

PLANNING AND NATURAL SYSTEMS

ATTACHMENT A

**PLANNING PROPOSAL FOR 353 - 465
KOLODONG ROAD, TAREE**

STRATEGIC MEETING

14 FEBRUARY 2018

Planning Proposal

Amendment to the Greater Taree Local Environmental Plan 2010



353 – 465 Kolodong Road, Kolodong

January 2018

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1.0 Introduction

This planning proposal has been prepared for the subject land to seek changes to *Greater Taree Local Environmental Plan 2010* (LEP 2010) to provide for residential development of the land. The planning proposal will provide residential land in a new release area for the Taree market.

The proposal delivers outcomes in the area in a manner consistent with the provisions of the Council's local development strategies, as well as the provisions of the *Mid North Coast Regional Strategy 2006-2031* superseded by the *Hunter Regional Plan 2036*.

The subject land is comprised of elevated cleared land which has been used for low intensity agricultural uses in the past. The land is not subject to significant levels of environmental constraints. Services to support urban development of the land are available to the site and the landform is generally conducive to residential development and provides for suitable drainage of the area.

To facilitate the development of the land, a change is required to the planning controls affecting the land under LEP 2010. The amendment involves changing the zone of the land from its existing RU1 – Primary Production to the following zones, based on land capability and suitability:

- R1 – General Residential
- RU1 – Primary Production
- E2 – Environmental Conservation

This planning proposal has been prepared consistent with the provisions of the Department of Planning and Environment's document *A Guide to Preparing Planning Proposals*.

1.1 Background

The subject lands have been, and are still, utilised for a variety of purposes. The current land uses over the subject lands are:

- dairy farming over the river flat and adjoining areas in the southern parts (not affected by proposal)
- low intensity grazing (beef cattle) in the northern parts of the larger holdings, including a new rural dwelling
- rural residential development over the smaller holdings in the northern parts of the land
- small restaurant/café
- childcare centre
- school (Taree Christian College)
- church

The subject land has been identified as a site for future growth in the Taree area for many years in a number of studies including:

- the *Taree Wingham Urban Growth Plan 1990* identified the subject land for future urban growth, along with adjoining lands to the south and west
- the draft *Greater Taree Conservation and Development Strategy 2005*

- the *Mid North Coast Regional Strategy 2006-31* and subsequently *Hunter Regional Plan* as 'Proposed Urban Area'.

Council resolved to prepare a draft local environmental plan for residential development in the Kolodong locality (including the subject lands) in 1993. Following ongoing negotiations and discussions between Council and the Department of Planning, a Section 65 certificate was issued enabling exhibition and consultation of a draft plan over parts of the land for rezoning to residential/village which was exhibited in late 1993 and early 1994. The process of rezoning the land then stalled until strategic planning for the Greater Taree region was undertaken at both a state and regional level. During this time Council's continued position was to proceed with the application so that the release of good quality residential land in Taree could occur.

In March 2010, Council advised that the rezoning application had lapsed and that any further consideration of the land would need to be subject to a planning proposal under the 'gateway planning process'.

This planning proposal aims to change the zone for residential purposes consistent with the strategic intent for this site.

1.2 Site identification

The subject land is located in the area known as Kolodong which is located in the regional centre of Taree. The site is located in the MidCoast local government area approximately 250km north east of Sydney within the Mid North Coast region.

Figures 1-4 show the location of the land and area in a state, regional and local context.



Figure 1 – State Context of MidCoast LGA

[Source: http://en.wikipedia.org/wiki/Local_government_areas_of_New_South_Wales#/media/File:Australia-Map-NSW-LGA-Regions.png]

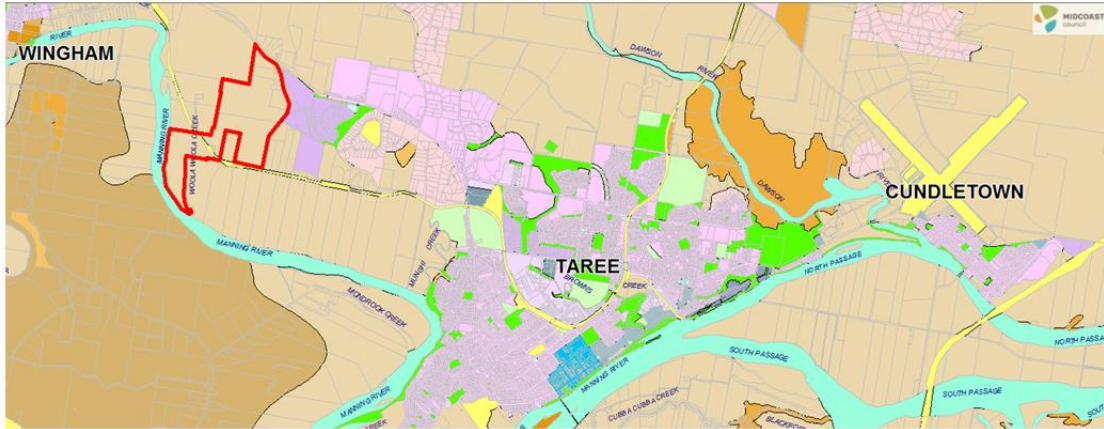


Figure 2 – Taree – Site location showing existing zones

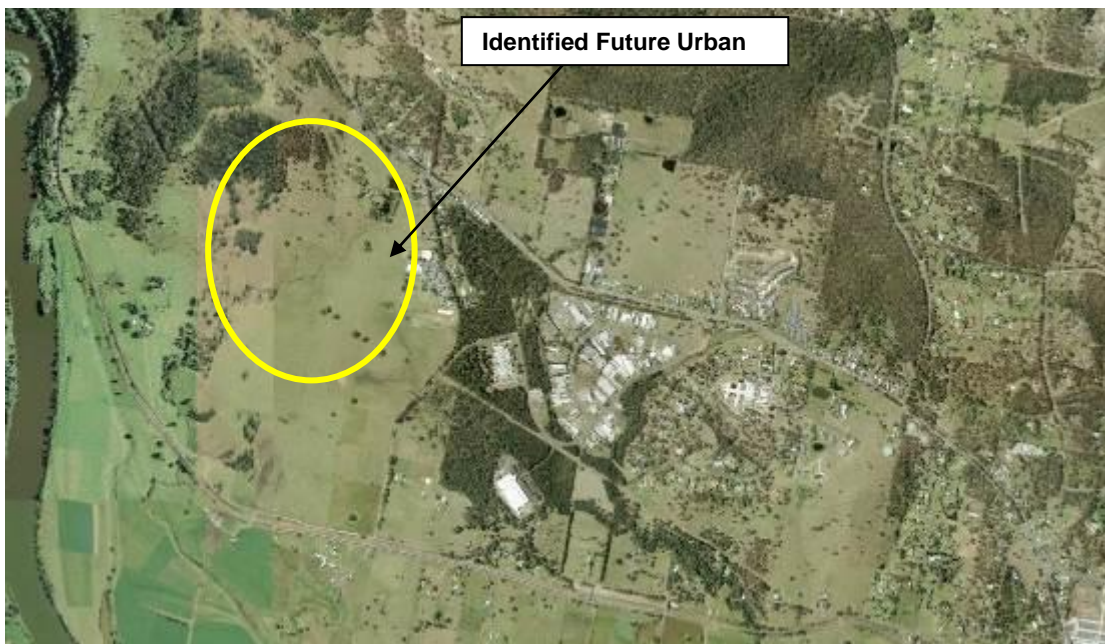


Figure 3 – Aerial of site

[Source: LPMA SIX Maps]

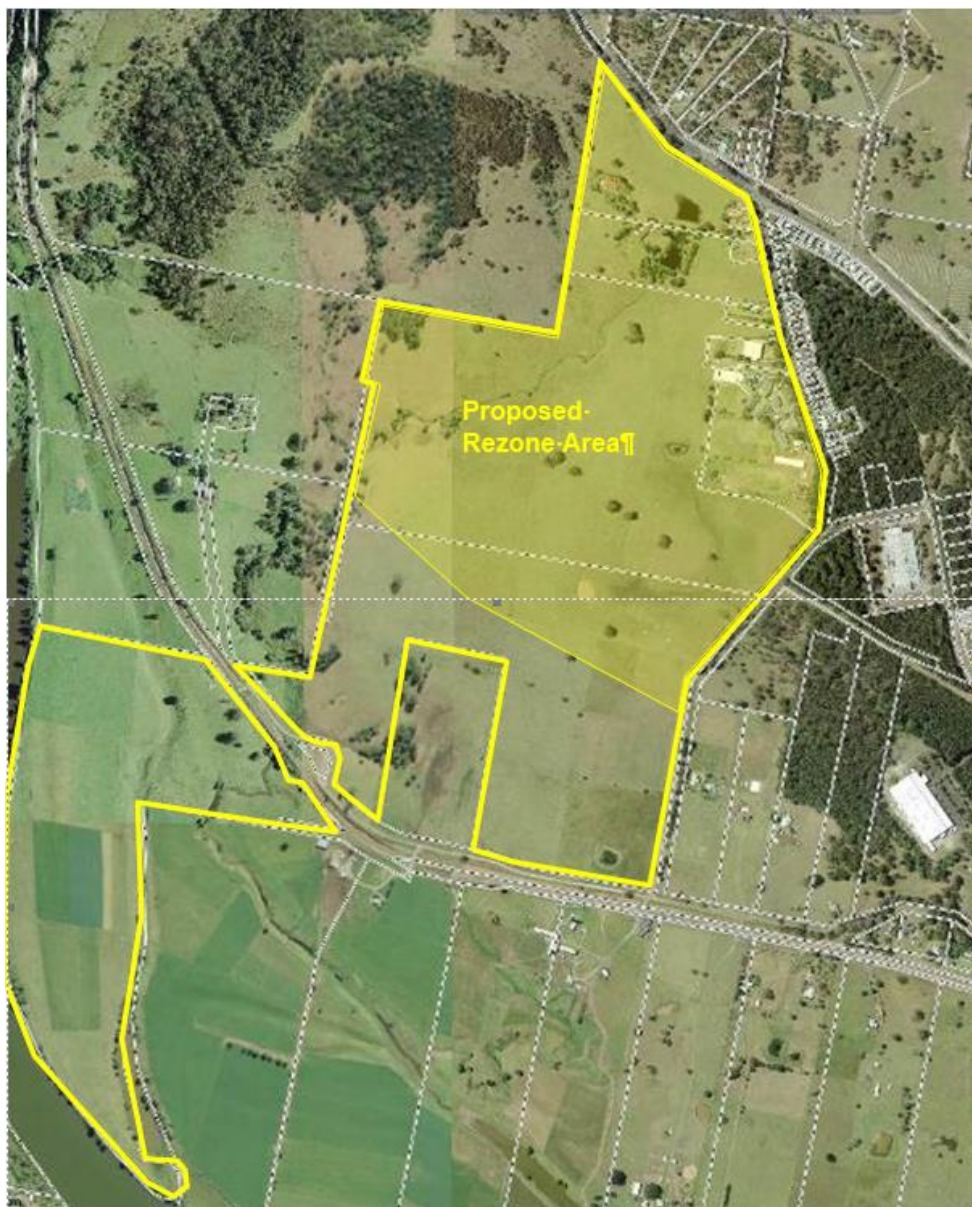


Figure 4 – Aerial Photo of Subject Lands

[Source: LPMA SIX Maps]

The following information describes the subject lands.

Addresses	353, 423, 441, 443, 445, 461, 461A, 463 & 465 Kolodong Road, Taree
Real Property descriptions	Lot 6 DP 614144 Lots 52, 53 & 54 DP 1042462 Lot 3 DP 607547 Lots 7 & 8 DP 1170882 Lots 5 & 6 DP 833772
Site Area	Combined area approximately 130 hectares
Current controls <i>Greater Taree LEP 2010</i>	Zone - RU1 Primary Production Minimum Subdivision Lot Size – 40 hectares Floor Space Ratio – no Control Height of Buildings – no Control

The lots are held in separate ownership and only parts of the subject lands are proposed to have planning controls altered from the current zonings. The properties identified as 445, 461 and 465 are small lots which appear to have been created as concessional allotments and excision of the restaurant/café in the past. These lots are not included on the future urban maps in the local and regional strategies, but it is logical that their controls should be modified in the same manner as the lands that surround them. In addition, the Taree Christian College located at 423 Kolodong Road, and church located at 441 Kolodong Road, have been included as they should be provided with a suitable zoning rather than being left as an isolated parcel of land zoned for rural purposes.

The main area of change is over the 4 properties known as 353, 443, 461A and 463 Kolodong Road. The following is a brief description of these lots:

- **353 Kolodong Road**

This is a large property which has an area of approximately 77 hectares and is dissected by Neales Lane and the Mid North Coast Railway. The parts of the site south west of the railway line are comprised of river flats that have been used for dairy farming. The areas to the north of the railway line are more elevated lands with very gradual slopes and mainly comprising managed grassland areas used for low intensity grazing purposes. Improvements on the site are generally limited to rural infrastructure. Only the northern parts of this land have been identified for future growth and it is only these areas which are the subject of changes to planning controls under this planning proposal
- **443 Kolodong Road**

This is a large property with an area of approximately 43 hectares and is a large residue parcel remaining from when the Taree Christian College was excised from the previous title. The land is comprised of undulating land with gentle slopes and there are two small gullies which drain the site and adjoining lands. Vegetation over the land is limited to grazing pastures and isolated paddock trees. There is a small grove of trees in the north western corner of the site which is dominated by native trees, with a grazed understorey which is used as a cattle camp. There is a rural dwelling located centrally on the land, and rural infrastructure
- **461A Kolodong Road**

This is a rural residential property with an area of approximately 4.91 hectares. The site is the residue parcel of land from the excision of the restaurant/café known as 'Bowers Café'. The land is gently sloping toward a central drainage gully that connects with the gully through 443 Kolodong Road to the south. Vegetation over the land is limited to managed pasture areas and gardens around the existing dam in the gully. The site contains a rural residential dwelling located in the western part of the site
- **463 Kolodong Road**

This is a rural residential property with an area of approximately 5.74 hectares. The site is the residue parcel of land from the excision of a small concessional allotment on Kolodong Road. The land is comprised primarily of gentle slopes with medium slopes existing toward the northern frontage to Wingham Road. A central drainage gully connects with the gully through to the south. Vegetation over the land is limited to managed pasture areas and gardens. The site contains a rural residential dwelling located in the western part of the site.

The adjoining/adjacent areas to the north, south and west are zoned RU1 – Primary Production but include small residential/rural residential lots along the Wingham Road frontage. These lands are used for a combination of rural and rural residential purposes, with the more intense dairying uses located to the south. The Mid North Coast Railway passes to the south of the subject areas and is zoned SP2 – Infrastructure.

Land to the east is zoned IN1 – General Industrial and parts of this area have been subdivided and utilised for industrial purposes. Forested parts of the IN1 zone are retained in a residue parcel. There is also a narrow band of house lots along the north eastern side of Kolodong Road and some grazing lands along the south eastern side of Kolodong Road which are zoned RU1.

The main access to the subject land is provided via Kolodong Road through the western intersection with Wingham Road, just north of the subject lands. Kolodong Road continues to the south until it meets the railway corridor and proceeds east, connecting with a range of rural and rural residential properties before once more intersecting with Wingham Road adjacent to the Bunnings commercial centre.

Existing development on the land is provided with urban services in the form of reticulated water, electricity and telecommunications. Gravity sewer is available to parts of the site, subject to construction and augmentation of sewer infrastructure. Other parts of the site are outside an existing sewer catchment, but can be serviced under the servicing strategy for the area prepared by the Water Services Division of MidCoast Council.

The subject land is located at the western edge of the existing Taree township and has good access to facilities such as the hospital, Christian College (providing for Kindergarten - Year 12), and employment opportunities in adjoining industrial areas. The land is located approximately 6km from the Taree CBD (by road).

2.0 Objectives and Intended Outcomes

The primary objective of the planning proposal is to provide for the growth of Taree in accordance with the provisions of previous local planning strategies and the *Mid North Coast Regional Strategy 2006-2031*, which has been incorporated into the *Hunter Regional Plan 2036*. The land will provide opportunities for quality residential housing opportunities which are currently in short supply in the Taree urban area.

In addition, the proposal will seek to:

- provide land to support housing growth
- continue to reserve lands which are important for ongoing productive agricultural uses for primary production
- conserve a small area of native vegetation on the land for environmental conservation.

The estimated residential lot yield would be around 450 lots.

3.0 Explanation of Provisions

To achieve the planning proposal objectives, amendments will be required to LEP 2010. The proposed zones have been determined on the basis of constraints identified for the land and the establishment of future residential neighbourhoods.

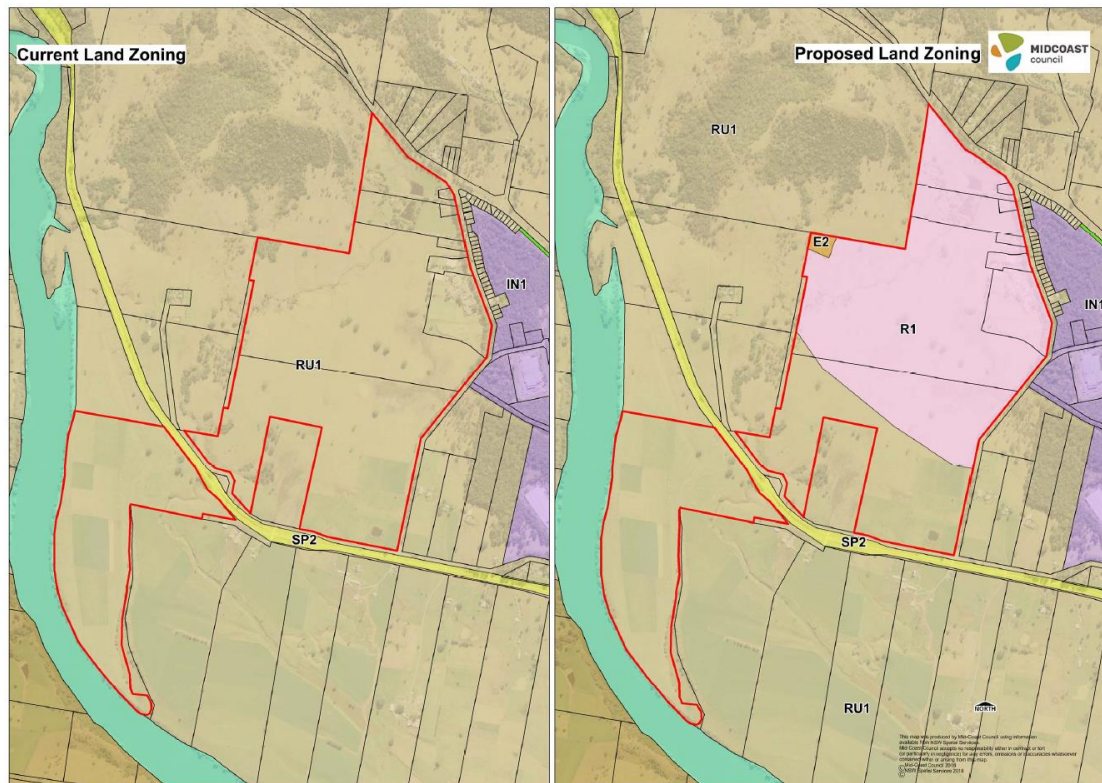
3.1 Zone changes

The R1 - General Residential zone is proposed over all the capable land identified for future growth. This includes the area of the school and the small lots along Kolodong Road, as these sites are currently used for residential activities. Land that will form future drainage corridors and parks have also been kept in the R1 zone until the detailed subdivision layout is determined through future development applications.

The E2 – Environmental conservation zone has been applied over an area of native woodland located in the north western corner of the land.

The remainder of the site will be retained in the RU1 – Primary Production zone to provide for ongoing agricultural use of the land.

The existing and proposed zones are as follows.

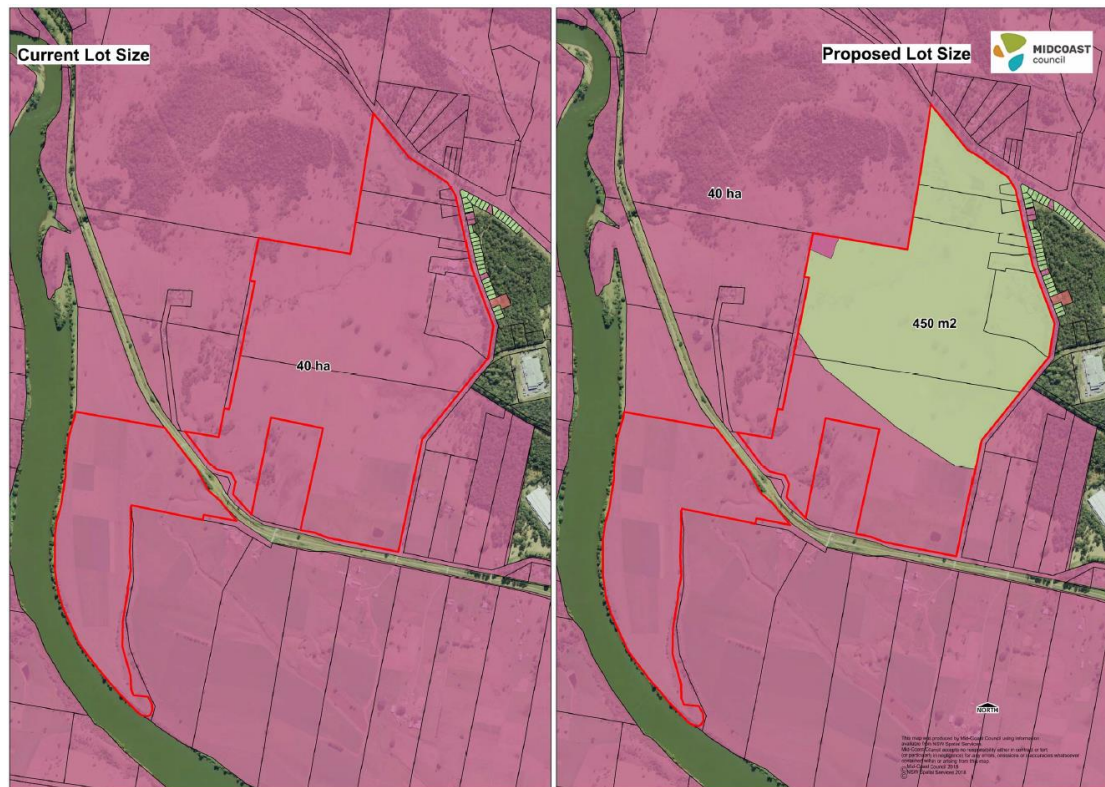


3.2 Lot Size Controls

To facilitate subdivision of the land in a manner consistent with the proposed zonings, the lot size controls over the land will be modified as follows:

- R1 zoned areas – 450m²
- E2 zoned areas – 40 hectares
- RU1 zoned areas – 40 hectares

The existing and proposed lot size controls are as follows.



3.3 Height of Buildings

The land is not currently subject to height of building controls. To facilitate building development on the land in a manner consistent with the proposed zonings the following controls will be added as follows:

- R1 zoned areas – 8.5m
- E2 zoned areas – no Control
- RU1 zoned areas – no Control

The existing and proposed height of building controls are as follows.



3.4 Floor Space Ratio

The land is not currently subject to floor space ratio controls. To facilitate building development on the land in a manner consistent with the proposed zonings the following controls will be added as follows:

- R1 zoned areas – 0.6:1
- E2 zoned areas – no control
- RU1 zoned areas – no control

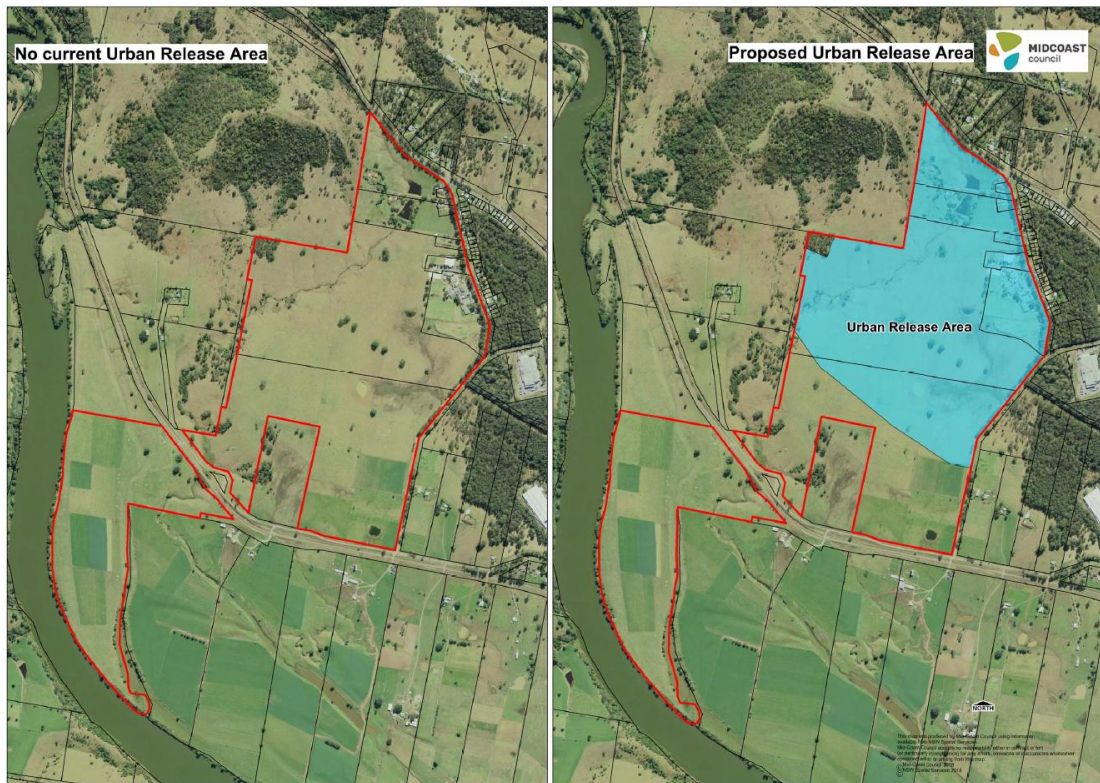
The existing and proposed floor space ratio controls are as follows.



3.5 Urban Release Map

The planning proposal does not contain a detailed development proposal for the land at this stage. This detailed design will be undertaken following the completion of the rezoning of the land. By including the site on the Urban Release Map it ensures that prior to lodgment of a development application, planning controls will be developed for the site to consider aspects of the development such as:

- staging and infrastructure sequencing
- transport hierarchy and traffic facilities, including pedestrian and cyclist connections
- landscaping strategy, including treatment of edges
- measures to treat the interface between residential areas and agricultural lands to minimise potential land use conflicts
- stormwater management and quality controls
- open space facilities
- funding mechanisms for infrastructure.



4.0 Justification of Provisions

4.1 Need for the Planning Proposal

4.1.1 Is the Planning Proposal a result of any strategic study or report?

Yes. The subject land has been identified as an area for future urban expansion for over 20 years since the *Taree Wingham Urban Growth Plan* was adopted in 1990. The land is also part of an area which was identified for future urban expansion in the document *Hunter's Coast: Hunter Coastal Urban Settlement Strategy (1994)*, which was prepared by the Department of Planning to guide growth in the coastal area of the Hunter Region. Parts of the land were identified in the *Draft Greater Taree Conservation and Development Strategy* prepared by Council in 2005 as an Urban Expansion Area. The land has also been the subject of a resolution by Council to rezone the land in 1993 and was also publicly exhibited and underwent consultations with government agencies in 1994.

Most recently areas of the subject land were identified in the Department's *Hunter Regional Plan 2036* as a proposed urban area providing for urban growth of the Taree.

4.1.2 Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Yes. The planning proposal is the best and only means of achieving the objectives and intended outcomes for the land. The existing zone and lot size controls do not enable the development of residential. As a result, changes to the planning controls over the land are necessary to achieve a residential outcome on the land.

4.2 Relationship to Strategic Planning Framework

4.2.1 Is the planning proposal consistent with the objectives and actions of the applicable regional strategy?

The planning proposal is consistent with the *Hunter Regional Strategy 2036*. The assessment has been undertaken taking into consideration whether the site has been identified as an urban release area, the need for more residential land in Taree and the relevant actions in the strategy.

(a) Urban release area

The *Hunter Regional Plan* was prepared in 2016 to guide growth in the Hunter region. The plan takes into consideration the urban release areas identified in the *Mid North Coast Regional Strategy 2006-31*. Figure 5 provides an extract from the map which identifies the urban release areas for this location as shown below.

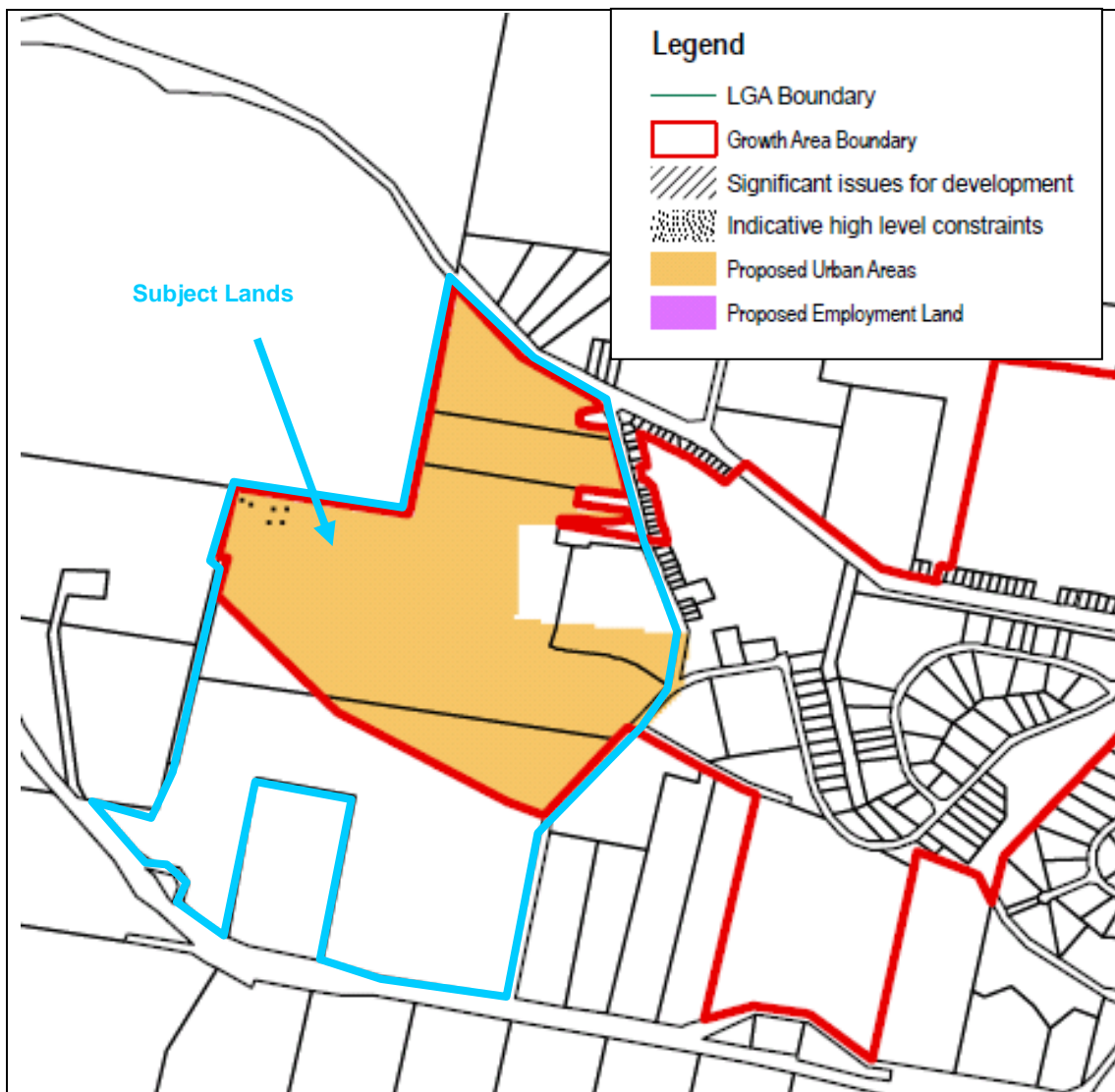


Figure 5 – Extract from Mid North Coast Regional Strategy 2006-2031

The map identifies a small area of environmental constraint over the land, which equates with the small grove of trees in the north-west corner of 443 Kolodong Road. The nature of this constraint is not stated in the strategy,

however given the area identified, it is likely referring to potential ecological constraints. The potential ecological constraints are discussed further in section 5.1 of this report. It is proposed to include this part of the site in the Environmental Conservation zone.

It is noted that the areas identified in this planning proposal vary slightly from the mapped areas in the Regional Strategy. The key differences are the inclusion of the Taree Christian College and small concessional lots along Kolodong Road, as well as a slight expansion of the new urban areas to the south.

The inclusion of the lots along Kolodong Road is a logical, given their current use for urban type purposes (dwelling houses, school, café and child care centre) and the fact that when the zoning change was made they would be small isolated parcels of rural zoned land.

The southern extent of the zone has been proposed to choose a more natural urban boundary, and has been moved to a low ridge which passes through the land and which forms a more logical boundary for residential development.

(b) Need for residential land in Taree

Council undertook an assessment of the residential supply and demand for Taree to determine the need for more residential land in Taree. The table below shows that results of the assessment.

Demand	Est dwellings/year	Est dwellings 2036
Low growth	35	700
High growth	65	1,300
Supply		Est lots
Vacant residential		648
Urban release areas		950
Total		1,598

Residential supply and demand for Taree

The result of this assessment demonstrated that there was sufficient supply of both vacant residential land and urban release areas (including the Kolodong site) to generally meet the low and high growth scenarios. However, a detailed assessment of residential catchments in Taree identified some significant differences between the amount of land zoned and the land that is actually available for development.

There were three residential catchments identified being Taree/Taree West, Bushland and Kolodong as shown in Figure 6 below.

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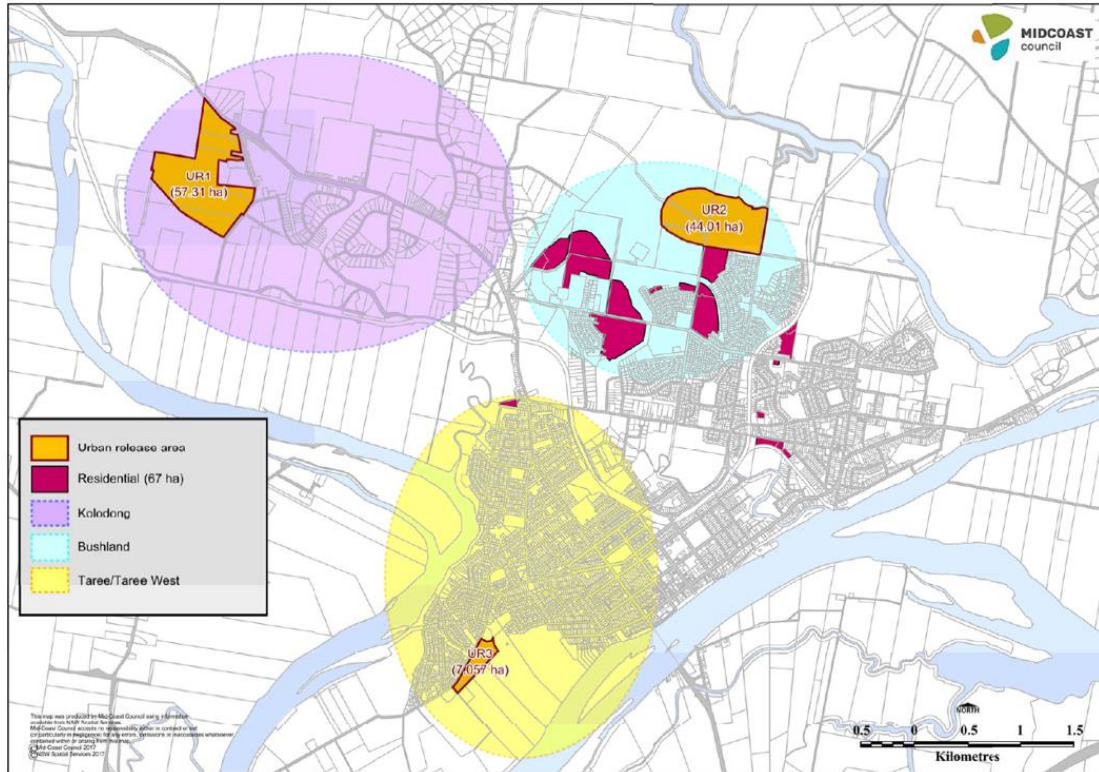
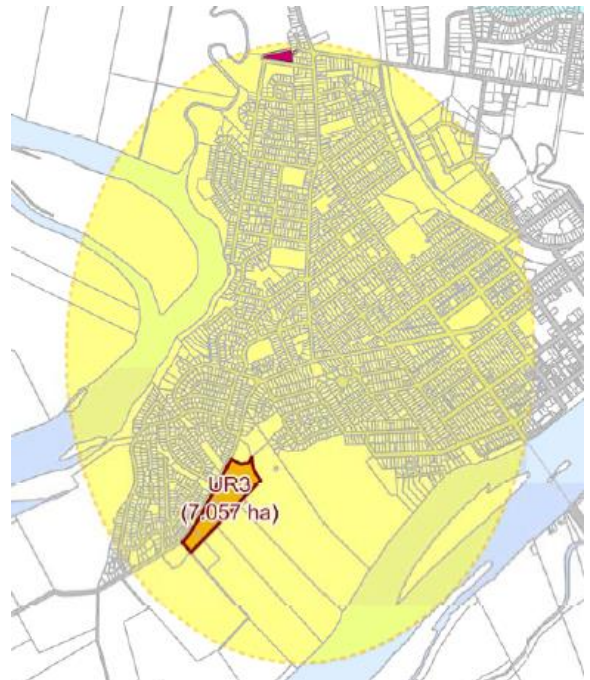


Figure 6: Taree residential catchments

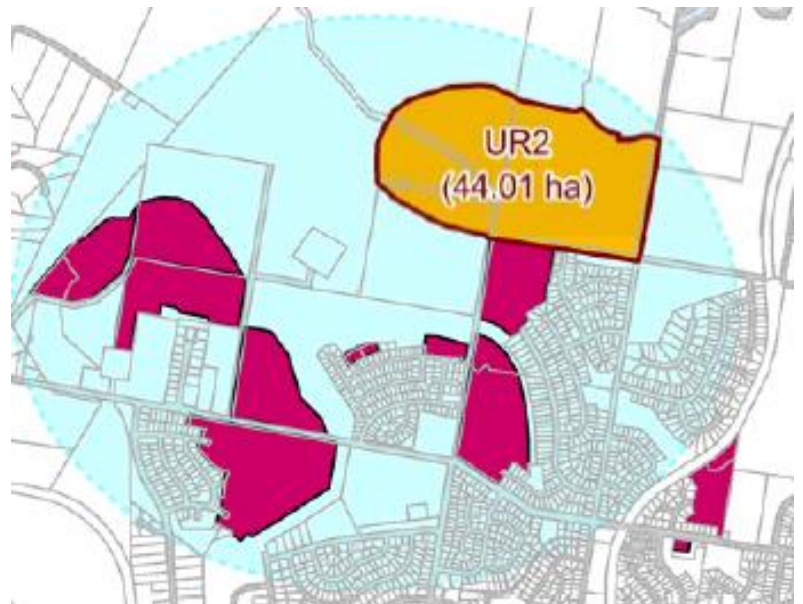
The Taree/Taree West catchment (to the right) is an area of high demand. Many of the subdivisions registered in early 2000s have been almost fully developed. The area of greatest success was in John Hall Drive where the survey was registered in 2005 and was almost fully developed over an 8 year timeframe. The aerials (below) show the extent of development.

The assessment identified that urban release area 3 is a priority area for rezoning to accommodate the residential growth in this catchment.





The Bushland catchment (to the right) is an area of low demand. Many of the subdivisions approved in the early 2000s still have large areas yet to be developed. An example is Parklands Estate where the survey plan was registered in 1995 and there is still a large number of lots to be developed. The aerials (below) show the extent of development.

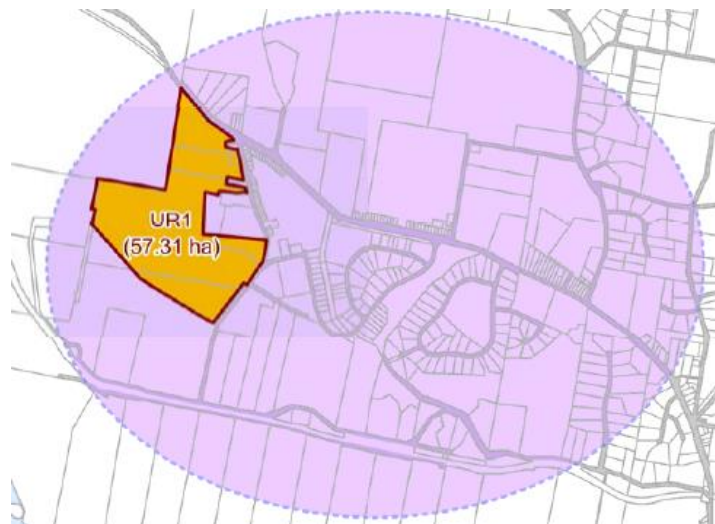


The assessment identified that this catchment has the largest area to cater for growth, however a number of factors have limited the growth making it a catchment of low demand. As a result, urban release area 2 was considered a low priority in terms of when it should proceed to the rezoning stage.



The Kolodong catchment (to the right) provides for a new housing market. There is an aged care focus in this catchment to the north of Wingham Road.

The development of urban release area 1 (the subject of this planning proposal) is recommended to proceed to provide a new housing market for Taree.



When undertaking this assessment it was noted that:

- there has been a strong growth in aged care facilities in Taree over the last 12 years which needs to continue to be accommodated for. It is likely that the Bushland catchment may accommodate some of this future growth
- if suitable land is not available in Taree, much of the growth moves to the coastal regions, particularly Old Bar, which has currently experiencing increased growth
- discussions with real estate agents, surveyors and builders identified a shortage of suitable residential land for housing in Taree
- the new town of Brimbin has the potential to offer a new housing market close to Taree. While Brimbin was included in a residential zone in 2015, the Master Plan for the site has not commenced. The owner has given no indication of when this next stage of planning is to occur and, given the lead time for development, it is unlikely that any significant land will be released onto the market for some years.

Based on this assessment it was determined that there is a need for the Kolodong land to be rezoned to cater for the residential growth of Taree.

(c) Hunter Regional Plan 2036 actions

The planning proposal has been assessed against the relevant actions of the Hunter Regional Plan 2036 (Attachment 1) and is consistent with these actions.

4.2.2 Is the planning proposal consistent with a council's local strategy or local strategic plan?

The land was originally identified in the *Taree Wingham Growth Plan 1990* following consideration by Council and was included in a larger urban release area that included the subject lands and adjoining lands to the north and south.

Parts of the subject land were then identified in the *Draft Greater Taree Conservation and Development Strategy 2005* as shown in the following map extracted from the draft strategy. The area was expanded to an area similar to that identified in the *Mid North Coast Regional Strategy 2006-2031* (refer section 4.2.1(a)).

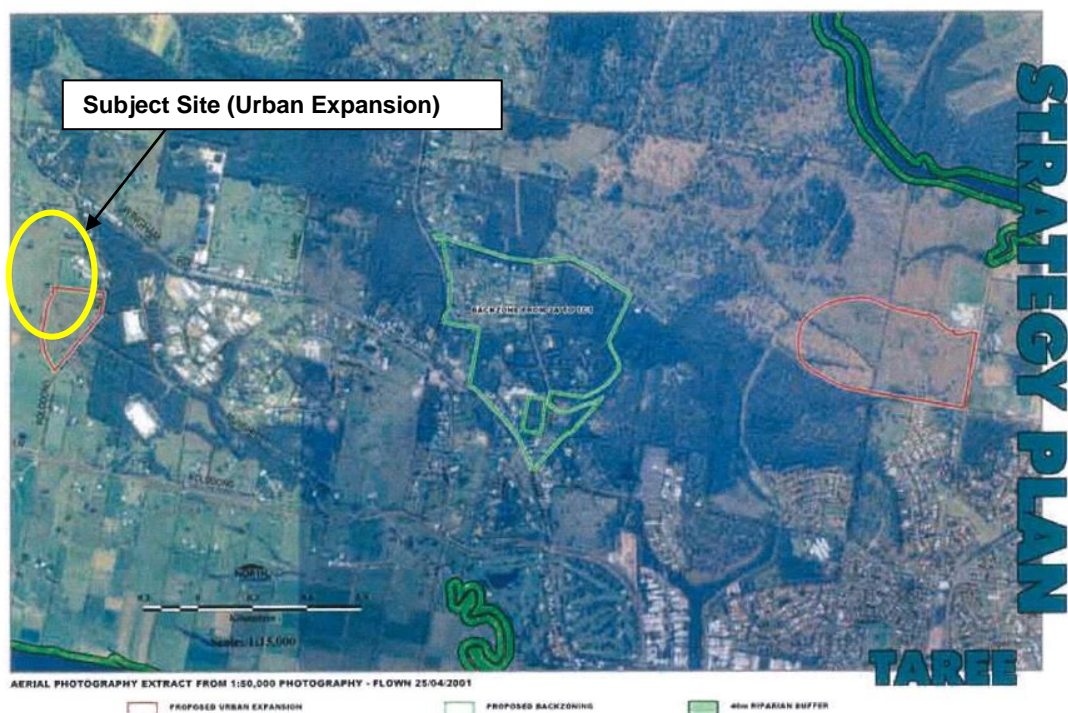


Figure 7 – Extract from Draft Greater Taree Conservation and Development Strategy 2005

4.2.3 Is the planning proposal consistent with applicable State Environmental Planning Policies?

(a) State Environmental Planning Policy Number 44 – Koala Habitat Protection (SEPP 44)

Clause 15 of SEPP 44 provides that Council should survey lands within its area and determine if land constitutes potential or core koala habitat. The subject land is highly modified agricultural land which has been cleared of native vegetation communities and is comprised of improved pastures for grazing of livestock. There are a few remnant trees throughout the paddocks, including koala feed trees. In addition, there is a small area of native trees in the north

western corner of the site which include koala feed trees. These areas could be described as potential koala habitat, even though the trees are in very low densities. There is known koala habitat on the opposite side of Kolodong Road.

While koala utilisation of this vegetation may appear unlikely given the isolation and other barriers to use (road, fencing and domestic animals), the use of such resources is possible.

The *Greater Taree draft Comprehensive Koala Plan of Management* (dCKPoM) was prepared in 2002 by the former Greater Taree City Council with The Australian Koala Foundation and Environmental Trust. The document was prepared to provide for the proper conservation and management of koalas and their habitat in the Greater Taree area. Mapping within the dCKPoM does not identify any koala habitat or linkages over the land.

Given the existing land form use and likely barriers to movement, and the findings of the dCKPoM, it is unlikely that the vegetation on the site comprises core koala habitat or is essential to koala populations in the area. It is recommended, however, that some further investigation of koala utilisation be undertaken following a Gateway determination to confirm that the vegetation is not essential for koala populations in the area.

(b) State Environmental Planning Policy Number 55 – Remediation of Land

State Environmental Planning Policy Number 55 (SEPP 55) deals with land that is contaminated and the requirements for remediation of that land. Clause 6 of SEPP 55 requires that when Council is considering zoning changes it must consider if the land is contaminated and, if contaminated, will it be suitable for the use or will it be remediated.

In relation to the subject land, it has been used for generally low intensity agricultural uses. There is no evidence of past uses being significantly contaminating. The cattle yards on the site have only been developed recently and have not been used for cattle dips, etc., and there is minimal potential for contamination at the site. A preliminary investigation would be undertaken following a Gateway determination to determine if any contaminated areas are, or are likely to be, present on the land and whether any remediation is necessary. The results of the preliminary investigation could then inform the final planning proposal.

(c) State Environmental Planning Policy (Rural Lands) 2008

The proposal is consistent with the Rural Planning Principles contained within SEPP (Rural Lands). The following compares the proposal to the Rural Planning Principles within the SEPP.

Clause 7 Principles	Comment
(a) the promotion and protection of opportunities for current and potential productive and sustainable economic activities in rural areas	The part of the site to be rezoned to residential is agricultural land, but only supports low scale grazing and hobby farming type activities. The change of these lands from agricultural use will not result in significant loss of productive agricultural land or opportunity for sustainable rural activities. The
(b) recognition of the importance of rural lands and agriculture and the changing nature of agriculture and of	The subject land includes some areas of highly productive land in the southern areas, and these are generally retained within the RU1 Primary Production

Clause 7 Principles	Comment
trends, demands and issues in agriculture in the area, region or State	Zone. Some areas of the land identified in the proposed residential zone and in the strategy release areas are mapped as class 3, however these only represent a small area of the land and the main areas of productive land are reserved for ongoing agriculture.
(c) recognition of the significance of rural land uses to the State and rural communities, including the social and economic benefits of rural land use and development,	The planning proposal does not provide for the loss of rural land uses which are important for the social and economic benefits of rural communities. The planning proposal supports local growth in accordance with the local and regional strategy and provides for maintenance and enhancement of services for the local community.
(d) in planning for rural lands, to balance the social, economic and environmental interests of the community,	The planning proposal is balanced and provides social and economic benefits for the community and maintains the highly productive areas of the site in the Primary Production zone, maintaining agricultural production. The local and regional strategies provide for a balanced approach for development and include urban growth over the subject land.
(e) the identification and protection of natural resources, having regard to maintaining biodiversity, the protection of native vegetation, the importance of water resources and avoiding constrained land,	The planning proposal affects land which has been modified from past activities and has minimal biodiversity values, and, subject to appropriate development controls, will not impact on water resources.
(f) the provision of opportunities for rural lifestyle, settlement and housing that contribute to the social and economic welfare of rural communities,	The planning proposal provides for development in a manner identified in local and regional development strategies for the area which adds to the social and economic welfare of the community.
(g) the consideration of impacts on services and infrastructure and appropriate location when providing for rural housing,	The planning proposal will include consultation with relevant service providers. The proposal will have access to reticulated water and sewer. Power and telecommunications are available in the locality and would need to be augmented to supply future development.
(h) ensuring consistency with any applicable regional strategy of the Department of Planning or any applicable local strategy endorsed by the Director-General.	The planning proposal is consistent with the Hunter Regional Plan. The proposal is consistent with the strategies for the area prepared by the former Greater Taree City Council.

While the site is in the Primary Production zone, the planning proposal provides for uses which have been identified in local and regional development strategies for the area. The proposal provides residential land in a logical and sequential manner consistent with the Council's strategies and plans for the area. The areas of land located in the southern part of the subject lands which are utilised for productive agricultural activities are to be retained in the RU1 – Primary Production zone and reserved for ongoing agricultural production.

(d) State Environmental Planning Policy (Infrastructure) 2007

The policy identifies permitted development of infrastructure and service facilities with and without consent, matters to be considered in the assessment of development

adjacent to particular types of infrastructure, and consultation with relevant public authorities.

Ongoing consultation will occur with Council (including Water Services), Essential Energy, Transgrid and NBN Co to ensure that all necessary infrastructure will be delivered consistent with the policy requirements.

Clauses 85-88 of the SEPP provide controls in relation to development adjacent to rail corridors in relation to land use, excavation and impact of noise and vibration. The proposal does not provide for additional development or uses within approximately 350m of the rail corridor and would be consistent with these clauses. Interim Guidelines for development near rail corridors provide that noise and vibration from rail corridors would only be an issue where development is located within 80 metres of the corridor.

4.2.4 Is the planning proposal consistent with applicable Ministerial Directions (Section 117 directions)?

The following Ministerial Directions are applicable to the planning proposal:

Direction	Comment	Consistency with Direction
1.2 – Rural Zones	The subject land is zoned rural (RU1) and involves changes to the zone. The provisions of the Direction provide that land zoned rural must not be rezoned to a residential, business, industrial, village or tourist zone unless it is supported by a local or regional strategy, which considers the objectives of the Direction, or is a proposal of minor significance. The proposal is generally consistent with the future urban growth areas identified in the <i>Mid North Coast Regional Strategy/Hunter Regional Plan</i> . The proposal maintains highly productive agricultural land in the RU1 – Primary Production zone.	Inconsistent but of minor significance due to being recognised in the regional plan
1.3 Mining, Petroleum Production and Extractive Industries	The objective of the direction is to ensure that the future extraction of State or regionally significant reserves of coal, other minerals, petroleum and extractive materials are not compromised by inappropriate development. There are no mines or quarries in proximity to the site or any state or regionally significant resources identified in the area. Consistent with the direction, consultation will occur with the Department of Primary Industries after a Gateway determination has been received.	Consultation will occur as required
1.4 Oyster Aquaculture	The objective of this direction is to ensure protection from land uses that may result in adverse impacts on water quality and the health of oysters and consumers. The site is located upstream of oyster aquaculture in the Manning River and is designed to ensure no negative impact on water quality downstream. This will be achieved by: <ul style="list-style-type: none"> • control of stormwater from urban areas • connection to reticulated sewer. 	Yes
1.5 Rural Lands	This applies as the land involves changes to rural zoned land. The Direction provides that a rezoning must be consistent with the Rural Planning Principles and Subdivision Principles contained in <i>State</i>	Inconsistent but of minor significance due to being

Direction	Comment	Consistency with Direction
	<p><i>Environmental Planning Policy (Rural Lands) 2008.</i> The Rural Planning Principles are discussed within this report, and the proposed rezoning is consistent with the principles. The Direction provides that a planning proposal may be inconsistent with these requirements where it is justified by a strategy which takes into account the objectives of the Direction. The <i>Mid North Coast Regional Strategy and Hunter Regional Plan</i> are considered to account for the Direction's objectives and identifies the land as future urban</p>	recognised in the regional plan
2.1 Environmental Protection Zones	The Direction provides that a planning proposal must facilitate protection of environmentally sensitive areas. Given the disturbed nature of the site, it is unlikely that any environmentally sensitive areas exist within the site which would require an environmental protection zone. Should further investigation following a Gateway determination identify environmentally sensitive areas, environmental protection zones may be incorporated	Yes
2.3 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 and there are no apparent items which would be suitable for listing.</p> <p>In relation to indigenous heritage, the Direction provides that items of Aboriginal Heritage should be identified by an Aboriginal Heritage Survey. An AHIMS search has been done over the land which did not identify any Aboriginal sites or places on the land or surrounding area. The land is 'disturbed land' and application of the Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales would suggest that further investigation would not be required (for Part 4 development). Following a Gateway determination, further Aboriginal heritage investigations/assessment may be carried out if required</p>	Consultation will occur as required
3.1 Residential Zones	<p>The proposal involves the application of a residential zone. The Direction requires that the planning proposal:</p> <p><i>(a) broaden the choice of building types and locations available in the housing market, and</i> <i>(b) make more efficient use of existing infrastructure and services, and</i> <i>(c) reduce the consumption of land for housing and associated urban development on the urban fringe, and</i> <i>(d) be of good design.</i></p> <p><i>(5) A planning proposal must, in relation to land to which this direction applies:</i> <i>(a) contain a requirement that residential development is not permitted until land is adequately</i></p>	Inconsistent but of minor significance due to being recognised in the regional plan

Direction	Comment	Consistency with Direction
	<p><i>serviced (or arrangements satisfactory to the council, or other appropriate authority, have been made to service it), and</i> <i>(b) not contain provisions which will reduce the permissible residential density of land.</i></p> <p>As discussed, the concept for the land provides residential land with a high level of amenity, which is not well supplied in the Taree market, and broadens housing choice. The existing planning instruments and development controls that would apply to future development of the land contain provisions consistent with the provisions of the Direction. Greater Taree LEP 2010 includes provisions that residential areas must be adequately serviced before subdivision may occur. The proposal will increase permissible residential density on the land. The Direction also provides that a planning proposal may be inconsistent with this Direction when it is consistent with a regional strategy prepared by the Director General. The subject land is identified for urban growth in the <i>Mid North Coast Regional Strategy/Hunter Regional Plan</i>.</p>	
3.4 Integrating Land Use and Transport	<p>This Direction applies as the proposal involves the creation of a residential zone. This Direction requires Council to give effect to policies aimed at improving transport oriented design in urban areas. In the case of the subject land, the housing is located at an urban edge between the centres of Taree and Wingham. Bus services pass the land connecting the two centres on a regular basis. Future development of the land should incorporate a through road that provides a bus route to serve future residents. Residential use of the land as proposed would be consistent with the policies for integrating land use and transport. In addition, the Direction provides that a Planning Proposal can be inconsistent with the Direction where it is consistent with a regional strategy (such as the <i>Mid North Coast Regional Strategy/Hunter Regional Plan</i>).</p>	<p>Yes</p> <p>A traffic study will be undertaken post Gateway.</p>
4.1 Acid Sulfate Soils	<p>The direction provides for actions where a planning proposal provides for intensification of land use on lands having a likelihood of containing Acid Sulfate Soils. The areas affected by the proposed changes of zoning are not mapped as potentially containing Acid Sulfate Soils. Small areas of the land affected are identified as class 5, however these are not areas likely to contain Acid Sulfate Soils, but are areas within 500m of areas likely to contain Acid Sulfate Soils. The direction would not require Acid Sulfate Soils assessment for the planning proposal.</p>	<p>Yes</p>
4.3 Flood Prone Land	<p>This direction provides requirements where a planning proposal creates, alters or removes provisions over land identified as flood prone. The Council mapping identifies that parts of Lot 6 DP 614144 are flood prone. These areas are limited to areas that are not altered by the planning proposal, and which remain in the Primary Production zone. The planning proposal</p>	<p>Yes</p>

Direction	Comment	Consistency with Direction
	is consistent with the provisions of the Direction.	
4.4 Planning for Bushfire Protection	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. Future development on the land will be capable of complying with relevant NSW Rural Fire Service Guidelines.	Consultation will occur as required
5.10 Implementation of Regional Plans	This Direction provides that a planning proposal must be consistent with the <i>Hunter Regional Plan 2036</i> . Section 4.2.1 demonstrates that the proposal is consistent with the strategy.	Yes
6.1 Approval and Referral Requirements	The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development by minimising the requirement for concurrence with or referral to the Minister or a public authority. The planning proposal does not create any additional requirements for concurrence with or referral to the Minister or public authority beyond existing planning requirements.	Yes
6.2 Reserving Land for Public Purposes	The objectives of this direction are to facilitate the provision of public services and facilities by reserving land for public purposes, and to facilitate the removal of reservations of land for public purposes where the land is no longer required. The direction states that a planning proposal shall not create, alter or reduce existing zonings or reservations of land for public purposes without the approval of the relevant public authority and the Director-General of the Department of Planning. The planning proposal does not involve the creation of land reserved for public purposes.	Yes

5.0 Environmental Social and Economic Impact

5.1 *Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?*

The subject land is highly disturbed and modified as it has been cleared for past activities, and contains only remnant native trees scattered amongst the grasslands and a small area of regrowth vegetation over grazed areas in the north western corner. There are also areas of regrowth located within the gullies that pass through the site, although in the main these areas are dominated by weeds.

Given the disturbed nature of the land, and the minimal areas of potential habitat, it is highly unlikely that the land would provide significant values for threatened species, populations or ecological communities. The land is not identified as critical habitat.

There is a small pocket of native woodland located in the north western corner of the site which is in relatively good condition and is the only area of native vegetation community over the site. This area has been placed in an Environmental conservation zone to protect its potential value for local ecology.

While the land is unlikely to be significantly constrained by Threatened Species, etc., those areas of native vegetation regrowth should be examined to ensure threatened plants or significant habitat areas do not occur. An ecological assessment of these areas would be carried out following a Gateway determination, including an assessment for koala utilisation of isolated paddock trees. In the unlikely event that ecological values to Threatened Species etc. exist, environmental protection zones will be created.

5.2 *Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?*

The subject land has been identified for many years as a potential new urban area of Taree. The land has consistently been found to be subject to limited environmental constraints through local and regional strategies, as well as in detailed studies of the land. The following environmental issues have been examined based on review of the previous reports and available information for the land.

5.2.1 Prime agricultural land

There are a number of maps that have been developed for agricultural lands in the Manning Valley. In 1992, when the site was first being considered for rezoning to residential, a detailed assessment of the rural lands in this location was undertaken in consultation with the NSW Department of Agriculture. Figure 8 shows the findings of this detailed assessment and overlays the proposed extent of the residential zone.

An agricultural mapping product was provided in 2000, which was based on broad scale mapping based on regional maps of slope class, soils and satellite imagery. These maps did not involve detailed investigation of the land as occurred in 1992. It is noted that the methodology of the 2000 study advises that “this map has been supplied to provide a general overview of the distribution of agricultural lands throughout the Shire. This map cannot be used to accurately determine the agricultural land classification of any particular site or locality”. A similar regional approach was undertaken to produce the recent Biophysical Strategic Agricultural Land mapping which shown in Figure 9. It nominates land to the south of the railway line as highly capable intensive agricultural lands and categories of good pasture lands over the lands subject to the rezoning.

Given the site specific research undertaken for the 1992 mapping it is considered to be more accurate for the circumstances of the site.

The 1992 mapping identified areas of class 3 and class 4 lands. The class 3 lands were adjoining high quality lands used for dairying on the opposite side of the rail corridor. As shown in Figure 8, the proposed residential zone boundary utilises the natural feature of the low ridge as a boundary, which will separate the future urban areas from the retained rural areas. As a result, the proposed urban zoned areas occupy part of the class 3 area. However, the majority of the area is maintained in the Primary Production zone to be utilised for agriculture. The proposed change of zoning/land use would not have a significant impact on the availability of prime agricultural land in the area or on the agricultural production capability of the area.

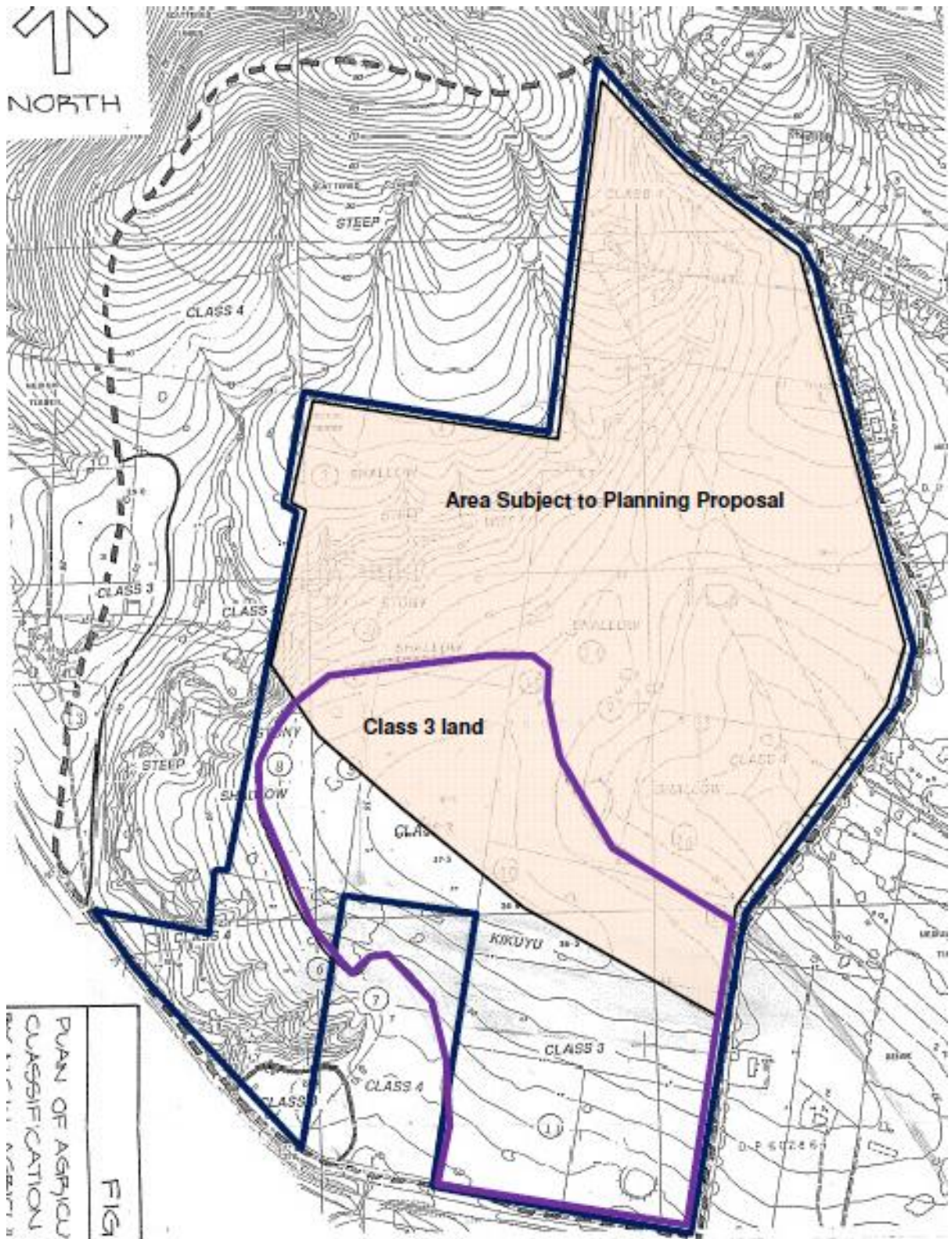


Figure 8: 1992 Agricultural mapping

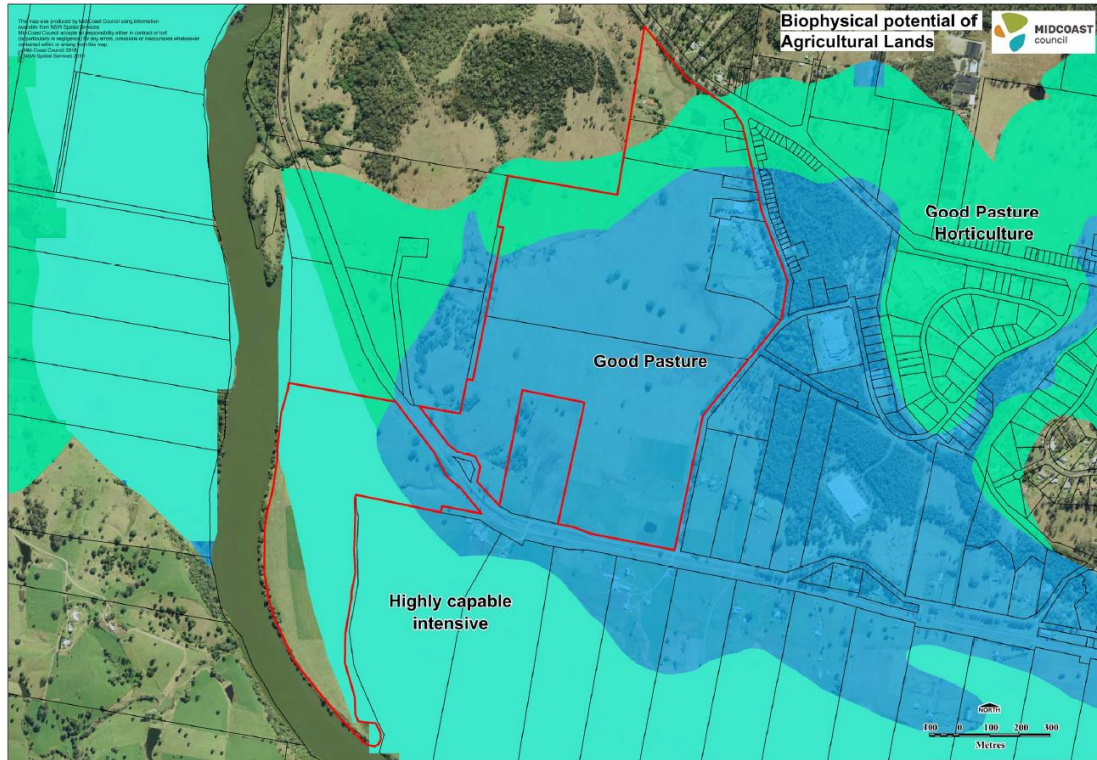


Figure 9: Biophysical Strategic Agricultural Land mapping

5.2.2 Soils

The soils over the land are not a significant constraint to development. The soils are generally shallow soils over consolidated materials and hillsides. The slopes of the land vary between 4% (2⁰) and 7% (4⁰), with a few steeper areas (still on 14% (8⁰) maximum), and are unlikely to be subject to instability or landslip.

The site is not mapped as potentially containing acid sulfate soils and a small area of class 5 in the south western parts of the site is not a constraint to development. Potential areas of contamination will be investigated after the Gateway determination.

5.2.3 Stormwater

The proposed development will generate increased stormwater run-off from the land. Future development of the land can provide a suitable stormwater drainage system with controls for flow rate and water quality.

The natural drainage system for the land provides suitable opportunities for drainage of future development with existing gullies providing drainage opportunities, including the opportunity for water quality control structures and detention. The drainage of the eastern parts of the land toward Kolodong Road is via a low wide gully which may be periodically wet and less suitable for residential development. This land may have a dual purpose to provide drainage function, along with some recreation opportunities.

5.2.4 Traffic

The traffic generated from the proposed 450 residential lots could have a five fold increase on the existing daily traffic volumes on Kolodong Road and the intersection at Wingham Road. (assumption - the current volumes north of the school are around 700 a day and using the NSW Roads and Maritime Services (RMS) "Guide to Traffic Generating Developments".) The Guide to Traffic Generating Developments has low density residential dwellings in regional areas listed as having 7.4 daily vehicle trips and therefore the proposed 450 dwellings could generate 3,330 trips a day. These

volumes have the potential to have a major impact on the efficiency of intersection at Wingham Road and may result in delays to vehicles exiting Kolodong Road onto Wingham Road.

A traffic assessment will be undertaken after the Gateway determination to examine the effects on Kolodong Road and Wingham Road and provide recommendations for the necessary road upgrades to cater for this development.

The assessment will examine:

- a roundabout at the intersection of Wingham Road and Kolodong Road
- an access road situated between Wingham Road and Baptist Church/Taree Christian College to this rezoning site. There should not be another access road to the south of the school as residents using a southern access road would be travelling past the school to access Wingham Road. A southern access point would have additional traffic travelling past the school frontage which would not be desirable as it would reduce safety at the school and further increase congestion at the school's bus bay and driveway
- a roundabout, or at the very least channelised right and left turns, on Kolodong road at the access road to this rezoning development. This will ensure traffic can move along Kolodong Road past the new access road and not be delayed by waiting vehicles turning into the development site
- upgrades to Kolodong Road, including kerb and guttering, to Council's standards.
- bus facilities to be provided on Kolodong Road (i.e. bus bays) and the internal roads to cater for buses if required.

5.2.5 Visual

The lands offer very desirable rural views and aspect towards the river, with intervening farmland and hills beyond.

While elevated, the lands are comprised of low undulating hills and are visually recessive to the higher, steeper ridges located to the north and north-west of the property.

There are limited public viewing points to the property, and development of the site would not create significant impacts to existing views or vistas in the area. The main views onto the property are from short sections of Wingham Road, along Kolodong Road, and from the Neales Lane corridor to the south. These views are shown below.



Wingham Road

- Views to northern section of land for brief sections.
- Existing road side vegetation provides screening.
- Future development to enhance planting for privacy, noise, etc.



Kolodong Road

- Views to eastern parts of development site.
- Existing road side vegetation provides screening.
- Future development to enhance planting for privacy, noise, etc.
- Vegetated ridges to north remain the dominant landscape feature.



Neales Lane Corridor

- Views to southern side of development site.
- Low scale residential edge would become visible at low ridge.
- Planting along future edge will minimise impact.
- Vegetated ridges to north remain the dominant landscape feature.

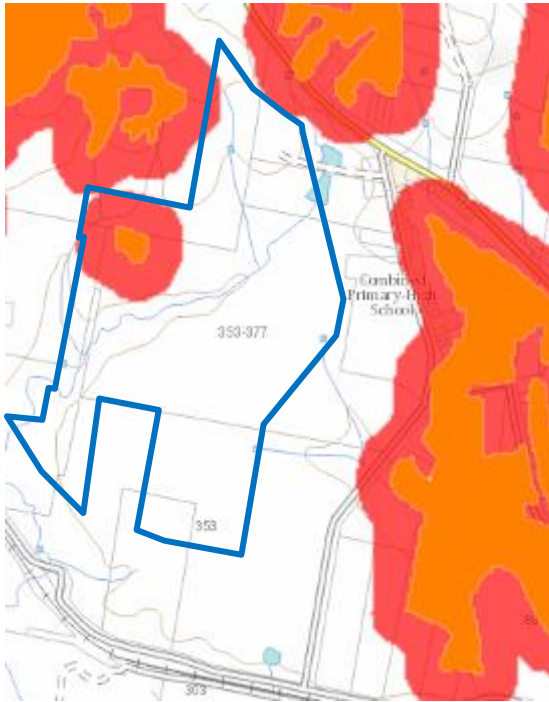
Given the planning proposal would only facilitate low scale, low density residential development over the land and the few public viewing areas, the visual impact of future development would be minimal and can be resolved through landscape treatment of development edges.

5.2.6 Land Use Conflict

The proposal includes interface between the residential zoned land and land reserved for primary production (agriculture). It is important that measures be put in place to minimise the potential for land use conflicts between residential uses and agriculture. The interface has been placed along a broad ridge which acts as a natural barrier and measures will be incorporated into a DCP for the site. Measures may include the provision of public road or open space between the land uses to separate dwellings from agricultural areas, including appropriate landscaping.

5.2.7 Bushfire

The subject land is partly identified as Bushfire Prone Lands. The Bushfire Prone Lands map below shows the land in the planning proposal:



Bushfire Prone Lands Map

- Minimal Bushfire Prone vegetation on site.
- Limited to area of regrowth on north western corner of site.
- Buffer areas along Wingham Road frontage.
- Buffers along parts of Kolodong Road frontage.

Compliance with the NSW Rural Fire Service Guideline *Planning for Bush Fire Protection 2006* would be easily achievable for residential development of the land as follows:

- required Asset Protection Zones could be incorporated for the development edges to bushfire prone vegetation
- a high level of access is available with alternate access directions available along Wingham Road and Kolodong Road. Future access can incorporate a circulating road system to provide alternate access where necessary
- water supply and hydrants for fire fighting supply will be provided throughout future development
- services can be provided to future development in a compliant manner.

5.3 Has the planning proposal adequately addressed any social and economic effects?

The subject land is currently utilised for limited low scale grazing purposes. While the proposal involves the zoning of some land utilised for agriculture and identified as class 3 land, the proposal maintains the majority of the class 3 lands for agricultural use and retains the highly productive lands for agriculture, and there would be no loss of significant agricultural production as a result of the proposal.

The proposal provides growth in the area consistent with the local strategies which promote social and economic benefits for the area. The proposal will provide land for a new residential market in Taree which is needed to cater for the growth of Taree.

The proposal will support the local construction industry and maintain/increase employment in this industry.

The site does not contain any items of European Heritage and would be unlikely to contain any items of significance. Given the highly disturbed nature of the land, there is not a high likelihood of the presence of Aboriginal cultural heritage items on the

land. Further investigation of Aboriginal cultural heritage significance can be carried out following a Gateway determination.

The urban release area created will provide land for recreational use to meet the needs of the new residents. The funding for embellishment of this area is not included in the current Section 94 plans for Taree and additional funding mechanisms for the embellishment of these open space areas will need to be developed in conjunction with a future DCP for the site.

6.0 State and Commonwealth Interests

6.1 Is there adequate public infrastructure for the Planning Proposal?

Servicing for the area is provided on the basis of the local growth strategies. The site is located adjacent to existing urban development forms and has ready access to urban services.

Council Water Services Division's *Taree Sewerage Servicing Strategy* identifies the land as being partly within the sewerage catchment for Pump Station 32, with the remainder being located in a future servicing area served by a future Pump Station 33 to be developed in the south western part of the land.

Service infrastructure required for the proposed subdivision will be for water, sewer, electricity and telecommunications. Water will be provided by Council's Water Services reticulated system and the land is located within the Manning Water Supply service area. The site will have access to electricity services, subject to necessary augmentation and reticulation in construction. Telephone services are available in the area and can be extended to future subdivision on the land. The Optic Fibre NBN Network passes through the northern end of the land.

Public infrastructure is available for the land and is a natural progression of servicing along this growth corridor. Consultation will occur with the service authorities following a Gateway determination.

6.2 What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway determination?

Extensive consultation in regard to the previous rezoning proposal over the land was undertaken in 1992 and again in 2004 when the local strategy was prepared.

Further consultation will occur with public authorities as required by the Gateway determination. The following authorities have been identified as requiring consultation.

- Office of Environment and Heritage – to determine any further cultural heritage investigations.
- NSW Rural Fire Service – bushfire issues.
- Council's Water Services Division – water and sewer servicing issues.
- Essential Energy – electricity servicing issues.
- Department of Education and Training – notification of this new growth area
- Department of Primary Industries – rural lands and minerals review
- Roads and Maritime Services – traffic assessment
- Department of Health - notification of this new growth area
- RailCorp – proximity of the rail line

7.0 Mapping

The proposed LEP mapping changes are shown in section 3.0 of this planning proposal.

8.0 Community Consultation

The Gateway determination will specify the community consultation that must be undertaken for the planning proposal. It is considered appropriate that the planning proposal be placed on exhibition for 28 days following the Gateway determination, being Council's standard minimum rezoning exhibition period. During the exhibition period it is proposed to:

- advertise the planning proposal in a local paper;
- provide information about the planning proposal at the Council's Taree and Forster Administration Buildings and Taree Library and Wingham Libraries. Council's website will also have available all relevant documents;
- notify surrounding/neighbouring residents via a letter.

9.0 Project Timeline

The following timeline is anticipated for the Planning Proposal.

Task	Responsibility	Timeframe	Date (approx)
Draft planning proposal reported to Council for consideration	MidCoast Council		February 2018
Lodgement of planning proposal for Gateway determination	MidCoast Council		March 2018
Gateway Determination	Minister for Planning and Environment	4 weeks	April 2018
Additional investigations and assessments prepared and State agency consultation	Proponent/MidCoast Council	20 weeks	October 2018
Public Exhibition of planning proposal	MidCoast Council	Minimum 28 days	November 2018
Final planning proposal reported to Council	MidCoast Council	4 weeks	December 2018
Making of Local Environmental Plan	Minister for Planning and Environmental	6-8 weeks	March 2019

Attachment 1

Hunter Regional Plan 2036

Relevant Hunter Regional Plan action	Comments
Direction 6 – Grow the economy of MidCoast and Port Stephens	
Action 6.5 Plan for and provide infrastructure and facilities that support the ageing population.	The planning proposal aims to provide a residential living product in high demand in the Taree area. The land provides a high level of amenity and is in very close proximity to the Mayo Private Hospital. The site is also approximately 6km to the Taree city centre which provides all the essential services for an ageing population.
Direction 10 – Protect and enhance agricultural productivity	
Action 10.1 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.	According to the BSAL mapping the Highly Capable Intensive Agricultural Lands are being reserved for agricultural use and will remain in the Primary Production (RU1) zone. These sites are not identified as containing Prime Pastures and Cropping lands. As a result this proposal will protect agricultural enterprise land.
Action 10.6 Manage Biophysical Strategic Agricultural Land and other important agricultural land as locations for agricultural activities and complementary uses.	Land that is identified as important agricultural land (Highly capable intensive agricultural land) according to BSAL mapping will remain in the Primary Production (RU1) zone. Agricultural activities will also be continued in the form of existing low intensity cattle grazing and agricultural education.
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.	The natural features of the land provide a visual separation between the residential land and the agricultural production land. The potential for land use conflict will be considered at the development stage following more detailed planning of development layout.
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.	The development of this site is consistent with planning strategies for this area and has been previously identified as an urban release area. This site would allow for the orderly development of residential lands in a location where services can be readily provided for future residents and land use conflicts are minimal
Direction 14 – Protect and connect natural areas	
Action 14.5 Secure the long term protection of regionally significant biodiversity corridors.	There is an area of woodland vegetation in the northwest corner of 443 Kolodong Road. It is proposed to zone this area Environmental Conservation to protect and enhance the potential ecological values of this part of the site.
Direction 15: Sustain water quality and security	
Action 15.1 Protect water catchments to sustain high quality and dependable water supplies across the region.	Stormwater and catchment will be designed and assessed at the development assessment stage.
Direction 17: Create healthy built environments through good design	
Action 17.3 Enhance the quality of neighbourhoods by integrating	Open space provisions are required for the development of

recreational walking and cycling networks into the design of new communities to encourage physical activity.	this site. Recreational networks will be considered at the development design stage for development approval.
Direction 18: Enhance access to recreational facilities and connect open space	
Action 18.2 Deliver connected biodiversity-rich corridors and open space areas for community enjoyment.	As part of the development assessment, open space areas will be required. These will be incorporated into the development design prior to development assessment.
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.	The local Aboriginal community will be consulted following the Gateway determination.
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.	This site is at the outskirts of Taree and will provide an urban form consistent with the residential areas of Taree.
Direction 22: Promote housing diversity	
This planning proposal aims to provide a product that is in high demand in the area but not easily supplied. The amenity of the site accompanied by its close proximity to the Taree city centre will add diversity to the housing market for Taree.	
Direction 25 – Monitor housing and employment supply and demand	
Action 25.3 Sequence new greenfield urban development that makes efficient use of infrastructure networks and capacity.	There is a demonstrated need for this site to be developed to provide a new housing market for Taree. The planning proposal will require infrastructure network improvements which will provide improved safety for the existing traffic, including school traffic, already using Kolodong road.
Direction 26 – Deliver infrastructure to support growth and communities	
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.	The following agencies will be contacted following the Gateway determination to ensure the provision of facilities for the potential increased demand created by the proposed development can be supported: <ul style="list-style-type: none"> • Office of Environment and Heritage – to determine any further cultural heritage investigations • NSW Rural Fire Service – bushfire issues • Water Services Division of Council – water and sewer servicing issues • Essential Energy – electricity servicing issues • Department of Education and Training • Department of Primary Industries (DPI) • Roads and Maritime Services • Department of Health – Hunter New England • RailCorp