



MIDCOAST
council



**RURAL
STRATEGY**



DRAFT

MIDCOAST RURAL STRATEGY

JUNE 2021

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Acknowledgment of Country

We acknowledge the traditional custodians of the land on which we work and live, the Gathang-speaking people and pay our respects to all Aboriginal and Torres Strait Islander people who now reside in the MidCoast Council area. We extend our respect to elders past and present, and to all future cultural-knowledge holders.



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1 Introduction

The Draft MidCoast Rural Strategy has been prepared by MidCoast Council with assistance from City Plan Strategy and Development, in partnership with Aurora Research and Development and MJD Environmental.

While there is no commonly accepted definition of 'rural' for the purposes of land use and development planning, it is generally accepted that rural areas have smaller population sizes and lower development densities e.g. larger lots and greater separation between buildings, when compared to urban towns and villages. Rural landscapes are, therefore, a defining feature of the MidCoast Local Government Area (LGA).

The Strategy follows on from the high-level analysis of our opportunities and challenges as a functional economic region in the [MidCoast Regional Economic Development Strategy](#) and looks at opportunities for Council, with other key stakeholders, to realise the objectives and game-changer projects outlined in [Hunter Regional Plan 2036](#) and [MidCoast Tourism Destination Management Plan](#) and to guide and inform strategy and evidence-based planning into the future.

The Strategy also aims to provide clear and consistent land use planning and management principles that can be used to inform preparation of not only the new MidCoast Local Environmental Plan and Development Control Plan, but well-balanced development and conservation outcomes across our rural landscape into the future.

In doing so, the Strategy performs two critical functions:

1. identify **Strategic Recommendations** to provide a common understanding of the relevance of current planning policy and strategic frameworks guiding the use and management of land and water resources outside towns and villages, consistent with the requirements of relevant legislation; and
2. document **Local Plan Recommendations** to establish a clear and consistent framework for the application of environmental planning instrument objectives and controls to rural lands, within the inaugural MidCoast local environmental plan and development control plan, and subsequent amendments to these plans.

Significantly, the purpose of the Rural Strategy **is not** to identify any new urban release areas or new areas of rural residential development.

The Strategy represents an important first step in providing a common understanding for the development and application of planning controls in rural areas of the MidCoast and will inform Council's participation and advocacy of other strategic planning initiatives undertaken by State and Regional agencies, that may affect the ongoing occupation and use of these rural lands.

Finally, the Rural Strategy and background reports, are acknowledged as a snapshot in time. While establishing a baseline of rural information, the recommendations should be progressively reviewed and improved over time, in consultation with community and industry stakeholders and as more information and insights become available.

2 Vision for Rural Areas

The future we envision for our waterways, rural and environmental lands may echo other State, regional and community statements but significantly, it reflects the optimism of the people who live and work in these unique areas of the MidCoast:

*Rural areas of the MidCoast are prosperous and resilient
- reflecting the diversity of the landscape and the
welcoming character of people who live and work here.*

The vision for rural areas in the MidCoast will be realised by working towards four Goals:

- 1. Protect natural landscapes;**
- 2. Sustain primary production opportunities;**
- 3. Enhance rural lifestyles and livelihoods; and**
- 4. Improve planning and plan-making in practice.**

These goals reflect State, regional and local visions for the Mid-Coast local government area:

MidCoast Regional Economic Development Strategy 2018–2022 vision statement:

The MidCoast Region will have sustainable economic growth, founded on the Region's natural assets, amenity and location, while offering a healthy lifestyle and community connection.

Hunter Regional Plan 2036 narrative for the MidCoast:

The new MidCoast Council will have to consider the needs of diverse communities within a regional setting. It will have to capitalise on the opportunities provided by urban centres, rural areas and the natural environment to form a thriving economy based on food production, tourism, manufacturing and services that meet the needs of an ageing and growing population.

MidCoast 2030: Shared Vision, Shared Responsibility vision:

We strive to be recognised as a place of unique environmental and cultural significance.

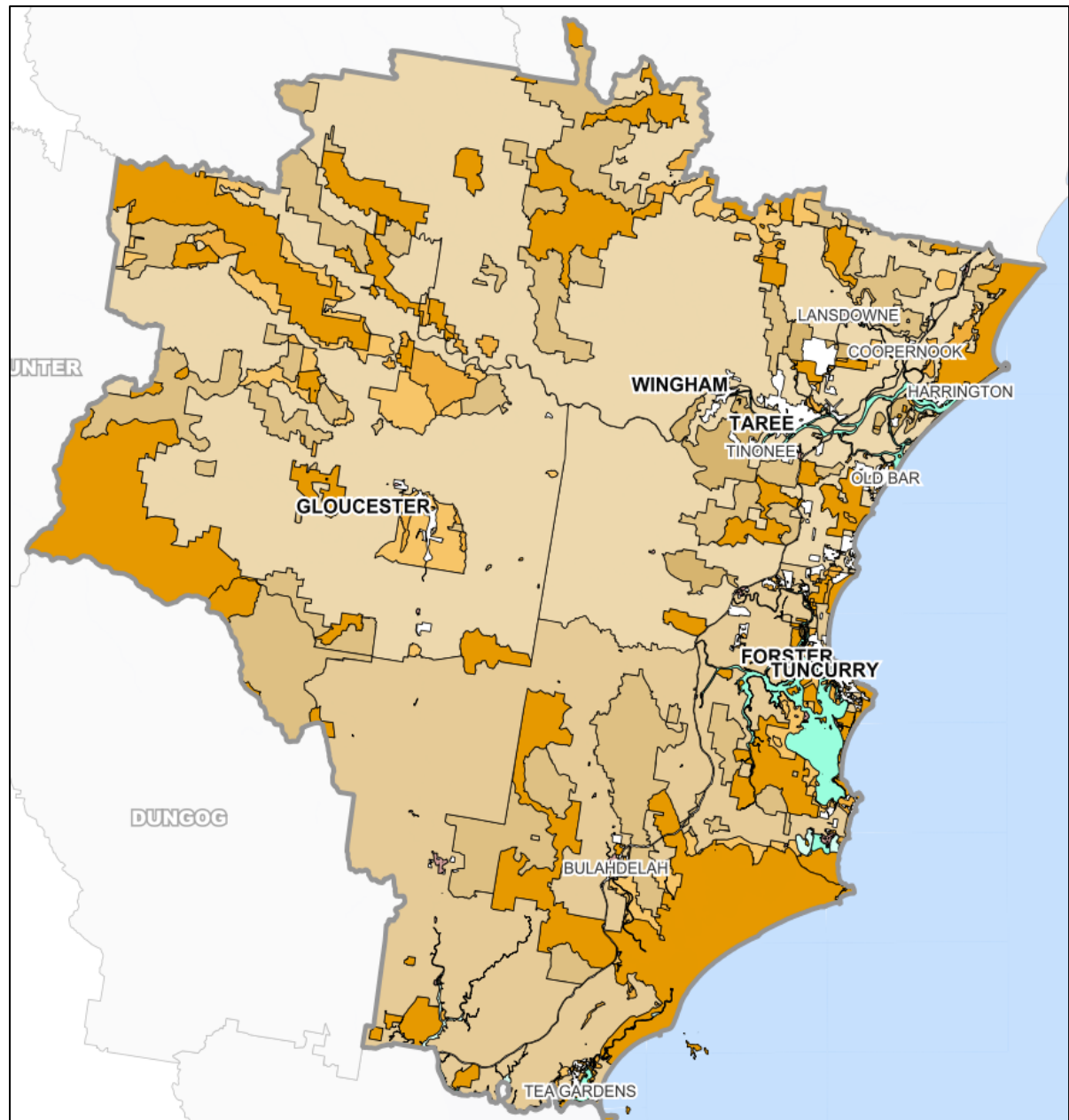
Our strong community connection, coupled with our innovative development and growing economy, builds the quality of life we value.

3 Context

The scope of the Strategy is extensive. Essentially all land and water currently zoned for rural, environmental or waterway purposes throughout the MidCoast needs to be considered, this area is illustrated in Figure 1.

Simply put, over 95% of all land and water outside of the existing towns and villages of the MidCoast has been considered during the preparation of the Strategy.

Figure 1. Rural, Environmental and Waterway zoned land considered in the Rural Strategy



3.1 Preparing the draft Rural Strategy

The draft Rural Strategy is the culmination of locally focused research and engagement completed by a team of consultants in partnership with Council staff between 2017-2019. These efforts were targeted to:

- Provide a local understanding of the current strategic and legislative context, and the values of and the issues affecting the MidCoast's rural lands;
- Collate and review the 'evidence base' that is currently available to inform and guide the direction of subsequent planning, based on research, site assessments, and high-level consultation with selected stakeholders; and
- Support the vision and goals for rural areas set out in the MidCoast Regional Economic Development Strategy and the Hunter Regional Plan 2036.

Public and stakeholder engagement efforts undertaken to prepare the draft Rural Strategy are described in the *MidCoast Rural Strategy: Interim Engagement Report* (City Plan Strategy and Development, 2018) and *MidCoast Rural Strategy: Stage 1 Telephone Interviews - Outcomes Summary* report (City Plan Strategy and Development, 2019).

City Plan Strategy and Development

City Plan Strategy and Development was the lead consultant organisation, coordinating the collection, and interpretation of information in the context of land use and development planning. This relied on engagement with key stakeholders and the broader community to consider specific issues in more detail. This project has benefitted from City Plan's specialist expertise as well as inputs provided by their established network of Government and private-sector planning professionals.

Aurora Research and Development

The Aurora R+ D team, based in Dubbo, undertook community and stakeholder engagement, including conducting over 60 telephone interviews with individuals and representatives of peak organisations. They also offered high-level advice in relation to a variety of sectors, including agriculture, agri-tourism, tourism, agronomy and marketing.

MJD Environmental

The MJD Environmental team, based in Newcastle, was responsible for the acquisition of spatial datasets from multiple stakeholders. This project has benefited from MJD's established relationships with relevant Government agencies, including the NSW Department of Planning, Infrastructure and Environment; Department of Primary Industries and Hunter & Central Coast Regional Environmental Management Strategy.

These and subsequent consultation and review processes are also documented in MidCoast Council's Zoning In on Rural Land *Communication and Consultation Strategy* (2021).

The evidence base identified and reviewed by the consultant team through the engagement process and additional research, is described in more detail in a series of Background Reports prepared during 2018 - 2021.

3.2 Existing Planning framework

During preparation of this Strategy it has been recognised that the existing planning framework is failing communities and Council, as it is largely based on historic planning of the 1980s and 1990s.

Despite the transition of three local environmental plans and development control plans of the former local government areas of Gloucester, Great Lakes and Greater Taree into the Standard Principal Local Environmental Plan template in the mid-2000s, strategic improvements to the provisions and controls were generally not able to be made at that time.



The result is a suite of planning rules for waterways, rural and environmental areas of the MidCoast that are inconsistent, out-dated and closed to the opportunities that these vast areas and unique communities represent.

The aim of the Rural Strategy therefore, is to provide clear guidance on future planning across the rural landscape for implementation now and into the future, including reconsideration of the suite of zones referred to in Table 1, land uses, lot sizes for subdivision and development, assessment triggers and management options.

This has taken significant time, resources and collaboration. Due in part to the land area being considered, but as a new Council we have also had to create a baseline from which to start – What do we have? What do we know? Who are our stakeholders? What is working and more importantly, what is not?

This is consistent with a range of other strategies and plans being prepared across Council since amalgamation, including but not limited to the MidCoast 2030 Community Strategic Plan, MidCoast Destination Management Plan and Urban Zoning In program looking at Housing, Employment, Infrastructure and Recreation zones in our towns and villages.

Table 1. Non-Urban Zones from the Standard Instrument Principal Local Environmental Plan available to use across the rural landscape of the MidCoast Local Government Area

Rural	Environmental	Waterways
RU1 Primary Production	E1 National Parks and Nature Reserves	W1 Natural Waterways
RU2 Rural Landscape	E2 Environmental Conservation	W2 Recreational Waterways
RU3 Forestry	E3 Environmental Management	W3 Working Waterways
RU4 Primary Production Small Lot	E4 Environmental Living	
RU5 Village		
RU6 Transition		

Critical to the strategy though, were other fundamental questions – Who were our stakeholders? How could we engage with them to prepare a Rural Strategy that would inform not only the new MidCoast Local Environmental Plan and Development Control Plan, but provide the vision and tools to facilitate improvements to our planning tools in the foreseeable future?

To address this, the Strategy program included workshops and interviews with various representatives across Council; public agencies including the Department of Planning, Infrastructure & Environment, Department of Primary Industries, NSW Roads & Maritime Services, Department of Fisheries, Local Land Services, and the Office of Water; land owners, residents and visitors.

3.3 Relationship to other strategies and programs

The Rural Strategy has been in development since 2017 and must be considered within the context of other strategy and review programs undertaken within the MidCoast, by Council and other agencies, since amalgamation.

For example, during preparation of the Rural Strategy, the NSW Government commissioned preparation of State-wide Regional Economic Development Strategies (REDS).

The findings and recommendations of the NSW Government's [MidCoast REDS](#) in conjunction with the Goals and Directions of the Department of Planning, Industry and Environment's [Hunter Regional Plan 2036](#), have strongly influenced the preparation of the Rural Strategy.

Within the context of national, state and regional strategies, the team also had to determine Council's scope to create or influence change across the rural landscape. In doing so we were looking to provide solutions to existing challenges through effective land use planning and seeking opportunities to leverage the current trends of regionalisation for our communities and industries.

Locally, Council have also engaged in an extensive and comprehensive strategic work program, endorsed by the Department of Planning, Industry & Environment, to inform development of the MidCoast LEP and DCP.

In 2018 Council commenced a comprehensive review of land use zones and development standards applying to land within our towns and villages. Housing, Employment (Business and Industry), Recreation and Infrastructure (Special Purpose) zones were considered and an Urban Land Monitor prepared for the whole of the MidCoast local government area.

The findings and recommendations of the reviews were presented to the MidCoast community as part of the Urban Zoning In on our Future program between February – April 2020. Council's strategic program supplements information in the Hunter Regional Plan, which identified Strategic Centres and Centres of Local Significance identified in Table 2, providing additional information on each of these locations and connectivity between these settlements.

Table 2. Strategic Centres and Centres of Local Significance, Hunter Regional Plan 2036

STRATEGIC CENTRES	CENTRES OF LOCAL SIGNIFICANCE
<i>Expected to accommodate the highest-order of housing, services and employment associated with regional-level growth. Directions for planning in these areas may be heavily influenced by State and Regional policy, including the Hunter Regional Plan.</i>	<i>Also expected to experience growth and change in housing, services and employment needs, but to a lesser degree than regionally relevant centres. Directions for planning in these areas is more heavily influenced by Council policy.</i>
Taree and Forster-Tuncurry	Bulahdelah, Diamond Beach, Gloucester, Hallidays Point, Harrington, Nahiab, Old Bar, Stroud, Tea Gardens–Hawks Nest and Wingham

Critically, Council's program identified other settlement types within the MidCoast that contribute to the lifestyle and development options available to our existing and future residents including our villages and rural residential areas.

Villages are considered in greater detail within this strategy. Based on the land use and development standards established with adoption of the Housing Strategy (2020), villages were reviewed, to determine the capacity of these smaller settlements to provide services and facilities to local residents and increase the sustainability of rural industry and lifestyles across the MidCoast.

In comparison, the analysis and identification of 'additional' land suitable for rezoning to the R5 Large Lot Residential zone is outside of the scope of this Strategy. However, as a result of the public submissions received during the Urban Zoning In engagement program, additional investigation was undertaken to examine the diverse range of "rural living" zones across the MidCoast.

In this regard, land in the R5 Large Lot Residential zone was compared to land in the RU5 Village, E4 Environmental Living and RU4 Primary Production Small Lot zones to determine how the use and occupation of these areas may be addressed in the future MidCoast Council planning framework.

In some instances, these investigations have resulted in recommendations to rezone land to better reflect the existing patterns of land use and occupation already occurring in these areas.

Finally, the Rural Strategy does not aim to identify land for rezoning to any other residential or employment purpose. This work has commenced separately, through a high-level review of the 'Potential urban investigation areas' identified within State strategies for housing or employment, including the [Mid North Coast Regional Strategy 2006](#) that preceded the Hunter Regional Plan 2036.

4 Evidence-based planning

The primary purpose of preparing a Rural Strategy for the MidCoast LGA is to provide a common understanding of the relevance of current policy and strategic frameworks guiding the use and management of land and water resources outside towns and villages, consistent with the requirements of relevant legislation.

Therefore, the background reports underpinning this Strategy referred to below, considered publicly-available information contained in a range of State, Regional and Local strategies, plans and guidelines relevant to the MidCoast:

Housing and accommodation	Mining and Energy
Agriculture and rural industries	Tourism
Land based conservation	Transport
Marine activities	Rural Waterways

Table 3 lists the main documents that currently provide this context, noting this list is not intended to be exhaustive, but represents the range of documents reviewed and considered in preparing the Background and Analysis Reports that have informed this draft Strategy.

Views from public agencies, selected stakeholders and the general community have also been provided through the following initiatives undertaken as part of the Rural Strategy Project.

- Telephone interviews conducted by the consultant team between May 2018 and January 2019. In total, 60 interviews were conducted with several participants representing larger groups or peak organisations. Most participants referred to transport-related issues in some form.
- A Public Workshop focusing on Tourism ('Tourism Workshop') in the MidCoast, facilitated by the consultant team on 14 June 2018 in Gloucester. This was attended by over 30 people, with a focused discussion on how the planning framework regulates tourism in rural areas, and issues currently considered most relevant to the MidCoast.
- A public survey ('Rural Strategy survey'), conducted by Council with inputs from the consultant team. This was made available online and in hard copy and was open to the public between September and November 2018. In total, 63 surveys were returned.

Any relevant public submissions received during the public exhibition of previously mentioned Council strategies and reviews, have also been considered and where appropriate incorporated into the Rural Strategy program and Report.

Table 3. Major legislation, policy and strategies influencing the Rural Strategy

LOCAL	REGIONAL
<p>Coastal Zone Management Plans and draft Coastal Management Programs</p> <p>Community Strategic Plan</p> <p>Draft On-Site Sewer Management Development Assessment Framework</p> <p>Estuary & Catchment Management Plans</p> <p>Flood Risk Management Plans and Studies</p> <p>Our Water Our Future – Integrated Water Cycle Management Strategy</p> <p>Strategic Business Plan for delivery of Water Services</p> <p>Tourism Destination Management Plan</p> <p>Urban Zoning In on our Future strategies and zone reviews</p>	<p>ABS Data</p> <p>DPI Agriculture - Important Agricultural Lands Mapping program</p> <p>Hunter Local Land Services Strategic Plan 2016-2021</p> <p>Hunter Regional Plan 2036</p> <p>Hunter Valley Corridor Capacity Strategy (ARTC, 2018)</p> <p>MidCoast Regional Economic Development Strategy 2018-2022</p>
STATE	COMMONWEALTH
<p>20-Year Economic Vision for Regional NSW and Global Mega-Trends</p> <p>Biodiversity Conservation Act 2016</p> <p>Coastal Management Act 2016</p> <p>Crown Land Management Act 2016</p> <p>Environmental Planning and Assessment Act 1979</p> <p>Heritage Act 1977</p> <p>Local Government Act 1993</p> <p>Local Land Services Act 2013</p> <p>Marine Estate Management Act 2014</p> <p>National Parks and Wildlife Act 1974</p> <p>Planning for Paper Subdivisions Guidelines (2013)</p> <p>Rural Fires Act 1997</p> <p>S9.1 Ministerial Directions</p> <p>Standard Instrument Principal Local Environmental Plan (2006)</p> <p>State Environmental Planning Policies</p> <p>Water Management Act 2000</p>	<p>Australian and New Zealand Guidelines for Fresh and Marine Water Quality</p> <p>COAG Energy Council</p> <p>Environment Protection and Biodiversity Conservation Act 1999</p> <p>National Agricultural Competitiveness White Paper</p> <p>National Freight and Supply Chain Strategy and National Action Plan</p> <p>RAMSAR Convention on Wetlands</p> <p>Regional Development Australia</p> <p>Renewable Energy Target Schemes</p>

4.1 Data Gaps – Challenges and Opportunities

As stated in the Introduction of this document, the draft Rural Strategy and associated reports, are acknowledged as a snapshot in time. While establishing a baseline of rural information, the recommendations should be progressively reviewed and improved over time, in consultation with community and industry stakeholders and as more information and insights become available.

In particular, a range of data gaps were identified in each report that represent challenges to the current need for clear and consistent planning guidelines to be established across the MidCoast, but also represent opportunities to improve our evidence-based land use planning and development in the future.

Table 4. Data Gaps identified in Background Reports to Rural Strategy

Agriculture Background Report
<p><i>Agricultural land mapping</i></p> <p>While there is Biophysical strategic agricultural land (BSAL) mapping is available for the MidCoast from 2013-2014, there currently is no Important Agricultural Land Mapping that considers social and economic factors e.g. infrastructure, markets, labour, location of existing industries, in addition to biophysical factors.</p> <p>This type of mapping is considered best practice for strategic rural land-use planning and the Department of Planning, Industry and Environment have been engaged in preparing this mapping since 2016, although at the time of writing, this information is not available for the MidCoast.</p> <p><i>Lot size/holding requirements</i></p> <p>There is limited information on the minimum lot size/holding requirements as it relates to land-based capacity for existing or emerging agricultural industries. This information is discussed as part of a high-level review within the report, but cannot directly inform lot size, land use or zone recommendations for environmental planning instruments at this time.</p>
Land Based Conservation Background Report
<p><i>Biodiversity</i></p> <p>The probability of occurrence for many Threatened Ecological Communities, Threatened and Migratory species has been confirmed through previous survey work based on broad distribution modelling and would need to be confirmed through additional on-ground and seasonally appropriate survey work.</p> <p>The draft Regional Conservation Plan priority areas for conservation, restoration and conservation off-sets to urban release areas have not been transitioned into the Hunter Regional Plan.</p> <p>Potential biodiversity corridors and the information available is currently only provided at a State or regional scale.</p> <p>Ongoing review and evaluation of these areas is to be considered as part of the MidCoast Biodiversity Framework program to ensure the availability of local-scale mapping and appropriate allocation of federal, state, regional and local resources to facilitate identification, management and protection of these areas.</p>

The National Parks Association of NSW is a Lead Partner of the Great Eastern Ranges Initiative (GER). Within this network, regional alliances have been established to deliver specific outcomes in 'priority areas.' These alliances tend to be volunteer based, but generally benefit from a higher level of coordination and planning for conservation than other areas. The MidCoast is not currently identified in a regional alliance consequently, outcomes to specifically support the delivery of the GER initiative within the MidCoast LGA e.g. habitat modelling, etc. are not readily available. * The Department of Planning, Industry and Planning State Vegetation Type Map (SVTM) will represent the most complete and consistent information available about the distribution of Plant Community Types across NSW benefitting landholders, planners and local communities. The regional map incorporating the MidCoast local government area is currently being prepared but is unavailable at the time of writing.

A complete map of Crown land within the MidCoast nor the management arrangements (e.g. Council or State manager) for this land are currently available to Council.

Cultural Heritage

The only broad scale studies have been completed, exhibited and adopted within the MidCoast by qualified heritage professionals in line with the NSW Heritage Manual described above is the Great Lakes Council Heritage Study 2007. Draft studies have been completed in the former Greater Taree and Gloucester Shire LGAs but have not been exhibited or adopted at the time of writing. The content of all of these studies is predominantly focused on European built heritage, with few Aboriginal cultural or archaeological, items or sites.

Most Council-endorsed documents, including long-term strategies, clearly recognise the importance of cultural and historical values to rural landscapes and local communities. Collectively, these recommend further studies and investigations to identify heritage values, including Aboriginal cultural heritage values. However, these recommendations do not appear to have been actioned to date.

A heritage assessment study, or multiples studies, are required to be undertaken and completed, in line with current guidelines in order to provide a basis for strategic land use and development planning, particularly for items and areas incorporated into the new MidCoast LEP. This recognises:

- The extent of heritage assessments that has been completed in the MidCoast LGA in line with the current NSW Heritage Manual methodology appears to be limited to the former Great Lakes LGA only. The recommendations of this study have already been implemented.
- Council-endorsed actions to undertake further studies and investigations to identify heritage values, including Aboriginal cultural heritage values do not appear to have been actioned to date.

Scenic Landscapes

All former Councils also had scenic protection zones applying through environmental planning instruments prior to the conversion to the Standard Instrument LEP. Current and endorsed scenic landscape studies are out of date and cannot provide a basis for clear and consistent mapping of these areas across the MidCoast and incorporation into strategic planning and development assessment processes.

A study identifying the scenic qualities and visual assessment criteria is recommended, to provide a basis for clear and consistent mapping of these areas across the MidCoast and incorporation into strategic planning and development assessment processes.

Throughout the MidCoast environmentally zoned areas are characterised by their proximity to national parks, state forests and other significant environmental features, including significant waterbodies. The significance of these areas and potential recognition of “foreshores” and “riverfronts” as environmentally sensitive areas must be considered, given local environmental plans and the Exempt & Complying Development SEPP, currently exclude complying development within these scenic and visually significant locations.

Cultural Heritage

A heritage assessment study, or multiples studies, are required to be undertaken and completed, in line with current NSW Heritage Manual methodology in order to provide a basis for strategic land use and development planning, particularly for items and areas incorporated into the new MidCoast LEP. In recognition that Council-endorsed actions to undertake further studies and investigations to identify heritage values, including Aboriginal cultural heritage values do not appear to have been actioned to date.

Scenic Landscapes

Current and endorsed scenic landscape studies are out of date and cannot provide a basis for clear and consistent mapping of these areas across the MidCoast and incorporation into strategic planning and development assessment processes.

Housing and Accommodation Background Report

Demographic data

The Strategy relies on State Suburbs (SSC) data to analyse demographic trends. SSC data is collated based on an approximation of statistical data for an area. Meaning the smaller the population of an SSC area, the higher the level of inaccuracy, due to the margin of error.

ABS statistical data boundaries do not always align with the 'rural community' boundaries. In some cases, more than one 'rural community' may exist within a single SSC.

SSC boundaries may be modified between each census year, noting of the 36 'rural communities' within the MidCoast, only 16 have a directly comparable SSC boundary between the 2011 and 2016 census years. In most cases, the SSC boundary has reduced in size between 2011 and 2016.

Mining and Energy Background Report

Significant resource information

Information on significant resources is publicly available through the NSW State Government and NSW Resources and Geoscience, however Council does not current and accurate information on mineral resource production and extraction at this time.

The petroleum (CSG) exploration licence PEL 285 is still in effect for the whole of the Gloucester Basin but was relinquished to the NSW Government and was due to expire 4 August 2020. As of the time of writing, a renewal application has not been lodged and the status is unknown.

Sources of power generation

Limited information is available on the sources of energy generated throughout the MidCoast LGA electricity network which are generally part of agreements set out in the National Energy Market (NEM) where electricity is bought and sold.

Mapping of potential energy sources

Advancements in technology and developments for energy generation are constantly changing. For this reason, significant data gaps exist for the mapping and identification of possible energy sources.

Council Climate Change Policy

Council' Climate Change Policy and Strategy, will resulting in production of:

- Climate Change Resilience and Adaptation Plan – to integrate actions in coastal management programs, floodplain risk management plans, and land use planning.
- Climate Change Mitigation Plan – to invest in renewable energy, efficiency measures and set emission reduction targets for all Council assets.

Insufficient information is available at this time to document how they will inform and influence Council environmental planning instruments and controls. Therefore, as these plans are progressed the implications for land use and management need greater consideration and integration where possible.

Marine Activities Background Report

Marine waterfront precincts

Information on the specific industries, activities, services and facilities within the precincts is not exhaustive and additional information would assist in the development of locally-relevant planning objectives and controls that support the application of zones and land use provisions.

Rural Waterways Background Report

Evidence-based mapping

To ensure integrated development assessment processes can be effectively triggered and implemented, all priority drinking water catchments and ground water supply (aquifer catchments) are to be identified within the new MidCoast local environmental plan and appropriate local clauses introduced.

Mapping of unsewered areas is required to ensure appropriate application of the Exempt & Complying Development SEPP, which excludes complying development from unsewered land within priority drinking water catchments.

Water Quality Improvement Plan

The Water Quality Improvement Plan (WQIP) outlines strategies to protect waterways of high conservation value and to restore those waterways that are degraded and in poor health. Reviewing the effectiveness of the WQIP would provide important insights into how water quality controls could be improved and consistently applied, to improve water quality and catchment health across the MidCoast.

Quantifying commercial water supply

The MidCoast's water resources provide limited opportunities for commercial supply. However actual use is difficult to quantify - there are hundreds of licence holders, extraction reports vary considerably and the rate of extraction per user is largely unknown.

Tourism Background Report

Diversity and management in land use planning

State-level guidelines and local planning provisions are out of date and are increasingly recognised as unfit for purpose. The rapid changes occurring in tourism activities and visitor accommodation, requires an adaptive planning framework to enable diversity and encourage excellence in paddock-to-plate, adventure, cultural and experiential tourism in the MidCoast.

Transport Background Report

Traffic volume data:

Data for the Pacific Highway is publicly available from the NSW Roads and Maritime Services ('RMS'). Data for other corridors is not publicly-available.

Road condition and capacity:

The level of information available for current road condition and/or capacity is currently insufficient to consider the suitability of the local road network for specific uses or users e.g. freight and tourists.

Additional context and information are required before significant opportunities can be identified regarding additional future opportunities provided by heavy rail infrastructure.

Alternative Transport

The NSW Coastal Cycleway is referenced within the Hunter Regional Plan and is a key alternative transport route for cyclists between Brisbane and Melbourne. However, patronage of the route through the MidCoast is unknown as is awareness and integration with other Council strategic policies.

There is little publicly available information on the location and popularity of trail riding routes within the MidCoast. There is the opportunity to investigate and plan for nature-based trail rides and what infrastructure may be needed to support this industry.

These data gaps have also informed some of the Rural Strategy Strategic Recommendations, as land use planning and the application of land use zones and development standards should be evidence based.

In this, the Rural Strategy aims to establish a baseline and starting point for continual improvement in our land use planning, removing unnecessary barriers to social, economic and environmental outcomes that benefit the MidCoast community.

5 National Level Considerations

The following documents are relevant to long-term land use planning in the MidCoast and have been reviewed by the consultant team. More detail on these documents can be found in the Rural Strategy Background Reports.

- Australian and New Zealand Guidelines for Fresh and Marine Water Quality
- COAG Energy Council
- Environmental Protection and Biodiversity Conservation Act 1999
- National Agricultural Competitiveness White Paper
- National Freight and Supply Chain Strategy and National Action Plan
- RAMSAR Convention on Wetlands
- Regional Development Australia
- Renewable Energy Target Schemes

Collectively, these documents offer the following broad insights for rural land use planning, which have assisted with formulating the Rural Strategy:

- The MidCoast is receiving increased exposure at the federal level due to its proximity to key markets, strategic context within the national freight supply chain and capacity to leverage opportunities in the Hunter Region;
- There is an increasing focus at the national level on the Hunter Region of New South Wales, recognising Newcastle as an international city;
- National documents and policies reflect the importance of the MidCoast, in recognising the RAMSAR Wetlands, Barrington National Park and inherent environmental value and unique biodiversity.

Of note, it is the National Government's Regional Development Australia initiative that provides the most significant and direct opportunities for the MidCoast to realise the potential of these attributes.

5.1 Regional Development Australia

The Australian Government's Department of Infrastructure, Transport, Regional Development and Communications established and facilitates [Regional Development Australia](#) (RDA) which is a national network of 52 committees made up of local leaders who work with all levels of government, business and community groups to support the development of their regions.

The [Hunter Regional Development Australia Committee](#) has a range of publications and initiatives which directly affect land use planning across the rural landscape of MidCoast including but not limited to the [Hunter Planning for Infrastructure](#) document which identifies:

As the Hunter builds and improves infrastructure to increase productivity and improve connectivity within the region, and beyond, so we are able to maintain our strong regional economy.¹

¹ [Hunter Planning for Infrastructure – RDA Hunter](#)

The infrastructure priorities largely reflect those documented within the Hunter Regional Plan 2036:

- *Focus investment to unlock potential in growth industries and increase economic diversification.*
- *Align land use and infrastructure planning to maximise the use and capacity of existing infrastructure and the efficiency of new infrastructure.*
- *Protect existing and planned major infrastructure corridors and sites, including inter-regional transport routes like the M1 Pacific Motorway and the railway, port and airports, to support their intended functions.*
- *Ensure growth is serviced by enabling and supporting infrastructure.*
- *Increase inter-regional and international connectivity.*
- *Integrate transport and land use planning to enhance public transport connectivity and improve employment accessibility.*
- *Focus investment in developing infrastructure to:*
 - *alleviate pinch points, delivering large-scale renewal projects including site amalgamation and remediation;*
 - *lead by example and partner with other organisations to deliver landmark infrastructure projects.*
- *Enhance inter-regional transport connections to support economic growth.*
- *Plan for multimodal freight facilities that support economic development of the region and respond to the location of the proposed Freight Rail Bypass.*
- *Investigate opportunities for logistics and freight growth and other complementary land uses around airports, leveraging investments at Taree and Newcastle airports.*
- *Enhance the efficiency of existing nationally significant transport corridors and protect their intended use from inappropriate surrounding land uses.²*

However, there are additional opportunities identified that are directly relevant to planning for rural infrastructure and transport services and facilities within the MidCoast:

Enhance tourism infrastructure and connectivity, recognising the importance of:

- *regional and inter-regional connections via the Pacific Highway and the Newcastle and Taree airports and cruise ship gateways; and*
- *local routes such as the Lakes Way.*

Enable investment in infrastructure to expand the tourism industry, including connections to tourism gateways and attractions.

- *Encourage tourism development in natural areas that support conservation outcomes.*
- *Develop capacity for growth in food-based tourism.*

Protect locations that can accommodate agricultural enterprises from incompatible development, and facilitate the supply chain, including infrastructure, distribution areas, processing facilities and research and development in local plans.

² [Hunter Planning for Infrastructure – RDA Hunter](#)

Promote new opportunities arising from the closure of coal-fired power stations that enable long term sustainable economic and employment growth in the region.

Limit urban and rural housing encroachment into identified agricultural and extractive resource areas, industrial areas and transport infrastructure when preparing local strategies.

Implement actions and invest in boating infrastructure priorities identified in regional boating plans to improve boating safety, boat storage and waterway access.³

Further to this, the RDA Hunter have produced the [Hunter Investment Prospectus](http://www.hbrmag.com.au/assets/2020-Hunter-Investment-Prospectus.pdf) which provides a high-level and integrated marketing platform for the Hunter region, which also acknowledged and highlights:

The industry base is much broader than most people outside the Hunter realise and, in many cases, compete successfully in national and global markets. Local industries are also embracing innovation as an important tool for growth, with many local businesses creating new and improved product and service solutions.⁴

Figure 2. Hunter Regional Development Investment Prospectus, Local Government Areas⁵



The MidCoast region has well established cultural services with both the Manning Regional Art Gallery and the Manning Entertainment Centre attracting high quality exhibitions and events.

The region has a strong tourism industry delivering social, economic, environmental benefits to the community. With over 1.86 million international and domestic visitors

³ Hunter Planning for Infrastructure – RDA Hunter

⁴ <http://www.hbrmag.com.au/assets/2020-Hunter-Investment-Prospectus.pdf>

⁵ <http://www.hbrmag.com.au/assets/2020-Hunter-Investment-Prospectus.pdf>

bringing \$570.4 million in annual revenue, tourism is one of the most important industries in the region. Estimates show the MidCoast tourism industry has the potential to grow to over A\$1.55 billion by 2030.

In addition to tourism, the region has a long-established agribusiness sector including beef cattle and dairy farming. Beef cattle production and processing employs over 1,000 workers in the region while there are over 150 separate dairy farms utilising coastal and hinterland pastures ideal for dairy cattle.

The region is well suited to aquaculture activities including oyster farming and commercial fishing with many prosperous commercial operations in place. Other major economic industries in the region include manufacturing, retail, construction, education, health, aged care and community services.

Health care and social assistance is the largest industry employer in the MidCoast Council area making up 18.5% of total employment. These industries are well supported by the eight local business chambers across the MidCoast region.

Major investment opportunities exist for businesses that complement the area's environmental values and relaxed lifestyle attributes. MidCoast Council has undertaken a number of key projects to advance the economic opportunity of the area including the development of the Taree Aviation Business Park.⁶

Finally, the third key initiative of the RDA Hunter is the preparation of a [Smart Specialisation Strategy for the Hunter](#) which aims to boost regional competitiveness for economic growth and job creation by identifying Strategic Actions to deliver innovation-driven growth and implementation programs to support the Region's seven Strategic Growth Areas, as illustrated below:

Figure 3. Strategic Actions for Priority Growth Industries in the Hunter⁷

SMART SPECIALISATION STRATEGY FOR THE HUNTER							
Strategic Directions and Actions	Strategic Growth Areas						
	Advanced Manufacturing	Creative Industries	Defence	Food and Agribusiness	Mining Equipment, Technology and Services	Medical Technologies and Pharmaceuticals	Oil, Gas and Energy Resources
Inclusive Leadership	High importance	Important	High importance	High importance	High importance	High importance	High importance
Encourage Entrepreneurship	High importance	High importance	Moderate importance	High importance	Important	Important	Moderate importance
Develop Skills for Innovation	High importance	High importance	Important	High importance	High importance	Important	High importance
Coordinate Policies and Regional Programs	High importance	Important	Important	High importance	Moderate importance	High importance	High importance
Establish a Hunter Regional Innovation Initiatives Fund	High importance	High importance	Moderate importance	High importance	Moderate importance	Important	Important
Communicate the Strategy	High importance	High importance	Important	High importance	High importance	High importance	High importance

High importance Important Moderate importance

⁶ <http://www.hbrmag.com.au/assets/2020-Hunter-Investment-Prospectus.pdf>

⁷ smart-specialisation-strategy-for-the-hunter-region.pdf (howardpartners.com.au)

6 State Level Considerations

Further to the National framework for the Hunter Region and MidCoast local government area, there are a broad range of State policy documents and strategies that provide another level of consideration to land use planning across our rural landscape and more detail on these documents can be found in the Rural Strategy Background Reports.

However it is the [20-Year Economic Vision for Regional NSW](#) and the Global Mega-Trends identified in this document that provide the key links between the Regional Development Australia Strategic Growth Areas and Actions, and the relevance of the MidCoast as a Functional Economic Regional within the New South Wales State policy framework.

6.1 20-year Economic Vision for Regional NSW

The NSW Government 2018 release of the [20-Year Economic Vision for Regional NSW](#) recognised the implications of 'Global Mega-trends', the shifts in environmental, social and economic conditions that change the way people live. Four key global megatrends affecting NSW were identified in the original 2018 document:

Megatrend 1 - The rise of Asia

By 2030, four of the five largest economies will be in Asia: China, India, Japan and Indonesia. As incomes in Asia rise, the spending power of younger generations is rapidly increasing, creating a growing market for premium products and quality goods and services. With the evolution of social and consumption patterns there has also been a trend for increased spending on tourism, which could remain significant for regional NSW; and with longer-distance non-stop international flights, the increased potential for direct-to-market access for regional businesses.

Megatrend 2 - Rapid urbanisation

Regional NSW offers a diversity of choice in terms of lifestyles, and the increasing importance of regional centres is reflected in the hub-and-spoke model underpinning the [NSW Future Transport Strategy 2056](#). In particular, 'Metro Satellites' areas such as the Hunter region, have the potential to unlock and capitalise on urban productivity and innovation, but this must be balanced by providing infrastructure and developing cities that are smart and sustainable.

Megatrend 3 - Demographic and social change

With ongoing ageing population trends and relocation on over-65s to regional areas, regional NSW has the potential and opportunity to provide the workforce to serve the older population. The rise in demand for aged care and health services and the changing economic and social patterns provide new opportunities for careers in health care and social assistance, with over 34,000 additional jobs forecast by 2022 in regional NSW.

Megatrend 4 - Digital disruption

Advances in digital technologies and connectivity have also facilitated an ideal environment for entrepreneurship. Ranked fifth in the world for our favourable

entrepreneurship environment, Australia is a great place for entrepreneurs, start-ups and innovators. For regional NSW, state-wide digital connectivity and disruptive technology have the potential to transform the future of farming, education, healthcare, local business and standards of living. This potential is described in more detail in the [NSW State Infrastructure Strategy](#).⁸

In 2021, in response to the COVID-19 pandemic and significant disruptions to travel, trade, investment and population migration at both national and international levels, the document was [Refreshed](#) and a fifth trend identified:

Megatrend 5 – Rising uncertainty

Global investment and trade are now set in an environment of rising geopolitical tensions, unknown epidemiological impacts of COVID-19, risks to supply chains, Brexit and accelerating digital disruption. A changing climate is highlighting the vulnerability of communities' water and energy supply, and regions' ecosystems and biodiversity. As the global economic outlook is highly uncertain, so too is the most effective economic response. Mirroring global trends, Australians are increasingly aware that the way they live, work and do business is subject to rapid and frequent change.⁹

In acknowledging this fifth mega-trend, the NSW Government have renewed the commitment to regional development.

The regions host a third of NSW's population and produce around one fifth (\$125 billion) of Gross State Product. The Vision Refresh identifies how regional NSW will continue to be a vibrant and growing part of the NSW economy, solidifying the regions as the perfect place for people to live, work, play and invest. The delivery of the Vision Refresh will bring an additional 64,000 new jobs and an extra 180,000 new residents to regional NSW.

To ensure regional communities are well-placed to adapt to this growth, the vision sets out the investment priorities that will benefit regional communities now and into the future, including: Good transport and freight infrastructure; Digital connectivity; Secure and sustainable access to water and energy; Tailored skills and education offerings; and A stable business environment.¹⁰

Regional NSW is well positioned to take advantage of the opportunities presented by these megatrends. It has a favourable climate for agriculture with access to global markets; the beaches, parks and bush coveted by tourists and retirees; and the know-how to take advantage of new technologies in freight and logistics, and agricultural technology.

This in turn represents a new opportunity for the MidCoast as a 'Coastal' Functional Economic Region (FER), with diverse primary production and rural industries, significant and rapid changes to our population as a result of migration out of metropolitan areas, and our proximity to key markets in both Queensland and New South Wales.

⁸ <https://www.nsw.gov.au/a-20-year-economic-vision-for-regional-nsw/global-forces-shaping-our-regional-economies>

⁹ [A 20-Year Economic Vision for Regional NSW](#)

¹⁰ [About the Vision | NSW Government](#)

By 2038, Coastal regions could grow by more than 11,000 people, particularly around the Mid-Coast. Together, these regions have the potential to add more than 3,000 jobs to the NSW economy by 2038. The natural beauty of coastal areas should see further growth in tourism and continued migration from across NSW despite recent publicity associated with bushfires and COVID-19. Other sectors envisaged to lead jobs growth include retail, health and residential care industries. This reflects ongoing opportunities for further expansion of the residential care market in line with a forecast growth in demand. In the next two decades, there will be additional opportunities from new technology and infrastructure to attract skills and workers to Coastal regions, as attitudes to working remotely continue to shift.¹¹

However, to realise these opportunities, the Strategy also recognises the economic and environmental challenges that have been faced in many regions, including the MidCoast:

Bushfire impacts were substantial in parts of the Coastal regions. They have since been exacerbated by foods and the COVID-19 pandemic that immediately followed. The most significant impact was on tourism, with the immediate loss of revenue and assets from the bushfires and lost revenue from COVID-19 travel restrictions leading to an estimated loss of 43 per cent of tourism and hospitality jobs in 2019-20.

In the Far South Coast, many properties were damaged or destroyed and over 80 per cent of native hardwood forests burnt. Widespread storms and flooding experienced throughout NSW in early 2020 also impacted the south coast regions. Flood impacts were exacerbated by land that was denuded of vegetation by drought and bushfire, leading to soil erosion and contamination of water supplies.

The focus going forward for these Coastal regions will be supporting communities to build their social resilience and diversify their economies to prepare for, and recover quicker from, natural disasters.¹²

The NSW Government has also identified the following Priority Actions for economic growth, sustainability and resilience of regional areas, and the following relevant to the Rural Strategy:

Table 5. NSW Government Priority Actions relevant to MidCoast Rural Strategy¹³

Infrastructure		
Principle - Affordable, reliable and fast mobile and internet connectivity to support people and businesses		
<i>Within 5 years we will investigate:</i>	<i>Over 5 to 10 years we will investigate</i>	<i>In the next 10 to 20 years we will investigate:</i>
<ul style="list-style-type: none"> •improving digital connectivity across regional NSW beyond the NBN •technology-enabled regional public transport such as on-demand transport •innovative delivery methods for essential services in areas such as 	<ul style="list-style-type: none"> •options to provide uninterrupted mobile phone and internet connectivity along major state and regional roads •low-bandwidth infrastructure for agricultural areas for 	

¹¹ [A 20-Year Economic Vision for Regional NSW](#)

¹² [A 20-Year Economic Vision for Regional NSW](#)

¹³ [Refreshed priorities | NSW Government](#)

health, education and justice, to improve access and quality.	tech-enabled production and monitoring methods.	
Principle - Improved travel between regional centres and from regional centres to international gateways		
<i>Within 5 years we will investigate:</i>	<i>Over 5 to 10 years we will investigate</i>	<i>In the next 10 to 20 years we will investigate:</i>
<ul style="list-style-type: none"> •more day-return services to, from and between regional centres •regional public transport to assist commuters to travel to metropolitan areas and regional centres to access work opportunities •options to improve public transport services to access regional centres from surrounding areas. 	<ul style="list-style-type: none"> •rail and road upgrades on lines between regional centres •seamless digital ticketing for public transport within NSW and across borders. 	higher-speed rail links between Sydney and regional centres that have Metro Satellite or commuter hub potential.
Principle -Freight networks that will increase the competitiveness of key regional sectors		
<i>Within 5 years we will investigate:</i>	<i>Over 5 to 10 years we will investigate</i>	<i>In the next 10 to 20 years we will investigate:</i>
<ul style="list-style-type: none"> •inland intermodals near the production of agricultural products •more efficient transport between inland intermodals and global gateways. 	<ul style="list-style-type: none"> •more efficient east–west transport connections, including between inland NSW and Newcastle, Sydney and Wollongong •air freight potential in regional areas. 	
Principle - Reliable accessible water and energy		
<i>Within 5 years we will investigate:</i>	<i>Over 5 to 10 years we will investigate</i>	<i>In the next 10 to 20 years we will investigate:</i>
<ul style="list-style-type: none"> •the potential for energy zones and transmission requirements •research and development investment in energy and water security and resilience, particularly for engine industries. 	<ul style="list-style-type: none"> •focused energy projects relevant to engine industries •climate-resilient water infrastructure options. 	ongoing infrastructure to provide safe and secure water to regional communities.

Skills
Principle - A skilled labour force for current and future needs of the regions
<i>Within 5 years we will investigate:</i>
specialised vocational and technical high schools.

Advocacy and Promotion
Principle - Recognising each region's strengths and underlying endowments

<i>Within 5 years we will investigate:</i>	<i>Over 5 to 10 years we will investigate</i>	<i>In the next 10 to 20 years we will investigate:</i>
<ul style="list-style-type: none"> •infrastructure and transport to support tourism to wine and produce regions – particularly where those goods are exported internationally, and NSW's brand is recognised overseas. 	<ul style="list-style-type: none"> •options to activate tourism potential based on regional endowments and cultural heritage •opportunities for underutilised public land and infrastructure to play a bigger role in tourism – for example, as rail trails. 	the potential to sustain a new global gateway in what is currently regional NSW (air or sea) for both people and goods

Business Environment

Principle - Regulation and planning to promote commercial opportunities

<i>Within 5 years we will investigate:</i>	<i>Over 5 to 10 years we will investigate</i>
<ul style="list-style-type: none"> •potential growth areas (hubs) for targeted industries in specific locations •options to encourage greater in-country value-adding in engine industries such as agriculture and manufacturing 	building flexibility into Crown land use to better respond to economic opportunities while protecting environmental, cultural and other significance.

Economic Strength and Diversity

Principle - Sustainable economies and communities are better able to recover from shocks

<i>Within 5 years we will investigate:</i>
<ul style="list-style-type: none"> •Improving natural disaster preparedness through: <ul style="list-style-type: none"> ○ accelerating public safety mobile broadband to support a rapid response from emergency services, improve safety for emergency personnel and reduce the impact of emergencies such as bushfires and floods ○ upgrading strategic and vulnerable transport infrastructure to improve its ability to withstand extreme weather events ○ supporting communities in building their social resilience, including collaboration between local councils and community organisations. •Better support for regional communities through drought and other economic shocks by: <ul style="list-style-type: none"> ○ investigating climate-resilient water infrastructure options ○ helping farmers, businesses and their communities to better prepare for, withstand and recover quickly from drought ○ promoting sustainable land management practices and support for agricultural research, focusing on more drought resistant plants, sufficient groundcover, retention of soil moisture and enhancement of soil carbon ○ providing access to an array of support services for businesses to plan, develop and adapt to mitigate risks to their businesses and expand their customer base. •Creating new opportunities in regional economies and supporting access to markets by: <ul style="list-style-type: none"> ○ integrating Aboriginal economic participation, education and skills development into government priorities focused on regional NSW, to increase Aboriginal employment and enterprise development ○ building in efficiency and redundancy across freight networks to make supply chains more resilient, better diversified and less vulnerable to disruption.

7 Regional Policy Considerations

The following regional strategies and plans are relevant to long-term land use planning in the MidCoast and have been reviewed by the consultant team. More detail on these documents can be found in the Rural Strategy Background Reports.

- 2017 Hunter Valley Corridor Capacity Strategy (ARTC, 2018)
- Australian Bureau of Statistics Data – Mid North Coast New South Wales
- Department of Primary Industries, Important Agricultural Lands Mapping
- Draft Regional Conservation Plan
- Hunter Local Land Services Strategic Plan 2016-2021
- Hunter Regional Plan 2036
- Landscape-scale mapping and modelling initiatives
- MidCoast Regional Economic Development Strategy 2018-2022
- Mid North Coast Regional Strategy (2009)

Collectively, these documents offer the following broad insights for rural land use planning, which have assisted with formulating the MidCoast Rural Strategy:

- The Hunter Region is rich in environmental and natural resources;
- The MidCoast has significant opportunities to leverage the infrastructure and services of the Greater Hunter Region, including the city of Newcastle and access to airport, rail and port facilities;
- The MidCoast provides a crucial link between the Greater Hunter Region, the wider Sydney area to the south, Brisbane and Queensland to the north.
- The natural and scenic values provide unique lifestyle options
- The protection and enhancement of the MidCoast's water resources and biodiversity is crucial to the maintenance of social and economic prosperity.

The Hunter Regional Plan and MidCoast Regional Economic Development Strategy have been identified as critical to the formulation of the Rural Strategy and are discussed below in more detail.

7.1 Hunter Regional Plan 2036

The [Hunter Regional Plan](#) (the Plan) guides the NSW Government's land use planning priorities over the next 20 years. It is intended to guide a more detailed framework for more detailed land use plans such as the MidCoast Rural Strategy.

Ministerial Direction 5.10 - Implementation of Regional Plans. gives legal effect to the [Hunter Regional Plan 2036](#), requiring any amendments to planning controls to be consistent with its vision, land use strategy, goals, directions and actions:

Vision: The leading regional economy in Australia with a vibrant new metropolitan city at its heart.

The Hunter is the leading regional economy in Australia, with thriving communities and a biodiversity-rich natural environment. The Hunter is home to more than 860,000 people and is still growing due to its reputation as one of the great places to live and work.

Beyond Greater Newcastle are vibrant centres, towns and villages, many of which have benefited from emerging job opportunities in the health, agriculture, tourism, defence, energy and transport sectors. Faster inter-regional transport and digital technology are making it easier for residents and businesses to interact and do business.

The Port of Newcastle is a vital hub for exporting agricultural produce (including prized beef, lamb, dairy and oilseed) and coal to new markets throughout Asia. Productive agricultural land and natural resources are the foundations of the region's gross domestic product.

Visitors are arriving in greater numbers on cruise ships, via Newcastle Airport and by a variety of rail and highway links to sample international quality wines and fresh food, walk along convict-built trails, trek through World Heritage-listed national parks and swim at lovely beaches.

Infrastructure investment is the linchpin of economic development across the Hunter. It supports freight, health and education services, and agribusiness and tourism, as well as building resilience to global economic cycles and climate change.

Greater housing choice is available in existing and new communities, close to jobs and services and well supported by public transport and walking and cycling options. More housing has reduced the upward pressure on house prices.

Communities are enjoying a green grid of open space and recreational facilities – including more walking and cycling networks – as well as the distinctive character and heritage of their areas.

The region's protected natural environment enriches the experience of living in the region, sustains the region's water supply and protects biodiversity.

Therefore, the vision, land use strategy, goals, directions and actions described in the Hunter Regional Plan are considered generally reflective of current Government policy directions at National and State levels. On that basis, the Hunter Regional Plan was used as a platform for identifying top-down considerations for local strategic planning.

Priorities for each council are set out in Local Government Narratives, which guide further investigations and implementation. Within the MidCoast narratives are clear aims and outcomes for local strategies including the Rural Strategy:

Regional priorities

- *Support the visitor economy by leveraging the natural beauty of the area and enhancing nature-based tourism infrastructure.*
- *Protect productive landscapes that sustain the poultry, dairy and beef industries.*
- *Manage development within sensitive water catchments and protect environments that sustain the oyster industry.*
- *Provide capacity for long-term employment through education and training, and by capitalising on intra- and inter-regional connections.*
- *Provide housing, services and facilities, as well as accessible public spaces for an ageing population.*

Centres and employment

Regionally significant centres and employment land clusters:

- *Strategic centres: Forster–Tuncurry, Taree*

- *Centres of local significance: Gloucester, Old Bar, Wingham, Tea Gardens–Hawks Nest, Harrington, Diamond Beach, Bulahdelah, Nambucca, Hallidays Point and Stroud.*

Priorities for strategic centres:

Taree

- *Enhance retail, health, education, cultural, civic and recreational activities.*
- *Develop opportunities to cluster appropriate economic activities around the Taree Airport and Pacific Highway interchanges (Northern Gateway and Manning River Drive) that support the ongoing commercial and retail role of Taree CBD.*
- *Support the continuing role of manufacturing.*
- *Encourage greater utilisation of the Manning River for tourism, recreational and commercial purposes.*

Forster–Tuncurry

- *Maintain retail, education, civic and tourism activities.*
- *Manage the role of tourism and accommodation.*
- *Protect environmental and natural attributes.*

Housing

Future housing and urban renewal opportunities:

- *Deliver existing Urban Release Areas at Fig Trees on the Manning, Brimbin, Hallidays Point, Old Bar, Manning River Drive Business Park (employment), Tea Gardens and South Forster.*
- *Manage environmental values and residential growth in North Tuncurry.*
- *Investigate renewal and infill housing opportunities in Taree, Forster–Tuncurry, Old Bar and Tea Gardens–Hawks Nest that respond to changing demographics.¹⁴*

The following Goals, Directions and Actions listed below relate to rural land use planning in the MidCoast and they are discussed in detail in the relevant background reports.

Goal 1 – The Leading regional economy in Australia¹⁵

Direction 4: Enhance inter-regional linkages to support economic growth	
Actions	
4.1	<i>Enhance inter-regional transport connections to support economic growth.</i>
4.2	<i>Work with stakeholders to upgrade transport network capacity in line with changing demands.</i>
4.3	<i>Strengthen and leverage opportunities from the interconnections with other regions, particularly the Pacific Highway, the Golden Highway and the New England Highway.</i>
4.4	<i>Promote freight facilities that leverage the Port of Newcastle and its associated freight transport network.</i>
4.5	<i>Plan for multimodal freight facilities that support economic development of the region and respond to the location of the proposed Freight Rail Bypass.</i>

¹⁴ [Hunter regional plan - Local government narratives - \(nsw.gov.au\)](https://www.planning.nsw.gov.au/Plans-for-your-area/Regional-Plans/Hunter/Hunter-regional-plan/The-leading-regional-economy-in-Australia)

¹⁵ <https://www.planning.nsw.gov.au/Plans-for-your-area/Regional-Plans/Hunter/Hunter-regional-plan/The-leading-regional-economy-in-Australia>

4.6	<i>Investigate opportunities for logistics and freight growth and other complementary land uses around airports, leveraging investments at Taree and Newcastle airports.</i>
4.7	<i>Enhance the efficiency of existing nationally significant transport corridors and protect their intended use from inappropriate surrounding land uses.</i>
Direction 6: Grow the economy of MidCoast and Port Stephens	
Actions	
6.1	<i>Enhance tourism infrastructure and connectivity, recognising the importance of:</i> <ul style="list-style-type: none"> <i>regional and inter-regional connections via the Pacific Highway and the Newcastle and Taree airports and cruise ship gateways; and</i> <i>local routes such as the Lakes Way and Nelson Bay Road.</i>
6.2	<i>Enhance links to regional services in Greater Newcastle.</i>
6.3	<i>Enable economic diversity and new tourism opportunities that focus on reducing the impacts of the seasonal nature of tourism and its effect on local economies.</i>
6.4	<i>Promote growth of industries that can leverage accessibility provided by the Pacific Highway.</i>
Direction 9: Grow tourism within the region	
Actions	
9.1	<i>Enable investment in infrastructure to expand the tourism industry, including connections to tourism gateways and attractions.</i>
9.2	<i>Encourage tourism development in natural areas that support conservation outcomes.</i>
9.4	<i>Enable investment in infrastructure to expand the tourism industry, including connections to tourism gateways and attractions.</i>
9.5	<i>Develop capacity for growth in food-based tourism.</i>
Direction 10: Protect and enhance agricultural productivity	
Actions	
10.1	<i>Protect locations that can accommodate agricultural enterprises from incompatible development, and facilitate the supply chain, including infrastructure, distribution areas, processing facilities and research and development in local plans.</i>
10.2	<i>Address sector-specific considerations for agricultural industries through local plans.</i>
10.3	<i>Protect the region's wellbeing and prosperity through increased biosecurity measures.</i>
10.4	<i>Encourage niche commercial, tourist and recreation activities that complement and promote a stronger agricultural sector, and build the sector's capacity to adapt to changing circumstances</i>
10.5	<i>Develop an agribusiness industry strategy in areas experiencing high population growth to retain jobs and agribusiness growth for the Hunter.</i>
10.6	<i>Manage Biophysical Strategic Agricultural Land and other important agricultural land as locations for agricultural activities and complementary uses.</i>
Direction 11: Manage the ongoing use of natural resources	
Actions	
11.1	<i>Manage the ongoing use of mineral resources and provide access to up-to-date information about these resources through the Department of Industry's Common Ground website and its Geoscientific Data Warehouse.</i>

11.2	<i>Work with relevant stakeholders, including councils, communities and industry, to prepare land use plans that respond to the lifecycle of resource activity for active and emerging mining areas.</i>
11.3	<i>Implement the cumulative impact assessment methodology when planning for important agricultural land and water resources.</i>
11.4	<i>Review the Synoptic Plan: Integrated landscapes for coal mine rehabilitation in the Hunter Valley (1999) in conjunction with the development of the Upper Hunter Strategic Biodiversity Assessment to ensure best-practice rehabilitation and visual impact management for closed mines.</i>
Direction 12: Diversify and grow the energy sector	
Actions	
12.1	<i>Diversify and grow the energy sector by working with stakeholders, including councils, communities and industry, to identify and support opportunities for smaller-scale renewable energy initiatives such as those using bioenergy or waste coalmine methane.</i>
12.2	<i>Enable opportunities for renewable energy industries by reviewing local planning controls.</i>
Direction 13: Plan for greater land use compatibility	
Actions	
13.1	<i>Identify and protect important agricultural land, including intensive agricultural clusters, in local plans to avoid land use conflicts, particularly associated with residential expansion.</i>
13.2	<i>Limit urban and rural housing encroachment into identified agricultural and extractive resource areas, industrial areas and transport infrastructure when preparing local strategies.</i>
13.3	<i>Amend planning controls to deliver greater certainty of land use.</i>
13.4	<i>Provide non-statutory guidance on the types of land uses that would be considered most appropriate, suitable or sympathetic to existing land uses in the Upper Hunter and other areas where land use conflicts occur.</i>

Goal 2 – A biodiversity-rich natural environment¹⁶

Direction 14: Protect and connect natural areas	
Actions	
14.1	<i>Identify terrestrial and aquatic biodiversity values and protect areas of high environmental value to sustain the lifestyle, economic success and environmental health of the region.</i>
14.2	<i>Identify and strengthen biodiversity corridors as places for priority biodiversity offsets.</i>
14.3	<i>Improve the quality of, and access to, information relating to high environmental values.</i>
14.4	<i>Protect biodiversity by maintaining and, where possible, enhancing the existing protection of high environmental value areas; implementing appropriate measures to conserve validated high environmental value areas; developing local strategies to avoid and minimise the impacts of development on areas of high environmental</i>

¹⁶ <https://www.planning.nsw.gov.au/Plans-for-your-area/Regional-Plans/Hunter/Hunter-regional-plan/A-biodiversity-rich-natural-environment>

	<i>value and biodiversity corridors; and identifying offsets or other mitigation measures for unavoidable impacts.</i>
14.5	<i>Secure the long term protection of regionally significant biodiversity corridors.</i>
Direction 15: Sustain water quality and security	
Actions	
15.1	<i>Protect water catchments to sustain high quality and dependable water supplies across the region.</i>
15.2	<i>Effectively manage surface and groundwater use in agricultural areas to support ecosystem function and food production, and to cater for the increasing demand of urban communities and industry.</i>
15.3	<i>Plan for the security of the region's town water supply.</i>
15.4	<i>Implement catchment-based plans for the ongoing sustainable management and health of estuaries.</i>
15.5	<i>Apply the neutral or beneficial water quality objectives to land use planning in surface and groundwater drinking water catchment areas to minimise the effects of development on waterways, including watercourses, wetlands, groundwater dependent ecosystems, riparian lands, estuaries, lakes, beaches and marine waters.</i>
15.6	<i>Reduce the risk of introduction or spread of aquatic pests and diseases from new development that may affect fisheries and aquaculture industry practices.</i>
15.7	<i>Incorporate water-sensitive design into development that is likely to have an adverse impact on coastal water catchments, water quality and flows.</i>
Direction 16: Increase resilience to hazards and climate change	
Actions	
16.1	<i>Manage the risks of climate change and improve the region's resilience to flooding, sea level rise, bushfire, mine subsidence, and land contamination.</i>
16.2	<i>Review and consistently update floodplain risk and coastal zone management plans, particularly where urban growth is being investigated.</i>
16.3	<i>Incorporate new knowledge on regional climate projections and related cumulative impacts in local plans for new urban development.</i>

Goal 3 – Thriving Communities¹⁷

Direction 18: Enhance access to recreational facilities and connect open spaces	
Actions	
18.1	<i>Facilitate more recreational walking and cycling paths including planning for the Richmond Vale Rail Trail and expanded inter-regional and intra-regional walking and cycling links, including the NSW Coastal Cycleway.</i>
18.2	<i>Deliver connected biodiversity-rich corridors and open space areas for community enjoyment.</i>
18.3	<i>Enhance public access to natural areas, including coastal and lake foreshores.</i>
18.4	<i>Assist councils to develop open space and recreation strategies that identify a range of accessible open space and recreation opportunities; integrate open space, active transport and recreation networks; and improve public foreshore access.</i>

¹⁷ <https://www.planning.nsw.gov.au/Plans-for-your-area/Regional-Plans/Hunter/Hunter-regional-plan/Thriving-communities>

18.5	<i>Implement actions and invest in boating infrastructure priorities identified in regional boating plans to improve boating safety, boat storage and waterway access.</i>
Direction 19: Identify and protect the region's heritage	
Actions	
19.1	<i>Consult with the local Aboriginal communities to identify and protect heritage values to minimise the impact of urban growth and development, and to recognise their contribution to the character and landscape of the region.</i>
19.2	<i>Assist the preparation of appropriate heritage studies to inform the development of strategic plans, including regional Aboriginal cultural heritage studies.</i>
Direction 20: Revitalise existing communities	
Actions	
20.1	<i>Accelerate urban revitalisation by directing social infrastructure where there is growth.</i>
20.2	<i>Undertake planning and place-making for main streets and centres.</i>
20.3	<i>Enhance the amenity and attractiveness of existing places.</i>

Goal 4 – Greater housing choice and jobs¹⁸

Direction 21: Create a compact settlement	
Actions	
21.1	<i>Promote development that respects the landscape attributes and the character of the metropolitan areas, towns and villages.</i>
21.4	<i>Create a well-planned, functional and compact settlement pattern that responds to settlement planning principles and does not encroach on sensitive land uses, including land subject to hazards, on drinking water catchments or on areas with high environmental values.</i>
21.5	<i>Promote small-scale renewal in existing urban areas, in consultation with the community and industry to ensure that this occurs in the right locations.</i>
21.6	<i>Provide greater housing choice by delivering diverse housing, lot types and sizes, including small-lot housing in infill and greenfield locations.</i>
21.7	<i>Promote new housing opportunities in urban areas to maximise the use of existing infrastructure.</i>
Direction 22: Promote housing diversity	
Actions	
22.1	<i>Respond to the demand for housing and services for weekend visitors, students, seasonal workers, the ageing community and resource industry personnel.</i>
22.2	<i>Encourage housing diversity, including studios and one and two-bedroom dwellings, to match forecast changes in household sizes.</i>
22.3	<i>Develop local housing strategies to respond to housing needs, including social and affordable housing, and support initiatives to increase the supply of affordable housing.</i>
22.5	<i>Include guidance in local land use strategies for expanding rural villages and rural-residential development so that such developments will:</i>

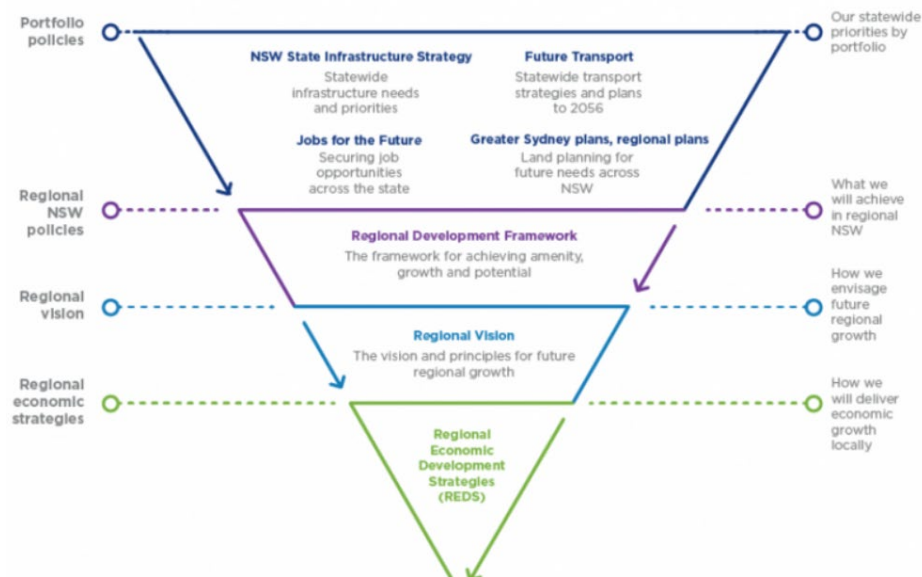
¹⁸ [Greater housing choice and jobs - \(nsw.gov.au\)](https://www.nsw.gov.au/greater-housing-choice-and-jobs)

	<ul style="list-style-type: none"> • <i>not impact on strategic or important agricultural land, energy, mineral or extractive resource viability or biodiversity values;</i> • <i>not impact on drinking water catchments;</i> • <i>not result in greater natural hazard risk;</i> • <i>occur on land that is unlikely to be needed for urban development;</i> • <i>contribute to the conservation of important biodiversity values or the establishment of important corridor linkages; and</i> • <i>facilitate expansion of existing and new tourism development activities in agricultural or resource lands and related industries across the region.</i>
Direction 23: Grow centres and renewal corridors	
Actions	
23.1	<i>Concentrate growth in strategic centres, local centres and urban renewal corridors to support economic and population growth and a mix of uses.</i>
23.5	<i>Focus commercial and retail development within existing centres and transport hubs and ensure that locations for new centres are integrated with existing or planned residential development; do not undermine existing centres; encompass high quality urban design; and consider transport and access requirements.</i>
Strategic Centres - Forster-Tuncurry and Taree	
Direction 25: Monitor housing and employment supply and demand	
Actions	
25.1	<i>Establish and implement an Urban Development Program to develop data on existing zoned land supply and its servicing status, monitor dwelling production and take-up rates, and coordinate the staged release and rezoning of land.</i>
25.2	<i>Establish and implement an Employment Lands Development Program to develop data on existing and future planned stocks of employment land.</i>
25.3	<i>Sequence new greenfield urban development that makes efficient use of infrastructure networks and capacity.</i>
25.4	<i>Maintain an adequate supply of employment land that is appropriately serviced and to respond to changing industry demands for land use, location and floor space.</i>
Direction 27: Strengthen the economic self-determination of Aboriginal communities	
Actions	
27.1	<i>Work with the Purfleet–Taree, Forster, Karuah, Worimi, Mindaribba, Awabakal, Bahtabah, Biraban and Wanaruah Local Aboriginal Land Councils to identify priority sites that can create a pipeline of potential projects.</i>
27.2	<i>Identify landholdings and map the level of constraint at a strategic scale for each site to develop options for the potential commercial use of the land.</i>

Given the specific nature the Goals, Directions and Actions documented above, and the close links between the Hunter Regional Plan and MidCoast local strategic planning programs, there is a clear line-of-sight between this document and the strategic recommendations and proposed local planning provisions identified in this Strategy.

7.2 MidCoast Regional Economic Development Strategy

The development of Regional Economic Development Strategies across New South Wales was the initiative of the [NSW Department of Premier and Cabinet](#), through the Centre for Economic and Regional Development (CERD). The key purpose was to establish strong linkages between the findings and recommendations of broad State and Regional strategies and local economic development initiatives and programs.



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CERD worked closely with Council and community representatives to prepare the [MidCoast Regional Economic Development Strategy](#) (2018). The strategy included a three year action plan, leveraging regional strengths such as our land and water assets, our infrastructure, location, lifestyle and amenity.

The MidCoast REDS is linked with Council's Community Strategic Plan and Destination Management Plan, and provides a strategic platform for community, business and Council to work with the State Government in driving and achieving economic growth. It is an important plan aimed at attracting State resources and investment to underpin economic projects and create employment.

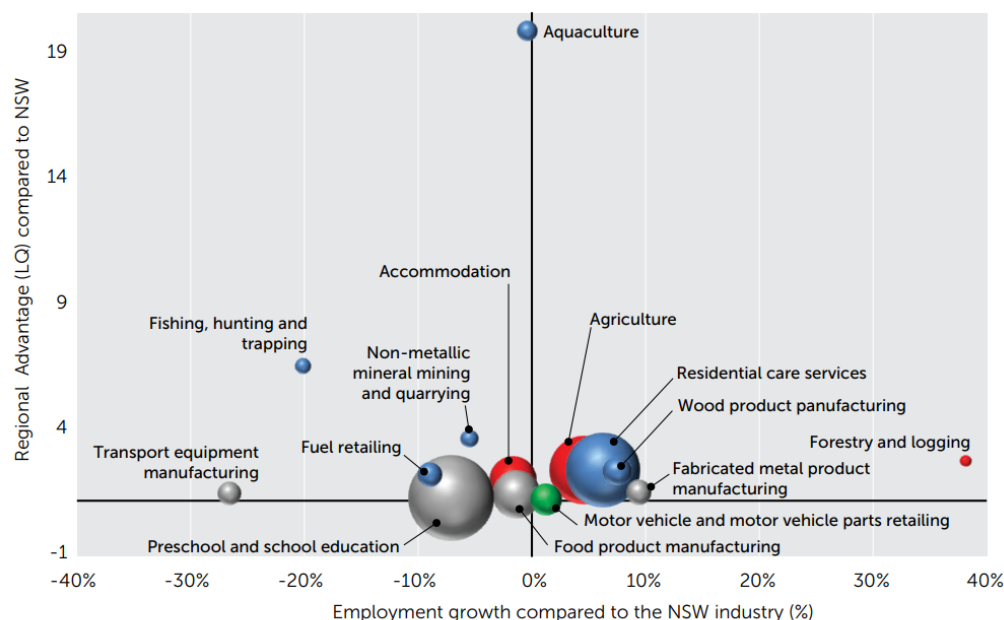
REDS also examined the region's competitive advantage (Location Quotient) by industry and compared these findings to the same sectors across NSW. The top five industries in the MidCoast are directly relevant to the development and implementation of the Rural Strategy, being: Aquaculture (LQ of 19.5); Fishing, Trapping and Hunting (LQ of 6.6); Non-Metallic Mineral Mining and Quarrying (LQ of 3.7); Forestry and Logging (LQ of 2.9); and Agriculture (LQ of 2.5).

However, as illustrated by the size of the 'bubbles' in Figure 4, these industries do not generally employ a large number of people when compared to other industries; and may not be experiencing growth when compared to the same industry across NSW.

¹⁹ [A 20-Year Economic Vision for Regional NSW](#)

For example, aquaculture is a specialised industry where the MidCoast has a significant regional advantage however, it employs a relatively small number of people and this number was in slight decline compared to the rest of NSW at the time of analysis (2018).

Figure 4. Location Quotients and Employment Growth for MidCoast Industries



Source: Census 2011, 2016. See the Supporting Analysis for notes regarding the analysis.

The Strategy then identifies key opportunities within the MidCoast indicating how these opportunities can be realised by focussing on Strengthening the Region as a location of choice, Creating a supportive environment for businesses to invest and grow, and Marketing the MidCoast Region.

The key initiatives to strengthen the region as a location of choice identified in the Strategy include:

- improve core infrastructure, roads, bridges, telecommunications and water;
- enhance and expand business infrastructure that will be drivers for growth;
- invest in key tourism assets to increase visitation, particularly in the off-season;
- encourage other lifestyle and tourist developments that will increase the Region's attractiveness to sea/tree change professionals and other skilled workers.²⁰

The Strategy also identifies that local businesses face barriers including land use uncertainty and recommends local action to enable development and growth, including the following initiatives:

- identify and reduce/remove barriers that hinder business growth, including ensuring policies, procedures and charges are appropriate to support economic development consistent with the vision;
- resolving potential land-use conflicts through completion of a land-use strategy;
- support development of the Region's workforce;

²⁰ <https://www.midcoast.nsw.gov.au/Part-of-your-every-day/Council-Projects/Regional-Economic-Development-Strategy>

- encourage partnerships to enable businesses to leverage each other and other groups;
- actively support new and existing businesses with advice and other services; and
- provide targeted support to key sectors including investments that will stimulate growth.²¹

Finally, the Strategy recognises the importance of marketing to support industries and investment, and the need for a coordinated marketing strategy that would:

- attract business owners and skilled workers to relocate to the region;
- ensure potential visitors are aware of the region's attractions;
- encourage residents to 'play in their own backyard' and recommend the area to friends and relatives; and
- support the community and encourage them to deliver on the vision.²²

Of note, within the capacity of 'Marketing the MidCoast' there has been a strong focus on tourism and destination management planning since the release of both the Regional Economic Development Strategy and Tourism Destination Management Plan in 2018. This follows the national and State support for the tourism industry throughout Australia and will be discussed in more detail.

²¹ <https://www.midcoast.nsw.gov.au/Part-of-your-every-day/Council-Projects/Regional-Economic-Development-Strategy>

²² <https://www.midcoast.nsw.gov.au/Part-of-your-every-day/Council-Projects/Regional-Economic-Development-Strategy>

8 Local Policy Considerations

At the local-level additional policy considerations are set out in a range of documents prepared and endorsed by Council for to identify, protect and enhance the environment, lifestyle and economy of the MidCoast for the benefit and enjoyment of our community.

The following documents are relevant to long-term land use planning in the MidCoast and have been reviewed by the consultant team. It is noted that some strategies and documents prepared prior to merger in May 2016 remain relevant, are listed for context and discussed in more detail in the Rural Strategy Background Reports:

- Bucketts Way Route Access Strategy Update Program (2015)
- Disability Inclusion Action Plan
- Drinking Water Quality Management System (MidCoast Council, 2018)
- Gloucester Shire Council Mining & Extractive Industry Policy
- Great Lakes Highway Service Centre Policy (2004)
- Great Lakes Water Quality Improvement Plan (Great Lakes Council, 2009)
- Karuah River Catchment Management Plan (Great Lakes Council, 2015)
- Manning River Estuary Management Plan (Greater Taree City Council, 2009)
- MidCoast 2030: Shared Vision, Shared Responsibility
- MidCoast Climate Change Policy and Strategy
- MidCoast Destination Management Plan
- MidCoast Draft On-site Sewerage Management (OSSM) Development Assessment Framework (DAF)
- MidCoast Local Emergency Management Plan
- MidCoast Pedestrian Access and Management Plan (PAMP)
- Our Water Our Future 2045 - MidCoast Water's Integrated Water Cycle Management Strategy (2015)
- Our Water Our Future – Integrated Water Cycle Management
- Smiths Lake Estuary Coastal Zone Management Plan (BMT, 2011)
- Thunderbolts Way Corridor Strategy 2018-2023
- Wallis Lake Estuary and Catchment Management Plan (2014)
- Wallis Lake Wetland Strategy (including Karuah catchment) (2010)
- Working with our Catchment: Manning River Catchment Management Program (2011)

Collectively, these documents offer the following broad insights for rural land use planning, which have assisted with the preparation of this Strategy:

- As a relatively new Council, MidCoast Council are in the early stages of developing more locally focussed strategies and studies and it is reasonable to expect that this will continue for a significant period.
- The previous Greater Taree, Great Lakes and Gloucester Councils had a vast range of competing priorities and natural resources, a priority of each new local strategy is to identify where previously competing priorities can now be brought into alignment to create an opportunity for the MidCoast.
- Each of the former Councils had policies to shape rural land use planning, but these are outdated and in need of review. Common themes within these documents related to management of land use conflict, supporting rural communities and land owners, while prioritising water security and environmental protection.

- There is no set method or current land use planning framework for considering and addressing rural challenges or realising opportunities.

This last item is reflected in the lack of specific rural land use planning strategy and policy at the national, State and regional levels. Making the establishment of a rural planning framework both a challenge and a priority for the MidCoast, which is both a rural and regional local government area.

New strategies and plans to guide rural land use planning in the MidCoast are as a result, heavily influenced by local strategic work, where Council and the community have a shared and vested interest to build upon a common vision for our region. The following documents have therefore been identified as critical to the formulation of the Rural Strategy and the key goals and actions for implementation as they relate to the Rural Strategy are identified.

- MidCoast Community Strategic Plan 2030: Shared Vision, Shared Responsibility
- MidCoast Tourism Destination Management Plan
- MidCoast Council Local Strategic Planning Statement

8.1 MidCoast Community Strategic Plan 2030

The [MidCoast Community Strategic Plan 2030: Shared Vision Shared Responsibility](#) was the first Plan prepared for the new 10,000 square kilometre MidCoast local government area after it was created in May 2016. Within this document a shared vision for the MidCoast was put forward:

*We strive to be recognised as a place of unique environmental and cultural significance. Our strong community connection, coupled with our innovative development and growing economy, builds the quality of life we value.*²³

The community developed key values and actions to reflect this vision and identified who and how these would be realised. Each of the values in the Plan had actions relevant to rural land use planning:

Table 6. MidCoast 2030 Goals and Actions relevant to the Rural Strategy²⁴

WE VALUE... our unique, diverse and culturally rich communities		
<i>Our diverse communities offer active and social opportunities, are safe and are places where we work together with a creative focus acknowledging our rich history and culture.</i>		
Where do we want to be?	How will we get there?	Who can help?
We are a diverse community that works together to care for all our members	Acknowledge, celebrate and empower our local Aboriginal communities. Support a diverse housing mix that provides choice and meets the needs of our community.	MidCoast Council NSW and Federal Government Community groups

²³ [MidCoast-2030-Shared-Vision-Shared-Responsibility \(14\).pdf](#)

²⁴ [MidCoast-2030-Shared-Vision-Shared-Responsibility \(14\).pdf](#)

	Empower our towns and villages to retain and celebrate their unique identity, while working towards a shared community vision.	Local Aboriginal groups and organisations
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.	
How will we know we are on track?		
3 The community is satisfied with land use planning decisions		

WE VALUE... a connected community

We are socially and physically connected with each other, by ensuring we have activities, facilities, roads, footpaths and technology that are upgraded and well maintained.

Where do we want to be?	How will we get there?	Who can help?
We feel connected to each other	Encourage public spaces, facilities and events that strengthen social connections.	MidCoast Council NSW and Federal Government Community groups Regional Development Australia Chambers of Commerce and business community Utility providers Transport providers Local Aboriginal groups and organisations
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. Encourage the use of alternative transport options through the provision of a safe, accessible and connected walking and cycling network. Advocate for the provision of community and public transport to meet the needs of our growing and ageing communities.	
We utilise technologies to connect us locally and beyond	Use technology and innovation to improve the way we live, work, learn and connect. Advocate for improved telecommunications and utilities to provide consistency across the region.	
We protect the health and safety of our communities	Continue to develop a sustainable network of water, sewer and storm water systems to meet community needs and health and safety standards.	
How will we know we are on track?		
3 The condition of our sealed roads has improved		

WE VALUE... our environment

Our natural environment is protected and enhanced, while we maintain our growing urban centres and manage our resources wisely

Where do we want to be?	How will we get there?	Who can help?
We protect maintain and restore our	Value, protect, monitor, and manage the health and diversity of our natural assets, wildlife and ecosystems.	MidCoast Council

natural environment	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.	NSW and Federal Government Environmental groups Local Aboriginal groups and organisations Education and training providers Chambers of Commerce and business community
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.	
How will we know we are on track? 1 There are improved or maintained scores in the annual waterways report card 4 The community is satisfied with land use planning decisions		

WE VALUE... our thriving and growing economy		
We are a place where people want to live, work and play, business is resilient and adaptable to change by utilising knowledge and expertise that supports innovation		
Where do we want to be?	How will we get there?	Who can help?
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. Increase opportunities for quality education and training. Advocate and identify opportunities for increased workforce participation.	MidCoast Council NSW and Federal Government Regional Development Australia Local Aboriginal groups and organisations Education and training providers Chambers of Commerce and business community Tourism providers and Destination NSW
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.	
How will we know we are on track?		
1 There is a reduction in the MidCoast unemployment rate		

- 2 The net number of new businesses has increased
- 3 Annual visitor numbers have increased

WE VALUE... strong leadership & shared vision

We work in partnerships towards a shared vision, that provides value for money and is community focused.

Where do we want to be?	How will we get there?	Who can help?
We work in partnership with our community and government to ensure council is a trusted and flexible organisation that delivers on their needs	Partner with, and positively influence the State and Federal Governments in delivering local priorities and services. Develop and deliver services and programs that provide value for money. Implement community focused systems to support simple and convenient ways to access and do business with our council, both online and in person.	MidCoast Council NSW and Federal Government Community groups Not for profit organisations Regional Development Australia
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.	Local Aboriginal groups and organisations Other councils Education and training providers
We develop and encourage community and civic leadership	Inform, educate and empower council, business and community leaders to respond and adapt to challenges and change. Identify and participate in initiatives for regional cooperation and collaboration. Provide opportunities for the development of our elected and community leaders.	Chambers of Commerce and business community
How will we know we are on track?		
2 The community is satisfied that decisions are made in their best interest		
3 The community is satisfied with the level of engagement by council		

8.2 Local Strategic Planning Statement

Changes to the Environmental Planning & Assessment Act 1979 in 2018 required every Council to prepare a Local Strategic Planning Statement (LSPS) which sets out the 20-year vision for land-use in the local area, the special character and values that are to be preserved and how change will be managed into the future.

These statements are to be read in conjunction with relevant State and Regional planning policies and plans, which will continue to guide planning decisions and the preparation of development controls in local environmental plans.²⁵

²⁵ [E56C7C8D06C04D658615983B78F4D42F.ashx \(nsw.gov.au\)](https://www.nsw.gov.au/infrastructure/infrastructure-planning-and-assessment/infrastructure-planning-and-assessment-act-1979)

MidCoast Council completed its [Local Strategic Planning Statement](#) in September 2020.²⁶ It identifies ten planning priorities, along with short, medium, long term, and ongoing actions to monitor and report on the progress of implementation and is closely aligned with the vision and key values set out in the [MidCoast Community Strategic Plan 2030](#) and the [Hunter Regional Plan 2036](#).

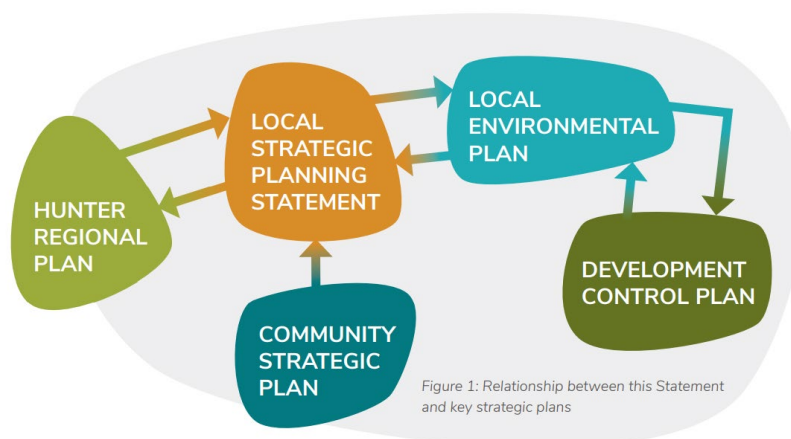


Table 7. MidCoast LSPS Planning Priorities relevant to the Rural Strategy²⁷

Planning Priority 1 (P1): One Council, one plan	
1.1 Provide consistent and renewed planning controls that reflect the diversity and character of the MidCoast through the establishment of the MidCoast LEP	Short term
1.2 Renew development standards and provide a consistent approach to development through the establishment of the MidCoast DCP	Short term
Planning Priority 2 (P2): Foster planning partnerships	
2.1 Continue to undertake Community Conversations and work with Reference Groups to identify strategic issues and develop actions	Ongoing
2.2 Implement the MidCoast Community Engagement Strategy 2019-2022 and monitor improvements through the Community Satisfaction Survey	Ongoing
Planning Priority 3 (P3): Deliver housing supply, choice and diversity	
3.1 Finalise and implement the Housing Strategy to provide a consistent and renewed approach to housing that caters for our diverse housing needs and character in the MidCoast and enables the growth of our towns and villages	Short term
Planning Priority 4 (P4): Place making in our towns and villages	
4.1 Identify and enhance the character of our towns and villages through the implementation of the Community Plan program across the MidCoast	Ongoing
Planning Priority 5 (P5): Connect people and places	
5.1 Pursue opportunities through NSW Government partnerships for improved public transport and active transport	Ongoing

²⁶ [Local-Strategic-Planning-Statement \(1\).pdf](#)

²⁷ <https://www.midcoast.nsw.gov.au/files/assets/public/document-resources/council/plans-amp-publications/local-strategic-planning-statement.pdf>

5.4 Develop partnerships and opportunities with our Aboriginal community through the development of the Aboriginal Action Plan	Short term
Planning Priority 6 (P6): Protect and improve our environment	
6.2 Work with the NSW Government, neighbouring Councils, landowners and community groups to improve environmental, water quality and biodiversity outcomes for the MidCoast	Ongoing
6.4 Work with the NSW Government and other Councils to develop the Hunter Blue Green Grid Project	Short term
Planning Priority 7 (P7): Improve our resilience	
7.1 Work with the NSW Government to establish improved bushfire preparedness and flood planning practices	Short term
7.7 Work with the NSW Government to help build on the community's resilience and recovery capacity to natural disasters and climate change.	Ongoing
Planning Priority 8 (P8): Managing our land and water assets	
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	Short term
8.2 Work with the NSW Government to develop and implement the Important Agricultural Land mapping	Short term
Planning Priority 9 (P9): Improving our infrastructure and becoming a location of choice	
9.1 Enable sustainable economic growth through the implementation of the MidCoast Regional Economic Development Strategy	Ongoing
9.4 Pursue opportunities with the NSW Government for improved freight and tourism routes being The Lakes Way, The Bucketts Way and Thunderbolts Way	Ongoing
9.8 Work with the NSW Government to undertake road safety improvements and provide safe walking and cycling connections.	Ongoing
9.9 Work with the NSW Government to protect the freight network from encroachment by sensitive land uses.	Ongoing
Planning Priority 10 (P10): Leveraging our lifestyle and amenity	
10.1 Encourage and grow tourism through the implementation of the Destination Management Plan	Ongoing
10.3 Investigate opportunities to facilitate land uses that can support and enhance the tourist and visitor economy	Short term

Completion of the Rural Strategy and implementation of the Local Plan Recommendations from the Strategy are, therefore, a key priority of Council in developing and implementing the first MidCoast Local Environmental Plan and Development Control Plan.

Beyond that, the increased collaboration with our partners and key stakeholders in realising our Strategic Recommendations will allow continual improvement of this inaugural land use planning framework within the MidCoast.

8.3 MidCoast Destination Management Plan

The NSW Statewide Destination Management Plan (DMP) is developed and coordinated by Destination NSW. There are also six regional Destination Networks across NSW that develop and coordinate the regional DMPs and the MidCoast local government area currently sits within the Destination North Coast NSW Network, in contrast to the land use planning 'network' which identifies the MidCoast within the Hunter.

Despite this locational challenge, the Statewide DMP does identify 'hero' destinations within the MidCoast that can be reinforced by relevant local land use planning initiatives.

Tourism and visitation are critical aspects of rural land use planning and the [MidCoast Destination Management Plan](#) provides a framework to guide sustainable tourism development over the next 15 to 20 years.

The Plan promotes new markets: active families; women's adventure, health and well-being; younger adults seeking adventure and experiences; and the 'grey nomads' seeking outdoor recreation. In doing so, several strategic themes for 'experience' tourism were developed, all of which highlight the diversity of opportunities available across the rural landscape:

- 1. Nature's Bounty: Produce, food and drink; and High quality, accessible and more personalised experiences*
- 2. Natural Adventure: Healthy outdoor living; and Quality recreational opportunities*
- 3. Contemporary Coast: Revitalising our places; Exciting coastal experiences; and Artisans and craft-people*
- 4. Vibrant Country Life: Revitalising our places; Genuine country experiences; and Artisans and craft-people*
- 5. Celebrating Culture on Country: Immersive Aboriginal cultural experiences; and Artisans and craft-people²⁸*

Fourteen signature experiences were identified as 'game changer projects' within the five themes and of these, two-thirds may be reliant on the delivery of new development projects outside towns and villages.

The *Manning Valley Soils to Sea Produce Precinct* project for example, recognises the range of quality produce throughout the region and the opportunity to create the ultimate produce hub within the MidCoast. The Precinct would showcase and profile the region's produce; strengthens collaboration between the visitor economy and the agricultural sector; and provides a base for promoting and growing agri-business, agri-tourism and agri-education.

The DMP also examined the broad strengths, weaknesses, opportunities and challenges facing the tourism industry within the MidCoast, with the following specifically relevant to the rural landscape and land use planning:

²⁸ [MIDCOAST-DESTINATION-MANAGEMENT-PLAN \(11\).pdf](#)

Table 8. MidCoast Tourism Destination Management Plan SWOT of Rural Tourism²⁹

STRENGTHS	OPPORTUNITIES
<p>Natural environment including world heritage listed national parks, wetlands of international significance, waterways, lakes and river systems</p> <p>Range of existing outdoor recreation and nature-based facilities and places</p> <p>Villages showcasing rural heritage, history and rural lifestyle</p> <p>High-quality local produce including Wallis Lake oysters, local wineries, etc – Manning Valley Naturally brand doing well in agriculture sector</p> <p>Proximity to Sydney and Newcastle</p> <p>Established tourism industries e.g. dolphin & whale watching, kayaking and some existing high-quality accommodation</p> <p>Cycling and walking trails</p> <p>Wide range of popular events and festivals</p> <p>Contemporary coastal villages</p>	<p>MCC's and region's commitment to sustainability</p> <p>Urban renewal in Taree and Forster to take advantage of and improve access to the Manning River and Wallis Lake respectively</p> <p>Short breaks market is growing – tailor regional offer to capitalise on this growth</p> <p>Strengthen relationships with potential partners to deliver new products and experience, such as NPWS and the Local Aboriginal Land Councils and private sector</p> <p>Strengthen collaboration through creation of a single destination brand that encapsulates or reflects the values, emotional territory and attributes of the three former local government areas</p>
WEAKNESSES	CHALLENGES
<p>Limited range of accommodation types</p> <p>Maintenance required to some visitor infrastructure and facilities e.g. walking trails</p> <p>Inconsistent standards of customer service, including some villages not offering 7 day or weekend services</p> <p>Limited resources for implementation of signature experiences</p> <p>Inconsistent levels of capacity within the industry and visitor services</p> <p>Inconsistent levels of industry engagement</p>	<p>Hyper-seasonality over summer along the coast</p> <p>Inconsistent promotion and use of local produce in local restaurants and cafes</p> <p>Managing visitor economy infrastructure projects across multiple land tenure</p> <p>Growing demand during non-peak (low and shoulder) seasons and increasing regional dispersal</p> <p>Access to waterways e.g. rivers in the hinterland and easements across private land</p>

These are discussed in additional detail within the Plan however, the following signature experiences and key game-changer projects have been put forward which would directly impact upon rural lands and tourism in the MidCoast:

- *Develop a regional events strategy, including a 'Soil to Sea' produce event or markets to recognise and promote the diverse and seasonal produce or 'nature's bounty' offered by the NSW Mid North Coast region and leverage the global trend relating to experience locally-curated food and drink experiences.*

²⁹ [MIDCOAST-DESTINATION-MANAGEMENT-PLAN \(11\).pdf](#)

- *Great Lakes Great Walk and Aquatic Trails project, which involves developing an internationally significant Great Walk along a 100km stretch of coast between Forster and Hawks Nest, incorporating Myall Lakes and Booti Booti National Parks. It would be enhanced by aquatic trails extending from Port Stephens into Myall Lakes, Smiths Lake and Wallis Lake (recipient of the 2016/17 Tourism Demand Driver Infrastructure grant) – potential future extension of this initiative into the Hinterland/Barrington Tops World Heritage Area*
- *High Ropes Adventure Park, which could be developed with a private sector provider and/or NPWS or FC*
- *Smith's Lake Eco Village (linked to the Great Lakes Great Walk and Aquatic Trails project) • Great Lakes Ecolodge – linked to and location to be identified through master planning of the Great Walk and Aquatic Trails project*
- *Centre of Excellence for the Environment and Wetlands, which would reinforce MCC's commitment to environmental sustainability*
- *Gloucester Visitor Hub, which could be developed in collaboration with the local tourism and hospitality industry, NPWS and FC*
- *Manning Valley Soil to Sea Produce Precinct (linked to Taree urban revitalisation), which would offer benefits to the local communities and business (especially the Manning Valley agricultural sector) as well as visitors*
- *World-class Equestrian Destination, which would leverage race days, rodeos, horse-riding trails, beach riding and equestrian events*
- *Nabiac Agricultural Hub - economic development initiative with significant benefits and integrated planning for the visitor economy*
- *Dark Point Ecolodge or glamping experience (linked to the Great Lakes Great Walk and Aquatic Trails project – LALC, Aboriginal community and NPWS involvement required)*
- *Aboriginal Health & Well-being Retreat – potentially the first of its kind in Australia and involving production of native plants³⁰.*

Several Local Community Plans prepared by local community groups with the assistance of Council also acknowledge the importance of tourism to their long-term sustainability. While these plans are not considered to represent local government policy, they may reflect community attitudes towards agreements and commitments by Government, to facilitate growth in this area of the local economy.

- Bulahdelah Community Strategic Plan³¹
- Coolongolook, Wang Wauk & Wallingat River Catchment Communities Community Strategic Plan³²
- Nabiac Community Strategic Plan³³
- Stroud and District Strategic Action Plan³⁴
- Wootton Community Strategic Plan³⁵

³⁰ <https://www.midcoast.nsw.gov.au/Part-of-your-every-day/Council-Projects/Tourism-Destination-Management-Plan>

³¹ Bulahdelah Chamber of Commerce 2008

³² Coolongolook and Wootton Action Group 2017

³³ Nabiac Village Futures Group 2015

³⁴ Stroud Progress Association 2004

³⁵ Wootton Community Network 2017

The DMP also identifies an ‘Experience Framework’ as the basis for long-term planning for tourism in the MidCoast and the influence of planning controls will directly affect the ability tourism operators to:

- Increase the number and quality of places for people to stay (visitor accommodation);
- create more attractions/destinations in rural and natural areas;
- improve public access to natural areas, including waterfront areas; and
- protect natural and built character that contributes to the visitor ‘experience’ in rural areas, such as scenic and visual appeal, or historic buildings.

Finally, it is noted that a significant number of actions also relate to initiatives that are outside the influence of land use and development planning, predominantly marketing initiatives and information about attractions. While these are not directly relevant to this Strategy, it highlights the need for a coordinated approach to tourism development – as events and facilities are being proposed, consideration of how these are accessed, promoted and integrated into the ‘Barrington Coast experience’ should also be planned.

8.4 Urban “Zoning In” Program (2020)

The “Zoning In” Program represents MidCoast Council’s work on a range of land use planning strategies and reviews prepared to inform the new MidCoast Local Environmental Plan and Development Control Plan.

The primary challenges of the “Zoning In” program is that the three former Councils of Gloucester, Great Lakes and Greater Taree, applied planning controls in very different ways.

Establishing a baseline of information on “what is the MidCoast” – the population, land uses, infrastructure, recreation spaces, towns, villages and employment lands – required a new framework that was fit for purpose and would ensure clear and consistent land use planning objectives and controls could be established. This process in turn, has required extensive consideration, collaboration and consultation with community, State agencies and key stakeholders.

The strategies, zone reviews and reports prepared for the Urban “Zoning In” Program and their relevance to the Rural Strategy are discussed below, noting that the Manning Health & Taree CBD Precinct Plan, also part of this work, has no implications for the Rural Strategy.

Urban Land Monitor

The [Urban Land Monitor](#) (ULM) was prepared to examine residential land supply and determine if it was adequate to meet population projections through to 2036, in doing so, the ULM identified areas of high demand, where pressure to rezone additional land for residential development would likely result in a reduction of rural zoned land adjoining existing towns and villages.

Since this document was produced in 2018, the COVID-19 pandemic has seen a significant increase in the migration of people out of metropolitan areas to rural and regional locations. This trend has resulted in significantly higher levels of population

growth and demand for residential land compared to historic trends used to inform projections in the Urban Land Monitor.

Within the MidCoast, coastal areas already identified as 'high growth' in the ULM have now, anecdotally, almost exhausted all existing supplies of existing and vacant residential land.

In response, Council has fast-tracked the next phase of work and developed a [Settlement Expansion and Development Opportunity Analysis Report](#) (SEROAR) which reviewed all potential urban release areas identified in local and regional planning strategies over the last 20 years. The report highlights the opportunities and constraints at each location and recommends if the release area should continue to be identified or removed from the urban release program.

For those potential urban release that are to be retained, a timeframe of -15yrs; 5-10yrs; or 10+yrs has been assigned, to prioritise and coordinate the future planning proposal programs to rezone these lands. This work will also inform preparation of the future MidCoast Urban Development Program, as required by the Department of Planning, Industry and Environment.

Housing Strategy

The Housing Strategy was developed by Council's with this assistance of Locale Consulting and proposes a new framework for urban residential zones in the MidCoast. The aim of the Housing Strategy was to offer a broad range of affordable housing options to cater for our diverse population needs.³⁶

To this end, the housing strategy recommended a new suite of residential zones based on the Standard Instrument LEP and applied them consistently across the towns and villages of the region. The land use tables and development standards drafted in the Housing Strategy have provided the platform for in particular, consideration of the RU5 Village zone and rural living zones – R5 Large Lot Residential, E4 Environmental Living and RU4 Primary Production Small Lot within the context of the Rural Strategy.

The Housing Strategy also included consideration of the opportunities and constraints associated with those areas that are currently within a rural zone but identified as potential urban release areas and identified the need to plan for reducing rural and residential land use conflict.

Employment Zone Review

The purpose of the Employment Zones Review was to recommend a clear hierarchy and set of consolidated, consistent land use zones and development standards for business and industrial zones across the region, to inform a new MidCoast Local Environmental Plan (LEP).³⁷ To this end the Review had the following objectives:

- provide a basis for applying business and industrial zones in the MidCoast
- propose new LEP objectives, land use tables, and associated mapping layers for each business and industrial zone.

³⁶ [Residential-FINAL \(1\).pdf](#)

³⁷ [Draft-Employment-Zones-Review-Part-A-for-Exhibition \(1\).pdf](#)

- propose new LEP principal development standards and provisions relating to business and industrial zones.
- include minor additions/reductions to the quantity of employment land based on current land uses.

The Review did not increase employment land supply unless it was evidenced based upon previous and relevant strategy work that had been undertaken and also documented those urban release areas that had been previously identified in local and Regional strategies as potential employment lands.

The Review did result in the early identification of rural land that is currently used for employment purposes and recommended:

- the Wingham Beef building complex be rezoned from rural to an industrial zone.
- the Wingham Frames and Trusses complex in Flett Street be rezoned from rural to an industrial zone.
- land uses that provide support to rural industries are permissible with consent in employment zones.

Infrastructure Zone Review

The purpose of the Infrastructure Zone Review (IZR) was to develop a simplified and consistent approach to zoning our state, regional and significant local infrastructure.³⁸

The key objective of the Review was to provide robust zoning recommendations for infrastructure groups and site specific areas that may be transitioned into the MidCoast Local Environmental Plan (LEP).

The Review has implications for urban and rural areas and will therefore be exhibited with the draft Rural Strategy, with the following implications infrastructure that is currently in a rural zone:

- Parts of the Pacific Highway and Railroad corridors that were not already designated are to be rezoned to the SP2 Infrastructure zone.
- A recommendation of the Rural Strategy is to extend the SP2 Infrastructure zone to other major regional roads throughout the MidCoast.
- Significant local infrastructure and facilities including sewerage treatment facilities, water supply systems, major electric substations and landfill areas, that are currently in a rural zone are to be rezoned SP2 Infrastructure zone.

Recreation Zone Review

The Recreation Zone Review examined the purpose and function of existing recreation zones in the Great Lakes, Greater Taree and Gloucester LEPs to inform development of the MidCoast LEP.³⁹

The process for the Review involved examining best practice application of recreation zones across the State, reviewing the current application of recreation zones and

³⁸ [Draft-Infrastructure-Zone-Review-for-Exhibition-V2 \(1\).pdf](#)

³⁹ [Recreation-Zones-Review-for-exhibition.pdf](#)

recommending a clear and consistent approach for the future application of recreation zones and associated planning controls

This Review also has implications for urban and rural areas and will therefore be exhibited with the draft Rural Strategy.

Due to the inconsistent application of recreation and environmental zones in the existing local environmental plans, significant amendments to these zones are proposed throughout the MidCoast, to more consistently reflect the existing and intended future use of these lands for either recreation or environmental purposes.

Supplementary Reports

Accompanying the Urban “Zoning In” Program was the R5 Large Lot Residential Supply and Demand Analysis Report, prepared to supplement the Housing Strategy. The purpose of the report was not to identify new areas to be rezoned for large lot residential purposes, but to:

- provide an overview of the distribution of land zoned R5 Large Lot Residential and compare how the zone had been applied under the three existing local environmental plans;
- provide a supply and demand snapshot for R5 land
- provide the framework and recommendations for a future strategy and policy position on the rezoning of additional land for large lot residential purposes.
- establish a process for regular monitoring of R5 land supply and demand.⁴⁰

The findings of this report instigated two additional reports to supplement the preparation and recommendations of the Rural Strategy and these are discussed below.

Additional Reports prepared to inform the Rural Strategy

The two additional reports prepared as part of the Rural Strategy Program to provide further discussion and evidence-based planning for key issues related to rural living, that supplement the Housing and Accommodation Background Report:

- E4 Environmental Living Zone Snapshot Report
- RU4 Primary Production Small Lot Zone Snapshot Report.

The purpose of these reports was to provide a snapshot of how the E4 Environmental Living and RU4 Primary Production Small Lots zones have been applied and whether the objectives of these zones are being achieved through the current use and occupation of those lands.

The snapshots considered zone location and quantity, servicing, development constraints, natural constraints, agricultural values and environmental values and made recommendations on how these zones and development standards may be applied in the MidCoast LEP.

⁴⁰ [Large-Lot-Residential v5-for-Exhibition.pdf](#)

Paper Subdivision Analysis Report

Finally, in response to land owner concerns that land within paper subdivisions had not been addressed or identified for future use within the Urban Zoning In program, a paper subdivision analysis report has been prepared to inform the recommendations of the Rural Strategy and provide clear recommendations on the future use of these lands.

The Paper Subdivision Report provides an analysis of paper subdivision areas in the MidCoast against the strategic planning considerations at State, regional and local levels and provides the following information to all land owners:

- documenting relevant State, regional and local planning policy and legislation
- providing three clear options for land owners to retain the land, transfer the land to Council or pursue a Development Plan and Subdivision Order
- mapping of the historic extent of identified paper subdivisions
- constraints analysis of existing paper subdivision areas;
- and recommendations for land use zones, development standards and local clauses for consideration in the MidCoast LEP to address inconsistencies in the current local environmental plan clauses.

This report will be exhibited with the draft Rural Strategy.

8.5 MidCoast Council Policy in development

As a relatively new Council, with no previous collective position on land use planning, resource or social infrastructure management, we have been on a rapid learning curve with our partners and community to determine the MidCoast way. In doing so, there are a significant number of new strategies, plans and frameworks that have been prepared, with many others still in development, including but not limited to the following:

MidCoast Cultural Plan

The MidCoast Council Cultural Plan 2036 was adopted in June 2021 with the purpose of supporting the region's creative community members and groups and help invigorate the local creative and arts economy. It has the following vision:

*MidCoast is a place of unique environmental and cultural significance. Our creativity is inspired by the natural landscape and the resilience of our people. We build on our artistic and cultural strengths, supporting each other and celebrating our creative sector. Our shared history unites us and is nurtured by our storytellers, connecting the rich tapestry of places in the MidCoast region.*⁴¹

The guiding principles of MidCoast Cultural Plan are underpinned by the values described in the Community Strategic Plan and the following are relevant to the Rural Strategy:

⁴¹ [MidCoast Cultural Plan 2036.pdf \(amazonaws.com\)](#)

Our environment:

Caring for Country – sustainable land management practices and initiatives that honour Aboriginal knowledge systems and their cultural significance

Connected to nature – protecting and conserving our flora, fauna and natural systems to enable continued inspiration from our natural setting.

Our thriving and growing economy:

Embracing our authentic destinations – during the day and at night for locals and visitors.⁴²

Biodiversity Framework

The MidCoast Biodiversity Framework adopted in July 2021 is a coordinated approach to managing biodiversity in the MidCoast Region. The framework brings together a series of tools, programs and actions that promote adaptive management, allowing responses to contemporary pressures and opportunities, as well as changing community values and priorities.

Programs and actions at the core of the framework are grouped under six key themes, the following which are most relevant to the Rural Strategy:

- 1. Engagement and Partnerships**
 - *Landholder engagement and incentives*
- 2. Reserves and Conservation Agreements**
 - *Mapping and zoning protected areas*
 - *Securing land for reserves*
 - *Private land conservation*
- 3. Land Management**
 - *Nature-based facilities*
 - *Fire management*
- 4. Science/Knowledge**
 - *Vegetation mapping and monitoring*
 - *Mapping important biodiversity and ecosystem service value lands*
- 5. Strategic Planning and Policies**
 - *Developing Conservation Action Plans*
 - *Tops to Coast plan and mapping*
 - *Threatened biodiversity management guidelines*
 - *Coast and catchment management planning*
- 6. Land Use Planning and Development**
 - *Land use planning*

⁴² [MidCoast Cultural Plan 2036.pdf \(amazonaws.com\)](#)

- *Biodiversity impact assessment (Development)*
- *Biodiversity impact assessment (Council activities)*
- *Development incentives for conservation*
- *Developing and implementing a Greening Strategy*⁴³

Draft Greening Strategy

MidCoast Council is currently developing a Greening Strategy which at the time of writing was available for public comment. The aims of the Strategy are to manage and enhance the quality and extent of vegetation across our diverse landscapes. Put simply, to retain and plant trees today for our enjoyment, and to create a positive legacy for future generations.⁴⁴

While the Strategy applies to the whole of the MidCoast, many of the Strategy's principles focus on urban areas.

Draft Vegetation Management Policy

Concurrent with the Greening Strategy is the preparation of a draft Vegetation Management Policy which was also available for public comment at the time of writing. The objectives of this Policy are to:

- identify vegetation for protection for the purposes of the State Environmental Planning Policy (Vegetation in Non-Rural Areas) 2017;
- outline criteria that will be taken into consideration by Council as part of the assessment of applications for vegetation removal; and
- facilitate the removal or pruning of undesirable exotics, environmental weeds, priority weeds, dangerous trees and any other inappropriate plantings that are causing damage to buildings or other infrastructure.⁴⁵

The policy sets out a process for tree removal in mapped areas of the MidCoast as part of targeted policy areas set out in the Greening Strategy. Those areas mapped primarily contain important ecological habitats and/or corridors.

Draft Manning River Estuary & Catchment Management Program

The draft Manning River Estuary and Catchment Management Program 2021-2031 is a ten-year action program to maintain a clean and healthy river system, safeguarding the social and economic benefits it provides for our community and is on exhibition at the time of writing.

⁴³ [MCC Biodiversity Framework Overview.pdf \(amazonaws.com\)](#)

⁴⁴ [Draft MidCoast Greening Strategy | Greening Strategy and Vegetation Management in the MidCoast | Have Your Say \(nsw.gov.au\)](#)

⁴⁵ [Draft Vegetation Management Policy.pdf \(amazonaws.com\)](#)

The program applies a holistic approach to managing the river, recognising that what happens upstream impacts on the estuary. Its primary focus is addressing the impacts of land-use on water quality and ecosystem health.

The following actions from the program are relevant to the Rural Strategy:

Water quality and ecosystem health - Manage the Manning River Catchment and its Estuary holistically to maintain and improve water quality, natural character and ecosystem services

Climate Change - Understand, mitigate, adapt and build resilience to current and future hazards including the impacts of climate change

Biodiversity - Protect and conserve natural character and biological diversity

Aboriginal custodianship - Acknowledge and support Aboriginal peoples' spiritual, social, customary and economic connection to the Manning River Catchment and its Estuary

Social and economic values - Manage the Manning River Catchment and its Estuary to maintain and improve social, cultural, and economic opportunities and benefits

Land use planning - Facilitate ecologically sustainable development and promote sustainable land use planning decision-making⁴⁶

⁴⁶ [Draft Manning River Catchment and Estuary and Catchment Management Program 2021-2031 - Main document.pdf\(amazonaws.com\)](#)

9 Implementation of the Rural Strategy

The MidCoast is a rural, regional, coastal local government area that is home to 195 unique towns, villages and localities. The MidCoast covers around 1.25% of New South Wales and 30.5% of the Hunter Region.

It is a large and diverse area ranging from beaches and coastline to mountains and hinterland with green spaces and national parks in between. This landscape is characterised by pristine waterways, striking scenery and an abundance of unique natural features.

The MidCoast is home to the Gathang speaking Aboriginal people, the Biripi and Worimi. We are a region rich in cultural pride and connection to the landscape and we embrace the spirit of reconciliation.

The MidCoast has a population of approximately 93,800 people living in around 400,000 households and while up to 98% of the entire MidCoast region is categorised as 'rural', this area is home to just 5% of the local population.

There is no commonly accepted definition of what 'rural' is in land use planning, encompassing a diverse range of agricultural land, environmental areas and waterways; it is generally accepted that in rural areas most properties are being used for farming and rural living, with smaller towns and villages providing day-to-day services and facilities to these dispersed communities.

This makes rural landscapes a defining feature of the MidCoast. The diversity of communities, environments and opportunities provided within the rural areas of the MidCoast has been broadly identified as having two regions in the Regional Economic Development Strategy (2018):

Contemporary Coastline – modern connected communities offering premium coastal lifestyle and a destination of year-round appeal with an abundance of spectacular natural attractions.

Vibrant Rural Hinterland – a strong rural based economy adjoining key natural attractions centred on strong, communities well connected to regional centres, offering authentic country experiences and an excellent location for innovative businesses.

The Pacific Highway, running straight through the region from north to south, provides not only a geographic delineation between these two regions of the MidCoast, but provides an important national and State connection to our region for travellers and transport companies.

We are also a new region and Council, dealing with the legacy of amalgamation of three former Council areas in 2016, we have prioritised review and replacement of the three sets of planning controls that remain in place across the region.

In doing so, we are tasked with investigating best practice and current trends across a range of National, State, regional and local policy and land use planning legislation and guidelines to replace the out-dated and inconsistent local environmental plans and development control plans with new and contemporary documents.

<p>Current</p> <ul style="list-style-type: none"> • Gloucester Local Environmental Plan 2010 • Great Lakes Local Environmental Plan 2014 • Greater Taree Local Environmental Plan 2010 	<p>Future</p> <ul style="list-style-type: none"> • MidCoast Local Environmental Plan
<p>Current</p> <ul style="list-style-type: none"> • Gloucester Development Control Plan • Great Lakes Development Control Plan • Greater Taree Development Control Plan 	<p>Future</p> <ul style="list-style-type: none"> • MidCoast Development Control Plan

The Rural Strategy is the final body of research and review required to inform preparation of the new local environmental plan and development control plan.

It follows on from many other strategies and plans documented previously, that have looked at opportunities and challenges to social, economic and environmental sustainability within the MidCoast region.

These are reflected in the Local Strategic Planning Statement, where we confirmed that our rural and environmental land and water resources are critical to the area’s liveability, tourism and economic growth.

As a result, Council must establish a framework of clear and consistent land use planning controls and management principles, that will not only inform the new planning controls, but provide sustainable development and conservation outcomes across our rural landscape and for our rural communities now and in the future.

Achieving this will require a solid platform of planning controls in the short-term and a clear framework for advocacy, collaboration and continual improvement in the medium and long-term. Therefore, the two parts of the Rural Strategy cannot be separated:

Strategic Recommendations – reflecting and creating opportunities within the current State and regional policy frameworks, to guide the use and management of land and water resources outside towns and villages

Local Plan Recommendations – establish a clear and consistent framework for planning zones and controls in the new MidCoast Local Environmental Plan and Development Control plan and any future changes to these plans.

Therefore, implementing the strategic recommendations of the Rural Strategy will continue to shape rural land use planning throughout the MidCoast.

9.1 Strategic Goals and Local Planning

The Strategic Goals identified in the Rural Strategy focus on the importance of protecting our rural landscapes and the communities they support.

These goals were identified in consultation with community members, land owners, industry groups and State agencies, based on key insights developed during these consultation processes and preparation of the background reports underpinning this Report, referred to below.

Housing and accommodation	Mining and Energy
Agriculture and rural-based industries	Tourism
Land based conservation	Transport
Marine activities	Rural Waterways

The Strategy is structured around four key goals

Goal 1: Sustain Primary Production Opportunities

The MidCoast's rural areas are an attractive place for farming and investment in rural industries. The MidCoast continues to deliver the primary resources that underpin regional economic development and sustain our local communities.

Goal 2: Enhance Rural Lifestyles and Livelihoods

The MidCoast offers a diverse range of opportunities for rural lifestyles and livelihoods. Residents and visitors are welcome to explore our rural hinterland and natural areas.,

Goal 3: Protect Natural Landscapes

The MidCoast's natural landscapes protect some of Australia's most unique biodiversity and culturally significant features. Offering people, a chance to connect with nature.

Goal 4: Improve Planning and Plan-making in practice

The process of planning and pan-making for rural areas in the MidCoast is well-informed by a variety of perspectives, ensuring controls remain relevant and are readily understood by everyone.

Within each goal is a comprehensive action plan that details desired outcomes and proposed strategic actions, along with local planning considerations.

GOAL 1. SUSTAIN PRIMARY PRODUCTION OPPORTUNITIES

The MidCoast's rural areas are an attractive place for farming and investment in rural industries.

The MidCoast continues to deliver the primary resources that underpin regional economic development and sustain our local communities.

G1 Objective.01 Identify and protect agricultural industries and resources

There is wide-spread recognition that agriculture and associated activities across the MidCoast contribute to the State and regional economy. However, planning for agriculture and related land uses must also recognise and address significant challenges facing this industry, including the impacts of climate change on available land and water resources.

The State Government is supporting the right of farmers to operate without conflict or interference and there is an expectation for Council planning controls to:

- Promote the continued use of agricultural land for commercial agricultural purposes;
- Protect important agricultural land and the resources on which agriculture depends;
- Avoid land use conflict; and
- Support the retention of critical industry mass, and access to services, infrastructure, processing facilities and markets.

Identifying land that is suitable for agriculture can however be challenging, as each industry has different operational requirements, noting:

- Some industries rely on good quality soils, which aren't as readily available within the MidCoast LGA;
- Some, but not all, agricultural activities are compatible with water quality management requirements and/or biodiversity or scenic conservation outcomes;
- Most agricultural activities benefit from having some degree of separation to sensitive uses, including rural residential uses. This reduces the need for (and costs associated with) enhanced management of impacts such as noise, dust, and light spill to neighbouring properties.

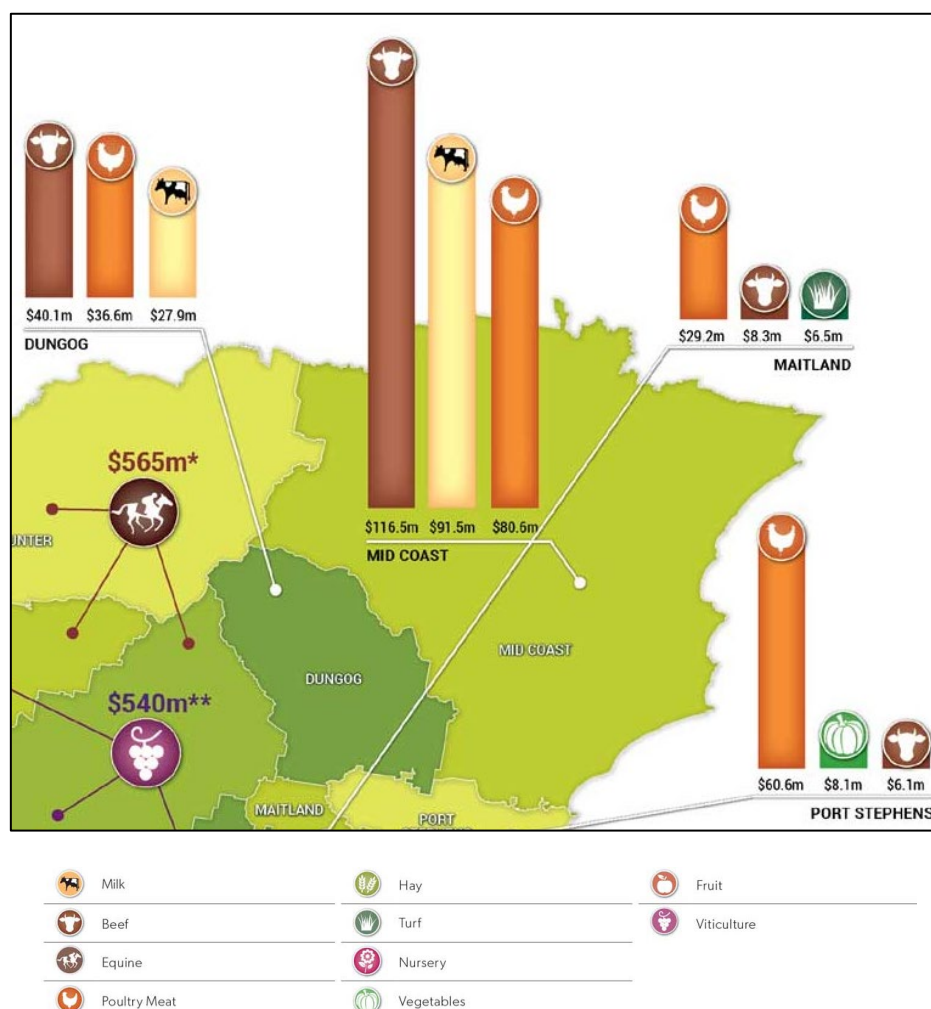
Long-term planning and plan-making will benefit from the ongoing identification of agricultural industries that are or may in future, be important to the MidCoast's economy, and the provision of more detailed information about those industries' operational needs.

Therefore, in the MidCoast, short and long-term planning for the protection of productive land and water resources for agriculture and primary production industries generally, requires a new approach, one that is agile and allows adaptation to:

- natural disasters and extreme weather events that may be more frequent and more severe,
- innovation through new technologies, value-adding, and diversifying farming practices,
- social change that may result in a shift in traditional farming to lifestyle farms and succession planning,
- economic change, impacting on the profitability of traditional farming practices where diversifying on-farm activities may provide more reliable income streams, and
- market forces that may result in the sale of viable farming land or, the rezoning and development of traditional farming land for residential purposes.

Council is committed to the sustainability of our primary production industries; providing planning controls that allow growth and diversification, while protecting the long-term health of the land and water resources that enable these activities to respond to a rapidly changing natural environment and variations in market trends.

Figure 5. MidCoast contribution to NSW economy by agricultural industry (ABS 2011) ⁴⁷



The capability and capacity of our area and community to be responsive to these changes requires:

- the removal of unnecessary regulation at a local level;
- appreciation of the challenges facing producers in order to both productive and profitable;
- importance of ensuring development can be undertaken where it is appropriate and safe to do so; and
- the relationships and collaboration required between a wide group of stakeholders to achieve these outcomes.

Noting the diversity of existing, emerging and unknown future agricultural activities the recommendations are purposefully strategic in nature and are not exclusively related to planning instruments, but focus on enabling agriculture wherever locationally appropriate, throughout the MidCoast.

A key consideration has been the recognition for increased levels of collaboration between Council, State and regional agencies to improve understanding of opportunities and challenges faced by farmers and agricultural industries, to ensure that planning provisions and controls are appropriate and consistent and do not replicate or conflict

⁴⁷ <https://www.planning.nsw.gov.au/Plans-for-your-area/Regional-Plans/Hunter/Hunter-regional-plan/The-leading-regional-economy-in-Australia>

with regulations, codes of practice or other on-farm management requirements of other agencies.

There are also opportunities to increase the integration of agritourism and agribusiness activities with existing and emerging agricultural industries, through on-farm experiences, rural community events, food trail and gastronomic tourism. A review and identification of agricultural industry clusters, accommodation and facilities within rural communities is also required to facilitate this diversification.

The identification of shared-service locations, trading needs and infrastructure upon which priority agricultural industries rely will also support long-term planning to anticipate growth and change within these areas in line with industry requirements and promote safe and efficient vehicle access to and from production areas.

Planning controls can also allow for the diversification of rural industry activities that may be undertaken on-farm or in rural communities, to enable value-adding of raw products locally, prior to retail or wholesale distribution. This may include industries such as small-scale abattoirs, egg processing and packaging, fertiliser and bio-fuel production utilising agricultural waste⁴⁸, or compost production from urban green waste for soil improvement⁴⁹.

Additional locally-relevant guidance is also required for activities such as commercial bee keeping, private native forestry, on-farm forestry, land-based aquaculture, farm stay accommodation, farm gates, cellar doors, artisan food and drink outlets^{50,51}, education and training facilities, to ensure environmental, social and amenity impacts are identified and managed.

Ensuring complementary and secondary agricultural and tourism activities can be undertaken on-farm and in rural communities will enhance sustainability and economic viability across the region.

It is noted that the Department of Primary Industries has also commenced an Important Agricultural Land Mapping project for the Hunter Region (2018) and when this mapping is available for the MidCoast, the application of rural zones will be reviewed to determine whether it reflects the identification of any State-significant land and identification of any industry clusters.

Council, in consultation with other State and regional agencies may also consider non-planning recommendations including but not limited to the preparation of industry-specific education, economic or employment strategies to promote and grow agricultural sectors, consumption of local agricultural products, and upgrades to infrastructure to improve accessibility and sustainability.

Establishing open dialogue between primary producers and Council to create better land use outcomes that will protect and grow important agricultural industries of the MidCoast would also enable consultation and collaboration on diverse issues such as:

- development assessment processes that require consideration of the potential impacts of subdivision and residential development near new or proposed agricultural activities.

⁴⁸ [Biofuels: Australian farmers' untapped resource \(nswfarmers.org.au\)](http://nswfarmers.org.au)

⁴⁹ [Green waste helps feed Australians through innovative composting system \(msn.com\)](http://msn.com)

⁵⁰ [Game on for venison | The Land | NSW](#)

⁵¹ [Eungai Creek Buffalo](#)

- planning controls that supplement existing State guidelines, may also be developed to consider locally relevant options to protect land and water resources;
- identification and management of potential land use conflict created by normal on-farm practices, including noise, odour and light spill.
- the establishment of complementary, value-adding industries, intensive plant agriculture and agricultural processing activities in rural areas and communities, for example at the Stratford Industrial Precinct and other industrial areas, with suitable infrastructure and services⁵²;
- collaborative approaches to biosecurity and environmental impact management existing agricultural activities within priority drinking water catchments and aquifer catchments;
- opportunities to overcome key barriers to growth including marketing, transport infrastructure and distribution services⁵³; and
- for specialist industries such as forestry, increase understanding of the industry, associated activities and infrastructure requirements e.g. saw mills and timber processing facilities, and options to manage environmental impacts with conservation initiatives.

It is noted that the development of planning controls that ensure existing primary production industries are managed, and new agricultural activities are located, in areas where potential environmental impacts can be identified does not address legacy issues.

Addressing legacy issues will require ongoing collaboration and partnership between Council, landowners and other key stakeholders to identify, rectify and rehabilitate land and water resources to ensure sustainability of agricultural industries in the MidCoast.

⁵² [The Producers: The Mushroom Guys, Kardinya \(broadsheet.com.au\)](http://broadsheet.com.au)

⁵³ Kempsey Shire Council 2019

G1 OB01 Outcome (1) Protect established agricultural industries

The oyster, timber, beef, poultry (meat and eggs), and dairy industries already have an established presence within the MidCoast. Each of these industries has distinct operational needs and these may change over time in line with environmental, market, industrial or technological drivers.

Several recent initiatives have begun to consider industry-specific issues for the MidCoast's established industries, in consultation with peak industry organisations or local farmers. These include, but are not limited to:

- Great Lakes Council's 2015 Poultry Excellence Initiative, which investigated opportunities to improve processes for assessing poultry industry development applications within the LGA.
- The NSW Government's 2016 review and update of the NSW Oyster Industry Sustainable Aquaculture Strategy, which identifies suitable oyster aquaculture sites within the MidCoast LGA.
- The NSW Government's preparation of the Forest Industry Roadmap, released in 2016, which sets out focused objectives to support coastal hardwood forestry e.g. Blackbutt and Spotted Gum and wood product manufacturing activities that are relevant to the MidCoast; and
- The NSW Government's preparation of Important Agricultural Land Mapping for the Hunter Region, which began in 2018 and is focusing on specific considerations for beef, poultry (meat and eggs), dairy, horticulture, and equine industries.

Building on this work to develop a more sophisticated understanding of industry-specific needs will assist with better protecting these industries through land use and development planning processes.

Outcome 1.1.1. Protect established agricultural industries

- a) Partner with local producers and industry groups to prepare industry-specific profiles for established industries, outlining information that is relevant to informing land use and development planning decisions, such as:
- identify land and water resource requirements for key industries
 - investigate opportunities for on-farm water security and reuse
 - diversification of income streams via changing production methods and technology, agribusiness and agritourism opportunities,
 - on-farm management of biodiversity, land and water resources to increase or restore land carrying capacity,
 - partnership programs with alternative industries including but not limited to education, honey production, native food collection and renewable energy production.
- b) Utilise the NSW State Government's Important Agricultural Land Mapping (IALM) information once it is available, to review planning controls for industries included in that initiative.
- c) Establish a method for identifying and monitoring the location of agricultural enterprises to supplement annual land and stock return information.
- d) Prepare local planning benchmarks and guidelines for considering rural subdivision, to inform local assessments relevant to established agricultural industries.
- e) Apply a framework for assessing subdivision and development impacts on agricultural lands in line with local planning benchmarks and guidelines.
- f) Review potential urban release areas that will rezone rural land, to ensure the immediate and cumulative loss of valuable agricultural land and activities is adequately considered.

Local Plan Recommendations	
LEP provisions:	
Provide an 'open' rural zone that allows for a broad range of agricultural activities including intensive plant and animal agriculture	
Incorporate a local clause that requires consideration of the potential impacts of subdivision and residential development near agricultural activities	
Review and advocate for new agricultural definitions and clauses that reflect the diversity of agricultural industries	
Review the application of primary production rural zones over any State-significant agricultural land and consider the identification of industry clusters	
Consider additional permitted use provisions in locations suitable for 'game-changer' development opportunities	
Identify priority drinking water catchments to ensure integrated development assessment processes are followed for agricultural activities in these areas.	
Identify and protect aquifer catchments to ensure these critical water resources are protected from intensive plant and animal agriculture activities, rural industries and other land uses that may represent an unacceptable level of risk to these resources.	
Establish a local clause for subdivision of rural lands that guides consideration of the minimum lot size (for subdivision) development standard, which: <ul style="list-style-type: none"> • enables a range of property sizes to encourage a diversity of agricultural pursuits • recognises and protects the existing and inherent environmental values of the land e.g. steep land, significant vegetation, waterbodies and water courses; • ensures new residents are located safely in consideration of on-site fire and flood hazards; and • each allotment has direct access to a publicly constructed and maintained road, rather than battle-axe allotments or extended private access roads and driveways 	
DCP provisions	
Incorporate objectives and controls relating to the operation of agricultural industries in rural areas.	
Ensure that controls are appropriate and consistent for activities that do not satisfy the Exempt & Complying Development SEPP	
Do not replicate or contradict industry regulations, codes of practice or on-farm management requirements	
Consider measures to protect land and water resources including management of stock access to waterways	
Identify and manage potential amenity impacts of intensive agricultural activities on adjoining land owners, including noise, odour and light spill	
Identify buffers or the like between agricultural activities and other land uses to reduce the potential for land use conflict	

G1 OB01 Outcome (2) Support emerging agricultural industries

New agricultural industries and new operational methods for existing industries can have different impacts to traditional broad-acre farming including noise, dust, emissions, production area 'footprints', infrastructure and supply chain requirements e.g. water supply, feedstock, transport, or technology. The potential opportunities and impacts on adjoining land owners and land uses need to be considered.

The MidCoast has untapped agricultural potential, with opportunities and ideas emerging for the migration of agriculture from other regions and establishment of entirely new industries on a regular basis. Recent evolution and emerging industries have included but are not limited to horticulture, equine activities, apiculture (bee keeping), land-based aquaculture (fish-farming), private native forestry, free-range poultry farming, intensive plant and animal agriculture.

Agricultural producers diversifying into alternative energy production or conservation investment streams are also areas of increasing interest and investment within the Hunter Region.

Supporting new agricultural industries and operational methods will help build a stronger and more resilient economy. This will rely on understanding emerging industry operational requirements and finding suitable locations where they can thrive without compromising existing social, economic or environmental values.

Outcome 1.1.2. Support emerging agricultural operations and industries

a) Identify benchmarks or criteria that would qualify an emerging agricultural industry or operation to be treated as an established agricultural industry.

b) Establish a review processes for the NSW State Government's Important Agricultural Land Mapping to advocate for emerging agricultural industries and operations to be included.

Local Plan Recommendations

LEP provisions

Review and advocate for new agricultural definitions and clauses that reflect the diversity of agricultural industries

G1 OB01 Outcome (3) Support farm based efficiency, profitability & income diversification

Changing weather, regulatory and economic conditions will continue to pose challenges to the agricultural sector on a global scale. Supporting local farmers to improve efficiency and profitability and diversify their income streams will make the MidCoast's agricultural sector and rural communities more resilient and sustainable.

Examples of initiatives that can lead to greater efficiency, profitability, and income diversification include but are not limited to:

- Mixed farming enterprises, such as crop-rotation or cropping-livestock models;
- Conservation and regenerative agriculture;
- Complementary primary production and environmental activities such as apiculture (bee keeping), native food cultivation and harvesting, renewable energy production and conservation initiatives,
- 'Paddock to plate' initiatives that grow, value-add and supply products direct from the property; and
- Farm-based visitation, including opportunities for day-only and overnight visitors.

Current frameworks for permitting land uses and activities in rural areas through land zoning or assessing development applications for farm-based proposals may not always provide for a holistic or sophisticated consideration of all activities.

Outcome 1.1.3. Support farm-based efficiency, profitability and income diversification

a) Facilitate partnerships between landowners, State and regional funding agencies, regional land management agencies and economic development agencies to support efficiency and diversification through:

- long-term planning to promote safe and efficient vehicle access to and from production areas;
- identification and recognition of shared-service locations, trading needs and essential infrastructure;
- rural industries on-farm or in rural communities, to enable value-adding of raw products locally, prior to retail or wholesale distribution.

b) Preparation of industry-specific economic or employment strategies to promote and grow agricultural sectors, education and training opportunities, consumption of local products, and upgrades to infrastructure to improve accessibility and sustainability.

c) Facilitate ongoing collaboration and partnership between Council, landowners and other key stakeholders to identify, rectify and rehabilitate land and water resources essential to agricultural productivity and adaptation to the impacts of climate change on land, to ensure sustainability of farming in the MidCoast.

Local Plan Recommendations

LEP provisions

Ensure 'open' rural zones to enable a broad range of agricultural and complementary land uses to ensure outcomes of the strategy may be achieved.

Ensure complementary and secondary agricultural, education and tourism activities can be undertaken in village zones

DCP provisions

Provide objectives and controls for those activities that cannot be undertaken under Exempt & Complying Development SEPP to ensure environmental, social and amenity impacts are identified and managed.

G1 Objective.02 Improve planning for energy and mineral resource industries

Mining and quarrying are common rural activities across Australia. These industries make significant contributions to State and local economic and employment outcomes. At the same time, they can adversely impact environments and communities, so are often a major source of conflict and contention at the local level.

Except for relatively small-scale operations, Council's ability to influence mining and quarrying approvals is more restricted when compared to other rural land uses given the broad influence of both the Mining SEPP and Infrastructure SEPP.

Therefore, it is not recommended or necessary to apply land use zones in a manner that actively encourages or discourages mining or extractive industries within the MidCoast. Instead, developing and establishing locally relevant planning frameworks are recommended.

The location of mining and quarrying activities e.g. exploration, production, care and maintenance, rehabilitation, is fixed to where productive resources are available, noting:

The MidCoast is part of the Hunter region, which is one of the most productive coal-based regions in NSW. Within the LGA, coal-based resources are confined to the Gloucester Basin subregion of the Northern Sydney Basin coal bioregion.

The MidCoast also contains a range of other mineral deposits providing:

- Aggregates e.g. rock, sand and gravel that are used in construction;
- Brick clay and limestone, which are used as industrial materials and processed for a range of applications e.g. construction and soil conditioners;
- Confirmed deposits of gold (metallic mineral), and potential deposits of ruby (gemstone).

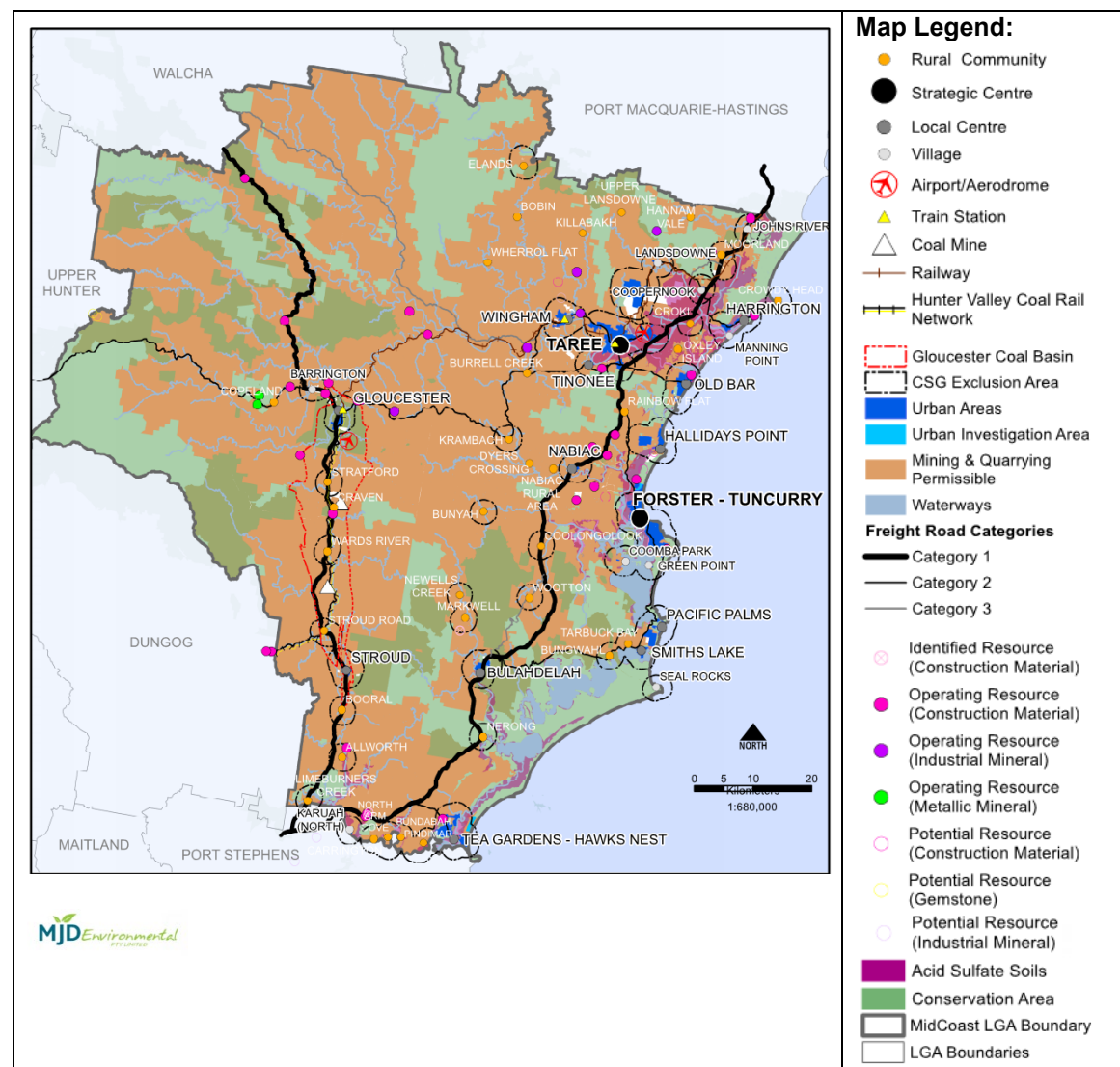
State-wide mapping to identify the extent of Underground Resource Areas in the MidCoast, provides an overview of these resources including:

- Potential resource areas, where the geological conditions are suitable for a resource, but further exploration and assessment is required to confirm whether that resource exists in quantities suitable for commercial extraction; and
- Confirmed resource areas, where exploration and assessment have confirmed a commercially feasible supply, and production is either already underway or development may be proposed in future to facilitate production (subject to approval).

Smaller quarries and mineral mines may operate at a reduced scale and timeframe with contrasting legislative framework. A road base quarry for example may have intermittent operation and only be utilised for specific road work programs near the resource.

A broad overview of these resources and locations is provided in Figure 5.

Figure 6: Location of underground resources in the MidCoast



The very nature of energy and extractive mineral resource industry means that each extractive industry operation may be different in terms of their lifecycle, approvals, licences and legislative framework requirements.

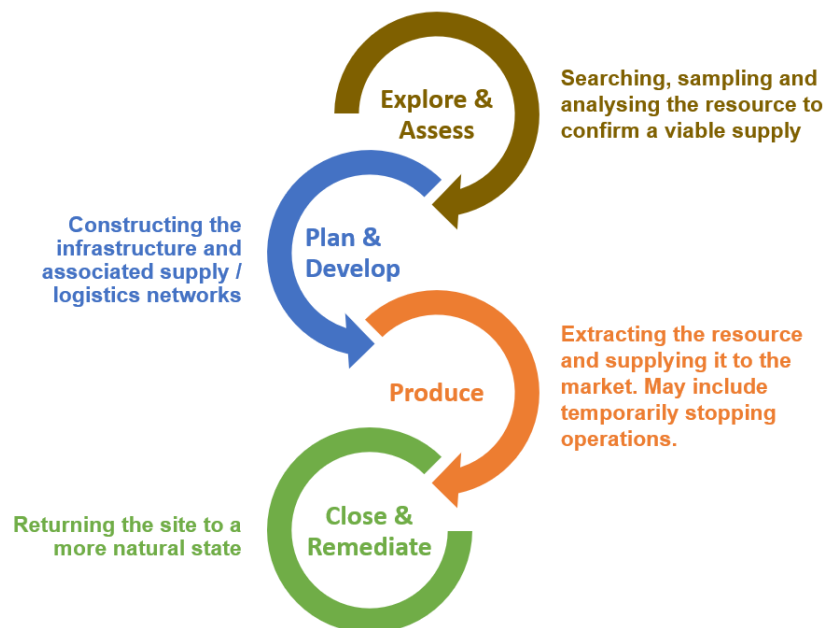
Many extractive industries such as coal and petroleum mining have clearly defined lifecycles with associated approval milestones, must abide by strict frameworks which provide guidance to operators, communities and government.

The broad distribution of potential resources and nature of these industries requires a considered local approach to the potential opportunities and conflicts they may create within the MidCoast.

G1 OB02 Outcome (1) Whole-of-life cycle planning for underground resources

Mining and quarrying projects have clearly defined lifecycles with associated approval milestones and must abide by strict frameworks that provide guidance to operators, communities and government. The four key stages are documented in Figure 6.

Figure 7: Typical mine or quarry project life cycle⁵⁴



Taking a whole-of-life cycle approach to planning for these activities will assist in providing greater certainty for landowners and the resource industry in relation to the nature, opportunities and challenges associated with each stage of these operations.

This can also help to make more effective use of land in Underground Resource Areas by allowing suitable interim land uses during the exploration, planning and production phases, and identifying the preferred environmental or economic development outcomes for the site once resource production has finished.

⁵⁴ City Plan Development & Strategy

Outcome 1.2.1. Whole-of-life cycle planning for underground resources

a) Work with local industry operators to prepare a 'Sequential Plan' for underground resource areas that identifies policy considerations; adaptive land uses for each stage of production to enable locally appropriate outcomes; and a program of actions to ensure agreed outcomes for priority sites.

Local Plan Recommendations

LEP provisions

Identification of State extractive resources

DCP provisions

Provide consistent and locally appropriate benchmarks for the assessment of life-cycle management for local, regional and State extractive industry proposals, consistent with State and Regional Development SEPP provisions

Provide objectives and controls to ensure environmental, social and amenity impacts are identified, assessed and managed for the life of the installation and rehabilitation of the site after cessation

G1 OB02 Outcome (2) Protect established extractive industries

Existing extractive industries in the MidCoast play an important role in supporting the economic development of the Hunter region and maintaining locally based employment opportunities. The underground resources contained within the MidCoast have the potential to supply construction, manufacturing and other industrial activities for generations to come.

Planning can better protect the operational viability of established extractive industries by applying land use buffers between these and other activities. Buffers can limit the extent to which incompatible uses encroach into the likely impact areas of extractive industry locations and in turn, reduce land use conflicts between new and existing activities.

This process will rely on the application of a local framework of objectives and development controls that enable assessment of any potential impacts from strategic land use change and development proposals upon extractive industries and enterprises. The framework will also need to recognise that the long-term lifespan of extractive operations may include periods of time, sometimes several years, where activities are temporarily dormant.

Outcome 1.2.2. Protect established extractive industries

- a) Establish a method for identifying and monitoring the location and status of approved, operational, dormant, or concluded, extractive industries.
- b) Consult with existing operators to determine the likely remaining lifecycle of these activities. Engage with the operators to investigate transitional and long-term land uses for these sites.
- c) Apply a framework for assessing impacts to extractive industries and associated lands in line with local planning benchmarks and guidelines.

Local Plan Recommendations

LEP provisions

Establish 'open' rural zones to enable extractive industries either as stand-alone activities or complementary and secondary to agricultural land uses.

DCP provisions

Identify and prevent where appropriate, the sterilisation of significant mineral resources; and identify and manage land use conflicts between existing and future land users, through the establishment of buffers and/or environmental offset areas

Provide objectives and controls to ensure environmental, social and amenity impacts are identified, assessed and managed for proposed subdivision and development adjoining the site of an extractive industry, noting periods of blasting and/or inactivity during different phases of the operation

G1 OB02 Outcome (3) Strengthen evidence base for extractive industry proposals

The State-level policy and legislative frameworks for mining and quarrying have recently been updated, with the intention of allowing a greater balance of issues to be considered in the assessment process.

This will rely on the availability of locally relevant or site-specific information about potentially affected communities, the environment, infrastructure, services, resources.

Identifying and collecting baseline evidence for indicators associated with environmental, economic and social issues, and regularly monitoring these, will strengthen the local evidence base available to Council and communities when they participate in a local, regional or State assessment process.

In addition, understanding the cumulative impacts and benefits of mining and quarrying within a local, regional and State level will enable clear and consistent evidence-based assessment.

Establishing this evidence-based approach to information gathering and assessment processes will rely on collective input from various parties, including industry operators, local communities, Government-led programs (State or Council) and community-led initiatives.

Outcome 1.2.3. Strengthen evidence base for extractive industry proposals

- a) Partner with communities in Underground Resource Areas to prepare locally relevant indicator frameworks that guide the long-term collection and monitoring of baseline information associated with extractive industries e.g. water quality and hydrology; blasting, noise, traffic and dust.
- b) Establish a process to collect and report on indicator frameworks, once prepared, utilising a partnership model to share Government, private-sector and community information, where possible.
- c) Prioritise water quality monitoring for Avondale Creek, Dog Trap Creek, Waukivory Creek, Oaky Creek and the Avon River.

Local Plan Recommendations

LEP provisions

Incorporate local clause to facilitate and assess extractive industry proposals that do not trigger State and Regional Development SEPP provisions

Incorporate objectives and controls to ensure environmental, social and amenity impacts are identified, assessed and managed for the life of the installation and rehabilitation of the site after cessation.

DCP provisions

Identify and prevent where appropriate, the sterilisation of significant mineral resources; and identify and manage land use conflicts between existing and future land users, through the establishment of buffers and/or environmental offset areas

Provide objectives and controls to ensure environmental, social and amenity impacts are identified, assessed and managed for proposed subdivision and development adjoining the site of an extractive industry, noting periods of blasting and/or inactivity during different phases of the operation

G1 OB02 Outcome (4) Establish evidence-base for energy production industries

Like extractive industries, the emerging renewable energy production industries have evolving production and legislative frameworks. In comparison however, energy production has an increased capacity to operate in manner and location that is complementary to the residential, commercial and industrial users of the energy produced.

In this regard, many domestic-scaled renewable energies produced from solar and wind are permissible without Council's involvement, through the Exempt and Complying Development SEPP (2008), or with limited Council input at a State-level, through the State and Regional Development SEPP provisions.

Therefore, Council should ensure the planning framework across the MidCoast is open to the establishment of existing and emerging renewable energy production industries, at the community-scale or in areas complementary to other agricultural, industrial or commercial activities.

This may require a collaborative approach with communities, land owners and business operators to determine a locally appropriate evidence-based approach to planning and development of renewable energy installations including but not limited to:

- Monitor and review emerging assessment matters for renewable energy production facilities to produce consistent and locally appropriate benchmarks for assessment of local, regional and State proposals.
- Provide information on existing guidelines in State Environmental Planning Policies that allow for the installation of appropriate domestic-scale electricity generating works such as solar panels and wind turbines.
- Identify and collaborate with owners of potential 'game changer' project sites, like the existing mining sites at Stratford and Duralie and the Stratford Industrial Precinct, where renewable energy facilities may be established and provide direct benefits to rural communities in the MidCoast.
- Encourage corporate investment and demonstrate leadership in renewable energy production, by the ongoing implementation of Council's Climate Change Action Policy.

Outcome 1.2.4. Establish evidence-base for energy production industries

a) Review the State Energy policy and guidelines for planning controls and initiatives relevant to the MidCoast.

b) Identify strategic locations where renewable energy facilities may be established:

- with minimal impact on agricultural activities, the rural landscape and residential uses; and
- provide economic and social benefits for rural communities;
- utilising State or Federal initiatives and funding;
- as a potential game changer projects for rural communities in the MidCoast.

c) Monitor and review emerging assessment matters for renewable energy production facilities to produce consistent and locally appropriate benchmarks for development assessment local, regional and State proposals to:

- encourage corporate investment and demonstrate leadership in renewable energy production;
- provide opportunities for the establishment of small or community-scale renewable energy production facilities
- consistent with Council's Climate Change Policy initiatives.

Local Plan Recommendations

LEP provisions

Establish 'open' rural zones to enable energy production industries either as stand-alone activities or complementary and secondary to agricultural land uses.

Incorporate local clause to facilitate and assess community-led energy production initiatives that do not trigger State and Regional Development SEPP provisions

Incorporate objectives and controls to ensure environmental, social and amenity impacts are identified, assessed and managed for the life of the installation.

DCP provisions

Provide objectives and controls for energy production industries to ensure environmental, social and amenity impacts are identified, assessed and managed for the life of the installation.

Identify potential buffers to renewable energy industries to minimise land use conflict that do not replicate or contradict industry regulations or codes of practice requirements.

GOAL 2. ENHANCE RURAL LIFESTYLES AND LIVELIHOODS

The MidCoast offers a diverse range of opportunities for rural lifestyles and livelihoods.

Residents and visitors are welcome to explore our rural hinterland and natural areas.

G2 Objective.01 Provide accommodation and services for rural communities

The majority of the MidCoast's population live and work along the coast, within reasonable commuting distance to Forster-Tuncurry, Taree and Newcastle and these major centres are expected to continue to provide the highest order of employment and services to residents and visitors in the coming decades.

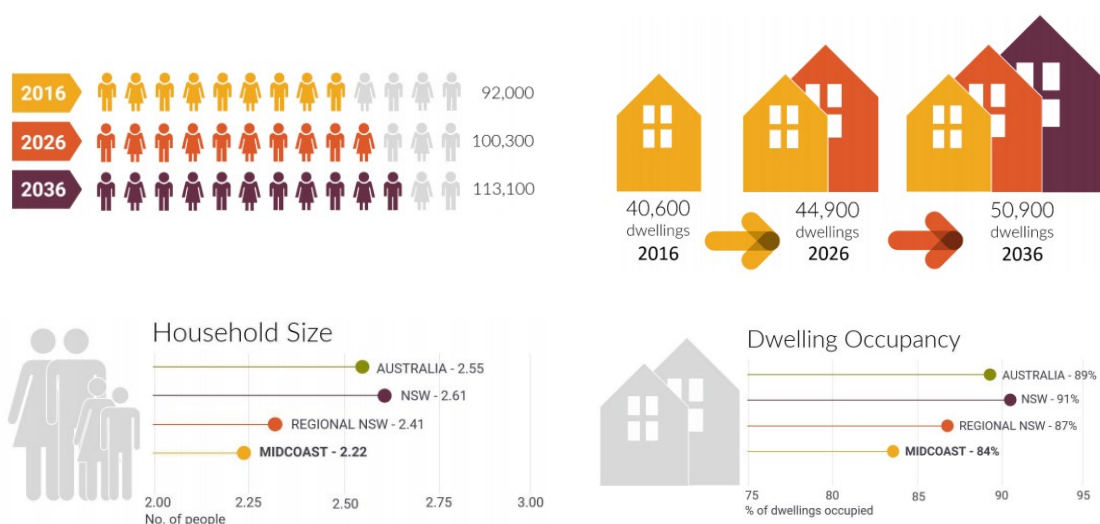
Across the MidCoast there are 195 documented towns, villages and localities. Many of our rural communities live outside the MidCoast's main urban settlement areas and represent at least 5% of the 93,500 people who live in the local government area.

Each of these communities, their town or their village, is unique, having populations as small as 40 to over 600, being in both coastal areas and the rural hinterland, having a diverse level of services and infrastructure, connectedness and remoteness.

Given the make-up of each community and the built environment they inhabit is so broad, it is acknowledged that there is no one-size-fits-all solution to providing the right scale and mix of uses to support their daily needs and ensuring that mix remains relevant as populations and community needs change.

Long-term planning and plan-making can therefore only be informed by localised considerations, developed in close consultation with key stakeholders and communities over time. This process commenced with the exhibition of the MidCoast housing Strategy in 2020 which outlined broad recommendations for land uses and development standards for the RU5 Village zone and associated development standards.

Figure 8. Our Growing and Changing Population, from MidCoast Housing Strategy



However, since the onset of the COVID-19 pandemic, there has been pressure on our rural towns and villages to support a rapidly growing and increasingly diverse community.

This trend is not unique to the MidCoast, as confirmed by Fiona Simpson, President National Farmers Federation, to the National Press Club on 15 July 2020. In her presentation Ms Simpson outlined the Regional Australia Institute's finding that in the

2016 Census 65,204 more people moved from cities to regional Australia, rather than in the opposite direction. The Institute also found that between 2011-2016 more than 1.2m moved to, or around, regional Australia.

Therefore, while the MidCoast is currently experiencing a time of great change, ensuring that our rural communities maintain their rich heritage and historic charm, while developing their accommodation and service capacities is of utmost importance.

This section therefore provides high-level considerations for how rural housing and accommodation is evolving and may be managed clearly and consistently through the planning framework.

The first stage in this process was the examination and review of our existing villages and ensuring their zones and extent were appropriately and consistently identified across the region. In doing so, a determination was made on what settlement pattern constitutes a village. Two new locations were identified at Bundook and Mt George, and three historic village zones were removed at Newell Creek, Markwell Road and Bunyah.

While our rural towns and villages tend to be more dispersed and can experience much lower level access to employment and other important services, they also play a significant role in providing social, economic and cultural activities that the region is renowned for.

Therefore while it is acknowledged that there are significant opportunities for diversification of accommodation and services on rural lands; and pressure to rezone and release additional rural land for residential purposes, Council must consider the potential for unintended consequences when allowing additional residential and visitor accommodation activities in areas where there may be limited services and infrastructure to cater to these demands.

Therefore, the focus of the Rural Strategy can only be, to reinforce the roles of our towns and villages for commercial and residential activity while allowing a diverse range of activities across the rural landscape, where that activity is appropriate, complementary to the current and future use of that land.

As such, land use zones and planning controls will continue to focus residential and tourist accommodation within our villages, where infrastructure and services are available; while also respecting and maintaining the historic locations and patterns of settlement associated with timber-getting, fishing villages, road, rail and waterway transport routes that have created the rural character of the MidCoast.

Outside of our towns and villages the priority will be to allocate the most appropriate zone to rural living areas, based on the existing characteristics of the site and surrounds, while also considering the long-term development or land use potential of these lands in the context of the MidCoast and its region, by enabling secondary and complementary activities across the rural landscape.

G2 OB01 Outcome (1) Focused planning for rural village life

The MidCoast's urban town and village centres will accommodate most jobs and services catering to the broader population of residents and visitors. Outside the urban footprint, traditional main streets and smaller rural village centres are the focus of village life.

These smaller settlements evolved to provide a range of services relevant to the scale and make-up of surrounding communities, in an environment that remains characteristically rural. In some locations all that remain are community halls, and while these locations are no longer classified as villages in planning terms, they continue to provide a social hub for community members.

Some of our rural towns and villages already have a clear focus, or 'heart', for social activity, service delivery and community interaction. These areas are important to maintaining connection, wellbeing and identity and can provide an important platform for showcasing rural life, heritage and local produce to new residents and visitors alike.

The availability of not only community spaces but commercial and retail activities that provide for the day-to-day needs and social connections can be strongly influenced by planning controls and this may unintentionally limit the potential for existing or new services to be established in some communities.

Future planning and plan-making that increases the diversity of development opportunities within villages and aims to improve services and infrastructure within these areas, will in turn provide new opportunities, resilience and sustainability for residents to live and work within their community, even in times of challenge and isolation as we have experienced with recent fires, floods and separation due to the pandemic.

It is within our rural towns and villages where the initiatives and ideas of the Urban Zoning In program in 2020 combine with the broader rural landscape initiatives put forward within the Rural Strategy, where the greatest diversity of opportunity may be realised.

By removing unnecessary road-blocks to the co-location of commercial, retail, community, and recreational uses within our rural villages, we can enable renewal and enhancement of our services and facilities, businesses, historic main streets and community life.

Outcome 2.1.1. Focused planning for rural village life

a) Partner with rural communities to investigate demands and opportunities for non-residential uses that would enhance lifestyle outcomes.

b) Partner with rural communities to continue to investigate and identify rural heritage opportunities for the MidCoast. Including the preparation of State funding applications to investigate and identify Aboriginal cultural heritage and rural heritage items that contribute to the rural landscape outside of towns and villages.

c) Apply village zone in line with local planning strategies to ensure the sustainability and viability of rural communities

d) Allow non-residential developments in rural zones that support rural communities and landowners, subject to the application of local planning benchmarks and guidelines.

Local Plan Recommendations

LEP provisions

Ensure the village zone is 'open' to a broad range of business, industry and tourism activities that provide day-to-day services to residents, surrounding land holders and tourist to the area.

Review existing land within the village zone and ensure the locations within this zone can support a broad range of residential, industry, tourism and business activities

Ensure rural zones are 'open' to a range of complementary small-scale non-residential land uses that provide short-term and temporary accommodation for farm workers and visitors, but do not compromise the viability of rural towns and villages

Update the essential services local clause to ensure infrastructure and services are available, to accommodate additional land uses within villages

Identify relevant heritage items and areas, based on adopted heritage studies.

Integrate review of Local Community Plans into reviews of land use planning processes and controls

DCP provisions

Identify and manage potential land use conflicts with existing residential, commercial and industrial activities in the village.

Ensure adequate consideration of infrastructure, services, facilities water security, emergency management and response within villages.

Clarify and simplify heritage controls within the DCP, to encourage protection of heritage values while enabling reuse and revitalisation

G2 OB01 Outcome (2) Enable diverse housing for rural communities

Rural areas of the MidCoast will not be the focus of future population or housing growth, but adjustments to the housing supply in rural areas will still be required.

This recognises that rural communities will continue to change and evolve in response to the aging of the population, movement of people within the region and beyond, and at the time of writing, an influx of people into regional areas, bring new ideas and expectations for housing and accommodation.

Therefore, the long-term adjustments to housing supplies in rural areas across the MidCoast will need to:

- Create housing options that allow seniors in rural areas to age in place, or as close as possible to their exiting social and support networks;
- Provide and maintain a suitable level of rental accommodation to cater for those residents who aren't seeking, or cannot afford to buy a home; and
- Provide and manage the use of existing dwellings as short-term holiday rentals, to ensure an overall supply of affordable housing for longer-term residents.

Some of these adjustments will be influenced by National or State-level policy changes or initiatives that are beyond Council's control, but the application of clear and consistent controls at a local level, particularly with consideration of the services and infrastructure that is available, will assist in balancing these needs in the future.

Similarly, while the affordability of housing and mix of tenure available in any location is influenced by a complex range of factors, from the supply of land available for development to the accessibility of finance for developers and home-buyers.

Future planning and plan-making will rely on locally relevant insights to determine what adjustments are required to best suit each rural area's specific needs.

Outcome 2.1.2. Enable diverse housing for rural communities

- a) Partner with communities to investigate housing supply, demand and opportunities in rural areas.
- b) Enable seniors housing in appropriate locations that meet the 'site compatibility' criteria identified in the local planning benchmarks and guidelines.
- c) Investigate housing supply, demand and management issues associated with short-term rental accommodation.

Local Plan Recommendations

LEP provisions

Establish village and rural zones that provide a range of residential development consistent with location constraints and community requirements.

Review minimum lot sizes for subdivision and incorporate lot consolidation requirements where necessary

Review and maintain local clause that ensures residential accommodation is not permitted on land without a dwelling entitlement

Review location and infrastructure constraints to determine permissibility of seniors housing in village and rural zones consistent with the Housing for Seniors or People with a Disability SEPP

DCP provisions

Identify services, infrastructure and locational constraints that may impact upon the provision of seniors housing outside of the Housing for Seniors and Disabled Persons SEPP.

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

The contribution of tourism development to the MidCoast economy is well-recognised at State, Regional and Local levels. Several plans and strategies recently endorsed by the State Government direct Council to better facilitate the growth of this industry.

Tourism development outcomes are however, most effectively supported through initiatives undertaken outside the development assessment process e.g. education, business support, assistance with funding, as well as through improved infrastructure and asset management which ensures a good visitor experience.

Figure 9. Destination Barrington Coast, statistics from December 2020⁵⁵



However, to achieve growth in this industry across the MidCoast, planning controls will also need to allow for new tourism-related development in villages and across the rural landscape in a manner that is compatible with other community needs and expectations including residential housing, environmental protection and agricultural productivity.

Most State-level guidelines for planning controls to support tourism are over ten years old and recognised as unfit for purpose. This is reflected by the Department of Planning, Industry and Environment's recent exhibition of an Explanation of Intended Effect for Proposed Amendments to Agriculture, which focussed on growing agri-business and agri-tourism industries.

The scale of the MidCoast can pose challenges to ensuring people access and use rural land, waterways and other natural areas safely. This can become an acute concern in locations that are popular for recreation, but do not yet have the infrastructure that residents or visitors expect.

Concerns about telecommunications 'black spots', personal injury, potential trespass, or property damage normally fall outside development approvals processes, but can be addressed through community awareness, compliance and enforcement initiatives. Working with communities to address these concerns may also assist with identifying requirements for new or improved infrastructure and access arrangements.

Based on tourism and visitation trends being experienced across the MidCoast therefore, Council's priority is to establish a planning and assessment framework that more effectively supports sustainable growth in the tourism industry and considers the opportunities that may be created by future changes to State planning instruments.

⁵⁵ [Item-13-Attachment-A-Destination-Barrington-Coast-Update.pdf](#)

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.

G2 OB02 Outcome (1) Provide opportunities for visitor accommodation

The rural character of the MidCoast is already a strong drawcard for visitors, and demand for overnight accommodation in rural areas is expected increase in coming years.

Through its Destination Management Plan, Council recently committed to enabling more opportunities for people to not only stay overnight but increase the length of their visit in rural areas. Enabling this will require updated planning controls to provide a range of accommodation types in rural villages and areas, particularly in relation to:

- Accommodation provided in towns and villages in hotels, motels, caravan parks, converted historic buildings and community facilities such as showgrounds;
- Accommodation provided in people's homes and on private properties, such as short term holiday accommodation or bed and breakfast accommodation within the home;
- Accommodation provided separate from the home on a rural property, including cabins, villas, farm-stays and camp sites;
- A limited number of standalone facilities with permanent on-site management, such as eco-tourist resorts, holiday parks, some of which may offer caravan and camp sites; and
- Other types of visitor accommodation, such as primitive camping with limited amenities and facilities.

Land use and development planning processes cannot, on their own, encourage investment in tourist and visitor accommodation. However, future planning and plan-making can ensure suitable approval pathways are available to enable new projects in suitable locations.

Outcome 2.2.1. Provide opportunities for visitor accommodation

- a) Continue participate in the State process of diversifying the definitions for tourist and visitor accommodation facilities to ensure flexibility and diversity through the assessment processes.
- b) Partner with communities to investigate tourist and visitor accommodation, demand and supply in rural towns and villages.
- c) Enable caravan parks in villages that meet the 'site compatibility' criteria identified in the local planning benchmarks and guidelines.
- d) Update Planning Proposal policy and application guidelines to provide additional guidance on services, infrastructure and locational constraints to caravan park proposals to enable consistent assessment outcomes

Local Plan Recommendations

LEP provisions

Provide for a diverse mix of tourist and visitor accommodation within the village zone.

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.

Existing caravan parks within rural zones are to be included in a recreation zone and caravan parks within environmental zones are to remain in the most appropriate environmental zone.

Camping grounds and primitive camping sites should be the predominant form of temporary visitor accommodation across the rural landscape, outside towns and villages.

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

Update the essential services local clause to ensure infrastructure and services are available to accommodate additional occupancy of tourist and visitor accommodation

DCP provisions

Provide additional guidance on services, infrastructure, emergency management and locational constraints for tourist and visitor accommodation, to enable consistent assessment outcomes in villages and across the rural landscape.

Provide objectives and controls to ensure tourist and visitor accommodation remains 'ancillary' to the primary agricultural or environmental purpose of the site and surrounds properties. Controls may include minimum standards for access, parking, hours of operation, limits to the size of facilities and number of visitors

G2 OB02 Outcome (2) Provide opportunities for visitor experiences

The rural character of the MidCoast is already a strong drawcard for visitors, and demand for unique nature-based, outdoor, adventure, cultural and agricultural experience-based tourism is expected increase in coming years.

Through its Destination Management Plan, Council recently committed to enabling additional tourist experiences, events and opportunities that will in turn encourage visitors to stay longer and return to the MidCoast as their preferred holiday destination.

Enabling this will require updated planning controls to provide for a range of events, paddock-to-plate food trails, cultural tourism, outdoor adventure and on-farm experiences across our towns, villages and rural landscapes.

A key process will be Council's participation in the State government review of land use definitions and planning controls that allow for a diverse range of activities, in appropriate locations in a safe and sustainable manner.

Tourism development outcomes are however, most effectively supported through initiatives undertaken outside the development assessment process e.g. education, business support, assistance with funding, as well as through improved infrastructure and asset management which ensures a good visitor experience.

In this, Council can focus on providing additional guidance on approval pathways, key infrastructure, services and emergency management requirements so that operators can provide new visitor experiences in suitable locations across the MidCoast.

Outcome 2.2.2. Provide opportunities for visitor experiences

- a) Continue participate in the State process of diversifying the definitions for tourist and visitor events, facilities and experiences to ensure flexibility and diversity through the assessment processes.
- b) Partner with communities to investigate tourist and visitor services, facilities and events demand and supply in villages and across the rural landscape.
- c) Review and update planning instruments to enable public access to natural areas and cultural landscapes is balanced with any biodiversity conservation and cultural significance of the site and location.

Local Plan Recommendations

LEP provisions

Provide for a diverse mix of tourist and visitor services, facilities and events within the village, rural and environmental zones.

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

Update the essential services local clause to ensure infrastructure and services are available to accommodate additional visitation associated with tourist and visitor services, facilities and events.

DCP provisions

Provide additional guidance on services, infrastructure, emergency management and locational constraints for tourist and visitor services, facilities and events, to enable consistent assessment outcomes in villages and across the rural landscape.

Provide objectives and controls to ensure tourist and visitor services, facilities and events remain 'ancillary' to the primary agricultural or environmental purpose of the site and surrounds properties. Controls may include minimum standards for access, parking, hours of operation, limits to the size of facilities and number of visitors

G2 OB02 Outcome (3) Risk management planning for disasters and emergencies

The MidCoast is subject to a range of natural disasters, including flooding, bushfires, coastal inundation and recession, storms, and drought. While the occurrence and impacts of these are highly variable, the effects of climate change are expected to lead to an increase in the frequency and severity of events in all areas in the future.

In the event of a natural disaster or medical emergency, rural areas tend to rely more heavily on volunteer response teams, and the remoteness of some properties may lead to longer response times.

In all situations, the effectiveness of the response relies on the availability and reliability of telecommunications services and access infrastructure, which can pose a problem in many rural areas of the MidCoast.

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.

Likewise, as we have recently experienced during the fires of 2019-20 and floods of 2020-21, our extensive road network provides both an opportunity to access more remote locations of our region, but a challenge when this infrastructure is damaged or destroyed.

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.

Responsibilities to plan for and provide a response to a natural disaster or an emergency rest with several State agencies such as the NSW Rural Fire Service, State Emergency Service, Ambulance and Police in partnership with Council. These services are coordinated through Regional Emergency Management Plans, which identify the risks and response measures required to protect life, property and other assets.

Future land use and development planning must therefore be integrated with planning for disasters and emergencies to ensure decisions do not place people or property in harm's way and to ensure new developments are supported by effective emergency response measures.

Outcome 2.2.3. Risk management planning for disasters and emergencies

b) Prepare a strategic emergency risk management framework with State & Regional Agencies for rezoning and development applications and incorporate this into the local planning benchmarks and guidelines.

a) Partner with relevant State agencies to identify when a higher level of assessment is required for tourist accommodation, facilities and events to ensure emergency management is considered

Local Plan Recommendations

LEP provisions

Include a local clause requiring consideration of emergency management planning for subdivision and development on rural and environmental zoned land.

Maintain a local clause that ensures tourist and visitor accommodation, services, facilities and events and the like are not permitted on land without a dwelling entitlement and permanent on-site management.

Update the essential services local clause to ensure infrastructure and services are available in an emergency commensurate with the additional visitation and occupancy associated with tourist and visitor accommodation, services, facilities and events.

DCP provisions

Provide additional guidance on services, infrastructure, emergency management and locational constraints that is consistent with State agency requirements for services and infrastructure including telecommunications, evacuation routes, and refuge.

Review the Planning Proposal policy and application requirements to ensure consideration of services, infrastructure and locational constraints as they relate to emergency management planning

G2 Objective.03 Preserve natural landscapes and cultural connections

Connecting with natural and culturally relevant places is important to people's health and wellbeing.

The MidCoast area is rich in its natural diversity, with unique landforms and landscape areas of State, National and International significance. Preserving these landscapes, cultural connections and enhancing people's ability to visually and physically experience these areas, will ensure the MidCoast remains a welcoming place for people choosing to live, visit or invest.

Council has therefore made a commitment to the ongoing management and protection of these physical environments as well as the cultural significance these areas hold to the people of the MidCoast. By preserving our environmentally significant landscapes and sensitive areas, the region also benefits socially and economically, by maintaining its unique identity as a place of outstanding natural beauty.

The challenges associated with identifying the scenic qualities and visual assessment criteria required to provide a clear and consistent assessment framework have resulted in Council taking an alternative approach, identifying and protecting key natural features such as steep lands and significant waterbodies, which contribute to the value of our rural and natural settings.

The cultural relevance of the landscape to local communities, both past and present is significant and recognises the value of the personal connections people maintain with natural surroundings, with an inherent emphasis on areas significant to Aboriginal cultural heritage.

There are new opportunities available to Council and Local Aboriginal Land Councils to investigate opportunities made available by the State Environmental Planning Policy (Aboriginal Land) 2019, to implement for example, cultural heritage orientated and appropriate "game changer" projects nominated within the MidCoast Tourism Destination Plan.

G2 OB03 Outcome (1) Identify and maintain rural landscape characteristics

Visual landscapes differ from ecological landscapes because, in addition to vegetation, they also encompass the built and cultural characteristics of an area.

Identifying the broad visual landscapes that make up the MidCoast and describing their unique characteristics as a basis for guiding or assessing development proposals, will strengthen the ability of the planning process to maintain a strong sense of place.

Clear and definable features also exist that have remarkable characteristics associated with scenic qualities or cultural significance. These areas may be unique at a national or regional level or may be unique to the MidCoast. Identifying these features will allow a higher level of protection to be afforded through the planning process.

In the long-term, recognising the importance of visual connectivity to natural features and landscapes is critical. These connections allow people to orient themselves, adds to their positive experience and impression of an area, and offers a sense of familiarity and attachment with a place. Identifying where our scenic landscapes and vistas are, will allow development to be managed in a manner that preserves interesting and attractive view corridors.

Many parts of the rural landscape are also highly visible from transitional places, where people may not stop to visit, but provide a sense of connection to a place, such as vantage points along the highway or scenic drives, or from popular stop-over destinations and elevated lookouts. Identifying these visually-sensitive areas will also allow land uses and associated development, to be carefully managed to ensure they are positive influences on the broader scenic qualities of the landscape rather than detractors.

Finally, locations such as village arrival points, river crossings and major transport intersections also strongly contribute to people's impression of the MidCoast's rural areas. Identifying these visual gateways as part of our broader scenic and cultural landscape will allow development and activities within these to be carefully managed to provide a safe, welcoming and positive experience that is definitively rural and unique to the MidCoast.

Outcome 2.3.1. Identify and maintain rural landscape characteristics

a) Seek State funding to investigate and develop a common understanding of rural landscape characteristics including their heritage and scenic values.
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Local Plan Recommendations

LEP provisions

Include local clauses and mapping requiring consideration and protection of unique landscape features such as steep land and limestone formations (karsts).

Include local clauses requiring consideration and protection of vegetated corridors and riparian lands.

Introduce scenic protection mapping and local clause based on adopted study recommendations.
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G2 OB03 Outcome (2) Protect and maintain Aboriginal cultural heritage

Aboriginal cultural heritage extends beyond the legal definition of objects, artefacts and places. It also encompasses the practices, representations, expressions, knowledge and skills that are reflected in the landscape.

The planning process can protect Aboriginal cultural heritage by preserving the sites and tangible landscape elements that are of significance and ensuring Aboriginal people's traditional connections to country is maintained through the appropriate development, management and ongoing use of land.

The opportunities provided by recent NSW planning reforms including the Aboriginal Lands SEPP, are to be examined and collaboration between Council, Local Aboriginal Land Councils, community representatives and other State agencies and stakeholders undertaken to realise economic, cultural and social benefits across the MidCoast.

Outcome 2.3.2. Protect and maintain Aboriginal cultural heritage

a) Collaborate with local Aboriginal communities and Traditional Owners to investigate and identify a common understanding of how to proactively protect Aboriginal cultural heritage and Native Title rights through the local planning process.

b) Investigate opportunities to utilise provisions of State Environmental Planning Policy (Aboriginal Land) 2019 in partnership with local Aboriginal communities and Traditional Owners and relevant State agency partners

Local Plan Recommendations

LEP provisions

Identify Aboriginal cultural heritage sites and areas where appropriate based on adopted study recommendations, require consideration and protection through the planning process.

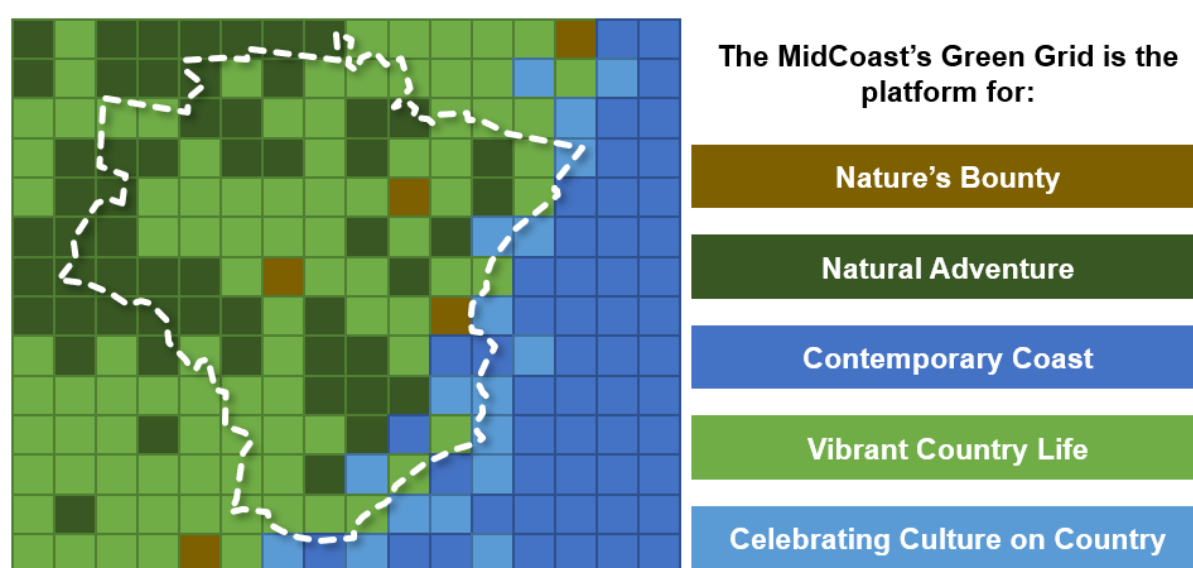
Review land owned by Local Aboriginal Land Councils and determine locations where provisions of the State Environmental Planning Policy (Aboriginal Land) 2019 may facilitate a development delivery plan, State or regionally significant development.

G2 OB03 Outcome (3) Enhance access and experiences in the 'Green Grid'

The individual elements that make up MidCoast's rural areas, including its bushland, farms, rural villages, waterways, lakes and beaches, collectively form a landscape-scale environment referred to by State government agencies as the 'Green Grid'.

The Green Grid of the MidCoast provides opportunities for people to connect with and experience nature. These experiences are strongly shaped by the availability and quality of 'Green Infrastructure' including publicly accessible reserves and waterways, that provide for walking, cycling and horse-riding trails; boating and fishing facilities; playgrounds; picnicking facilities; public amenities; wayfinding and interpretation signage.

Figure 10. Experiences available across the 'Green Grid' of the MidCoast⁵⁶



Council and other State agencies have already committed to providing a range of new projects that will enhance people's access to and experience of natural areas including development of a Great Lakes Great Walk and Aquatic Trail, providing a 100km journey through lakes, farms and bushland stretching from Hawks Nest to Forster.

There is no one-stop-shop for coordinating the provision of Green Infrastructure in NSW, with public asset planning and management responsibilities lying across national, State and local government agencies. Building and maintaining a connected 'Green Grid' also relies on the cooperation of private landowners to deliver the conservation, development, or public access requirements associated with 'Green Infrastructure'.

The land use planning framework can assist by identifying long-term priorities, site-specific considerations for locations or route alignments that provide conservation or development outcomes, and infrastructure contributions or works-in-kind agreements associated with 'game changer' projects.

⁵⁶ City Plan Strategy & Development

Outcome 2.3.3. Enhance access and experiences in the 'Green Grid'

- a) Identify and map the on-the-ground outcomes required to build a connected network of trails to support long-distance walking, cycling and horse riding across the MidCoast.
- b) Engage with relevant external Green Infrastructure providers and utilise strategic planning initiatives to identify and protect Green Infrastructure project sites and corridors.
- c) Identify funding mechanisms available to support the delivery of Green Infrastructure, including incentives for the collection of contributions or works-in-kind agreements associated with development approvals.
- d) Establish a process to monitor indicators associated with the safe and legal access and use of natural areas e.g. personal injury, trespass, or property damage, to assist with identifying where focused efforts are required to address these issues.
- e) Prepare a delivery plan to support the implementation / facilitation of 'game changer' projects outlined in Council's Destination Management Plan.

Local Plan Recommendations

LEP provisions

Recreation services and facilities are to be permitted with consent in rural, environmental and waterway zones, including the infrastructure required to provide a range of recreation activities.

Ensure local clauses enable consistent assessment of recreation facilities and services across the rural landscape, complementary to the primary agricultural or environmental value of the land.

DCP provisions

Provide additional guidance on services, infrastructure, emergency management and locational constraints to enable consistent assessment outcomes for tourism events and recreation facilities on rural and environmental zoned land.

G2 Objective.04 Strengthen and connect the network of centres

People living in rural areas rely on urban centres to access jobs, services and connect socially. Urban centres are not only our major towns, but a network of village and community centres across our rural areas that provide important destinations for residents and visitors, and support rural lifestyles, productivity, connection and heritage.

Long-term planning and plan-making will be informed by a common understanding of the role and function of each centre within the network, and efforts to strengthen connections to and through these centres.

A key component of this will be improving the transportation networks that tie our region together. Investing in our towns, villages and transportation network not only provides a framework for greater economic growth but complements the movement of people throughout the MidCoast area to live, work and play.

Figure 11. Location of MidCoast centres, from Local Strategic Planning Statement



A key consideration of the Rural Strategy has been how to support dispersed rural communities, that can experience much lower level access to employment and other services, while also providing safe and enjoyable experiences for people travelling between these communities by road, rail and by alternative means including walking, cycling and horse riding.

In this regard, the NSW Government generally supports a corridor-based approach to long-term planning to balance the cost of construction and maintenance of the network with the desired outcomes of each community and region.

In conjunction with the recommendations of the MidCoast Infrastructure Zones Review project, this Strategy has established a hierarchy of key transport corridors based on their comparative relevance e.g. National, State, Regional or Local to freight, commuter and visitor traffic, collectively.

Noting that the key transport corridors are not intended to reflect the entire network of centres or transport corridors within the MidCoast but highlight those that are expected to accommodate the highest-order of freight, community, tourism and recreation traffic within the region and where planning should be prioritised to ensure suitable management arrangements.

G2 OB04 Outcome (1) Plan for diverse needs within the transport network

Major road and rail networks traverse the MidCoast's rural areas, providing important through-routes and linking local areas to the rest of Australia. These networks afford the MidCoast convenient connections to global gateways such as Newcastle's Port and Airport, as well as to jobs and services in regional centres.

The approach to planning for transport infrastructure (road and rail) in rural areas begins with defining and categorising corridors. These will be used as a basis for working with various road authorities and communities to establish and work toward a common vision for each corridor.

This approach will help to improve decision-making over the long-term, including through the review of planning controls, and the allocation of funding to deliver desired outcomes within three main networks.

The **Transport network** provides the basis for most trips within and through the MidCoast.

The **Freight network** provides for the safe and efficient distribution of goods and resources.

The **Visitor network** includes key touring routes and scenic drives.

Some corridors, particularly those that cater to a higher volume of traffic, are relevant to more than one network. A broader range of considerations and engagement will be required when planning for these corridors, particularly where to provide services and facilities along these routes, ensuring they are prioritised within existing towns and villages rather than across the rural landscape.

However, while planning and plan-making cannot ensure the provision or retention of improved services and facilities, suitable approval pathways can be established to protect and retain existing facilities; and allow facilities to co-locate, where suitable to support towns and villages and make the most of existing infrastructure.

Outcome 2.4.1. Plan for diverse needs within the transport network

a) Maintain locally relevant transport corridor plans that:

- Describe current conditions, capacities and management arrangements;
- Identify current and anticipated roles in servicing various centres and providing transport-oriented services and facilities;
- Identify current and anticipated s in accommodating commuter, freight, visitor traffic and any other relevant form of transport; and
- Provide a basis for identifying strategic land use changes or other development opportunities and improvements.

b) Plan for improved access, including heavy vehicle access, to rural industries and hubs such as abattoirs and sale yards.

c) Apply planning principles for transport-related services and facilities in line with local planning benchmarks and guidelines, including recommendations from RMS regarding development and access along the Princes Highway and major transport routes.

Local Plan Recommendations

LEP provisions

Apply the infrastructure zone to key transport corridors to reflect their strategic importance and support long-term planning and delivery mechanisms.

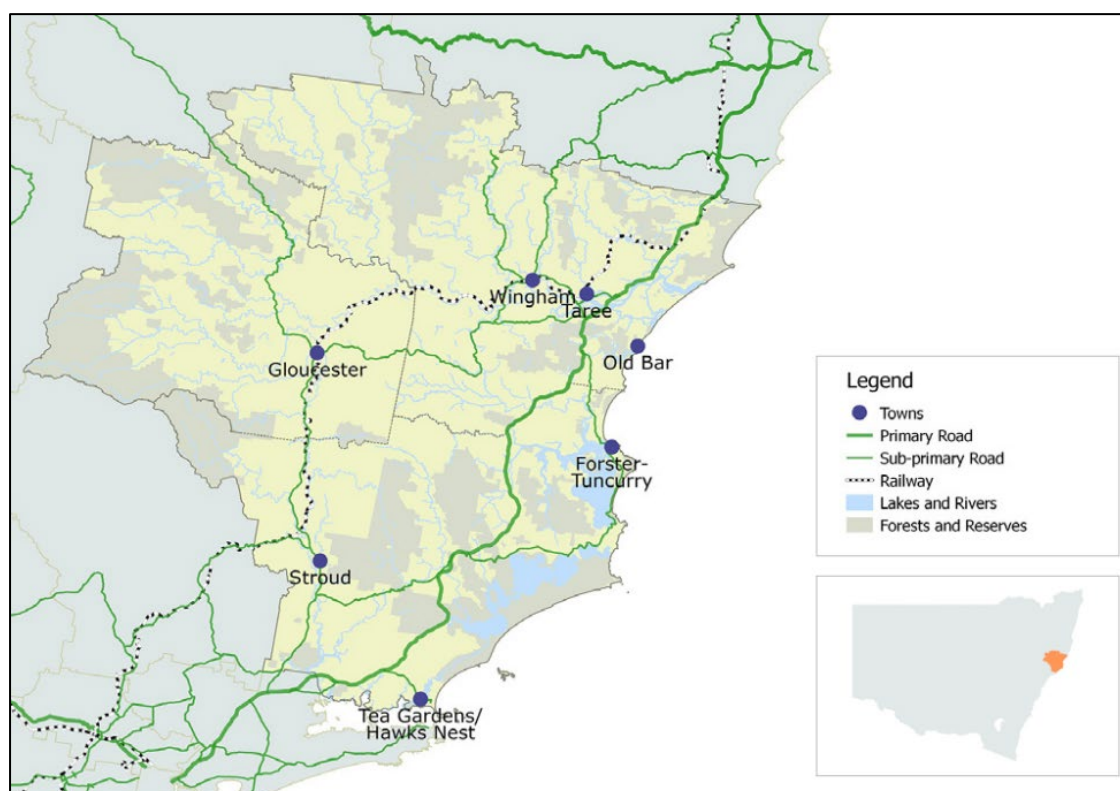
Update land acquisition mapping to reflect transport corridor requirements.

G2 OB04 Outcome (2) Maintain centres relevant to agricultural industries

Agricultural industries each rely on a range of centres to collectively provide relevant shared services, facilities and trading opportunities. The availability of suitable infrastructure and the cost of transporting products or supplies can be a key factor influencing whether an area is suitable for an industry, and the ongoing success of existing industries.

Rural supply outlets are important for all agricultural industries, providing the stock feeds, grains, seed, fertilizers, veterinary supplies, and other goods or materials used in farming. Tertiary education and research facilities also provide important training and development services that support agricultural industries and having these institutions within the region enables innovation.

Figure 12. The MidCoast LGA - Location, Infrastructure and Natural Assets⁵⁷



Each industry also has different requirements, including threshold distances to facilities based on standard codes of practice. Consequently, the loss of a vital piece of infrastructure can be catastrophic. Within the MidCoast:

- Aquaculture relies on waterfront access and infrastructure, enabling the timely movement of produce from boats, to markets via intermodal hubs for freight transport by road, rail and air.

⁵⁷ [MidCoast-REDS-Final-Report.cleaned.pdf](#)

- Beef producers benefit from sale yard facilities at Gloucester, Nabiac and Taree, feedlots in various locations, and abattoir facilities with global export capabilities at Wingham.
- Dairy producers rely on processing facilities outside of the MidCoast, at Raleigh Sydney, and Lismore. Some also do small-scale processing on-site.
- Poultry meat producers must be within 200km of the abattoirs and other processing and distribution facilities. The nearest facilities are outside the MidCoast at Thornton, Cardiff and Mangrove Mountain.
- Egg producers rely on processing and grading facilities and other distribution facilities located close to the point of production for food safety reasons. Some producers may process and grade eggs on-site and supply direct to local markets.
- Horticulture producers' needs are specific to their product. Processing may be undertaken on-site, and products sold directly from the farm, through farmers' markets, local shops and restaurants.
- Equestrians rely on specialist competition and events facilities including pony clubs, show jumping, eventing and racecourses. Pony clubs, training and competition facilities are located throughout the MidCoast, with additional facilities and services available in the Upper Hunter.

Land use and development planning processes cannot, on their own, guarantee the establishment or retention of these facilities, but can ensure approvals pathways are available to: protect and retain existing facilities; allow facilities to co-locate, where suitable; and enable the delivery of new infrastructure to support established and emerging agricultural industries.

Outcome 2.4.2. Maintain centres relevant to agricultural industries

- a) Prioritise planning initiatives to protect and retain existing agricultural industry services and facilities within towns and villages.
- b) Identify and monitor intensive agriculture and rural industry activities and facilities on rural land, to realise value-adding and diversification opportunities created by industry clusters.
- c) Partner with local producers and industry groups to prepare industry-specific profiles, including a review of infrastructure needs, current capabilities and land use conflicts, to determine potential for local 'game changer' projects within industry clusters.

Local Plan Recommendations

LEP provisions

Rezone existing locally significant rural industry and processing facilities to an appropriate employment zone.

Ensure 'open' rural zones enable a diverse range of rural industries complementary to primary agricultural activities.

DCP provisions

Provide locally-relevant guidance on services, infrastructure and locational requirements for intensive agriculture and rural industry activities to enable consistent assessment outcomes.

Ensure appropriate buffers are maintained between agricultural industries and residential development.

GOAL 3. PROTECT NATURAL LANDSCAPES

The MidCoast's natural landscapes protect some of Australia's most unique biodiversity and culturally significant features, offering people a chance to connect with nature.

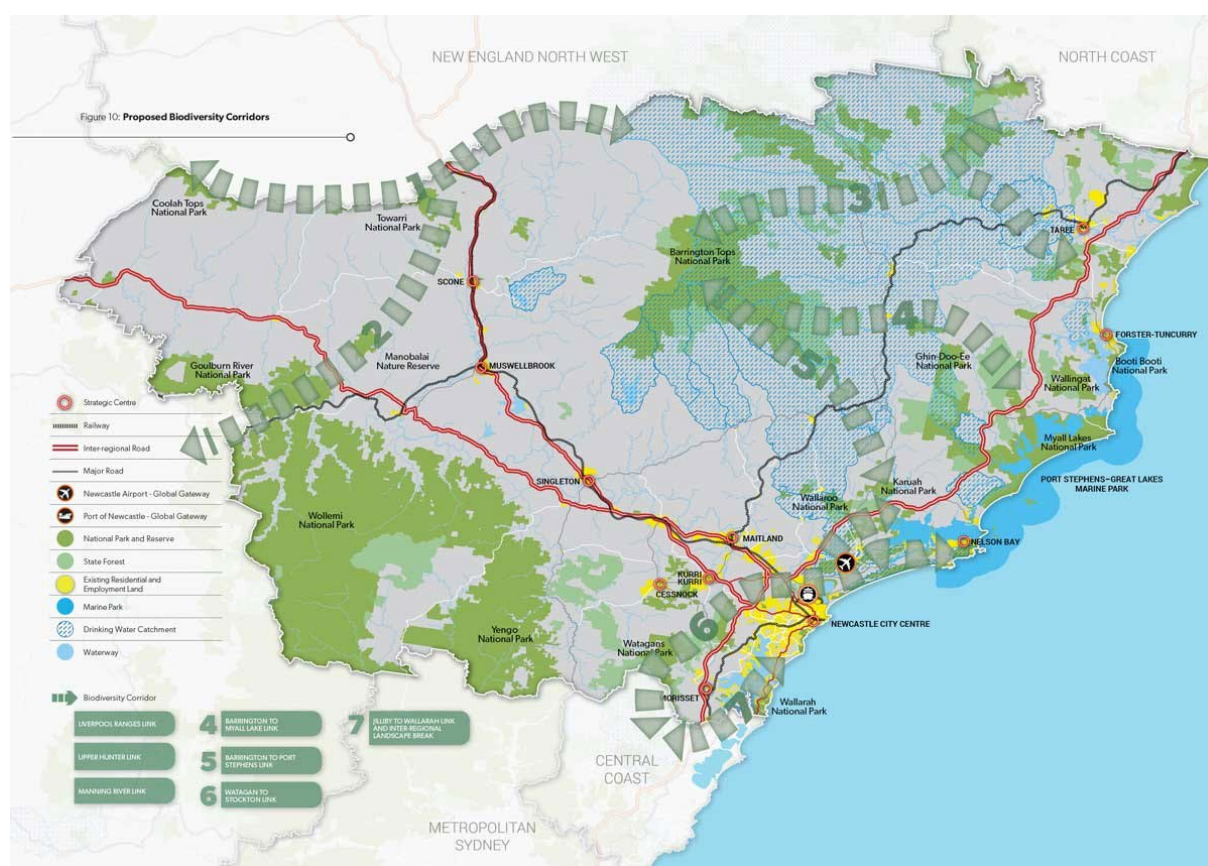
G3 Objective.01 Prioritise planning for ecological health and biodiversity

Council recognises the intrinsic value of the natural environment and has identified its protection as one of five core values in the MidCoast Community Strategic Plan. Conservation and protection of our natural landscapes can encompass all environmentally sensitive land, and areas of high environmental, social and cultural value to the community.

Due to the desirable lifestyle our region offers we will continue to experience pressures on our environmental and rural land. Council with other key stakeholders and State agencies, has an integral role in protecting our lifestyle and natural environment by providing a land use planning framework that balances competing interests of development and conservation. Through sustainable management of our natural resources, Council and the community can deliver positive social, economic and environmental outcomes.

In recognition of this, placing the MidCoast's biodiversity and ecological health at the forefront of our planning practices is crucial to actioning the Community Strategic Plan.

Figure 13. Hunter Regional Plan 'Proposed Biodiversity Corridors'⁵⁸



Biodiversity is the variety of life forms, the different plants, animals and micro-organisms, the genes they contain and the ecosystems they form. It recognises that all of life depends on ecological systems, with particular emphasis on the 'high biodiversity values'

⁵⁸ <https://www.planning.nsw.gov.au/Plans-for-your-area/Regional-Plans/Hunter/Hunter-regional-plan/A-biodiversity-rich-natural-environment>

that have protection under current legislation, regulation, policy or inter-governmental agreements.

The biodiversity conservation value of land is, therefore, an important consideration in determining the extent to which it is suitable for development. This relies on a clear understanding of the likely level of impact development may have on site-specific biodiversity and landscape-scale functionality. It also relies on understanding whether suitable offsets are available and can be secured in a timely and cost-effective manner.

Within the MidCoast this process of identifying and protecting land for these purposes will require a mixture of: retention of land that is already identified as significant; updating areas identified as significant by the State; and validating additional areas based on relevance and currency of studies, data and agreements.

The NSW Government generally supports implementation of environmental zones consistent with the recommendations of the Northern Councils E Zone Review Final Recommendations Report and Ministerial Direction and the Strategy closely follows these recommendations.

G3 OB01 Outcome (1) Act on the national biodiversity conservation target

Across NSW, 517 unique landscapes form the basis for protecting land to achieve the national biodiversity conservation target. These are currently referred to in practice as NSW Landscapes and formerly referred to as Mitchell Landscapes.

Of these, 21 separate landscapes occur within the MidCoast. When compared with other local government areas, such as Port Macquarie (14), Port Stephens (5), or even the five local government areas that make up the Lower Hunter (15 combined), the MidCoast demonstrates an extraordinary level of natural landscape diversity.

Most of the MidCoast's unique natural landscapes are already protected through the NSW National Parks and Wildlife Service's estate. However, additional land will need to be protected in some NSW Landscapes to achieve the target of 17% protection.

These landscapes were identified in the NSW Biodiversity Investment Strategy 2018 and are priority conservation planning areas, where targeted efforts by government at all levels will be focused on identifying and protecting additional land to achieve the national biodiversity conservation target.

Outcome 3.1.1. Act on the national biodiversity conservation target

a) Work with Government, community and conservation stakeholders to identify where investment is required to support national conservation and biodiversity recovery plans.

b) Apply environmental zones where the primary objective and use of the land is for environmental conservation or management and advocate for significant areas to be incorporated into the National Park estate.

Local Plan Recommendations

LEP provisions

Sites in National Park estate are included in the national parks and nature reserves zone.

Areas of identified environmental significance or subject to existing protection mechanisms are included in an environmental zone.

Rural lifestyle properties not used for agricultural purposes, located within or adjoining an area of environmental significance are to be included in an environmental living zone.

Investigate opportunities for mapping and guidelines to be provided in planning instruments to inform national priority areas for biodiversity protection and facilitate long-term outcomes and appropriate mechanisms for dedication and conservation.

G3 OB01 Outcome (2) Support site-based conservation and recovery efforts

Hundreds of species and ecological communities are currently identified as 'threatened' or otherwise protected under Federal or State legislation, these are generally referred to as protected biodiversity matters.

Under legislation, Federal and State governments can make conservation or recovery plans setting out the management actions necessary to stop the decline, and support the recovery of, a protected biodiversity matter. Within this framework, each level of government also prepares, reviews and updates its conservation and recovery plans on an ongoing basis.

One of the first steps in planning for a protected biodiversity matter is to identify its known or expected distribution across the landscape. This may include broadscale mapping of where the right conditions exist for a species or community. This mapping does not, on its own, confirm the existence of the species or community on a particular property, but does highlight where further investigations should be focused to avoid adversely impacting the protected biodiversity matter.

The large expanses of remnant native vegetation and natural conditions within the MidCoast are well suited to hundreds of potential protected biodiversity matters. That means broadscale mapping does not provide a focused basis for conservation and recovery planning. However, it does highlight the need for carefully considering ecological and biodiversity impacts in nearly all land use planning and development decisions taken within the region.

Recovery planning efforts for some protected biodiversity matters have already identified specific sites in the MidCoast where targeted investment in conservation or recovery actions would maximise a protected biodiversity matter's long-term survival in the wild.

More sites may be identified as conservation and recovery planning continues. As these sites are identified, they may be identified as priority conservation planning areas, where land use and development planning at all levels will aim to avoid or minimise impacts that would compromise the targeted conservation or recovery management requirements for those species and ecological communities.

Outcome 3.1.2. Support site-based conservation and recovery efforts

- a) Work with Government, community and conservation stakeholders to identify where investment is required to support site-based conservation or recovery plans for protected biodiversity matters.
- b) Apply environmental zones where the primary objective and use of the land is for environmental conservation, including in-perpetuity conservation agreements on privately-owned land.
- c) Incorporate biodiversity identification and protection guidelines into the planning instrument review program, Planning Proposal policy and application guidelines.

Local Plan Recommendations

LEP provisions

Land identified as part of an in-perpetuity conservation site is to be included in an environmental protection zone.

Include a local clause that requires consideration of biodiversity and supports appropriate protection mechanisms through development and subdivision processes.

DCP provisions

Incorporate locally relevant biodiversity conservation assessment objectives and criteria to supplement existing legislation and guidelines.

G3 OB01 Outcome (3) Maintain a functional network of biodiversity corridors

Maintaining a functional network of biodiversity corridors means preserving native vegetation in a manner that supports the natural processes that provide ongoing shelter, food and protection from predators and allows animals to travel across the landscape.

The MidCoast is already recognised as an important part of a broad network of biodiversity corridors, which are relevant to long-term land use planning including:

- the Great Eastern Ranges corridor, which is supported by a joint Australian and NSW Government initiative that aims to ‘protect, link and restore healthy habitats over 3,600km, from western Victoria through NSW and the ACT to far north Queensland’; and
- four of the seven Hunter Regional Plan 2036 biodiversity corridors to be used as a basis for focusing further investigation and modelling by State Government and Council.

The alignment of individual biodiversity corridors within these networks will continue to rely mainly on the conservation of remnant native vegetation and the protection or rehabilitation of riparian lands. However, necessary conservation management actions can vary widely across each biodiversity corridor, to specifically suit the needs of the range of species that are relevant within the corridor.

Assessment modelling completed in 2015, suggests a high-level of landscape-scale connectivity is currently available across the MidCoast, through extensive coverage of large, intact, patches of woody vegetation. This highlights the need to continue supporting a compact urban settlement pattern and carefully managing ecological and biodiversity impacts of rezoning, subdivision and development in rural areas, as a matter of principle.

Those areas that are disconnected by the established urban settlement areas of towns and villages across the MidCoast may impact some species more acutely, with populations become isolated. Measures to address this will rely on collaboration between Council, land owners and communities to identify and preserve green corridors through these urban environments.

Outside of urban areas, priority conservation planning areas should inform a strategic approach to investment in conservation, where land use and development decisions take a precautionary approach to avoid irreversible impacts on connectivity.

Outcome 3.1.3. Maintain a functional network of biodiversity corridors

a) Work with Government, community and conservation stakeholders to identify where investment is required to support identification, conservation and recovery plans for biodiversity corridors.

b) Identify biodiversity corridors within planning instruments to enable informed development and consideration of conservation agreements on privately-owned land.

c) Incorporate identification and protection of wildlife corridor guidelines into the planning instrument review program, Planning Proposal policy and application guidelines to facilitate long-term outcomes and appropriate mechanisms for dedication and conservation

Local Plan Recommendations**LEP provisions**

Include a local clause and mapping of wildlife corridors and biodiversity conservation areas to require consideration and use of protection mechanisms through assessment processes.

DCP provisions

Incorporate objectives and criteria to supplement existing legislation and guidelines for the identification and protection of biodiversity and wildlife corridors.

G3 OB01 Outcome (4) Secure biodiversity offsets

Under current legislation, new development cannot proceed until it can demonstrate that a legally binding agreement is in place for the permanent protection of suitable biodiversity offset lands, and this can influence the supply and affordability of housing and employment land, particularly in locations where suitable biodiversity offset lands cannot be secured in a timely or cost-effective manner.

The Interim Biogeographic Regionalisation for Australia (IBRA) system, endorsed by all levels of government, forms the basis for assessing and offsetting biodiversity impacts. Five separate IBRA sub-regions cover most of the MidCoast, and three more join or partially fall within the local government area.

It is the privately-owned land within each sub-region that effectively serve as the source of biodiversity offset lands required to facilitate new land release areas and development.

New schemes are emerging within NSW to match developers with private landowners who can supply the necessary biodiversity offset lands.

These arrangements can be advantageous for rural landowners through, for example, the ongoing payments provided to undertake conservation management actions on their property.

The provision of additional incentives can encourage more landowners to participate in biodiversity conservation and offset schemes, and lead to better conservation outcomes.

To ensure an effective program of incentivising biodiversity conservation on privately-owned land, it must be acknowledged that some land management activities, including the clearing of native vegetation, may occur outside of development approval processes.

Outcome 3.1.4. Secure biodiversity offsets

- a) Work with Government, community and conservation stakeholders to identify where investment is required to support identification and establishment of biodiversity offsets.
- b) Incorporate biodiversity offset information within planning instruments to enable informed consideration and establishment of off-sets within assessment processes.
- c) Incorporate biodiversity offset information and guidelines into the planning instrument review program, Planning Proposal policy and application guidelines to facilitate long-term outcomes and appropriate mechanisms for dedication and conservation
- d) Incorporate local and regionally relevant biodiversity identification and protection programs into the planning instrument review program, Planning Proposal policy and application guidelines to facilitate long-term outcomes and appropriate mechanisms for dedication and conservation

Local Plan Recommendations

LEP provisions

Inclusion of local clauses that require consideration of biodiversity and support offset mechanisms.

Establish a program to apply an environmental zone to biodiversity offsets and other lands that are subject to in-perpetuity conservation agreements.

DCP provisions

Incorporate locally relevant biodiversity offset assessment objectives and criteria relevant to subdivision and development assessment processes

G3 Objective.02 Prioritise planning to protect water quality and resources

The MidCoast LGA has many water bodies including rivers, coastal lakes and lagoons, aquifers and wetlands. This network of natural waterways flowing through the MidCoast provide numerous environmental, cultural and economic benefits.

Collectively, they are an important flora and fauna habitat framework, offer cultural resources, hold aesthetic value, are major sources of drinking water for urban and rural communities, an important economic resource to adventure and nature-based tourism, and underpin the production of agricultural and mineral resources.

The biggest threats to water quality, water resources and catchment health, excluding droughts, fires and floods come from land use and development activities. Waterways within the MidCoast area are under continued pressure from water usage; pollution; nutrients and sediment; and other impacts associated with a range of rural land uses and activities.

Therefore, prioritising the protection of water quality and resources through long-term planning and plan-making will ensure these valuable and limited resources remain abundant and fit-for-purpose environmentally, economically and socially.

The recent drought and water scarcity across the region has highlighted in particular, the need to identify our priority drinking water and aquifer catchments to ensure these critical water resources are protected from intensive plant and animal agriculture activities, rural industries and other land uses that may impact on water quantity and quality, or represent an unacceptable level of risk to these resources.

However, it is important to recognise that efforts and initiatives to improve water quality and protect water resources often fall outside of the influence of planning controls, which cannot be applied retrospectively. As a result, land use planning must be considered as one of several management responses available to improve waterway health.

Other initiatives, provided by Council or others, may include educational programs designed to raise awareness of land use activities that protect and enhance the health of rivers and creeks. These activities will provide an important complement to environmental improvements funded and delivered through catchment and estuary management plans.

G3 OB02 Outcome (1) Maintain or improve waterways within all catchments

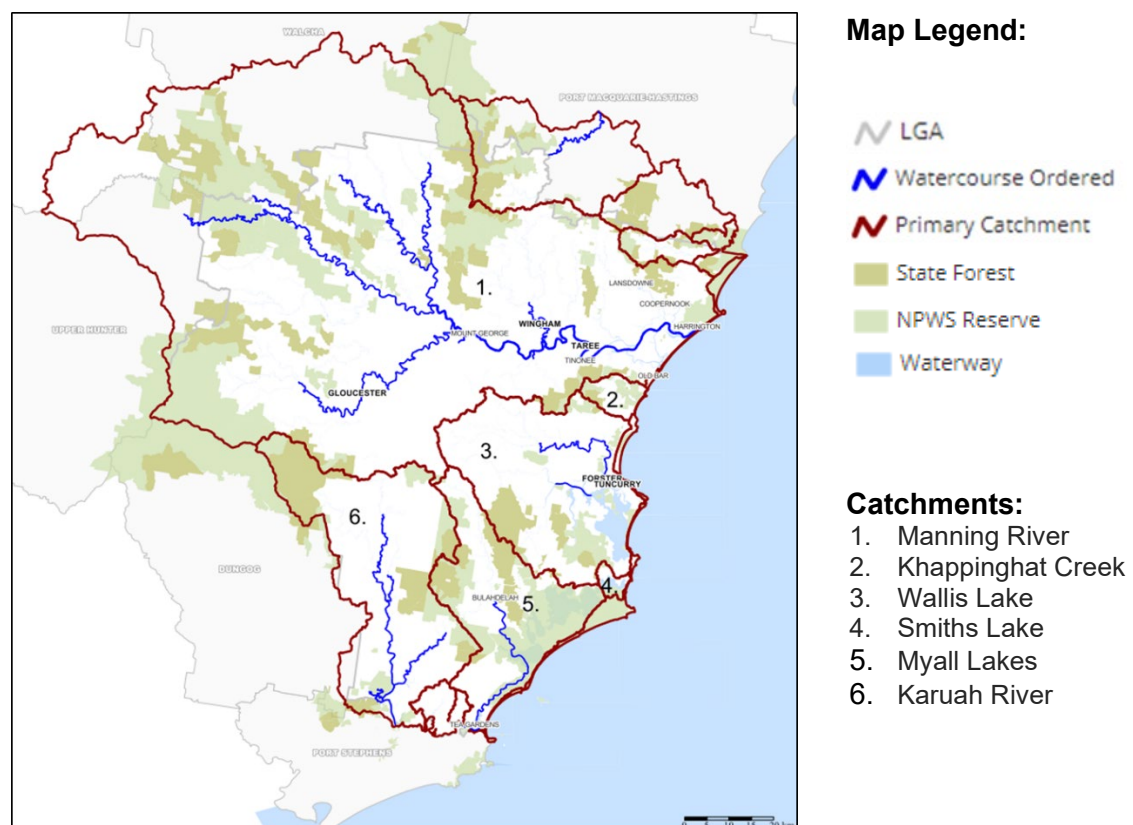
Impacts on waterways will continue to arise from urban and rural development, population growth, increased use by residents and visitors for recreation, and influenced by land use and development decisions taken within the MidCoast and upstream.

Monitoring indicators for ecological and environmental health, drinking water quality, safety for swimming, heavy metal contamination, and biosecurity for oyster farming or fishing, will assist with identifying where focused efforts may need to be taken to prevent, reduce or reverse the consequences of these impacts.

In the MidCoast's rural areas, management of agricultural runoff, soil erosion and wastewater have positive impacts on waterways as does integrated water cycle management in the development and ongoing use of urban land. Integrating these considerations and on-ground practices into land use and development assessment processes can result in transformative change to the water quality across our catchments.

Therefore, by taking a catchment-based approach in collaboration with water planning authorities, Council can implement effective land use planning controls and assist with establishing a common understanding of the environmental, economic, and socio-cultural considerations that inform decision-making for the long-term health of waterways and sustainability of surrounding land uses.

Figure 14. Broad Catchment Areas of the MidCoast from the Rural Waterways paper



Outcome 3.2.1. Maintain or improve waterways within all catchments

- a) Prepare and maintain broad catchment area profiles that:
- Identify and describe the water resources;
 - Describe the current health status of water resources;
 - Identify the established water quality objectives and community values
 - Describe the typical activities and rural industries occurring or expected to occur;
 - Identify and manage known or anticipated threats to water quality and resources.
- b) Establish and monitor localised water quality objectives and baseline measurements for both ecological and environmental health outcomes in each identified water catchment to inform assessment of singular and cumulative impacts of land use and development.
- c) Assess and regularly report on the condition of waterways and their associated riparian areas to identify priorities and requirements for rehabilitation, management and protection.
- d) Apply enhanced planning controls to support waterways that require a high-level of rehabilitation, management and protection.
- e) Discourage intensification of development in areas:
- not serviced by reticulated sewerage;
 - within identified areas of significant water resources;
 - where the development would compromise water sharing plan objectives.
- f) Map land-based exclusions in the Exempt & Complying Development SEPP that limit development on unsewered land within priority drinking water catchments
- g) Review criteria and requirements for planning proposals to rezone rural land, to ensure consistent assessment outcomes regarding the identification and management of impacts upon water catchments and waterways.

Local Plan Recommendations

LEP provisions

Update existing local clause on stormwater management and water sensitive design to ensure clear and consistent assessment outcomes.

Update the local clause on riparian land and watercourses to ensure it is appropriate and provides clear and consistent assessment outcomes.

Update the essential services local clause to ensure it provides clear and consistent assessment outcomes for villages, rural residential development and rural living zones.

Reserves and foreshores in public ownership are to have an environmental or recreation zone appropriate to the existing and anticipated future use and value to the community and environment.

DCP provisions

Review existing stormwater management and water sensitive design objectives and controls to ensure they provides clear and consistent assessment outcomes

Implement a clear and consistent framework for the assessment of on-site sewage disposal and potential environmental impacts across the MidCoast

G3 OB02 Outcome (2) Protect significant water resources

Some of the MidCoast's water resources are particularly valuable for environmental, social, cultural, or economic reasons.

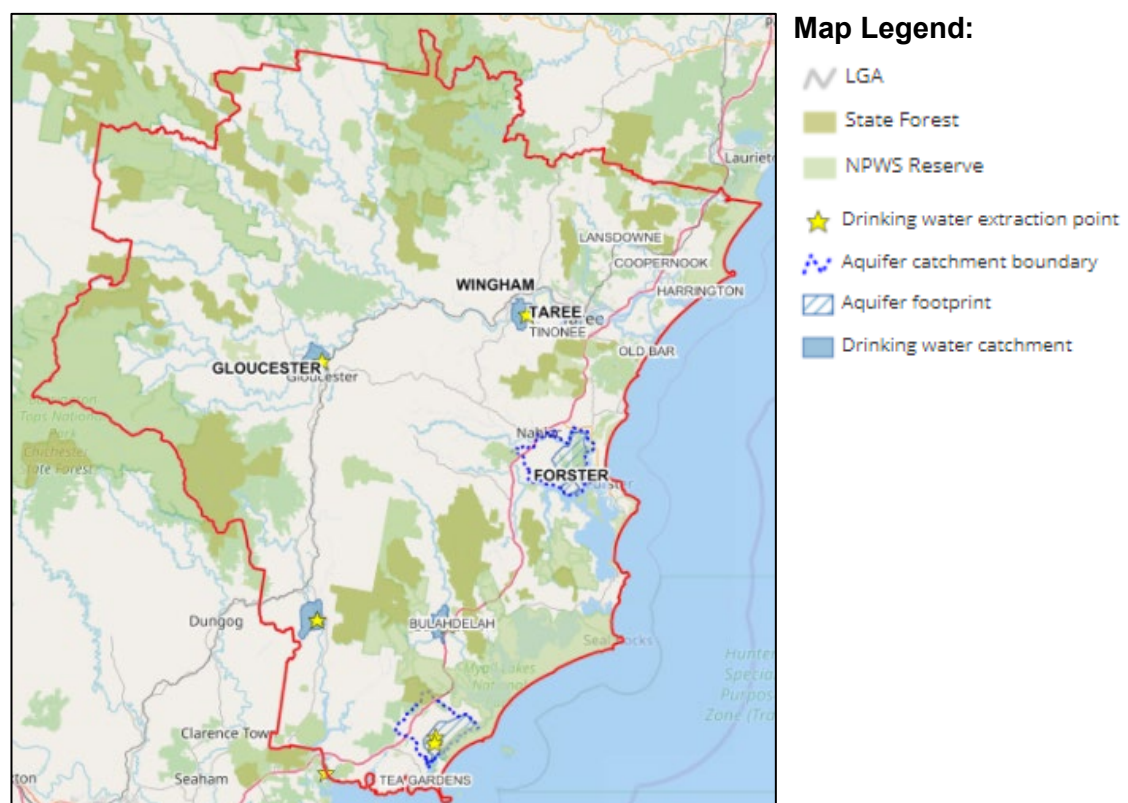
Land use and development located within the catchment of these water resources has the potential, either singularly or cumulatively, to cause catastrophic outcomes for specific communities or industries.

Significant water resources in the MidCoast area include:

- Aquatic conservation areas, including the Port Stephens - Great Lakes Marine Park,
- RAMSAR and other protected coastal wetlands;
- Estuaries suitable for commercial seafood production, including oysters, prawns and lobsters
- Priority drinking water catchments and aquifer catchments.

Proactively identifying catchments and water quality impact areas associated with these significant water resources will enable an appropriate, higher-level of assessment to be undertaken, when considering land use and development proposals.

Figure 15. Priority Drinking Water Catchments and Aquifer Catchments in the MidCoast



Outcome 3.2.2. Protect significant water resources

- a) Update local controls to identify and manage potential water quality impacts on significant water resources including aquatic conservation areas, priority oyster areas, priority drinking water catchments and aquifer catchments.
- b) Update planning controls to ensure developments relying on on-site sewage / effluent management systems are assessed on singular and cumulative basis where there is potential to impact on significant water resources.

Local Plan Recommendations

LEP provisions

Incorporate a local clause that requires consideration of potential impacts of development and subdivision on watercourses, waterbodies and significant water catchments.

Update local clause and mapping of Priority Drinking Water Catchments and Aquifer Catchments to enable identification, management and protection of water quality and resources.

Apply an appropriate environmental zone to land within significant aquifer catchments to ensure intensive agriculture, rural industries and other activities that may compromise these water resources are excluded.

DCP provisions

Update water sensitive design objectives and assessment criteria to ensure clear and consistent assessment outcomes

Update water quality objectives and target assessment criteria to ensure clear and consistent assessment outcomes

Include objectives and controls relevant to the use, development and occupation of land within or adjoining significant water resources and catchments

Update objectives and controls for on-site sewage management systems to require consideration of cumulative impacts in priority drinking water catchments and aquifer catchments, flood prone land and land adjoining significant waterways and waterbodies

Include locally relevant objectives and controls for integrated development applications within Priority Drinking Water Catchments and development in Aquifer Catchments

Provide objectives and controls for the use, development and occupation of land in or adjoining waterways, priority drinking water catchments and aquifer catchments that require a high-level of conservation or rehabilitation

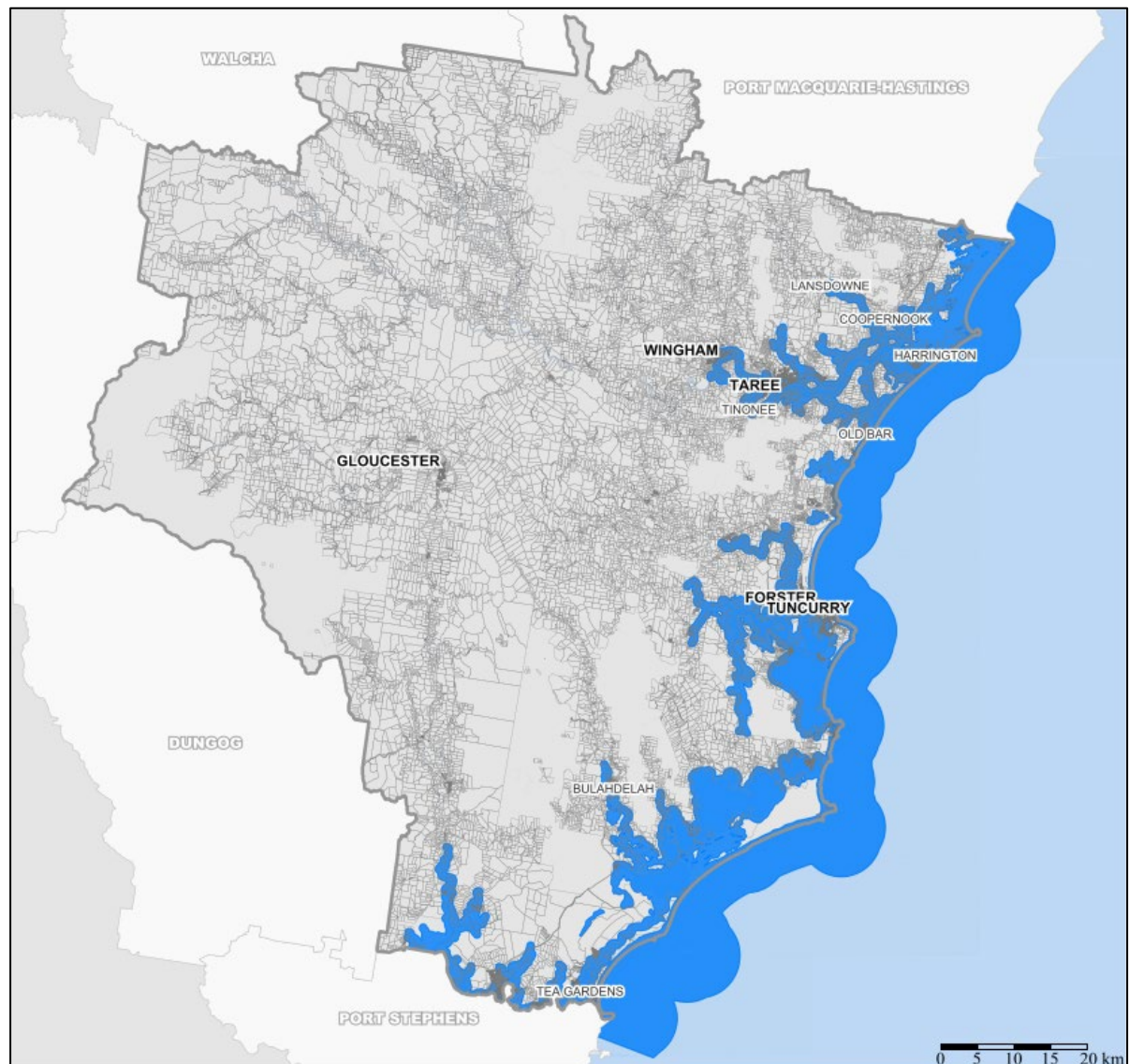
G3 Objective.03 Manage development within coastal environments

Much of the growth occurring within the MidCoast is expected to occur in or near our coastal towns and villages.

As a popular location for those seeking a ‘sea change’, it is important that this demand is managed appropriately to preserve and improve the MidCoast’s 192km of coastline and broader coastal environment.

In addition to the growing coastal population, the recreational and working demand along our coast is also predicted to grow. For this reason, Council is committed to establishing sound planning controls that work to protect our iconic shores and estuaries now and into the future.

Figure 16. Coastal Zone of the MidCoast, Coastal Management SEPP 2018



The review considered a range of marine activities that already occur within the coastal zone, or off the coast of the our local government area, as well as the associated habitat

and infrastructure that support a variety of commercial industries and activities including aquaculture, fishing, coastal tourism, recreation and conservation.

The Coastal Zone encompasses all areas subject to the [Coastal Management Act 2016](#) and [State Environmental Planning Policy \(SEPP\) Coastal Management 2018](#) as shown Figure 1.

The effective and efficient management of these activities will continue to contribute significantly to the economic, social and environmental health of the MidCoast.

The scope of the Rural Strategy generally excludes consideration of land within urban areas, including most of landside locations associated with maritime activities. However, due to the importance of the agricultural/aquaculture sectors that rely on marine waters adjoining urban areas, it did identify and put forward recommendations for both waterways and adjoining land-side development areas at Crowdy Head, Manning River, Wallis Lake, Smiths Lake and Tea Gardens.

Other locations were identified and reviewed based on the presence of existing infrastructure or facilities, including boat ramps, moorings, piers and jetties located within the coastal environment; and considered within the context of other recent reviews of employment and recreation zones across the MidCoast.

The Rural Strategy may prescribe actions for applying land use zonings relevant to marine waterways and associated landside development that otherwise support marine activities. The high-level intentions of these zonings are to protect and manage the waterway in a manner that enables diverse and sustainable land uses, irrespective of their commercial, recreation or tourism focus.

G3 OB03 Outcome (1) Plan for marine-based industries and activities

The coastal environment of the MidCoast is broadly made up of seven separate coastal catchments that have unique natural, social, cultural and economic characteristics.

Future planning and plan-making will consider the issues and attributes characteristic of these catchments when determining the suitability of marine-based industries and other activities. In doing so Council will prioritise the protection of ecological health, biodiversity and coastal risk management outcomes, within these catchments.

Where suitable, planning will facilitate the use and development of land to support marine-based activities, recognising the importance of these uses to the MidCoast's economy and lifestyle.

Land use and development planning processes cannot, on their own, guarantee the productivity or profitability of marine-based industries, but can ensure suitable approval pathways are available to protect and retain existing facilities and infrastructure, and encourage facilities to co-locate in identified marine waterfront precincts, where suitable and appropriate.

Planning for marine waterfront precincts will recognise separate categories and capacity of these centres, providing a focus for establishing suitable planning controls and investing in relevant infrastructure.

Outcome 3.3.1. Planning for marine-based industries and activities

a) Prepare and maintain profiles for our coastal waterways and catchments:

- Waterway characteristics, navigability and constraints such as overhead or underwater structures;
- Ecological attributes, coastal risks, priority conservation and oyster production areas;
- Landownership and occupation;
- Restrictions on aquaculture, recreational or commercial fishing activities;
- Availability and condition of land-based infrastructure and facilities.

a) Apply waterways zones to all waterways up to the tidal limit to enable sustainable levels of occupation and development in line with local planning benchmarks and guidelines

b) Provide approval pathways for marine-based industries and activities in locations that meet the 'site compatibility' criteria identified in the local planning benchmarks and guidelines for harbours, marinas and other waterways

Local Plan Recommendations

LEP provisions

Ensure all waterways within the national park estate are in the national parks and nature reserves zone

Apply waterway zones to the coastal/tidal limit, based on the location, existing and potential future use and environmental management requirements of the waterway

Ensure waterway zones enable a diverse range of activities complementary to aquaculture, water-based commercial and tourism activities, appropriate to the environmental sensitivity of the waterway.

G3 OB03 Outcome (2) Manage access and use in coastal waterways

A wide range of activities take place within the MidCoast's coastal waterways, all of which rely on landside facilities. Examples include, but are not limited to:

- Public safety, including marine rescue and surf lifesaving facilities;
- Chartered boat tours;
- Personal recreational boating facilities; and
- Industrial facilities, including oyster and commercial fishing landing and processing activities.

Providing additional opportunities for people to shop, dine or attend events close to or in view of the coast can also enhance people's experience and impression of our coastal waterways and industries.

Outcome 3.3.2. Managing access to and uses within coastal waterways

a) Apply recreation, environmental and commercial zones to areas adjoining coastal waterways that reflects existing and potential land-based occupation and development in line with local planning benchmarks and guidelines

b) Provide approval pathways for a diverse range of land-based marine industries and activities in locations that meet the 'site compatibility' criteria identified in the local planning benchmarks and guidelines for harbours, marinas and other waterways

Local Plan Recommendations

LEP provisions

Apply recreation, environmental and working waterfront zones on waterfront land, based on the location, existing and potential future use and environmental management requirements of the land and adjoining waterway.

Ensure a broad range of land uses are permitted with consent in recreation and working waterfront zones, to provide flexibility and diversity in waterside activities and leverage access to and scenic amenity of, the waterway

DCP provisions

Update objectives and controls for the use, development and occupation of land-based development and activities associated with access and use of coastal waterways

G3 OB03 Outcome (3) Identify and respond to coastal risks and opportunities

The State-level Coastal Management framework separately defines and maps four coastal management areas that collectively make up the Coastal Zone. The mapping for each of these management areas overlap to varying degrees, but each has separate objectives for planning that will strongly influence how Council applies its planning controls.

- Coastal wetlands, littoral rainforests and associated buffers to development.
- Coastal vulnerability areas that are subject to hazards such as coastal erosion and tidal inundation.
- Coastal environment areas that have recognisable natural features; and
- Coastal use areas.

Except for the coastal use area, land use and development within coastal management areas is likely to remain low-scale and low-impact to avoid placing people or property in harm's way and to protect sensitive ecological systems along the coast.

Council is responsible for preparing Coastal Management Programs (formerly Coastal Zone Management Plans) that collectively identify, and address risks associated with coastal processes for the whole of the coastal zone, and provide objectives for balancing community use, coastal amenity and ecological health. Each plan will set out recommendations for adjustments to current planning controls that will give effect to the desired management objectives.

Council has gazetted Coastal Zone Management Plans for the following areas:

- Manning Valley (2018), between Crowdy Bay / Diamond Head in the north, and Black Head in the south;
- Great Lakes (2016), between Black Head in the north to Yacaaba Head at the southern end of Bennet's Beach; and
- Jimmys Beach (2016), which created was separately from the Great Lakes plan recognising its identification as a coastal erosion hot spot.

Council is in the process of preparing Coastal Management Programs for:

- Old Bar- Manning Point; and
- Manning Valley Catchment & Estuary Management Plan (draft exhibited 2021)

Outcome 3.3.3. Identify and respond to coastal risks and opportunities

a) Facilitate the Department of Planning, Industry & Environment program to transition existing coastal hazard area maps and assessment provisions from local LEP and DCPs into the Coastal Management SEPP.

b) Review and update planning controls in response to Coastal Management Program recommendations.

Local Plan Recommendations

LEP provisions

Apply an environmental zone to coastal wetlands and littoral rainforests mapped in the Coastal Management SEPP, consistent with the recommendations of the Department of Planning, Industry & Environment's Northern Councils E Zone Review recommendations.

DCP provisions

Update objectives and controls to ensure consistent and adaptive assessment outcomes are available to guide development within coastal hazard areas, supplementing the requirements of the Coastal Management SEPP

GOAL 4. IMPROVE PLANNING AND PLAN-MAKING IN PRACTICE

The process of planning and plan-making for rural areas in the MidCoast is well-informed by a variety of perspectives, ensuring controls remain relevant and are readily understood by everyone.

G4 Objective.01 Establish planning controls that reflect long-term outcomes

Planning controls can determine how growth and change will be managed to maintain the high levels of liveability, environmental amenity and rural character the MidCoast is renowned for.

Critically the work undertaken as part of the Rural Strategy will not only inform the short-term priority of preparing the first MidCoast local environmental plan and development control plan, it identifies the key goals and objectives to achieve our long term vision for our rural landscape and communities.

Figure 17. Current Planning Controls, from Local Strategic Planning Statement



It is this comprehensive framework that will assist Council in making decisions, allocating resources and achieving our community priorities, in partnership with land owners, producers, industry groups and the NSW Government.

G4 OB01 Outcome (1) Apply local planning benchmarks and guidelines

Establishing a common understanding of the local benchmarks and guidelines that will inform decision-making will provide a greater level of certainty and transparency through the planning process.

This includes when Council reviews or updates its planning controls, or where required to support site-specific assessments related to proposed land rezoning or development applications.

Outcome 4.1.1. Apply local planning benchmarks and guidelines
a) Integrate locally relevant assessment criteria and industry requirements into the MidCoast local environmental plan and development control plan, to supplement other legislation, regulations and industry codes of practice.
b) Establish a regular review program to ensure planning tools are up-to-date and reflect community expectations and values.

G4 OB01 Outcome (2) Prepare and maintain a MidCoast local environmental plan

The preparation of a new local environmental plan for the MidCoast will be informed not only by the recommendations of the Rural Strategy and other Council-led Urban strategies and zone review programs, but the existing legislation, regulations and planning policy of the NSW State government.

In this regard, the format, land use zones, land uses, and development standards contained within a local environmental plan are heavily influenced by the State, in accordance with the Standard Instrument Principal Local Environmental Plan and associated Order.

MidCoast Council are committed to providing clear and consistent planning controls for all land owners, based on available evidence and best-practice. This will include the establishment of a regular review and amendment program to ensure our local environmental plan is current and fit-for-purpose to achieve sustainable land use and development, for the economic, social and environmental benefit of our community.

Outcome 4.1.2. Prepare and maintain a MidCoast local environmental plan

- | |
|--|
| a) Introduce locally relevant planning principles for the application of rural, environmental and waterway zones, land uses tables, minimum lot sizes for subdivision, floor space ratio and height of building controls across the MidCoast |
| b) Integrate locally relevant assessment criteria and industry requirements into the MidCoast local environmental plan and development control plan, to supplement other legislation, regulations and industry codes of practice. |
| c) Establish a regular review program to ensure planning tools are up-to-date and reflect community expectations and values. |
| d) Review criteria and requirements for planning proposals to rezone land to ensure assessment outcomes are consistent with the recommendations of the Rural Strategy. |

G4 OB01 Outcome (3) Prepare and maintain a MidCoast development control plan

The preparation of a new development control plan for the MidCoast will be informed by the recommendations of the Rural Strategy and other Council-led Urban strategies and zone review programs.

In this regard, the format, objectives and development controls contained within a development control plan may be prepared at Council's discretion, to supplement and support the implementation of the local environmental plan and other relevant legislation, regulations and industry guidelines.

MidCoast Council are committed to providing clear and consistent planning controls for all land owners, based on available evidence and best-practice. This will include the establishment of a regular review and amendment program to ensure development control plan is current and fit-for-purpose to achieve sustainable land use and development, for the economic, social and environmental benefit of our community.

Outcome 4.1.3. Prepare and maintain a MidCoast development control plan

- a) Review and update planning objectives and development controls for land in rural, environment and waterway zones, to ensure consistent assessment outcomes across the MidCoast.
- b) Prepare and expand objectives and controls for the range of agricultural, rural industry, agribusiness, agritourism, active recreation, conservation and eco-tourism facilities, services and activities that may be undertaken with consent across the rural landscape.
- c) Ensure local objectives and controls are supplementary and complementary to industry standards, guidelines and codes of practice.

G4 Objective.02 Working with communities

The vision, goals and objectives identified in the Rural Strategy have been developed with landowners, community members, industry groups and our partners in the NSW Government.

In doing so, the recommendations for short and long term planning are aiming to achieve sustainable outcomes for our land and water resources, rural communities, social and economic wealth.

The responsibility for realising these goals therefore rests with everyone. While the strategy sets the direction and purpose for Council, it is our partnerships with other government departments, businesses and community organisations that are crucial in delivering the shared vision for our rural landscape, industries and communities.

G4 OB02 Outcome (1) Localising planning for communities

There is no one-size-fits all solution for planning for the MidCoast's diverse and dispersed rural communities. Understanding the unique needs of each community will be central to reviewing and updating planning frameworks and ensuring these controls remain relevant.

Outcome 4.2.1. Localising planning for communities
a) Work with local communities to progressively prepare and update Community Profiles and Local Community Plans to provide a more detailed basis for long-term planning.
b) Incorporate the review of Local Community Plans into the regular review of our planning instruments to ensure challenges are identified and opportunities can be realised

G4 OB02 Outcome (2) Partner with farmers to develop agribusiness industries

Farming is a time and resource-intensive activity and a heavily regulated sector. Navigating the various approvals processes can be a challenging endeavour.

Providing a recognisable point of advice and assistance to farmers who are already operating within or are considering relocating to the MidCoast can help to streamline the process and stimulate more local investment.

Outcome 4.2.2. Partner with farmers to develop agribusiness industries

a) Investigate opportunities for increased collaboration between Council and primary producers.

b) Review of planning tools with primary producers to:

- Identify and monitor constraints and opportunities associated with agricultural industries;
- Facilitate the development of industry-specific local planning benchmarks and guidelines;
- Identify and deliver initiatives to attract agribusiness investment.

G4 OB02 Outcome (3) Develop rural tourism operators' capacity

The MidCoast's rural areas are expected to play a vital role in growing the visitor economy.

This will rely on the coordinated delivery of larger-scale development projects, from off-road trails to new events, as well as smaller-scale developments on rural properties and farms.

Assisting rural landowners and farmers to establish and operate visitor accommodation, events, facilities and attractions in conjunction with their existing agricultural land uses will achieve the outcomes described in Council's Destination Management Plan.

Outcome 4.2.3. Develop rural tourism operators' capacity

a) Prepare an implementation plan to support Council's Destination Management Plan, describing a program of actions to progress development outcomes for priority sites or priority accommodation and experiences across the rural landscape.

b) Incorporate a review of the Destination Management Plan implementation plan into the regular review of planning instruments to ensure challenges are identified and opportunities can be realised.

G4 OB02 Outcome (4) Enhance resilience in mining-affected communities

The planning approvals process cannot on its own, deliver balanced outcomes, particularly once a mining or quarrying project has begun production or conversely, is in the process of cessation and site rehabilitation.

The impacts and changes associated with any single operation are experienced acutely, and so may only affect a small proportion of the MidCoast's rural community.

Initiatives or approaches outside the planning system can assist with managing change as it occurs. These may include community forums, industry and community education, or Government advocacy.

Outcome 4.2.4. Enhance resilience in mining-affected communities

- | |
|---|
| a) Continue to participate in community forums and facilitate funding programs associated with existing mining operations. |
| b) Commence engagement with mining operators and community groups about future opportunities and constraints to the rehabilitation and reuse of sites, where social, economic and environmental benefits may be achieved for affected rural communities.. |

G4 OB02 Outcome (5) Support the self-determination of Aboriginal communities

The MidCoast has a rich Aboriginal history, reflected in its natural landscapes, urban and rural settlements and local communities.

Long-term planning and plan making can facilitate the identification and protection of Aboriginal cultural heritage and the connection of Aboriginal people to land, including recognising where native title property or procedural rights may apply.

The NSW Government has recently reviewed state-level policy relating to Aboriginal cultural heritage and plan-making processes for Local Aboriginal Land Council landholdings through the Aboriginal Lands SEPP.

Council in collaboration with Local Aboriginal Land Councils and community representatives can take an active role in leading change within the MidCoast.

Outcome 4.2.5. Support the self-determination of Aboriginal communities

a) Partner with local Aboriginal communities and Traditional Owners to investigate and identify a common understanding of how to proactively protect Aboriginal cultural heritage and Native Title rights through the local planning process.

b) Partner with Local Aboriginal Land Councils to strategically review landholdings and:

- Identify policy considerations for plan-making for LALC owned land;
- Align development outcomes with LALC community land and business plans;
- Establish an agreed program of actions to progress development outcomes for priority sites.

c) Investigate new opportunities created by SEPP (Aboriginal Land) 2020 in collaboration with Department of Planning, Industry & Environment Central Coast-Hunter Regional Office, Local Aboriginal Land Council representatives

Local Plan Recommendations

LEP provisions

Identify sites and landscapes of significance where appropriate, to ensure management and protection through planning assessment processes.

G4 OB02 Outcome (6) Provide certainty for landowners in Paper subdivisions

Non-urban land exists for many reasons and in the MidCoast, can be found in various locations including but not limited to North Arm Cove, Pindimar, Bundabah, Carrington and the former gold mining town of Copeland. Non-urban lands were created by 'paper-subdivisions' in the 1800s and early 1900s, before the introduction of planning legislation.

A "paper subdivision" is a term used to describe land containing lots that only have recognition on paper and, in most cases, have no dwelling entitlement, formed roads, drainage, reticulated water, sewer or electricity.

The significant environmental and servicing constraints in these areas substantially constrain their development suitability in both the short and longer term. Some may never be suitable for development.

Despite the limited development potential of land within paper subdivisions Council is required under the Local Government Act 1993, to levy rates on all land.

For these reasons, paper subdivisions are an emotive topic across the MidCoast. Some of these properties have been owned by families for several decades, with ongoing financial implications. In recent years, several landowners in the former Great Lakes have relinquished their property to Council in lieu of unpaid rates and charges.

It is because of these complex and contrary requirements for land owners that Council is committed to providing clarity on the constraints applying to these areas, recommendations for the future use of this land, and options available to land owners.

Outcome 4.2.6. Provide certainty for landowners in 'Paper subdivisions'

a) Undertake a high-level review environmental constraints and development potential to provide clear and consistent guidance on:

- zone and development standards that reflect current and potential land use;
- State Government Paper Subdivision Guidelines
- And options available to land owners within this framework.

Local Plan Recommendations

LEP provisions

Review and update the application of Clause 4.2A across the MidCoast.

Incorporate mapping of identified paper subdivisions, zones and development standards based on high-level review of constraints and development potential as appropriate.

Incorporate local clause, savings and transition provisions for identified paper subdivisions as appropriate.

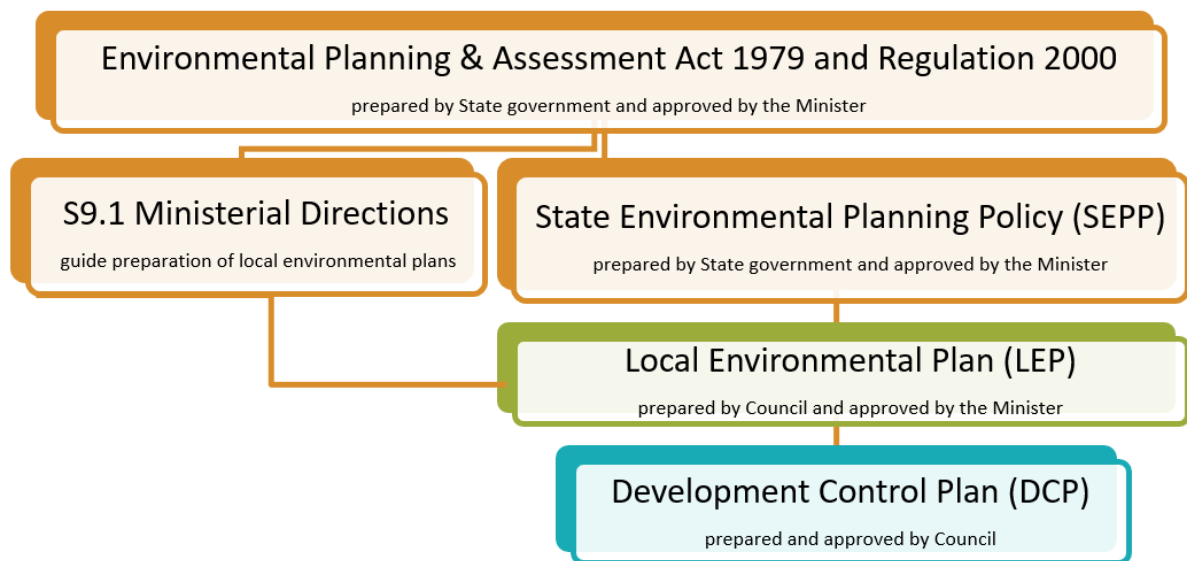
10 LOCAL PLAN MAKING

In NSW there are key pieces of legislation and policies that must be adhered to in the planning process. Planning in NSW is largely governed by the following two pieces of legislation:

[Environmental Planning and Assessment Act 1979](#) (EP&A Act) as amended, and

[Environmental Planning and Assessment Regulation 2000](#) (EP&A Regulation) as amended.

Figure 18. NSW Planning Legislation Framework



State Environmental Planning Policies (SEPPs), Ministerial Directions and Local Environmental Plans (LEPs) support the EP&A Act and Regulation.

SEPPs and LEPs are referred to as 'environmental planning instruments' and must be considered alongside the Act and the Regulation for planning matters.

Development Control Plans may be referred to as Council policy documents, created to reflect additional locally relevant matters and guidelines, which must be considered when seeking approval for subdivision and development.

State Environmental Planning Policies (SEPPs) deal with matters of State or regional environmental planning significance; state significant development sites; and exempt and complying development provisions.

SEPPs are prepared by the Department of Planning, Industry and Environment and made by the Governor on the recommendation of the Minister for Planning.

Although the rules and guidelines for land use within council areas are influenced by SEPPs, councils can administer more specific rules about land use through their Local Environmental Plans.

[S9.1 Ministerial Directions](#) are prepared by the State, adopted and administered by the Minister for Planning. Ministerial Directions deal with matters of State, regional and local environmental planning significance and state significant development sites.

Each direction must be considered and addressed within a Planning Proposal for a new local environmental plan or an amendment to an existing local environmental plan.

Local Environmental Plans (LEPs) guide development, planning decisions and protect natural resources in each local government area. An LEP includes the zoning and development controls that allow councils and other consent authorities to manage the ways in which land is used.⁵⁹

The NSW Department of Planning, Industry and Environment provides a high level of guidance on how Councils are to prepare a local environmental plan:

- [Standard Instrument - Principal Local Environmental Plan](#) (SI LEP);
- [Standard Instrument \(Local Environmental Plans\) Order 2006](#); and
- [S9.1 Ministerial Directions](#) that must be considered and addressed within any [Planning Proposal](#) for a new local environmental plan or change to an existing local environmental plan.

These requirements have directly informed the *Urban Zoning In* program (2020) and the Rural Strategy, given these strategic documents will directly inform preparation of a new MidCoast suite of plans, to replace the complex planning controls currently in place.

LEPs are prepared by councils, in consultation with their community and approved by the Minister for Planning (or their delegate). LEPs cannot over-ride or be inconsistent with the EP&A Act, EP&A Regulations or SEPPs that apply to the local government area.

Councils can provide additional guidance in their Development Control Plans (DCPs).

Development Control Plans (DCP) provide detailed planning and design guidelines and are prepared and adopted by Council. A DCP identifies additional development controls and standards for addressing development issues at a local level and can be applied with more discretion than a LEP.

A DCP is prepared and approved by Council but cannot over-ride or be inconsistent with the EP&A Act, EP&A Regulations; SEPPs or LEP that apply to the local government area.

⁵⁹ [Local Planning and Zoning Summary - \(nsw.gov.au\)](#)

10.1 State Legislative Framework

There are a broad range of acts, regulations and other legislation that have been considered during the preparation of the Rural Strategy.

The lists below are not exhaustive but do give an indication of the complexity of the State legislative framework that influences preparation of a local environmental plan and development control plan.

NSW Acts

- Water Management Act 2000
- Crown Land Management Act 2016
- Local Land Services Act 2013
- NSW Biodiversity Conservation Act 2016 (BC Act)
- Coastal Management Act 2016
- Marine Estate Management Act 2014

State Environmental Planning Policies

- Coastal Management 2018
- Exempt and Complying Development Codes 2008
- Housing for Seniors or People with a Disability 2004
- Infrastructure 2009
- Koala Habitat Protections 2020
- Mining, Petroleum Production and Extractive Industries 2007
- No 21 – Caravan Parks
- No 36 – Manufactured Home Estates
- Primary Production and Rural Development 2019
- State and Regional Development 2011
- State and Regional Development Amendment (Social Housing) 2021
- Vegetation in Non-Rural Areas 2017

Ministerial Directions

The following Ministerial Directions issued under section 9.1 of the [Environmental Planning and Assessment Act 1979](#) are directly relevant to land use planning for the rural and environmental lands and waterways covered by the Rural Strategy:

- **Direction 1.2 - Rural Zones.** Aiming to protect the agricultural production value of rural land by establishing requirements for rural land that is to be rezoned or have an increased development density.
- **Direction 1.3 - Mining, Petroleum and Extractive Industries.** The intention of this direction is to ensure the future extraction of coal, minerals, petroleum and extractive materials is not compromised by inappropriate development. It relies on the identification of State or regionally significant reserves and existing mining and extractive operations as a basis for assessment.
- **Direction 1.4 - Oyster Aquaculture.** Matters relevant to sustaining the oyster aquaculture industry are to be considered in planning and plan-making, giving effect to the [NSW Oyster Industry Sustainable Aquaculture Strategy](#).

- **Direction 1.5 - Rural Lands.** Also aims to protect the agricultural production value of rural land (identified as RU1, RU2, RU3, RU4, RU6, E1, E2, E3 and E4), while facilitating the orderly economic use and development of these lands to the social, economic and environmental benefit of the State, in accordance with the NSW Right to Farm Policy.
- **Direction 2.1 - Environment Protection Zones.** Requires that environmental protection standards are upheld when amending planning controls relating to environmentally sensitive areas.
- **Direction 2.2 - Coastal Management.** Requiring consideration of the [Coastal Management Act 2016](#) and State Environmental Planning Policy (Coastal Management) 2018 ('Coastal SEPP').
- **Direction 2.3 - Heritage Conservation.** The purpose of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.
- **Direction 2.4 - Recreation Vehicle Areas** aims to discourage recreational vehicle areas in environmentally sensitive areas.
- **Direction 3.1 - Residential Zones.** This direction requires consideration of efficient use of existing infrastructure; variety and choice of housing; and impacts of residential development on environmental and natural resource lands.
- **Direction 3.2 Caravan Parks and Manufactured Home Estates** provides instructions for planning authorities to consider when identifying suitable zones, locations and provisions for caravan parks, noting considerations set out in [State Environmental Planning Policy No.21 \(Caravan Parks\)](#) and [State Environmental Planning Policy No.36 \(Manufactured Home Estates\)](#)
- **Direction 3.4 - Integrating Land Use and Transport.** This direction requires that urban structures, building forms, land use locations, development designs, subdivision and street layouts provide for the efficient movement of freight.
- **Direction 3.5 - Development near regulated airports and defence airfields.** Within the MidCoast this direction applies to land near regulated airports such as the Taree Airport and Gloucester Airfield.
- **Direction 4.1 - Acid Sulfate Soils.** Aiming to avoid significant adverse environmental impacts on land likely to contain Acid Sulfate Soils (which are predominantly located within the Coastal Zone)
- **Direction 4.3 - Flood Prone Land.** Prohibits the rezoning of flood prone land from special use or purpose, rural or environmental to residential, business, industrial, special use or purpose.
- **Direction 4.4 - Planning for Bushfire Protection** requires authorities to apply planning controls to protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas and encouraging sound management of bush fire prone areas.
- **Direction 5.4 - Commercial and Retail Development along the Pacific Highway, North Coast.** This direction applies to land and development in the vicinity of the existing and/or proposed alignment of the Pacific Highway and to protect its operation as the North Coast's primary inter- and intra-regional road traffic route.

- **Direction 5.10 - Implementation of Regional Plans.** Within the MidCoast, this direction gives legal effect to the [Hunter Regional Plan 2036](#), requiring any amendments to planning controls to be consistent with its vision, land use strategy, goals, directions and actions.
- **Direction 5.11 – Development of Aboriginal land Council land.** This direction requires planning authorities to consider any applicable development delivery plan made under the *SEPP (Aboriginal Land) 2019* whenever it prepares a Planning Proposal.

The following Ministerial Directions contain policy directions that while not directly applying to the MidCoast area, provide additional guidance and recommendations for land use and development in rural and environmental areas:

- **Direction 2.5 - Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs.** This direction only applies to the Far North Coast, however, the objectives reflect the high level aims of the Rural Strategy to consider the application of environmental zones in rural areas.
- **Direction 5.3 - Farmland of State and Regional Significance on the NSW Far North Coast.** This direction currently applies only to the Far North Coast, but the objectives reflect the high-level aims of the [Hunter Regional Plan 2036](#) and the draft Rural Strategy to consider the location and requirements of valuable agricultural land and reduce land use conflict between agricultural and non-agricultural land uses.

10.2 Format and content of a Local Environmental Plan

The NSW Department of Planning, Industry & Environment provides a high level of guidance on how Councils are to prepare a local environmental plan on their website [Local Planning & Zoning Resources](#).

Local Environmental Plans (LEPs) guide planning decisions for local government areas through zoning and development controls, which provide a framework for the way land can be used. LEPs are the main planning tool to shape the future of communities and ensure local development is done appropriately.

Part 1 – Preliminary contains basic information such as the name of the plan; aims of the plan; land to which the plan applies; and the LEPs that it will (or has) replaced. Council only has discretion in preparing the *Aims of the Plan*, which should reflect the strategic intent of Council and community for land use and development in the LGA.

Part 2 – Permitted and prohibited development provides guidance on land use zones, subdivision, demolition and the temporary use of land. Councils can only select from a set list of land use zones. Each zone has objectives and land uses that must be used. Council may add objectives and land uses, with the Minister's approval.

Part 3 – Exempt and complying development says what can be done without a development application or with a Complying Development Certificate; and cannot copy [State Environmental Planning Policy \(Exempt and Complying Development Codes\) 2008](#).

Part 4 – Principal development standards includes rules for subdivision, height of buildings and floor space ratio. Most of these rules are compulsory, but Council can add clauses that reflect local issues.

Part 5 – Miscellaneous provisions includes rules for specific matters such as public land, heritage, eco-tourism facilities; bed and breakfasts, neighbourhood shops and secondary dwellings.

Part 6 – Urban release areas includes set rules for providing state infrastructure and development control plans for greenfield development sites.

Part 7 – Additional local provisions reflect locally significant issues, many of which are also identified in a map e.g. acid sulfate soils, airport noise and priority drinking water catchments.

Schedule 1 Additional Permitted use clauses allow specific land uses that are normally prohibited on identified sites. These require the Minister's approval.

Schedule 2 Exempt development identifies land uses or activities that are exempt in the LGA, based on information and criteria in Part 3.

Schedule 3 Complying development identifies land uses or activities that may be assessed as complying development in the LGA, based on information and criteria in Part 3

Schedule 4 Classification and reclassification of public land identifies land based on information and criteria in Part 5.

Schedule 5 Environmental heritage can contain lists of heritage items, heritage conservation areas, archeological sites, Aboriginal objects and Aboriginal places of heritage significance.

Schedule 6 Pond-based and tank-based aquaculture includes compulsory rules on where aquaculture is allowed and what must be considered in assessing an application.

Dictionary –Councils cannot add, amend or remove definitions in the Dictionary.

All mapping of land use zones, development standards, urban release areas and significant local issues from Part 7 of the local environmental plan, must be prepared in accordance with the Department's [Mapping standards and requirements - \(nsw.gov.au\)](https://www.nsw.gov.au/mapping-standards-and-requirements).

10.3 Rural Zones in the Standard Instrument LEP

Across the MidCoast rural zones are currently applied inconsistently, with significant differences between objectives, land uses, development standards and methods of application. This is predominantly a result of the transition of local environmental plans from the 1990s being transitioned without any strategic review, into the Standard Instrument Principal Local Environmental Plan template and framework in the 2010s.

In summary, there are a limited number of rural zones that can be applied in NSW, and their recommended use and application can be summarised as follows:

Rural Zone selection guide

RU1 Primary Production

Land well suited to most kinds of commercial primary production, including extensive agriculture, intensive livestock and intensive plant agriculture, aquaculture and forestry. May include waterways outside of the coastal/tidal zone.

Where this zoning applies, land will generally be considered unsuitable for urban development and rural residential uses.

RU2 Rural Landscape

Land with broad ecological scientific, cultural or aesthetic qualities that is also generally compatible with commercial primary production, including extensive agriculture, intensive livestock and intensive plant agriculture, aquaculture and forestry. May include waterways outside of the coastal/tidal zone.

Where this zoning applies, land will generally be considered unsuitable for urban development and rural residential uses.

RU3 Forestry

Land owned and managed by NSW Forestry Corporation.

RU4 Primary Production Small Lots

Land suited to commercial primary production, including extensive agriculture, intensive livestock, intensive plant agriculture and aquaculture that can operate on smaller rural holdings. May include waterways outside of the coastal/tidal zone.

Where this zoning applies, land will generally be considered unsuitable for urban development, rural residential or visitor accommodation uses.

Given the increased potential for environmental impacts and land use conflict between agricultural activities and surrounding rural residential, tourist and visitor accommodation on smaller allotments, additional controls may be required.

RU5 Village

Land that may accommodate a broad variety of residential, retail, civic, business, tourist, light industrial and other compatible uses that serve the day-to-day needs of people within the village and surrounding rural areas. It is expected this will be the most appropriate zone for most rural centres in the MidCoast, where there is a recognisable development pattern with community services and facilities.

Depending on local circumstances, additional controls may be required to encourage non-residential uses to cluster together to improve accessibility and economies of scale for services and infrastructure.

Across the MidCoast there are two key zones that have been applied across the rural landscape: RU1 Primary Production and RU2 Rural Landscape, characterised by two minimum lot sizes for subdivision and determination of existing holdings, of 100ha and 40ha respectively.

While the RU5 Village and RU4 Primary Production Small Lot are also classified as rural zones, a review of these zones indicates that they are predominantly used as an urban and a rural living zone rather than for rural and agricultural purposes. These zones will be discussed with the other rural living zones later in the report.

10.3.1 RU1 Primary Production Zone

The RU1 Primary Production zone applies across the State in areas that have the biophysical characteristics that generally support a significant and sustained level of agricultural production through traditional methods. Across the State it applies to areas commonly used for broad-acre cropping, beef, sheep, dairy and other forms of plant and animal production farming.

These lands have been generally identified as Class 1 and Class 2 BSAL lands by the Department of Primary Industries- Agriculture. These methods of classification are under review through the Department of Primary Industries- Agriculture, release the Agricultural Land Use Strategy, State Significant Agricultural land and Important Agricultural Land Mapping projects.

Within the Agriculture and Rural Industries Background Report, the use of the RU1 Primary Production zone and its associated 100ha minimum lot sizes are recommended to be discontinued in the MidCoast due to the limited presence of Class 1 and Class 2 BSAL lands.

When the Department of Primary Industries- Agriculture, release the Agricultural Land Use Strategy, State Significant Agricultural land and Important Agricultural Land Mapping information, it is expected that the use and potential application of this zone within the MidCoast will be reviewed.

Noting that the increasing diversification of primary production and land uses across the rural landscape of the MidCoast are predominantly driven by changes in farming methods, profitability, technology and infrastructure than land use zones and associated planning controls.

10.3.2 RU2 Rural Landscape Zone

The RU2 Rural Landscape has in comparison to the RU1 zone, been broadly applied to land adjoining urban settlements, coastal and other land with variable productivity, but close to target markets, processing facilities or transport hubs. This zone has also generally been applied to variable environments, not just productive agricultural lands, and enabled a broad range of land uses.

The Agriculture and Rural Industries Background Report recommends that the RU2 Rural Landscape zone and associated 40ha minimum lot size be applied generally

across the MidCoast rural landscape, except where environmental or urban zones are more appropriate based on existing site characteristics and land uses.

As such, the focus of this zone will be facilitating land uses and activities associated with the ongoing agricultural use of these lands and enabling the establishment of value-add and complementary land uses and activities which can increase the inherent value, productivity and profitability of these lands.

However, as discussed previously, while this creates significant opportunities for diversification on rural lands, Council must consider the potential for unintended consequences when allowing the full scope of “residential accommodation” activities in this zone. Therefore, it is recommended:

- Consistent with the recommendations of the Housing Strategy and Recreation Zone Review, existing caravan parks within rural zones should be included within either the RE1 Public Recreation or RE2 Private Recreation zone.
- Caravan parks within environmental zones will remain in the most appropriate environmental zone.
- Caravan parks, which are acknowledged as an alternative form of low-cost and temporary residential accommodation, should be prohibited within the rural zone to ensure these lands, which may have limited access and services, are not transitioned into a higher density residential manufactured home estate via the existing provisions within SEPP No.21 Caravan Parks and SEPP No.36 Manufactured Home Estates.
- Camping grounds should be retained as the predominant form of temporary residential and visitor accommodation across the rural landscape.
- Alternative forms of residential accommodation for permanent occupancy could include both secondary dwellings, which cannot be separated from the principal dwelling; and dual occupancies. These dwellings provide opportunities for not only succession planning but supplementary income through short and long-term rental opportunities.
- Short-term and temporary accommodation may also be suitable for other farm workers or visitors in the form of backpacker's, bed and breakfast, farm stay accommodation or rural worker's dwellings. These are also discussed in additional detail within the Tourism paper.

The resolution of tourism facilities and activities within rural zones is primarily required in areas outside of the RU5 Village zone, which is a relatively open zone where a mix of residential, commercial, industrial, recreation and tourism activities are permitted with consent, based on the infrastructure, services and capacity of the individual development site.

It is therefore, the broad-scale rural zones, used for primary production and rural lifestyle activities where tourism opportunities and challenges require resolution. The following recommendations are made for these areas:

- Encourage and participate in the State process of diversifying tourism facilities and events in rural areas to ensure flexibility and diversity through the various assessment processes;
- Permit the *tourist and visitor accommodation* group term with consent in all rural zones with the merit-based assessment clause documented in this report.
- Prepare development control plan objectives and controls for the range of tourist accommodation, facilities and events that may be undertaken across the MidCoast to provide a common understanding of what information is needed with

an application and how Council will characterise development for assessment based on the Standard LEP definitions if a clearer definition does not exist e.g. can a rural cabin be considered a *serviced apartment*.

- Prohibit caravan parks within rural zones and ensure camping grounds – with amenities or without as ‘primitive camping sites’ – are permitted with consent and assessed in accordance with existing legislation. Provide development control plan objectives and controls for any additional, locally specific matters.
- Additional development control plan objectives and controls, are to be developed to ensure there is a common understanding of how these activities are defined and can be operated in a manner that is ‘ancillary’ to any existing primary production activity on the development site and compatible with surrounding properties. These controls may include minimum standards for access, parking, hours of operation, limits to events per year, the size of facilities and number of visitors to any specific event.

While these issues are being considered in greater detail by State agencies such as the Department of Primary Industries- Agriculture, Council can provide additional certainty and reduce these conflicts by permitting housing and accommodation within the rural landscape, that is complementary and consistent with the objectives of that zone.

To this end, the Standard Instrument LEP land use table indicates that the RU2 zone is an ‘open’ zone, where Council has significant discretion over both the permissible and prohibited land uses.

For example, the black text is compulsory from the Standard Instrument LEP, while the blue text represents options for additional zone objectives and land uses:

Zone RU2 Rural Landscape

Direction — The following must be included as either “Permitted without consent” or “Permitted with consent” for this zone — Environmental protection works; Farm buildings; Roads

1 Objectives of zone

- *To encourage sustainable primary industry production by maintaining and enhancing the natural resource base.*
- *To maintain the rural landscape character of the land.*
- *To provide for a range of compatible land uses, including extensive agriculture.*

To provide for rural tourism in association with the primary industry capability of the land which is based on the rural attributes of the land.

To secure a future for agriculture in the area by minimising the fragmentation of rural land and loss of potential agricultural productivity

2 Permitted without consent

Extensive agriculture; Home occupations

3 Permitted with consent

Aquaculture; Dwelling houses

Agricultural produce industries; Agriculture; Airports; Air transport facility; Airstrips; Animal boarding or training establishments; Artisan food and drink industry; Backpackers’ accommodation; Bed and breakfast accommodation; Boat launching

*ramps; Boat shed; Camping grounds; Car park; Cellar door premises; Cemeteries; Centre based child care facilities; Charter and tourism boating facilities; Community facilities; Correctional centres; Crematorium; Depots; Dual occupancies; Eco-tourist facilities; Educational establishments; Electricity generating works; Emergency services facilities; Environmental facilities; Environmental protection works; Extractive industries; Farm buildings; Farm stay accommodation; Flood mitigation works; Forestry; Function centres; Funeral homes; Hazardous storage establishments; Helipads; Heliports; Home-based child care; Home businesses; Home industries; Home occupation; Hotel or motel accommodation; Industrial training facilities; Industries; Information and education facility; Jetties; Kiosks; Landscaping material supplies; Markets, Marinas; Moorings; Mooring pens; Offensive storage establishments; Open cut mining; Plant nurseries; Public administration buildings; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Respite day care centres; Research station; Restaurants or cafes; Roads; Roadside stalls; Rural industries; Rural supplies; Rural workers' dwellings; School-based child care; Secondary dwellings; Sewerage systems; Signage; Telecommunications facility; Timber yards; Tourist and visitor accommodation; Transport depots; Truck depots; Vehicle body repair workshop; Vehicle repair station; Veterinary hospitals; Waste or resource management facility; Waste or resource transfer stations; Water recreation structures; Water supply systems; Wharf or boating facilities; **Any development not specified in item 2 or 4***

4 Prohibited⁶⁰

(intentionally blank, as per the Standard Instrument LEP)

Amusement centre; Brothel; Caravan parks; Centre-based child care facility; Charter of tourism boating facility; Commercial premises; Early education and care facility; Entertainment facility; Exhibition home; Exhibition village; Freight transport facility; Heavy industrial storage establishment; Health services facility; Highway service centre; Home occupation (sex services); Industrial retail outlet; Industrial training facility; Industry; Mortuary; Neighbourhood shops; Passenger transport facility; Place of public worship; Port facilities; Residential accommodation; Restricted premises; Storage premises; Service station; Sex services premises; Warehouse or distribution centre; Wholesale supplies.

The primary remaining issue across the MidCoast is the transition of rural lands to rural residential activities and rezoning for expansion of urban areas. These processes are particularly prevalent within the coastal zone, east of the Pacific Highway, increasing the potential and instances of, land use conflict between existing farm practices and the occupants of new residential areas on adjoining lands.

10.3.3 Recommended Rural Zones for the MidCoast

It is noted that the Ministerial Directions that apply to rural zones have also been considered and the objectives require planning instruments to:

- protect the agricultural production value of rural land,

⁶⁰ [Standard Instrument—Principal Local Environmental Plan \(2006 EPI 155a\) - NSW Legislation](#)

- facilitate the orderly and economic use and development of rural lands for rural and related purposes,
- assist in the proper management, development and protection of rural lands to promote the social, economic and environmental welfare of the State,
- minimise the potential for land fragmentation and land use conflict in rural areas, particularly between residential and other rural land uses,
- encourage sustainable land use practices and ensure the ongoing viability of agriculture on rural land
- support the delivery of the actions outlined in the New South Wales Right to Farm Policy.

Based on these principles the following rural zone and provisions are recommended for broad application and implementation in the MidCoast local environmental plan:

RU2 Rural Landscape

Land with broad ecological scientific, cultural or aesthetic qualities that is also generally compatible with commercial primary production, including extensive agriculture, intensive livestock and intensive plant agriculture, aquaculture and forestry. May include waterways outside of the coastal/tidal zone.

Where this zoning applies, land will generally be considered unsuitable for urban development and rural residential uses.

Areas with an existing 100ha minimum lot size will change to 40ha for subdivision and dwelling entitlements.

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.

Assessment of planning proposals to change rural to urban zones or reduce the existing minimum lot size on land within a rural of environmental protection zone must:

- minimise rural land fragmentation and land use conflict, particularly between residential and other rural land uses
- 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

10.4 Environmental Zones in the Standard Instrument LEP

Across the MidCoast environmental zones are currently applied inconsistently, but with only minor differences between objectives, land uses, development standards and methods of application. The variations are predominantly a result of the transition of local environmental plans from the 1990s being transitioned without any strategic review, into the Standard Instrument Principal Local Environmental Plan template and framework in the 2010s.

It is noted that local environmental plans from the 1990s had up to eight different and discrete environmental zones covering issues from scenic protection to coastal land acquisition, that had to be consolidated into three Standard Instrument environmental zones, excluding the National Park zone.

It is still the case that there are a limited number of environmental zones that can be applied in NSW, and their recommended use and application can be summarised as follows:

Environmental Zone selection guide

E1 National Parks and Nature Reserves

Identifies land and waterways within the boundaries of lands reserved under the *National Parks and Wildlife Act 1974* or acquired under that Act.

E2 Environmental Conservation

Land outside the national parks and nature reserve system that:

- Is protected by a conservation mechanism e.g. bio-certification agreements, property vegetation plans, stewardship agreement, native vegetation set-aside area, court rehabilitation requirement;
- Has highly significant ecological, scientific, cultural or aesthetic features confirmed through supplementary evidence e.g. site-based evaluations, state mapping of sensitive vegetation;
- Is in public ownership and identified as an environmentally sensitive area under Clause 3.3. of the Local Environmental Plan;
- Relies on environmental conservation efforts that are generally incompatible with most other types of land use/development.

Where this zoning applies, land will be generally unsuitable for most kinds of commercial primary production, extractive industries or residential development.

E3 Environmental Management

Land outside the national parks and nature reserve system that:

- has special ecological, scientific, cultural or aesthetic features including features not associated with native vegetation confirmed through supplementary evidence e.g. site-based evaluations;
- is in public ownership and in a buffer to an identified environmentally sensitive area under Clause 3.3. of the Local Environmental Plan; steep land 18 degrees (32%) and above; heavily vegetated, un-serviced and not required for another public purpose;
- affected by hazardous environmental features or processes;

- aquifer catchments and other identified natural resource areas associated with critical state, regional and local infrastructure;
- Relies on environmental management efforts that are generally incompatible with most other types of land use/development.
- May also be applied to provide a transition between areas of high conservation value (consistent with E1 and E2 zonings) and other land uses.

Where this zoning applies, land is generally unsuitable for development beyond low-scale and low-impact activities.

E4 Environmental Living

Identifies land with special ecological scientific, cultural or aesthetic qualities that are generally compatible with limited or low impact residential development; and visitor accommodation and extensive agricultural uses that are compatible with the environmental sensitivity of the site and surrounding environment.

May be applied where the land is affected by buffers to and/or is adjoining environmentally sensitive areas identified in Clause 3.3 of the Local Environmental Plan; where the primary purpose of the land may be preserving, maintaining or restoring natural attributes of the land.

Additional LEP or DCP controls will likely be required to ensure development does not have an adverse effect on the environmental qualities of the land.

Across the MidCoast there are two key zones that have been applied across the environmentally significant areas of our landscape: E2 Environmental Conservation and E3 Environmental Management. Within each zone there are a consistently limited number of land uses.

Unlike the rural zones however, the environmental zones have a range of minimum lot sizes that have come about as a result of land rezoning and development application processes that have identified development off-set areas for dedication or protection. In certain areas, land has also been identified within an environment zone as a result of court imposed rehabilitation and protection requirements.

Where this has not occurred and the land has been zoned for environmental conservation or management as part of the transition to a Standard Instrument LEP, there are more consistent minimum lot sizes of 100ha and 40ha, in alignment with the surrounding rural lands.

While the E4 Environmental Living zone has also been applied in the MidCoast, it's application in the former Great Lakes and Greater Taree areas has been based on two distinctly different sets of principles one as a transition of scenic protection and the other for conservation as part of a large-scale land rezoning project. Therefore, resolving how the E4 zone is to be applied in the MidCoast local environmental plan and beyond, will be discussed in more detail within the rural living section of this report.

10.4.1 E2 Environmental Conservation

The key considerations on how the E2 Environmental Conservation zone is to be applied across the State was made clear through the Department of Planning, Industry and Environment's [Northern Councils E Zone Review](#) process which followed the application of the Standard Instrument LEP in this region of NSW.

Through this process the State established additional criteria to determine where and when environmental zones would be applied. These criteria are discussed in detail within the Land Based Conservation Background Report and are summarised in Table 9 below.

Table 9. Recommended E2 Environmental Conservation Zone Criteria

Criteria	Description
Littoral Rainforests	Land mapped as littoral rainforest by SEPP Coastal Management 2018
Coastal Wetlands	Land mapped as coastal wetlands by SEPP Coastal Management 2018
Endangered Ecological Communities Threatened Species	Land identified in local and/or site specific studies undertaken within the last 5yrs, as containing vegetation communities listed as Endangered Ecological Communities under the Threatened Species Conservation Act 1995 (TSC) ⁶¹ and the Environment Protection and Biodiversity Conservation Act 1999 (EPBC) ⁶²
Key Threatened Species Habitat	Land identified in local and/or site specific studies undertaken within the last 5yrs, as containing: <ul style="list-style-type: none"> • Old-growth forests where the over-storey or canopy trees are in the late mature stage of growth⁶³; • Areas of predicted high conservation value for forest fauna assemblages, refugia, endemic forest fauna or endemic invertebrates⁶⁴, and • Habitats for threatened species or endangered populations that cannot withstand further loss where the threatened species or endangered population is present⁶⁵.
Over-cleared vegetation communities.	Land identified in local and/or site specific studies undertaken within the last 5yrs, as containing: <ul style="list-style-type: none"> • Over-cleared vegetation communities, where more than 70% of the original (pre 1750) extent of the native vegetation type has been cleared⁶⁶ and • Native vegetation in over-cleared Mitchell landscapes⁶⁷.
Culturally significant lands.	Land identified in local and/or site specific studies undertaken within the last 5yrs, as containing Areas of culturally significant lands such as Aboriginal object sites, Aboriginal places of heritage significance, and other significant objects identified by the local Aboriginal community ⁶⁸ .
Land subject to a conservation agreement	Lands subject to an existing conservation agreement, court required restoration/rehabilitation site, biodiversity stewardship, bio-certification off-set, development off-set, native vegetation clearing set-aside, wildlife refuge or similar, that is either registered on title or identified on a public register and reported on a planning certificate.

⁶¹ <http://www.environment.gov.au/biodiversity/>

⁶² <https://www.environment.nsw.gov.au/>

⁶³ <http://www.epa.nsw.gov.au/resources/pnf/OGRFreviewFieldIdent.pdf>

⁶⁴ Key Habitats and Corridors for Forest Fauna, Scotts, 2003

⁶⁵ NSW Office of Environment and Heritage 'Threatened Species Profiles Database' <http://www.bionet.nsw.gov.au/>

⁶⁶ Ocean Shores to Desert Dunes, Keith 2006

⁶⁷ NSW Ecosystems Study: Background and Methodology, Mitchell 2002

⁶⁸ Guide to investigating, assessing and reporting on Aboriginal cultural heritage in NSW, NSW Department of Environment, Climate Change & Water (2011)

Land identified as E2 Environmental Conservation in accordance with the above criteria is environmentally significant, sensitive and generally unsuitable for development.

Based on this information, the range of land uses within the E2 zone should be very limited. Therefore, the majority of residential, agricultural, business, industry and tourist accommodation and facilities should be excluded from these areas.

It is noted at the time of writing only Byron Council has successfully implemented an exclusion or prohibition of residential accommodation within the E2 zone⁶⁹. While this is not supported at this time within the MidCoast, it does reflect the significant environmental of these lands and should be considered in future reviews of the MidCoast local environmental plan.

Finally, it is noted that reducing the range of land uses that may be currently permitted with consent in the E2 zone may result in an increased reliance upon existing use rights across these areas of the MidCoast.

However, this is relatively limited because the application of the E2 zone to entire properties in private ownership is uncommon given the nature of the environmental features themselves. Where development has occurred on these properties it is often not in the same area identified for an E2 zone, given the landform or vegetation is likely to already be identified and provided a certain level of protection by other existing legislation.

Consistent with this, the Standard Instrument LEP encourages the use of a 'closed' land use table, where land uses are permitted only by exception.

For example, the black text is compulsory from the Standard Instrument LEP, while the blue text represents options for additional zone objectives and land uses in the E2 zone:

Zone E2 Environmental Conservation

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

1 Objectives of zone

- To protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values.
- To prevent development that could destroy, damage or otherwise have an adverse effect on those values.

2 Permitted without consent

(intentionally blank, as per the Standard Instrument LEP)

3 Permitted with consent

Oyster aquaculture

Bee keeping; Dwelling houses; Eco-tourist facilities; Emergency services facilities; Environmental facilities; Environmental protection works; Flood mitigation works; Recreation facilities (outdoor); Research station; Roads; Sewerage systems; Water supply systems

⁶⁹ https://legislation.nsw.gov.au/view/html/inforce/current/epi-2014-0297#pt-cg1.Zone_E2

4 Prohibited

Business premises; Hotel or motel accommodation; Industries; Multi dwelling housing; Pond-based aquaculture; Recreation facilities (major); Residential flat buildings; Restricted premises; Retail premises; Seniors housing; Service stations; Tank-based aquaculture; Warehouse or distribution centres; Any other development not specified in item 2 or 3⁷⁰

Noting that at the time of writing, the range of tourist events and facility definitions within the Standard Instrument LEP is limited and does not reflect nature-based and adventure-based tourism activities that may be compatible with an E2 zone.

To enable low-impact tourism activities, such as guided bushwalks, mountain biking and the like, *recreation facilities (outdoor)* or similar defined activities may be permitted with consent, in conjunction with a merit assessment clause that identifies key assessment criteria to minimise environmental impacts during construction and operation of the activity.

Increasing public access to natural areas and cultural landscapes through these activities can as a result, be balanced with the biodiversity and cultural significance of the site and within the location. Particularly where allowing wildlife encounters and cultural tours may assist in the long-term promotion and protection of cultural sites and places, critical environments, threatened and 'iconic' species.

Therefore, as the Department of Planning, Industry and Environment or the Department of Primary Industries develop new land use definitions and activities, Council should consider the opportunities created and advocate for their inclusion if complementary and compatible with the objectives of the zone.

10.4.2 E3 Environmental Management

Consistent with the previous zone, the key considerations on how the E3 Environmental Management zone is to be applied across the State was made clear through the Department of Planning, Industry and Environment's [Northern Councils E Zone Review](#) process which followed the application of the Standard Instrument LEP in this region of NSW.

Through this process the State established additional criteria to determine where and when environmental zones would be applied. These criteria are discussed in detail within the Land Based Conservation Background Report and are summarised in Table 10 below.

Table 10. Recommended E3 Environmental Management Zone Criteria

Criteria	Description
Riparian and estuarine	Land comprising riparian and estuarine vegetation on waterfront land, defined under the NSW Water Management Act 2000, or wetland areas

⁷⁰ https://legislation.nsw.gov.au/view/html/inforce/current/epi-2006-155a#pt-cg1.Zone_E2

vegetation and wetlands.	other than those mapped as coastal wetlands by SEPP Coastal Management 2018 . This should be undertaken as a priority where these lands are held in public ownership. The rezoning of private lands should be undertaken only with the consent of the land owner.
Rare, Endangered and Vulnerable Forest Ecosystems.	Land identified in local and/or site specific studies undertaken within the last 5yrs, as containing areas of rare, endangered and vulnerable forest ecosystems as defined by the Joint ANZEC/MCFFA National Forest Policy Statement Implementation sub-committee (JANIS) (Commonwealth of Australia 1997) ⁷¹ .
Native vegetation on coastal foreshores.	Native vegetation on land with frontage, or adjoining or adjacent to, a beach, estuary, coastal lake, headland, cliff or rock platform. Where this vegetation is not identified as littoral rainforest by SEPP Coastal Management 2018 .
Land subject to a property vegetation plan for conservation	Lands subject to an existing property vegetation plan for conservation, restoration, rehabilitation or similar, that is either registered on title or identified on a public register and reported on a planning certificate.

Land identified as E3 Environmental Management in accordance with the above criteria is environmentally sensitive and generally unsuitable for anything other than low scale and low intensity forms of development.

Based on this information, the range of land uses and development within the E3 should be relatively limited, only permitting those residential, agricultural, tourist accommodation and visitor facilities that are consistent with the objectives and purpose of the zone.

In those locations where the land is being rezoned from rural to E3, there may be a significant reduction in permissible land uses and an increased reliance upon existing use rights across these areas of the MidCoast.

However, this is considered appropriate to ensure the land and water resources of the MidCoast are clearly and consistently zoned to ensure there are consistent assessment and development outcomes in these sensitive environments. In this regard, unlike areas where 'open' rural zones will apply, environmental areas have a range of limitations and sensitivities that require greater discretion in the assessment and approval processes.

For example, when considering tourist and visitor accommodation, services and facilities in the E3 Environmental Management zone it may be appropriate to:

- only permit accommodation in eco-tourist facilities or bed and breakfast accommodation within an existing dwelling.
- prohibit caravan parks and only permit camping grounds – with amenities or without as primitive camping sites –with consent and in accordance with existing legislation.
- allow *recreation facilities (outdoor)* or similar defined activities with consent to enable low-impact tourism activities, such as guided bushwalks, mountain biking and the like.

⁷¹ <https://www.planning.nsw.gov.au/-/media/Files/DPE/Reports/northern-councils-e-zone-review-final-recommendations-report-2015-10-20>

- permit certain infrastructure and facilities such as cafes, boat hire and markets to enable active tourism and recreation in foreshores, reserves and adjoining waters and add activity and diversity in these iconic locations.

Increasing public access to natural areas and cultural landscapes through these land uses, and activities can as a result, be balanced with the biodiversity and cultural significance of the site and within the location. Particularly where allowing wildlife encounters and cultural tours may assist in the long-term promotion and protection of cultural sites and places, critical environments, threatened and 'iconic' species.

Therefore, as the Department of Planning, Industry and Environment or the Department of Primary Industries develop new land use definitions and activities that reflect a diversity of tourism-related land uses, Council should consider the opportunities created and advocate for their inclusion if complementary and compatible with the objectives of the zone.

Consistent with this, the Standard Instrument LEP encourages the use of a 'closed' land use table, where land uses are permitted only by exception.

For example, the black text is compulsory from the Standard Instrument LEP, while the blue text represents options for additional zone objectives and land uses in the E3 zone:

Zone E3 Environmental Management

Direction — The following must be included as either "Permitted without consent" or "Permitted with consent" for this zone — Environmental protection works; Roads

Home industries, kiosks, cellar door premises, neighbourhood shops and roadside stalls may (but need not) be included as permitted with consent.

1 Objectives of zone

- *To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values.*
- *To provide for a limited range of development that does not have an adverse effect on those values.*

To conserve biological diversity and native vegetation corridors, and their scenic qualities, in a rural setting.

2 Permitted without consent

Home occupations

Environmental protection works; Home businesses

3 Permitted with consent

Dwelling houses; Oyster aquaculture; Pond-based aquaculture; Tank-based aquaculture

Bed and breakfast accommodation; Building identification signs; Business identification signs; Camping Grounds; Cellar door premises; Eco-tourist facilities; Emergency service facilities; Environmental facilities; Environmental protection works; Extensive agriculture; Farm Buildings; Farm stay accommodation; Home-based childcare; Home Industry; Information and education facilities; Research station; Roads; Sewerage systems; Water supply systems

4 Prohibited

*Industries; Multi dwelling housing; Residential flat buildings; Retail premises; Seniors housing; Service stations; Warehouse or distribution centres; **Any other development not specified in item 2 or 3***

10.4.3 Recommended Environmental Zones for the MidCoast

It is noted that the Ministerial Directions that apply to environmental zones have also been considered and the objectives require planning instruments to protect and conserve environmentally sensitive areas.

Based on this principle the following environmental zones and provisions are recommended for application and implementation in the MidCoast local environmental plan:

E2 Environmental Conservation

Land outside the national parks and nature reserve system that:

- Is protected by a conservation mechanism e.g. bio-certification agreements, property vegetation plans, stewardship agreement, native vegetation set-aside area, court rehabilitation requirement;
- Has highly significant ecological, scientific, cultural or aesthetic features confirmed through supplementary evidence e.g. site-based evaluations, state mapping of sensitive vegetation;
- Is in public ownership and identified as an environmentally sensitive area under Clause 3.3. of the Local Environmental Plan;
- Relies on environmental conservation efforts that are generally incompatible with most other types of land use/development.

Where this zoning applies, land will be generally unsuitable for most kinds of commercial primary production, extractive industries or residential development

Areas with an existing 100ha minimum lot size will change to 40ha consistent with surrounding rural lands.

All other minimum lot sizes, applied through rezoning, development assessment or another conservation, rehabilitation or dedication process will be retained to ensure the intent and purpose of the zone and minimum lot size are maintained.

Planning proposals seeking to rezone or otherwise change the provisions of land within an E2 Environmental Conservation zone shall generally not be supported, unless increasing the area or level of protection afforded to the environmentally sensitive landscape or vegetation within the location.

Land that is rezoned E2 as a result of a property vegetation plan for conservation or the like, should be clearly identified in a 'development restriction - conservation lands' map layer within the LEP, to ensure clear and consistent communication of this purpose within the environmental planning instrument.

E3 Environmental Management

Land outside the national parks and nature reserve system that:

- has special ecological, scientific, cultural or aesthetic features including features not associated with native vegetation confirmed through supplementary evidence e.g. site-based evaluations;
- is in public ownership and in a buffer to an identified environmentally sensitive area under Clause 3.3. of the Local Environmental Plan; steep land 18 degrees (32%) and above; heavily vegetated, un-serviced and not required for another public purpose;
- affected by hazardous environmental features or processes;
- **aquifer catchments and other identified natural resource areas associated with critical state, regional and local infrastructure;**
- Relies on environmental management efforts that are generally incompatible with most other types of land use/development.

May also be applied to provide a transition between areas of high conservation value (consistent with E1 and E2 zonings) and other land uses.

Where this zoning applies, land is generally unsuitable for development beyond low-scale and low-impact activities.

Areas with an existing 100ha minimum lot size will change to 40ha consistent with surrounding rural lands.

All other minimum lot sizes, applied through rezoning, development assessment or another conservation, rehabilitation or dedication process will be retained to ensure the intent and purpose of the zone and minimum lot size are maintained.

Planning proposals seeking to rezone or otherwise change the provisions of land within an E3 Environmental Management zone shall generally not be supported, unless increasing the area or level of protection afforded to the environmentally sensitive landscape or vegetation within the location.

Land that is rezoned E3 as a result of a property vegetation plan for conservation or the like, should be clearly identified in a 'development restriction - conservation lands' map layer within the LEP, to ensure clear and consistent communication of this purpose within the environmental planning instrument.

10.5 Waterway Zones in the Standard Instrument LEP

Across the MidCoast waterway zones are applied with only minor differences between objectives, land uses, development standards and methods of application. Prior to the introduction of the Standard Instrument Principal Local Environmental Plan waterways and water bodies were largely unzoned and many activities within these areas remain under the care, control and management of the Crown.

In most of NSW only a limited number of waterway zones can be applied to waterways and waterbodies and their recommended use can be summarised as follows:

Waterway Zone selection guide
W1 Natural Waterways
Facilitates a limited number of low-impact uses and activities that do not have an adverse effect on the natural value of the waterway, such as development associated with recreational fishing, boating and commercial fishing industries.
W2 Recreational Waterways
Provides greater flexibility than W1 to accommodate a higher level of water-based recreation, boating, water transport and development associated with fishing industries, such as marine-based aquaculture and recreational fishing. This zone is generally suitable to all coastal waterways.
W3 Working Waterways
Prioritises commercial shipping, ports, water-based transport, maritime industries and development associated with commercial fishing industries. May be applied where necessary to ensure activity associated with marine-based industries is permissible, including waterways adjoining land zoned IN4 Working Waterfront.

Across the MidCoast the W2 Natural Waterway zone has been applied to most coastal waters, lakes and their tributaries with a limited number of uses and activities identified as permitted with or without consent.

The primary issue for consideration in applying the suite of waterway zones across the MidCoast therefore has been - where is it appropriate and necessary to apply the W1 Natural and W3 Working Waterway zones.

10.5.1 W1 Natural Waterways

The W1 Natural Waterways zone is considered similar in nature and intent as the E2 Environmental Conservation zone, and as such has been identified as suitable for those waterways or waterbodies that are environmentally sensitive and generally unsuitable for anything other than low scale and low intensity forms of development and activity.

Within the MidCoast, many of these waterbodies are already identified and contained within the Port Stephens-Great Lakes Marine Park, RAMSAR Wetlands and E1 National Parks and Nature Reserves zone.

Only Smiths Lake is similarly identified as part of the Marine Park and predominantly surrounded by National Park and nature reserves, without being included in the E1 National Parks and Nature Reserves zone.

Smiths Lake has been identified as a waterbody sensitive to environmental, land use and development impacts and is actively monitored and managed by Council with other relevant State agencies.

Therefore, Smiths Lake is considered appropriate for the W1 Natural Waterways zone and application of a 'closed' land use table, where land uses are permitted only by exception.

For example, the black text is compulsory from the Standard Instrument LEP, while the blue text represents options for additional zone objectives and land uses in the W1 zone:

Zone W1 Natural Waterways

Direction — The following must be included as either “Permitted without consent” or “Permitted with consent” for this zone — Environmental facilities; Environmental protection works

1 Objectives of zone

- *To protect the ecological and scenic values of natural waterways.*
- *To prevent development that would have an adverse effect on the natural values of waterways in this zone.*
- *To provide for sustainable fishing industries and recreational fishing*

2 Permitted without consent

(intentionally blank, as per the Standard Instrument LEP)

3 Permitted with consent

Aquaculture

Boat launching ramps; Charter and tourism boating facilities; Community facilities; Emergency services facilities; Environmental facilities; Environmental protection works; Extractive industries; Flood mitigation works; Jetties; Marinas; Moorings; Recreation areas; Recreation facilities (outdoor); Research stations; Water recreation structures; Water supply systems; Wharf or boating facilities;

4 Prohibited

*Business premises; Hotel or motel accommodation; Industries; Multi dwelling housing; Recreation facilities (major); Residential flat buildings; Restricted premises; Retail premises; Seniors housing; Service stations; Warehouse or distribution centres; **Any other development not specified in item 2 or 3***⁷²

Noting that “extractive industries” includes dredging within waterways, and recreational activities such as swimming, kayaking and fishing do not require any form of consent within the waterway.

⁷² [Standard Instrument—Principal Local Environmental Plan \(2006 EPI 155a\) - NSW Legislation](#)

10.5.2 W2 Recreation Waterways

As stated within the introduction to this section, the W2 Recreation Waterways zone can apply to most coastal waters in NSW and enables a wide range of commercial, agricultural and recreational activities.

Within the MidCoast, it is noted that Port Stephens and its tributaries are contained within the Port Stephens-Great Lakes Marine Park but are generally zoned W2 within both the Port Stephens and Great Lakes local environmental plans, indicating that this zone can co-exist with the requirements of the Marine Park management authority.

It is also noted that unlike Smiths Lake and commercial harbours discussed in the W3 section, the extensive waterways and waterbodies of the MidCoast make allocation of different zones within one waterway impractical and unnecessary for land use planning and development assessment purposes.

Applying waterway zones beyond the tidal limit is similarly impractical in terms of data-management and maintenance of mapping for these waterways, which may be intermittent, or move, as a result of weather events and human interference.

Therefore, the W2 Recreation Waterways zone shall be applied generally to all waterways and waterbodies, to the coastal zone/tidal extent, unless otherwise identified in the W1 or W3 zone. As with all waterway zones, a 'closed' land use table is applied, where land uses are permitted only by exception.

For example, the black text is compulsory from the Standard Instrument LEP, while the blue text represents options for additional zone objectives and land uses in the W2 zone:

Zone W2 Recreational Waterways

Direction — The following must be included as either “Permitted without consent” or “Permitted with consent” for this zone — Boat sheds; Environmental facilities; Environmental protection works; Water recreation structures

1 Objectives of zone

- *To protect the ecological, scenic and recreation values of recreational waterways.*
- *To allow for water-based recreation and related uses.*
- *To provide for sustainable fishing industries and recreational fishing.*

2 Permitted without consent

(intentionally blank, as per the Standard Instrument LEP)

3 Permitted with consent

Aquaculture; Kiosks; Marinas

Boat launching ramps; Boat sheds; Building identification signs; Business identification signs; Business premises; Charter and tourism boating facilities; Community facilities; Emergency services facilities; Entertainment facilities; Environmental facilities; Environmental protection works; Extractive industries; Flood mitigation works; Food and drink premises; Function centres; Helipads; Heliports;

Information and education facilities; Jetties; Markets; Mooring pens; Moorings; Passenger transport facilities; Recreation areas; Recreation facilities (outdoor); Restaurants or cafes; Roads; Vehicle sales or hire premises; Water recreation structures; Water supply systems; Wharf or boating facilities;

4 Prohibited

*Industries; Multi dwelling housing; Residential flat buildings; Seniors housing; Warehouse or distribution centres; **Any other development not specified in item 2 or 3***⁷³

Noting that “extractive industries” includes dredging within waterways, and recreational activities such as swimming, kayaking and fishing do not require any form of consent within the waterway.

10.5.3 W3 Working Waterways

In comparison, the W3 Working Waterfront zone is considered to represent the equivalent of a commercial or business zone, where high levels of industry and activity may occur, with appropriate management to reflect the environmental, social, cultural and economic value of the waterway to the community.

Within the MidCoast, Crowdy Head Harbour is currently the only location where this zone applies. However, Cape Hawke Harbour to the Forster-Tuncurry bridge, also contains berths for a marina and commercial fishing fleet. While there are additional boat hire and charter tourism activities in the adjoining Breckenridge Channel, additional development of a higher-order is constrained by the bridge and zone boundaries would be difficult to distinguish in land use planning terms for development assessment purposes.

Therefore, the W3 zone will enable the same land uses as the W2 Recreation Waterways zone, with additional commercial and industrial activities consistent with the zone objectives. As with all waterway zones, a ‘closed’ land use table is applied, where land uses are permitted only by exception.

For example, the black text is compulsory from the Standard Instrument LEP, while the blue text represents options for additional zone objectives and land uses in the W3 zone:

Zone W3 Working Waterways

Direction — The following must be included as either “Permitted without consent” or “Permitted with consent” for this zone — Boat sheds; Environmental facilities; Environmental protection works; Water recreation structures

1 Objectives of zone

- *To enable the efficient movement and operation of commercial shipping, water-based transport and maritime industries.*
- *To promote the equitable use of waterways, including appropriate recreational uses.*
- *To minimise impacts on ecological values arising from the active use of waterways.*

⁷³ [Standard Instrument—Principal Local Environmental Plan \(2006 EPI 155a\) - NSW Legislation](#)

- To provide for sustainable fishing industries.

2 Permitted without consent

(intentionally blank, as per the Standard Instrument LEP)

3 Permitted with consent

Aquaculture; Boat building and repair facilities; Port facilities; Wharf or boating facilities

Boat launching ramps; Boat sheds; Building identification signs; Business identification signs; Business premises; Charter and tourism boating facilities; Community facilities; Emergency services facilities; Entertainment facilities; Environmental facilities; Environmental protection works; Extractive industries; Flood mitigation works; Food and drink premises; Freight transport facilities; Function centres; Helipads; Heliports; Information and education facilities; Jetties; Kiosks, Marinas; Markets; Mooring pens; Moorings; Passenger transport facilities; Recreation areas; Recreation facilities (outdoor); Restaurants or cafes; Roads; Signage; Vehicle sales or hire premises; Water recreation structures; Water supply systems;

4 Prohibited

*Industries; Multi dwelling housing; Residential flat buildings; Seniors housing; Warehouse or distribution centres; **Any other development not specified in item 2 or 3**⁷⁴*

Noting that “extractive industries” includes dredging within waterways, and recreational activities such as swimming, kayaking and fishing do not require any form of consent within the waterway.

10.5.4 Application of Waterways Zones in the MidCoast

It is noted that while there are no Ministerial Directions that specifically apply to waterway there are broad objectives to protect and manage coastal areas of NSW.

Based on this principle the following waterway zones and provisions are recommended for application and implementation in the MidCoast local environmental plan:

W1 Natural Waterways

Facilitates a limited number of low-impact uses and activities that do not have an adverse effect on the natural value of the waterway, such as development associated with recreational fishing, boating and commercial fishing industries.

Only Smiths Lake has been identified as a waterway suitable for the W1 Natural Waterways zone due to its environmental sensitivity and management requirements.

W2 Recreational Waterway

Provides greater flexibility than W1 to accommodate a higher level of water-based recreation, boating and water transport, and development associated with fishing industries, such as natural water-based aquaculture and recreational fishing.

⁷⁴ [Standard Instrument—Principal Local Environmental Plan \(2006 EPI 155a\) - NSW Legislation](#)

Generally suitable to all coastal waterways in the MidCoast that are not within the W1 Natural Waterways or W3 Working Waterways zone.

W3 Working Waterways

Prioritises commercial shipping, ports, water-based transport, maritime industries and development associated with commercial fishing industries.

May be applied where necessary to ensure water-based activity associated with the marine-based industry is permissible, including waterways adjoining land zoned IN4 Working Waterfront.

Crowdy Head Harbour and Cape Hawke Harbour at the entrance to Wallis Lake, are to be identified in the W3 Working Waterfront zone to reflect the existing and potential commercial activities within these locations.

Waterway zones will not have development standards for height of building, floor space ratio or minimum lot size, given the nature of land use and development within these areas are unique to waterways and under the care, control and management of the Crown.

In this regard, most commercial activities, aquaculture, tourism and recreation activities that rely on waterways and water access do not require consent; but the land-based services, infrastructure and built components do.

Therefore, the reserves and foreshores that provide access to our waterways may be zoned recreation, environmental or IN4 Working Waterfront. Within these zones, most infrastructure and facilities that enable commercial activities, aquaculture, tourism and recreation on our waters, are under the care control and management of Council and the Crown.

In these areas, it is the value-add land uses and activities including but not limited to cafes, boat hire and markets that should also be permitted with consent to add activity and diversity in these iconic locations. Providing public access to our waterways must also be balanced with any environmental or cultural significance of the site and location. Particularly where allowing wildlife encounters and cultural tours may assist in the long-term promotion and protection of cultural sites and places, critical environments, threatened and 'iconic' species.

It is also relevant to recognise that efforts and initiatives to improve waterways often fall outside of the influence of planning controls. Controls implemented through this recommended planning framework should therefore be considered as one of several management responses available.

Other initiatives, provided by Council or others, may include, for example: education/awareness programs that raise awareness of land use activities that protect and enhance the health of rivers and creeks, or environmental improvements funded and delivered through catchment and estuary management plans.

10.6 Rural Lifestyle Zones in the MidCoast

The Urban Zoning In project (2020) involved identification of the RU5 Village zone in the Housing Strategy, which provided a foundation for land use tables and development standards that encourage a diverse range of not only housing and accommodation, but complementary commercial, industrial, tourism and agriculture-related land uses within the villages of the MidCoast.

Separate examination of the supply and demand of R5 Large Lot Residential land across the MidCoast was undertaken, given the 'residential' nature and intent of these areas had to be considered within the broader context of housing diversity and affordability.

While the R5 Large Lot Residential zone provides a significant residential land resource, it was identified that these land holdings were considered to more closely reflect a rural than urban residential lifestyle. In recognition of this, additional investigation was undertaken into the range of land holdings and uses within the R5 Large Lot Residential zone, when compared to the E4 Environmental Living and RU4 Primary Production Small Lot zones.

In reviewing all existing zones, land use tables and development standards currently being applied across the MidCoast it has become clear that while these zones have given effect to different forms of rural living:

- from residential lifestyle allotments within an R5 Large Lot Residential estate,
- to small productive farms and hobby farms in the RU4 Primary Production Small Lot zone, and
- vegetated or scenic lands in the E4 Environmental Living zone,

there was considerable overlap in not only how these lands were used and occupied, but how they had been subdivided and developed to facilitate a range of rural lifestyles.

The challenge moving forward, is to allocate the most appropriate zone to the separate rural living areas, based on the existing characteristics of the site and surrounds, while also considering the long-term development or land use potential of these lands in the context of the MidCoast and its region.

To this end, the adopted Housing Strategy, R5, RU4 and E4 reports provide recommendations that may be applied within the new local environmental plan, but also, guide further refinement of how the protection and management of rural and environmental land is balanced and complementary with the future of our settlements.

Therefore, the findings of these various reports have been considered, to provide a planning framework for the identification and application of these rural lifestyle zones across the MidCoast.

Where possible this should be undertaken as a transition to the new local environmental plan, so that land with similar characteristics, existing and future development potential, are clearly and consistently identified.

10.6.1 RU4 Primary Production Small Lot

The following excerpt from the RU4 Primary Production Small Lot zone Report (2020), prepared in response to findings of R5 Large Lot Residential report and enquiries and submissions received during Urban *Zoning In* Consultation program, Feb-April 2020 will be considered to ensure clear and consistent application of this zone.

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.

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, in other words an 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 to ensure corridor connectivity.*
- *Consider including Lot 5 DP 1244064 which is a large area of RU4 to a zone similar to RU1 (Primary Production)*
- *Consider applying an environmental zone to the centres of Oxley Island and Mitchells Island*
- *Include the remainder of Oxley Island and Mitchells Island in a zone similar to RU1 (Primary Production)*
- *Minimise the use of the RU4 zone and apply the zone to smaller lots that have an agricultural use. Another rural zone or an environmental zone could be applied. As per the Rural Strategy and in line with the framework it establishes, the use of the RU4 zone should be minimised.*
- *Allow the land zoned RU4 Primary Production Small Lots 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.*

These recommendations are supported and consistent with the findings and recommendations of the Agriculture and Rural Industries Background Report.

In particular, the use of the RU4 Primary Production zone and its associated minimum lot sizes are recommended to be discontinued until such time as the Department of Primary

Industries – Agriculture release the Agricultural Land Use Strategy, State Significant Agricultural land and Important Agricultural Land Mapping information.

Existing areas of RU4 Primary Production Small Lot are to be:

- transitioned to the RU2 Rural landscape zone to enable continuation and a diversity of agriculture activities on these lands; and
- the existing minimum lot sizes, which predominantly range between 10, 15 and 20ha, shall be maintained, with some realignment to property boundaries to ensure the application of this development standard is clear and consistent on a property-by-property basis.

These changes will generally have no impact on the existing development potential for housing and accommodation on these allotments.

10.6.2 E4 Environmental Living Zone

The following excerpt from E4 Environmental Living zone Report (2020), prepared in response to findings of R5 Large Lot Residential report and enquiries and submissions received during Urban *Zoning In* Consultation program, Feb-April 2020, will be considered to ensure clear and consistent application of this zone.

The growth of lifestyle development in environmental areas has led to an increase in conflicts between the environment and residential land uses. The E4 land can form buffers, but also provide wildlife corridors, between significant vegetation in areas like a Nature Reserve and other 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.

If lifestyle areas are not planned appropriately, these development types can have similar environmental impacts and land use conflicts as low-density suburban development. The minimum lot size helps achieve this, by ensuring the development is appropriately sited.

E4 land needs to be managed to ensure it is best used to achieve a balance across a number of functions such as buffers to land of high biodiversity value and retention of this land; protection of scenic areas; opportunities for environmental lifestyle living where suitable; and economic activities such as eco-tourism.

Recommendations

- *Allow the land zoned E4 Environmental Living to continue to provide a diverse housing mix and continue the role in protecting and enhancing environmental functions.*
- *Consider increasing the minimum lot size of 10ha, to 20ha or greater to encourage the protection of environmental values and minimise the potential for fragmentation.*
- *Use the E4 zone as a buffer between 'urban' development and highly significant environmental land to avoid land use conflict (like E2 and E3 zoned land).*
- *Increase the coverage of the E4 zoned land. It is important that the messaging around this zone addresses the negative stigma that can come from having 'environmental' in a zone title.*

These recommendations are generally supported and consistent with the rural and environmental zone discussions in the previous section, noting that the range of land use and development in the E4 Environmental Living zone should reflect the zone objectives and environmental sensitivity of these areas.

Based on the findings and recommendations of the E4 report, the E4 zone is also considered to be appropriate for rural properties that may already have a low scale and density of development and:

- are located within or between significantly vegetated and protected areas, for example, wetlands and national parks, state forests, lakes and waterways;
- have historically been used for low-intensity farming, or occupied and maintained as rural lifestyle blocks where the rural zone is no longer appropriate and more intensive forms of agricultural activity would not be supported; and/or
- would be inappropriate and unsuitable for additional or intensified development, in terms of impact, access, infrastructure and susceptibility to natural hazards.

The provisions of the Standard Instrument LEP outlined below, indicate that the E4 is a 'closed' zone, where Council can include permissible land uses with some discretion.

For example, the black text is compulsory from the Standard Instrument LEP, while the blue text represents options for additional zone objectives and land uses in the E4 zone:

Zone E4 Environmental Living

Direction — The following must be included as either “Permitted without consent” or “Permitted with consent” for this zone — Environmental protection works; Roads

Home industries may (but need not) be included as permitted with consent.

Objectives of zone

- *To provide for low-impact residential development in areas with special ecological, scientific or aesthetic values.*
- *To ensure that residential development does not have an adverse effect on those values.*

To provide for other types of low-impact development that does not have an adverse effect on the special ecological, scientific or aesthetic values of the land.

Permitted without consent

Home occupations

Permitted with consent

Dwelling houses; Oyster aquaculture; Pond-based aquaculture; Tank-based aquaculture

Animal boarding or training establishments; Backpackers' accommodation; Bed and breakfast accommodation; Boat launching ramps; Boat sheds; Building identification signs; Business identification signs; Camping grounds; Caravan parks; Centre-based childcare facilities; Community facilities; Dual occupancies (attached); Eco-tourist facilities; Emergency services facilities; Environmental facilities; Environmental protection works; Extensive agriculture; Farm buildings; Farm stay accommodation; Flood mitigation works; Function centers; Home-based child care; Home businesses; Home industries; Pond-based aquaculture; Research stations; Respite day care centres; Roads; Roadside stalls; Sewerage systems; Water supply systems

Prohibited

*Industries; Service stations; Warehouse or distribution centres; **Any other development not specified in item 2 or 3***⁷⁵

Within the development control plan it will also be critical for the developable area of each proposed new allotment in an this and other environmental zones to be identified at the time of the subdivision proposal, to ensure: all access, buildings, structures, on-site sewage management areas are in flood-free; and bushfire hazard asset protection zone requirements are identified; to minimise construction and cumulative impacts of development within these areas.

10.6.3 RU5 Village

This zone is also discussed within the rural living zones section that follows given its primarily functions as an urban zone, despite the “RU” rural classification. The existing recommendations from the Draft MidCoast Housing Strategy (2020) are also generally supported and reflective of the importance of villages within the rural landscape and communities:

Future Housing Opportunities

The opportunities for housing in the future would involve:

- *Maintaining a flexible approach to planning and development, so that when opportunities are identified, they can be achieved subject to reasonable assessment requirements.*
- *Establishing a broader approach to growth and revitalisation of the villages that are not necessarily linked to development - potentially including links to tourism, place management and the like.*
- *Establishing a consistent approach to village growth, with respect to policies or innovative opportunities for treatment and/or funding of sewerage treatment solutions.*

The Village zone allows for a wide range of land uses, including residential, business, industrial and various other commercial and community activities. In a more compact urban environment this can result in some frequent land use conflicts, but on a smaller scale, and in a more open or rural setting this zone enables for a range of services to be provided to their communities in a more flexible way.

Development would be low scale (two storey), with the lot size depending on access to appropriate reticulated sewerage systems. The vision for the zone is to retain flexibility in the evolution and development of smaller villages, enabling them to respond to their own specific needs, whilst maintaining the character of the area.

Village Zone - Proposed Land Use Table

Objectives

- ***To provide for a range of land uses, services and facilities that are associated with a rural village.***

⁷⁵ [Standard Instrument—Principal Local Environmental Plan \(2006 EPI 155a\) - NSW Legislation](#)

- To enable range of land uses, including non-residential development, that does not prejudice the established land use pattern within the village.
- To maintain and enhance the historical significance, character and scenic quality of village settings.

Permitted without consent

Environmental protection works; **Home Occupations**; Roads; Extensive agriculture

Permitted with Consent

Amusement centres; Animal boarding or training establishments; Boat building and repair facilities; Boat launching ramps; Boat sheds; Building identification sign; Camping grounds; Car parks; Caravan parks; Cemetery; **Centre-based child care facilities**; Charter and tourism boating facilities; Child care centres; Commercial premises; **Community facilities**; Depots; **Dwelling houses**; Eco-tourist facilities; Educational establishments; Emergency services facilities; Entertainment facilities; Environmental facilities; Exhibition homes; Farm buildings; Flood mitigation works; Function centres; Health services facilities; Helipad; Highway service centres; Homebased child care; Home businesses; Home industries; Horticulture; Industrial retail outlets; Industrial training facilities; Industries; Information and education facilities; Jetties; Marinas; Mooring pens; Moorings; Mortuaries; **Neighbourhood shops**; **Oyster aquaculture**; Passenger transport facilities; **Places of public worship**; Public administration building; **Recreation areas**; **Recreation facilities (indoor)**; **Recreation facilities (outdoor)**; Recreation facilities (major); Registered clubs; Research stations; Residential accommodation; **Respite day care centres**; Restricted premises; Rural industries; **Schools**; Service stations; Sewerage systems; Signage; Storage premises; **Tank-based aquaculture**; Transport depots; Truck depots; Tourist and visitor accommodation; Vehicle body repair workshops; Vehicle repair stations; Veterinary hospitals; Warehouse and distribution centres; Waste or resource management facilities; Water recreation structures; Water supply systems; Wharf or boating facilities; Wholesale supplies.

Prohibited

Bulky good premises; **Pond-based aquaculture**; Waste or resource transfer stations; Any other development not specified as permitted with or without consent.

Note: the bold text is compulsory, as required by the Standard Instrument LEP.

While these general provisions from the Housing Strategy are supported, the review of existing village zones and zone boundaries are key issues requiring consideration within the Rural Strategy, in particular:

- Ensuring where the village zone is to be retained, it is realigned to ensure a one zone – one lot principal wherever possible, except for environmental zones; and
- Where properties are affected by split-zones e.g. village and rural, and minor realignment is insufficient, the property should be allocated the most appropriate rural or rural living zone, based on site characteristics and constraints.

Finally, it is acknowledged that while the RU5 Village zone is an ‘open’ zone in which a broad range of land uses can be permitted with consent, in some small villages and villages with insufficient infrastructure and services, this full range of activities may be unsuitable.

Further consideration should be given to removing the developments that are suited to towns and larger settlements. To ensure clear and consistent assessment of land use

capacity and suitability, the local environmental plan must include an essential services clause, requiring consideration of servicing constraints on a site-specific basis.

10.6.4 R5 Large Lot Residential Zone

The following is an excerpt from the exhibited Draft MidCoast Housing Strategy (2020), as informed by R5 Large Lot Residential Zone Supply and Demand Analysis Report (2019).

Unlike many of the zones that have been used in the more urbanised areas in the three former Council areas, the Large Lot Residential zone has been used relatively consistently. This means that the zone can be retained generally as existing, in a future MidCoast LEP.

Any changes to the existing minimum lot size need a holistic approach to ensure access, services, environmental values and the character of an area are not impacted upon. An application to change the minimum lot size (within an existing estate) would have to address the above for the whole estate.

Like village areas, the lot sizes and development potential are largely related to how sewerage treatment can occur, meaning a recommended minimum lot size of 4,000sqm where a reticulated sewerage system is available, but a larger 1.5Ha where not.

Further work is needed to understand the costs and benefits of this type of residential development to assist Council in establishing a sustainable policy position moving forward. These investigations would be guided by Local Strategies, regional planning and State policies

Key housing characteristics:

- *Large Lot Residential land occupies almost half (43%) of all residential and village zoned land but only accommodates 5% of residents.*
- *Each year, an average of 53 lots are registered, and 47 dwellings are constructed in the MidCoast area.*
- *A strong correlation exists between land release and building approvals i.e. land take up is typically strong.*
- *Considerable land is available for large lot development, though predominantly being west of the Pacific Highway. Additional information is available in Council's Large Lot Residential Supply and Demand Analysis Report.*

What's important and how do we move forward?

A number of consultation participants sought an increase in the extent and availability of Large Lot Residential land. Whilst this form of development and housing choice is a notable component of the overall mix of the MidCoast area, a baseline policy direction is first needed before identifying any new land to be rezoned for this form of housing.

This is particularly important as rural residential style living can have a number of poor outcomes including:

- *loss of good quality agricultural land;*
- *bushfire risks;*
- *land use conflicts between quasi residential and rural activities;*

- *extensive long-term infrastructure costs for roads and other services that cater for relatively few residents; and*
- *potential impacts on surrounding waterways and receiving environments - particularly where not serviced by reticulated sewerage systems and connected to reticulated water.*

Future Housing Opportunities

The opportunities for housing in the future would involve:

- *Continued development of existing land already in the Large Lot Residential zone, which is predicted to hold supply of up to 1,250 lots, which includes infill, but are primarily greenfield opportunities.*
- *Establish a policy and direction for the future of large lot residential land in the MidCoast considering desired economic, social and environmental outcomes before identifying the release of any future land for this purpose.*

Dwellings in this zone would typically be one or two storeys but are often larger homes than those that are able to be accommodated in existing towns and villages.

Subdivisions would require careful consideration of land use conflicts (particularly with agricultural uses), sensitive environments and access to services. Critical to the minimum lot size is availability of reticulated sewerage systems. Where sewer connections are available, the lot size can be smaller. Areas without this infrastructure must accommodate their sewerage waste "on-site", traditionally via a septic system.

The vision for the zone is to provide opportunities to transition between urban and rural locations. Enabling larger lots will accommodate those seeking lifestyle choices that provide for space and separation without being in more isolated rural areas.

The planning controls associated with the zone would typically include:

- *Height limit 8.5m*
- *Floor Space Ratio None - scale of buildings controlled through character objectives, local character statements and development control plans (DCPs)*
- *Minimum lot size* 4,000sqm where reticulated sewerage system is available. 1.5Ha where not available. (*Future large lot residential development)*

Large Lot Residential Zone (R5) - Proposed Land Use Table

Objectives

- ***To provide residential housing in a rural setting while preserving, and minimising impacts on, environmentally sensitive locations and scenic quality.***
- ***To ensure that large residential lots do not hinder the proper and orderly development of urban areas in the future.***
- ***To ensure that development in the area does not unreasonably increase the demand for public services or public facilities.***
- ***To minimise conflict between land uses within this zone and land uses within adjoining zones.***
- ***To enable development that has minimal environmental and visual impact and is compatible with residential land uses within the zone.***

- To provide opportunities for small scale rural activities that are compatible with the residential housing.

Permitted without consent

Environmental protection works; **Home Occupations**; Roads

Permitted with Consent

Bed and breakfast accommodation; Boat launching ramps; Boat sheds; Building identification sign; Car parks; Centre-based child care facilities; Community facilities; Dual occupancies; **Dwelling houses**; Emergency services facilities; Exhibition homes; Extensive agriculture; Flood mitigation works; Helipads; Home-based child care; Home businesses; Home industries; Jetties; Moorings; **Oyster aquaculture**; Places of public worship; **Pond-based aquaculture**; Recreation areas; Respite day care centres; Roadside stalls; Secondary dwellings; **Tank-based aquaculture**; Water storage facility.

Prohibited

Any development not specified as permitted with or without consent.

Note: the bold text is compulsory, as required by the Standard Instrument LEP at the time of writing.

While the general provisions from the Housing Strategy are supported, the review of existing large lot residential zone alignments are key issues requiring consideration within the Rural Strategy, in particular:

- Ensuring the zone alignment reflects the one zone – one lot principal, except where environmental zones apply;
- Where properties are affected by split-zones e.g. large lot residential and rural, and minor realignment is insufficient, the property should be allocated the most appropriate zone, based on site characteristics, constraints and existing development potential.

10.6.5 Application of Rural Lifestyle zones in the MidCoast

Where land within the rural zone has already been subdivided to such an extent that agricultural potential has been lost to a rural lifestyle outcome, these areas should be reviewed and rezoned to the most appropriate rural lifestyle zone.

The range of rural lifestyle zones are to be applied as follows in the MidCoast local environmental plan and future planning proposals to rezone rural land:

Rural Living Zone selection guide

RU5 Village

Land that may accommodate a broad variety of residential, retail, civic, business, tourist, light industrial and other compatible uses that serve the day-to-day needs of people within the village and surrounding rural areas.

It is expected this will be the most appropriate zone for most rural centres in the MidCoast.

Depending on local circumstances, additional LEP or DCP controls may be required to encourage non-residential uses to cluster, to minimise land use conflict with residential uses, utilise infrastructure and services effectively and efficiently, improve access by public transport, shared parking facilities and walkability.

RU5 Village zone will continue to be applied generally be in accordance with the recommendations of the Housing Strategy, with consideration of the following additional principles:

- All settlements within a RU5 Village Zone shall have a minimum of 20 dwellings, or lots capable of dwellings, in a recognisable subdivision pattern, grid or linear, within a settlement area of at least 10 hectares.
- The RU5 Village boundary is to consolidate and include the existing built form of villages.
- The RU5 Village boundary is to ensure a “one zone - one lot” principle is achieved wherever possible. The only exceptions to this principle are:
 - where part of a lot has an environmental zoning.
 - as a result of a rezoning proposal requiring a split zone to ensure conservation or development outcomes.

In accordance with the recommendations of the Housing Strategy, where new areas of RU5 Village are identified in areas not connected to reticulated water and sewer, the minimum lot size is to reflect the development capacity of the site and location and consider recommendations of the Draft MidCoast Council On-site Sewerage Management Development Assessment Framework (OSSM DAF).

RU5 Village zones in locations with reticulated water and sewer will continue to have a minimum lot size of 1,000 square metres.

The application of the RU5 Village zone is to have no impact on existing dwelling entitlements.

Undeveloped RU5 Village allotments in public agency ownership that are not required for a recreation or community purpose are to be rezoned to an appropriate environmental zone.

R5 Large Lot Residential

Identifies land within a rural setting that has a predominantly residential use and is of insufficient size to accommodate agricultural or other rural land uses.

Where new areas of R5 Large Lot Residential land are identified, lots are usually less than 2ha in size and have limited environmental constraints, noting that planning provisions prohibit the rezoning of flood prone land to a residential zone

In accordance with the recommendations of the Housing Strategy, where areas of R5 Large Lot Residential are identified:

- in areas not connected to reticulated water and sewer, a minimum lot size of 1.5hectares will be applied; and
- in areas connected to reticulated water and sewer, a minimum lot size of 4000sqm will be applied.

Depending on local circumstances, additional LEP or DCP controls may be required to ensure rural residential development does not have an adverse effect on the environmental qualities of the land or surrounding areas.

E4 Environmental Living

Identifies land with special ecological scientific, cultural or aesthetic qualities that are generally compatible with limited or low impact residential, tourism and extensive

agricultural uses that are compatible with the environmental sensitivity of the site and surrounding areas.

Applied where the land is affected by buffers to and/or is adjoining environmentally sensitive areas identified in Clause 3.3 of the Local Environmental Plan; where the primary purpose of the land may be preserving, maintaining or restoring natural attributes of the land.

Rural areas that are identified as suitable for this zone will have a minimum lot size of 20ha for subdivision.

Additional LEP or DCP controls will likely be required to ensure rural residential development does not have an adverse effect on the environmental qualities of the land.

10.7 Local environmental plan clauses and mapping

The Goals and Objectives of the Rural Strategy, when read in conjunction with the Background and other associated reports, recommend several clauses be introduced or updated to reflect and enable effective land use planning in our rural, environmental and waterway areas. The following section provides examples of clauses recommended for inclusion in the MidCoast local environmental plan.

Where possible, existing gazetted clauses, that have already been approved for use in another local environmental plan by the Department of Planning, Industry & Environment and the Minister for Planning are included as examples.

Many local clauses also require mapping either within the local environmental plan or another publicly available location, where this is known to be necessary, it will be noted.

10.7.1 Development Standards of a local environmental plan

The principle development standards specified in a local environmental plan are those relating to – floor space ratios, height of buildings and minimum lot size.

Floor Space Ratio

Consistent with the Urban Zoning In recommendations, floor space ratios are recommended for removal. Within the rural landscape, where properties are generally large and buildings are separated by significant distances, this is an unnecessary development standard.

Height of Buildings

Generally consistent also with the Urban Zoning In recommendations, the rural, environmental and waterway zones are also areas where building heights may be more appropriately assessed on merit, rather than by compliance with a nominal height limit.

Therefore, a merit assessment clause with a clear objective and assessment criteria will be applied to all rural, environmental and waterway zones, with the exception of the RU5 Village and rural lifestyle properties in the E4 Environmental Living and R5 Large Lot Residential zones previously discussed in the report, where a standard 8.5m (two storey) height limit will be applied, consistent with low density residential zone controls.

Rural Strategy Objective	4.1 Establish planning controls that reflect long-term outcomes
Background	<p>It is proposed to remove Height of Building controls from rural and environmental zones except for the RU5 Village, E4 Environmental Living zones in the new MidCoast LEP.</p> <p>A local clause with objectives and criteria that require building design to respond to and complement our rural landscapes and environmental features, a flexible and merit-based assessment approach may be taken to building for agricultural, residential and tourism-related land uses and activities.</p>
Example LEP	<p>Dungog LEP 2014 Clause 6.12</p> <p><i>Protection of rural landscapes and environmental features in rural and environmental zones</i></p> <p><i>(1) The objective of this clause is to protect rural amenity and character by managing the visual impact of buildings on the landscape and environmental features of that landscape.</i></p> <p><i>(2) This clause applies to land in Zone RU2 Rural Landscape, Zone E2 Environmental Conservation and Zone E3 Environmental Management.</i></p> <p><i>(3) Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that—</i></p> <p><i>(a) any buildings that form part of the development will blend into the landscape and not become silhouetted on a ridgeline, and</i></p>

(b) the design, bulk and colours of any such buildings will be compatible with the surrounding landscape.

Minimum Lot Size

The one development standard that remains across rural and environmental zones therefore will be that of minimum lot size, which affects not only subdivision outcomes but informs the existence of dwelling entitlements.

During investigations into the minimum lot sizes that applied across the MidCoast, not only where surrounding local government area provisions reviewed, but land owners and industry groups were engaged to determine minimum land area requirements for a range of agricultural land uses.

To this end, additional information on industry benchmarks, reflecting the findings of the engagement, Council and the consultant team's review of current industry requirements and best practice guidelines, are included in the Local Development Plan Benchmarks section of this report, to assist guide the effective use of land and water resources within the MidCoast.

Rural Strategy Objective	4.1 Establish planning controls that reflect long-term outcomes
Background	<p>With the removal of minimum lot sizes of 100ha over large areas of the MidCoast, and application of a single rural zone and general 40ha minimum lot size, it is considered to necessary and appropriate to include a subdivision clause that provides clear and consistent objectives and criteria for the assessment of subdivision applications.</p> <p>The subdivision clause may apply to all rural and environmental zoned land in the new MidCoast LEP.</p> <p>The objectives and criteria will require subdivision proposals to respond to and complement our rural landscapes and environmental features, while also recognising the important agricultural and primary production land uses and activities that occur in these areas and contribute to our social, economic and environmental wellbeing.</p>
Example LEP	Yass Valley LEP 2013 Clause 4.2A
Site responsive subdivision in rural and environmental zones	
<p>(1) <i>The objective of this clause is to enable site responsive subdivision of land in rural and environmental areas.</i></p> <p>(2) <i>This clause applies to land in Zone RU2 Rural Landscape, Zone E2 Environmental Conservation, Zone E3 Environmental Management and Zone E4 Environmental Living.</i></p> <p>(3) <i>Land to which this clause applies may, with development consent, be subdivided if the consent authority is satisfied that the use of the land after the subdivision will be the same use permitted under an existing development consent for the land.</i></p>	

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- (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:*
- (a) enables a range of property sizes to encourage a diversity of agricultural pursuits*
 - (b) will not adversely affect the use of site or surrounding land for agriculture,*
 - (c) is necessary for the ongoing operation of the permissible use,*
 - (d) will not increase rural land use conflict in the locality,*
 - (e) has adequate regard to the natural and physical constraints affecting the land,*
 - (f) protects the existing and inherent environmental values of the land including steep land, environmentally sensitive areas, significant vegetation, waterbodies and water courses,*
 - (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*
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Council can also propose a range of local clauses that reflect community values relating to the conservation and development of land and water resources across the local government area. These may be as broad or detailed as necessary, noting that the Clause must have a clear objective and assessment criteria, and requires Ministerial approval to be in force.

The broad range of rural, environmental and waterway matters covered within the Rural Strategy may not be covered within the first version of the MidCoast local environmental plan, but opportunities for continual improvement are available through housekeeping amendments and the regular review programs required by the Department of Planning, Industry and Environment.

While these clauses may be located in the Principal Development Standards, Miscellaneous Provisions or Additional Local Provisions sections of the local environmental plan, to provide some clarity and consistency with the context and content of this document, the example clauses will be considered as they relate to the first three Goals of the Strategy:

Goal 1: Sustain Primary Production Opportunities

Goal 2: Enhance Rural Lifestyles and Livelihoods

Goal 3: Protect Natural Landscapes

Goal 4: Improve Planning and Plan-making in Practice

10.7.2 Local Clauses to Sustain Primary Production Opportunities

The key objectives of this section relate to the:

- Identification and protection of agricultural industries and resources; and
- Improving planning for energy and mineral resource industries

Examples of local clauses that may be employed to action these objectives are provided below.

Intensive Livestock Agriculture

Rural Strategy Objective	1.1 Identify and protect agricultural industries and resources
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Background	At the time of writing, the clause is compulsory in any local environmental plan where intensive livestock agriculture is permitted The clause would apply in the new MidCoast LEP.
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Example LEP	Gloucester LEP 2010 Clause 5.18
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Intensive livestock agriculture

(1) *The objectives of this clause are—*

(a) to ensure appropriate environmental assessment of development for the purpose of intensive livestock agriculture that is permitted with consent under this Plan, and

(b) to provide for certain capacity thresholds below which development consent is not required for that development subject to certain restrictions as to location.

(2) *This clause applies if development for the purpose of intensive livestock agriculture is permitted with consent under this Plan.*

(3) *In determining whether or not to grant development consent under this Plan to development for the purpose of intensive livestock agriculture, the consent authority must take the following into consideration—*

(a) the adequacy of the information provided in the statement of environmental effects or (if the development is designated development) the environmental impact statement accompanying the development application,

(b) the potential for odours to adversely impact on the amenity of residences or other land uses within the vicinity of the site,

(c) the potential for the pollution of surface water and ground water,

(d) the potential for the degradation of soils,

(e) the measures proposed to mitigate any potential adverse impacts,

(f) the suitability of the site in the circumstances,

(g) whether the applicant has indicated an intention to comply with relevant industry codes of practice for the health and welfare of animals,

(h) the consistency of the proposal with, and any reasons for departing from, the environmental planning and assessment aspects of any guidelines for the establishment and operation of relevant types of intensive livestock agriculture published, and made available to the consent authority, by the Department of Primary Industries (within the Department of Industry) and approved by the Planning Secretary.

(4) Despite any other provision of this Plan, development for the purpose of intensive livestock agriculture may be carried out without development consent if—

(a) the development is of a type specified in subclause (5), and

(b) the consent authority is satisfied that the development will not be located—

(i) in an environmentally sensitive area, or

(ii) within 100 metres of a natural watercourse, or

(iii) in a drinking water catchment, or

(iv) within 500 metres of any dwelling that is not associated with the development, or a residential zone, or

(v) if the development is a poultry farm—within 500 metres of another poultry farm.

(5) The following types of development are specified for the purposes of subclause (4)—

(a) a cattle feedlot having a capacity to accommodate fewer than 50 head of cattle,

(b) a goat feedlot having a capacity to accommodate fewer than 200 goats,

(c) a sheep feedlot having a capacity to accommodate fewer than 200 sheep,

(d) a pig farm having a capacity to accommodate fewer than 20 breeding sows, or fewer than 200 pigs (of which fewer than 20 may be breeding sows),

(e) a dairy (restricted) having a capacity to accommodate fewer than 50 dairy cows,

(f) a poultry farm having a capacity to accommodate fewer than 1,000 birds for meat or egg production (or both).

(6) For the avoidance of doubt, subclause (4) does not apply to development that is prohibited or that may be carried out without development consent under this or any other environmental planning instrument.

(7) In this clause—

environmentally sensitive area has the same meaning as in clause 1.5 of [State Environmental Planning Policy \(Exempt and Complying Development Codes\) 2008](#).

residential zone means Zone RU4 Primary Production Small Lots, Zone RU5 Village, Zone RU6 Transition, Zone R1 General Residential, Zone R2 Low Density Residential, Zone R3 Medium Density Residential, Zone R4 High Density

Residential, Zone R5 Large Lot Residential, Zone B4 Mixed Use, Zone B6 Enterprise Corridor, Zone E3 Environmental Management or Zone E4 Environmental Living.

Aquaculture

Rural Strategy Objective	1.1 Identify and protect agricultural industries and resources
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Background	At the time of writing, the clause is compulsory in any local environmental plan where aquaculture is permitted The clause would apply in the new MidCoast LEP.
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Example LEP	Gloucester LEP 2010 Clause 5.19
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Pond-based, tank-based and oyster aquaculture

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

(a) to encourage sustainable oyster, pond-based and tank-based aquaculture in the State, namely, aquaculture development that uses, conserves and enhances the community's resources so that the total quality of life now and in the future can be preserved and enhanced,

(b) to set out the minimum site location and operational requirements for permissible pond-based and tank-based aquaculture development.

(2) *Pond-based or tank-based aquaculture—matters of which consent authority must be satisfied before granting consent The consent authority must not grant development consent to carry out development for the purpose of pond-based aquaculture or tank-based aquaculture unless the consent authority is satisfied of the following—*

(a) that the development complies with the site location and operational requirements set out in Part 1 of Schedule 6 for the development,

(b) in the case of—

(i) pond-based aquaculture or tank-based aquaculture in Zone R1 General Residential, Zone R2 Low Density Residential or Zone R5 Large Lot Residential—that the development is for the purpose of small scale aquarium fish production, and

(ii) pond-based aquaculture in Zone E3 Environmental Management or Zone E4 Environmental Living—that the development is for the purpose of extensive aquaculture, and

(iii) tank-based aquaculture in Zone R3 Medium Density Residential, Zone E3 Environmental Management or Zone E4 Environmental Living—that the development is for the purpose of small scale aquarium fish production, and

(iv) pond-based aquaculture or tank-based aquaculture in Zone W1 Natural Waterways, Zone W2 Recreational Waterways or Zone W3 Working Waterways—that the development will use waterways to source water.

(3) *The requirements set out in Part 1 of Schedule 6 are minimum requirements and do not limit the matters a consent authority is required to take into consideration under the Act or the conditions that it may impose on any development consent.*

(4) Extensive pond-based aquaculture permitted without consent in certain zones Development for the purpose of pond-based aquaculture, that is also extensive aquaculture, may be carried out without development consent if—

(a) the development is carried out in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots or Zone RU6 Transition, and

(b) the development complies with the site location requirements and operational requirements set out in Part 2 of Schedule 6.

(5) Oyster aquaculture—additional matters that consent authority must consider in determining a development application In determining a development application for development for the purpose of oyster aquaculture, the consent authority must consider—

(a) any provisions of any aquaculture industry development plan that are relevant to the subject of the development application, and

(b) the NSW Oyster Industry Sustainable Aquaculture Strategy.

(6) Oyster aquaculture permitted without consent in priority oyster aquaculture areas Development for the purpose of oyster aquaculture may be carried out without development consent—

(a) on land that is wholly within a priority oyster aquaculture area, or

(b) on land that is partly within and partly outside a priority oyster aquaculture area, but only if the land outside the area is no more than 0.1 hectare in area.

(7) Definitions In this clause—

aquaculture industry development plan means an aquaculture industry development plan published under Part 6 of the [Fisheries Management Act 1994](#).

extensive aquaculture has the same meaning as in the [Fisheries Management \(Aquaculture\) Regulation 2017](#).

NSW Oyster Industry Sustainable Aquaculture Strategy means the third edition of the publication of that title, as published in 2016 by the Department of Primary Industries (within the Department of Industry).

priority oyster aquaculture area means an area identified as a priority oyster aquaculture area on a map referred to in Chapter 5.3 of the NSW Oyster Industry Sustainable Aquaculture Strategy, being a map a copy of which is held in the head office of the Department of Primary Industries (within the Department of Industry) and published on that Department's website.

Land Use Conflict related to subdivision

Rural Strategy Objective

1.1 Identify and protect agricultural industries and resources

Background

With the removal of minimum lot sizes of 100ha over large areas of the MidCoast, and application of a single rural zone and general 40ha minimum lot size, it is considered to necessary and appropriate to include a subdivision clause that requires assessment of potential land use conflicts that may occur as a result of the subdivision of rural and environmental for rural lifestyle purposes.

The clause may apply to all rural and environmental zoned land in the new MidCoast LEP.

Subdivision of land in certain rural, residential or environment protection zones

(1) The objective of this clause is to minimise potential land use conflict between existing and proposed development on land in adjoining rural, residential and environment protection zones.

(2) This clause applies to land in the following zones Zone RU2 Rural Landscape, Zone R5 Large Lot Residential, Zone E2 Environmental Conservation, Zone E3 Environmental Management and Zone E4 Environmental Living.

(4) Development consent must not be granted for the subdivision of land proposed to be used for the purposes of a dwelling or other residential accommodation, unless the consent authority is satisfied that the subdivision—

(a) will not adversely affect the existing use of adjoining land for agriculture, and

(b) will not adversely affect the existing uses and approved uses of land in the vicinity of the development

(c) is necessary for the ongoing operation of the permissible use, and

(d) will not increase rural land use conflict in the locality, and

(e) is appropriate having regard to the natural and physical constraints affecting the land; and

(f) any measures proposed by the applicant to avoid or minimise any potential conflict between adjoining land uses.

Tourism Activities – Farm Gates and similar facilities

Rural Strategy Objective	1.1 Identify and protect agricultural industries and resources
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Background	<p>In April-May 2021 the Department of Planning, Industry and Environment published an Explanation of Intended Effect for Proposed Amendments to Agriculture - Agritourism and small-scale agriculture development.⁷⁶</p> <p>The amendments were proposed to support farm businesses and regional economies and focussed on exempt and complying development initiatives, with acknowledgement that where exempt and complying options are not available or unsuitable, land uses should be identified as permissible with consent in appropriate zones to enable the lodgement and assessment of a development application.</p> <p>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.</p>
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Example LEP	Lismore LEP 2012 Clause 6.11
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Rural and nature-based tourism development

⁷⁶ [Agritourism and small-scale agriculture development - Explanation of intended effect \(shared-drupal-s3fs.s3-ap-southeast-2.amazonaws.com\)](#)

(1) *The objective of this clause is 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.*

(2) *This clause applies to land in rural and environmental zones.*

(3) *Development consent must not be granted to tourism development on land to which this clause applies unless the consent authority is satisfied that—*

(a) there is, or will be, adequate vehicular access to and from a road, other than a classified road, taking into account the scale of the development proposed, and

(b) the development is small scale and low impact, and

(c) the development is complementary to the rural or environmental attributes of the land and its surrounds,

(d) the essential services available on site have sufficient capacity to accommodate additional visitors; and

(d) the development will not have a significant adverse impact on agricultural production, amenity or the natural environment.

(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.

(6) *In this clause—*

small scale *means a scale that is small enough to be generally managed and operated by the principal owner living on the property.*

tourism development *includes, but is not necessarily limited to, development for any of the following purposes—*

(a) artisan food and drink premises

(b) cellar door premises,

(c) home industries that provide services, or the sale of goods, on site to visitors,

(d) information and education facilities,

(e) kiosks,

(f) restaurants or cafes,

(j) rural industries that provide services, or the sale of goods, on site to visitors.

Tourist Accommodation – Farm Stay and similar facilities

Rural Strategy Objective	1.1 Identify and protect agricultural industries and resources
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Background	<p>In April-May 2021 the Department of Planning, Industry and Environment published an Explanation of Intended Effect for Proposed Amendments to Agriculture - Agritourism and small-scale agriculture development.⁷⁷</p> <p>The amendments were proposed to support farm businesses and regional economies and focussed on exempt and complying development initiatives, with acknowledgement that where exempt and complying options are not available or unsuitable, land uses should be identified as permissible with consent in appropriate zones to enable the lodgement and assessment of a development application.</p> <p>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.</p>
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Example LEP [Lismore LEP 2012 Clause 6.11](#)

Rural and nature-based tourist accommodation

- (1) The objective of this clause is to ensure that tourist accommodation in rural and natural areas is small scale and does not adversely impact on the agricultural production, scenic or environmental values of the land.*
- (2) This clause applies to land in rural and environmental zones.*
- (3) Development consent must not be granted to tourist accommodation on land to which this clause applies unless the consent authority is satisfied that—*
- (a) there is, or will be, adequate vehicular access to and from a road, other than a classified road, taking into account the scale of the development proposed, and*
 - (b) the development is small scale and low impact, and*
 - (c) the development is complementary to the rural or environmental attributes of the land and its surrounds,*
 - (d) the essential services available on site have sufficient capacity to accommodate additional visitors; and*
 - (d) the development will not have a significant adverse impact on agricultural production, amenity or the natural environment.*
- (4) If development for the purposes of 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.*
- (5) Development consent must not be granted to development for the purposes of tourist accommodation 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.*
- (6) In this clause—*
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⁷⁷ [Agritourism and small-scale agriculture development - Explanation of intended effect \(shared-drupal-s3fs.s3-ap-southeast-2.amazonaws.com\)](https://www.southeast2.amazonaws.com)

camping ground does not include a caravan park.

small scale means a scale that is small enough to be generally managed and operated by the principal owner living on the property.

tourist accommodation includes, but is not necessarily limited to, development for any of the following purposes—

- (a) bed and breakfast accommodation,
 - (b) camping grounds,
 - (c) eco-tourist facilities,
 - (d) farm stay accommodation,
 - (e) serviced apartments
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Extractive Resources

Rural Strategy Objective	1.2 Improve planning for energy and mineral resource industries
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Background	<p><u>State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007</u> provides that a Consent Authority must consider the proximity of nearby significant resources of mineral, petroleum or extractive minerals when assessing development.</p> <p>A local clause and mapping ensure that key resource areas are not sterilised by development that is incompatible with extractive industries and also provides information for potential land purchasers.</p> <p>The clause is currently used in many LEP's throughout NSW and is accompanied by a Mineral Resource Area Map. Similar provisions could be prepared for locally significant resources.</p>
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Example LEP	<u>Great Lakes LEP 2014 Clause 7.14</u>
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Significant Extractive Resources

- (1) The objective of this clause is to identify land that is the location of significant resources of minerals, petroleum or extractive materials for the purposes of clause 13 of [State Environmental Planning Policy \(Mining, Petroleum Production and Extractive Industries\) 2007](#).
 - (2) The land identified as "Identified resource" on the [Mineral Resource Area Map](#) is the land to which clause 13 of [State Environmental Planning Policy \(Mining, Petroleum Production and Extractive Industries\) 2007](#) applies.
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Renewable energy production facilities

Rural Strategy Objective	1.1 Improve planning for energy and mineral resource industries
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Background	<p>The MidCoast local government area is not identified at the time of writing, as a priority or preferred location for State significant renewable energy production facilities.</p> <p>However, Council has committed to a Climate Change Policy and Action Plan and rural communities could achieve significant economic and social benefits through the establishment of smaller community-led or agri-voltaic facilities or wind turbine facilities.</p>
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Renewable energy production facilities

(1) The objective of this clause is to minimise land use conflicts and adverse amenity impacts by providing a reasonable level of separation between renewable energy production facilities and residential areas.

(2) This clause applies for the purposes of renewable energy and electricity generating works that are not for domestic or State significant energy production.

(3) Development consent must not be granted for the establishment of a renewable energy or electricity generating works, unless the consent authority is satisfied that the development —

(a) will not adversely affect the existing use of land for agriculture, and

(b) will not adversely affect the existing uses and approved uses of land in the vicinity of the development

(c) will not increase rural land use conflict in the locality,

(d) will not have significant visual and amenity impacts within the landscape or on adjoining residential development;

(e) is appropriate, having regard to the natural and physical constraints affecting the land;

(f) includes a site remediation plan that can be implemented should the development cease; and

(g) any measures proposed by the applicant to avoid or minimise any potential conflict between adjoining land uses.

10.7.3 Local Clauses to Enhance Rural Lifestyles and Livelihoods

The key objectives of this section relate to the:

- Provide accommodation and services for rural communities;
- Provide a range of tourist accommodation and experiences;
- Preserve natural landscapes and cultural connections; and
- Strengthen and connect the network of centres.

Examples of local clauses that may be employed to action these objectives are provided below.

Secondary dwellings and Dual Occupancies in rural zones

Rural Strategy Objective	2.1 Provide accommodation and services for rural communities
Background	A local clause that has already been applied in many areas of the MidCoast enables secondary dwellings and/or dual occupancies on rural land, with criteria to ensure these developments do not impact on the rural landscape and existing agricultural activities on the property.
Example LEP	Great Lakes LEP 2014 Clause 4.2B
<i>Erection of dual occupancies and secondary dwellings in Zone RU2</i>	
<i>(1) The objectives of this clause are as follows—</i>	
<i>(a) to ensure that development is compatible with the primary production potential, rural character and environmental capabilities of the land,</i>	
<i>(b) to ensure that consent is only granted to development for the purposes of dual occupancies (detached) and secondary dwellings if issues such as access, siting, land suitability and potential impacts are addressed,</i>	
<i>(c) to only permit dual occupancies in Zone RU2 Rural Landscape if a dwelling house is also permitted on that land.</i>	
<i>(2) Development consent must not be granted to development for the purpose of a dual occupancy (detached) or secondary dwelling on land in Zone RU2 Rural Landscape unless the consent authority is satisfied that—</i>	
<i>(a) the development will not impair the use of the land for agriculture or rural industries, and</i>	
<i>(b) each dwelling will use the same vehicular access to and from a public road, and</i>	
<i>(c) any dwellings will be situated within 100 metres of each other, and</i>	
<i>(d) the land is physically suitable for the development, and</i>	
<i>(e) the land is capable of accommodating the on-site disposal and management of sewage for the development, and</i>	
<i>(f) the development will not have an adverse impact on the scenic amenity or character of the rural environment.</i>	
<i>(3) Development consent must not be granted to development for the purposes of a dual occupancy on land in Zone RU2 Rural Landscape unless development</i>	

consent for the erection of a dwelling house on that land may be granted in accordance with clause 4.2A.

Land sharing communities

Rural Strategy Objective	2.1 Provide accommodation and services for rural communities
Background	<p>A number of rural land sharing communities already exist within the MidCoast.</p> <p>State Environmental Planning Policy (Primary Production and Rural Development) 2019 makes land sharing communities permissible with consent in any rural zone and provides heads of consideration for these proposals, but currently only applies to land within the former local government areas of Great Lakes and Gloucester.⁷⁸</p> <p>These proposals are to be permissible with consent throughout the MidCoast.</p> <p>A local clause that allows land-sharing communities to be in environmental zones, with appropriate biodiversity off-sets may also be established in the E3 Environmental Management and E4 Environmental Living zones.</p>
Example LEP	Lismore LEP 2012 Clause 6.8
<i>Rural land sharing community development</i>	
<p>(1) <i>The objectives of the clause are as follows—</i></p> <ul style="list-style-type: none"><i>(a) to enable people to collectively own a single lot for use as their principal place of residence,</i><i>(b) to enable the erection of multiple dwellings on that lot and the sharing of facilities,</i><i>(c) to enable the pooling of resources to economically develop a wide range of communal and rural living opportunities,</i><i>(d) to facilitate a closer rural settlement, preferably in a clustered style, that—</i><ul style="list-style-type: none"><i>(i) is complementary to and consistent with the primary production activities on the site; or</i><i>(ii) protects and enhances the environmental attributes of the lot, and</i><i>(iii) does not create demand for the unreasonable or uneconomic provision of services.</i> <p>(2) <i>This clause applies to land within Zones RU2 Rural Landscape, Zone E3 Environmental Management and E4 Environmental Living.</i></p> <p>(3) <i>Development consent may be granted to development for the purpose of 3 or more dwellings on a lot to which this clause applies if the consent authority is satisfied that—</i></p> <ul style="list-style-type: none"><i>(a) the lot has an area of at least 20 hectares, and</i><i>(b) the part of the lot on which the development is to be situated does not have a slope in excess of 18 degrees, and</i><i>(c) the lot is within 4 kilometres (by road) of services, such as schools, shops or community facilities, and</i>	

⁷⁸ [State Environmental Planning Policy \(Primary Production and Rural Development\) 2019 - NSW Legislation](#)

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- (d) adequate vehicular access is provided to the lot from a bitumen sealed public road and each dwelling on that lot will use the same vehicular point of access to and from that public road, and
 - (e) the proposed dwellings are designed to reasonably accommodate a maximum of the number of people calculated by multiplying the number of dwellings permitted by subclause (4) (rounded up or down in accordance with subclause (5)) by 4, and
 - (f) the lot will accommodate the on-site disposal and management of sewage for each dwelling, and
 - (g) the development will not have an adverse impact on the scenic amenity or character of the rural environment,
 - (h) the development will not have an adverse impact on any water body or receiving environment on the development site or adjoining lands, and
 - (h) the development is not likely to cause any land use conflicts with existing land uses being undertaken on neighbouring land, and
 - (j) appropriate management measures are in place to ensure the protection and enhancement of the biodiversity of the land.

(4) Despite subclause (3), development consent must not be granted to development on a lot to which this clause applies that has an area within the range specified in Column 1 of the Table to this subclause unless the number of proposed dwellings on the lot, together with any existing dwellings on the lot, will not exceed the number specified in Column 2 of that Table.

Table—Maximum number of dwellings

Column 1	Column 2
At least 20 hectares, but not more than 210 hectares	4 dwellings per hectare and no more than 10 dwellings
More than 210 hectares, but not more than 360 hectares	4 dwellings per hectare but not more than 20 dwellings
More than 360 hectares	4 dwellings per hectare but not more than 40 dwellings

(5) Development consent must not be granted under subclause (3) for development on a lot unless the lot is a lot that is at least the minimum lot size shown on the Lot Size Map in relation to that land.

(6) Development consent must not be granted to development for the purposes of a rural land sharing community unless development consent for the erection of a dwelling house on that land may be granted in accordance with clause 4.2A.

Eco-tourist facilities

Rural Strategy Objective	2.2 Provide a range of tourist accommodation and experiences
Background	<p>A standard instrument clause is applied in all local environmental plans where eco-tourist facilities are permissible with consent.</p> <p>The clause prescribes the requirements of an eco-tourist facility including objectives that must be met to meet the definition of an eco-tourist facility.</p>

Eco-tourist facilities may be permissible in any rural or environmental zone in the MidCoast.

Example LEP [Greater Taree LEP 2010 Clause 5.13](#)

Eco-tourist facilities

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

- (a) to maintain the environmental and cultural values of land on which development for the purposes of eco-tourist facilities is carried out,*
- (b) to provide for sensitively designed and managed eco-tourist facilities that have minimal impact on the environment both on and off-site.*

(2) *This clause applies if development for the purposes of an eco-tourist facility is permitted with development consent under this Plan.*

(3) *The consent authority must not grant consent under this Plan to carry out development for the purposes of an eco-tourist facility unless the consent authority is satisfied that—*

- (a) there is a demonstrated connection between the development and the ecological, environmental and cultural values of the site or area, and*
- (b) the development will be located, constructed, managed and maintained so as to minimise any impact on, and to conserve, the natural environment, and*
- (c) the development will enhance an appreciation of the environmental and cultural values of the site or area, and*
- (d) the development will promote positive environmental outcomes and any impact on watercourses, soil quality, heritage and native flora and fauna will be minimal, and*
- (e) the site will be maintained (or regenerated where necessary) to ensure the continued protection of natural resources and enhancement of the natural environment, and*
- (f) waste generation during construction and operation will be avoided and that any waste will be appropriately removed, and*
- (g) the development will be located to avoid visibility above ridgelines and against escarpments and from watercourses and that any visual intrusion will be minimised through the choice of design, colours, materials and landscaping with local native flora, and*
- (h) any infrastructure services to the site will be provided without significant modification to the environment, and*
- (i) any power and water to the site will, where possible, be provided through the use of passive heating and cooling, renewable energy sources and water efficient design, and*
- (j) the development will not adversely affect the agricultural productivity of adjoining land, and*
- (k) the following matters are addressed or provided for in a management strategy for minimising any impact on the natural environment—*
 - (i) measures to remove any threat of serious or irreversible environmental damage,*
 - (ii) the maintenance (or regeneration where necessary) of habitats,*
 - (iii) efficient and minimal energy and water use and waste output,*
 - (iv) mechanisms for monitoring and reviewing the effect of the development on the natural environment,*

(v) maintaining improvements on an on-going basis in accordance with relevant ISO 14000 standards relating to management and quality control.

Function centres and events

Rural Strategy Objective	2.2 Provide a range of tourist accommodation and experiences
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Background	<p>Rural land holdings provide a range of facilities that may be suitable for temporary events in the form of weddings, markets, cultural and community festivals, agricultural produce and equipment displays.</p> <p>Council supports inclusion of a local clause that requires consideration of site and locational constraints to ensure a well-managed, safe event can be held with minimal impacts on neighbours, existing land uses and the environment.</p> <p>Function centres and events may be permissible in a range of rural and environmental zones in the MidCoast.</p>
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Example LEP	Byron LEP 2014 Clause 6.11
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Temporary use of land for the purpose of function centre

(1) The objectives of this clause are to ensure that—

- (a) development is compatible with the primary production potential, rural character and environmental capabilities of the land, and*
- (b) development for the occasional holding of events does not adversely impact the rural amenity, agricultural production, scenic or environmental values of the surrounding lands.*

(2) Despite any other provision of this Plan, development consent may be granted for development on land within Zone RU2 Rural Landscape, E3 Environmental Management or E4 Environmental Living for the purpose of a function centre for a maximum period of 3 years from the date of consent.

(3) Development consent must not be granted to development for the purpose of a function centre on the land unless the consent authority is satisfied that—

- (a) the development is not for the purpose of a convention centre, exhibition centre or for music festivals, and*
 - (b) the development is small scale and low impact, and*
 - (c) the development will not generate noise, traffic, parking or light spill that will significantly impact on surrounding residential areas, and*
 - (d) the development will not impair the use of the surrounding land for agriculture or rural industries, and*
 - (e) no more than 1 event will be held at the function centre on any one weekend, and*
 - (f) no more than 20 events will be held at the function centre in any period of 12 months, and*
 - (g) no more than 150 guests will be permitted to attend an event at the function centre at any one time; and*
 - (h) the land is capable of accommodating the on-site disposal and management of sewage for the development, and*
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- (i) *an emergency management plan and traffic management plan can be effectively implemented for the duration of each event.*
 - (4) *If development for the purposes of a function centre 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.*
 - (5) *Development consent must not be granted to development for the purposes of a function centre 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.*
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Recreation facilities

Rural Strategy Objective	2.3 Preserve natural landscapes and cultural connections
Background	<p>The range of tourism experiences that may be established on rural and environmental lands is evolving and includes nature and adventure-based activities that may not require traditional built facilities, but involves landform modification and installation of some infrastructure to accommodate the movement of people within a site or area.</p> <p>Providing opportunities for these tourism activities on land and water, may be established in conjunction with other tourism facilities and events, or may be a stand-alone opportunity.</p> <p>Council supports the establishment of such facilities, in a manner that preserves the natural features and landscapes while also providing personal and cultural connections to these areas of the MidCoast.</p>
Example LEP	Snowy River LEP 2013 Clause 7.6 ; Snowy River LEP 2013 Clause 7.7

Recreation development in rural and environmental zones

- (1) *The objective of this clause is to encourage recreation development on land in rural and environmental zones in a way that is complementary to the primary use and value of those lands:*
 - (a) *protects and maintains the rural character and natural attributes of the site and location,*
 - (b) *complements the existing primary production, biodiversity values and natural features of the site and location,*
 - (c) *the recreation, agricultural and environmental functions of the lakes, rivers and tributaries.*
 - (3) *In deciding whether to grant development consent to development on any land to which this clause applies, the consent authority must consider—*
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- (a) *the visual impact of the development when viewed from a public place, and*
 - (b) *whether the design and construction of any new buildings, facilities or infrastructure impact on primary production, the rural landscape, environmental values or views from a public place, and*
 - (c) *the number, type and location of existing trees and shrubs that are to be retained and the extent of landscaping to be carried out on the site, and whether provision has been made for the planting of appropriate native species where the planting would visually screen the development.*
- (3) *Development consent must not be granted to recreation development on land in a zone to which this clause applies unless the consent authority is satisfied that the development—*
- (a) *is, or will be, serviced by adequate access roads taking into account the scale of the development, and*
 - (b) *will complement the rural or environmental attributes of the land and its surrounds,*
 - (c) *will not have an adverse impact on agricultural production, amenity or the significant features of the surrounding natural environment.*
- (7) *In this clause—*
- recreation development** *includes any of the following that is permissible in the zone to which the application applies—*
- (a) *recreation facility (major)*
 - (b) *recreation facilities (outdoor),*
 - (c) *walking trails, mountain bike tracks, lookouts and the like.*
- Public place** *includes rivers, lakes, national parks, transport routes, lookouts and the like*
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Steep Lands

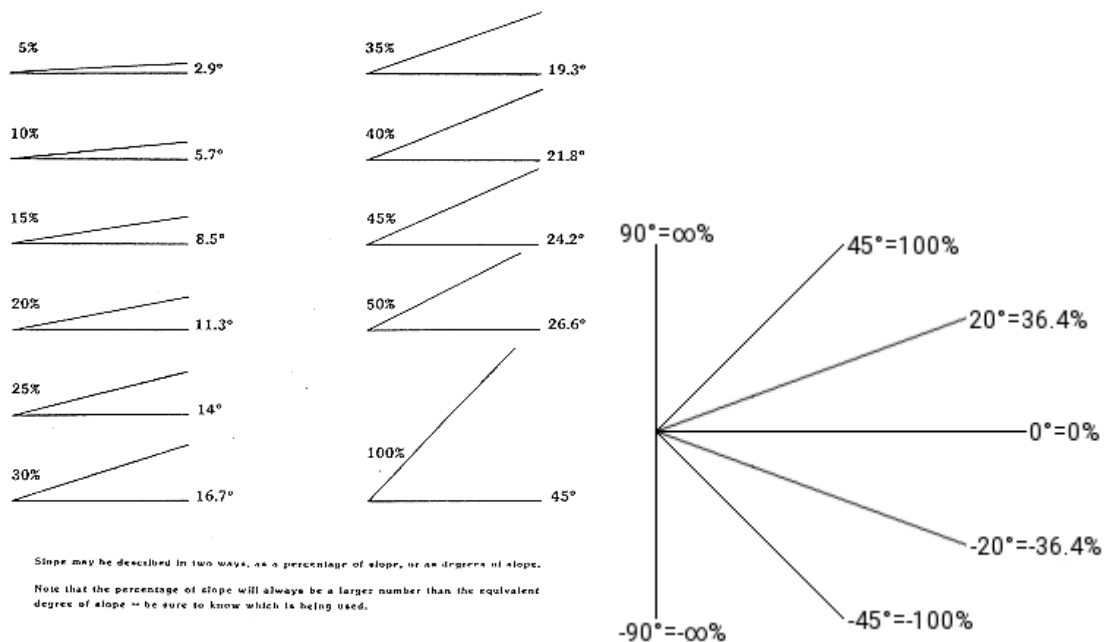
Rural Strategy Objective	2.3 Preserve natural landscapes and cultural connections
Background	<p>Across the rural landscape of the MidCoast there are challenges associated with identifying, mapping and protecting the environmental features that make up the natural and scenic qualities valued across our community.</p> <p>To enable recognition of those features that contribute to those natural, scenic and cultural values, Council supports the identification of natural features that are fixed, unlikely to move or change, and can be clearly and consistently identified and protected through land use planning and assessment processes.</p> <p>In this region, these features include our steep lands and escarpments. Utilising other local environmental plan clauses and mapping techniques, identification of our steep lands will also assist in limiting development and clearing in these sensitive environments.</p>
Current LEP's	Campbelltown LEP 2015 Clause 7.8
Development on steep land	
(1) <i>This clause applies to land identified as “Steep land” on the Environmental Constraint Map.</i>	

(2) A person must not carry out development on land having a gradient of more than 18% (32 degrees) except with development consent.

(3) Subclause (2) does not require a person to obtain development consent for the excavation or filling of land if the level of the land to be excavated or filled will not, when the excavation or filling has been completed, vary by more than 0.5 metre from the natural level of the land.

(4) In deciding whether or not to grant development consent under this clause, the consent authority must consider the following—

- (a) the proposed excavation or filling,
- (b) the means whereby the stability of the land will be maintained,
- (c) the existing vegetation and any proposed plantings in and around the land to be excavated or filled.



10.7.4 Local Clauses to Protect Natural Landscapes

The key objectives of this section relate to the:

- Prioritise planning for ecological health and biodiversity;
- Prioritise planning to protect water quality and resources; and
- Manage development within coastal environments.

Examples of local clauses that may be employed to action these objectives are provided below.

Biodiversity conservation

Rural Strategy Objective	3.1 Prioritise planning for ecological health and biodiversity
Background	<p>There are a range of terrestrial biodiversity clauses in place across the State, however, many rely upon the creation of a map that identifies these strategically important areas.</p> <p>Within the MidCoast the preparation of a map is considered unreasonable and unmanageable. To ensure the biodiversity value of our land and water resources are recognised in the assessment process, an alternative clause would be appropriate.</p> <p>Consideration of biodiversity would be relevant in all zones in the MidCoast local environmental plan.</p>
Example LEP	Blue Mountains LEP 2015 Clause 6.3
Biodiversity conservation	
<p>(1) <i>The objective of this clause is to protect and maintain terrestrial and aquatic biodiversity by—</i></p> <p class="list-item-l1">(a) <i>protecting native fauna and flora, and</i></p> <p class="list-item-l1">(b) <i>protecting the ecological processes necessary for their continued existence, and</i></p> <p class="list-item-l1">(c) <i>encouraging the conservation and recovery of native fauna and flora and their habitats.</i></p> <p>(2) <i>In deciding whether to grant development consent for development on land or waters to which this clause applies, the consent authority must consider—</i></p> <p class="list-item-l1">(a) <i>whether the development is likely to have—</i></p> <p class="list-item-l2">(i) <i>any adverse impact on the condition, ecological value and significance of the fauna and flora, and</i></p> <p class="list-item-l2">(ii) <i>any adverse impact on the importance of the vegetation on the land to the habitat and survival of native fauna, and</i></p> <p class="list-item-l2">(iii) <i>any potential to fragment, disturb or diminish the biodiversity structure, function and composition of the land, and</i></p> <p class="list-item-l2">(iv) <i>any adverse impact on the habitat elements providing connectivity on the land, and</i></p> <p class="list-item-l1">(b) <i>any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.</i></p>	

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- (4) *Development consent must not be granted for development on land or waters to which this clause applies unless the consent authority is satisfied that—*
- (a) *the development is designed, sited and will be managed to avoid any adverse environmental impact, or*
 - (b) *if that impact cannot be reasonably avoided by adopting feasible alternatives—the development is designed, sited and will be managed to minimise that impact, or*
 - (c) *if that impact cannot be minimised—the development will be managed to mitigate that impact.*
-

Protection of Wildlife Corridors

Rural Strategy Objective	3.1 Prioritise planning for ecological health and biodiversity
Background	<p>Wildlife corridors may be established through strategic land use planning and investigation processes, planning proposals to rezone land, or through master planning for subdivision and development applications.</p> <p>During any of these processes, the identification and protection of wildlife corridors can not only ensure connectivity between national parks, state forests, conservation lands and remnant vegetation across the rural landscape; it also contributes to the health and sustainability of our local wildlife; and community connection to places and environmental spaces across the MidCoast.</p>
Current LEP's	Great Lakes LEP 2014 Clause 7.9
Protection of wildlife corridors	
<p>(1) <i>The objective of this clause is to ensure that proper regard is given to wildlife corridors in carrying out development on land to which this clause applies.</i></p> <p>(2) <i>This clause applies to land identified as “Protection Corridor” on the Protection of Wildlife Corridors Map.</i></p> <p>(3) <i>Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that—</i></p> <ul style="list-style-type: none">(a) <i>any wildlife corridors will be maintained (or regenerated where necessary) to ensure their continued protection, and</i>(b) <i>the development will not negatively impact on any wildlife corridor (whether directly or indirectly).</i>	

Drinking Water Catchments

Rural Strategy Objective	3.2 Prioritise planning to protect water quality and resources
Background	A Drinking Water Catchments Clause protects from development which may adversely impact on the quality and/or quantity of water

entering water storage areas. This Clause is used frequently in local environmental plans across NSW.

Identification of priority drinking water catchments also ensures that when development is proposed within the catchment that poses a potential risk to that water resource, it is referred to the NSW Office of Water for Integrated Development assessment.

Including this local clause and associated mapping will ensure Priority Drinking Water Catchments are identified and assessed consistently throughout the MidCoast.

Current LEP's [Great Lakes LEP 2014 Clause 7.6](#)

Drinking water catchments

(1) The objective of this clause is to protect drinking water catchments by minimising the adverse impacts of development on the quality and quantity of water entering and stored in drinking water storages.

(2) This clause applies to land identified as “Drinking Water Catchment” on the Drinking Water Catchment Map.

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

(a) whether or not the development is likely to have any adverse impact on the quality and quantity of water entering and stored in the drinking water storage, having regard to the following—

(i) the distance between the development and any waterway that feeds into the drinking water storage,

(ii) the on-site use, storage and disposal of any chemicals on the land,

(iii) the treatment, storage and disposal of waste water and solid waste generated or used by the development,

(iv) any permanent interception or lowering of the water table,

(v) any change in groundwater flow direction,

(b) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.

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

(a) the development is designed, sited and will be managed to avoid any significant adverse impact on water quality and flows, or

(b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact.

Groundwater Vulnerability

Rural Strategy Objective	3.2 Prioritise planning to protect water quality and resources
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Background	During the recent droughts the MidCoast local government area experienced water scarcity and this provided a renewed focus on the identification and protection of our groundwater resources that supply some of our main towns and villages.
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These groundwater resources are in areas characterised by rural land and extensive agricultural activities, that if intensified, may represent an unacceptable risk to these resources.

A Groundwater Vulnerability clause and map, in addition to zone and land use controls, will provide additional levels of identification and protection of these critical resources through the planning and development assessment processes.

Example LEP [Parkes LEP 2012 Clause 6.3](#)

Groundwater vulnerability

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

- (a) to maintain the hydrological functions of key groundwater systems,*
- (b) to protect vulnerable groundwater resources from depletion and contamination as a result of development.*

(2) *This clause applies to land identified as “Aquifer Catchment” on the Groundwater Vulnerability Map.*

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

- (a) the likelihood of groundwater contamination from the development (including from any on-site storage or disposal of solid or liquid waste and chemicals),*
- (b) any adverse impacts the development may have on groundwater dependent ecosystems,*
- (c) the cumulative impact the development may have on groundwater (including impacts on nearby groundwater extraction for a potable water supply or stock water supply),*
- (d) any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.*

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

- (a) the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or*
 - (b) if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or*
 - (c) if that impact cannot be minimised—the development will be managed to mitigate that impact.*
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Catchment Management

Rural Strategy Objective 3.2 Prioritise planning to protect water quality and resources

Background Council has a range of catchment and estuary management plans that provide guidance and implementation recommendations for the extensive rivers, lakes and tributaries that make up our broad catchments and directly influence the healthy flows and water quality of our coastal environments.

These management plans are developed and implemented in partnership with land owners, community and industry groups and

other public agencies and recommendations from these documents have resulted in significant environmental improvements, particularly with regards to the management of stormwater and agricultural run-off; water quality improvement and report cards; restoration and rehabilitation programs for degraded environments.

These and similar programs in the future are supported through the application of an environmental levy, critical to the ongoing investigation, management and improvement of sensitive environments throughout the MidCoast.

Example LEP [Dungog LEP 2014 Clause 6.10](#)

Catchment Management

(1) The objective of this clause is to protect and improve the environmental quality of the Manning River Catchment.

(2) This clause applies to land identified as “Manning River Catchment” on the Catchment Map.

(3) Development consent must not be granted to development on land to which this clause applies unless the consent authority has considered whether the development—

(a) promotes the sustainable use of land, water, vegetation and other natural resources within the Manning River Catchment, and

(b) promotes the protection and improvement of the environmental quality of the Manning River Catchment, and

(c) will have any significant adverse impacts on water quality within the Manning River Catchment, and

(d) is consistent with the Manning River Estuary and Catchment Management Plan published by the Department of Planning, Industry and Environment.

Riparian land and Watercourses

Rural Strategy Objective 3.2 Prioritise planning to protect water quality and resources

Background There is a standard local clause for the identification and protection of riparian land and watercourses across the State, and currently applied in the Great Lakes region. However, the standard clause also relies upon the creation of a map that identifies one or both features within the landscape.

Within the MidCoast the preparation of a map is considered unreasonable and unmanageable. To ensure these important environmental features and resources are recognised in the assessment process, an alternative clause would be appropriate.

Consideration of riparian land and watercourses would be relevant in most zones in the MidCoast local environmental plan

Example LEP [Coffs Harbour LEP 2013 Clause 7.6](#)

Riparian land and watercourses

- (1) *The objective of this clause is to protect and maintain the following—*
 - (a) *water quality within watercourses,*
 - (b) *the stability of the bed and banks of watercourses,*
 - (c) *aquatic and riparian habitats,*
 - (d) *ecological processes within watercourses and riparian areas.*
- (2) *This clause applies to all of the following—*
 - (a) *all land that is within 40 metres of the top of the bank of each first order watercourse*
 - (b) *all land that is within 30 metres of the top of the bank of each second order watercourse.*
 - (c) *all land that is within 20 metres of the top of the bank of each third order watercourse.*
 - (d) *all land that is within 10 metres of the top of the bank of each fourth order watercourse.*
- (3) *Before determining a development application for development on land to which this clause applies, the consent authority must consider—*
 - (a) *whether or not the development is likely to have any adverse impact on the following—*
 - (i) *the water quality and flows within the watercourse,*
 - (ii) *aquatic and riparian species, habitats and ecosystems of the watercourse,*
 - (iii) *the stability of the bed, shore and banks of the watercourse,*
 - (iv) *the free passage of fish and other aquatic organisms within or along the watercourse,*
 - (v) *any future rehabilitation of the watercourse and riparian areas, and*
 - (b) *whether or not the development is likely to increase water extraction from the watercourse, and*
 - (c) *any appropriate measures proposed to avoid, minimise or mitigate the impacts of the development.*
- (4) *Development consent must not be granted to development on land to which this clause applies unless the consent authority is satisfied that—*
 - (a) *the development is designed, sited and will be managed to avoid any significant adverse environmental impact, or*
 - (b) *if that impact cannot be reasonably avoided—the development is designed, sited and will be managed to minimise that impact, or*
 - (c) *if that impact cannot be minimised—the development will be managed to mitigate that impact*

Stormwater Management & Water Sensitive Urban Design

Rural Strategy Objective	3.3 Manage development within coastal environments
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Background	<p>The MidCoast local government area is characterised by coastal lakes, rivers and wetlands that provide significant environmental, economic and social benefits to our community.</p> <p>Management of stormwater run-off from adjoining urban areas is an ongoing management issue critical to maintaining the water quality, flows and scenic value of these waters to residents and visitors.</p> <p>The inclusion of a stormwater management and water sensitive urban design clause within the MidCoast local environmental plan, while predominantly affecting urban development proposals, is significant in providing clear and consistent assessment processes that protect these water resources now and in the future.</p>
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Example LEP	Ku-ring-gai LEP 2015 Clause 6.5
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Stormwater management and water sensitive urban design

(1) The objective of this clause is to avoid or minimise the impacts of stormwater on land to which this clause applies and on adjoining properties, native bushland, groundwater, wetlands, groundwater systems and receiving waters.

(2) Development consent must not be granted to development on any land unless the consent authority is satisfied that the development—

(a) water sensitive urban design principles are incorporated into the design of the development, and

(b) is designed to maximise the use of water permeable surfaces on the land having regard to the soil characteristics affecting on-site infiltration of water, and

(c) is designed to minimise the use of impervious surfaces on the land, directing run off to piped drainage systems and waterways, and

(d) is designed to integrate water sensitive design measures, including riparian, stormwater, groundwater, waste water management and flooding measures, to minimise environmental degradation and to improve the aesthetic and recreational appeal of the development, and

(e) incorporates an appropriately managed and maintained stormwater management system that will maintain or improve the quality of stormwater discharged from the land, and

(f) includes, if practicable, on-site stormwater retention for use as an alternative supply to mains water, groundwater or river water, and

(g) avoids any significant adverse impacts of stormwater runoff on adjoining properties, native bushland, groundwater, wetlands and receiving waters, or if that impact cannot be reasonably avoided, minimises and mitigates the impact

(h) the stormwater management system includes all reasonable management actions to avoid any adverse impacts on the land to which the development is to be carried out, adjoining properties, native bushland, groundwater, wetlands, groundwater systems and receiving waters, and

(i) if a potential adverse environmental impact cannot be feasibly avoided, the development minimises and mitigates the adverse impacts of stormwater runoff on adjoining properties, native bushland, groundwater, wetlands, groundwater systems and receiving waters.

10.7.5 Local Clauses to Improve Planning and Plan-making in Practice

The key objectives of this section relate to the:

- Establish Planning controls that reflect long-term outcomes
- Work with communities
- Critically review land in paper subdivisions.

Examples of local clauses that may be employed to action these objectives are provided below.

Development near zone boundaries

Rural Strategy Objective	4.1 Establish planning controls that reflect long-term outcomes
Background	An optional clause that provides flexibility to enable development to encroach on to the other side of split-zone boundaries, where such development would be logical and appropriate.
Example LEP	Greater Taree LEP 2010 Clause 5.3
<p><i>Development near zone boundaries</i></p> <p>(1) <i>The objective of this clause is to provide flexibility where the investigation of a site and its surroundings reveals that a use allowed on the other side of a zone boundary would enable a more logical and appropriate development of the site and be compatible with the planning objectives and land uses for the adjoining zone.</i></p> <p>(2) <i>This clause applies to so much of any land that is within the relevant distance of a boundary between any 2 zones. The relevant distance is 100 metres for land in any rural zone, and in all other cases the relevant distance is 20 metres.</i></p> <p>(3) <i>This clause does not apply to—</i></p> <p style="padding-left: 40px;">(a) <i>land in Zone RE1 Public Recreation, Zone E1 National Parks and Nature Reserves, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone W1 Natural Waterways, or</i></p> <p style="padding-left: 40px;">(b) <i>land within the coastal zone, or</i></p> <p style="padding-left: 40px;">(c) <i>land proposed to be developed for the purpose of sex services or restricted premises.</i></p> <p>(4) <i>Despite the provisions of this Plan relating to the purposes for which development may be carried out, development consent may be granted to development of land to which this clause applies for any purpose that may be carried out in the adjoining zone, but only if the consent authority is satisfied that—</i></p> <p style="padding-left: 40px;">(a) <i>the development is not inconsistent with the objectives for development in both zones, and</i></p> <p style="padding-left: 40px;">(b) <i>the carrying out of the development is desirable due to compatible land use planning, infrastructure capacity and other planning principles relating to the efficient and timely development of land.</i></p> <p>(5) <i>This clause does not prescribe a development standard that may be varied under this Plan.</i></p>	

Essential Services and Infrastructure

Rural Strategy Objective	4.1 Establish planning controls that reflect long-term outcomes
Background	<p>The essential services clause is applied broadly to local environmental plans in rural and regional NSW where the availability of services and infrastructure may significantly affect development potential.</p> <p>Versions of this clause are already applied in the Great Lakes, Gloucester and Greater Taree local environmental plans in the MidCoast and amendments are required to ensure clear and consistent consideration of these potential constraints to development across the rural landscape.</p>
Example LEP	Greater Taree LEP 2010 Clause 7.11

Essential Services and infrastructure

Development consent must not be granted to development unless the consent authority is satisfied that any of the following services that are essential for the development are available or that adequate arrangements have been made to make them available when required—

- (a) the supply of water,*
- (b) the supply of electricity,*
- (c) the disposal and management of sewage,*
- (d) stormwater drainage or on-site conservation,*
- (e) suitable road access.*

Emergency Management

Rural Strategy Objective	4.1 Establish planning controls that reflect long-term outcomes
Background	<p>During community workshops a high-level of concern was expressed by land owners, operators and community representatives, regarding the lack of consideration of emergency management not only for tourist accommodation and temporary events, but for residents and visitors in our rural and natural areas.</p> <p>It was noted that development may be located on land that was not easily accessible; subject to high hazard flooding and bushfire constraints; had difficulty with ingress and egress for residents, guests and emergency vehicles; and in areas with identified mobile phone network black spots and water security issues.</p> <p>A local clause requiring detailed assessment of emergency management planning prior to the granting of development consent for tourist accommodation and temporary events, where visitors are unfamiliar with the location, was strongly supported.</p>
Current LEP's	Nil. Conceptual local clause only.

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*
- (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 an attendance at the facility or event.*
-

As part of the Rural Strategy Council committed to a review of paper subdivisions across the MidCoast, to provide certainty of the future and potential use of these lands, so that land owners could make informed decisions as to whether they should retain the land, transfer the land to Council, or commit resources to pursue a potential “development outcome”.

To enact some recommendations from this review, as part of moving to one set of clear and consistent planning controls, several clauses that relate to the development of rural and environmental land and land within paper subdivisions will be required. Some of the changes are outlined below:

Erection of residential accommodation on land in certain rural and environmental zones

Rural Strategy Objective	4.1 Establish planning controls that reflect long-term outcomes
Background	<p>Each of the existing local environmental plans includes Model Clause 4.2A but specifies a different date for the establishment of an existing holding.</p> <p>In order to resolve this inconsistency moving forward and in conjunction with other recommended changes, it is proposed to separate the application of this clause from identified land within paper subdivisions, from other rural and environmental zoned land.</p> <p>In effect, the existing holding provision will be removed from land outside identified paper subdivisions, and land owners will be required to satisfy the provisions of a modified Clause 4.2A and Clause 4.6 as part of a development application to establish any form of residential accommodation on the site, where this is permitted with consent.</p> <p>Noting that addressing these clauses alone does not guarantee a development consent.</p>

The Model clause, drafting instructions, Council responses and potential amendments are documented in full for transparency.

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

This model clause has been drafted to reflect most dwelling house provisions in existing LEPs. The clause should 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 model clause introduces a definition for “existing holding” for the purpose of this provision only. Where a council currently has a provision in an EPI that permits the erection of a dwelling house on an existing holding/parcel or like provisions, then the existing date that appears in the current planning controls must be used in the new SI LEP. The date cannot be changed. A council may also choose to sunset this provision within a specified time period.

One of the objectives is to enable the replacement of lawful dwelling houses, e.g. due to destruction (fire), or where the land no longer enjoys a dwelling entitlement due to changes to the planning provisions applying to the land.

If it is proposed to allow dual occupancies to be detached the following controls may be included in the clause:

- the second dwelling should be located on the same parcel of land as the existing dwelling, or*
- if the second dwelling is not located on the same parcel as the existing dwelling the clause should require, by condition of consent, the lots to be consolidated.*

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

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

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

- ~~**(a) Zone RU1 Primary Production,**~~
- (b) Zone RU2 Rural Landscape,**
- ~~**(c) Zone RU3 Forestry,**~~
- ~~**(d) Zone RU4 Rural Small Holdings,**~~
- ~~**(e) Zone RU6 Transition,**~~
- (f) Zone E2 Environmental Conservation,**
- (g) Zone E3 Environmental Management.**
- (h) Zone E4 Environmental Living**

Drafting direction. If any of the above rural or environmental protection zones are zones in the Plan but are excluded from the application of this clause, they should be omitted from subclause (2). Zones where dwellings are prohibited are not to be included (e.g. E1 National Parks and Nature Reserves).

Response – the land use zones that are not recommended for use in the MidCoast LEP are struck through, as is the RU3 Forestry zone, where development is generally managed by the Forestry Commission.

(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 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 if the plan of subdivision had been registered 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.

Drafting direction. If the intention is to permit secondary dwellings or dual occupancies as well as dwelling houses, then the specific types of dwellings for which the clause is to apply should be listed and the heading of the clause altered. Paragraph (d) should be included only if the council's current planning controls contain a provision for the erection of dwellings on an existing holding/parcel or a like provision in an existing EPI that relates to land ownership being held at a certain date. The Council may choose to sunset this provision within a specified time period.

Response – the rezoning of land and amendments to minimum lot sizes represent significant changes to the existing controls across the MidCoast. In addition, the identification of land within paper subdivisions, where most existing holdings are located, makes item (d) and the subsequent subclause (4) largely redundant. Land within paper subdivisions shall be subject to a separate local clause, with the extent of each location and potential outcomes identified.

~~(4) Land ceases to be an existing holding for the purposes of subclause (3)(d), if an application for development consent referred to in that subclause is not made in relation to that land before [insert date]~~

Drafting direction. The intention of this subclause is to provide a sunset on when applications in relating to existing holdings may be made so that dwellings can no longer be erected on existing holdings after the date specified in this subclause. (This subclause may be omitted if a sunset provision is not required and if so, the following subclauses should be renumbered.)

(5) 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 a lawfully erected dwelling house on the land and the dwelling house to be erected is intended only to replace the existing 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, public reserve or for another public purpose, or
- (iii) a consolidation with adjoining public road, a public reserve or for another public purpose.

Drafting direction. If subclause (3) (d) is not adopted, "or a holding" should be removed from subclause (5) (b).

~~(6) In this clause: existing holding means all adjoining land, even if separated by a road or railway, held in the same ownership:~~

- ~~(a) on [insert date], and~~
- ~~(b) at the time of lodging a development application for the erection of a dwelling house under this clause and includes any other land adjoining that land acquired by the owner since [insert date].~~

~~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 the stated date.~~

Drafting directions. If subclause (3) (d) is not adopted, subclause (6) is not required. If subclause (6) is required, the date to be inserted in paragraph (a) is the date that currently appears in the current planning controls applying to the land. It is optional for the Council to include or exclude the words below subclause (6) (b). A paragraph (c) may be included in subclause (6) to limit the definition of existing holdings to a specific part of the LGA.

Exceptions to development standards – minimum lot sizes and paper subdivisions

Rural Strategy Objective	4.1 Establish planning controls that reflect long-term outcomes
Background	Further to the proposed amendments to Model Clause 4.2A additional clarification will be required to ensure the application of Clause 4.6 Exceptions to development standards are applied clearly and consistently on undersized rural and environmental land and land within paper subdivisions.
Example LEP	Standard Instrument Local Environmental Plan Clause 4.6

The compulsory Standard Instrument LEP clause, drafting instructions, Council responses and potential amendments are documented in full for transparency.

Exceptions to development standards [compulsory]

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

(a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,

(b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.

(2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.

(3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating—

(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and

(b) that there are sufficient environmental planning grounds to justify contravening the development standard.

(4) Development consent must not be granted for development that contravenes a development standard unless—

(a) the consent authority is satisfied that—

(i) the applicant's written request has adequately addressed the matters required to be demonstrated by subclause (3), and

(ii) the proposed development will be in the public interest because it is consistent with the objectives of the particular standard and the objectives for development within the zone in which the development is proposed to be carried out, and

(b) the concurrence of the Planning Secretary has been obtained.

(5) In deciding whether to grant concurrence, the Planning Secretary must consider—

(a) whether contravention of the development standard raises any matter of significance for State or regional environmental planning, and

(b) the public benefit of maintaining the development standard, and

(c) any other matters required to be taken into consideration by the Planning Secretary before granting concurrence.

(6) Development consent must not be granted under this clause for a subdivision of land in Zone RU1 Primary Production, Zone RU2 Rural Landscape, Zone RU3 Forestry, Zone RU4 Primary Production Small Lots, Zone RU6 Transition, Zone

R5 Large Lot Residential, Zone E2 Environmental Conservation, Zone E3 Environmental Management or Zone E4 Environmental Living if—

(a) the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or

(b) the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.

(7) After determining a development application made pursuant to this clause, the consent authority must keep a record of its assessment of the factors required to be addressed in the applicant's written request referred to in subclause (3).

(8) This clause does not allow development consent to be granted for development that would contravene any of the following—

(a) a development standard for complying development,

(b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which [State Environmental Planning Policy \(Building Sustainability Index: BASIX\) 2004](#) applies or for the land on which such a building is situated,

(c) clause 5.4.

Direction—Additional exclusions may be added.

Response – to ensure consistent application of these provisions two additional exclusions are proposed, identified below:

(ca) clause 6.1, 6.2 or 6.3. (urban release areas)

(cb) local clauses relating to land within identified paper subdivisions (number unknown at this time)

Identified Paper Subdivisions where consolidation is possible

Rural Strategy Objective	4.1 Establish planning controls that reflect long-term outcomes
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Background	Where paper subdivisions are identified as having relatively low-level constraints and a small number of land owners; land owners may work together to consolidate their allotments to satisfy the recommended zone and minimum lot size recommendations to achieve a 'development outcome'. Examples are available in existing local environmental plans as to how consolidation requirements may be addressed, supplementary to Clause 4.2A and Clause 4.6 objectives and criteria.
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Example LEP	Blue Mountains Local Environmental Plan 2015 Clause 4.1G
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Lot consolidation within identified paper subdivisions in environment zones

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

(a) to require the consolidation of land within identified paper subdivisions

(b) to control the density of subdivision in accordance with the character of the location, site constraints and available services, facilities and infrastructure,

(c) to ensure that lots are of a sufficient size and shape to accommodate future development.

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- (d) to protect and manage areas of high ecological or scenic landscape value by preventing development on parcels of an inadequate size that may compromise those values.*
- (2) This clause applies to land identified as “Consolidation Sites” on the Paper Subdivision Map.*
- (2A) Development consent must not be granted to development on land to which this clause applies unless the land (including drainage reserves and unformed roads adjoining any lots) has been, or will be consolidated to create a lot that has an area of land that is at least the minimum lot size shown on the Lot Size Map.*
- (3) Development consent must not be granted for the erection of a dwelling house on land to which this clause applies unless the land has been, or will be consolidated to create a lot that has an area of land that is at least the minimum lot size shown on the Lot Size Map.*
- (3A) If a lot contains land in 2 or more zones, including land in Zone E2 Environmental Conservation, the area of land that is in Zone E2 Environmental Conservation is to be included in calculating the lot size for the purposes of this clause.*
- (4) Development consent must not be granted under subclause (2) or (3) unless—*
- (a) no dwelling house has been erected on the land, or*
 - (b) if a development application has been made for development for the purpose of a dwelling house on the land—the application has been refused or it was withdrawn before it was determined, or*
 - (c) if development consent has been granted in relation to any such application—the consent has been surrendered or it has lapsed.*
- (5) Despite subclauses (2A)–(4), development consent may be granted for the erection of a dwelling house on land to which this clause applies if there is a lawfully erected dwelling house on the land and the dwelling house to be erected is intended only to replace the existing dwelling house.*
- (6) Despite subclauses (2A)–(5), development consent may be granted to the subdivision of land to which this clause applies if the subdivision—*
- (a) is a realignment of boundaries that does not create an additional lot, or*
 - (b) is for the purpose of creating or widening a public road or public reserve or for another public purpose.*
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Identified Paper Subdivisions where subdivision realignment as part of a master planning process is possible

Rural Strategy Objective	4.1 Establish planning controls that reflect long-term outcomes
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Background	<p>Where paper subdivisions are identified as having moderate constraints and a small number of land owners; land owners may work together to undertake a master planning process to inform a new or realigned subdivision pattern to satisfy the recommended zone and minimum lot size recommendations to achieve a ‘development outcome’.</p> <p>Examples are available in existing local environmental plans as to how these requirements may be addressed, supplementary to Clause 4.2A and Clause 4.6 objectives and criteria.</p>
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Master Planning on land within identified paper subdivisions

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

- (a) to ensure consolidation, subdivision and development of land within the identified paper subdivision site is developed in accordance with sound planning principles that recognise the site constraints and environmentally sensitive areas,*
- (b) to control the density of subdivision in accordance with the character of the location, site constraints and available services, facilities and infrastructure,*
- (c) to ensure that lots are of a sufficient size and shape to accommodate future development.*
- (d) to protect and manage areas of high ecological or scenic landscape value by preventing development on parcels of an inadequate size that may compromise those values.*

(2) This clause applies to land identified as “Master Plan Sites” on the Paper Subdivision Map.

(3) Development consent must not be granted for development on land to which this clause applies unless a development control plan that provides for the matters specified in subclause (4) has been prepared for the land.

(4) The development control plan must provide for all of the following—

- (a) a staging plan for the timely and efficient release of land, making provision for necessary infrastructure, services and sequencing,*
 - (b) an overall transport movement hierarchy showing the major circulation routes and connections to achieve a simple and safe movement system for private vehicles, public transport, pedestrians and cyclists,*
 - (c) an overall landscaping strategy for the protection and enhancement of riparian areas and remnant vegetation, including visually prominent locations, and detailed landscaping requirements for both the public and private domain,*
 - (d) a network of active and passive recreation areas,*
 - (e) stormwater and water quality management controls,*
 - (f) amelioration of natural and environmental hazards, including bush fire, flooding and site contamination and, in relation to natural hazards, the safe occupation of, and the evacuation from, any land so affected,*
 - (g) detailed urban design controls for significant development sites,*
 - (h) suitably located public facilities and services, including provision for appropriate traffic management facilities and parking.*
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Noting, that existing restrictions to development on under sized lots and land within paper subdivisions that do not have a dwelling or approval for a dwelling, will still be relevant, an updated clause limiting tourist accommodation, facilities and events will be retained and applied across the MidCoast.

Tourist accommodation, facilities and events on land in certain rural and environmental zones

Rural Strategy 4.1 Establish planning controls that reflect long-term outcomes
Objective

Background	<p>During the review of the Department of Planning, Industry and Environment's Explanation of Intended Effect – Proposed Amendments to Agriculture, a key concern of land owners and business operators within the MidCoast local government area was not addressed.</p> <p>This related to the safety and potential evacuation of tourists and visitors from accommodation, facilities and events from rural and remote areas of the region during a natural disaster event such as the fires and floods experienced in 2019-2021.</p> <p>These concerns can be reflected within land use planning provisions, by enabling these forms of tourist development only on land where there was an existing dwelling and on-site manager available to assist in implementing any necessary emergency management plan.</p> <p>While the emergency management plan provisions are discussed within the context of tourism initiatives earlier in this section, the key local clause required to implement these provisions, is one that only permits tourist development on land where a dwelling is or can be permitted with consent.</p> <p>Noting that for the purposes of this report, tourist accommodation includes including caravan parks, camping grounds, eco-tourist facilities and the like.</p>
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Example LEP	<p>Great Lakes LEP 2014 Clause 7.24</p> <hr/> <p><i>Restriction of certain development in rural and environment protection zones</i></p> <p><i>(1) This clause applies to land in the following zones—</i></p> <ul style="list-style-type: none"> <i>(a) Zone RU2 Rural Landscape,</i> <i>(b) Zone E2 Environmental Conservation,</i> <i>(c) Zone E3 Environmental Management</i> <i>(d) Zone E4 Environmental Living.</i> <p><i>(2) If development for the purposes of residential accommodation, tourist and visitor accommodation, caravan parks, 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.</i></p> <p><i>(2) If development for the purposes of tourist facilities and events 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.</i></p> <hr/>
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10.7.6 Local Development Control Plan Benchmarks

During investigations into the minimum lot sizes that applied across the MidCoast, not only were surrounding local government area provisions reviewed, but land owners and industry groups were engaged to determine minimum land area requirements for a range of agricultural land uses.

To this end, following tables provide an indication of industry benchmarks, reflecting the findings of the engagement, Council and the consultant team's review of current industry requirements and best practice guidelines, that may guide the effective use of land and water resources within the MidCoast.

The lot sizes in the tables are not sufficiently reliable to determine minimum lot sizes for subdivision as they are identified and mapped within local environmental plans, but may assist in establishing local benchmarks to be reflected within a new MidCoast development control plan.

Commercial farm viability	Guideline
Supports viability of a commercial farming enterprise within the context of the production method, natural resource base e.g. soils and water, climatic conditions, biosecurity considerations, and available markets. Recognises total farm production may relate to non-contiguous landholdings; extensive and intensive farming practices. Refer to: Farm management plans; Livestock industry stocking rates; Nutrient production levels	Beef - 50 to 100ha
	Dairy - 40 to 80ha
	Equine - 5 to 60ha
	Forestry - 10 to 30ha
	Horticulture - 4 to 10ha
	Poultry - 2 to 8ha

Environmental conservation	Guideline
Site-specific conservation management plan or mechanism applying to the land that enables the cost-effective and efficient delivery of conservation management on privately owned/managed properties. Note – integration with adjoining conservation properties and biodiversity corridors may establish location and areas required to be effective.	Variable minimum lot size as a result of rezoning or development assessment processes that identify the environmental values and/or communities on the site.

On-site effluent disposal and management systems	Guideline
Prevents cumulative off-site impacts in most circumstances and receiving environments, based on typical on-site sewage management system configurations.	Low hazard class sites are recommended a 1.5ha minimum lot size to provide for on-site disposal area, buildings, access, bushfire and environmental buffers.

On-site effluent disposal and management systems	Guideline
<p>Relies on the provision of a minimum amount of useable land within the allotment (for the purpose of on-site sewage management) of:</p> <ul style="list-style-type: none"> ▪ 7,000sqm within the Great Lakes direct hydraulic catchment; or ▪ 4,000sqm for all other properties. <p>Refer to Council's on-site sewage management development assessment framework hazard classification mapping.</p>	<p>Medium to high hazard class sites for on-site disposal are subject to site specific assessment and design</p>

Rural Lifestyle property development	Guideline
<p>Locations identified in adopted local and regional strategies only.</p> <p>Prevents cumulative on-site and off-site impacts on biodiversity and visual amenity.</p> <p>Proposals will not compromise potential urban release areas.</p>	<p>Environmentally sensitive area 5ha or more</p> <p>Rural residential adjoining urban settlement 0.8ha – 1.5ha or more</p>
<p>Proposals must identify rural enterprises located within 5km from the proposed site/zone boundary.</p> <p>Rural enterprises such as mines, quarries, or waste facilities, may exist but temporarily not be operating. The impacts of these industries, whilst operational, must still be addressed by the proposal.</p> <p>Encroachment adversely impacts existing rural industries, including by triggering additional application requirements for these industries.</p> <p>A design and management statement will be required, detailing how the potential impacts of the rural enterprise/s will be mitigated within the site.</p>	<p>Benchmarks shown are intended to reflect typical ranges for the nominated consideration. Acceptable lot sizes may vary depending on local circumstances and may be influenced by a range of factors including, but not limited to topography, native vegetation, and separation distances for sensitive uses e.g. buffers required to manage issues associated with noise, dust, odour, light spill.</p> <p>500m separation</p> <ul style="list-style-type: none"> • intensive livestock enterprises; • mine or quarry that does not rely on blasting; • waste management facility or similar; • sewerage pump stations and treatment plants; • timber milling or processing industry <p>1km separation</p> <ul style="list-style-type: none"> • mine or quarry with blasting; <p>Within 5km regulated airports</p> <p>5km separation livestock processing; and some pig farms.</p>
<p>Manages demand for services and infrastructure in rural areas.</p>	<p>No additional water access, entitlements of frontages are permitted.</p>
<p>All proposals must demonstrate that the development area can be evacuated by public road to emergency shelter facilities.</p>	<p>The evacuation route is above the 1% AEP or nominated flood planning level</p>

11 Appendices

Agriculture and Rural Industries Background Report

Land Based Conservation Background Report

Housing and Accommodation Background Report

Mining and Energy Production Background Report

Marine Activities Background Report

Rural Waterways Background Report

Tourism Background Report

Transport Background Report

E4 Environmental Living Zone Snapshot Report

RU4 Primary Production Small Lots Zone Snapshot

Paper Subdivisions Analysis Report

[Hunter Regional Plan 2036](#)

[MidCoast 2030: Shared Vision, Shared Responsibility Community Strategic Plan 2108-2030](#)

[MidCoast Regional Economic Development Strategy 2018-2022](#)

[MidCoast Tourism Destination Management Plan \(2017\)](#)

MidCoast Rural Strategy: Interim Engagement Report (City Plan Strategy and Development, 2018)

MidCoast Rural Strategy: Stage 1 Telephone Interviews - Outcomes Summary report (City Plan Strategy and Development, 2019)