ha:   | 128 lots (14.45%) |
| 10 to 14.99ha: | 73 lots (8.24%)   |
| 15 to 19.99ha: | 96 lots (10.84%)  |
| Over 20ha:     | 249 lots (28.10%) |

## Land Use Permissibility

The land use table for RU4 Primary Production Small Lots Zone in the Greater Taree LEP and the NSW Standard Instrument are provided as Appendix A. Below is a summary of the land uses permitted with and without consent for the Greater Taree LEP 2010. The RU4 zone in the Greater Taree LEP is restrictive in comparison to the RU1 Primary Production zone which permits other uses like 'Airstrips', 'Camping grounds', 'Community facilities', 'Helipads', 'Markets', 'Open cut mining', 'Veterinary hospitals', 'Water recreation structures', and 'Wharf and boating facilities'.

**Table: Land use permissibility summary**

| Greater Taree RU4 – Land Use Table Summary        |
|---|
| <u><i>Agricultural and Industry type uses</i></u> |
| ✓ Intensive Plant Agriculture                     |
| ✓ Extensive Agriculture                           |
| ✓ Farm Buildings                                  |
| ✓ Agricultural Produce Industry                   |
| ✓ Home Industry                                   |
| ✓ Forestry  |
| ✓ Agriculture                                     |
| ✓ Animal Boarding and Training Establishments     |
| ✓ Aquaculture                                     |
| ✓ Plant Nurseries                                 |
| ✓ Roadside Stalls                                 |
| <u><i>Residential and Tourist type uses</i></u>   |
| ✓ Dwelling Houses                                 |
| ✓ Dual Occupancy (Attached)                       |
| ✓ Bed and Breakfast Accommodation                 |
| ✓ Farm Stay Accommodation                         |
| ✓ Eco-tourist Facility                            |
| ✓ Home Occupations                                |
| ✓ Home-based Child Care                           |
| ✓ Home Businesses                                 |
| <u><i>Community type uses</i></u>                 |
| ✓ Schools   |
| <u><i>Environmental type uses</i></u>             |
| ✓ Environmental Facility                          |
| ✓ Environmental Protection Works                  |
| <u><i>Commercial type uses</i></u>                |
| ✓ Cellar Door Premises                            |
| <u><i>General</i></u>                             |
| ✓ Building Identification Signs                   |
| ✓ Business Identification Signs                   |
| ✓ Roads   |
| ✓ Water Supply Systems                            |

## 2 Context

### The Hunter Regional Plan 2036

The Hunter Regional Plan 2036 does not specifically discuss the RU4 Primary Production Small Lots zone. However, Direction 10 *‘protect and enhance agricultural productivity’*, Direction 13 *‘plan for greater land use compatibility’*, Direction 14 *‘protect and connect natural areas’* and Direction 22 *‘promote housing diversity’* provide important context to the provision of this zone.

The plan also highlights that conflict from new housing *“could also affect the potential to sustain or grow rural and resource industries”*. Action 13.1 *“Limit urban and rural housing encroachment into identified agricultural and extractive resource areas, industrial areas and transport infrastructure when preparing local strategies”* is particularly of relevance to this review.

### Ministerial Directions

There are a few directions issued by the Minister for Planning under section 9.1 of the *Environmental Planning and Assessment Act 1979* that are relevant to RU4 land use planning. These have been included in Appendix B.

### Practice Note

#### Practice Note PN09-002 – Environmental Protection Zones

Key excerpts from the Department of Planning [Practice Note PN09-002](#) are provided below.

*“Regional councils should distinguish carefully between the E4 zone, the RU4 Rural Small Holdings and R5 Large Lot Residential zones to address environmental, agricultural and residential land capabilities respectively.”*

*“Where small holdings undertake agricultural production such as viticulture or cropping such as growing berries, the RU4 zone should be considered. If there are few environmental considerations, then R5 may be the appropriate zone.”*

#### Practice Note PN11-002 – Preparing LEPs using the Standard Instrument: standard zones

Key excerpts from the Department of Planning [Practice Note PN11-002](#) are provided below.

*“This zone (previously named Rural Small Holdings) is for land which is to be used for commercial primary industry production, including emerging primary industries and agricultural uses that operate on smaller rural holdings”.*

*“In 2011, the name of the zone was changed to clarify that it is a rural zone for agricultural uses, not a pseudo-residential zone. The objectives of the zone have been changed to encourage employment opportunities in relation to primary production on small lots and to minimise fragmentation and alienation of resource lands important for food security. The changed zone name, modified core zone objectives and additional mandated permissible uses (‘intensive plant agriculture’ and ‘plant nursery’) better reflect the intent of the zone – being an agricultural industry/food production focus and not a rural residential lifestyle zone.”*

## Local and Regional Strategies

Due to the RU4 zone only applying to the former Greater Taree region, there are limited local strategies that provide important context to RU4 land use planning. The information that is available is presented below.

### Draft Manning Valley Local Strategy 2016

*Former Greater Taree City Council*

*“RU4 Primary Production Small Lots zone - used for commercial primary industry production, including emerging primary industries and agricultural uses that operate on smaller rural holdings. This zone was applied in the 1980s to three locations - Bootawa, Dyers Crossing and Brimbin - where much of the land was important farmland. Of the 12,800ha in this zone, over 94% has been subdivided. Instead of achieving intensive agricultural uses, rural lifestyle lots resulted. Historically, outcomes consistent with the intent of this zone have been achieved closer to towns and villages.”*

*“RU4 Primary Production Small Lots zone will be applied where fragmentation has been the greatest, typically clustered around towns and villages.”*

### RU4 use in other NSW LEPs

The RU4 Primary Production Small Lots zone is used in several other NSW LEPs. The Local Environmental Plans for Bellingen, Cessnock, Kempsey, Lake Macquarie, Upper Hunter and Walcha were examined as they have similar rural environments to the MidCoast. The analysis indicated the following:

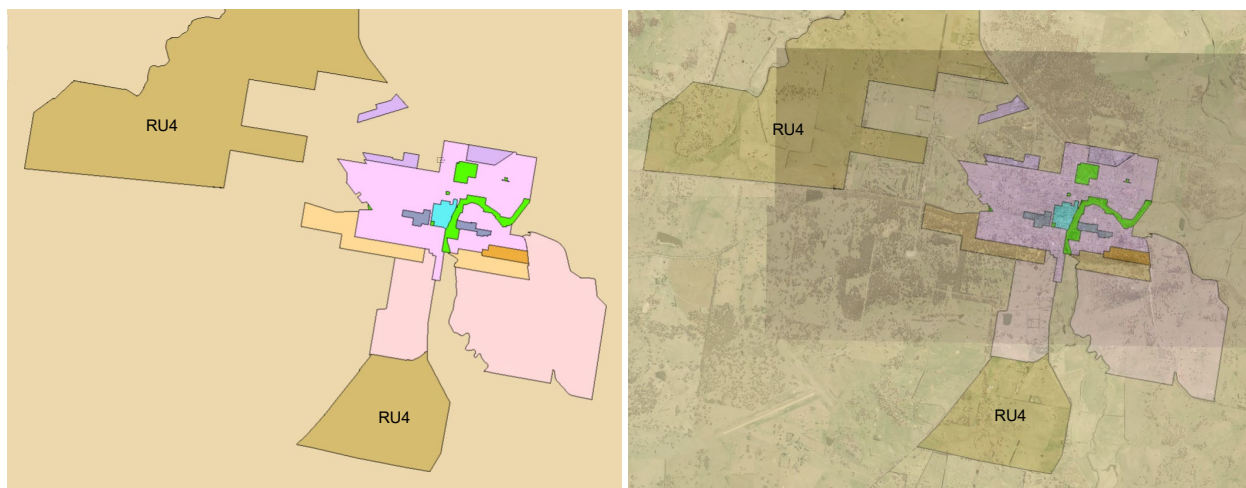
- The RU4 zone was applied in different ways throughout NSW. Lake Macquarie uses the zone for rural residential purposes on the outskirts of the city's urban settlements, with a minimum lot size of 1ha. Whilst Cessnock uses the zone for large agricultural areas and has a minimum lot size of 40ha, and forms somewhat a buffer.
- In the LEPs examined, the RU4 zone is generally applied near residential land.
- Some of the LEPs included additional zone objectives relating to the environment, rural lifestyle, character, amenity and tourism development.
- There was no consistent application of permissible land uses across the examined LEPs. For example, the Bellingen LEP has an extensive list of prohibited land uses.
- The minimum lot size was generally much lower compared to the Greater Taree LEP (20ha in Walcha and 1ha in Lake Macquarie).

#### **Example of RU4 zone in Lake Macquarie – Barnsley (1ha minimum lot size)**





### Example of RU4 zone in Walcha (20ha minimum lot size)



## MidCoast Urban Settlements

The MidCoast population has grown from 88,818 (2011) to 91,958 (2016) being an increase of 3,140 people and 0.69% cumulative growth rate. This is compared to a NSW average of 1.57% and a national average of 1.7% (for 2011-2016). The growth rate and populations of MidCoast urban settlements is shown in the table below.

RU4 land in the former Greater Taree area is predominately located in proximity to the centres of Taree, Wingham and Nabiac. The RU4 land in the north near Brimbin and Melinga, adjoins the future planned settlement of Brimbin. It has the potential to accommodate 20,000 people and regional services in the future.

**Table: Population growth of MidCoast settlements**

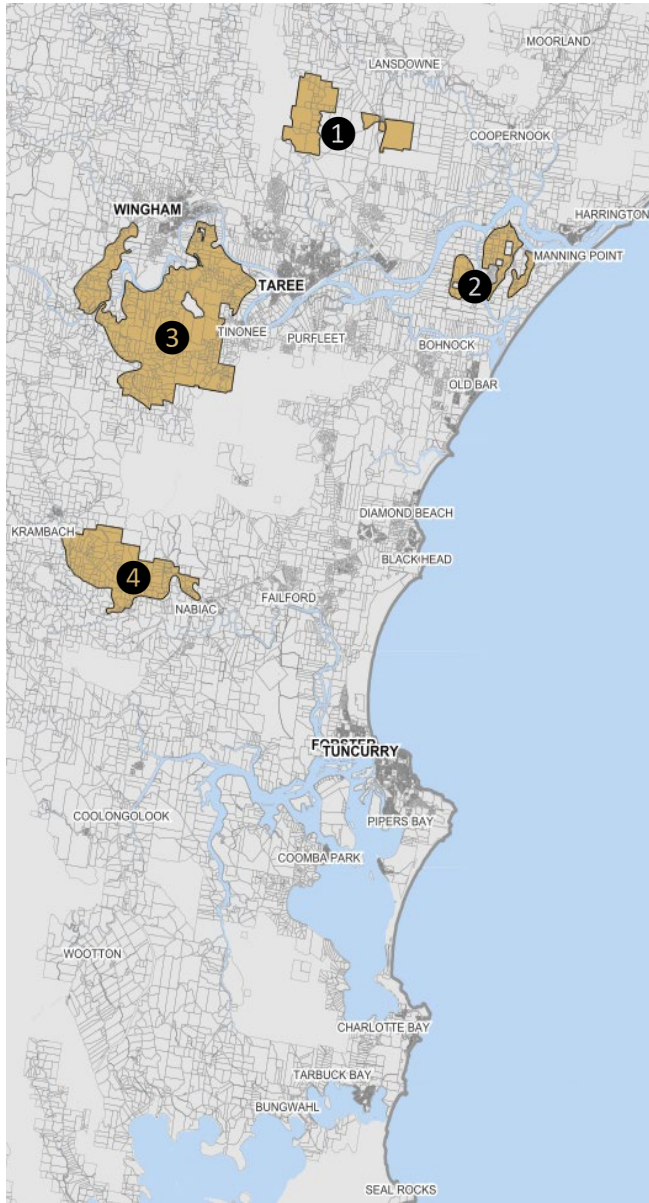
| Settlement               | Average Growth Rate 2011-2016 | Population 2016 |
|--------------------------|-------------------------------|-----------------|
| <b>Strategic Centre</b>  |                               |                 |
| Forster - Tuncurry       | +1.05%                        | 19,918          |
| Taree                    | +0.33%                        | 18,117          |
| <b>Rural Centre</b>      |                               |                 |
| Wingham                  | +0.06%                        | 4,532           |
| Gloucester               | +0.46%                        | 2,390           |
| Bulahdelah               | - 0.13%                       | 1,111           |
| Tinonee                  | +0.73%                        | 757             |
| Stroud                   | +0.65%                        | 724             |
| Nabiac                   | - 0.19%                       | 631             |
| <b>Coastal Centre</b>    |                               |                 |
| Old Bar - Wallabi Point  | +1.28%                        | 4,470           |
| Tea Gardens - Hawks Nest | +2.18%                        | 3,590           |
| Hallidays Point          | +3.74%                        | 3,052           |
| Harrington               | +5.11%                        | 2,896           |
| Smiths Lake              | +2.79%                        | 1,235           |
| Pacific Palms            | +0.97%                        | 697             |

### 3 Local Areas

This section analyses the areas zoned RU4 Primary Production Small Lots in the MidCoast. The map below identifies the defined local areas examined.

Each area was examined against the following considerations: zone location and quantity, servicing, development constraints, natural constraints, agricultural values and environmental values.

**Map: Defined areas of RU4 examined in the report**



#### ① Brimbin and Melinga

This area covers 1,893 hectares and is predominately surrounded by agricultural lands. It is located near the planned settlement of Brimbin.

#### ② Mitchells Island and Oxley Island

This area covers 1,811 hectares and is predominately surrounded by agricultural lands. The islands are in the lower reaches of the Manning River.

#### ③ Bootawa and surrounds

This area covers 8,420 hectares and is predominately surrounded by agricultural lands. It is located near Wingham and Tinonee.

#### ④ Krumbach to Nabitac

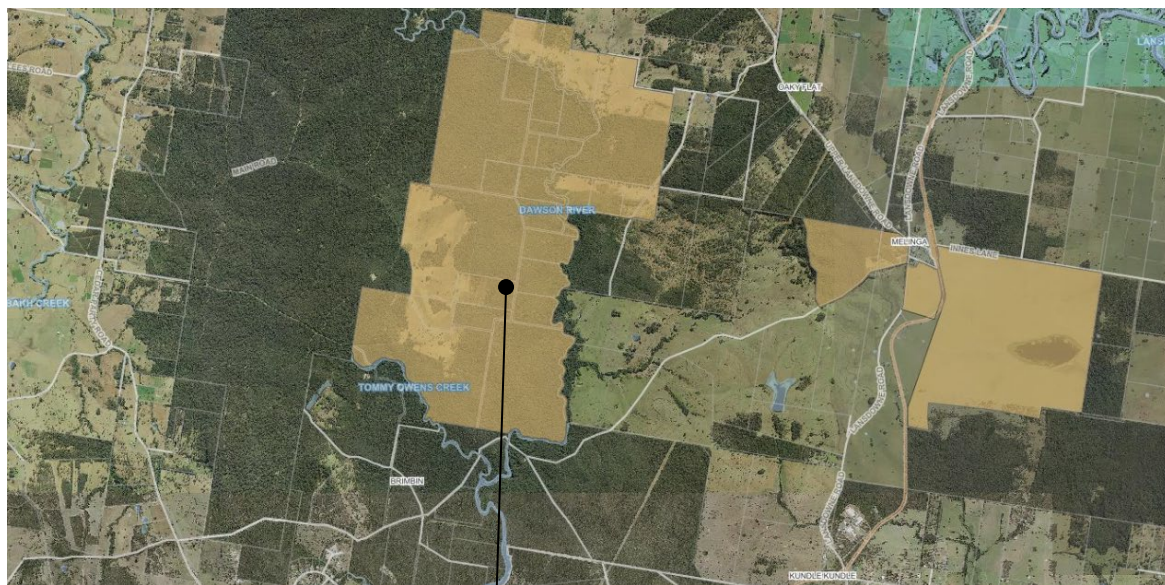
This area covers 3,206 hectares and is predominately surrounded by agricultural lands. It is located between Krumbach and Nabitac.

## Brimbin and Melinga (1)

This area has 35 lots zoned RU4 Primary Production Small Lots under the Greater Taree LEP 2010. These lots cover an area of 1,893 hectares. The area is part of the Manning Catchment, predominately surrounded by agricultural lands. It is located near the planned settlement of Brimbin (refer to Brimbin Structure Plan below).

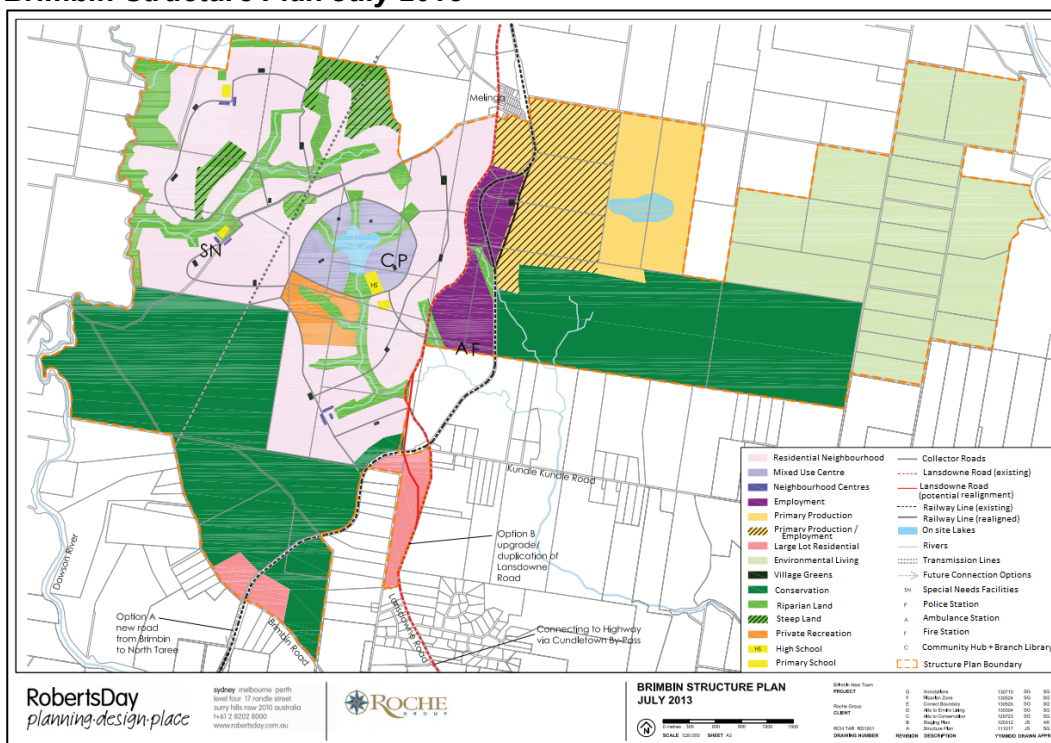
**Desktop analysis summary:** This RU4 area is zoned rural given its location to the planned settlement of Brimbin and, current rural activities like grazing. A large portion of this RU4 zoned land is vegetated (in the western part).

### Map: Brimbin and Melinga RU4 area



RU4 zoned land

### Brimbin Structure Plan July 2013





***Photo: Boundary of RU4 land at Innes Lane***



***Photo: RU4 land south of Cheers Lane***





***Photo: RU4 zoned land on Upper Lansdowne Road, Melinga***

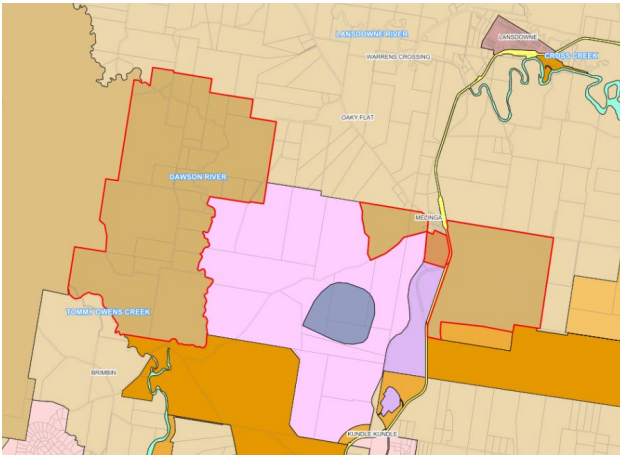


**Table: Brimbin and Melinga Analysis**

| Characteristic                        | Summary                                       | Detail   |
|---------------------------------------|---|--|
| <b>Location</b>                       | Proximity to the future settlement            | Drive times: approximately 15 minutes to the local centre of Cundletown and 25 minutes to the major centre of Taree.   |
| <b>Historic Zoning</b>                | 1(c2) Rural Farmlets                          | Predominately Zone 1(c2) Rural Farmlets in the Greater Taree LEP 1995 with the remainder of the area in Zone 1(a) Rural General. Zone 1(c2) Rural Farmlets was transferred to Zone RU4 Primary Production Small Lots when the Greater Taree LEP was transitioned into the State's Standard Instrument in 2010. |
| <b>Servicing</b>                      | No sewer or water services                    | The area is not serviced by sewer or water. The nearest sewer treatment plants are at Coopernook and near the Dawson River.  |
| <b>Road Access</b>                    | Constrained                                   | Primary access is currently along Lansdowne Road which is sealed. A number of side roads provide additional access points including Innes Lane and Cheers Road.  |
| <b>Minimum Lot Size</b>               | 20ha and 300ha                                | The minimum subdivision lot size prescribed by the Greater Taree LEP 2010 is 20ha for the majority of this RU4 zoned land. There is one large lot that is subject to the 300ha minimum subdivision lot size (Lot 5 DP 1244064), along with the railway corridor (Lot 3 DP 1175475).                            |
| <b>Actual Lot Sizes</b>               | 57% <20ha<br>23% >40ha                        | Twenty lots are under 20ha, with eight lots being over 40ha. The eight lots over 40ha could potentially be further subdivided depending on other constraints.  |
| <b>Dwelling Entitlement</b>           | Yes, though subject to satisfying the clause. | Clause 4.2A "Erection of dwelling houses on land in certain rural and environmental protection zones" does apply to the RU4 zone.  |
| <b>Land Use Activity</b>              | Minimal                                       | Site visit to this locality indicates that the subject area is heavily vegetated with minimal land use activity particularly on the western portion of the RU4 zoned land. The eastern zoned land being Lot 5 DP 1244064 and Lot 28 DP 14182 are predominately cleared and have an agricultural use.           |
| <b>Natural Constraints</b>            | Acid Sulfate Soil Vegetation                  | Some parts of the area are constrained significant vegetation. Part of Lot 5 DP 1244064 is subject to FPL4 – Probable maximum flood. A small portion of this area is constrained by acid sulfate soils (class 5). Part of the area is identified as bushfire prone land.                                       |
| <b>Environmental Values</b>           | High to moderate                              | The area has been noted as part of a fauna habitat corridor – linking the Brimbin National Park and Coopernook State Forest. The area provides one of the only heavily vegetated areas between the Brimbin National Park and Coopernook State Forest.  |
| <b>Scenic Values</b>                  | Minimal                                       | No significant scenic value given low lying topography.  |
| <b>Residential Development Impact</b> | Minimal                                       | No significant development has occurred and as such there has been no impact on the environmental, rural and scenic values.  |
| <b>Agricultural Values</b>            | Good pasture lands                            | While there is no current agricultural lands mapping for this area, there is currently livestock grazing operations in the area. The zone also permits intensive agricultural activities.  |



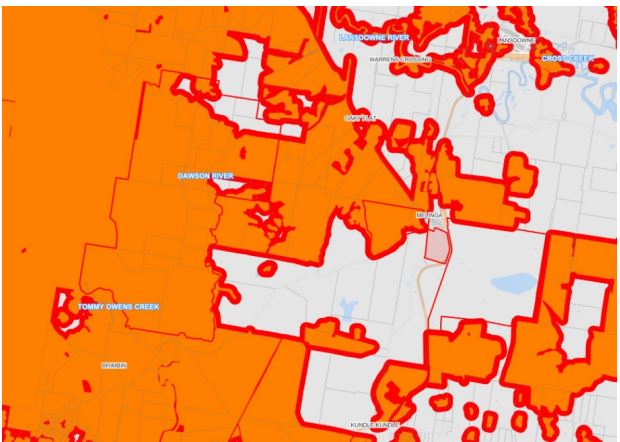
## Zoning



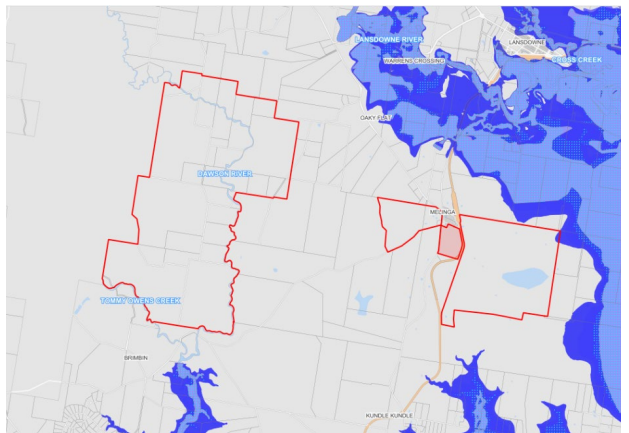
## Aerial



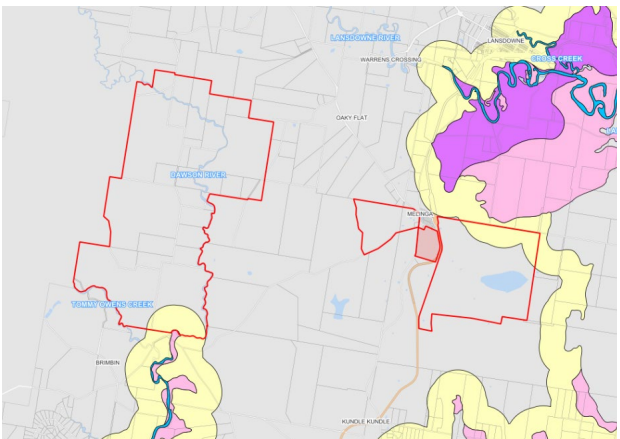
## Bushfire



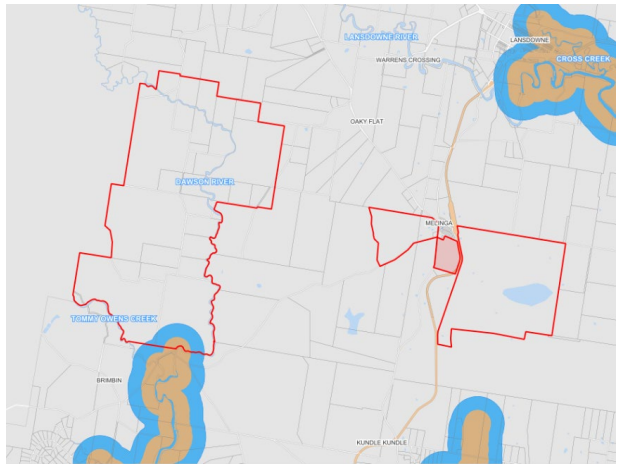
## Flooding



## Acid Sulfate Soils



## Coastal Management





## Mitchells Island and Oxley Island (2)

The area of Mitchells Island and Oxley Island have 175 lots zoned RU4 Primary Production Small Lots under the Greater Taree LEP 2010. These lots cover an area of 1,811 hectares. The area is part of the Manning River Catchment, predominately surrounded by the two branches of the Manning River.

**Desktop analysis summary:** This RU4 area is zoned rural given its rural location and current rural activities. A large portion of this RU4 zoned land is vegetated.

### **Map: Mitchells Island and Oxley Island RU4 area**



RU4 zoned land

### **Photo: RU4 zoned land on Oxley Island Road near Oxley Island Cemetery**





***Photo: RU4 zoned land on Ferry Road, Oxley Island***



***Photo: RU4 zoned land on Carramar Drive, Mitchells Island***





***Photo: RU4 zoned land on Surbiton Place, Mitchells Island***

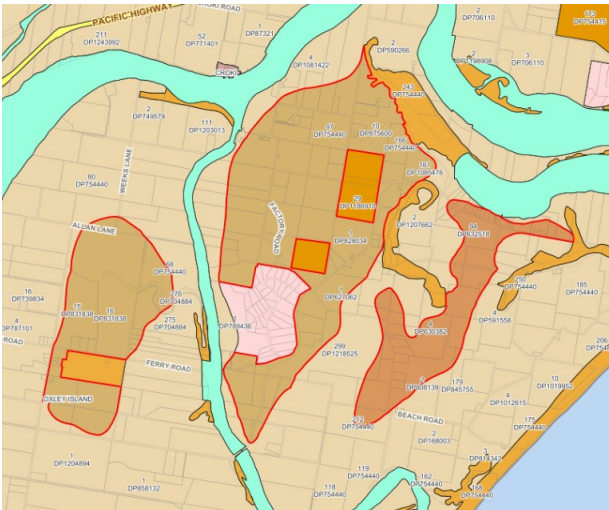


**Table: Mitchells Island and Oxley Island Analysis**

| Characteristic                        | Summary  | Detail  |
|---------------------------------------|--|---|
| <b>Location</b>                       | Isolated from urban centre                             | Drive times: approximately 25 minutes to the major centre of Taree and 15 minutes to the local centre of Old Bar.   |
| <b>Zoning History</b>                 | 1(c2) Rural Farmlets                                   | Zone 1(c2) Rural Farmlets in the Greater Taree LEP 1995 was transferred to Zone RU4 Primary Production Small Lots when the Greater Taree LEP was transitioned into the State's Standard Instrument in 2010.   |
| <b>Servicing</b>                      | Most serviced lots are near Pelican Bay                | About 24% of the lots in this area have a water service connection and 17% have a sewer service connection.   |
| <b>Road Access</b>                    | Sealed   | Mainly via the sealed Manning Point Road. Many side roads provide additional access points including Ferry Road and Carramar Drive.   |
| <b>Minimum Lot Size</b>               | 20ha   | The minimum subdivision lot size prescribed by the Greater Taree LEP 2010 is 20ha for this RU4 zoned land.  |
| <b>Actual Lot Sizes</b>               | 84% <20ha<br>5% >40ha                                  | 147 lots are under 20ha, with eight lots being over 40ha. The eight lots over 40ha could potentially be further subdivided depending on other constraints.  |
| <b>Dwelling Entitlement</b>           | Yes, subject to clause 4.2A.                           | Clause 4.2A "Erection of dwelling houses on land in certain rural and environmental protection zones" does apply to the RU4 zone.   |
| <b>Land Use Activity</b>              | Residential and small scale extensive agriculture      | Site visit to this locality indicates that there are some areas that are heavily vegetated with minimal land use activity particularly in the centre of the RU4 zoned areas of land. Site visit to this locality indicates that lots that are primarily used for rural lifestyle purposes. A large portion of lots are also used for small scale extensive farming (for example horses and cattle were observed). These activities are currently permissible in this zone.  |
| <b>Natural Constraints</b>            | Flooding<br>Acid Sulfate Soil<br>Vegetation<br>Coastal | The area is heavily constrained by acid sulfate soils (class 3 or 5). There has been considerable historic clearing in this area to support agricultural uses, though there is a large area of remnant vegetation on Mitchells Island on the higher elevation land. Generally, only the vegetated areas are listed as bushfire prone land. A large portion of the land zoned RU4 is constrained by flooding. Several lots are affected by coastal wetland proximity area, coastal wetland map and coastal environment area as per the Coastal Management SEPP 2018. |
| <b>Environmental Values</b>           | Adjoining high value environmental areas               | The area adjoins branches of the Manning River, and as a result the important conservation values and water quality should be maintained or improved. There has been considerable historic clearing in this area, though there is a large area of remnant vegetation on Mitchells Island on the higher elevation land. Towibakh National Park on Mitchells Island is surrounded by RU4 land.  |
| <b>Scenic Values</b>                  | Minimal to moderate                                    | Predominately there is no significant scenic value given the low-lying topography, however the elevated portion of Mitchells Island is prominent in the rural land scape throughout the valley.   |
| <b>Residential Development Impact</b> | Impact from associated clearing in parts               | Site visits indicate that although the residential development itself has not had an impact on the environmental values – associated clearing and agricultural uses may have.   |
| <b>Agricultural Values</b>            | Good pasture lands                                     | While there is no current agricultural lands mapping for this area, there is currently livestock grazing operations in the area (dairy and beef).   |



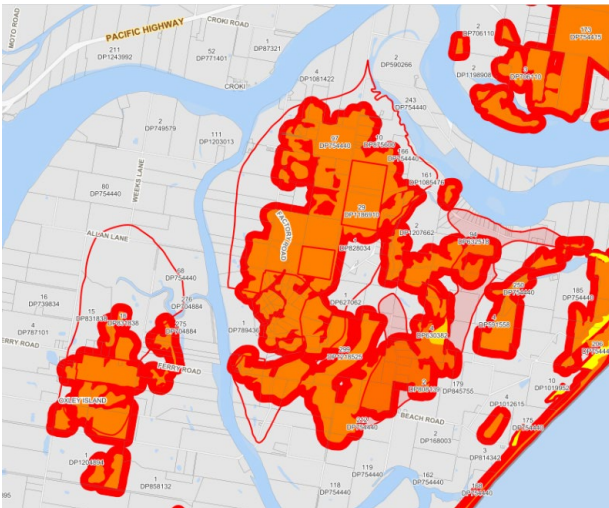
## Zoning



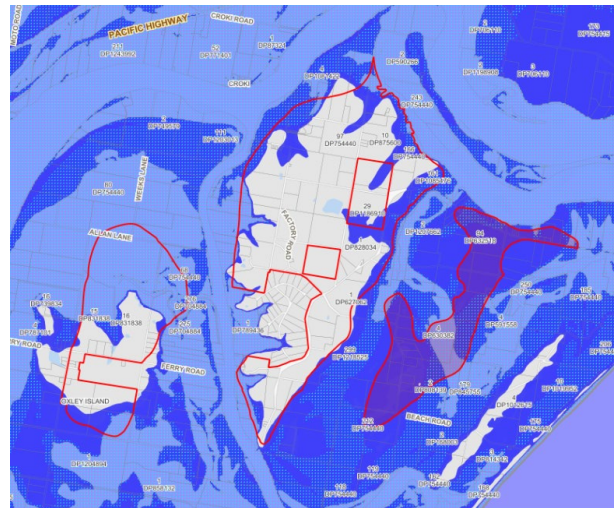
## Aerial



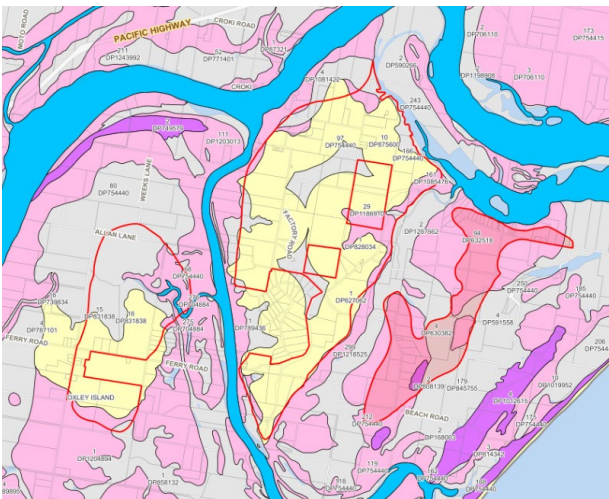
## Bushfire



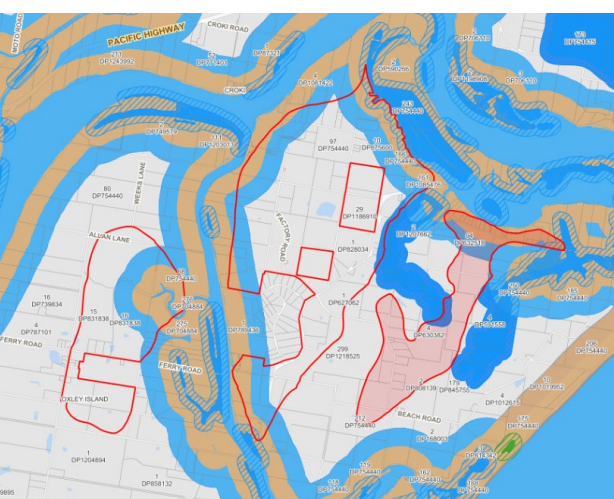
## Flooding



## Acid Sulfate Soils



## Coastal



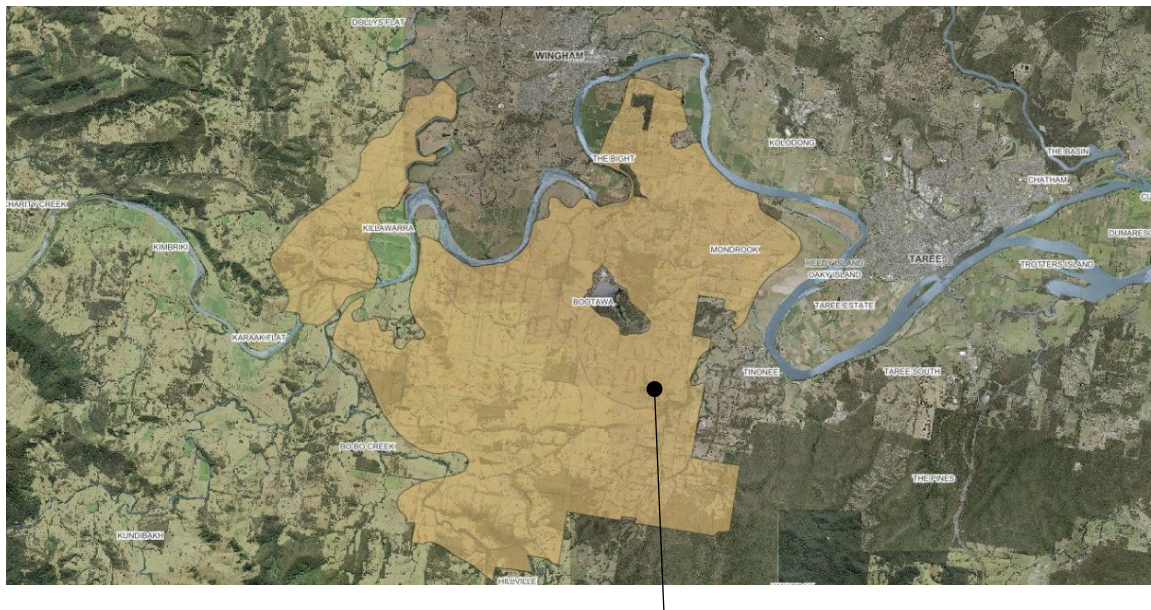


### Bootawa and surrounds (3)

Bootawa and surrounding areas have 504 lots zoned RU4 Primary Production Small Lots under the Greater Taree LEP 2010. These lots cover an area of 8,420 hectares. This area is part of the Manning River Catchment, predominately surrounded by rural land, state forest and the Manning River. Bootawa Dam is in the middle of the RU4 land in a suitable infrastructure zone. The major centre of Taree is in close proximity, along with Wingham and Tinonee.

**Desktop analysis summary:** This RU4 area is zoned rural given its rural location and current rural activities. There are large pockets of vegetation in this RU4 zoned area.

#### **Map: Bootawa and surrounds RU4 area**



RU4 zoned land

#### **Photo: RU4 zoned land on Tinonee Road, Mondrook**





***Photo: RU4 zoned land on Tinonee Road, The Bight***



***Photo: RU4 zoned land on The Bucketts Way, Bootawa***





***Photo: RU4 zoned land on Bootawa Dam Road, Bootawa***



***Photo: RU4 zoned land on Hillville Road, Hillville***

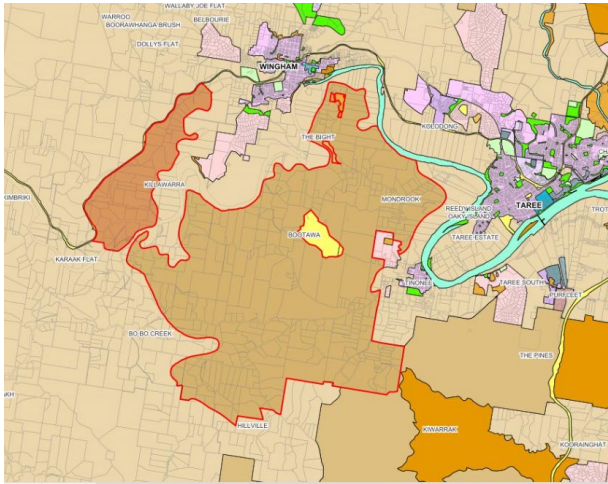




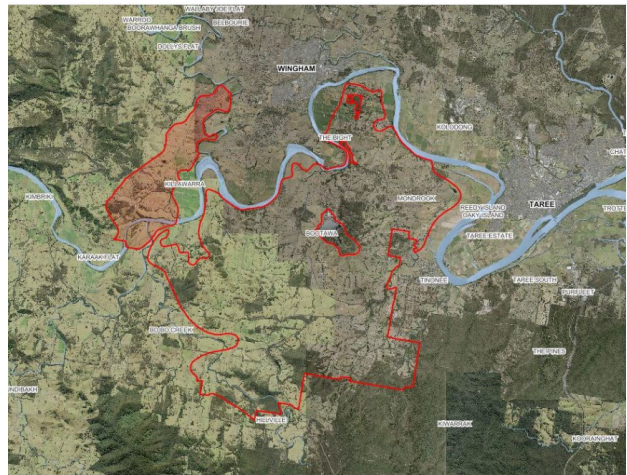
**Table: Bootawa and surrounds Analysis**

| Characteristic                        | Summary   | Detail   |
|---------------------------------------|---|--|
| <b>Location</b>                       | Proximity to urban centres                            | Drive times: under 10 minutes to the centres of Wingham and Tinonee, and approximately 15 minutes to the major centre of Taree.  |
| <b>Zoning History</b>                 | 1(c2) Rural Farmlets                                  | Zone 1(c2) Rural Farmlets in the Greater Taree LEP 1995 was transferred to Zone RU4 Primary Production Small Lots when the Greater Taree LEP was transitioned into the State's Standard Instrument in 2010.  |
| <b>Servicing</b>                      | Water servicing near Bootawa Dam water infrastructure | Five lots in this area have a water service connection and they are all located near the Bootawa Dam water infrastructure. No properties have a sewer service connection.  |
| <b>Road Access</b>                    | Sealed  | Mainly via the sealed Tinonee Road, The Bucketts Way and Gloucester Road and then onto unsealed roads like Bootawa Dam Road, Hillville Road and Bootawa Road.  |
| <b>Minimum Lot Size</b>               | 20ha  | The minimum subdivision lot size prescribed by the Greater Taree LEP 2010 is 20ha for this RU4 zoned land.   |
| <b>Actual Lot Sizes</b>               | 70% <20ha<br>11% >40ha                                | 354 lots are under 20ha, with 55 lots being over 40ha. The 55 lots over 40ha could potentially be further subdivided depending on other constraints.   |
| <b>Dwelling Entitlement</b>           | Yes, subject to clause 4.2A.                          | Clause 4.2A "Erection of dwelling houses on land in certain rural and environmental protection zones" does apply to the RU4 zone.  |
| <b>Land Use Activity</b>              | Residential and small scale extensive agriculture     | Site visit to this locality indicates some areas are heavily vegetated with minimal land use activity and are primarily used for rural lifestyle purposes. Most lots are also used for small scale extensive farming (equine, dairy farming and cattle grazing), permissible in this zone.   |
| <b>Natural Constraints</b>            | Flooding<br>Slope<br>Vegetation<br>Bushfire           | Some RU4 zoned land near the Manning River and feeder creeks are subject to flooding and is bushfire prone, including Kiwarra State Forest to the south. The lots are generally not affected by acid sulfate soil. Many areas are heavily vegetated with large areas of koala habitat. Several lots are affected by acid sulfate soils and identified as coastal environment and use area as per the Coastal Management SEPP 2018. |
| <b>Environmental Values</b>           | Adjoining high value environmental areas              | The area adjoins the Manning River and tributaries, and as such its conservation values and water quality should be maintained or improved. There is a large area of remnant vegetation including large areas of koala habitat despite historic clearing activities. The area also adjoins Kiwarra State Forest which wraps around Talawahl National Park.   |
| <b>Scenic Values</b>                  | Moderate to high                                      | The elevated areas, including around Brushy Cutting are prominent in the rural landscape and throughout the valley.  |
| <b>Residential Development Impact</b> | Impact from associated clearing in parts              | Site visits indicate that although the residential development itself has not had an impact on the environmental values – associated historic clearing and agricultural uses may have. Given the terrain, residential development is mainly located on the ridgelines or elevated portions of the locality.  |
| <b>Agricultural Values</b>            | Good pasture lands                                    | While there is no current agricultural lands mapping for this area, there is currently livestock grazing operations in the area (dairy and beef).  |

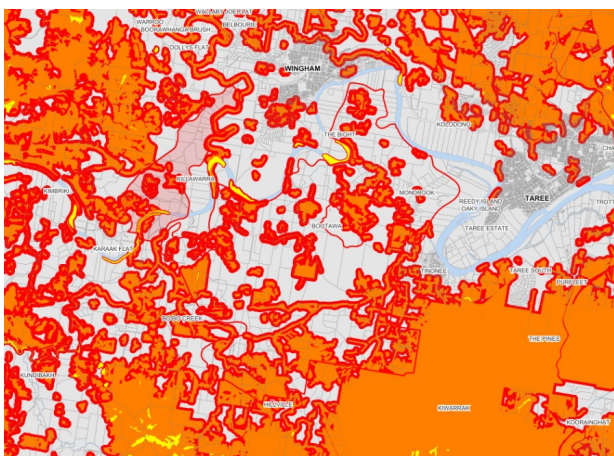
## Zoning



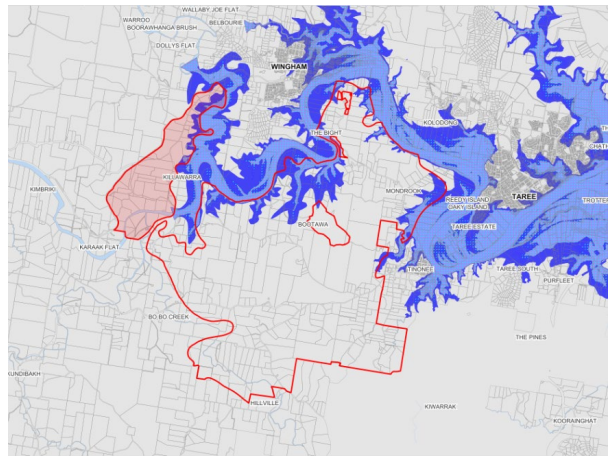
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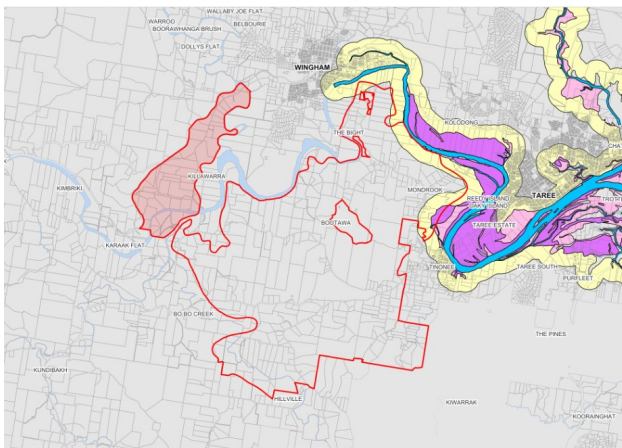
## Bushfire



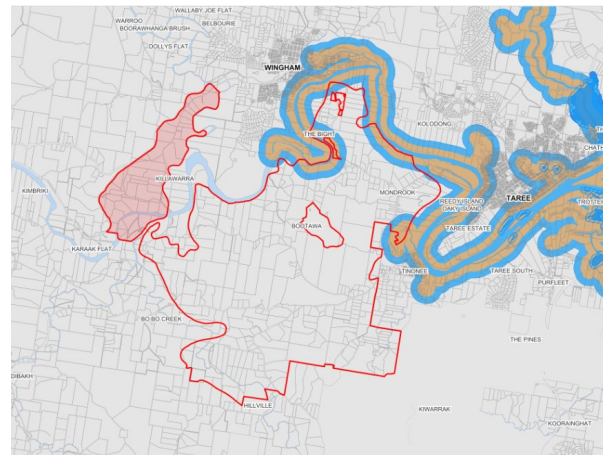
## Flooding



## Acid Sulfate Soils



## Wetlands



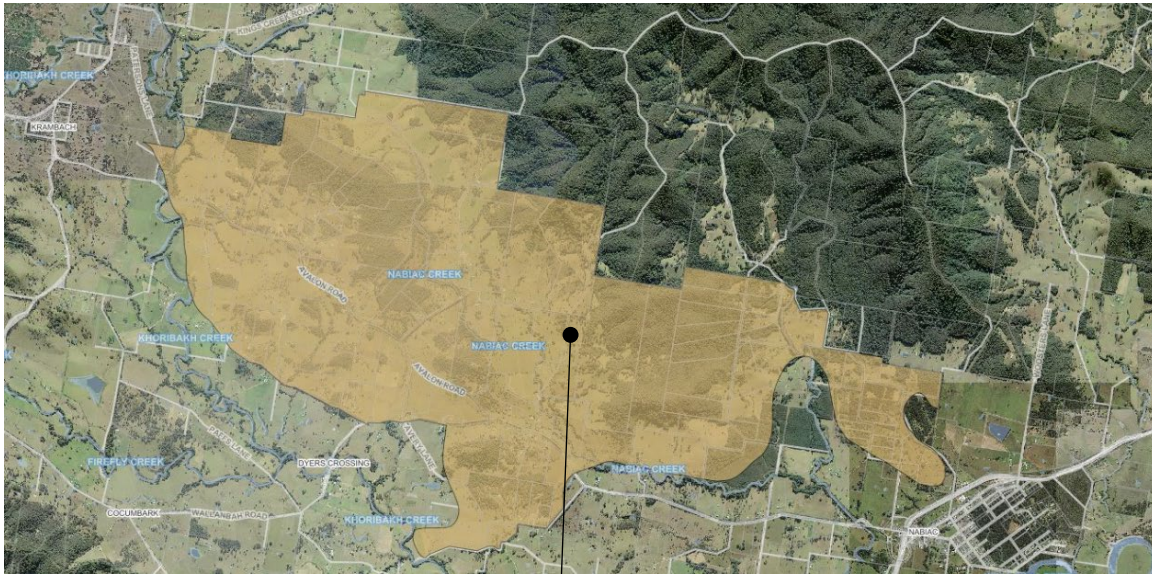


## Krambach to Nabitac (4)

This area around Krambach and Nabitac has 174 lots zoned RU4 Primary Production Small Lots under the Greater Taree LEP 2010. These lots cover an area of 3,206 hectares. This area is part of the Wallis Lake Catchment and is predominately surrounded by rural land. The centres of Krambach and Nabitac are in close proximity to this area of RU4

**Desktop analysis summary:** This RU4 area is zoned rural given its rural location and current rural activities. Large portions of this RU4 zoned land are vegetated.

**Map: Krambach to Nabitac RU4 area**



RU4 zoned land

**Photo: RU4 zoned land on Candoormakh Creek Road, Nabitac**





***Photo: RU4 zoned land on Koribahk Lane, Dyers Crossing***



***Photo: RU4 zoned land on Germany Lane, Dyers Crossing***

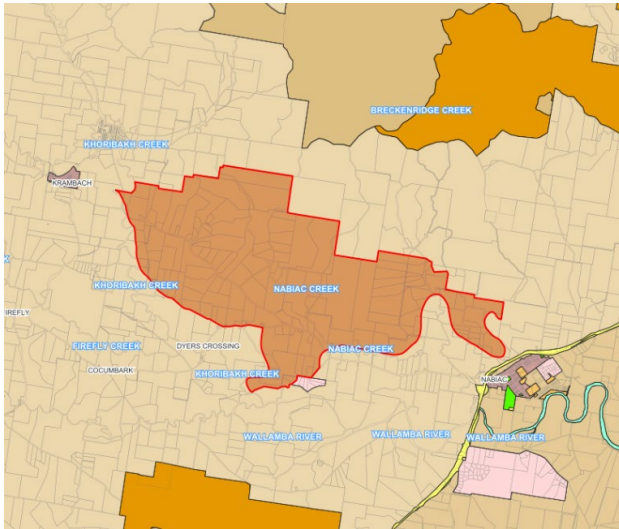


**Table: Krambach to Nabitac Analysis**

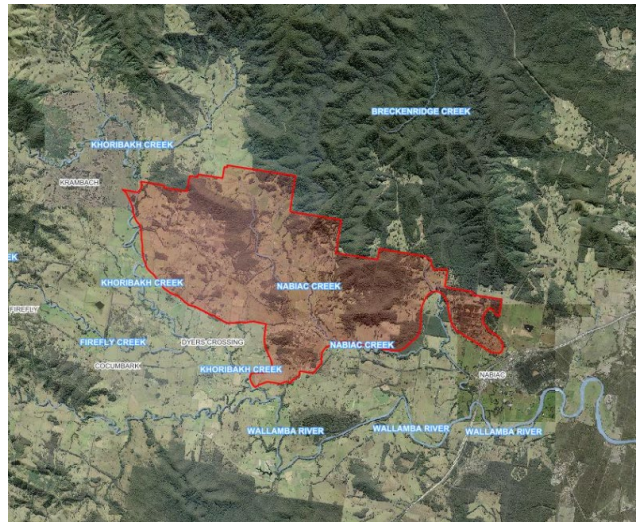
| Characteristic                        | Summary   | Detail  |
|---------------------------------------|---|---|
| <b>Location</b>                       | Proximity to Pacific highway  | Drive times: under 10 minutes to the local centre of Krambach and Nabitac.  |
| <b>Historic Zoning</b>                | 1(c2) Rural Farmlets  | Zone 1(c2) Rural Farmlets in the Greater Taree LEP 1995 was transferred to Zone RU4 Primary Production Small Lots when the Greater Taree LEP was transitioned into the State's Standard Instrument in 2010.   |
| <b>Servicing</b>                      | Lots serviced by water are predominately located in Dyers Crossing. | About 16% of the lots in this area have a water service connection. There is no lots with a sewer service connection.   |
| <b>Road Access</b>                    | Sealed  | Mainly via the sealed Wallanbah Road and Avalon Road, and then onto unsealed roads like Germany Lane and Wrights Lane.  |
| <b>Minimum Lot Size</b>               | 20ha  | The minimum subdivision lot size prescribed by the Greater Taree LEP 2010 is 20ha for this RU4 zoned land.  |
| <b>Actual Lot Sizes</b>               | 67% <20ha<br>10% >40ha  | 118 lots are under 20ha, with eighteen lots being over 40ha. The eighteen lots over 40ha could potentially be further subdivided depending on other constraints.  |
| <b>Dwelling Entitlement</b>           | Yes, though subject to satisfying the clause.                       | Clause 4.2A "Erection of dwelling houses on land in certain rural and environmental protection zones" does apply to the RU4 zone.   |
| <b>Land Use Activity</b>              | Residential and small scale extensive agriculture                   | Site visit to this locality indicates that lots are primarily used for rural lifestyle purposes. A large portion of lots are also used for small scale extensive farming (for example horses, cattle and sheep were observed). These activities are currently permissible in this zone.   |
| <b>Natural Constraints</b>            | Vegetation<br>Bushfire  | The area is not constrained by acid sulfate soils. There has been considerable historic clearing in this area, though there is a large area of remnant vegetation on the higher elevation land. Generally, only the vegetated area is listed as bushfire prone land.  |
| <b>Environmental Values</b>           | Adjoining high value environmental areas                            | The area adjoins a number of waterways like the Wallamba River, Nabitac Creek and Firefly Creek, and as a result the important conservation values and water quality should be maintained or improved. There has been considerable historic clearing in this area, though there is a large area of remnant vegetation on the higher elevation land. |
| <b>Scenic Values</b>                  | Minimal   | Predominately there is no significant scenic value given low lying topography, however the elevated portions of the area are prominent in the rural landscape throughout the valley.  |
| <b>Residential Development Impact</b> | Impact from associated clearing in parts                            | Site visits indicate that although the residential development itself has not had an impact on the environmental values – associated historic clearing and agricultural uses may have.  |
| <b>Agricultural Values</b>            | Good pasture lands  | While there is no current agricultural lands mapping for this area, there is currently livestock grazing operations in the area (dairy and beef).   |



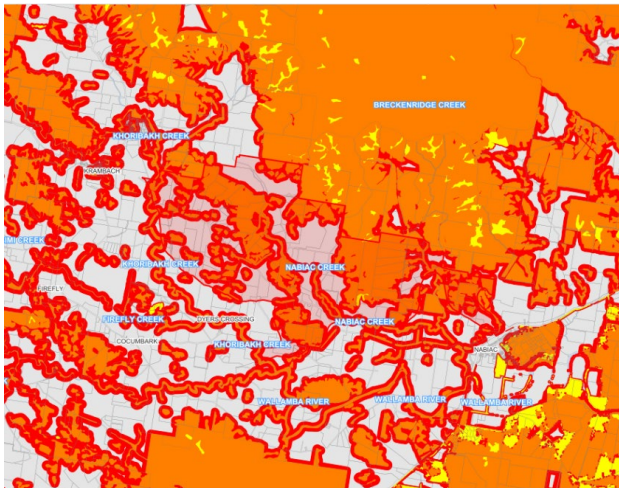
## Zoning



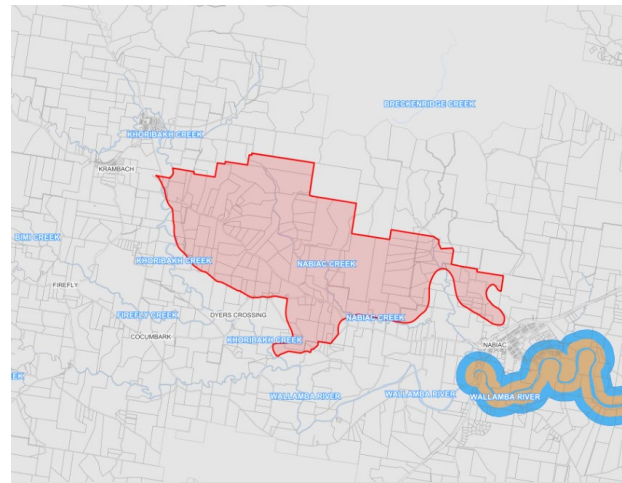
## Aerial



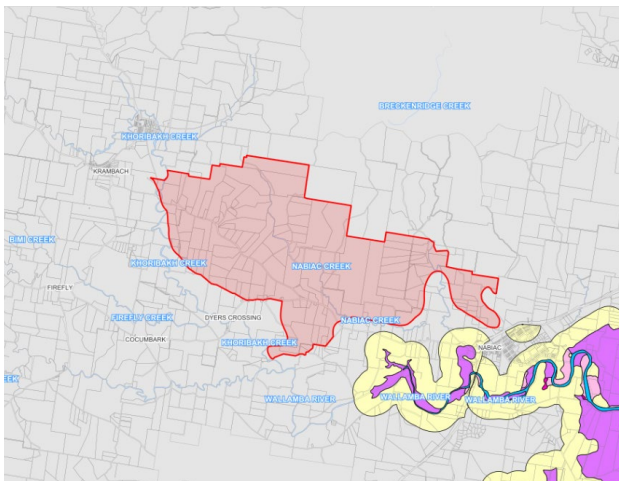
## Bushfire



## Coastal



## Acid Sulfate Soils





## 4 Summary and Conclusions

### Summary

Residential development in rural areas is often a lifestyle option that offers a unique experience that is different to living in our urban areas. The ongoing development of and demand for this form of land use presents several economic, environmental and social planning concerns.

These concerns include environmental degradation, competition for land (lifestyle lots versus rural), as well as expensive and inefficient servicing patterns. These impacts can also have a cumulative impact on rural production and agricultural clusters. The summary below presents the key challenges and opportunities relating to the RU4 zone and the local areas described above.

#### **Reduced availability of productive rural land**

Residential development in rural areas is a lifestyle option that offers a unique experience that is different to living in our urban areas, and the ongoing development of this form of land use can result in increased competition for land. These impacts can also have a cumulative impact on rural production and agricultural clusters.

A common trend is the increasing land values as a result of the desirability of lifestyle living and tree changers. In conjunction with this, the decline in agricultural viability being experienced in many sectors like dairy and cattle grazing is leading to rural landowners seeking alternate income streams. For example, subdividing and selling the land, establishing farm stays, or a bed and breakfast accommodation.

The subdivision of these lands can result in a decline of agricultural value and further fragmentation. There is also opportunity that is created as a result of this fragmentation, for example the clustering of equine in the vicinity of Mondrook Lane on these smaller lifestyle blocks. Development of small scale agriculture is consistent with the intent and zoning objectives for the RU4 zone.

Council continues to receive requests to rezone rural land for more intensive residential uses and allow more rural lifestyle lots in these areas, particularly Large Lot Residential development.

Rural lifestyle lots are often recognised as an attractive form of residential development largely due to their rural/environmental setting, large lot size, greater privacy and amenity. The areas can provide an opportunity to reconnect with nature and can allow several different uses from bed and breakfast accommodation, farm stay accommodation and home industries. The subdivision of these areas brings challenges in terms of efficient servicing and ongoing fragmentation.

Fragmentation of both environmental and rural land is an issue throughout the MidCoast. The fragmentation affects the ability for primary production businesses to viably operate and expand their operations as technology and better farming practices lead to efficiencies and the need to operate on a larger scale. Fragmentation of environmental land is detrimental to local ecology and biodiversity, including the many threatened species and communities that call the MidCoast home.

#### **Environmental impacts**

Rural land in the MidCoast continues to provide important habitat and corridors for native fauna. An issue is that ongoing rural development can also affect the natural environment through clearing, invasion of introduced species (including weeds) and land degradation.

Rural development can affect runoff and water quality, that has flow on effects of increased sediment and nutrient loads within our waterways. This can ultimately lead to impacts on the water quality of our many rivers, lakes and vital drinking water catchments.

Rural development that is reliant on on-site sewage management systems for effluent disposal also has the potential to negatively impact on water quality. This is particularly important in the case of rural lots located on flood liable land and soil profiles not conducive to effluent disposal.

Another consideration of lifestyle living on rural land is that landowners that have an off farm income, can also have a desire to manage weeds and pests, along with retaining biodiversity. In the RU4 zoned areas there is a large portion of landowners that are achieving this.

### **Costs of servicing this land**

Servicing costs of rural and lifestyle lots can be higher in comparison to other residential areas given their lower density and dispersed spatial pattern. It is more expensive to provide infrastructure and services such as roads, water and sewer where available, waste collection, and ongoing maintenance of the assets and services in these areas.

It is not just the cost of servicing; it is the availability of land and resources to provide the connections like a suitable area for effluent disposal or a suitable easement for transmission lines.



## Conclusions

The growth of rural lifestyle development in rural areas has led to an increase in conflicts between agricultural activities and residential land use. It should be noted in [Practice Note PN11-002](#), that the name of the zone was changed to clarify that it is a rural zone for agricultural uses, not a pseudo-residential zone. Therefore, the NSW Government has tried to make it clear that the zone should have a predominant agricultural use.

RU4 land can also form a buffer between significant agricultural land and sensitive environmental areas. Depending on the size of the lot, the lot size can enable separation of uses, and in turn reduce the potential for land use conflict. This is consistent with the NSW Government's Right to Farm Policy which seeks to minimise the potential for land use conflict. If rural lifestyle areas are not planned appropriately, these development types can have similar environmental impacts and land use conflicts as low-density suburban development.

Large areas of the RU4 zoned land contains native bushland that provide informal vegetation corridors connecting pockets of significant vegetation to areas like National Parks and State Forests. There is opportunity to include some of this vegetation in a suitable environmental zone subject to a detailed and fine scaled vegetation survey. Environmental zones have stronger objectives that can help protect these areas.

The RU4 zone has resulted in allotments of agricultural uses and low intensity rural residential development that allows residents to have greater privacy and enjoy the rural and natural amenity. The minimum lot size helps achieve this, by ensuring the development is appropriately sited. Common in these areas is the main source of income is derived from non-primary production industry sources i.e. off farm income.

Rural land needs to be managed to ensure this finite resource is best used to achieve a balance across a number of functions such as rural production; buffers to land of high biodiversity value and retention of this land; protection of scenic areas; opportunities for rural and environmental lifestyle living where suitable; and economic activities such as tourism.

## Recommendations

- Large vegetated areas of RU4 land at Brimbin should be included in an environmental zone.
- Transition Lot 5 DP 1244064 which is a large area of RU4, to a general rural zone.
- Consider applying an environmental zone to the centres of Oxley Island and Mitchells Island and transition the remainder of Oxley Island and Mitchells Island in general rural zone.
- Minimise the use of the RU4 zone other than on smaller lots that have an agricultural use. Another rural or environmental zone could be applied to larger allotments.
- Allow the land zoned RU4 to continue to provide a diverse housing mix and continue the role in protecting and enhancing rural and environmental functions, along with remaining productive for small scale agriculture.
- Maintain the lot size of 20ha to allow agriculture to continue to operate on small holdings.

# Appendix A – RU4 LEP Land Use Tables

## Standard Instrument—Principal Local Environmental Plan

Current version for 15 January 2020 to date (accessed 5 March 2020 at 09:50)

### Zone RU4 Primary Production Small Lots

#### Direction.

The following must be included as either “Permitted without consent” or “Permitted with consent” for this zone—

Extensive agriculture

Farm buildings

Intensive plant agriculture

Roads

Roadside stalls

#### 1 Objectives of zone

- To enable sustainable primary industry and other compatible land uses.
- To encourage and promote diversity and employment opportunities in relation to primary industry enterprises, particularly those that require smaller lots or that are more intensive in nature.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.

#### 2 Permitted without consent

Home occupations

#### 3 Permitted with consent

Aquaculture; Dwelling houses; Plant nurseries

#### 4 Prohibited

## Greater Taree Local Environmental Plan 2010

Current version for 24 January 2020 to date (accessed 5 March 2020 at 09:50)

### Zone RU4 Primary Production Small Lots

#### 1 Objectives of zone

- To enable sustainable primary industry and other compatible land uses.
- To encourage and promote diversity and employment opportunities in relation to primary industry enterprises, particularly those that require smaller lots or that are more intensive in nature.
- To minimise conflict between land uses within this zone and land uses within adjoining zones.

#### 2 Permitted without consent

Extensive agriculture; Forestry; Home occupations; Intensive plant agriculture

#### 3 Permitted with consent

Agricultural produce industries; Agriculture; Animal boarding or training establishments; Aquaculture; Bed and breakfast accommodation; Building identification signs; Business identification signs; Cellar door premises; Dual occupancies (attached); Dwelling houses; Eco-tourist facilities; Environmental facilities; Environmental protection works; Farm buildings; Farm stay accommodation; Home-based child care; Home businesses; Home industries; Plant nurseries; Roads; Roadside stalls; Schools; Water supply systems

#### 4 Prohibited

Any development not specified in item 2 or 3



## Appendix B – Relevant Ministerial Directions

Ministerial directions must be considered when preparing and assessing development applications, planning proposals and local environmental plans. The directions contain specific aims and principles to ensure development is suitable for the land and the impacts of the development are minimal. The main ministerial directions relevant to the RU4 zone are outlined below:

### **Direction 1.2 Rural Zones** (issued 14 April 2016)

#### **Objective**

(1) The objective of this direction is to protect the agricultural production value of rural land.

#### **Where this direction applies**

(2) (a) Clause 4(a) of this direction applies to all relevant planning authorities.

(b) Clause 4(b) of this direction applies in the following local government areas: Ashfield, Auburn, Bankstown, Baulkham Hills, Blacktown, Blue Mountains, Botany Bay, Burwood, Camden, Campbelltown, Canada Bay, Canterbury, City of Sydney, Fairfield, Gosford, Hawkesbury, Holroyd, Hornsby, Hunters Hill, Hurstville, Kogarah, Ku-ring-gai, Lake Macquarie, Lane Cove, Leichhardt, Liverpool, Manly, Marrickville, Mosman, Newcastle, North Sydney, Parramatta, Sutherland, Warringah, Waverley, Willoughby, Wollondilly, Woollahra, Wollongong, Wyong

#### **When this direction applies**

(3) This direction applies when a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed rural zone (including the alteration of any existing rural zone boundary).

#### **What a relevant planning authority must do if this direction applies**

(4) A planning proposal must:

- (a) not rezone land from a rural zone to a residential, business, industrial, village or tourist zone.
- (b) not contain provisions that will increase the permissible density of land within a rural zone (other than land within an existing town or village).

#### **Consistency**

(5) A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are:

- (a) justified by a strategy which:
  - (i) gives consideration to the objectives of this direction,
  - (ii) identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), and
  - (iii) is approved by the Director-General of the Department of Planning, or
- (b) justified by a study prepared in support of the planning proposal which gives consideration to the objectives of this direction, or
- (c) in accordance with the relevant Regional Strategy, Regional Plan or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of this direction, or
- (d) is of minor significance.

### **Direction 2.1 Environmental Protection Zones** (issued 14 April 2016)

#### **Objective**

(1) The objective of this direction is to protect and conserve environmentally sensitive areas.

#### **Where this direction applies**

(2) This direction applies to all relevant planning authorities.

#### **When this direction applies**

(3) This direction applies when a relevant planning authority prepares a planning proposal.

### **What a relevant planning authority must do if this direction applies**

(4) A planning proposal must include provisions that facilitate the protection and conservation of environmentally sensitive areas.

(5) A planning proposal that applies to land within an environment protection zone or land otherwise identified for environment protection purposes in a LEP must not reduce the environmental protection standards that apply to the land (including by modifying development standards that apply to the land). This requirement does not apply to a change to a development standard for minimum lot size for a dwelling in accordance with clause (5) of Direction 1.5 *"Rural Lands"*.

### **Consistency**

(6) A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are:

(a) justified by a strategy which:

(i) gives consideration to the objectives of this direction,

(ii) identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), and

(iii) is approved by the Director-General of the Department of Planning, or

(b) justified by a study prepared in support of the planning proposal which gives consideration to the objectives of this direction, or

(c) in accordance with the relevant Regional Strategy, Regional Plan or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of this direction, or

(d) is of minor significance.

## **Direction 1.5 Rural Lands (issued 28 February 2019)**

### **Objective**

(1) The objectives of this direction are to:

(a) protect the agricultural production value of rural land,

(b) facilitate the orderly and economic use and development of rural lands for rural and related purposes,

(c) assist in the proper management, development and protection of rural lands to promote the social, economic and environmental welfare of the State,

(d) minimise the potential for land fragmentation and land use conflict in rural areas, particularly between residential and other rural land uses,

(e) encourage sustainable land use practices and ensure the ongoing viability of agriculture on rural land

(f) support the delivery of the actions outlined in the New South Wales Right to Farm Policy.

### **Where this direction applies**

(2) This direction applies to all local government areas in the State except for:

(a) Lake Macquarie,

(b) Newcastle,

(c) Wollongong, and

(d) local government areas in the Greater Sydney Region (as defined in the *Greater Sydney Commission Act 2015*) other than Wollondilly and Hawkesbury.

### **When this direction applies**

(3) This direction applies when a relevant planning authority prepares a planning proposal that:

(a) will affect land within an existing or proposed rural or environment protection zone (including the alteration of any existing rural or environment protection zone boundary) or

(b) changes the existing minimum lot size on land within a rural or environment protection zone.

**Note:** Reference to a rural or environment protection zone means any of the following zones or their equivalent in a non-Standard LEP: RU1, RU2, RU3, RU4, RU6, E1, E2, E3, E4.



## What a relevant planning authority must do if this direction applies

- (4) A planning proposal to which clauses 3(a) or 3(b) apply must:
- (a) be consistent with any applicable strategic plan, including regional and district plans endorsed by the Secretary of the Department of Planning and Environment, and any applicable local strategic planning statement
  - (b) consider the significance of agriculture and primary production to the State and rural communities
  - (c) identify and protect environmental values, including but not limited to, maintaining biodiversity, the protection of native vegetation, cultural heritage, and the importance of water resources
  - (d) consider the natural and physical constraints of the land, including but not limited to, topography, size, location, water availability and ground and soil conditions
  - (e) promote opportunities for investment in productive, diversified, innovative and sustainable rural economic activities
  - (f) support farmers in exercising their right to farm
  - (g) prioritise efforts and consider measures to minimise the fragmentation of rural land and reduce the risk of land use conflict, particularly between residential land uses and other rural land uses
  - (h) consider State significant agricultural land identified in *State Environmental Planning Policy (Primary Production and Rural Development) 2019* for the purpose of ensuring the ongoing viability of this land
  - (i) consider the social, economic and environmental interests of the community.
- (5) A planning proposal to which clause 3(b) applies must demonstrate that it:
- (a) is consistent with the priority of minimising rural land fragmentation and land use conflict, particularly between residential and other rural land uses
  - (b) will not adversely affect the operation and viability of existing and future rural land uses and related enterprises, including supporting infrastructure and facilities that are essential to rural industries or supply chains
  - (c) where it is for rural residential purposes:
    - i. is appropriately located taking account of the availability of human services, utility infrastructure, transport and proximity to existing centres
    - ii. is necessary taking account of existing and future demand and supply of rural residential land.

**Note:** where a planning authority seeks to vary an existing minimum lot size within a rural or environment protection zone, it must also do so in accordance with the Rural Subdivision Principles in clause 5.16 of the relevant Local Environmental Plan.

## Consistency

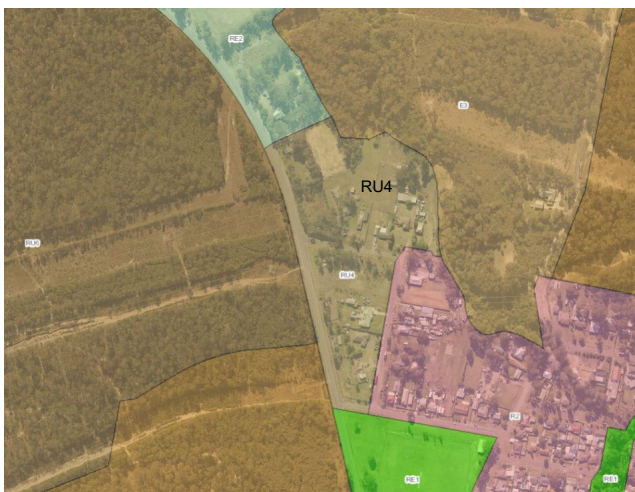
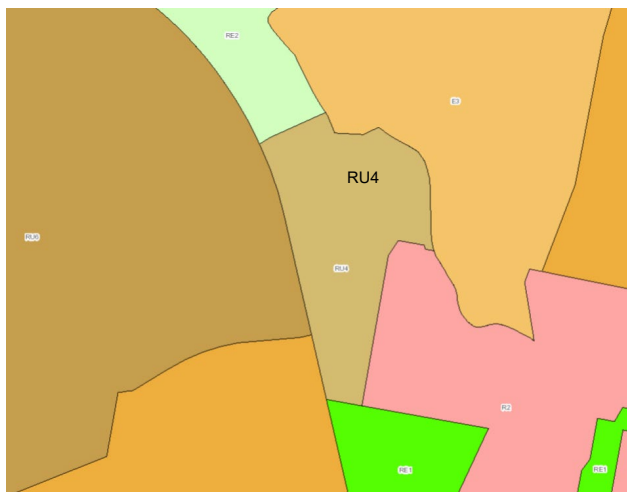
- (6) A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Secretary of the Department of Planning & Environment (or an officer of the Department nominated by the Secretary) that the provisions of the planning proposal that are inconsistent are:
- (a) justified by a strategy which:
    - i. gives consideration to the objectives of this direction,
    - ii. identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), and
    - iii. is approved by the Secretary of the Department of Planning & Environment and is in force,or
  - (b) is of minor significance.

## Appendix C – Analysis of NSW LEPs

### Lake Macquarie LEP 2014

Includes small areas of RU4, often surrounded by environmental, recreation or rural lands.

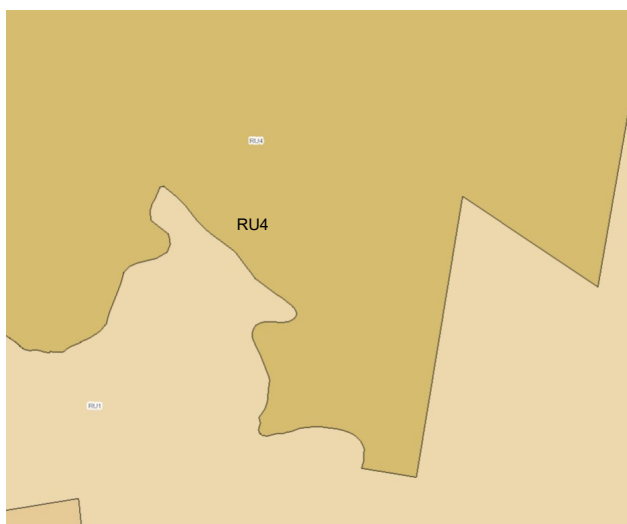
- Objectives: Standard instrument objectives plus:
  - To provide for a rural lifestyle and other compatible activities.
  - To maintain or improve the quality of the environment.
- Minimum Lot Size: 1ha (Barnsley – see below)



### Kempsey LEP 2013

Includes areas of RU4, often surrounded by environmental or rural lands.

- Objectives: Standard instrument objectives plus:
  - To ensure that the nature, scale and operation of any development is compatible with the amenity of the locality.
- Minimum Lot Size: 8ha (Saleyards Road – see below); 4ha (Sheppard Road)

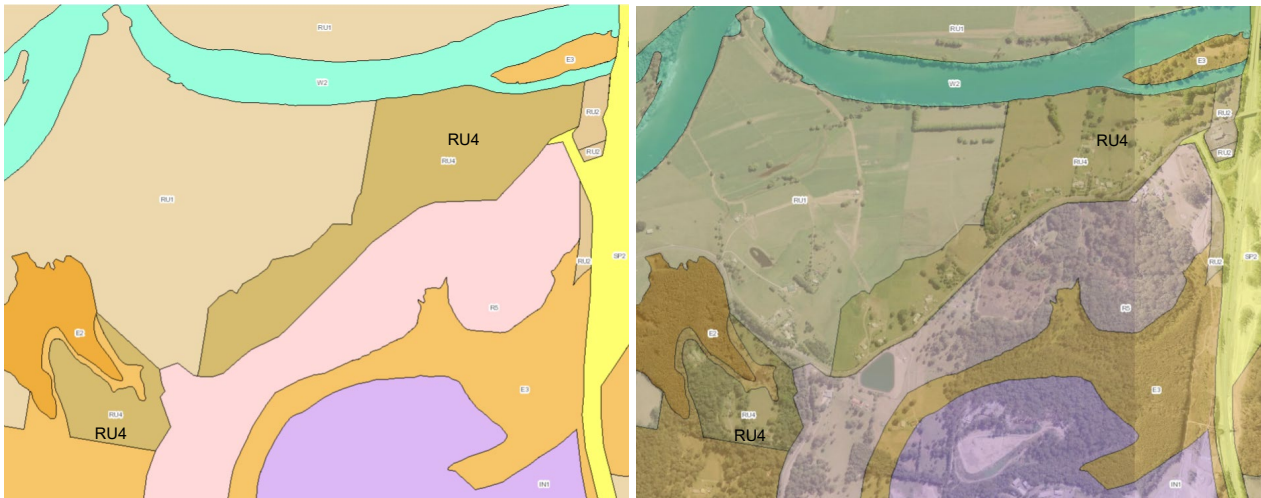




## Bellinghen LEP 2010

Includes small and large areas of RU4, often surrounded by environmental, residential or rural lands.

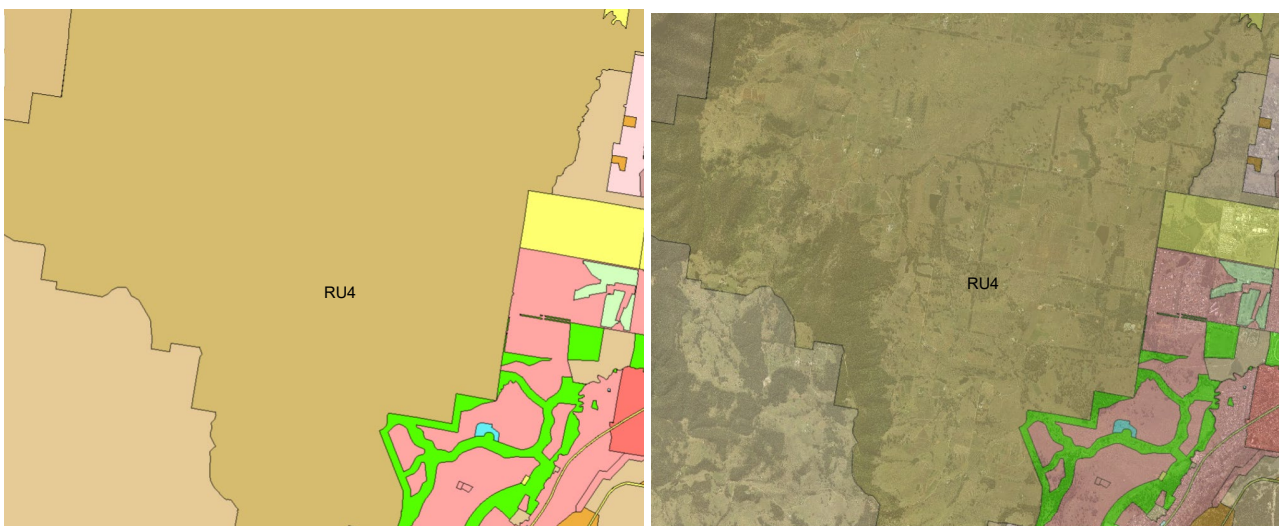
- Objectives: Standard instrument objectives only.
- Minimum Lot Size: 40ha (Waterfall Way – see below)



## Cessnock LEP 2011

Large area of RU4 adjoining Cessnock, and predominately surrounded by rural lands.

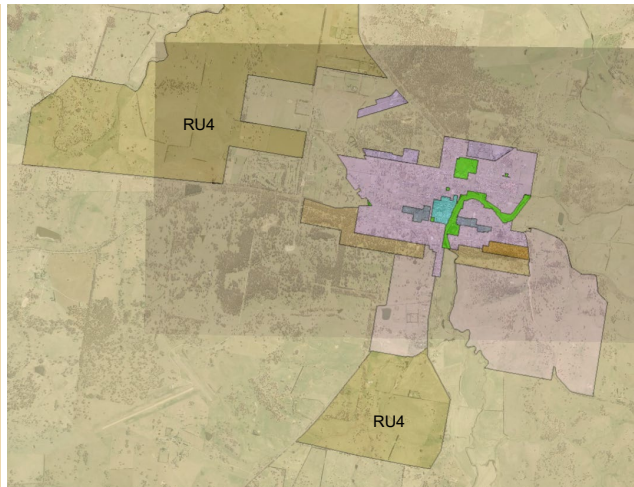
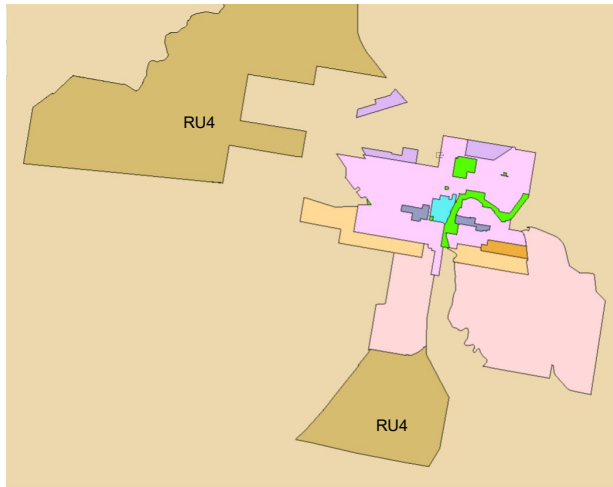
- Objectives: Standard instrument objectives plus:
  - To maintain prime viticultural land and enhance the economic and ecological sustainability of the vineyards district.
  - To encourage appropriate tourist development (including tourist-related retail) that is consistent with the rural and viticultural character of the vineyards district.
  - To enable the continued rural use of land that is complementary to the viticultural character of the land.
- Minimum Lot Size: 40ha (see below)



## Walcha LEP 2012

Includes two areas of RU4 around the township of Walcha, which is surrounded by rural lands.

- Objectives: Standard instrument objectives only.
- Minimum Lot Size: 20ha (see below)



## Upper Hunter LEP 2013

Includes large areas of RU4 that follow the water sources, often surrounded by environmental or rural lands.

- Objectives: Standard instrument objectives only.
- Minimum Lot Size: 40ha (see below)

