

1.0 Draft Hunter Regional Plan 2041

The exhibited Rezoning Study addressed consistency with the Hunter Regional Plan 2036 (NSW Department of Planning and Environment, 2016), but did not address the Draft Hunter Regional Plan 2041 (Draft HRP 2041) which was exhibited in early-2022. The following section addresses the consistency of the NTURA with the Draft HRP.

Forster-Tuncurry is identified in the Draft HRP as a Regionally Significant Growth Area, with the NTURA identified as an urban release area which should promote diversity of housing, integrated with commercial and recreational activities and integrate into the sensitive environmental setting and the broader Tuncurry and Forster community, the supporting services and infrastructure such as health and transportation networks.

As summarised in **Table 1**, the NTURA is consistent with the Objectives and Strategies of the Draft HRP.

Table 1 Consistency with Draft Hunter Regional Plan 2041 objectives

Objective/Strategy	Comment
O1 Diversify the Hunter’s mining, energy and industrial capacity	Not applicable.
O2 Ensure economic self-determination for Aboriginal communities	<p>Landcom has undertaken extensive consultation with Aboriginal stakeholders including the Lakkari / Forster Local Aboriginal Land Council and Registered Aboriginal Parties as part of its obligations under the executed Project Delivery Agreement (PDA). The PDA and consequently the NTURA Rezoning provide a framework within which Strategies 2.1 and 2.2 of the HRP 2041 can be achieved through:</p> <ul style="list-style-type: none"> the flow of economic, social and cultural benefits to the indigenous community; the identification and conservation of environmental and Aboriginal cultural heritage values across the NTURA Site; and embedding cultural knowledge and values in the design, naming and curation of future stages of the NTURA. <p>In addition, Aboriginal community stakeholders have been consulted in accordance with Aboriginal cultural heritage consultation requirements for proponents (DECCW 2010), as part of the preparation of two Aboriginal Cultural Heritage Assessments by RPS in (March and August 2021). These activities included:</p> <ul style="list-style-type: none"> personalised notification letters to the DPE Newcastle Regional Office, The Registrar, Aboriginal Land Rights Act 1983, Native Title Services Corporation Limited, The National Native Title Tribunal, Council, Forster Local Aboriginal Land Council, and Hunter Local Land Services; notification via public notices placed in local newspapers inviting Aboriginal stakeholders to register their interest in the proposal; and opportunities to review progressive drafts of the ACHAR during their preparation. <p>Through this process, the reflection of indigenous values has been verified and reconfirmed for protection.</p>
Strategy 2.1	N/A. This Strategy relates to the preparation of Local Strategic Planning Statements by Councils.
Strategy 2.2	N/A. This Strategy relates to the implementation of planning processes by DPE.
Strategy 2.3	N/A. This Strategy relates to the actions of DPE.
O3 Create a 15-minute region made up of mixed multi-modal, inclusive and vibrant local communities	The NTURA directly supports this objective and will seek to accelerate the growth and activation of a 'heart' at the Local Centre by co-locating daily convenience services and needs with the beach, a new golf clubhouse, community centre, cultural centre, mobile surf club and public gathering places. This will ensure that daily needs of the community are met within the NTURA, whilst maintaining the importance of Forster Tuncurry as the strategic centre within the region.

Objective/Strategy	Comment
Strategy 3.1	All dwellings within the NTURA will be within 15-minute walking or cycling distance of a range of land uses (either provided within the NTURA or within the surrounding existing Tuncurry area) that meet the local needs of residents, including business premises (e.g. bank, post office, hairdresser, chemist), cafes, restaurants, bars, neighbourhood shops, primary and early education facilities, medical services, markets and community facilities.
Strategy 3.2	Personal services and food services will be primarily located within the proposed B2 Local Centre zone, whilst 'home occupations' will be permitted without consent within all residential zones (consistent with the existing provisions of the Great Lakes LEP) to provide opportunities for improved access to services which do not result in significant impacts on local amenity.
Strategy 3.3	Centre-based child care centres are permitted within the R2 Low Density Residential, R3 Medium Density Residential and B2 Local Centre zones which are proposed to apply to urban land within the NTURA. Any proposed child care facilities would be required to comply with the <i>Child Care Planning Guideline</i> (DPE 2017).
Strategy 3.4	Forster-Tuncurry is identified as a 'Complete Town/Village' – the NTURA supports this concept by providing immediate day-to-day needs within 15 minutes walking distance of all dwellings within the NTURA, whilst regional services provided within the Forster-Tuncurry main centre are within 15 minutes cycling distance.
Strategy 3.5	The road network within the NTURA Site has been designed to allow connectivity between new and existing public transport routes and walking/cycle paths. As noted above, all dwellings within the NTURA will be within 15 minutes cycling and driving distance of services provided within Forster-Tuncurry, whilst Taree is also located within 30 minutes driving time.
Strategy 3.6	The quantum of local retail and business services proposed within the B2 Local Centre has been determined based on evidence provided by the Market and Economic Assessment Report (SGS 2019), in order to ensure that services provided within the NTURA will be economically supported by the proposed population.
Strategy 3.7	The Draft Development Control Plan which accompanies the Rezoning Study sets out carefully-designed local road networks and cross sections that support safe walking/cycling, integration of public transport, sustainable design features and a high level of amenity for the community.
Strategy 3.8	The NTURA will facilitate direct pedestrian, cycling, public transport and vehicular connections to the existing surrounding transport network in order to ensure that transport systems are effective in integrating the NTURA with the existing urban area of Forster-Tuncurry.
Strategy 3.9	N/A. This Strategy relates to decisions by transport infrastructure providers.
O4 Plan for “Nimble Neighbourhoods”, diverse housing and sequenced development	The NTURA optimises densities to deliver outcomes that support community health, active transport, increased housing choice and diversity and the provision of sustainable local services. The provision of approximately 2,123 dwellings will contribute to regional housing targets and includes the provision of some compact and more affordable dwelling types and diverse housing typologies and the provision of 7.5% affordable housing within the Site consistent with Landcom’s Housing and Affordability and Diversity Policy.
Strategy 4.1	<p>Net dwelling density within the developed portion of the NTURA (i.e. excluding golf course and conservation lands) will equate to a gross dwelling density of approximately 13 dwellings/hectare across the site area. This is considered to be appropriate in the context of existing urban densities within the Forster-Tuncurry centre. This level of density will support the desired outcomes outlined in the Draft HRP in respect of 'optimum density' as follows:</p> <ul style="list-style-type: none"> • As identified in the Rezoning Study, the NTURA will provide a diverse range of lot sizes and dwelling typologies to support increased diversity in housing stock within the region and includes specific measures that will increase housing choice and affordability. • Provides a suitable level of local business and retail services which support the needs of the future NTURA community and which are sustained by the projected future population. • Achieves a high level of walkability and cycling access through street design and integration with surrounding networks to reduce car usage. Key streets have been designed to facilitate integration of public transport within the centre. • Achieves the intended outcomes for a 15-minute region as outlined in response to earlier strategies above. • Will assist in achieving 'net zero' by protecting and enhancing biodiversity conservation areas, promoting sustainable transport options, optimising lot orientations to manage solar loads, and managing water sustainably to reduce resource consumption. • Provides for improved health and wellbeing for Hunter region residents by providing housing to meet future demand in a walkable and attractive environment that provides

Objective/Strategy	Comment
	high levels of amenity with immediate access to recreational facilities, open space, walking/cycling networks and beaches.
Strategy 4.2	N/A. This Strategy applies to Councils. Notwithstanding this, the NTURA supports a range of more compact dwelling typologies including the proposed Urban (200-374m ²) lot sizes.
Strategy 4.3	Landcom is proactively supporting a range of housing delivery models and typologies throughout its development portfolio, and will work with stakeholders to identify opportunities to pilot such initiatives within the NTURA.
Strategy 4.4	N/A. This Strategy relates to the future planning of residential growth areas by Councils.
Strategy 4.5	N/A.
Strategy 4.6	N/A. The NTURA will assist in providing additional housing for residents, whilst tourist and visitor accommodation is more suitably planned for by Council within the main urban centre of Forster-Tuncurry.
Strategy 4.7	N/A. NTURA is not a lifestyle village.
Strategy 4.8	An Aged Care and Retirement Housing Study was prepared by Elton Consulting to assess the underlying demand for a retirement village or residential aged care, new demand from North Tuncurry and gauge industry interest in developing and operating these facilities. The Study demonstrated that there is sufficient medium-long term supply available in the region and NTURA is not required to provide a site for either aged care or retirement purposes. At present the retirement and aged care needs of the local community are generally well met by existing facilities within the Forster-Tuncurry area.
Strategy 4.9	N/A. The NTURA is not located on rural land.
O5 Increase green infrastructure and quality public spaces and improve the natural environment	Green infrastructure and quality open spaces are integrated into the planning for NTURA, with significant new public open spaces provided alongside the environmental conservation of approximately 327 hectares to protect the site's biodiversity values. The NTURA Rezoning also takes into account the planning for existing and future coastal hazards in accordance with the <i>Coastal Management Act 2016</i> , State Environmental Planning Policy (Resilience and Hazards) 2021 and NSW Coastal Management Manual. The master plan has been amended to reflect a 100 year coastal hazard risk (i.e.: 2125 rather than 2100), and better align with the DPE's draft Coastal Design Guidelines (2022). This has resulted in lower density uses in the 30m zone between the 2100 and 2125 and the coastal hazard lines moving 30 metres west. Refer to Section 4 of the Response to Submissions Finalisation Report for full details of amendments made to the master plan and consequentially NTURA Rezoning.
Strategy 5.1	N/A. This Strategy applies to Council public space planning.
Strategy 5.2	All development within the NTURA will be within 15 minutes walking distance of open space.
Strategy 5.3	The NTURA will be connected with existing local walking and cycling routes.
Strategy 5.4	The NTURA DCP provides for an increase in tree canopy within the site, which will assist in addressing urban heat.
Strategy 5.5	Detailed proposals for shading would be addressed in future Development Applications.
Strategy 5.6	Areas of high environmental value would be conserved through the NTURA proposal within the 327 ha of biodiversity conservation lands that will be facilitated by the project.
Strategy 5.7	Biodiversity assessment has been a crucial component in the project development and master planning for the NTURA in order to ensure that areas of highest environmental areas are able to be conserved in perpetuity.
Strategy 5.8	As outlined above, areas of high environmental value within the NTURA will be avoided and these areas conserved, with appropriate offsets provided where unavoidable impacts occur in accordance with the relevant framework.
Strategy 5.9	Two fingers of land stretching southwards from the Darawank Nature Reserve frame the community and protect key populations of the Tuncurry Midge Orchid, Nine Mile Beach and its dunal system and protect the scenic amenity of the site, maintaining biodiversity corridors within and around the NTURA.
Strategy 5.10	N/A. The NTURA is not located within a drinking water catchment.
Strategy 5.11	N/A. The NTURA is not located adjacent to coastal lakes.

Objective/Strategy	Comment
Strategy 5.12	The NTURA is consistent with the NSW coastal management framework, refer to Section 2.0 .
O6 Reach net zero and increase resilience and sustainable infrastructure	Planning for the NTURA factors in the need to embed resilience into local planning with respect to the gamut of environmental hazards associated with coastal processes, flooding, bushfire risk and climate change in order to deliver a resilient community. The Rezoning Study is accompanied by detailed technical studies which identify how the NTURA has been designed to avoid and minimise the risks posed by natural hazards, and to identify suitable mitigation measures to reduce exposure to ongoing risk. The NTURA aligns with the Hunter's net zero emissions spatial plan by ensuring newly created neighbourhoods within the NTURA are highly accessible, with all local services available within a 15 minute walk and access to regional walking and cycling networks integrated into the master plan. Future development within the NTURA will incorporate sustainable design in accordance with the applicable State sustainable building standards.
Strategy 6.1	N/A. This Strategy relates to planning by Councils. The Rezoning Study outlines how the resilience against natural hazards such as bushfire and coastal erosion would be managed within the NTURA.
Strategy 6.2	The Rezoning Study Planning addresses how natural hazards are managed within the NTURA in accordance with the applicable planning policy framework.
Strategy 6.3	N/A. This Strategy applies to water utility providers.
Strategy 6.4	Air quality impacts from construction would be addressed as part of future Development Applications.
Strategy 6.5	Air pollutant concentrations are not expected to be an issue for the NTURA due to the good existing air quality and presence of coastal breezes.
Strategy 6.6	Car parking provision within the NTURA are proposed to be consistent with existing MidCoast Council planning requirements, as applicable at the time of future Development Applications.
O7 Plan for businesses and services at the heart of healthy, prosperous and innovative communities	Existing local and regional services within the Forster Tuncurry strategic centre will service the future population of the NTURA Site, supplemented by small-scale local business services within the proposed Local Centre that meet the immediate day-to-day needs of the community to support active transport/walkability and reduce the need for car usage.
Strategy 7.1	The indicative floorspace allocation for retail and business services within the NTURA has been planned to ensure that these services meet the needs of, and are adequately supported by patronage from, the future residential population of the NTURA. This will ensure that development within the NTURA does not undermine the viability of existing business or main streets, and that Forster-Tuncurry retains its primacy as the centre for business and services at a sub-regional scale.
Strategy 7.2	N/A. The NTURA is not a major employment generating activity once constructed.
Strategy 7.3	N/A. It is expected that the existing Forster-Tuncurry centre will remain the focus for the night-time economy.
Strategy 7.4	N/A. The NTURA does not propose to develop health care or tertiary education facilities.
Strategy 7.5	Centre-based child care centres are permitted within the R2 Low Density Residential, R3 Medium Density Residential and B2 Local Centre zones which are proposed to apply to urban land within the NTURA. Any proposed child care facilities would be required to comply with the <i>Child Care Planning Guideline</i> (DPE 2017).
O8 Build an inter-connected and globally focused Hunter	N/A

2.0 Draft Coastal Design Guidelines

The *Draft Coastal Design Guidelines* (DPE 2022) (the Draft Guidelines) were exhibited for public comment from 29 July to 9 September 2022. These Draft Guidelines do not have any statutory effect until such a time as they are finalised and adopted by the NSW Government to formally supersede the 2003 NSW Coastal Design Guidelines. Notwithstanding this, the following section and **Table 2** address the provisions that are relevant to the NTURA.

Chapter 2 of the Draft Guidelines sets out the recommended approach for ‘understanding coastal places’, including understanding natural coastal processes, built environment, social and economic considerations when commencing design. The master planning and design process for the NTURA has been informed by a detailed analysis of these factors, as outlined in the Rezoning Study and accompanying urban design study and technical reports which address factors such as coastal erosion, sea level rise, environmental values and Aboriginal heritage.

Chapter 3 sets out the matters that are to be addressed for Planning Proposals within the coastal zone, which if formally adopted would be given effect through the Local Planning Directions. Whilst the NTURA is not the subject of a Planning Proposal, the mandatory matters for consideration are nonetheless addressed in **Table 3** below.

Chapter 4 sets out ‘best-practice urban design guidance for coastal places’, which are not intended to be mandatory. The Draft Guidelines note that the content of this chapter goes beyond the level of detail expected at the Planning Proposal stage, but are instead to be considered at the detailed design stage of projects. If adopted, these guidelines may be considered in the preparation of future detailed Development Applications.

Table 3 Assessment against mandatory requirements of 2022 Draft Coastal Guidelines Chapter 3

Provision	Compliance with mandatory requirements
A.1 Protect coastal ecosystems	<ul style="list-style-type: none"> No development is proposed on headlands or significant coastal landforms. No coastal wetlands or littoral rainforest are present within the site. Development is set back from the beach and coastal dunes.
A.2 Protect coastal wetlands and littoral rainforests	<ul style="list-style-type: none"> No coastal wetlands or littoral rainforest are present within the site.
A.3 Protect marine parks and aquatic reserves	<ul style="list-style-type: none"> The site is not within or immediately adjacent to any marine parks or aquatic reserves.
B.1 Respond to coastal processes	<ul style="list-style-type: none"> The site is not mapped as being within a coastal vulnerability area.
B.2 Respond to and protect elements which make the place special	<ul style="list-style-type: none"> Development of the NTURA has been planned to respond sympathetically to the existing coastal landform and context. Detailed visual analysis accompanied the Rezoning Study which demonstrated that taller buildings within the NTURA would not have significant built form impacts and would be appropriate in terms of typology, scale and height. Since public exhibition of the NTURA Rezoning, the master plan has been revised to reflect a 2100 coastal hazard and building heights have been redistributed to better align with the draft Guidelines' recommendation to limit height to three storeys along the foreshore. The proposed LEP maps have been revised to reflect the revised master plan. The revised maps are provided at Appendix L of the Response to Submissions Finalisation Report. Proposed development would not dominate coastal elements or natural beauty.
B.3 Urban development complements coastal scenic values	<ul style="list-style-type: none"> Taller buildings are limited to a very confined location within the NTURA urban area, and would not constitute ribbon development which would compete with or erode coastal scenic values. Proposed building heights align with the Draft Guidelines' recommendation to limit foreshore development to 3 storeys.
C.1 Protect and promote Aboriginal culture and heritage	<ul style="list-style-type: none"> The NTURA has been informed by extensive investigations of Aboriginal archaeology and consultation with relevant Aboriginal parties to ensure that development does not adversely impact upon Aboriginal sites or culture.
C.2 Provide universal public access to significant coastal assets	<ul style="list-style-type: none"> The NTURA would provide public access to Nine Mile Beach through the development and provide for improved environmental outcomes by more carefully managing and defining public access points with suitable infrastructure and environmental improvements. No development is proposed on coastal dunes.
C.3 Protect public amenity	<ul style="list-style-type: none"> Development within the NTURA would not result in overshadowing of the beach between 4pm. The reference to 7pm in the Draft Guidelines is unclear and appears to be a typographical error.

Provision	Compliance with mandatory requirements
D.1 Support industries that depend on the coast	<ul style="list-style-type: none"> The NTURA would not impact on any coastal industries.
D.2 Facilitate green infrastructure	<ul style="list-style-type: none"> The NTURA would provide public access to Nine Mile Beach through the development and provide for improved environmental outcomes by more carefully managing and defining public access points with suitable infrastructure and environmental improvements. Areas of high environmental value will be protected within the permanent conservation areas.
E.1 Ensure public safety and prevent risks to human life	<ul style="list-style-type: none"> The Rezoning Study was accompanied by a Coastal Processes, Hazards and Planning Study prepared by Worley Parsons which demonstrates that the NTURA will not cause increased risk of coastal hazards.
E.2 Account for natural hazard risks	<ul style="list-style-type: none"> The Coastal Processes, Hazards and Planning Study prepared by Worley Parsons identifies land that is subject to current and future coastal hazards, and ensures that development footprints are suitably located so as to account for these to minimise risk. The master plan has been amended to reflect a 100 year coastal hazard risk (i.e.: 2125 rather than 2100), and better align with the DPE's draft Coastal Design Guidelines (2022). This has resulted in lower density uses in the 30m zone between the 2100 and 2125 and the coastal hazard lines moving 30 metres west. Refer to Section 4 of the Response to Submissions Finalisation Report for full details of amendments made to the master plan and consequentially NTURA Rezoning. Overall, the NTURA Rezoning has considered the overall development footprint relative to current and future coastal processes. Refinement of the coastal hazards to assist in appropriate siting of development types and extents will be considered at the time of application for development consent, using the latest available data and a probabilistic approach to defining the coastal hazards. The Rezoning Study is accompanied by technical studies addressing other potential hazards including bushfire and geotechnical conditions. Development within the NTURA is not located within a coastal vulnerability area or on land identified as being affected by a current or future coastal hazard.
E.3 Account for climate change	<ul style="list-style-type: none"> The NTURA considers potential future coastal hazards in accordance with current NSW Government policies and guidelines for addressing climate change. As outlined above, the 2125 coastal hazard line has been reflect in the revised master plan in direct response to predicted climate change impacts and sea level rise.
E.4 Provide sustainable defences to coastal hazards	<ul style="list-style-type: none"> Environmental protection and rehabilitation of the coastal dune system of Nine Mile Beach within the NTURA will enhance resilience of natural protections against coastal hazards.
E.5 Protect essential infrastructure	<ul style="list-style-type: none"> No essential infrastructure is proposed within areas that are vulnerable to current or future natural hazards.
E.6 Manage legacy issues through land use change and avoid creating new legacy issues	<ul style="list-style-type: none"> Projected sea level rise has been considered in accordance with current NSW Government policies and guidelines for addressing climate change with respect to coastal hazards, including shoreline recession and inundation, and proposed development has been appropriately located outside of potentially affected areas. The revised master plan has adopted the 2125 coastal hazard line.

3.0 Proposed Zoning Approach

The following section responds to matters raised in MidCoast Council's submission in respect of the proposed approach to the implementation of land use zones and affiliated development standards, having regard to MidCoast Council strategies in relation to housing, employment and recreation and recent proposed reforms to employment and environmental zones by the NSW Government. The following sections discuss the implications of each strategy and respond to matters raised by Council, with a summary of the proposed approach outlined in **Section 2.7**.

3.1 MidCoast Council Housing Strategy

The MidCoast Council Housing Strategy (adopted December 2020) identifies key demographic trends that influence planning for housing within the LGA – an increasing population, increasing demand as a result of

shrinking household sizes and tourism use, an ageing population, and high levels of retirement and lower income levels. In Tuncurry, the median age is 8 years older than the MidCoast LGA average, and household sizes are small with only 1.9 people per dwelling.

North Tuncurry is identified as one of two Major Release Areas within the MidCoast LGA, and the largest urban release area within the Forster Tuncurry Strategic Centre, which is identified in the Housing Strategy as “critical to meeting longer-term housing needs”.

The Housing Strategy proposes a coordinated approach to land use zones across the MidCoast LGA, consolidating the existing provisions of Greater Taree Local Environmental Plan 2010, the Gloucester Local Environmental Plan 2010 and the Great Lakes Local Environmental Plan 2014 (the Great Lakes LEP). The implications for this on the applicable residential zones is summarised in **Section 3.4**.

Council’s submission notes the intended minimum dwelling density of 35 dwellings/hectare for R3 Medium Density Residential zoned land and suggests a lower *maximum* density of 25 dwellings/hectare, however, later in Council’s submission it is stated that “the dwelling density map for identified areas of Medium Density Residential development are supported”. A reduction in density would be inconsistent with the objectives for the NTURA and with Objective 4 of the Draft HRP (**Section 1.0**), which seeks to increase densities to achieve increase housing choice and affordability, support attractive walking/cycling and improve the efficient use of land.

Council’s submission states that Council “supports the purpose and intention of the proposed ‘Studio dwelling’ definition in the General and Medium Density zones”, but raises concerns with regard to the ability to implement this definition without a prior amendment to the Standard Instrument Principal Local Environmental Plan (SI LEP). Landcom notes that this definition is:

- Proposed to be incorporated through an ‘additional permitted use’ clause that applies only to the NTURA site, which are not required (by virtue of being site-specific) to adhere to the standard provisions of the SI LEP.
- It is noted that the definition of ‘studio dwelling’ has been incorporated in the following standardised environmental planning instruments (EPIs):
 - State Environmental Planning Policy (Precincts—Western Parkland City) 2021 since the predecessor Growth Centres SEPP.
 - State Environmental Planning Policy (Precincts—Central River City) 2021.

3.2 MidCoast Council Employment Zone Review

The MidCoast Council Employment Zones Review (2019) recommends a set of consolidated and consistent land use rules for business and industrial zones across the entire MidCoast LGA. The Review notes that the population of Forster-Tuncurry is growing at a faster rate than the MidCoast LGA average and other comparable regional centres, generating additional demand for land for employment and services.

The NTURA has been the subject of detailed site-specific planning, with built form controls for designated employment areas having been the subject of detailed urban design and planning analysis, and informed by economic analysis outlined in the exhibited Market and Economic Assessment Report (SGS 2019). The primary purpose of MidCoast Council’s Employment Zones Review is to consolidate controls for existing centres within the LGA rather than undertake prospective planning for new centres or change. Accordingly, the application of the proposed generic LGA-wide controls in respect of building heights and minimum lot sizes to the NTURA as suggested in Council’s submission is not supported and would result in an unnecessary reduction in employment generation potential and impediment to economic development within the region. This response applies in respect of the application of controls proposed in Council’s submission to both the proposed B2 Local Centre and the B5 Business Development zones.

DPE Practice Note PN 11-003 states that “If a council considers it desirable to clarify the interpretation of a term (other than a term defined in the Dictionary) that is used in a local provision by including a specific definition, then the council should discuss the matter with the Department as part of the preliminary discussions on the draft plan. Depending on the circumstances, it may be considered appropriate to define a term within the locally prepared clause. However, in most instances it will usually be possible to draft a local provision using common language terms. Terms in the Dictionary are not affected by local provision definitions”. These circumstances are considered to be appropriate in this instance, and particularly as the proposed ‘studio dwelling’ definition adopts common language already adopted in a number of other standardised EPIs.

3.3 MidCoast Council Recreation Zones Review

The MidCoast Council Recreation Zones Review (adopted July 2022) proposes to consolidate controls from the three existing LEPs into a single set of controls for the MidCoast Council LGA. The golf course would continue to be zoned RE2 Private Recreation consistent with the existing zoning under the Great Lakes LEP, with the boundary adjusted to better reflect the reconfigured course boundary.

Landcom does not object to 'tourist and visitor accommodation' being made permissible with consent within the RE2 Private Recreation zone via a site-specific Additional Permitted Use clause, rather than through amendment to the land use table, as suggested in Council's submission.

Council's proposal to reduce the height limit on land proposed to be zoned RE2 Private Recreation within the NTURA from 12 metres to 8.5 metres is not supported. Site-specific analysis has been undertaken to support the proposed building height controls, including visual impact and urban design studies. The golf course is located within the centre of the NTURA site, and development in accordance with the proposed building heights would not result in any adverse impacts to surrounding land outside of the NTURA.

3.4 NSW Government Employment Zone Reforms

The NSW Government is in the process of implementing reforms to employment zones to simplify land uses, encourage increased productivity and job creation throughout the state. Five new employment zones and three supporting zones were finalised in December 2021 via amendments to the Standard Instrument (Local Environmental Plans) Order 2006, and DPE is now in the process of implementing these in a staged approach for each LGA in partnership with the relevant Councils.

As the new employment zones have not yet been implemented in the MidCoast LGA (it is understood that this will occur at such a time as the future consolidated MidCoast LEP is made), zoning for the NTURA is required to follow the Great Lakes LEP. Advice regarding suitable new zones based on the new employment zones are outlined in **Table 3**.

3.5 NSW Government Environmental Zone Classifications

Since the preparation of the Rezoning Study, the NSW Department of Planning and Environment have renamed all zones previously labelled 'environment' to indicate the intended 'conservation' land use function and objectives of these zones. These changes were purely administrative in relation to the naming convention only, and did not result in any changes to the statutory objectives or land use tables within the Great Lakes LEP. Accordingly, these changes do not alter the recommended zones (except for the naming) outlined in the Rezoning Study.

3.6 Other zoning matters

MidCoast Council's submission on the Rezoning Study requested further justification for the proposed E3/C3 Environmental Management Zone to a small portion of the foreshore adjacent to the local centre. As outlined in the Rezoning Study, the application of the C3 zone in this location would permit the establishment of a limited range of development including the mobile surf club, beach car parks, viewing platforms, and dedicated pedestrian and cycle paths and beach access (i.e. 'recreation areas' which are not permitted in the C2 zone) on land that would not be subject to the conservation agreement. The C3 zone was identified as the most appropriate zone that could facilitate delivery of these future activities.

3.7 Summary of potential future changes to zoning

The Housing, Employment and Recreation Strategies outlined above are not yet the subject of a Planning Proposal to make a new consolidated LEP, and accordingly the NTURA rezoning would continue to amend the Great Lakes LEP and should therefore be consistent with that instrument. Notwithstanding this, **Table 3** outlines the appropriate translation of the proposed land use zones within the NTURA Rezoning Study to a future consolidated planning instrument based on the land use tables provided in the Housing Strategy, Employment Zones Review and Recreation Zones Review.

Table 3 Summary of potential future zoning changes subject to MidCoast and NSW Government strategies

Proposed Zone in Rezoning Study (based on Great Lakes LEP)	Potential future zone (Future potential MidCoast LEP based on Housing Strategy, Employment Zone Review and Recreation Zones Review)	Comment
R2 Low Density Residential (with additional permitted use for 'studio dwellings')	<p>R2 Low Density Residential (with additional permitted use for 'studio dwellings') (per existing Great Lakes LEP)</p> <p>R1 General Residential Zone (upon commencement of potential future consolidated MidCoast LEP)</p>	<p>The Housing Strategy proposes to utilise the R1 General Residential zone as an intermediate step in terms of dwelling density/typologies between the R2 Low Density and R3 Medium Density zones. Attached dwellings, which are a dwelling typology proposed for the NTURA, would be permitted in the R1 General Residential zone, but not the R2 zone. Site-specific local provisions as outlined in Section 6.1 of the Rezoning Study would accordingly continue to be required. Studio dwelling would need to be introduced as an Additional Permitted Use. As outlined above, there are existing precedents where studio dwelling has been successfully introduced into environmental planning instruments. Landcom notes however that DPE is also considering the need to create a site specific definition. A suggested definition for the DPE's consideration is provided below:</p> <p>studio dwelling means a dwelling that—</p> <p>(a) is established in conjunction with another dwelling (the principal dwelling), and</p> <p>(b) is on its own lot of land, and</p> <p>(c) is erected above a garage that is on the same lot of land as the principal dwelling, whether the garage is attached to, or is separate from, the principal dwelling, but does not include a semi-detached dwelling.</p>
R3 Medium Density Residential	R3 Medium Density Residential (under both existing Great Lakes LEP and potential future consolidated MidCoast LEP)	No change.
B2 Local Centre	B2 Local Centre (under both existing Great Lakes LEP and potential future consolidated MidCoast LEP)	No change. The broader range of business uses permitted within the B2 Local Centre zone, compared with the proposed R4 High Density Residential zone in the 2020 Housing Strategy, means that the B2 Local Centre zone would remain the preferred zone to facilitate the diverse range of uses within the local centre. Subject to NSW Government Employment Zones Reforms, this may be subject to a potential future change to E1 Local Centre following potential future implementation of NSW Employment Zones Reform. This change would not impact on the nature of development planned within the NTURA in terms of the uses permitted within this zone and is supported.
RE2 Private Recreation	RE2 Private Recreation	No change.
B5 Business Development	B5 Business Development	No change. Subject to the NSW Employment Zones reform, this may be subject to a potential future change to E3 Productivity Support zone. This change would not impact on the nature of development planned within the NTURA in terms of the uses permitted within this zone and is supported.
IN1 General Industrial	IN1 General Industrial	No change. Subject to NSW Government Employment Zones Reforms this may be subject to a potential future change to E4 General Industrial. The E5 Heavy Industrial zone proposed by MidCoast Council is not supported, as it is not the intention that this land accommodates 'heavy industries'. Instead, based upon the land use tables exhibited by DPE the E4 General Industrial zone is considered to be more appropriate, as it would permit a range of light industrial and urban services such as 'garden centres', 'hardware and building supplies', and 'timber yards' which are not proposed to be permitted in the E5 zone.

Proposed Zone in Rezoning Study (based on Great Lakes LEP)	Potential future zone (Future potential MidCoast LEP based on Housing Strategy, Employment Zone Review and Recreation Zones Review)	Comment
E2 Environmental Conservation	C2 Environmental Conservation	No change.
E3 Environmental Management	C3 Environmental Management	No change.

4.0 Application of Housing Code

As a State owned corporation Landcom supports the State policies of the NSW Government and accordingly is not prepared to seek an exclusion of the Codes SEPP to the NTURA site, as suggested by Council. Landcom supports exempt and complying development provisions which enable home owners to undertake works and improvements to their properties in an efficient and cost effective manner without being subject to red tape, and expensive lengthy planning approvals processes (where relevant and appropriate).

Notwithstanding this, Landcom also acknowledges Council's concerns and is committed to the delivery of the masterplan and development vision outlined in the Rezoning Study, including ensuring that the Codes SEPP is not liberally utilised in a manner that results in increased density or unintended consequences that have not been the subject of detailed planning undertaken already as part of the Rezoning Study.

Section 1.20 of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 (the Codes SEPP) suspends the operation of covenants to the extent necessary to enable the carrying out of development that complies with the Codes SEPP. Section 1.20 does not apply, however, to a covenant that is imposed *"by an owner or former owner of the land concerned, other than a covenant that has been required by a council to be imposed"*. Accordingly, Landcom is committed to voluntarily introducing a Section 88B covenant on the title of future residential allotments across the NTURA Site prior to the sale of land precluding the use of Parts 3, 3B and 3C of the Codes SEPP.

The following parts of the Codes SEPP would continue to apply, in order to allow certain appropriate development to occur as Exempt or Complying Development to avoid creating an unnecessary administrative burden by requiring Development Applications for minor and appropriate development:

- Part 2 (Exempt Development)
- Part 4A (General Development Code)
- Part 5 (Industrial and Business Alterations Code)
- Part 5A (Industrial and Business Buildings Code)
- Part 5B (Container Recycling Facilities Code)
- Part 6 (Subdivisions Code)
- Part 7 (Demolition Code)
- Part 8 (Fire Safety Code)