

Paper subdivisions in the MidCoast

What are 'paper subdivisions'?

A "paper subdivision" is a term used to describe land containing lots that only have recognition on paper and, in most cases, have no formed roads, drainage, reticulated water, sewer or electricity.

Paper subdivisions exist for many reasons and in the MidCoast, they exist in various locations including North Arm Cove, Pindimar and the former gold mining town of Copeland.

Paper subdivisions were created where rural land was subdivided in the late 1800s to the 1920s (predating planning laws), often with urban sized allotments and street patterns, but without building entitlements. These areas are also sometimes referred to as 'non-urban' land.

Who owns land in Paper Subdivisions?

Land in paper subdivisions may have a variety of owners including individuals, companies or public authorities.

Why can't landowners build on the lots they own?

Since the introduction of planning laws and regulations the land within many paper subdivisions is not able to be developed because of a range of reasons including: land zoning; lot sizes; limited legal or constructed access; limited or no water and sewer infrastructure and environmental constraints.

How can I create an opportunity to build?

Dwellings on land within paper subdivisions will only be considered where the land:

1. Has a dwelling entitlement under the relevant Local Environmental Plan: and
2. It can be demonstrated that the land is suitable for urban development

Why do I have to pay rates if I can't build on my land?

We are required to levy rates on all land, whether it can be built upon or not.

The only land which is exempt from the payment of rates is defined in the *Local Government Act 1993*. This land includes vacant crown land, national parks, state forests, schools, reserves and land used for charitable or religious purposes.

Rate funds are used to maintain, improve and provide services and facilities for the whole of the MidCoast Council area. The rates paid may not relate directly to the services, infrastructure or facilities used by each ratepayer (eg not all ratepayers will use parks, a public library or cycle path), rather the services and facilities that are available to all who live within our local government area.

Do I have an option to not pay rates?

Land within paper subdivisions is not exempt from rates and we are required to levy rates on private land in accordance with the *Local Government Act 1993*. We have applied the lowest rates to land within paper subdivisions, in recognition of the limited development potential of these allotments.

We have, in the past, considered applications for the transfer of land in lieu of the payment of outstanding rates or charges (under S570 of the *Local Government Act 1993*). This approach is not uncommon in areas such as North Arm Cove, where there is limited development potential and rezoning for urban purposes is not likely in the future.

What does Council do with land transferred in lieu of unpaid rates?

If land is transferred to Council in lieu of the payment of rates we progressively rezone the land to either an environmental conservation or an environmental management zoning. This protects the environmental value and reflects the limited development potential of the land that has been transferred.

Can I camp on land I own?

Yes, you can camp on the land you own, and prior approval is not required for the following:

- the installation of not more than two caravans, campervans or tents on any land, so long as they are not occupied for more than two days at a time and are not occupied for more than 60 days (in total) in any single period of 12 months.

For camping that does not meet the above requirements, the prior approval of Council will be required.

When camping on your land, you do need to ensure that waste is suitably managed.

Can I remove trees and vegetation?

The clearing of native vegetation on rural land is legislated by the [Local Land Services Act 2013](#) and the [Biodiversity Conservation Act 2016](#).

Can I build a shed, concrete slab, water tank or anything on my land?

The [State Environmental Planning Policy \(Exempt and Complying Development Codes\) 2008](#) (Codes SEPP) allows for certain low impact development that meets relevant development standards to be carried out on land without the consent of Council. This form of development is known as 'exempt development'.

The policy also allows for development that has a greater impact than exempt development, but is still considered to have minor environmental impact on neighbourhood amenity, to be undertaken as complying development where predetermined development criteria has been met.

What is MidCoast Council's position on paper subdivisions

Land in paper subdivisions that are located within an existing rural or environmental zones will be considered as part of the MidCoast Rural Strategy.

This land represents only one component of what is a complex rural environment; and given these areas are already recognised as having significant constraints by the NSW State Government and Council, rezoning these areas for urban purposes is highly unlikely.

Community consultation on the draft Rural Strategy is expected to occur in 2021. The strategy will inform the preparation of a consolidated MidCoast Local Environmental Plan which will provide clear and consistent planning rules across the Local Government area.

More information on the Rural Strategy is available www.midcoast.nsw.gov.au/zoningin