

# **APPENDIX 11: MIDCOAST RECREATION ZONES REVIEW**



# RECREATION ZONES REVIEW



## Executive summary

The Recreation Zones Review (RZR) proposes a consistent, updated and improved application of recreation zones across the MidCoast. The process for developing this approach involved:

- examining best practice application of recreation zones across the state
- reviewing the current application of recreation zones across the three former Council areas
- recommending a clear and consistent approach for the future application of recreation zones and associated planning controls in the MidCoast Local Environmental Plan (MidCoast LEP).

Principles (or rules) for the application of the recreation zones (RE1 Public Recreation and RE2 Private Recreation) were established as follows:

- land will be zoned RE1 Public Recreation if it is **publicly owned** and is intended for the purpose of:
  - active recreation (e.g. sporting fields, golf course) or passive recreation (e.g. kicking a ball, playground)
  - showgrounds
  - managed foreshores (where there is grouped amenities/infrastructure such as toilets, boat ramps, picnic facilities, playgrounds)
- land will be zoned RE2 Private Recreation if it is **privately owned** and is intended for the purpose of private recreation. This includes:
  - privately owned showgrounds (e.g. Gloucester Showground)
  - golf clubs, bowling clubs and racecourses
- creeks/streams and publicly owned drainage areas are to be included in a suitable environmental zone if the predominant purpose of the land is environmental
- vegetated foreshores are to be included in a suitable environmental zone.

Development standards and provisions in an Local Environmental Plan provide clear direction regarding the scale, density and form of development. The main development standards are minimum lot size (for subdivision), height of buildings and floor space ratio.

Development standards for the RE1 Public Recreation zone are to be less restrictive (i.e. no minimum lot size, height of building or floor space ratio), given the land is publicly owned and is primarily developed for public recreation purposes. Commercial activities and development on these lands are subject to additional assessment policies and processes due to the public interest and value of these lands.

Land in the RE2 Private Recreation zone, is proposed to have a minimum lot size of 20 hectares, a maximum height of buildings of 8.5 metres and no floor space ratio control. These development standards provide for the diversity of structures, development and activities that may be carried out in this zone.

In summary, the Recreation Zones Review will inform the application of recreation zones (including land uses, lot size, height of buildings and floor space ratio controls) within the MidCoast LEP.

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2	Internal review for exhibition	A Macvean	4 September 2019
3	Amended following the Know Your Urban Zone exhibition as per Council resolution December 2020	M Griffith	December 2020
4	Final version for adoption following the Know Your Rural Zone exhibition	M Griffith	7 July 2022



# 1 Introduction

The existing MidCoast planning controls are being reviewed to develop a clear, consistent planning framework that will guide the way land uses across the MidCoast are managed.

The Recreation Zones Review (RZR) examines the current application and use of recreation zones across the three former areas. The RZR involves a review of the relevant state, regional and local strategies to determine 'best practice'.

Key outcomes of the review are to develop a clear and consistent approach for the application of the recreation zones and ensure that the development standards meet our needs now and into the future.

Council's initial desktop assessment identified that some land is unnecessarily or incorrectly included in a recreation zone (either RE1 Public Recreation or RE2 Private Recreation). Generally, these issues relate to the environmental significance or the ownership of the land. This review will therefore include an approach for changing the zoning of a number of sites to correctly reflect the condition or ownership of the land.

In addition to zone changes, this review will inform various mapping changes including minimum lot size, height of buildings and floor space ratio. Ultimately the outcomes of this review will inform the MidCoast Local Environmental Plan (MidCoast LEP).

It is important to note that the review does not seek to reclassify any Council owned land under the *Local Government Act 1993*. All public land must be classified as either 'community' or 'operational' land. Classification is used to identify land that is available for use by the general public (community land) and land which is not available for use by the general public (operational land).

This review takes into consideration major strategic Council studies and reviews recently prepared such as the Housing Strategy, draft Rural Strategy, Manning Health/Taree CBD Precinct Plan, Employment Zones Review and the Infrastructure Zones Review.

## Background

The MidCoast local government area currently has approximately 3,000 hectares of parks and open spaces, including 26 sporting complexes and 58 full size playing fields.

Of this, approximately 1,130 hectares of land is zoned RE1 Public Recreation and 497 hectares of land is zoned RE2 Private Recreation.

A significant portion of land that is actually used for recreation purposes is not included in a recreation zone - it is included in an environmental zone. There is also some land in a recreation zone that has a predominant environmental purpose and may be better placed in an environmental zone.

RE1 Public Recreation zoned land includes parks and reserves that range in size and purpose, but all provide for the passive and active recreation needs of the community.

Passive recreation areas can include walking tracks, playgrounds, places to kick a ball or wildlife observation areas.

Active recreation facilities include sporting fields and regional parks such as the Taree Regional Recreation Centre, that often require purpose built facilities like grandstands, toilets, purpose built fields and/or swimming pools.

It is important that the public recreation network can support an increasing diversity of activities, ranging from passive enjoyment of recreation land to active recreation.

Typically land zoned RE2 Private Recreation includes a range of privately owned sites used for recreation activities like golf clubs, bowling clubs and racecourses. These sites can also include registered clubs, grandstands and other purpose built facilities associated with the recreation use of the land.

## Purpose

This review examines the roles and function of the existing recreation zones in the Great Lakes, Greater Taree and Gloucester Local Environmental Plans. This work will subsequently inform the development of the MidCoast LEP that is based on contemporary planning principles and gives a clear and consistent direction to the community on development and environmental management in the MidCoast area.

This review aims to provide a consistent, updated and improved application of recreation zones across the MidCoast area. The process for developing this approach involved:

- examining best practice application of recreation zones across the state
- reviewing the current application of recreation zones across the three former Council areas
- recommending a clear and consistent approach for the future application of recreation zones and associated planning controls in the MidCoast LEP.

The outcome of this review is the development of:

- principles for the application of recreation zones in the MidCoast LEP
- objectives and land use tables for the recreation zones
- principal development standards for the recreation zones.

## Limitations

This is a review and analysis of existing planning zones and controls. It is important to note that this review does not examine:

- the supply or future needs of our recreation lands
- long term use and classification of recreation land across the MidCoast area
- open space embellishments or facilities to meet the needs of the population.

This detailed analysis will be undertaken through the development of an Open Space and Recreation Strategy for the MidCoast area, which will occur separately and at a later date.

## 2 Policy context

This section details the state, regional and local guidelines, policies and legislation relevant to the Recreation Zones Review.

### State and regional

This section summarises the existing state and regional guidelines, policies and legislation that guide the application of recreation zones.

#### Hunter Regional Plan 2036

The Hunter Regional Plan 2036 (the Plan) was released in October 2016 and identifies key goals, strategies, actions and regional priorities to be implemented across the Hunter Region, which includes the MidCoast area. It should be noted that the Hunter Regional Plan 2036 is currently under review.

The draft Hunter Regional Plan 2041 (the draft Plan) was placed on public exhibition from 6 December 2021 until 4 March 2022. The draft Plan is the 20-year strategic planning blueprint to ensure a sustainable future and the ongoing prosperity of the Hunter's vibrant and connected communities.

At the time of writing, the Department of Planning and Environment are considering how submissions and feedback will be incorporated into the final Hunter Regional Plan 2041 that will be released later in 2022. The Recreation Zone Review is largely consistent with the exhibited draft Plan.

#### Ministerial Directions

Ministerial Directions outline the considerations and outcomes that the State Government will accept in developing a new local environmental plan (LEP). This review is generally consistent with the relevant Ministerial Directions.

#### State Environmental Planning Policies (SEPPs)

This review is generally consistent with the relevant State Environmental Planning Policies that relate to recreation land, as outlined below:

- *SEPP (Biodiversity and Conservation) 2021*
- *SEPP (Housing) 2021*
- *SEPP (Industry and Employment) 2021*
- *SEPP (Resilience and Hazards) 2021*
- *SEPP (Transport and Infrastructure) 2021*

As outlined in Practice Note 10-001, it is important that the provisions of the former *SEPP (Infrastructure) 2007* (now incorporated in *SEPP (Transport and Infrastructure) 2021*) and *SEPP (Exempt and Complying Development Codes) 2008* are not duplicated in a LEP. This will be a key consideration when drafting the MidCoast LEP.

### Local policies

There are a number of MidCoast Council plans that apply to recreation land as outlined below.

#### Community Strategic Plan

In 2022, MidCoast Council developed the MidCoast Community Strategic Plan 2022-2032 to be the guiding document for the community. Relevant community outcomes and strategies relating to recreation zones are as follows:

*Community Outcome 1 – A resilient and socially connected community*

We protect the health and safety of our communities

- 1.4.3 Encourage physical health and fitness and social connectedness by providing safe and appropriate recreational facilities

*Community Outcome 2 - An integrated and considered approach to managing our natural resources*

We protect, manage and restore our natural environment and our biodiversity

- 2.1.1 Protect, maintain and rehabilitate natural areas

We balance the needs of our natural and built environment

- 2.5.1 Practice integrated land use planning that balances the environmental, social and economic needs of present and future generations and our existing natural, heritage and cultural assets

*Community Outcome 4 – Strong leadership and good governance*

The Community has confidence in Council decisions and planning for the future

- 4.1.1 Enable the community to participate in decisions that affect them
- 4.1.2 Provide clear, accessible, timely and relevant information to the community about council projects and services

Council demonstrates good governance to ensure decisions and transactions are ethical, efficient, safe and fair

- 4.2.3 Council manages our services and infrastructure in a sustainable manner to balance community need and expectations

**Delivery Program (2022-26) and Operational Plan (2022-23)**

Council has a Delivery Program which turns the goals from the Community Strategic Plan into actions. It is the guiding document for all activities undertaken by Council over the next four years. The annual Operational Plan includes the ongoing services and projects that Council will deliver in the current financial year to achieve the commitments of the Delivery Program.

The Recreation Zones Review will be used to inform the consolidated MidCoast Local Environmental Plan, which is a major project identified in the Delivery Program and Operational Plan.



## Principles for the preparation of the MidCoast LEP

Council has developed the following four key LEP preparation principles. These principles will guide the review of land use zones and planning rules from Gloucester, Great Lakes and Greater Taree LEPs to develop the MidCoast LEP. The four key principles are:

1. *Acknowledge diversity and local character*: to identify and protect our diverse and valuable natural landscapes and to recognise the desired roles and character of our different urban settlements.
2. *Consistency with State*: to prepare the local environmental plan in a manner consistent with State legislation and guidelines.
3. *Regional Policies and Plans*: to apply the goals and actions for the MidCoast area contained in regional policies and plans.
4. *Council Strategies*: to reflect the actions, goals and recommendations of MidCoast Council strategies.

### 3 Analysis of the recreation zones

This section looks in detail at the recreation zones in terms of their purpose, application and principles for moving towards a consistent approach across the MidCoast.

During preparation of this review, discussions have been held with MidCoast Council staff from Natural Systems, Community Spaces, Infrastructure and Engineering Services, Development Assessment and Land Use Planning.

Consultation with stakeholders and the community took place during the 'Zoning in on our future' consultation program.

#### The purpose of the recreation zones

The recreation zones available in the Standard Instrument - Principal Local Environmental Plan (Standard Instrument LEP) are: RE1 Public Recreation and RE2 Private Recreation.

The NSW Department of Planning's Practice Note 11-002 provides the framework for how these zones can be applied. This is outlined in the table below.

#### The purpose of the Standard Instrument LEP recreation zones

RE1 Public Recreation
<p>This zone is generally intended for a wide range of <b>public</b> recreational areas and activities including local and regional parks and open space.</p> <p>The uses may include 'recreation facilities,' 'community facilities' such as lifesaving clubs, 'environmental facilities', 'environmental protection works' and other uses compatible with the primary use of the land.</p> <p>Where land is to be reserved for public recreation purposes e.g. local or regional open space, the land is to be outlined and annotated on the Land Reservation Acquisition Map, and the relevant acquisition authority identified in the table in clause 5.1.</p>
RE2 Private Recreation
<p>This zone is generally intended to cover a wide range of recreation areas and facilities on land that is <b>privately owned or managed</b>.</p> <p>The use of facilities developed on this land may be open to the general public or restricted e.g. to registered members only.</p> <p>Private recreation may include racecourses, golf clubs, bowling clubs, rifle ranges, speedways, tennis complexes and other sporting or recreational facilities which may be on significant parcels of privately owned land, or on land leased from councils or State authorities.</p>

## How recreation zones are applied across New South Wales

It is important to look at how zones are applied across New South Wales to determine best practice in applying these zones in the MidCoast LEP.

While the State Government has developed the recreation zones and rules for their application, the implementation in Local Environmental Plans does differ across the state.

A desktop analysis was undertaken of how other councils in NSW with similar demographic and spatial characteristics have applied the recreation zones. Generally, the RE1 Public Recreation or RE2 Private Recreation zones are applied consistently on the basis of ownership.

The two main differences on how recreation zones are applied relate to foreshores land, and whether split zoning is used to appropriately zone significant environmental land. Many of these differences are based on:

- the year that the LEP was created:

Earlier LEPs, including Greater Taree LEP 2010 and Gloucester LEP 2010, were subject to stricter controls and limited flexibility by the State. There was a strict transition of old zones to new (Standard Instrument LEP) which led to inaccuracies in the application of recreation zones. Over time, the rules for LEPs became more flexible to ensure better planning outcomes could be achieved.

- whether strategies were undertaken to support the new LEP:

For example, Great Lakes LEP 2014 and Blue Mountains LEP 2015, were later LEPs where strategies/reviews had been undertaken to ensure a more accurate application of zones, based on existing land uses and or the natural state of the land.

- the application of zoning in foreshores and waterway/creek corridors:

In established urban areas a recreation zone was typically applied to foreshores and land public land adjoining waterways. In newer suburbs, the zones are more often a mixture of recreation and environmental zones. This review provides Council with an opportunity to update and consistently apply zones to foreshores and land adjoining waterways in particular, in the towns and villages of the MidCoast area.

An analysis was also undertaken of how NSW councils with similar demographic and spatial characteristics have used zone objectives. A more specific analysis of how zone objectives, land use tables and other development controls are used in the MidCoast area is outlined below. Additional detail is provided in Appendix A.

## How recreation zones are currently applied in the MidCoast

The RE1 Public Recreation and RE2 Private Recreation zones are applied in all three existing LEPs. The zones are very similar in terms of:

- the objectives of the zones, with the only significant difference being in the RE2 Private Recreation zone where the Great Lakes LEP 2014 has an objective specific to caravan parks and camping grounds.
- the zones are closed, meaning any use not specifically mentioned as permitted with consent or permitted without consent, is prohibited. This is consistent with the State Government's preferred approach to recreation zones.

The key points of difference relate to:

- the application of recreation zones in the older Gloucester LEP 2010 and Greater Taree LEP 2010, compared to Great Lakes LEP 2014, regarding the:
  - RE1 Public Recreation zone applying to land that is privately owned and is not intended to be used for recreation in the future
  - RE2 Private Recreation zone applying to land as a buffer between uses e.g. industrial and residential or to address risk e.g. bushfire, and is not intended for recreation purposes.
- the application of environmental zones over creek corridors in newer suburbs/land release areas.
- the uses permitted in each zone and the level of assessment required i.e. whether a use is permitted with consent, is permitted without consent or prohibited. The key points of difference are as follows:
  - RE1 Public Recreation zone: amendments to the Greater Taree LEP 2010 were undertaken in 2016 and 2018, and these increased the number of land uses 'permitted with consent' in this zone, compared to the other LEPs. This reflects the many uses already being undertaken in Council parks
  - RE2 Private Recreation zone: the Great Lakes LEP 2014 has a more extensive list of uses 'permitted with consent' than the other LEPs, reflecting the more flexible approach to this zone in 2014.

A land use matrix is provided in Appendix B, showing the level of assessment required for each use.

It is important to note that both of the recreation zones include an objective about protection of the natural environment, similar to many other zones. However, for recreation zones, the core objectives relate to recreational outcomes, which are then supported, by the environmental objective.

Consistent consideration of these primary and secondary objectives throughout the review, ensures that the 'best fit' of land uses for the recreation zones can be determined.

## 4 Application of recreation zones in the MidCoast

### Recreation zone principles

It is important that recreation land is 'fit for purpose', can adequately fulfil its recreation function and also meet community expectations. Generally suitable attributes for RE1 Public Recreation land include:

- functionality and accessibility
- site characteristics that make the land suitable for the purpose of recreation i.e. slope, shape and size
- limited site hazards i.e. bushfire and flooding
- ability to provide a range of recreation activities, experiences and opportunities
- contributes to the neighbourhood landscape character
- valued by the community and community connection to the land
- good natural surveillance
- compatible with future development around the site
- connectivity to other recreation land
- the land is not specifically required for drainage/stormwater management.

However, we cannot retrofit these attributes. There are some existing areas of RE1 Public Recreation land that were historically identified as parks and reserves and may only meet a few of the above attributes. In addition, recreation lands may have one or more of the following values:

- biodiversity conservation
- environmental conservation
- natural areas
- cultural heritage.

Land can be considered generally unsuitable for a recreation purpose due to site constraints like steep topography, native vegetation or being part of a creek corridor. Uses on this land should be restricted to low-impact infrastructure like seating, signage, nature observation facilities, walking tracks and cycling tracks. It is important to not prevent the provision or maintenance of this low-impact infrastructure or prevent public access to these areas, where appropriate.

Based on the analysis of recreation zones across NSW and in the MidCoast area, a number of principles were developed to guide the application of zones, refer to the table below. These principles will ensure that there is a clear and consistent approach to applying recreation zones across the MidCoast area.

#### Principles to guide the application of recreation zones

Type of land	Principles
<b>Publicly owned recreation land</b>	<p>Land will be zoned RE1 Public Recreation if it is publicly owned and is currently intended for the purpose of recreation. The exceptions to this would be:</p> <ul style="list-style-type: none"><li>• if the land, in whole or part, is heavily vegetated or has an identified environmental value e.g. land adjoining a watercourse, the land should be rezoned to reflect its environmental purpose,</li><li>• if the land is used for informal recreation i.e. small neighbourhood parks, the land could be included in the surrounding zone, or remain in the current zone.</li></ul>



Type of land	Principles
	<p>Land in the RE1 Public Recreation zone that is not publicly owned and/or not currently intended to be used for a recreation purpose is to be included in another suitable zone.</p> <p><b>Note:</b> Land that is both in the RE1 Public Recreation zone and in private ownership is to be included on the LEP Land Reservation Acquisition Map, if the land is needed for a future recreation purpose.</p>
<b>Privately owned recreation land</b>	<p>Land will be zoned RE2 Private Recreation if it is privately owned and has a current or intended private recreation use. The exception to this would be if the land, in whole or part, is heavily vegetated or has an identified environmental value e.g. land adjoining a watercourse, the land should be rezoned to reflect its environmental purpose.</p> <p>Land in the RE2 Private Recreation zone that is not privately owned and/or not currently intended to be used for a recreation purpose is to be included in another suitable zone.</p>
<b>Creeks/streams in recreation areas</b>	<p>Creeks/streams and the land adjoining these waterways are to be included in an environmental zone if they are in a relatively natural state, otherwise RE1 Public Recreation will be used.</p> <p>It is important that suitable environmental corridors are developed under this principle.</p> <p>If a corridor is not wide enough, the environmental zone may not need to be applied. A Plan of Management (POM) for the land and watercourse could better inform the management of narrow environmental corridors, rather than using zoning.</p> <p><b>Note:</b> The Rural Strategy will identify an approach for the application of waterway zones over significant waterways/waterbodies such as rivers and lakes.</p>
<b>Publicly owned drainage areas on recreation land</b>	<p>Publicly owned drainage areas are to be included in:</p> <ul style="list-style-type: none"> <li>• an environmental zone if the surrounding land has a predominant environmental purpose,</li> <li>• RE1 Public Recreation zone if the surrounding land has a predominant recreation purpose,</li> <li>• a suitable adjoining zone if there is no clear environmental or recreation purpose on surrounding land.</li> </ul>
<b>Privately owned drainage areas</b>	<p>Privately owned drainage areas are to be included in:</p> <ul style="list-style-type: none"> <li>• an environmental zone if the surrounding land has a predominant environmental purpose,</li> <li>• a suitable adjoining zone if the surrounding land does not have a predominant environmental purpose.</li> </ul>
<b>Foreshores</b>	<p>Vegetated foreshores and foreshores that are in a relatively natural state, are to be included in an environmental zone, irrespective of ownership.</p>

Type of land	Principles
	Managed foreshores i.e. grass foreshores and foreshore playgrounds, are to be included in the RE1 Public Recreation zone if they are in public ownership.
<b>Showgrounds</b>	<p>Public showgrounds are to be included in the RE1 Public Recreation zone if they are under the care, control or management of Council or Crown lands.</p> <p>Privately owned showgrounds are to be included in the RE2 Private Recreation zone.</p>
<b>Environmental land</b>	<p>The primary purpose of the two recreation zones is the provision and protection of land for public and private recreation. The uses associated with recreation are generally not considered suitable for land with significant environmental value.</p> <p>Uses on environmental land should be restricted to minimal, low-impact infrastructure like seating, signage, nature observation facilities, walking tracks and cycling tracks. It is important on environmental land, not to prevent the provision or maintenance of this infrastructure or prevent public access to the land, where appropriate.</p> <p><i>“E2 and E3 zones will only be applied if the primary use of the land is considered to be environmental conservation (E2) or environmental management (E3) and the land has attributes which have been verified to meet the criteria for an E2 or E3 zone” (DPE - Northern Councils E Zone Review 2015).</i></p> <p><b>Note:</b> On the 1 December 2021, the NSW Government renamed the ‘environment zones’ to ‘conservation zones’ under clause 2.1 Land use zones of the Standard Instrument – Principal Local Environmental Plans. The new conservation zones are Zone C1 – National Parks and Nature Reserves, Zone C2 – Environmental Conservation, Zone C3 – Environmental Management, and Zone C4 – Environmental Living. The objectives and land use tables remain the same across all zones, only the prefix and zone category were changed.</p> <p>As outlined in the DPE E Zone review, the E2 Environmental Conservation zone can be applied to land with the following attributes: coastal wetlands, littoral rainforests, endangered ecological communities, habitat for Key Threatened Species, culturally significant lands, and over-cleared vegetation communities.</p> <p>Practice Note 09-002 also outlines that the E2 Environmental Conservation zone should be generally applied to land containing endangered ecological communities.</p> <p>As also outlined in the DPE E Zone review, the E3 Environmental Management zone can be applied to land with the following attributes: riparian and estuarine vegetation and wetlands; Rare, Endangered and Vulnerable Forest Ecosystems; and native vegetation on coastal foreshores.</p>

Type of land	Principles
	<p><b>Note:</b> The Rural Strategy will identify an approach for the application of environmental zones.</p>
<b>Land Reservation Acquisition Map</b>	<p>The Land Reservation Acquisition (LRA) map allows for the identification of the acquisition of land reserved exclusively for certain public purposes, by a relevant public authority (Practice Note 11-001).</p> <p>As per Practice Note 07-001, the land included on the Land Reservation Acquisition Map should be included in the relevant zone prior to acquisition and be clearly identified for its intended future use. For example:</p> <ul style="list-style-type: none"> <li>• SP2 Infrastructure is to be used for Classified roads, Railways, Local road widening, Public places, Public Hospitals, Public Schools and Public Cemeteries,</li> <li>• RE1 Public Recreation is to be used for open space (including local, regional and future), and</li> <li>• E1 National Parks and Nature Reserves is to be used for National Parks.</li> </ul> <p>Therefore, land is to be included in the RE1 Public Recreation zone and identified on the Land Reservation Acquisition Map - only if it is currently in private ownership and has been identified for a future recreation purpose.</p>
<b>Recreation uses in other zones</b>	<p>Ensure that Recreation facility (indoor) is permitted with consent in the land use tables of other suitable zones e.g. business or industrial zones, to allow for a bowling alley, squash court, indoor cricket centre, indoor rock climbing or other similar uses.</p>
<b>'Dual' or 'split' zoning</b>	<p>Where possible there should be only one zone per lot, unless part of the land has significant environmental value or a predominant environmental purpose.</p> <p>Plans of Management (POM) should be developed to guide the management of public land and ensure that environmental areas are adequately managed, minimising the need for 'dual' or 'split' zoning.</p> <p><i>"In some circumstances 'dual' or 'split' zoning on a single lot may be acceptable to acknowledge the different development potential of the land due to topography, different environmental values, certain land constraints or different designated future land uses. In proposing this approach, councils should consider the implication on other planning controls for that lot expressed in the Land Use Table, principal development standards (minimum lot size and/or scale of development) or additional local provisions"</i> (Practice Note 11-002).</p>

## Recreation zone objectives

Land zone objectives need to be prepared in accordance with Practice Note 09-005. Appendix A provides a detailed comparison of the recreation zone objectives from across NSW.

Objectives shown in *italics* are from the Standard Instrument LEP and cannot be changed.

RE1 Public Recreation Zone Objectives	Justification
<i>To enable land to be used for public open space or recreational purposes.</i>	Standard Instrument – cannot change
<i>To provide a range of recreational settings and activities and compatible land uses.</i>	Standard Instrument – cannot change
<i>To protect and enhance the natural environment for recreational purposes.</i>	Standard Instrument – cannot change
To provide for a range of educational, environmental, community and cultural uses for the benefit of the community.	Currently used in the Great Lakes and Greater Taree LEPs and provides additional flexibility on how recreation spaces may be used by and for, the community.
To provide for affordable tourist accommodation in caravan parks and camping grounds.	A similar objective is currently in the Great Lakes LEP. This objective is considered appropriate and reflects the need to ensure a supply of diverse and affordable tourist accommodation within the MidCoast.
To identify proposed or existing publicly owned land that is used or is capable of being used for the purpose of active or passive recreation.	This objective from the Nambucca LEP 2010, recognises that land may be identified for future acquisition and/or development for public recreation purposes.

RE2 Private Recreation Zone Objectives	Justification
<i>To enable land to be used for private open space or recreational purposes.</i>	Standard Instrument – cannot change
<i>To provide a range of recreational settings and activities and compatible land uses.</i>	Standard Instrument – cannot change
<i>To protect and enhance the natural environment for recreational purposes.</i>	Standard Instrument – cannot change
To ensure the scale, density and form of development reflects the nature of the recreational use of the land and is compatible with the surrounding urban form and natural setting.	Based on an objective contained in Sutherland Shire LEP 2015, this objective aims to ensure that development in the zone reflects the recreational use of the land and is in keeping with the surrounding environment.

## Recreation zone land uses

Appendix B provides a detailed comparison of the land uses for each recreation zone across the existing three existing LEPs. Based on this analysis, the proposed objectives for each zone and Practice Note 09-006 which provides guidance on suitable tourism-related uses for recreation zones, draft land use tables for public and private recreation zones in the MidCoast are provided below.

Land uses shown in *italics* are from the Standard Instrument LEP and cannot be changed.

### Proposed RE1 Public Recreation zone land uses

#### Permitted without consent

*Environmental facilities; Environmental protection works; Flood mitigation works; Roads*

#### Permitted with consent

Amusement centres; Animal boarding or training establishments; *Aquaculture*; Backpackers' accommodation; Bee keeping; Boat launching ramps; Boat sheds; Camping grounds; Car parks; Caravan parks; Charter and tourism boating facilities; Centre-based child care facilities; Community facilities; Eco-tourist facilities; Educational establishments; Electricity generating works; Emergency services facilities; Entertainment facilities; Extractive industries; Function centres; Helipads; Heliports; Hotel or motel accommodation; Information and education facilities; Jetties; *Kiosks*; Marinas; Markets; Public administration buildings; *Recreation areas*; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Registered clubs; Research stations; Respite day care centres; Restaurants or cafes; Serviced apartments; Sewage systems; Signage; Small bars; Take away food and drink premises; Veterinary hospitals; Waste or resource management facilities; Water recreation structures, Water supply systems; Wharf or boating facilities

#### Prohibited

*Any development not specified in item 2 or 3*

### Proposed RE2 Private Recreation zone land uses

#### Permitted without consent

Nil

#### Permitted with consent

Amusement centres; Animal boarding or training establishments; *Aquaculture*; Backpackers' accommodation; Bee keeping; Boat launching ramps; Boat sheds; Building identification signs; Business identification signs; Camping grounds; Car parks; Caravan parks; Charter and tourism boating facilities; Centre-based child care facilities; *Community facilities*; Eco-tourist facilities; Emergency services facilities; Entertainment facilities; *Environmental facilities; Environmental protection works*; Flood mitigation works; Food and drink premises; Function centres; Helipads; Hotel or motel accommodation; Information and education facilities; Jetties; *Kiosks*; Marinas; Markets; *Recreation areas*; *Recreation facilities (indoor)*; Recreation facilities (major); *Recreation facilities (outdoor)*; Registered clubs; Resource recovery facilities; Respite day care centres; *Roads*; Serviced apartments; Sewage systems; Veterinary hospitals; Waste or resource transfer stations; Water recreation structures, Water supply systems; Wharf or boating facilities

#### Prohibited

*Any development not specified in item 2 or 3*



## Recreation zone development standards

Development standards are provisions in an LEP that guide development. The principle development standards are minimum lot size (for subdivision), height of building and floor space ratio, which are discussed in detail below.

Note: some land uses on public land are permitted and controlled by state policies like *State Environmental Planning Policy (Transport and Infrastructure) 2021* and are not subject to LEP development standards and controls.

### **Minimum lot size**

Minimum lot size controls aim to ensure that the density of subdivision is appropriate for the location. The development standard can also minimise potential land use conflicts, and ensure that lots are of a sufficient size and have suitable dimensions to accommodate future development.

It is considered that a minimum lot size on RE1 Public Recreation land is unnecessarily restrictive and will not affect the existing or future use of these public spaces.

A minimum subdivision lot size of 20ha is proposed for the RE2 Private Recreation zone. The 20ha minimum is considered appropriate, without being unnecessarily restrictive and will ensure that land zoned RE2 Private Recreation is of a scale/lot size that can accommodate a diverse range of suitable private recreation land uses and activities.

### **Current and proposed minimum lot size standards (for subdivision)**

	RE1 Public Recreation	RE2 Private Recreation
Gloucester LEP 2010	Nil, 500sqm, 100ha	Nil, 100ha
Great Lakes LEP 2014	Nil, 450sqm, 1,000sqm, 2,000sqm	Nil, 40ha
Greater Taree LEP 2010	Nil, 450sqm, 40ha	Nil, 450sqm
Proposed MidCoast LEP	No minimum lot size	Minimum 20ha

### **Height of buildings**

Building height is generally the vertical distance between ground level (existing) and the highest point of a proposed development. This development standard aims to ensure that the height of development is appropriate for the site and the scale is compatible with the existing and/or desired character of the area. The height of a building can also have an impact on sunlight into buildings, outdoor areas and open space, views, privacy and amenity.

It is considered that a maximum height of buildings development standard on RE1 Public Recreation land is unnecessarily restrictive.

A maximum height of 8.5m is proposed for the RE2 Private Recreation zone as it is generally consistent with the controls in the existing LEPs and will ensure that development on RE2 is of a suitable scale.

## Current and proposed height of building standards

	RE1 Public Recreation	RE2 Private Recreation
<b>Gloucester LEP 2010</b>	7.5m, 11.5m	7.5m, 11.5m
<b>Great Lakes LEP 2014</b>	8.5m, 10m, 12m	8.5m, 12m
<b>Greater Taree LEP 2010</b>	Nil, 8.5m	Nil, 8.5m, 14.5m
<b>Proposed MidCoast LEP</b>	No maximum height of building	Maximum of 8.5m

## Floor space ratio

Floor space ratio controls aim to ensure that the density, bulk and scale of development is appropriate for a site and also compatible with the character of the area. The bulk and scale of development can also have an impact on overshadowing, privacy, amenity and character.

It is considered that a floor space ratio development standard on RE1 Public Recreation and RE2 Private Recreation land is unnecessarily restrictive. This is considered consistent with the controls in the existing LEPs.

This approach also recognises that there can be a range of uses in these zones that need to be assessed on a case-by-case basis, so that development is designed to be of a suitable scale and is compatible with its surroundings, as required by the new objective proposed for the RE2 Private Recreation zone: *“To ensure the scale, density and form of development reflects the nature of the recreational use of the land and is compatible with the surrounding urban form and natural setting”*.

## Current and proposed floor space ratio standards

	RE1 Public Recreation	RE2 Private Recreation
<b>Gloucester LEP 2010</b>	Nil, 1.5	Nil
<b>Great Lakes LEP 2014</b>	Nil, 0.4, 1	Nil, 0.4
<b>Greater Taree LEP 2010</b>	Nil, 0.6	Nil, 0.6
<b>Proposed MidCoast LEP</b>	No floor space ratio	No floor space ratio

In summary, it is recommended that the minimum lot size, height of buildings and floor space ratio development standards are removed from RE1 Public Recreation; and that only minimum lot size and height of buildings development standards apply to RE2 Private Recreation.

This is generally consistent with a number of other NSW LEPs including Ballina 2012, Gosford 2014, Port Stephens 2013, Coffs Harbour 2013, Port Macquarie-Hastings 2011, Sutherland Shire 2015 and Lake Macquarie 2014.

## Clauses and miscellaneous provisions

The standard instrument includes a range of clauses that guide the use of recreation land, including local provisions and additional permitted uses, with additional information provided in Practice Note 11-001. These provisions are outlined below and documented in full in Appendix C.

Proposed miscellaneous provisions	
<b>Clause 5.1 - Relevant acquisition authority</b>	Compulsory clause identifying land for acquisition and the relevant public authority.  Include compulsory wording contained in clause 5.1 of the Standard Instrument LEP.
<b>Clause 5.2 - Classification and reclassification of public land</b>	Compulsory clause identifying public land for classification or reclassification as 'operational land' or 'community land'.  Include compulsory wording contained in clause 5.2 of the Standard Instrument LEP.
<b>Clause 5.3 - Development near zone boundaries</b>	Optional clause that provides flexibility, for the logical and appropriate development of a site, compatible with objectives and land uses from an adjoining zone.  Include wording in clause 5.3 of the Standard Instrument LEP; but include an additional paragraph under Section 3 to ensure the clause does not apply to land zoned RE2 Private Recreation.
<b>Clause 5.12 - Infrastructure development and use of existing buildings of the Crown</b>	Compulsory clause allowing a public authority to use existing buildings of the Crown.  Include compulsory wording contained in clause 5.12 of the Standard Instrument LEP.
Proposed additional local provisions	
<b>Events permitted without development consent</b>	It is recommended that a clause based on 7.12 of the Greater Taree LEP 2010 and clause 7.20 of the Great Lakes LEP 2014 be included in the MidCoast LEP, to enable temporary events to be held in public spaces.
Proposed additional permitted uses (Schedule 1)	
<b>Greater Taree LEP</b>	It is recommended that the following additional permitted uses from the Greater Taree LEP 2010 retained:  <b>2 Use of particular land at Grangewood Avenue, Tallwoods Village, Hallidays Point</b> (1) This clause applies to land at Grangewood Avenue, Tallwoods Village, Hallidays Point, being Lot 895, DP 1079140. (2) Development for the purposes of multi dwelling housing comprising a maximum of 37 units is permitted with development consent.  <b>3 Use of particular dwelling at The Bucketts Way, Taree South</b>

	<ul style="list-style-type: none"> <li>(1) This clause applies to land at The Bucketts Way, Taree South, that is in the RE2 Private Recreation Zone and is part of Lot 53, DP 836998.</li> <li>(2) Development for the purposes of a dwelling house, to be used as a manager's residence in conjunction with the existing landscaped garden, is permitted with development consent.</li> </ul>
<b>Gloucester LEP</b>	<p>It is recommended that the following additional permitted uses from the Gloucester LEP 2010 be retained:</p> <p><b>1 Use of certain land at Gloucester Country Club, Bucketts Way South, Gloucester</b></p> <ul style="list-style-type: none"> <li>(1) This clause applies to land at Gloucester Country Club, 4651 Bucketts Way South, Gloucester, being part of Lot 3, DP 625997.</li> <li>(2) Development for the purposes of tourist and visitor accommodation (other than serviced apartments) is permitted with consent.</li> </ul> <p><b>2 Use of certain land at Gloucester Showground precinct, Showground Road, Gloucester</b></p> <ul style="list-style-type: none"> <li>(1) This clause applies to land at Gloucester Showground precinct, Showground Road, Gloucester, being Lot 1, DP 555445.</li> <li>(2) Development for the purposes of tourist and visitor accommodation (other than serviced apartments) is permitted with consent.</li> </ul>

## 5 Consultation

Consultation on the Recreation Zone Review was undertaken to ensure that the approach was consistent with the community's and stakeholders expectations around the provision, accessibility and use of public and private recreation land. Stakeholders include the managers of public land and the owners of land zoned RE2 Private Recreation. It was also recognised that a large portion of the community uses the public open space network for passive and/or active recreation and therefore it was important to consult with the broader community.

The 'Know Your Urban Zone' consultation was undertaken from 5 February until 9 April 2020. It involved community conversations on future planning controls that would apply to the urban areas of the MidCoast, being our towns and villages. Feedback was sought on the Housing Strategy, Employment Zones Review, Recreation Zones Review, Infrastructure Zones Review and the Manning Health/Taree CBD Precinct Plan.

The community was consulted through eighteen information sessions in twelve locations attended by around 1,000 people; with over 9,200 visits to the 'Know Your Urban Zone' project page on Council's website. Changes were made to the Recreation Zone Review in response to this consultation.

The NSW Local Land Services reviewed the Recreation Zones Review and advised that more detailed consultation is required to review the proposed zones applied over Crown Land. This consultation will occur prior to the development of the MidCoast Local Environmental Plan.

The 'Know Your Rural Zone' project was reviewed in January 2020 to incorporate learnings from the 'Know Your Urban Zone' project. Community consultation on the 'Know Your Rural Zone' project was undertaken from 30 August 2021 until 28 January 2022. It involved community conversations on future planning controls that would apply to the rural areas of the MidCoast.

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

During the consultation period we got the word out to the community through six feature advertisements, three media releases, two radio interviews along with producing fact sheets, posters and distributing letters to over 3,500 landholders. Thirteen Information Sessions were also held with over 125 people attending.

Following the completion of both of these community consultation processes, the Recreation Zones Review has been updated to provide the framework for the next phase of 'Zoning in on our future', being the preparation of the MidCoast Local Environmental Plan and MidCoast Development Control Plan.



## 6 Conclusion and Next Steps

In conclusion, it is proposed that the RE1 Public Recreation and RE2 Private Recreation zones be incorporated into the MidCoast Local Environmental Plan in accordance with the principles outlined in this document.

It is recommended that any future planning proposals to rezone land for urban purposes, ensure that land identified for recreation or open space is fit for purpose, are suitable and appropriate additions to the current supply of recreation land.

### Additional studies

Any future Open Space and Recreation Strategy completed by Council should consider the relevant industry benchmarks and guidelines for the provision of open space/recreation land and make an assessment on the standard of service provision.

Whilst the quantitative standard is an important assessment tool, the community's perception of the amount of open space/recreation land that is available, can be affected by the quality and accessibility of their local spaces. As noted in this Review, it is important that recreation land has suitable attributes.

While this Review identifies land to be retained or rezoned for recreation and environmental purposes, Council will also have to update relevant Plans of Management (POM) and ensure that public land is suitably classified under the *Local Government Act 1993*.

The NSW Department of Planning and Environment's *Draft Local Development Contributions Guidelines 2009* and *Recreation and Open Space Planning Guidelines for Local Government 2010* also recommend that Councils take care to ensure that the land they are receiving for open space purposes, is appropriate for the end use. Historically, there have been instances where bushland has been dedicated to Council by developers as future recreation land, with the land unable to sufficiently perform its intended recreation function.

Council is able to levy contributions for the provision of local infrastructure and facilities under Section 7.11 of the *Environmental Planning and Assessment Act 1979*. These contributions provide Council with funds for the provision and upgrade of public facilities and services. It is recommended that a comprehensive review Council's Development Contribution Plans is undertaken to ensure that the plans adequately address the provision of recreation land, services and facilities for the future population of the MidCoast.

## Appendices

Appendix A - Recreation zone objectives from other NSW LEPs

Appendix B - Existing and proposed land uses

Appendix C - Clauses and miscellaneous provisions

## Appendix A: Recreation zone objectives from other NSW LEPs

RE1 Public Recreation Zone Objectives used in other NSW LEPs
To facilitate the preservation of the environmental qualities of land. (Lake Macquarie LEP 2014)
To protect and enhance foreshore reserves for their visual and environmental qualities. To encourage development that supports the community's diverse recreational needs. (Kempsey LEP 2013)
To conserve the scenic and environmental resources of the land including the protection of environmental assets such as remnant vegetation, waterways and wetlands, and habitats for threatened species, populations and communities. (Eurobodalla LEP 2012)
To identify areas suitable for development for recreation, leisure and cultural purposes. To ensure that development is compatible with the desired future character of the zone. (Gosford LEP 2014)
To provide linked open space for ecosystem continuity, public access, local community recreation and waterway protection. To provide space for integrated stormwater treatment devices for flow and water quality management. To enable ancillary development that complements land zoned for recreational purposes. (Wyang LEP 2013)
To identify proposed or existing publicly owned land that is used or is capable of being used for the purpose of active or passive recreation. (Nambucca LEP 2010)
To provide for a diversity of development that meets the social and cultural needs of the community. To provide for public access to open space and natural recreation areas. To protect and conserve landscapes in environmentally sensitive areas, particularly in foreshore and visually prominent locations. To provide for development that is consistent with any applicable plan of management. To encourage development that achieves the efficient use of resources such as energy and water. (Ballina LEP 2012)
To ensure the community has adequate access to open space to meet the needs of all residents and improve amenity and quality of life. (Lismore LEP 2012)

## RE2 Private Recreation Zone Objectives used in other NSW LEPs

To encourage development that complements its location and minimises any adverse impacts on the environment. (Lake Macquarie LEP 2014)

To protect and enhance foreshore reserves for their visual and environmental qualities.

To encourage development that supports the community's diverse recreational needs. (Kempsey LEP 2013)

To conserve the scenic and environmental resources of the land including the protection of environmental assets such as remnant vegetation, waterways and wetlands, and habitats for threatened species, populations and communities. (Eurobodalla LEP 2012)

To ensure that the scale and character of private recreational development is compatible with the surrounding land uses. (Bega Valley LEP 2013)

To ensure that development does not have an unacceptable impact on the amenity of nearby properties.

To ensure that development is compatible with the desired future character of the zone. (Gosford LEP 2014)

To offer opportunities for tourism development that is compatible with the natural environment.

To allow for alternative uses of open space areas for community purposes that are compatible with surrounding areas.

To enable land uses that are compatible with, and complementary to, recreational uses. (Wyang LEP 2013)

To enable development that is compatible with the recreational nature and environmental character of the land.

To encourage development that achieves the efficient use of resources such as energy and water. (Ballina LEP 2012)

To provide a range of recreational, educational and tourist activities on land in private ownership. (Lismore LEP 2012)

To ensure the scale, density and form of development reflects the nature of the recreational use of the land and is compatible with the surrounding urban form and natural setting. (Sutherland Shire LEP 2015)

## Appendix B: Existing and proposed land uses

### Zone RE1 Public Recreation – Land use permissibility

Standard Instrument LEP	Gloucester LEP 2010	Great Lakes LEP 2014	Greater Taree LEP 2010	MidCoast LEP Draft
<b>2 Permitted without consent</b>				
Environmental facilities;	Environmental facilities;			Environmental facilities;
Environmental protection works;	Environmental protection works;		Environmental protection works;	Environmental protection works;
			Extensive agriculture;	
			Flood mitigation works;	Flood mitigation works;
Roads;	Roads;			Roads;
<b>3 Permitted with consent</b>				
Aquaculture;	Aquaculture;	Aquaculture;	Aquaculture;	Aquaculture;
				Amusement centres;
				Animal boarding or training establishments;
				Backpackers' accommodation;
				Bee keeping;
			Biosolids treatment facilities;	
			Boat building and repair facilities;	
		Boat launching ramps;	Boat launching ramps;	Boat launching ramps;
			Boat sheds;	Boat sheds;
	Building identification signs;		Building identification signs;	
	Business identification signs;			
	Camping grounds;	Camping grounds;	Camping grounds;	Camping grounds;
		Car parks;	Car parks;	Car parks;
	Caravan parks;	Caravan parks;	Caravan parks;	Caravan parks;
			Cemeteries;	
			Centre-based child care facilities;	Centre-based child care facilities;
			Charter and tourism boating facilities;	Charter and tourism boating facilities;
		Community facilities;	Community facilities;	Community facilities;
			Crematorium;	
		Depot;	Depot;	
		Eco-tourist facilities;	Eco-tourist facilities;	Eco-tourist facilities;
			Educational establishments;	Educational establishments;
			Electricity generating works;	Electricity generating works;
		Emergency services facilities;	Emergency services facilities;	Emergency services facilities;
			Entertainment facilities;	Entertainment facilities;
Environmental facilities;		Environmental facilities;	Environmental facilities;	
Environmental protection works;		Environmental protection works;		

Standard Instrument LEP	Gloucester LEP 2010	Great Lakes LEP 2014	Greater Taree LEP 2010	MidCoast LEP Draft
			Extractive industries;	Extractive industries;
	Flood mitigation works;	Flood mitigation works;		
		Function centres;		Function centres;
				Hotel or motel accommodation;
			Helipad;	Helipad;
		Heliports;		Heliports;
		Information and education facilities;	Information and education facilities;	Information and education facilities;
		Jetties;	Jetties;	Jetties;
Kiosks;	Kiosks;	Kiosks;	Kiosks;	Kiosks;
		Marinas;	Marinas;	Marinas;
		Markets;	Markets;	Markets;
			Mooring pens;	
			Passenger transport facilities;	
		Plant nurseries;		
			Public administration building;	Public administration building;
Recreation areas;	Recreation areas;	Recreation areas;	Recreation areas;	Recreation areas;
	Recreation facilities (indoor);	Recreation facilities (indoor);	Recreation facilities (indoor);	Recreation facilities (indoor);
		Recreation facilities (major);	Recreation facilities (major);	Recreation facilities (major);
	Recreation facilities (outdoor);	Recreation facilities (outdoor);	Recreation facilities (outdoor);	Recreation facilities (outdoor);
		Registered clubs;		Registered clubs;
		Research station;	Research station;	Research station;
			Respite day care centres;	Respite day care centres;
		Restaurants or cafes;	Restaurants or cafes;	Restaurants or cafes;
Roads;		Roads;	Roads;	
				Serviced apartments;
		Sewage systems;		Sewage systems;
			Sewage treatment plants;	
		Signage;		Signage;
				Small bars;
				Take away food and drink premises;
				Veterinary hospitals;
		Waste or resource management facilities;	Waste or resource management facilities;	Waste or resource management facilities;
		Water recreation structures;	Water recreation structures;	Water recreation structures;
			Water recycling facilities;	
		Water supply systems;	Water supply systems;	Water supply systems;
		Wharf or boating facilities;	Wharf or boating facilities;	Wharf or boating facilities;
<b>4 Prohibited</b>				
Any development not specified in item 2 or 3	Any development not specified in item 2 or 3	Any development not specified in item 2 or 3	Any development not specified in item 2 or 3	Any development not specified in item 2 or 3



## Zone RE2 Private Recreation – Land use permissibility

Standard Instrument LEP	Gloucester LEP 2010	Great Lakes LEP 2014	Greater Taree LEP 2010	MidCoast LEP Draft
<b>2 Permitted without consent</b>				
Environmental facilities;	Environmental facilities;			
Environmental protection works;	Environmental protection works;			
Roads;	Roads;			
<b>3 Permitted with consent</b>				
Aquaculture;	Aquaculture;	Aquaculture;	Aquaculture;	Aquaculture;
				Amusement centres;
		Animal boarding or training establishments;		Animal boarding or training establishments;
		Backpackers' accommodation;		Backpackers' accommodation;
		Bed and breakfast accommodation;		
				Bee keeping;
		Boat launching ramps;		Boat launching ramps;
		Boat sheds;		Boat sheds;
			Building identification signs;	Building identification signs;
			Business identification signs;	Business identification signs;
		Camping grounds;	Camping grounds;	Camping grounds;
		Car parks;	Car parks;	Car parks;
		Caravan parks;	Caravan parks;	Caravan parks;
				Centre-based child care facilities;
		Charter and tourism boating facilities;	Charter and tourism boating facilities;	Charter and tourism boating facilities;
Community facilities;	Community facilities;	Community facilities;	Community facilities;	Community facilities;
		Eco-tourist facilities;	Eco-tourist facilities;	Eco-tourist facilities;
		Emergency services facilities;		Emergency services facilities;
				Entertainment facilities;
Environmental facilities;		Environmental facilities;	Environmental facilities;	Environmental facilities;
Environmental protection works;		Environmental protection works;	Environmental protection works;	Environmental protection works;
	Flood mitigation works;	Flood mitigation works;	Flood mitigation works;	Flood mitigation works;
		Food and drink premises;		Food and drink premises;
		Function centres;	Function centres;	Function centres;
				Hotel or motel accommodation;
		Helipad;	Helipad;	Helipad;
		Information and education facilities;		Information and education facilities;
		Jetties;		Jetties;
Kiosks;	Kiosks;	Kiosks;	Kiosks;	Kiosks;
		Marinas;		Marinas;
				Markets;

Standard Instrument LEP	Gloucester LEP 2010	Great Lakes LEP 2014	Greater Taree LEP 2010	MidCoast LEP Draft
			Pub;	
Recreation areas;	Recreation areas;	Recreation areas;	Recreation areas;	Recreation areas;
Recreation facilities (indoor);	Recreation facilities (indoor);	Recreation facilities (indoor);	Recreation facilities (indoor);	Recreation facilities (indoor);
	Recreation facilities (major);	Recreation facilities (major);	Recreation facilities (major);	Recreation facilities (major);
Recreation facilities (outdoor);	Recreation facilities (outdoor);	Recreation facilities (outdoor);	Recreation facilities (outdoor);	Recreation facilities (outdoor);
	Registered clubs;	Registered clubs;	Registered clubs;	Registered clubs;
		Research station;		
				Resource recovery facilities;
				Respite day care centres;
			Restaurants or cafes;	
Roads;		Roads;	Roads;	Roads;
				Serviced apartments;
		Sewage systems;		Sewage systems;
		Signage;		
				Veterinary hospitals;
		Waste or resource management facilities;		
				Waste or resource transfer station;
		Water recreation structures;	Water recreation structures;	Water recreation structures;
		Water supply systems;		Water supply systems;
		Wharf or boating facilities;		Wharf or boating facilities;
<b>4 Prohibited</b>				
	Any development not specified in item 2 or 3	Any development not specified in item 2 or 3	Any development not specified in item 2 or 3	Any development not specified in item 2 or 3

## Appendix C: Clauses and miscellaneous provisions

### Standard Instrument - Principal Local Environmental Plan

#### 5.1 Relevant acquisition authority [compulsory]

- (1) The objective of this clause is to identify, for the purposes of section 3.15 of the Act, the authority of the State that will be the relevant authority to acquire land reserved for certain public purposes if the land is required to be acquired under Division 3 of Part 2 of the *Land Acquisition (Just Terms Compensation) Act 1991* (**the owner-initiated acquisition provisions**).

##### Note.

If the landholder will suffer hardship if there is any delay in the land being acquired by the relevant authority, section 23 of the *Land Acquisition (Just Terms Compensation) Act 1991* requires the authority to acquire the land.

- (2) The authority of the State that will be the relevant authority to acquire land, if the land is required to be acquired under the owner-initiated acquisition provisions, is the authority of the State specified below in relation to the land shown on the Land Reservation Acquisition Map (or, if an authority of the State is not specified in relation to land required to be so acquired, the authority designated or determined under those provisions).

Type of land shown on Map	Authority of the State
Zone RE1 Public Recreation and marked "Local open space"	Council
Zone RE1 Public Recreation and marked "Regional open space"	The corporation constituted under section 2.5 of the Act
Zone SP2 Infrastructure and marked "Classified road"	Transport for NSW
Zone C1 National Parks and Nature Reserves and marked "National Park"	Minister administering the <i>National Parks and Wildlife Act 1974</i>

##### Direction.

Land is required to be shown on the Land Reservation Acquisition Map if it is expressly set apart by the Plan exclusively for a public purpose referred to in section 3.14(1)(c) of the Act. However, any such land that is held by an authority of the State, or by a public company or a subsidiary of a public company (within the meaning of the *Corporations Act 2001* of the Commonwealth) is not required to be shown on that Map. An authority of the State is to be listed for all land shown on the Land Reservation Acquisition Map, but the land is not to be so reserved and the authority listed unless the authority consents to its being listed.

- (3) Development on land acquired by an authority of the State under the owner-initiated acquisition provisions may, before it is used for the purpose for which it is reserved, be carried out, with development consent, for any purpose.

#### 5.2 Classification and reclassification of public land [compulsory]

- (1) The objective of this clause is to enable the Council to classify or reclassify public land as "operational land" or "community land" in accordance with Part 2 of Chapter 6 of the *Local Government Act 1993*.

##### Note.

Under the *Local Government Act 1993*, “public land” is generally land vested in or under the control of a council (other than roads, Crown reserves and commons). The classification or reclassification of public land may also be made by a resolution of the Council under section 31, 32 or 33 of the *Local Government Act 1993*. Section 30 of that Act enables this Plan to discharge trusts on which public reserves are held if the land is reclassified under this Plan as operational land.

- (2) The public land described in Part 1 or Part 2 of Schedule 4 is classified, or reclassified, as operational land for the purposes of the *Local Government Act 1993*.
- (3) The public land described in Part 3 of Schedule 4 is classified, or reclassified, as community land for the purposes of the *Local Government Act 1993*.
- (4) The public land described in Part 1 of Schedule 4:
  - (a) does not cease to be a public reserve to the extent (if any) that it is a public reserve, and
  - (b) continues to be affected by any trusts, estates, interests, dedications, conditions, restrictions or covenants that affected the land before its classification, or reclassification, as operational land.
- (5) The public land described in Part 2 of Schedule 4, to the extent (if any) that it is a public reserve, ceases to be a public reserve when the description of the land is inserted into that Part and is discharged from all trusts, estates, interests, dedications, conditions, restrictions and covenants affecting the land or any part of the land, except:
  - (a) those (if any) specified for the land in Column 3 of Part 2 of Schedule 4, and
  - (b) any reservations that except land out of the Crown grant relating to the land, and
  - (c) reservations of minerals (within the meaning of the *Crown Land Management Act 2016*).

**Note.**

In accordance with section 30(2) of the *Local Government Act 1993*, the approval of the Governor to subclause (5) applying to the public land concerned is required before the description of the land is inserted in Part 2 of Schedule 4.

### **5.3 Development near zone boundaries [optional]**

- (1) 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.
- (2) 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 [*insert distance for any 2 zones or different distances for different zones*].
- (3) This clause does not apply to:
  - (a) land in Zone RE1 Public Recreation, Zone C1 National Parks and Nature Reserves, Zone C2 Environmental Conservation, Zone C3 Environmental Management or Zone W1 Natural Waterways, or
  - (b) land within the coastal zone, or
  - (c) land proposed to be developed for the purpose of sex services or restricted premises.

**Direction.**

Additional zones may be included by adding them in a separate paragraph numbered (aa).

- (4) 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:
  - (a) the development is not inconsistent with the objectives for development in both zones, and
  - (b) 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.
- (5) This clause does not prescribe a development standard that may be varied under this Plan.

## **5.12 Infrastructure development and use of existing buildings of the Crown [compulsory]**

- (1) This Plan does not restrict or prohibit, or enable the restriction or prohibition of, the carrying out of any development, by or on behalf of a public authority, that is permitted to be carried out with or without development consent, or that is exempt development, under *State Environmental Planning Policy (Transport and Infrastructure) 2021*.
- (2) This Plan does not restrict or prohibit, or enable the restriction or prohibition of, the use of existing buildings of the Crown by the Crown.

## **Greater Taree Local Environmental Plan 2010**

### **7.12 Events permitted without development consent**

- (1) The objective of this clause is to provide for the temporary use of public reserves and public roads for exhibitions, meetings, concerts or events.
- (2) Despite any other provision of this Plan, development (including any associated temporary structures) for the purpose of a temporary event may be carried out on a public reserve or public road without development consent.

#### **Note.**

Other approvals may be required, and must be obtained, under other Acts, including the *Local Government Act 1993*, the *Roads Act 1993* and the *Crown Land Management Act 2016*.

- (3) Part 2 of *State Environmental Planning Policy (Miscellaneous Consent Provisions) 2007* does not apply to development to which this clause applies.
- (4) In this clause:

**public reserve** has the same meaning as in the *Local Government Act 1993*.

**temporary event** means an exhibition, meeting, concert or other event that is open to the public for which land is used for a period of not more than 52 days (whether or not consecutive) in any period of 12 months.

## **Great Lakes Local Environmental Plan 2014**

### **7.20 Events permitted on public reserves and roads without development consent**

(1) The objective of this clause is to provide for the temporary use of public reserves and public roads for exhibitions, meetings, concerts or events.

(2) Despite any other provision of this Plan, development (including any associated temporary structures) for the purpose of a temporary event may be carried out on a public reserve or public road without development consent.

**Note.**

Other approvals may be required, and must be obtained, under other Acts, including the *Local Government Act 1993*, the *Roads Act 1993* and the *Crown Land Management Act 2016*.

(3) *State Environmental Planning Policy (Miscellaneous Consent Provisions) 2007* does not apply to development to which this clause applies.

(4) In this clause—

**public reserve** has the same meaning as in the *Local Government Act 1993*.

**temporary event** means an exhibition, meeting, concert or other event that is open to the public for which land is used for a period of not more than 52 days (whether or not consecutive) in any period of 12 months.

## **Gloucester Local Environmental Plan 2010**

### **7.20 Events permitted without development consent**

(1) The objective of this clause is to provide for the temporary use of public reserves and public roads for exhibitions, meetings, concerts or events.

(2) Despite any other provision of this Plan, development for the purposes of an event (including the erection of any associated structures) may be carried out on a public reserve or public road without development consent for a maximum period of 52 days (whether or not consecutive days) in any period of 12 months.

**Note.**

Other approvals may be required, and must be obtained, under other Acts, including the *Local Government Act 1993*, the *Roads Act 1993* and the *Crown Land Management Act 2016*.

(3) Nothing in this clause permits development for the purposes of overnight accommodation.

(4) *State Environmental Planning Policy (Miscellaneous Consent Provisions) 2007* does not apply to development to which this clause applies.

(5) In this clause—

**event** means an exhibition, meeting, concert or other event that is open to the public.