

Planning Proposal to amend Greater Taree Local Environmental Plan 2010 to:

- **Objective 1: Create R3 zone**
- **Objective 2: Rezone land at North Diamond Beach from SP3 Tourist to R3 Medium Density Residential; and**
- **Objective 3: Create an additional permitted use (under Schedule 1 of the LEP) to enable integrated housing and subdivision on Lot 17 DP 576415, 391 Diamond Beach Road, Diamond Beach**

Prepared by:

Saltwater Shores Pty Ltd

Version xxx / Date: xxxxx

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Version	Purpose of Document	Author	Date
1	As submitted on NSW Planning Portal	xxx	xxx
2	For Council decision whether to support following staff assessment	xxx	xxx
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4	Minor editorial amendments to reflect Gateway Determination and/or additional work/studies	xxx	xxx
5	Amendments in response to public and agency submissions received during exhibition	xxx	xxx

Introduction

The Planning Proposal has been prepared by Mid-Coast Council in accordance with Division 3.4 of the *Environmental Planning and Assessment Act 1979* and the relevant Department of Planning and Environment (Department) Guidelines, including the *Local Environmental Plan Making Guideline* (December 2021).

The Planning Proposal has been prepared pursuant to the Mid-Coast Housing Strategy to modify the former tourist zoned land at North Diamond Beach to residential. The land is described in detail in the following section.

The subject land is located at North Diamond Beach, between Diamond Beach Road and Khappinghat Nature Reserve, as shown in **Figure 1** on the following page.

The proposal is to rezone the land to R3 Medium Density Residential. As *Greater Taree Local Environmental Plan 2010* (LEP) does not presently provide for Zone R3, the proposal also involves the creation of Zone R3 in the LEP.

The Planning Proposal seeks to amend Greater Taree Local Environmental Plan (LEP) 2010 to:

1. Create an R3 zone in the LEP.
2. Rezone land in the north Diamond Beach Area from SP3 (Tourist) to R3 (Medium Density Residential).
3. Create an additional permitted use under Schedule 1 of the LEP to enable integrated housing and subdivision on land described as Lot 17 DP 576415, 391 Diamond Beach Road, Diamond Beach.

This Planning Proposal outlines the intended effect of, and justification for, the proposed amendments to Greater Taree LEP 2010.

The proposed amendments were the subject of a report to **XXX Council, meeting and date**. The report, annexures and resolution relevant to this Planning Proposal are available on Mid-Coast Council's website **xxx**.

The proclamation of 12 May 2016 ratified the merger of the Local Government Areas of Gloucester Shire, Greater Taree and Great Lakes Council into Mid-Coast Council. Greater Taree LEP 2010 still stands as a separate environmental planning instrument.

Council requests that the Department issue delegations to Council to make these amendments.



Figure 1: Location of subject land (extract from p.49 of Mid-Coast Housing Strategy)

Description of the land and surrounds

This planning proposal relates to numerous parcels of land ('the subject lands') located at North Diamond Beach and wholly or partly zoned SP3 (Tourist). The subject lands, include:

- Lot 17 DP 576415, 391 Diamond Beach Road, Diamond Beach;
- Lots 1, 2 and 3 DP 271277, 363 Diamond Beach Road, Diamond Beach;
- Lot 2 DP 856418, 361 Diamond Beach Road, Diamond Beach;
- Lot 320 DP 1242093, 355 Diamond Beach Road, Diamond Beach;
- Lots within Community Title Subdivision DP 286523; and
- Lots within Community Title Subdivision DP 286110.

The current SP3 zoning of the parcels comprising the subject land was created in 2010, 2018 and 2020 following detailed site investigations and previous planning proposals which identified the boundaries of the SP3 and C2 zones (formerly E2) over the land (**Figure 2**).

The Planning Proposal does not involve any alteration to any parts of the land that are zoned C2 (Environmental Conservation). Any C2 zoned land is unaffected by the proposal.

The land parcel at 391 Diamond Beach Road currently contains older tourist development forms and has been the subject of development consents for other uses which have not commenced or have stalled due to restrictive provisions in the SP3 zone. The land at 391 Diamond Beach Road presently has the benefit of a consent (which remains in force) for a caravan park.

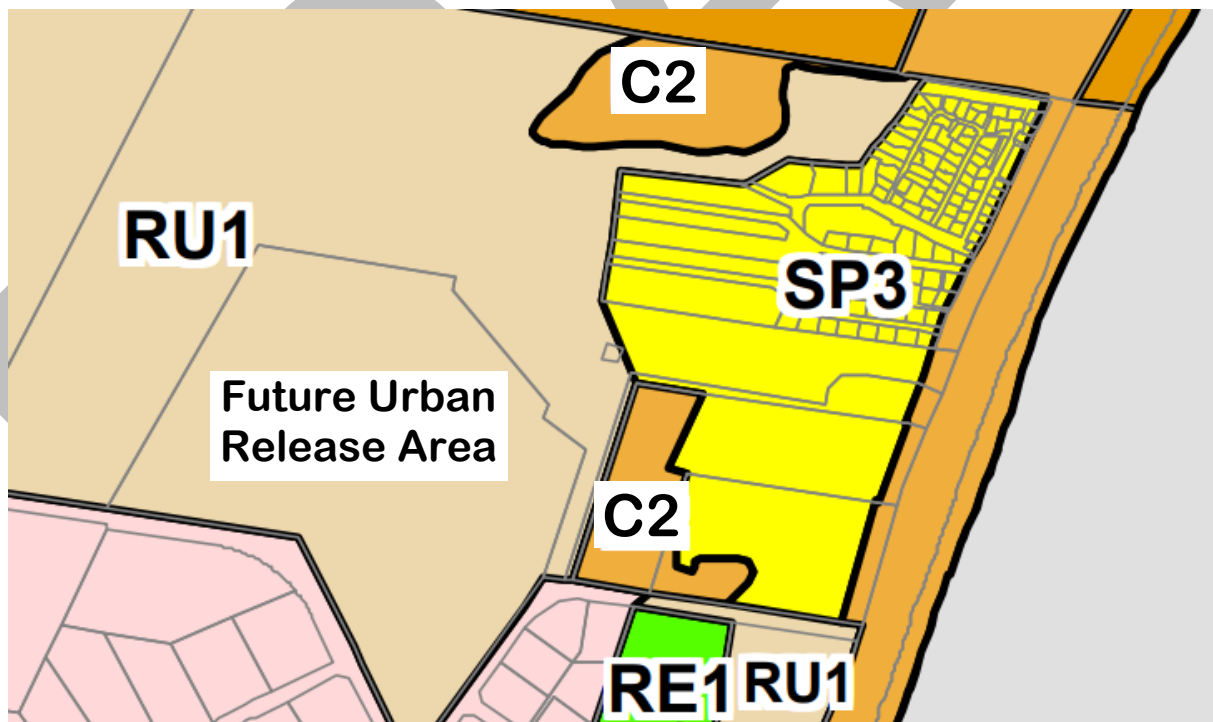


Figure 2: Location of subject land (current land zoning)

There has recently been a rapid take up of existing residential lots in the Diamond Beach area and there is a need for additional housing opportunities in the area. The recently completed development, Edgewater Shores, which was developed south of the subject lands, realised a 99-lot land release. The first stage was released for sale in 2018.

The following graph (**Figure 3**) shows the estimated and actual sales performances for Edgewater Shores. The original sales forecast based on historical sales data estimated that sales of the lots would be completed by June 2024. The demand for these lots was much higher than forecasted and by the end of 2020 all lots in the subdivision were sold. This demonstrates that there is significant demand for lots in the area and that further residential development opportunities are required in the area.

Also, anecdotal evidence suggests that demand for housing in regional areas such as Diamond Beach will substantially increase beyond forecasts as a result of a structural decentralisation of the workforce resulting from the COVID 19 pandemic.

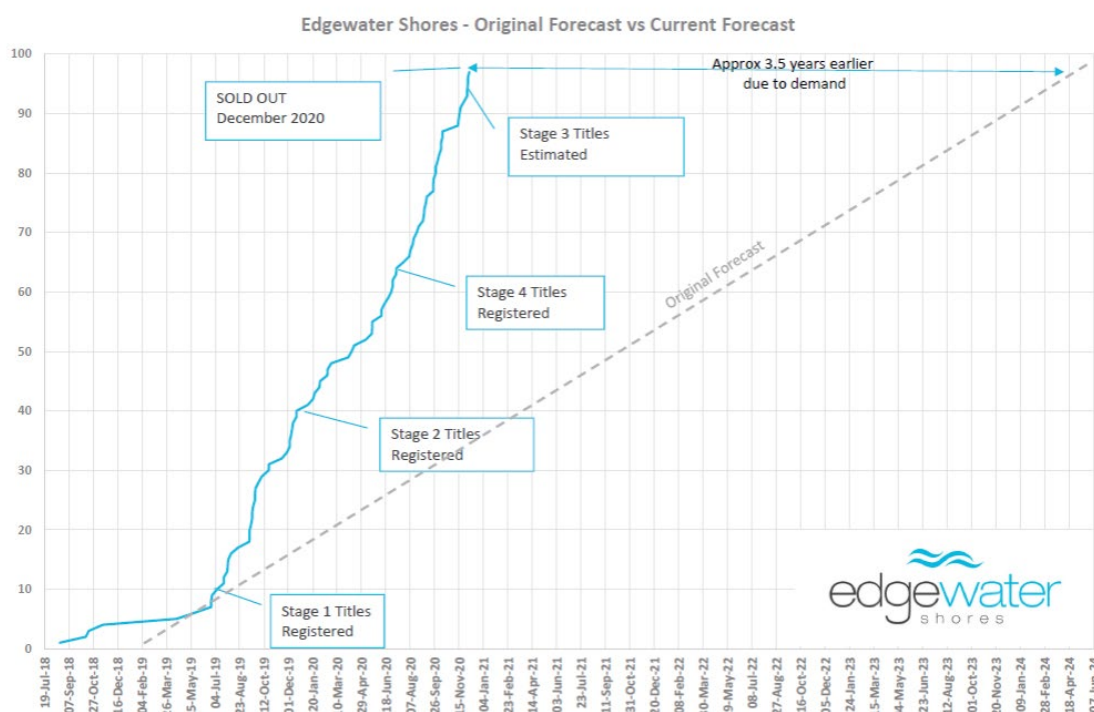


Figure 3: Sales history at the Edgewater Shores development site

Figure 4 on page 9 shows the site location in a regional context.

Figure 5 on page 10 shows an easterly view of the site in the context of the surrounding area.

Figure 6 on page 11 shows the existing road network and circulation and transport analysis.

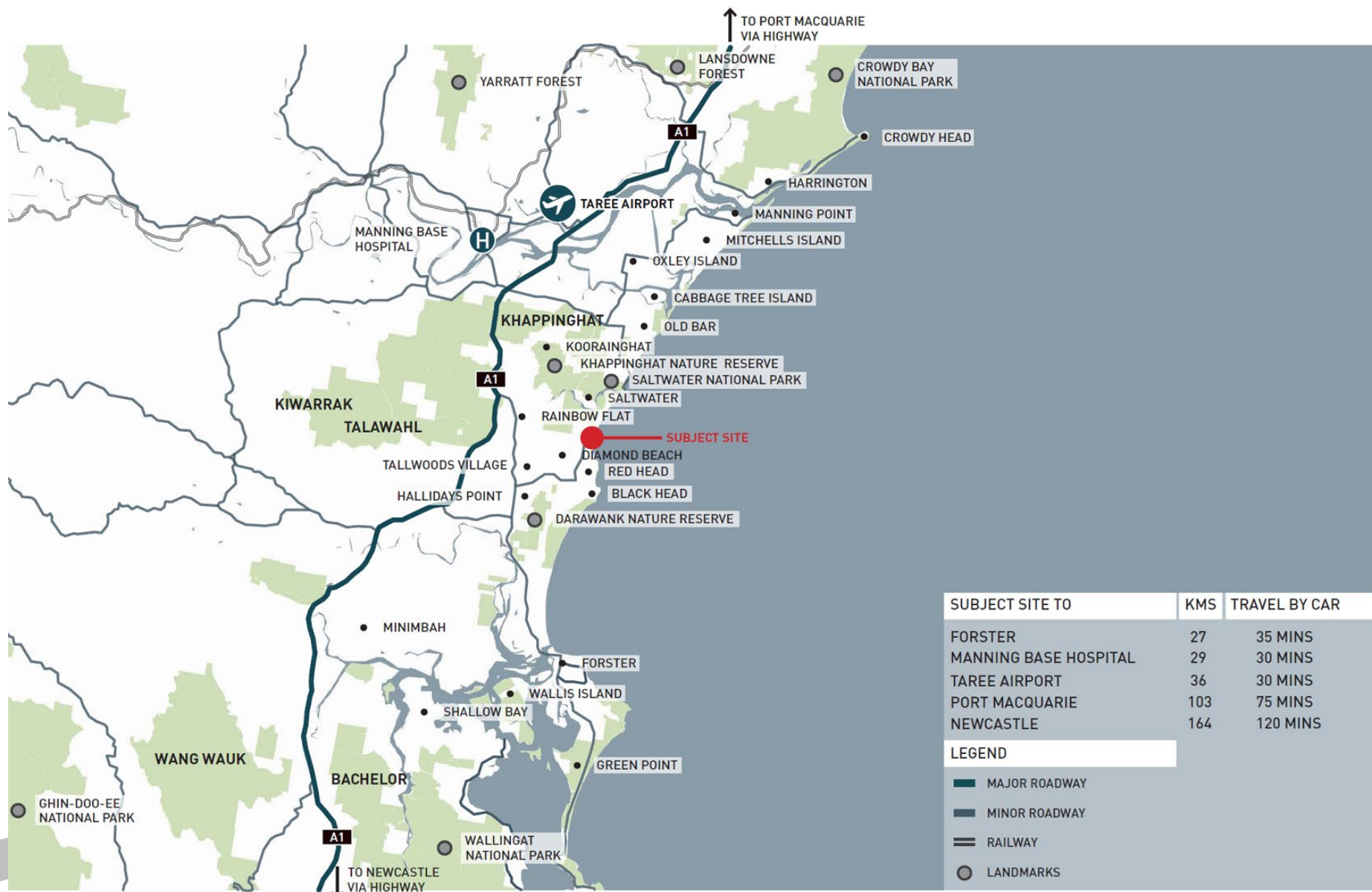


Figure 4: Site Location – Regional Context



Figure 5: Site Location – Easterly View

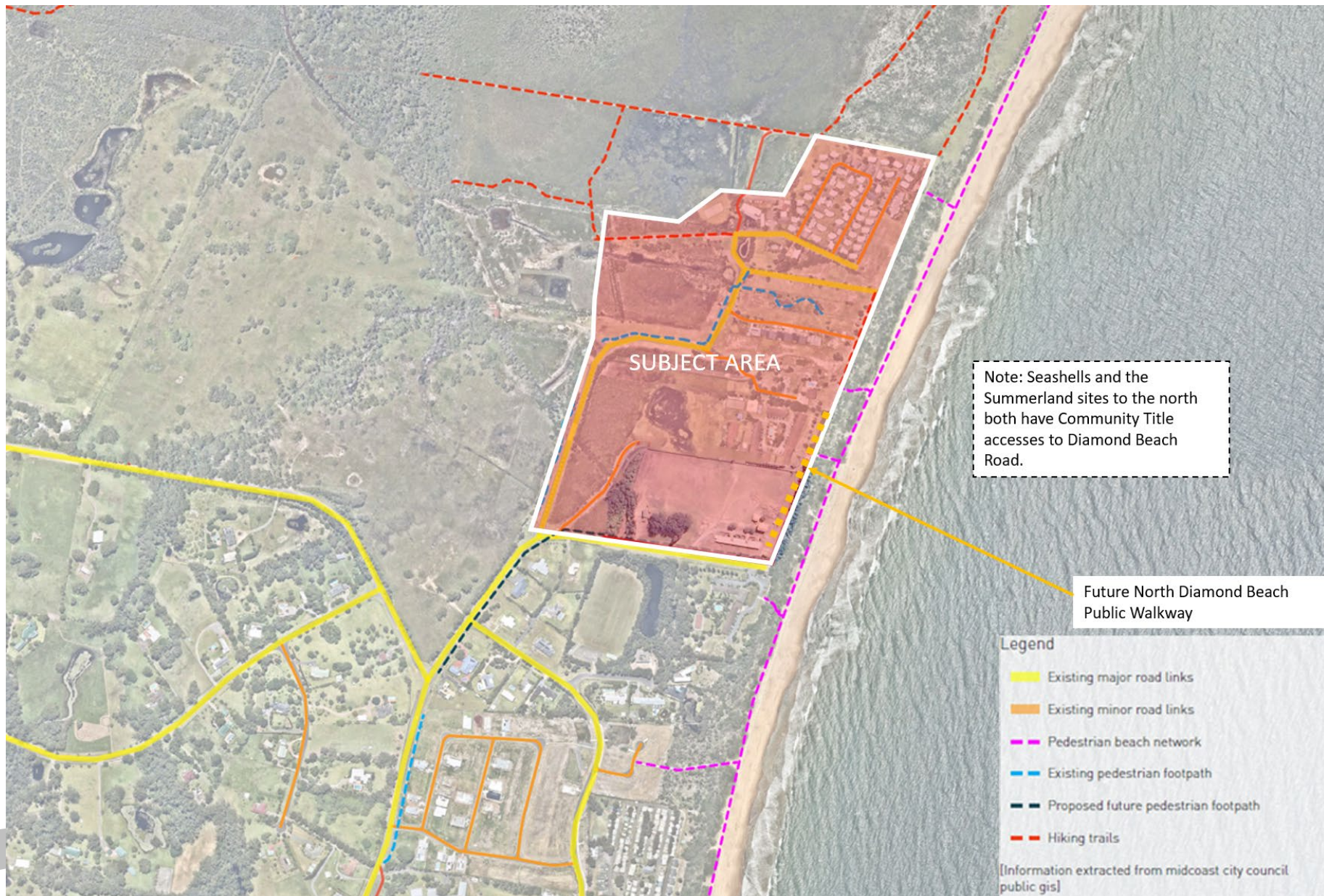


Figure 6: Road Network (Circulation & Transport Analysis)

The Proposal in the context of the Mid-Coast Housing Strategy

In relation to the subject lands, the Mid-Coast Housing Strategy includes Recommended Action 5.1.4 which is to *transition the land at North Diamond Beach to the medium density zone and identify as an Urban Release Area that requires master planning prior to development of the land.*

While recommended in the Strategy as an urban release area (URA), the subject lands are generally unsuitable for identification as a URA as they do not constitute any greenfield site or urban expansion area in the traditional sense.

The subject lands are characterised by existing development on Lots 1, 2 and 3 DP 271277, 363 Diamond Beach Road, Diamond Beach ("Seashells Resort"), Community Title Subdivision DP 286523, 361 Diamond Beach Road ("Summerland") and Community Title Subdivision DP 286110, 357 Diamond Beach Road ("Serenity Resort"). Existing development consents are in force for the other parcels which make up the subject lands.

Analysis of the subject lands illustrates that most of the area has either:

- a) development that has been constructed and occupied;
- b) development that has been approved; or
- c) development proposals/applications presently being assessed.

The subject lands are dominated by existing developments, and there is no northerly expansion of any existing development footprint. A Master Plan would ordinarily deal with vacant and/or greenfield sites, and areas where no existing development footprint had already been established. The subject lands are generally unsuitable for a master planning exercise in the traditional sense.

Thus, one of the key issues in relation to this Planning Proposal is achieving an analysis of what development footprint had already been approved and established, and what opportunities remain in terms of the relatively limited areas of the subject lands which are generally undeveloped and/or which benefit from existing development consents that remain in force.

As such, the following section of this Planning Proposal includes a "Development Overview" in lieu of a "Master Plan".

The Development Overview, as the name suggests, provides an overview of the current state of development of the subject lands. This is more appropriate than the application of a master planning exercise which has connotations of a development proposal for 'greenfield and/or vacant lands'.

The lands covered by this Planning Proposal have existing infrastructure in place and the development of a master plan as indicated by the Mid-Coast Housing Strategy would not provide further utility to the area or the Planning Proposal.

The following Development Overview – which analyses the predominantly developed nature of the subject lands – achieves the same purpose as a Master Plan would for a greenfield site.

It is considered appropriate that the Planning Proposal adopt the Development Overview as being consistent with references to a Master Plan in the Mid-Coast Housing Strategy.

Development Overview

The following section provides an overview of the current state of development of the subject lands.

Analysis of the subject site illustrates that most of the area has either development that has been constructed and occupied, development that has been approved, or development proposals/applications presently being assessed.

The development overview is illustrated in **Figure 7** on the following page.

Table 1 on page 16 outlines the development status of the various landholdings subject to the Planning Proposal.

The parcels in the northern part of the subject lands have been subject to historic development consents for subdivision (dominated by community title subdivisions).

The main site which has potential for future development and/or modification is 391 Diamond Beach Road, Diamond Beach. This is discussed later in this Planning Proposal.

The historic and currently approved developments over the subject lands, illustrated in **Figure 7** and outlined in **Table 1**, demonstrate that the majority of the subject lands (and area covered by this Planning Proposal) is already utilised for existing development or is subject to existing development consents issued by Mid-Coast Council or the former Greater Taree City Council.

The two (2) southern sites, Lot 17 DP 576415, 391 Diamond Beach Road, Diamond Beach, and Lots 1, 2 and 3 DP 271277, 363 Diamond Beach Road, Diamond Beach ("Saltwater Shores" and "Seashells Resort" respectively) have direct access to Diamond Beach Road.

The two northern sites, Community Title Subdivision DP 286523 ("Summerland") and Community Title Subdivision DP 286110 – Diamond Beach Road ("Serenity") have access via an established community title arrangement.

Development Overview

Northern Diamond Beach

Serenity

1. Existing resort
2. Community title subdivision (approved)

Summerland

3. North: Community title subdivision (approved).
4. South: Community title subdivision (future).
5. East: Community title subdivision (approved).
6. Existing private residence.

Seashells

7. Existing resort
8. Townhouse development (approve).
9. Development site (future).
10. Environmental Conservation Area – C2

Saltwater Shores

11. Caravan park (approved) / integrated housing (proposed)



Figure 7: Development Overview

Development Status of Properties Within Subject Area

Table 1

Property Name	Lot / DP	Use	Outcome from zone change	Assoc. DA
Serenity Resort	Community Title Subdivision DP 286110, 357 Diamond Beach Road	Operates as a cabin/unit style resort with onsite management.	Permanent occupancy permissible.	Not applicable
Serenity East	Community Title Subdivision DP 286110, 357 Diamond Beach Road	Subdivision of vacant eastern section of the site.	Permanent occupancy permissible.	962/2006/DA/B
Summerland North	Community Title Subdivision DP 286523, 357 Diamond Beach Road	Community title subdivision.	Will remove hurdles associated with the 30% permanent occupancy and finance limitations under the tourist zone.	962/2006/DA/B
Summerland South	Lot 320 DP 1242093, 355 Diamond Beach Road	Currently undergoing subdivision to separate rural and tourist zoned elements of lots.	Will seek to update DA2021/1413 (previously withdrawn to allow for subdivision DA MOD2022/0010) to create subdivision under the relevant zoning conditions.	MOD2022/0010 (subdivision) DA2021/1413 (withdrawn pending subdivision)
Summerland East	Lot 2 DP 856418 and Lot 32 DP1098858, 361 Diamond Beach Road	Vacant land and forms part of the residence itemised below.	Will remove hurdles associated with the 30% permanent occupancy and finance limitations under the tourist zone.	62/2017/DA
Private residence (Summerland)	Lot 2 DP 856418, 361 Diamond Beach Road	Private home.	No impact.	Not applicable
Seashells Resort	Lots 1 and 3 DP 271277, 363 Diamond Beach Road.	Operates as a timeshare unit style resort with approx. 700 owners.	Will remove hurdles associated with the 30% permanent occupancy and finance limitations under the tourist zone.	Not applicable
Townhouse Development	Lot 2 DP 271277, 363 Diamond Beach Road	Future development.	Will enable development to commence without the 30% permanent occupancy or finance limitations.	329/2010/DA/A
Saltwater Shores	Lot 17 DP 576415, 391 Diamond Beach Road	Current short-term rentals. Existing cabins are nearing end of life.	Creation of a caravan park under the current tourist zoning (SP3); or Creation of a terrace style community subdivision / integrated housing for permanent housing under medium density zoning.	250/2009/DA/D (Caravan Park) DA2021/1724 (in progress)

Potential development outcomes

The Planning Proposal is consistent with the provisions of the recently adopted Mid-Coast Housing Strategy which has identified the change of these areas from SP3 to R3 to facilitate outcomes that will achieve the Council's vision for these areas.

The R3 zoning will provide for a mix of housing types that, by their nature and location, will provide for a high percentage of holiday homes and holiday lettings, helping to achieve the provision of feasible tourist and visitor accommodation in the area.

In the context of the Development Overview in the previous section, the owners of the land at 391 Diamond Beach Road (the southernmost land parcel in the proposal area) have developed a concept plan and architectural theme for their site which provides for the housing mix desired by Council and the community for the area.

The concept plan for 391 Diamond Beach Road will provide for a variety of terraces and large beachfront dwellings undertaken in a coordinated manner.

The concept plan for 391 Diamond Beach Road is shown in **Figure 8** on the following page.

Concept images 1-6 (on pages 18-23) show the concepts for the land at 391 Diamond Beach Road.

To facilitate the outcomes, the development of the land will require a smaller lot size to be achieved for integrated housing than the standard 1,000m² lot size specified in the R3 zone.

While Great Lakes Local Environmental Plan 2014 includes a development standard to facilitate smaller lots for integrated development in the R3 zone, Greater Taree LEP does not include any such provision.

The Planning Proposal would provide a specific clause for 391 Diamond Beach Road to allow the subdivision to occur under integrated housing provisions.



Figure 8: Concept Plan – 391 Diamond Beach Road



Concept Image 1



Concept Image 2



Concept Image 3



Concept Image 4



Concept Image 5



Concept Image 6

Part 1 - Objectives and intended outcomes

(s.3.33(2)(a) A statement of the objectives or intended outcomes of the proposed instrument)

The objectives of the Planning Proposal are to:

1. Rezone the following land in the North Diamond Beach area from SP3 (Tourist) to R3 (Medium Density Residential) in accordance with the Mid-Coast Housing Strategy adopted by Council:
 - Lot 17 DP 576415, 391 Diamond Beach Road, Diamond Beach;
 - Lots 1, 2 and 3 DP 271277, 363 Diamond Beach Road, Diamond Beach;
 - Lot 2 DP 856418, 361 Diamond Beach Road, Diamond Beach;
 - Lot 320 DP 1242093, 355 Diamond Beach Road, Diamond Beach;
 - Lots within Community Title Subdivision DP 286523; and
 - Lots within Community Title Subdivision DP 286110.
2. Allow integrated housing and subdivision for land at 391 Diamond Beach Road, Diamond Beach to facilitate the potential development outcomes outlined in the previous section of the Planning Proposal.

As the Greater Taree LEP does not currently adopt any R3 zone, the R3 zone provisions as explained in the following section of this document will also be added to the LEP as detailed in Part 2.

The intention is to amend Greater Taree Local Environmental Plan 2010 so that:

- The zoning map (Tile LZN_015B) as it affects the subject land is amended by changing the zone from SP3 Tourist to R3 Medium Density Residential;
- The height of buildings map (Tile HOB_015B) as it affects the subject land is amended by changing the maximum building height from 8.5/11.5 metres to 12 metres;
- The lot size map (Tile LSZ_015B) as it affects the subject land is amended by changing the minimum lot size control from 1 hectare to 1,000m²;
- The floor space ratio map (Tile FSR_015B) as it affects the subject land is amended by removing the FSR control.

Part 2 - Explanation of provisions

(s.3.33(2)(b) An explanation of the provisions that are to be included in the proposed instrument)

The objectives and intentions would be achieved by an amendment to Greater Taree LEP 2010. This would involve amending the Greater Taree LEP 2010 maps, as outlined below:

- Amend zoning map (Tile LZN_015B) as it affects the subject land by changing the zone from SP3 Tourist to R3 Medium Density Residential;
- Amend the height of buildings map (Tile HOB_015B) as it affects the subject land by changing the maximum building height from 8.5/11.5 metres to 12 metres.
- Amend the lot size map (Tile LSZ_015B) as it affects the subject land by changing the minimum lot size control from 1 hectare to 1,000m².
- Amend the floor space ratio map (Tile FSR_015B) as it affects the subject land by removing the FSR control.

As the Greater Taree LEP does not currently adopt any R3 zone, the following R3 zone provisions will also be added to the LEP as detailed in the Mid-Coast Housing Strategy:

Medium Density Residential Zone - Proposed Land Use Table

Objectives

- *To provide for the housing needs of the community within a medium density residential environment.*
- *To provide a variety of housing types within a medium density residential environment.*
- *To enable other land uses that provide facilities or services to meet the day to day needs of residents.*
- *To achieve increased population density in locations that support the business centre.*
- *To provide opportunities for development for the purposes of tourist and visitor accommodation where this does not conflict with the residential environment.*
- *To facilitate forms of medium-density development that are compatible with the existing and desired future character and amenity of the surrounding neighbourhood.*
- *To encourage walking, cycling and the use of public transport.*

Permitted without consent

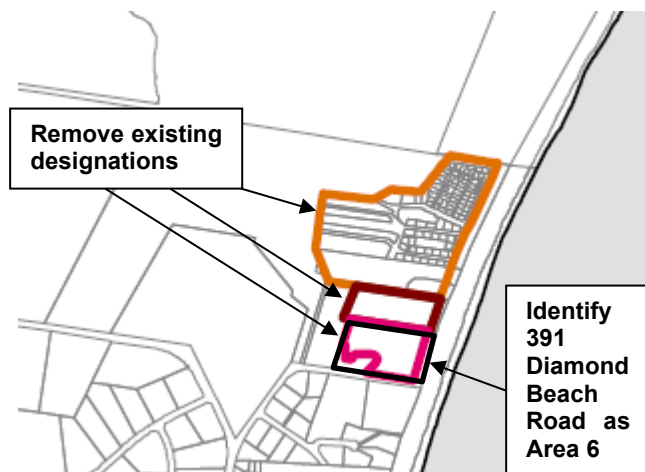
Environmental protection works; Home Occupations; Roads

Permitted with Consent

Attached dwellings; Backpackers' accommodation; Bed and breakfast accommodation; Boarding houses; Boat launching ramps; Building identification sign; Car parks; Caravan parks; Centre-based child care facilities; Community facilities; Educational establishments; Emergency services facilities; Exhibition homes; Exhibition villages; Flood mitigation works; Group homes; Home-based child care; Home businesses; Home Industries; Hostels; Hotel or motel accommodation; Information and education facilities; Jetties; Moorings; Multi dwelling housing; Neighbourhood shops; Oyster aquaculture; Places of public worship; Recreation areas; Recreation facilities (indoor); Residential flat buildings; Registered clubs; Respite day care centres; Restaurants or cafes; Roads; Seniors housing; Service stations; Serviced apartments; Sewerage systems; Shop top housing; Tank-based aquaculture; Veterinary hospitals; Water recreation structures; Water supply systems.

The Planning Proposal also seeks to introduce an additional permitted use for land located at Lot 17 DP 576415, 391 Diamond Beach Road, Diamond Beach, to allow integrated housing subdivision of the land in a manner consistent with future provisions identified under the Mid-Coast Council Housing Strategy. These changes would involve:

- Amending the additional uses map (Tile APU_015B) to remove the existing Areas 2, 4 and 5 designations over the land and identify the land at 391 Diamond Beach Road as Area 6, as shown below:



- Amending Schedule 1 of *Greater Taree LEP 2010* by:
 - Removing clauses 5, 7 and 8 of Schedule 1.
 - Adding a new Clause 5 to Schedule 1 which states:

5. Use of Particular land identified as Area 6 on the Additional Uses Map

- (1) *This clause applies to land identified as Area 6 on the Additional Uses Map.*
- (2) *Despite clauses 4.1 and 4.1AA, development consent may be granted to a single development application for development that proposes the subdivision of land into 2 or more lots if –*
 - a) *one existing dwelling will be located, or one dwelling will be erected, on each lot resulting from the subdivision (other than any lot comprising association property within the meaning of the [Community Land Development Act 1989](#)), and*
 - b) *the size of each lot will be equal to or greater than 200m².*
 - c) *No dwelling will be erected in the area zoned C2 that is incorporated in any lot.*

The changes are generally consistent with recommendations in the Mid-Coast Council Housing Strategy.

Part 3 – Justification of strategic and site-specific merit

(s.3.33(2)(c) Justification for the objectives or intended outcomes and the process for their implementation)

Section 3A – Need for the Planning Proposal

3A.1 *Is the Planning Proposal a result of an endorsed LSPS, strategic study or report?*

Hallidays Point Development Strategy

The subject lands were identified in the 2006 review of *Hallidays Point Development Strategy* as a tourism precinct and the subject lands were subsequently rezoned to SP3 Tourist under the *Greater Taree LEP 2010*. The rezoning did not result in the development of new tourist accommodation or facilities in the area with constraints of local markets and inability to obtain finance for non-residential outcomes identified as key constraints to development. As such, Mid-Coast Council has advocated for a new approach to the area as detailed in the Mid-Coast Council Housing Strategy.

Mid-Coast Council Housing Strategy

The *Mid-Coast Council Housing Strategy* was adopted in December 2020 as a basis for its new comprehensive LEP for the entire Mid-Coast Local Government Area. The Strategy provides for the outcomes identified in this planning proposal to rezone those areas zoned SP3 to R3 to provide residential zones likely to result in a *mix of tourism and permanent resident populations through short-term holiday letting*.

The Strategy also provides for the adoption of a clause to allow for integrated housing in the R3 zone, similar to the outcomes proposed in the planning proposal.

While these outcomes will be achieved with the new comprehensive Mid-Coast LEP, this is not likely to occur until 2023. Given the current demand for housing in the area, this planning proposal has been adopted to help meet this demand in the shortest time possible.

3A.2 *Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?*

While the changes sought in this planning proposal would be realised when the comprehensive Mid-Coast Local Environmental Plan is made, indications are that this is not likely to occur until 2023 at the earliest.

The existing demand for housing in the Diamond Beach area, however, warrants the creation of additional housing opportunity through the rezoning of land already identified as suitable for such development forms.

While an alternative zoning approach was considered whereby the existing SP3 zone could be altered to allow forms of medium density housing, with no limits on occupancy, this was not considered suitable. The SP3 zone would still be utilised in areas subject to the Greater Taree Local Environmental Plan where full tourist development is the preferred outcome.

It is possible that an alternative to creating an additional permitted use would be to create a new development standard under Part 4 of the LEP which would apply to all lands subject to Greater Taree Local Environmental Plan; however, the implications of this for other areas has not been examined in detail.

The potential integrated housing development outcome for 391 Diamond Beach Road has been considered as a suitable outcome for that site and the additional permitted use is considered the most effective method to achieve the desired result.

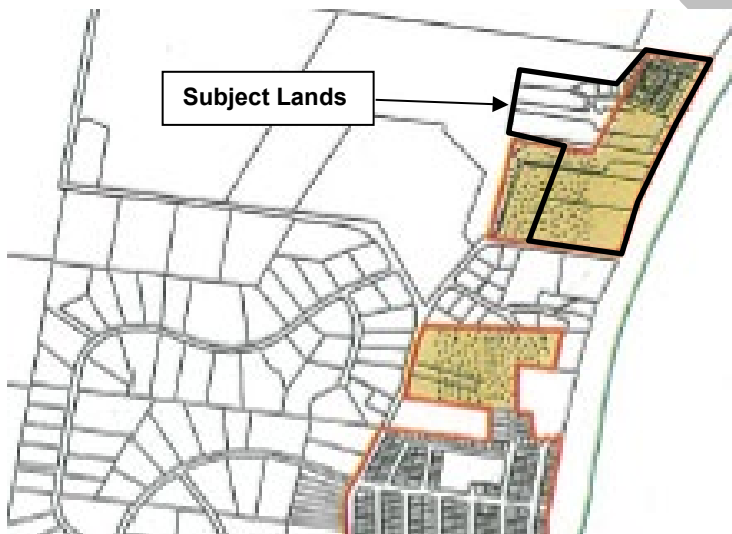
Given the current demand for housing in the area, this planning proposal has been formulated as the most expedient means to achieve the intended outcomes.

Section 3B – Relationship to the Strategic Planning Framework

3B.1 Will the Planning Proposal give effect to the objectives and actions of the applicable regional or district plan or strategy (including any exhibited draft plans or strategies)?

Mid North Coast Regional Strategy

The *Mid North Coast Regional Strategy* previously applied to the land and provided growth maps for areas within the former Greater Taree and Great Lakes local government areas. These maps are preserved as growth areas under the *Hunter Regional Plan 2036*. The subject lands are identified as Proposed Urban Area in these maps as shown below:



The area identified in the maps is generally consistent with the existing SP3 zoned areas which were created following the adoption of this Regional Strategy.

The area represents the planned expansion of the Diamond Beach area.

The proposal will facilitate outcomes consistent with the regional growth strategies for the area.

Hunter Regional Plan 2036

The *Hunter Regional Plan 2036* is relevant to the Planning Proposal. The Planning Proposal is generally consistent with the objectives and actions contained within the *Hunter Regional Plan 2036*.

A summary of the consistency of the Planning Proposal with the Regional Plan is provided in **Appendix A** of this Planning Proposal.

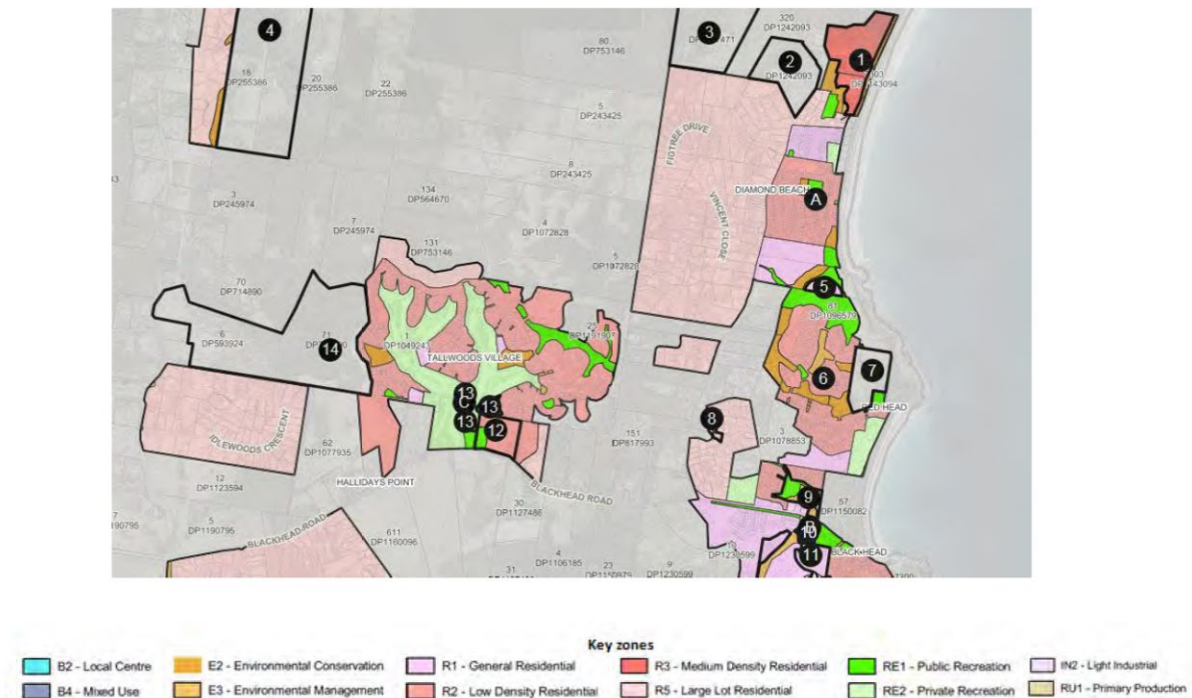
The Planning Proposal encourages compact settlement and the site does not encroach upon areas with high environmental values.

The Planning Proposal will provide additional urban land to facilitate medium density development to provide residential and tourist accommodation in the appropriate location, being within a previously identified area of Diamond Beach for tourist/residential development.

Mid-Coast Housing Strategy

As discussed, a housing strategy has been adopted by Mid-Coast Council to support the consolidation of the Greater Taree, Great Lakes and Gloucester Local Environmental Plans into a single Mid-Coast LEP.

The housing strategy included maps for areas identifying future zoned and potential growth areas. The following map for the Hallidays Point area shows the SP3 areas of the site transitioning to the R3 zone.



The Housing Strategy identifies a medium density residential zone for the subject lands, as discussed previously in this Planning Proposal. The Proposal was also discussed in detail in relation to the context of the Housing Strategy earlier in this proposal.

To summarise:

- In relation to the subject lands, the Mid-Coast Housing Strategy includes Recommended Action 5.1.4 which is to *transition the land at North Diamond Beach to the medium density zone and identify as an Urban Release Area that requires master planning prior to development of the land.*
- While recommended in the Strategy as an urban release area (URA), the subject lands are generally unsuitable for identification as a URA as they do not constitute any greenfield site or urban expansion area in the traditional sense.
- The subject lands are characterised by existing development and/or existing development consents are in force for the other parcels which make up the subject lands.
- There is no northerly expansion of any existing development footprint on the subject lands.
- A Master Plan would ordinarily deal with vacant and/or greenfield sites, and areas where no existing development footprint had already been established. The subject lands are generally unsuitable for a master planning exercise in the traditional sense.

- The Planning Proposal includes an analysis of what development footprint has/had already been approved and established, and what opportunities remain in terms of the relatively limited areas of the subject lands which are generally undeveloped and/or which benefit from existing development consents that remain in force.
- The Planning Proposal includes a “Development Overview” in lieu of a “Master Plan”. The Development Overview provides an analysis of the current state of development of the subject lands. This is more appropriate than the application of a master planning exercise which has connotations of a development proposal for ‘greenfield and/or vacant lands’.
- As the lands covered by this Planning Proposal have existing infrastructure in place, the development of a Master Plan as indicated in the Mid-Coast Housing Strategy would not provide further utility to the area or the Planning Proposal.

It is considered appropriate that the Planning Proposal adopt the Development Overview as being consistent with references to a Master Plan in the Mid-Coast Housing Strategy.

The changes purported by this Planning Proposal will, in colloquial terms, ‘unlock’ the potential of the subject lands for permanent and tourist accommodation and allow finance to flow and reignite development which has largely been stalled.

Urban Land Monitor 2016-2036

The Urban Land Monitor (ULM) produced by Mid-Coast Council (dated October 2019) has been both internally and externally reviewed, including by the NSW Department of Planning, Infrastructure and Environment in September 2019.

The ULM has been useful in assisting with determining the strategic merit of any Planning Proposal being considered for the Mid-Coast LGA.

The ULM confirms that:

- The Mid-Coast population grew from 88,818 in 2011 to 91,958 in 2016, being an increase of 3,140 people and a 0.69% cumulative growth rate.
- There was increased population growth in coastal towns, such as Hallidays Point, which experienced above average growth for the area (3.74% growth rate 2011-2016).
- Hallidays Point population could double in the Land Monitor timeframe (2016-2036).

The population growths are relevant to the provision of future residential dwellings required for the area and provisions for alternate dwelling forms to increase housing choice and holiday accommodation.

While the ULM report identifies that the entire Mid-Coast area has adequate supply of residential zoned land to meet historic average growth rates until 2036, examining centres at a local level demonstrates that development pressures are being experienced within coastal areas.

Key findings of the ULM regarding the R4 High Density Residential zone in Forster, which caters for both the tourism market and permanent residents, are that:

- *There is insufficient dwelling supply until 2036 for average growth or high growth scenarios.*
- *If continued growth is sought, planning for additional residential lands should take place over the next 5 years to ensure that demand can be met and supply addressed for 2036 and beyond.*
- *Houses remain the dominant dwelling type, however, there has been an increase in the number of units/townhouses (1991-2016) from 5% to 21%. Much of this unit development can be attributed to Halliday Shores, a retirement village.*

- *Plans undertaken in the 1990s and 2000s identified the need to maintain separation between the five villages to maintain their individual character.*

3B.2 *Is the Planning Proposal consistent with a council LSPS that has been endorsed by the Planning Secretary or GSC, or another endorsed local strategy or strategic plan?*

Mid-Coast 2030 Community Strategic Plan

The Mid-Coast 2030 Community Strategic Plan (CSP) is a roadmap for the future of the Mid-Coast.

Other key government plans and legislative frameworks were considered during development of the CSP, in particular the *NSW State Plan*, the *Hunter Regional Plan*, the *Local Government Act 1993* and the *Integrated Planning and Reporting Guidelines*. This was to ensure that there is alignment, and that the community is working towards a shared vision.

The vision of the CSP is:

"We aspire to be a place of unique environmental significance where our quality of life and sense of community is balanced by sustainable and sensitive development, which fosters economic growth"

The most relevant values of the CSP are:

We balance the needs of our natural and built environments

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

The Planning Proposal involves zone changes from SP3 to R3 zone. The potential development footprints and forms are similar in each zone. The recent planning proposals to create the SP3 zone over the lands was based on full environmental investigation and the proposal will not impact on areas of environmental or heritage significance.

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

- Develop and promote our region as an attractive visitor destination offering a broad range of experiences for visitors and residents.
- Provide an environment to attract, grow and strengthen local businesses.

The proposal will encourage beachfront residential and tourist accommodation in the right place and provides greater incentive to investment in the development of the land than the current SP3 zone. The growth of residential and tourist accommodation will support and strengthen local business in the area with growth in both permanent and seasonal trade.

This Planning Proposal is consistent with the relevant values espoused by the CSP.

3.B.3 *Is the Planning Proposal consistent with any other applicable State and regional studies or strategies?*

The Planning Proposal is generally consistent with applicable state environmental planning policies.

A summary of the consistency of the Planning Proposal with applicable studies and strategies is provided in **Appendix A** of this Planning Proposal.

3.B.4 *Is the Planning Proposal consistent with applicable SEPPs?*

The Planning Proposal is generally consistent with applicable state environmental planning policies.

A summary of the consistency of the Planning Proposal with applicable State Environmental Planning Policies is provided in **Appendix B** of this Planning Proposal.

3.B.5 *Is the Planning Proposal consistent with applicable Ministerial Directions (Section 9.1 Directions)?*

The Planning Proposal is generally consistent with applicable Section 9.1 Ministerial Directions.

A summary of the Planning Proposal's consistency with relevant Section 9.1 Ministerial Directions is provided in **Appendix C** of this Planning Proposal.

Section 3C – Environmental, Social and Economic Impact

3C.1 *Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected because of the proposal?*

The previous rezoning of the land included ecological investigations that identified areas of native vegetation community over the land. The remainder of the land is managed grassland areas with minimal ecological value.

The primary areas of native vegetation community are contained in the C2 zoned areas (formerly termed as Zone E2) located in the south-western parts of the lands. The C2 zoning is unaffected by the Planning Proposal and will be retained over these areas. The Planning Proposal is unlikely to result in impacts to threatened species, populations or ecological communities.

3C.2 *Are there any other likely environmental effects of the Planning Proposal and how are they proposed to be managed?*

Any environmental effects associated with development of the subject land were primarily considered in the previous planning proposals which created the SP3 and C2 zones over the land. It is noted that the C2 zone was put in place to restrict built form development in areas that may be subject to coastal hazards, rather than any special cultural or biodiversity values.

The proposed change of the SP3 zoned areas to the R3 zoning is unlikely to give rise to any environmental effects as a result of future development of the land. Previous investigations have shown the land to be suitable for all forms of residential or tourist accommodation, evidenced also by prior development consents over various parts of the land.

The Planning Proposal will, upon rezoning of the land to R3, provide for subdivision of land adjacent to areas zoned C2 (along the eastern parts of Lot 17). While this is the case, the potential for subdivision of those adjacent areas will not permit any dwellings in the C2 zoned areas and will provide for better management of the C2 zoned areas behind future residential buildings. The proposal will also allow for effective development of the beachfront land in a manner that considers the prevailing conditions and constraints of the site.

3C.3 *Has the Planning Proposal adequately addressed any social and economic effects?*

The Planning Proposal will have positive social and economic impacts in the area through the creation of additional housing to meet demand in the area.

The Mid-Coast Urban Land Monitor has identified that *there is insufficient dwelling supply until 2036 for average growth or high growth scenarios*. The proposal provides lands to add to urban land supply in the area.

The change of the SP3 zone to R3 was identified in the Mid-Coast Council Housing Strategy to provide tourist accommodation, along with the observation that *alternative residential zones are still likely to result in a mix of tourism and permanent resident populations through short-term holiday letting*. The proposal will provide opportunities for greater investment in residential and tourist development which in turn will support local business and employment.

While additional development on the land may result in impacts such as increased traffic and activity, these impacts would occur regardless of this Planning Proposal, with residential and tourist development having similar characteristics in terms of potential impacts.

Section 3D – Infrastructure (Local, State and Commonwealth)

3D.1 *Is there adequate public infrastructure for the Planning Proposal?*

There are no public infrastructure implications with the Planning Proposal. The lands covered by this Planning Proposal have existing infrastructure in place.

Consultation has not yet been undertaken with State and Commonwealth agencies regarding the public infrastructure requirements of the Planning Proposal.

The following public agencies have been identified for consultation during public exhibition:

- NSW Rural Fire Service

Should the Planning Proposal be significantly amended as a result of agency consultation, it may be reported back to Council and the Department of Planning and Environment for an amended Gateway Determination.

Section 3E – State and Commonwealth Interests

3E.1 *What are the views of state and federal public authorities and government agencies consulted in order to inform the Gateway determination?*

Consultation has not yet been undertaken with State and Commonwealth agencies.

The following public agencies have been identified for consultation during public exhibition:

- NSW Rural Fire Service

Should the Planning Proposal be significantly amended as a result of agency consultation, it may be reported back to Council and the Department of Planning and Environment for an amended Gateway Determination.

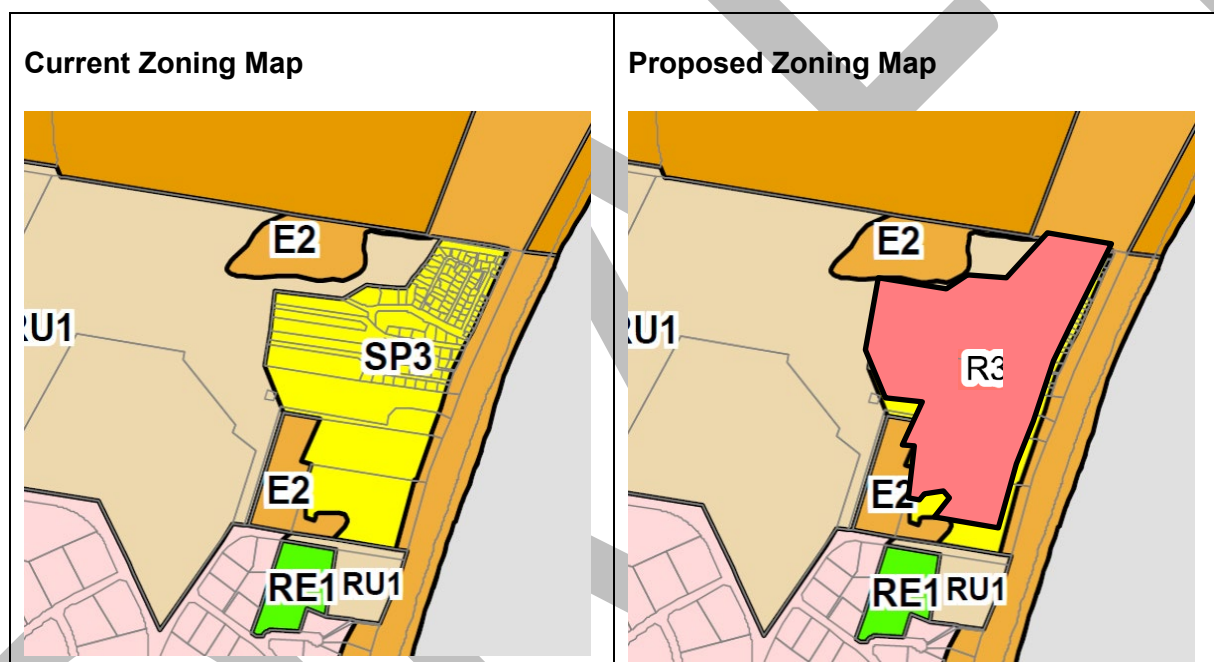
Part 4 – Maps

(s.55(2)(d) Maps to be adopted by the proposed instrument)

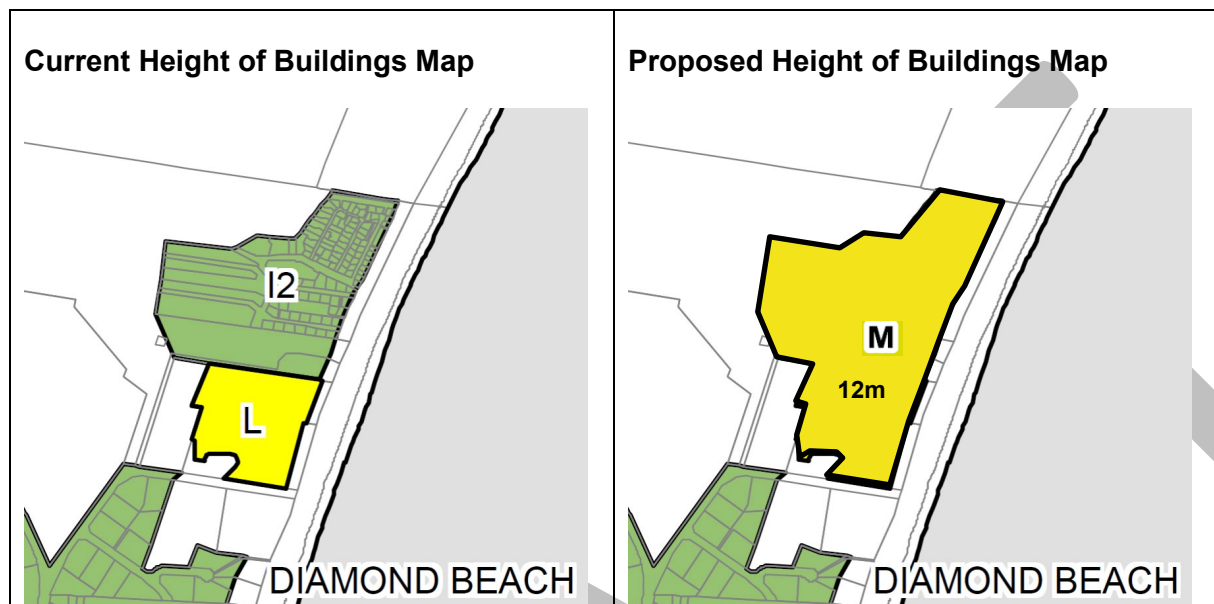
The proposed amendment to Greater Taree LEP 2010 will involve the creation of a new R3 zone in the LEP (the zone is not included in the LEP at present), as well as a new additional permitted use in Schedule 1. The proposal will require amendments to existing map layers as follows.

Note: A reference to an Environment Protection zone E2 within a Land Zoning Map should be taken to be a reference to a Conservation zone C2. For further information please see Standard Instrument (Local Environmental Plans).

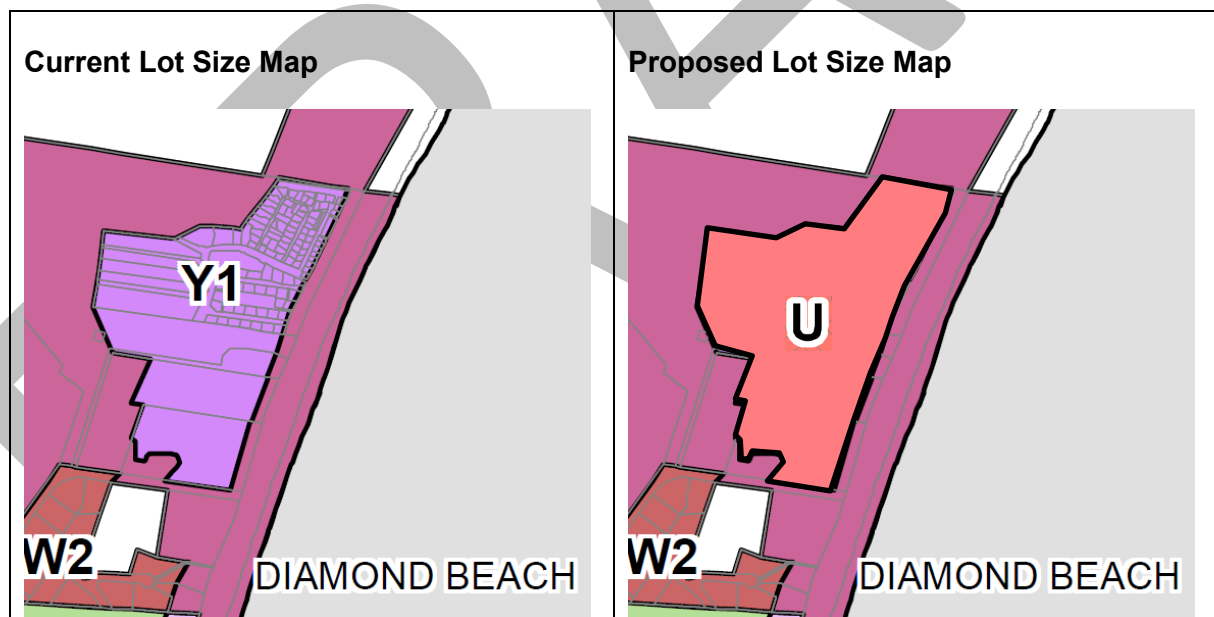
- Amendment (Land Use Zones) Order 2021. Amend zoning map (Tile LZN_015B) as it affects the subject land by changing the zone from SP3 Tourist to R3 Medium Density Residential.



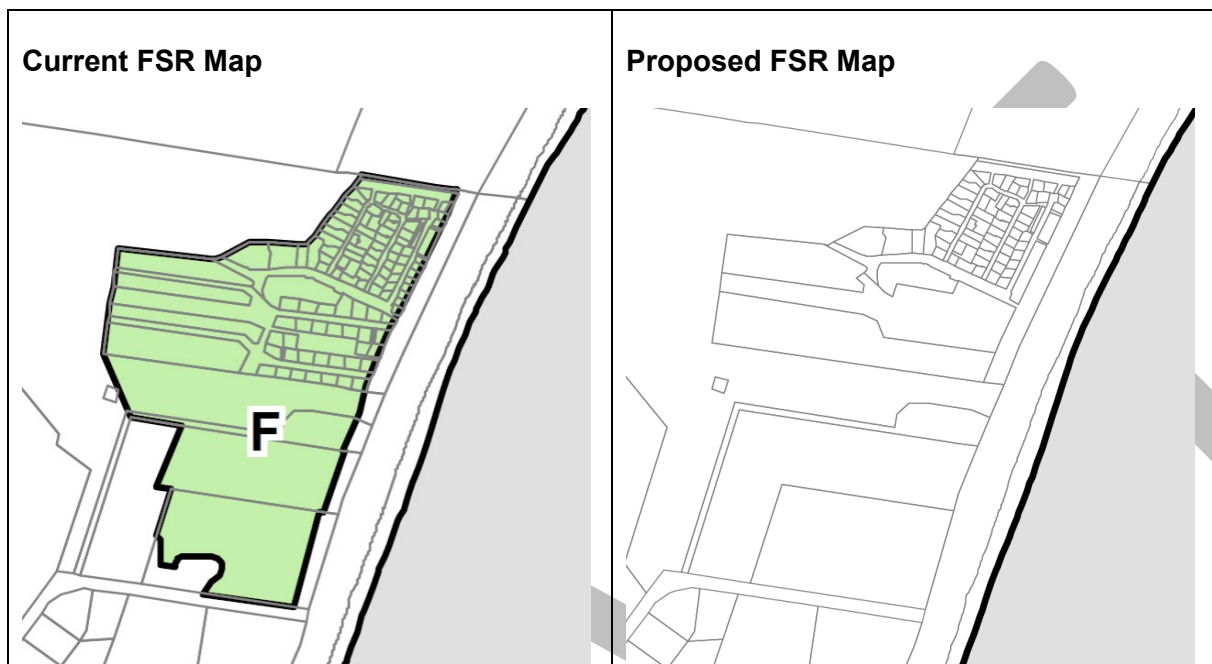
- Amend the height of buildings map (Tile HOB_015B) as it affects the subject land by changing the maximum building height from 8.5/11.5 metres to 12 metres.



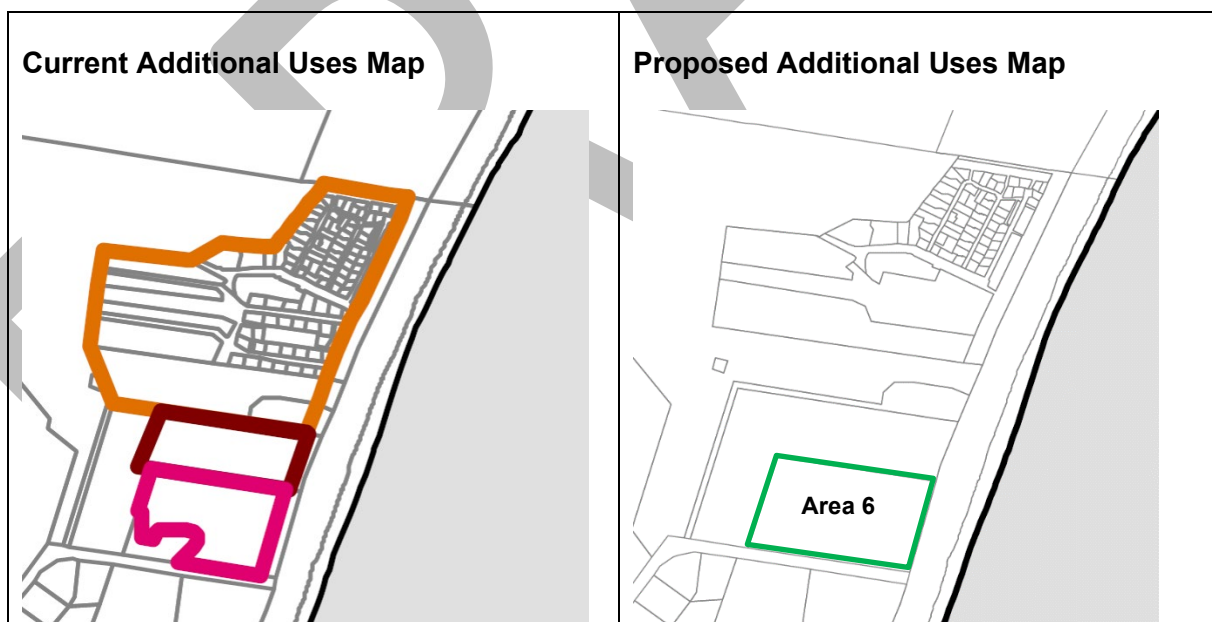
- Amend the lot size map (Tile LSZ_015B) as it affects the subject land by changing the minimum lot size control from 1 hectare to 1,000m².



- Amend the floor space ratio map (Tile FSR_015B) as it affects the subject land by removing the FSR control.



- Amend the additional uses map (Tile APU_015B) to remove the existing Areas 2, 4 and 5 designations over the land and add/identify the land at 391 Diamond Beach Road as Area 6.



Additional amendments may be identified as the Planning Proposal progresses through public exhibition and subsequent stages in the timeline. Should this occur, the Planning Proposal will be amended and the subsequent amendment to Greater Taree LEP 2014 revised to reflect this.

Council will prepare mapping associated with the proposed amendments in accordance with the *Standard Technical Requirements for LEP Maps* for the amended LEP document.

Part 5 – Community consultation

In accordance with Section 3.34(2)(c) of the *Environmental Planning and Assessment Act* 1979, this Planning Proposal will be made publicly available for a minimum of 28 days.

In accordance with Council's adopted consultation protocols, the following will also be undertaken:

- Notices in the local newspaper;
- Direct mail notification to potentially affected landowners;
- Exhibition material and all relevant documents will be available at Council's Administrative Office;
- Exhibition material and all relevant documents will be available on Council's website.

Any further consultation required by the Gateway Determination will also be undertaken.

Part 6 – Project timeline

In accordance with the Department of Planning and Environment guidelines, the following timeline is provided, which includes the tasks deemed necessary for the making of this local environmental plan.

Task	Timeframe and/or date
Consideration by Council	May 2022
Council decision	May 2022
Gateway determination	June 2022
Pre-exhibition	July 2022
Commencement and completion of public exhibition period	July 2022
Consideration of submissions	September 2022
Post-exhibition review and additional studies	October 2022
Submission to the Department for finalisation (where applicable)	February 2023
Gazettal of LEP amendment	March 2023

Part 7 – Conclusion

The primary aims of the Planning Proposal are to amend Greater Taree Local Environmental Plan (LEP) 2010 to:

1. Create an R3 zone in the LEP.
2. Rezone land in the North Diamond Beach area from SP3 (Tourist) to R3 (Medium Density Residential).
3. Create an additional permitted use under Schedule 1 of the LEP to enable integrated housing and subdivision for Lot 17 DP 576415, 391 Diamond Beach Road, Diamond Beach.

The Proposal is considered to have strategic merit, being:

- identified in the Growth Maps of the Mid North Coast Regional Strategy;
- consistent with the Hunter Regional Plan 2036; and
- identified as an action in the Mid-Coast Council Housing Strategy adopted in December 2020.

The Proposal will create opportunity for additional housing in the Diamond Beach area to meet the elevated demand currently being experienced in the Hallidays Point area. The proposal will also create economic growth which will assist the region to recover from the impacts of COVID 19.

Anecdotal evidence suggests that demand for accommodation in regional areas such as Diamond Beach will substantially increase beyond forecasts as a result of a structural decentralisation of the workforce resulting from the COVID 19 pandemic.

Appendix A: Consistency with Hunter Regional Plan Goals, Directions & Actions

Note: Actions highlighted yellow specifically identify MCC issues. DPE have advised that only those Actions that are relevant to the proposal are required to be documented within the table.

Goal 1 – the leading regional economy in Australia	
Direction 4 – Enhance inter-regional linkages to support economic growth	
Action 4.1 Enhance inter-regional transport connections to support economic growth.	Not applicable
Action 4.2 Work with stakeholders to upgrade transport network capacity in line with changing demands.	Not applicable
Action 4.3 Strengthen and leverage opportunities from the interconnections with other regions, particularly the Pacific Highway, the Golden Highway and the New England Highway.	Not applicable
Action 4.4 Promote freight facilities that leverage the Port of Newcastle and its associated freight transport network.	Not applicable
Action 4.5 Plan for multimodal freight facilities that support economic development of the region and respond to the location of the proposed Freight Rail Bypass.	Not applicable
Action 4.6 Investigate opportunities for logistics and freight growth and other complementary land uses around airports, leveraging investments at Taree and Newcastle airports.	Not applicable
Action 4.7 Enhance the efficiency of existing nationally significant transport corridors and protect their intended use from inappropriate surrounding land uses.	Not applicable
Action 4.9 Balance competing interests and deliver conservation, transport and land use planning objectives in the national pinch point area by: <ul style="list-style-type: none"> Identifying preferred habitat corridors and priorities for investment in conservation to sustain habitat connectivity; and Developing an integrated management plan for the area. 	Not applicable
Direction 6 – Grow the economy of Mid-Coast and Port Stephens	
Action 6.1 Enhance tourism infrastructure and connectivity, recognising the importance of: <ul style="list-style-type: none"> regional and inter-regional connections via the Pacific Highway and the Newcastle and Taree airports and cruise ship gateways; and local routes such as The Lakes Way and Nelson Bay Road. 	The proposal seeks to enhance the existing identified tourism area of Diamond Beach by creating a suitable development model which encourages investment in both residential and tourist accommodation.

Goal 1 – the leading regional economy in Australia	
Action 6.2 <i>Enhance links to regional services in Greater Newcastle.</i>	Not applicable
Action 6.3 <i>Enable economic diversity and new tourism opportunities that focus on reducing the impacts of the seasonal nature of tourism and its effect on local economies.</i>	The proposal seeks to enhance the existing identified tourism area of Diamond Beach by creating a suitable development model which encourages investment in both residential and tourist accommodation. Residential accommodation will provide year round trade.
Action 6.4 <i>Promote growth of industries that can leverage accessibility provided by the Pacific Highway.</i>	Not applicable
Action 6.5 <i>Plan for and provide infrastructure and facilities that support the ageing population.</i>	Not applicable
Direction 7: Develop advanced manufacturing, defence and aerospace hubs	
Action 7.2 <i>Grow and diversify the manufacturing sector through local planning and appropriate planning controls.</i>	Not applicable
Action 7.3 <i>Promote manufacturing business export opportunities and become part of global supply chains.</i>	Not applicable
Action 7.4 <i>Facilitate research partnerships between tertiary education providers and businesses.</i>	Not applicable
Direction 8 – Promote innovative small business and growth in the service sectors	
Action 8.1 <i>Implement initiatives to promote small business growth and innovation, particularly in Newcastle City centre and other strategic centres.</i>	Not applicable
Action 8.2 <i>Facilitate opportunities for incubator spaces for technology and non-technology early stage businesses and ensure opportunities for new and emerging enterprises are encouraged.</i>	Not applicable
Action 8.3 <i>Improve connectivity to the region's major health and education precincts and strategic centres.</i>	Not applicable
Action 8.5 <i>Establish a health precinct around Metford and other hospitals in the region, including Manning Base Hospital at Taree.</i>	Not applicable
Direction 9 – Grow tourism in the region	
Action 9.1	The proposal seeks to enhance the existing identified tourism area of Diamond Beach by

Goal 1 – the leading regional economy in Australia

<i>Enable investment in infrastructure to expand the tourism industry, including connections to tourism gateways and attractions.</i>	creating a suitable development model which encourages investment in both residential and tourist accommodation.
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Action 9.2 <i>Encourage tourism development in natural areas that support conservation outcomes.</i>	The proposal protects existing natural areas, with C2 areas retained.
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Action 9.5 <i>Develop capacity for growth in food-based tourism in the region.</i>	The proposal is not food-based tourism and is more focused on the traditional beachside holiday experience.
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Direction 10 – Protect and enhance agricultural productivity

Action 10.1 <i>Protect locations that can accommodate agricultural enterprises from incompatible development, and facilitate the supply chain, including infrastructure, distribution areas, processing facilities and research and development in local plans.</i>	Not applicable
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Action 10.2 <i>Address sector-specific considerations for agricultural industries through local plans.</i>	Not applicable
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Action 10.3 <i>Protect the region's wellbeing and prosperity through increased biosecurity measures.</i>	Not applicable
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Action 10.4 <i>Encourage niche commercial, tourist and recreation activities that complement and promote a stronger agricultural sector, and build the sector's capacity to adapt to changing circumstances.</i>	Not applicable
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Action 10.6 <i>Manage Biophysical Strategic Agricultural Land and other important agricultural land as locations for agricultural activities and complementary uses.</i>	Not applicable
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Direction 11 – Manage the ongoing use of natural resources

Action 11.1 <i>Manage the ongoing use of mineral resources and provide access to up-to-date information about these resources through the Department of Industry's Common Ground website and its Geoscientific Data Warehouse.</i>	Not applicable
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Action 11.2 <i>Work with relevant stakeholders including councils, communities and industry, to prepare land use plans that respond to the lifecycle of resource activity for active and emerging mining areas.</i>	Not applicable
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Action 11.3 <i>Implement the cumulative impact assessment methodology when planning for important agricultural land and water resources.</i>	Not applicable
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Action 11.4 <i>Review the Synoptic Plan: Integrated Landscapes for Coal Mine Rehabilitation in the Hunter Valley (1999) in</i>	Not applicable
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Goal 1 – the leading regional economy in Australia

conjunction with the development of the Upper Hunter Strategic Biodiversity Assessment to ensure best-practice rehabilitation and visual impact management for closed mines.

Direction 12: Diversify and grow the energy sector

Action 12.1 Diversify and grow the energy sector by working with stakeholders, including councils, communities and industry, to identify and support opportunities for smaller-scale renewable energy initiatives such as those using bioenergy or waste coalmine methane.

Not applicable

Action 12.2 Enable new opportunities for renewable energy industries by reviewing local planning controls.

Not applicable

Action 12.3 Promote new opportunities arising from the closure of coalfired power stations that enable long term sustainable economic and employment growth in the region.

Not applicable

Direction 13 – Plan for greater land use compatibility

Action 13.1 Identify and protect important agricultural land, including intensive agriculture clusters, in local plans to avoid land use conflicts, particularly associated with residential expansion.

Not applicable

Action 13.2 Limit urban and rural housing encroachment into identified agricultural and extractive resource areas, industrial areas, and transport infrastructure when preparing local strategies.

Not applicable

Action 13.3 Amend planning controls to deliver greater certainty of land use.

Not applicable

Action 13.4 Provide non-statutory guidance on the types of land uses that would be considered most appropriate, suitable or sympathetic with existing land uses in the Upper Hunter and other areas where land use conflicts occur.

Not applicable

Goal 2 – A biodiversity-rich natural environment

Direction 14 – Protect and connect natural areas

Action 14.1 Identify terrestrial and aquatic biodiversity values and protect areas of high environmental value to sustain the lifestyle, economic success and environmental health of the region.

Not applicable

Action 14.2 Identify and strengthen biodiversity corridors as places for priority biodiversity offsets.

Not applicable

Action 14.3 Improve the quality of, and access to, information relating to high environmental values.

Not applicable

Goal 2 – A biodiversity-rich natural environment	
<i>Action 14.4 Protect biodiversity by maintaining and, where possible, enhancing existing protection of high environmental value areas; implementing appropriate measures to conserve validated high environmental value areas; developing local strategies to avoid and minimise the impacts of development on areas of high environmental value and biodiversity corridors; and identifying offsets or other mitigation measures for unavoidable impacts.</i>	Not applicable
<i>Action 14.5 Secure the long term protection of regionally significant biodiversity corridors.</i>	Not applicable
Direction 15: Sustain water quality and security	
<i>Action 15.1 Protect water catchments to sustain high quality and dependable water supplies across the region.</i>	Not applicable
<i>Action 15.2 Effectively manage surface and groundwater use in agricultural areas to support ecosystem function, food production, and to cater for the increasing demand of urban communities and industry.</i>	Not applicable
<i>Action 15.3 Plan for the security of the region's town water supply.</i>	Not applicable
<i>Action 15.4 Implement catchment-based plans for the ongoing sustainable management and health of estuaries.</i>	Not applicable
<i>Action 15.5 Apply the neutral or beneficial water quality objectives to land use planning in surface and groundwater drinking water catchment areas to minimise the effects of development on waterways, including watercourses, wetlands, groundwater dependent ecosystems, riparian lands, estuaries, lakes, beaches and marine waters.</i>	Not applicable
<i>Action 15.6 Reduce the risk of introduction or spread of aquatic pests and diseases from new development that may affect fisheries and aquaculture industry practices.</i>	Not applicable
<i>Action 15.7 Incorporate water-sensitive design into development that is likely to have an adverse impact on coastal water catchments, water quality and flows.</i>	Not applicable
Direction 16: Increase resilience to hazards and climate change	
<i>Action 16.1 Manage the risks of climate change and improve the region's resilience to flooding, sea level rise, bushfire, mine subsidence and land contamination.</i>	The proposal maintains previous outcomes to address coastal recession and other hazards.
<i>Action 16.2 Review and consistently update floodplain risk and coastal zone management plans, particularly where urban growth is being investigated.</i>	Not applicable
<i>Action 16.3 Incorporate new knowledge on regional climate projections and related</i>	Not applicable

Goal 2 – A biodiversity-rich natural environment

cumulative impacts in local plans for new urban development.

Action 16.4 Review and update the Newcastle Mines Grouting Fund and investigate its relevance to other areas.

Not applicable

Goal 3 – Thriving communities**Direction 17: Create healthy built environments through good design**

Action 17.1 Develop best-practice guidelines for planning, designing and developing healthy built environments.

Not applicable

Action 17.2 Enhance access to fresh food by promoting initiatives that increase urban food production and access to produce from local farmers.

Not applicable

Action 17.3 Enhance the quality of neighbourhoods by integrating recreational walking and cycling networks into the design of new communities to encourage physical activity.

Not applicable

Direction 18: Enhance access to recreational facilities and connect open space

Action 18.1 Facilitate more recreational walking and cycling paths including planning for the Richmond Vale Rail Trail and expanded inter-regional and intra-regional walking and cycling links, including the NSW Coastal Cycleway.

Not applicable

Action 18.2 Deliver connected biodiversity-rich corridors and open space areas for community enjoyment.

Not applicable

Action 18.3 Enhance public access to natural areas, including coastal and lake foreshores.

Not applicable

Action 18.4 Assist councils to develop open space and recreation strategies that identify a range of accessible open space and recreation opportunities; integrate open space, active transport and recreation networks; and improve public foreshore access.

Not applicable

Action 18.5 Implement actions and invest in boating infrastructure priorities identified in regional boating plans to improve boating safety, boat storage and waterway access.

Not applicable

Direction 19 – Identify and protect the region's heritage

Action 19.1 Consult with the local Aboriginal communities to identify and protect heritage values to minimise the impact of urban growth and development, and to recognise their contribution to the character and landscape of the region.

Not applicable

Action 19.2 Assist the preparation of appropriate heritage studies to inform the

Not applicable

Goal 3 – Thriving communities	
development of strategic plans, including regional Aboriginal cultural heritage studies.	
Direction 20: Revitalise existing communities	
Action 20.1 Accelerate urban revitalisation by directing social infrastructure where there is growth.	Not applicable
Action 20.2 Undertake planning and place-making for main streets and centres.	Not applicable
Action 20.3 Enhance the amenity and attractiveness of existing places.	Not applicable

Goal 4 – Greater housing choice and jobs	
Direction 21: Create a compact settlement	
Action 21.1 Promote development that respects the landscape attributes and the character of the metropolitan area, towns and villages.	Not applicable
Action 21.2 Focus development to create compact settlements in locations with established services and infrastructure, including the Maitland Corridor growth area; Newcastle–Lake Macquarie Western Corridor growth area; the emerging growth area around Cooranbong, Morisset and Wyee; and in existing towns and villages, and sites identified in an endorsed regional or local strategy.	Not applicable
Action 21.4 Create a well-planned, functional and compact settlement pattern that responds to settlement planning principles and does not encroach on sensitive land uses, including land subject to hazards, on drinking water catchments or on areas with high environmental values.	Not applicable
Action 21.5 Promote small-scale renewal in existing urban areas, in consultation with the community and industry to ensure that this occurs in the right locations.	Not applicable
Action 21.6 Provide greater housing choice by delivering diverse housing, lot types and sizes, including small-lot housing in infill and greenfield housing locations.	Not applicable
Action 21.7 Promote new housing opportunities in urban areas to maximise the use of existing infrastructure	Not applicable
Direction 22: Promote housing diversity	
Action 22.1 Respond to the demand for housing and services for weekend visitors, students, seasonal workers, the ageing community and resource industry personnel.	Not applicable

Goal 4 – Greater housing choice and jobs

Action 22.2 Encourage housing diversity including studio and one and two-bedroom dwellings, to match forecast changes in household sizes.

The proposal provides for alternate medium density forms of housing to promote tourism and alternate residential accommodation outcomes.

Action 22.3 Develop local housing strategies to respond to housing needs, including social and affordable housing, and support initiatives to increase the supply of affordable housing.

Not applicable

Action 22.4 Develop Settlement Planning Principles and a local planning toolkit to assist councils in implementing the Plan.

Not applicable

Action 22.5 Include guidance in local land use strategies for expanding rural villages and rural-residential development so that future rural residential development will:

- *not impact on strategic or important agricultural land, energy, mineral or extractive resource viability or biodiversity values;*
- *not impact on drinking water catchments;*
- *not result in greater natural hazard risk;*
- *occur on land that is unlikely to be needed for urban development;*
- *contribute to the conservation of important biodiversity values or the establishment of important corridor linkages; and*
- *facilitate expansion of existing and new tourism development activities in agricultural or resource lands and related industries across the region.*

Not applicable

Direction 23 – Grow centres and renewal corridors

Action 23.1 Concentrate growth in strategic centres, local centres and urban renewal corridors to support economic and population growth and a mix of uses.

Not applicable

Action 23.2 Develop precinct plans for centres to take an integrated approach to transport, open space, urban form and liveable neighbourhoods, and investigate the capacity of centres to accommodate additional housing and diversity, without compromising employment growth.

Not applicable

Action 23.3. Consider improvements to the public transport network when planning new renewal corridors and precincts.

Not applicable

Action 23.4 Investigate locations for new and expanded centres, including within the Newcastle – Lake Macquarie Western Corridor and Maitland Corridor growth areas, and in the established urban areas that are projected to have high demand for housing growth is projected.

Not applicable

Goal 4 – Greater housing choice and jobs	
Action 23.5 Focus commercial and retail development within existing centres and transport hubs and ensure that locations for new centres are integrated with existing or planned residential development; do not undermine existing centres; encompass high quality urban design; and consider transport and access requirements.	Not applicable
Direction 24 – Protect the economic functions of employment land	
Action 24.1 Locate new employment land so that it does not conflict with surrounding residential uses.	Not applicable
Action 24.2 Protect the economic functions of employment land by not permitting non-industrial uses unless: <ul style="list-style-type: none"> opportunities for urban renewal arise through the relocation of industry and in locations well serviced by public transport; and contaminated land can be remediated. 	Not applicable
Action 24.3 Provide for mixed use opportunities and themed employment precincts in local plans.	Not applicable
Direction 25 – Monitor housing and employment supply and demand	
Action 25.1 Establish and implement an Urban Development Program to develop data on existing zoned land supply and its servicing status, monitor dwelling production and take-up rates, and coordinate the staged release and rezoning of land.	Not applicable
Action 25.2 Establish and implement an Employment Lands Development Program to develop data on existing and future planned stocks of employment land.	Not applicable
Action 25.3 Sequence new greenfield urban development that makes efficient use of infrastructure networks and capacity.	Not applicable
Action 25.4 Maintain an adequate supply of employment land that is appropriately serviced and to respond to changing industry demands for land use, location and floor space.	Not applicable
Direction 26 – Deliver infrastructure to support growth and communities	
Action 26.1 Align land use and infrastructure planning to maximise the use and capacity of existing infrastructure and the efficiency of new infrastructure.	Not applicable
Action 26.2 Enable the delivery of health facilities, education, emergency services, energy production and supply, water and waste water, waste disposal areas, cemeteries and crematoria, in partnership with the infrastructure providers.	Not applicable

Goal 4 – Greater housing choice and jobs	
<i>Action 26.3 Protect existing and planned major infrastructure corridors and sites, including inter-regional transport routes like the M1 Pacific Motorway and the railway, port and airport, to support their intended function.</i>	Not applicable
<i>Action 26.4 Coordinate the delivery of infrastructure to support the timely and efficient release of land for development, including working with councils and service providers on inter-regional infrastructure and service delivery issues between growing areas.</i>	Not applicable
<i>Action 26.5 Ensure growth is serviced by enabling and supporting infrastructure.</i>	Not applicable
<i>Action 26.6 Review and finalise the Hunter Special Infrastructure Contributions Plan.</i>	Not applicable
Direction 27: Strengthen the economic self-determination of Aboriginal communities	
<i>Action 27.1 Work with the Purfleet–Taree, Forster, Karuah, Worimi, Mindaribba, Awabakal, Bahtabah, Biraban and Wanaruah Local Aboriginal Land Councils to identify priority sites that can create a pipeline of potential Initiatives.</i>	Not applicable
<i>Action 27.2 Identify landholdings and map the level of constraint at a strategic scale for each site to develop options for the potential commercial use of the land.</i>	Not applicable

Appendix B: Consistency with State Environmental Planning Policies

State Environmental Planning Policy (SEPP)	Objective 1	Objective 2
State Environmental Planning Policy (Biodiversity and Conservation) 2021		
<i>Chapter 2 Vegetation in non-rural areas</i>	Chapter 2 of the SEPP applies to both R3 and SP3 zones. The land is not mapped as being subject to the Vegetation Management Policy.	Not applicable
<i>Chapter 3 Koala habitat protection 2020</i>	Not applicable	Not applicable
<i>Chapter 4 Koala habitat protection 2021</i>	The Mid-Coast LGA is listed in Schedule 2 of SEPP B&C and the provisions of Chapter 4 apply to future development of the land. The land has an area of at least 1 hectare and no approved Koala Plan of Management applies. The land is largely cleared of native vegetation and the proposal is unlikely to result in development on Koala habitat that would be inconsistent with the SEPP.	
<i>Chapter 5 River Murray lands</i>	Not applicable	Not applicable
<i>Chapter 6 Bushland in urban areas</i>	Not applicable	Not applicable
<i>Chapter 7 Canal estate development</i>	Not applicable	Not applicable
<i>Chapter 8 Sydney drinking water catchment</i>	Not applicable	Not applicable
<i>Chapter 9 Hawkesbury-Nepean River</i>	Not applicable	Not applicable
<i>Chapter 10 Sydney Harbour Catchment</i>	Not applicable	Not applicable
<i>Chapter 11 Georges Rivers Catchment</i>	Not applicable	Not applicable
<i>Chapter 12 Willandra Lakes Region World Heritage Property</i>	Not applicable	Not applicable
<i>SEPP No 19—Bushland in Urban Areas</i>	Not applicable	Not applicable
State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004	Future dwellings on the land will be subject to the requirements of BASIX.	Not applicable
SEPP (Exempt and Complying Development Codes) 2008	Not applicable	Not applicable
SEPP (Housing) 2021	The proposed R3 zone would permit a range of residential land uses that are subject to development standards in the Housing SEPP.	Not applicable

State Environmental Planning Policy (SEPP)	Objective 1	Objective 2
	The proposed R3 zone would permit a change of use from existing tourist accommodation units to residential accommodation (with the consent of Council). Part 6 of the Housing SEPP would subsequently permit the use of those dwellings as short term rental accommodation (holiday rentals) as “exempt development”.	
SEPP (Industry & Employment) 2021	Not applicable	Not applicable
State Environmental Planning Policy No 65— Design Quality of Residential Apartment Development	SEPP 65 may apply to future development in the R3 zone that involves construction of buildings having a height of at least 3 storeys and containing 4 or more dwellings.	Not applicable
SEPP (Planning Systems) 2021	The site is not identified in Schedule 2 of the SEPP (identified sites) and future development of the site is unlikely to be either State or Regional development as defined by the SEPP.	Not applicable
SEPP (Precincts – Eastern Harbour City) 2021	Not applicable	Not applicable
SEPP (Precincts - Regional) 2021	Not applicable	Not applicable
SEPP (Precincts – Central River City) 2021	Not applicable	Not applicable
SEPP (Precincts – Western Parklands City) 2021	Not applicable	Not applicable
SEPP (Primary Production) 2021	Not applicable	Not applicable
SEPP (Resilience and Hazards) 2021		
<i>Chapter 2 – Coastal Management</i>	<p>The land is mapped as a Coastal Environment Area and Coastal Use Area for the purposes of Part 2.2 of the SEPP.</p> <p>The northern portion of the site is also mapped as a “proximity area” to Coastal Wetlands.</p> <p>Development controls in Chapter 2 – Coastal Management would continue to apply to development within the site.</p>	
<i>Chapter 3 – Hazardous and offensive development</i>	Not applicable	Not applicable
<i>Chapter 4 - Remediation of land</i>	Not applicable	Not applicable
SEPP (Resources and Energy) 2021	Not applicable	Not applicable

State Environmental Planning Policy (SEPP)	Objective 1	Objective 2
<i>SEPP (Transport & Infrastructure) 2021</i>	<p>The SEPP will continue to apply to future development in the R3 zone.</p> <p>The site area is unlikely to accommodate >300 dwellings and is unlikely to result in traffic generating development for the purposes of Schedule 3 of the SEPP.</p>	Not applicable

Appendix C: Consistency with S9.1 Ministerial Directions

S9.1 Ministerial Direction	Objective 1 Zone Change from SP3 to R3, including changes to relevant LEP maps	Objective 2 Integrated Housing clauses included in Schedule 1 - Additional permitted uses
Focus Area 1: Planning systems		
1.1 Implementation of Regional Plans	The Planning Proposal relates to land to which the Hunter Regional Plan 2036 (REP) applies. The Planning Proposal is consistent with the REP and Direction 1.1.	
1.2 Development of Aboriginal Land Council land	Not applicable. The Planning Proposal does not relate to land shown on the Land Application Map of chapter 3 of the <i>State Environmental Planning Policy (Planning Systems) 2021</i> .	
1.3 Approval and Referral Requirements	The Planning Proposal does not introduce any provisions requiring concurrence, consultation or referral of a Minister or public authority. The Planning Proposal is consistent with Direction 1.3.	
1.4 Site Specific Provisions	The Planning Proposal amends the LEP to include the R3 zone and allow residential development to be carried out as a permitted land use in the R3 zone. Rezoning of the land to R3 is considered preferable to the amendment of permitted uses in the SP3 zone. The R3 zone is contained in the Standard Instrument and is considered the most appropriate zone to facilitate the intended outcome.	The Planning Proposal seeks to include development standards within the Schedule 1 Additional Permitted Uses of the LEP. The development standards are not already contained in the LEP being amended. The proposed development standards align with the intended outcomes of the Housing Strategy and are intended to apply across the R3 zones as part of the next LEP. The inclusion of those standards in Schedule 1 is necessary to achieve the intended outcomes of the Planning Proposal in a reasonable timeframe. Development standards in Schedule 1 of the LEP apply only to the identified land and do not affect any other land or development. Any inconsistency with the Direction is considered to be of minor significance.
Focus Area 1: Planning Systems – Place Based		
1.5 Parramatta Road Corridor Urban Transformation Strategy	Not applicable	
1.6 Implementation of North West Priority Growth Area	Not applicable	

S9.1 Ministerial Direction	Objective 1 Zone Change from SP3 to R3, including changes to relevant LEP maps	Objective 2 Integrated Housing clauses included in Schedule 1 - Additional permitted uses
<i>Land Use and Infrastructure Implementation Plan</i>		
<i>1.7 Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan</i>	Not applicable	
<i>1.8 Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan</i>	Not applicable	
<i>1.9 Implementation of Glenfield to Macarthur Urban Renewal Corridor</i>	Not applicable	
<i>1.10 Implementation of the Western Sydney Aerotropolis Plan</i>	Not applicable	
<i>1.11 Implementation of Bayside West Precincts 2036 Plan</i>	Not applicable	
<i>1.12 Implementation of Planning Principles for the Cooks Cove Precinct</i>	Not applicable	
<i>1.13 Implementation of St Leonards and Crows Nest 2036 Plan</i>	Not applicable	
<i>1.14 Implementation of Greater Macarthur 2040</i>	Not applicable	
<i>1.15 Implementation of the Pyrmont Peninsula Place Strategy</i>	Not applicable	
<i>1.16 North West Rail Link Corridor Strategy</i>	Not applicable	
<i>1.17 Implementation of the Bays West Place Strategy</i>	Not applicable	

S9.1 Ministerial Direction	Objective 1	Objective 2
	Zone Change from SP3 to R3, including changes to relevant LEP maps	Integrated Housing clauses included in Schedule 1 - Additional permitted uses
Focus Area 2: Design and Place		
No current Ministerial Directions in Focus Area 2		
Focus Area 3: Biodiversity and Conservation		
3.1 Conservation Zones	<p>This Direction applies when a planning proposal is prepared. Relevant to the subject land, the Direction provides that a planning proposal must not reduce the environmental protection standards that apply to the land, including development standards applying to the land.</p> <p>The Development Overview proposal for 391 Diamond Beach Road would allow integrated housing subdivision to occur within the C2 zone along the beachfront.</p> <p>Subdivision within the C2 zone would not allow dwellings to be erected in the C2 zone and would not reduce the environmental protection standards that apply to the land.</p>	<p>Whilst the beachfront land is zoned C2, the land does not contain significant environmental values, such as native vegetation, wetlands or rainforest.</p> <p>The area is instead identified as C2 as it is identified as the area potentially subject to coastal erosion/recession.</p> <p>Subdivision of this area would not impact on the protection and conservation of environmentally sensitive areas. The provision of the additional permitted use clause does not permit any dwellings to be constructed in the C2 zoned area.</p> <p>It is considered that the inconsistency with the Direction is of minor significance.</p>
3.2 Heritage Conservation	<p>This Direction applies whenever a planning proposal is prepared and provides for the conservation and protection of items of environmental heritage and items of indigenous heritage significance. The subject land does not contain any listed heritage items.</p> <p>In relation to indigenous heritage, the Direction provides that items of Aboriginal Heritage should be identified by an Aboriginal Heritage Survey.</p> <p>Previous Aboriginal Cultural Heritage Assessment has been undertaken for the land and has identified areas of Potential Archaeological deposits which are located outside potential development areas.</p>	
3.3 Sydney Drinking Water Catchments	Not applicable	
3.4 Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs	Not applicable	
3.5 Recreation Vehicle Areas	Not Applicable	
Focus Area 4: Resilience and Hazards		
4.1 Flooding	Not Applicable	
4.2 Coastal Management	<p>The land was recently rezoned to SP3 and C2 having regard to coastal hazards and other coastal management issues. The area of the site zoned C2 corresponds with the area of the site identified as a Coastal</p>	<p>The Planning Proposal includes a clause in Schedule 1 to prevent any dwellings from being erected in the area of any part of a lot zoned C2.</p> <p>Therefore, the Planning Proposal does not enable increased</p>

S9.1 Ministerial Direction	Objective 1 Zone Change from SP3 to R3, including changes to relevant LEP maps	Objective 2 Integrated Housing clauses included in Schedule 1 - Additional permitted uses
	<p>Planning Area in Part D – Environmental Requirements of the DCP</p> <p>The Planning Proposal does not change the existing C2 zone or enable increased development or more intensive land-use on land that is zoned C2 and corresponding with the mapped Coastal Planning Area.</p> <p>The proposal is considered to maintain consistency with the Direction.</p>	development or more intensive land use on land that is zoned C2 (Coastal Planning Area).
4.3 Planning for Bushfire Protection	<p>This Direction applies as the Planning Proposal involves land which is mapped as bushfire prone land. The Direction requires Council to consult with the NSW Rural Fire Service following receipt of a Gateway determination under section 3.34 of the Act and prior to undertaking community consultation in satisfaction of clause 4, Schedule 1 to the EP&A Act, and take into account any comments so made.</p> <p>Formal consultation will occur with the NSW Rural Fire Service following a Gateway determination.</p>	
4.4 Remediation of Contaminated Land	Not applicable	Not applicable
4.5 Acid Sulfate Soils	<p>The land is mapped as Classes 3 and 5 on the Acid Sulfate Soils Planning Maps.</p> <p>The proposal to rezone would not involve intensification of development over these areas and would not require a study.</p> <p>Acid Sulfate investigation will be undertaken at DA stage as required.</p>	Not applicable
4.6 Mine Subsidence and Unstable Land	Not Applicable	Not applicable
Focus Area 5: Transport & Infrastructure		
5.1 Integrating Land Use and Transport	<p>The Direction is applicable as it alters an existing tourist zone to residential forms.</p> <p>The proposal is consistent with the Direction by providing medium density housing in areas with good road and pedestrian connection to facilities in the broader Hallidays Point area. The future connection of Old Soldiers Road will further improve connectivity for transport in the area.</p>	Not applicable
5.2 Reserving Land for Public Purposes	Not applicable	Not applicable

S9.1 Ministerial Direction	Objective 1	Objective 2
	Zone Change from SP3 to R3, including changes to relevant LEP maps	Integrated Housing clauses included in Schedule 1 - Additional permitted uses
5.3 Development Near Regulated Airports and Defence Airfields	Not applicable	Not applicable
5.4 Shooting Ranges	Not applicable	Not applicable
Focus Area 6: Housing		
6.1 Residential Zones	The proposal is consistent with this Direction which introduces the medium density zone in an area dominated by low density and rural residential development. The proposal will broaden housing choice in the area and provide compact development forms, reducing consumption of land for housing. The proposal is consistent with the Direction.	Not applicable
6.2 Caravan Parks and Manufactured Home Estates	Consistent with the Direction, to change the zone from SP3 to R3 will maintain permissibility for caravan parks and manufactured home estates.	Not applicable
Focus Area 7: Industry and Employment		
7.1 Business and Industrial Zones	Not applicable	Not applicable
7.2 Reduction in non-hosted short-term rental accommodation period	Not applicable	Not applicable
7.3 Commercial and Retail Development along the Pacific Highway, North Coast	Not applicable	Not applicable
Focus Area 8: Resources and Energy		
8.1 Mining, Petroleum Production and Extractive Industries	The existing SP3 zone prohibits mining and extractive industries and consultation is not required with the Director General of DPI.	Not applicable
Focus Area 9: Primary Production		
9.1 Rural Zones	Not applicable	Not applicable
9.2 Rural Lands	Not applicable	Not applicable
9.3 Oyster Aquaculture	Not applicable	Not applicable

S9.1 Ministerial Direction	Objective 1 Zone Change from SP3 to R3, including changes to relevant LEP maps	Objective 2 Integrated Housing clauses included in Schedule 1 - Additional permitted uses
9.4 Farmland of State and Regional Significance on the NSW Far North Coast	Not applicable	Not applicable