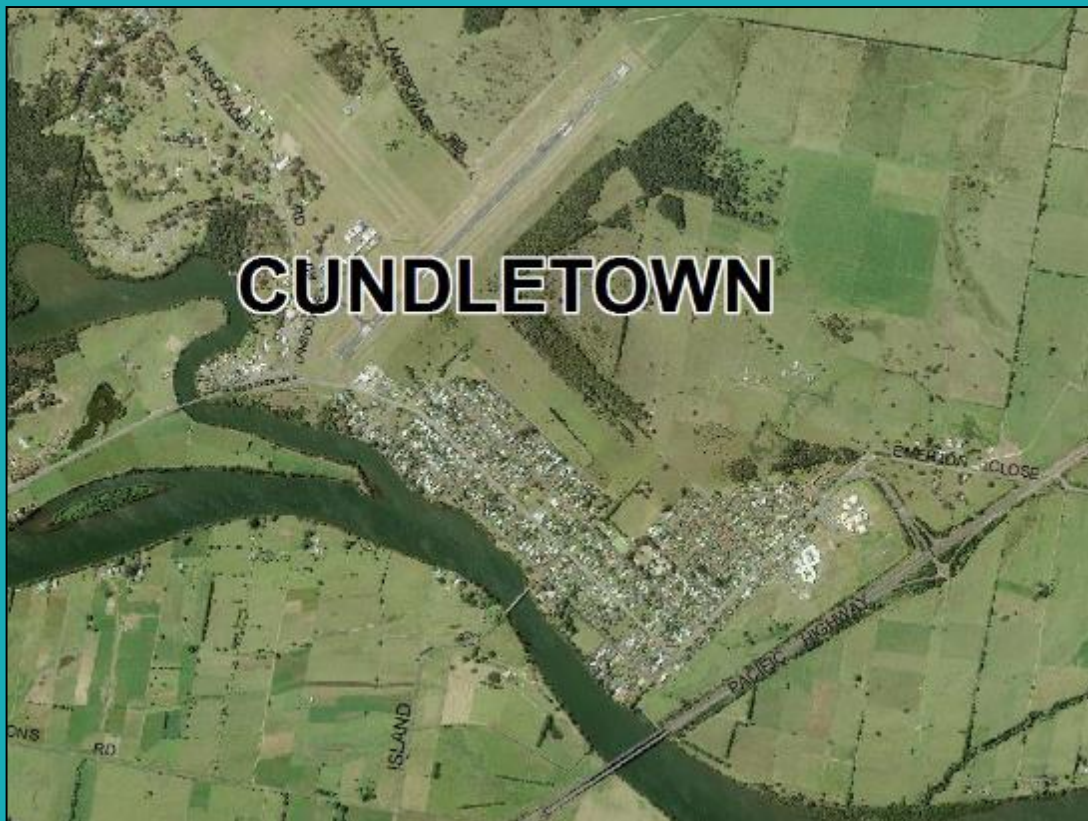


Planning Proposal

Amendment to the Greater Taree Local Environmental Plan 2010

Northern Gateway – Stage 2



Lot 1 DP 1096868, Lots 1 & 2 DP 733715, Lot 16
DP 613107, Lot 1 DP 1139255 and Lot 681 DP 617842
Emerton Close and Denison Street, Cundletown

August 2020



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1. Introduction

Over the last five years Council has been actively supporting the development of the Northern Gateway Transport Hub north of Cundletown. The immediate intended use of this hub is for road transport-related services/industries given it adjoins the Pacific Highway. Over time it will be connected to other transport forms including air (adjoining Taree Airport) and rail (located in Taree).

The Northern Gateway is being developed in two stages. Stage 1 (7 ha) is adjacent to the Pacific Highway at Emerton Close. This land has been rezoned and a development application approved to establish a transport/trucking depot for a regional transport operator. Stage 2 (50 ha) seeks to extend the land available for transport related industries towards the airport.

To facilitate the development of the land, changes are required to the *Greater Taree Local Environmental Plan 2010* (LEP 2010). The changes involve including part of the site in the General Industrial (IN1) zone and applying local provisions (in Part 7 of the LEP 2010) to ensure future development is transport related. Important ecological values of the site will be included in the Environmental Conservation (E2) zone. The remainder of the properties will continue to be used for rural activities.

This planning proposal outlines the characteristics of the site, how the proposed development is consistent with the planning controls and the amendments that are proposed to the LEP.

1.1 Site details

The site is located north of the existing developed areas of Cundletown. The location of Cundletown in relationship to Taree is shown in the map below.

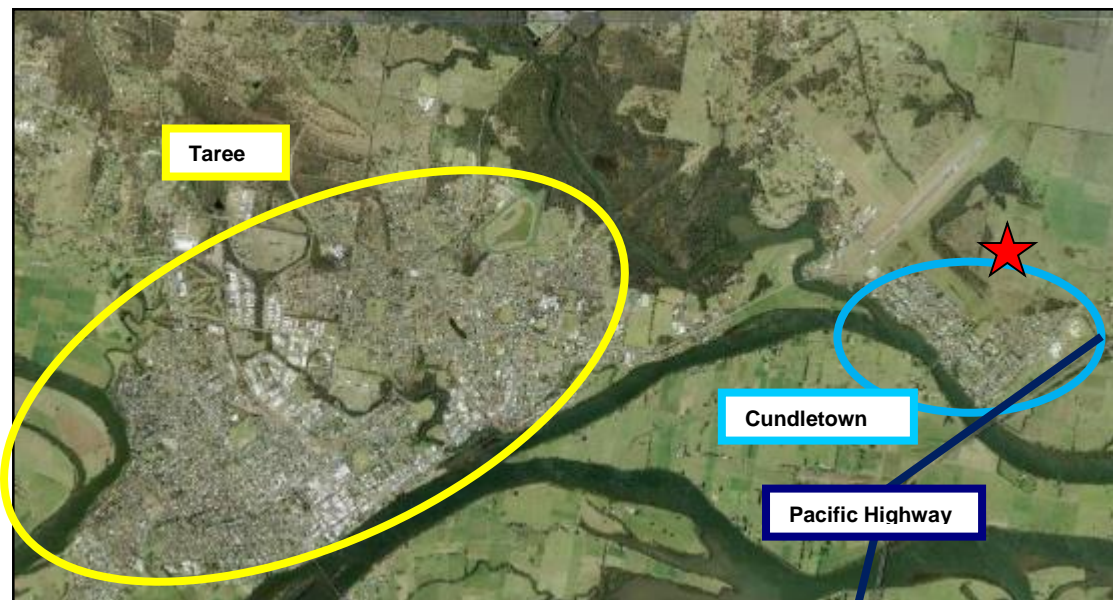


Figure 1 – Site in local context to Cundletown and Taree

The site (shown as ★) is located between the airport and the northern access to the Pacific Highway, which is the main regional transport corridor linking Sydney and Brisbane.

The following table provides the specific details of the site.

Site address	39 Emerton Close, Cundletown 3 Emerton Close, Cundletown 1 Emerton Close, Cundletown Lot 16 Denison Street, Cundletown Lot 681 Denison Street, Cundletown Lot 1 Denison Street Cundletown
Real property description	Lot 1 DP 1096868 Lot 1 DP 733715 Lot 2 DP 733715 Lot 16 DP 613107 Lot 681 DP 617842 Lot 1 DP 1139255
Combined land area	Approximately 333 hectares
Northern Gateway study area (Stage 2)	Approximately 67 hectares

As seen in the aerial photograph (Figure 2), the site is currently used for agricultural and rural living purposes. There are several rural dwellings and agricultural structures including yards, fencing and rural sheds located in the study area.

Existing vehicle access is provided from Emerton Close. There is no other formal public road access to the site, however a driveway connecting to the western-most property joins the end of Denison Street.

The study area for Stage 2 of the Northern Gateway is limited to southern parts of the subject properties as shown in blue in Figure 2.



Figure 2 – Subject lands with Northern Gateway stages highlighted

1.1.1 Vegetation

All vegetation on the land is generally disturbed from past and current grazing, dairying and cropping. The ecological investigations undertaken by Naturecall identified six (6) vegetation communities over the land. These communities are mapped in Figure 3 and contain the following:

1. **Derived (exotic) Pasture** (hatched area) – this community exists over the cleared grassland areas and is generally absent of any trees or shrubs. It is dominated by ground covers of exotic pasture species such as kikuyu and white clover.
2. **Derived Very Tall Open/Forest Redgum Woodland** (yellow area) – this community exists in three (3) patches over the land and has large Forest Red Gums as an overstorey, with the understorey generally dominated by exotic pasture species as described above. The community has components of EEC, but they are non-viable communities.
3. **Swamp Oak Forest** (pink area) – this community exists along the south eastern boundary of the site and is dominated by an overstorey of *Casuarina glauca* with a sparse understorey and ground cover. The community is floristically similar to EEC, but is not located on coastal floodplain as it is located above the 100-year flood level (refer to Figure 5) and does not meet the listing.
4. **Tall Open Paperbark Swamp Forest** (green area) – there is a small clump of this vegetation community in the western part of the site. The community is dominated by a monoculture of *Melaleuca quinquenervia* with a sparse understorey which is grazed and utilised as a ‘cattle camp’. The vegetation forms part of an EEC – Swamp Schlerophyll Forest on Coastal Floodplains.
5. **Immature Swamp Forest Regrowth** (orange area) – the community exists in an area where management of pasture areas has ceased for approximately five (5) years and is now regenerating with swamp forest vegetation. The community would be non-protected regrowth and could be cleared under the *Native Vegetation Act 2003*. Whilst the land could be cleared, the community would form an EEC – Swamp Schlerophyll Forest on Coastal Floodplains.
6. **Aquatic Vegetation** (blue area) – the vegetation community exists in a large dam in the southern parts of the site and along the narrow drainage channel through the site. The community includes sedges and rushes. The vegetation in the dam has been identified as viable EEC – Freshwater Wetlands of Coastal Floodplains, whilst the vegetation in the drainage channel is not identified as a viable community.

In addition, there are areas to the north-west of the Northern Gateway study area (within the subject properties) which contain mature forest vegetation.

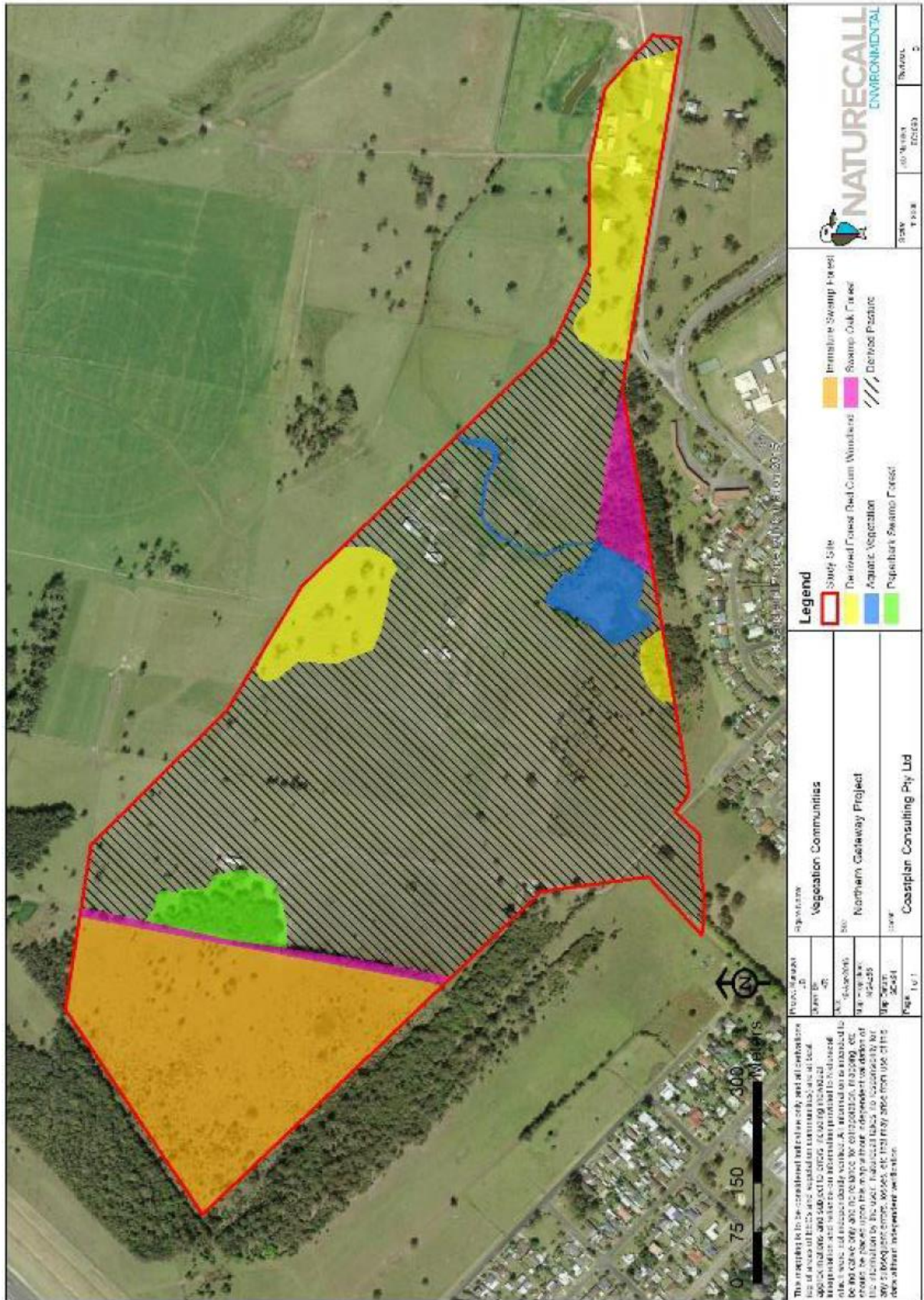


Figure 3 – Vegetation Communities over Study Area [From Naturecall, 2016]

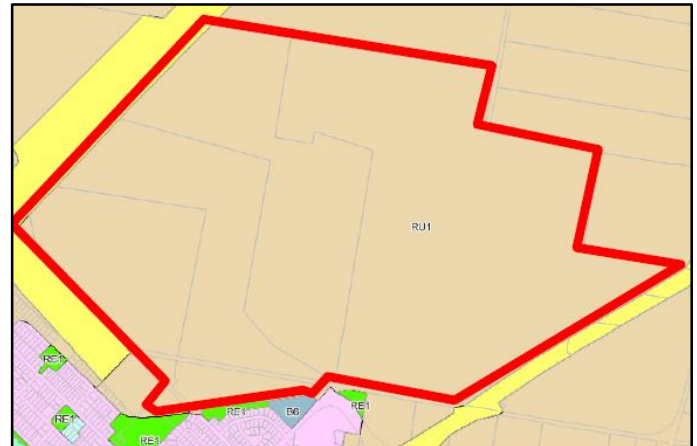
1.1.2 Topography

The site can be described as flat within a minimal grade from south to north. The levels over the land (from available ALS Data) vary from a highpoint of approximately 7.5m AHD in the southern parts of the site (within Lot 1 DP 1139255) down to the north eastern edge of the study area with a level of approximately 1.5m AHD.

The study area is considered a low hazard fringe area where the flood waters move slowly into the site, rather than at high velocities. Flood information is outlined in section 5.2.3 of this proposal. Given the minimal grade of parts of the site, it is likely that some filling and land form modification may be necessary to facilitate effective drainage of the land.

1.1.3 Land zoning

The current zoning of the site is shown to the right. It is included in the Primary Production (RU1) zone (shown as brown).



1.1.4 Traffic and access

The site currently has legal and physical access from Emerton Close and Denison Street. The existing agriculture uses and rural dwellings do not generate significant traffic volumes.

A corridor of land along the south eastern edge of the site (between the study area and the residential areas of Cundletown) is identified as land for a future major road to act as the Cundletown Bypass. The lands are subject to provisions under clause 5.1 of the LEP 2010 which provide for acquisition of the land by Council. The area subject to this acquisition provision is shown in the map to the right in yellow.



A new roundabout is to be provided at the intersection of Emerton Close and Princes Street which will include a 'leg' for connection to the bypass. The design of this roundabout is currently underway.

1.2 Northern Gateway Transport Hub

The Northern Gateway Transport Hub is intended for transport-related industries given its proximity to the Pacific Highway. Over time, this hub will be connected to other transport forms including air (adjoining Taree Airport) and rail (located in Taree). Expected uses include a freight transport facility, truck depot, transport depot, warehouse and distribution centre.

The catalyst for the transport hub was recognition that this site is 3-4 hours from Sydney, which is almost a third of the trip for road freight between Sydney and Brisbane. The State government recognises this distance as appropriate for single driving stints. With another hub located around Grafton, the road freight transport network between Sydney and Brisbane would be enhanced and safety improved on the Pacific Highway. REMPLAN estimated in 2013 that the Northern Gateway would create approximately \$42 million of additional output and create an additional 119 jobs (Impact Report for Mid North coast RDA).

The transport hub has an area of 74 ha. Stage 1 has been rezoned and a development application approved for a regional trucking depot for Jim Pearson Transport. Stage 2 is the subject of this planning proposal with an area of 67 ha.

2. Objectives

The key objective of this planning proposal is to develop the transport hub and to generate employment in the Manning Valley, utilising the major transport services provided by the Pacific Highway and potentially, in the longer term the Taree Airport and rail services. The site's location, access and separation from residential uses make it an appropriate location for transport uses.

In addition, the planning proposal will:

- reduce the impact of heavy vehicles on the local road network;
- provide a location for transport-related industry which is accessible to move freight and goods; and
- form part of a larger network of transport hubs which will improve the safety of the Pacific Highway.

In undertaking this planning proposal the local issues, such as visual impacts, noise control and traffic management and ecological management will be addressed through amendments to the *Greater Taree Development Control Plan 2010* (refer Attachment 8).

3. Explanation of provisions

To enable transport-related uses on the site, the zone of the land needs to be changed. The planning framework established for stage 1 will be applied over stage 2 for consistency, which is outlined below.

3.1 Zone changes

Figure 5 shows the proposed zones that will be applied over the site which include:

- General Industrial (IN1) zone where the transport hub uses will be developed
- Environmental Conservation (E2) zone over the lands identified as conservation areas in the ecological investigation. This zone was extended beyond the initial study area as the vegetation had the same important ecological values.
- Primary Production (RU1) zone to be retained over the remainder of the site.



Figure 5 – Proposed zones

3.2 Lot size controls

Figure 6 shows the extent of the lot size controls. To facilitate subdivision of the land in a manner consistent with the transport hub outcomes, the General Industrial (IN1) zone will have a minimum lot size of 2 ha. This is consistent with stage 1 of the Northern Gateway and will create lot sizes suitable for transport oriented industry, rather than smaller light industrial uses. The minimum lot size applied to the Primary Production (RU1) and Environmental Conservation (E2) zones will be 40 ha.

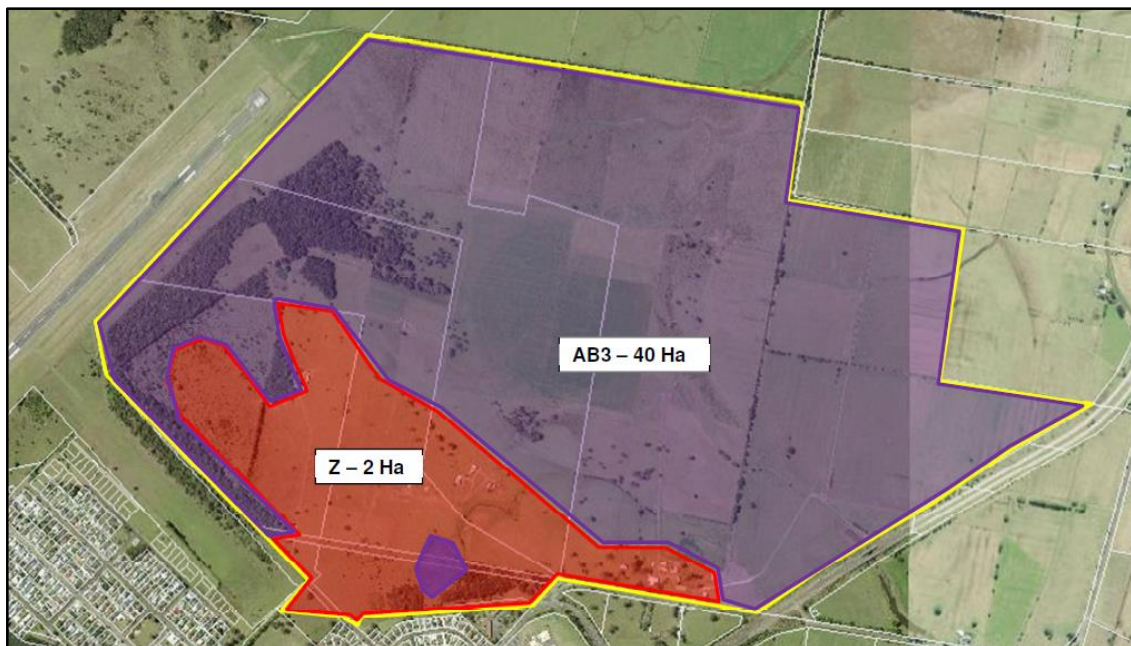


Figure 6 – Proposed minimum lot size

3.3 Local provision

A local provision for stage 1 of the Northern Gateway was included in Part 7 of LEP 2010. This provision has been updated to:

- include the stage 2 properties
- include provisions to ensure that the rural lands contained in stage 2 can continue to operate effectively.

The proposed local provision is shown below. The changes are highlighted in yellow.

7.10 Use of land at 1, 3, 10, 34, 39 and 44 Emerton Close and Lots 1, 16 and 681 Denison Street, Cundletown

- (1) *The objective of this clause is to provide for the development of a freight hub, being development that primarily transports goods, including any supporting development that solely supports the freight hub, such as a kiosk.*
- (2) *This clause applies to General Industrial zoned land at 1, 3, 10, 34, 39 and 44 Emerton Close and Lots 1, 16 and 681 Denison Street, Cundletown, being Lot 17, DP 856622 and Lots 44 and 46, DP 1191326 and parts of Lot 1 DP 1098686, Lot 1 DP 733715, Lot 2 DP 733715, Lot 16 DP 613107, Lot 681 DP 617842 and Lot 1 DP 1139255 (the **freight hub**).*
- (3) *Before granting development consent for development on land or subdivision to which this clause applies, the consent authority must consider the following matters:*
 - (a) *whether the proposed development is likely to adversely affect the establishment and ongoing operation of a freight hub,*
 - (b) *whether the development is likely to have any adverse impacts on the surrounding rural lands. Access to low flood risk land for rural activities needs to be maintained to ensure that suitable land is available on which to build rural infrastructure (eg farm sheds or dwelling) and to hold livestock during floods,*
 - (c) *whether the development is likely to have any adverse impacts on the surrounding rural interface and residential community,*
 - (d) *whether the development has been designed to minimise any adverse visual impact when viewed from the Pacific Highway and Princes Street.*

3.4 Development Control Plan (DCP)

Part L10 of the Greater Taree DCP provides site specific controls for stage 1 of the Northern Gateway. It will be amended to extend over stage 2 (refer Attachment 8) with controls relating to:

- visual screening of areas from the highway and Cundletown residents
- acoustic impacts and investigation requirements
- flooding and drainage
- traffic and access
- requirements to address airport constraints
- ecological management
- maintaining the primary production operations.

4. Justification

4.1 Need for the planning proposal

4.1.1. Is the planning proposal a result of any strategic study/report?

This area north of Cundletown has been identified as a potential gateway development location for many years. However, the extent and type of development changed based on the need to retain land for the Taree Airport and Cundletown Bypass.

The draft *Greater Taree Conservation and Development Strategy (2005)* identified the future use for this area (refer Figure 7). At that time, it was determined that there was no need to maintain the airport land. This enabled the Cundletown Bypass to be relocated further to the north, which significantly increased the potential residential development (shown as pink) on the airport land. In addition, a business park was proposed to the north of the Cundletown Bypass (shown as light purple) to create a northern gateway to Cundletown. This plan was the basis for the mapping of future development areas in the *Mid North Coast Regional Strategy 2006*.

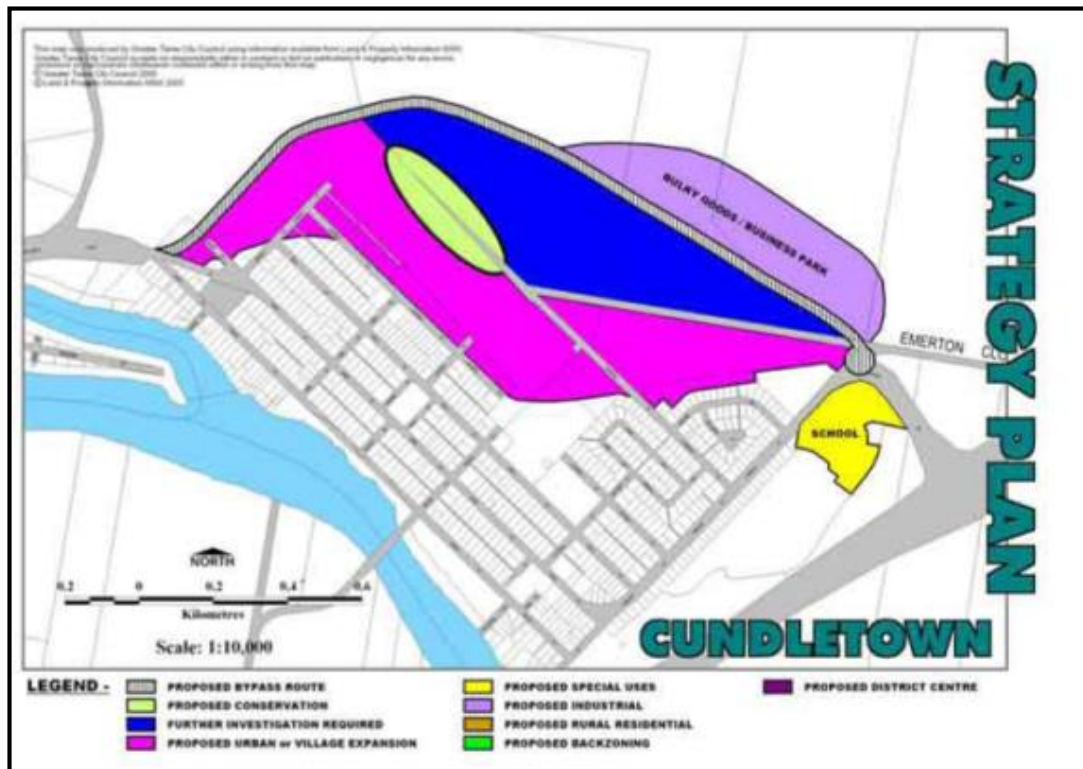


Figure 7 – Draft Greater Taree Conservation and Development Strategy 2005

When the *Greater Taree Local Environmental Plan 2010* was developed, further analysis of the Taree Airport was undertaken and it was decided to maintain the airport land to provide for future expansion of the airport. This meant that the route for the Cundletown Bypass was relocated back to the southern side of the Taree Airport land. Given the airport land and Cundletown Bypass provide good separation between the residential and employment lands, the configuration of future development changed. The future development is now employment land located north of the airport land.

The Northern Gateway Transport Hub was identified as important employment lands in the draft Manning Valley Local Strategy 2016 (shown in Figure 8). The planning proposal is consistent with the planned intent for this location.

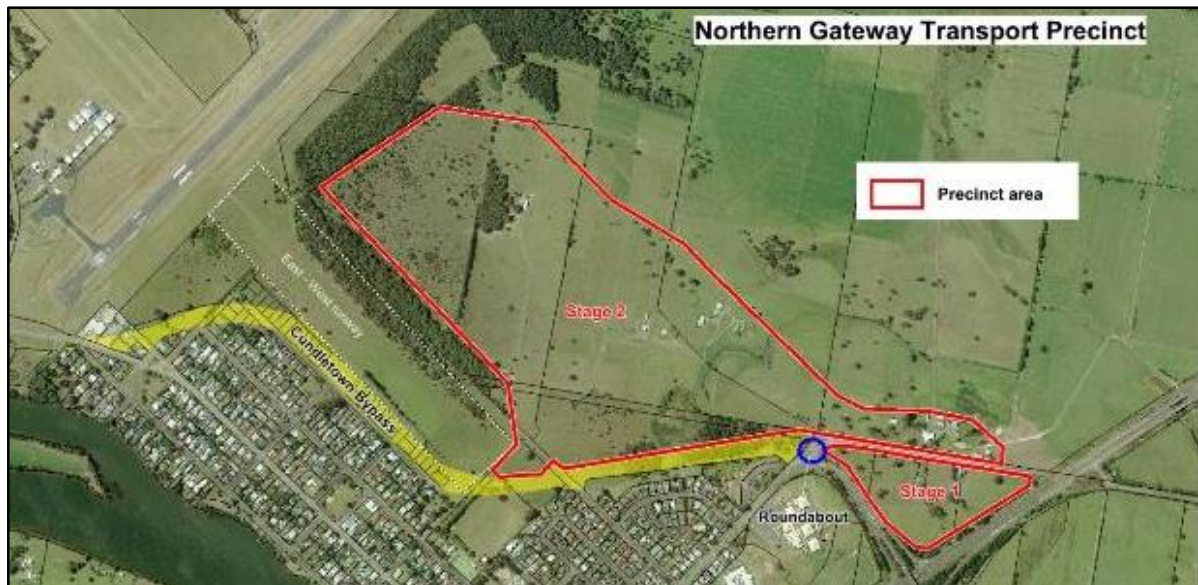


Figure 8 – Northern Gateway Transport Precinct in the draft Manning Valley Local Strategy 2016

4.1.2 Is the planning proposal the best means of achieving the objectives/outcomes?

The planning framework established for stage 1 will be applied over stage 2 for consistency. As a result, the zone and minimum lot size changes are the appropriate means to achieve the planning outcomes for this location.

4.2 Relationship to strategic planning framework

4.2.1 Is the planning proposal consistent with the regional strategy?

As outlined in section 4.1.1, the intent has always been for employment lands to be developed in this location to provide a northern gateway into Cundletown and Taree. The *Mid North Coast Regional Plan 2006-2031* as shown in Figure 9 identified the proposed future urban release area in orange and the proposed employment lands in purple. The location and extent of development in this location changed when further investigations occurred for LEP 2010.

The draft North Coast Regional Plan was placed on public exhibition in March 2016. This plan recognised the changed planning outcomes for this location and identified the area as proposed employment lands (refer to Figure 10).

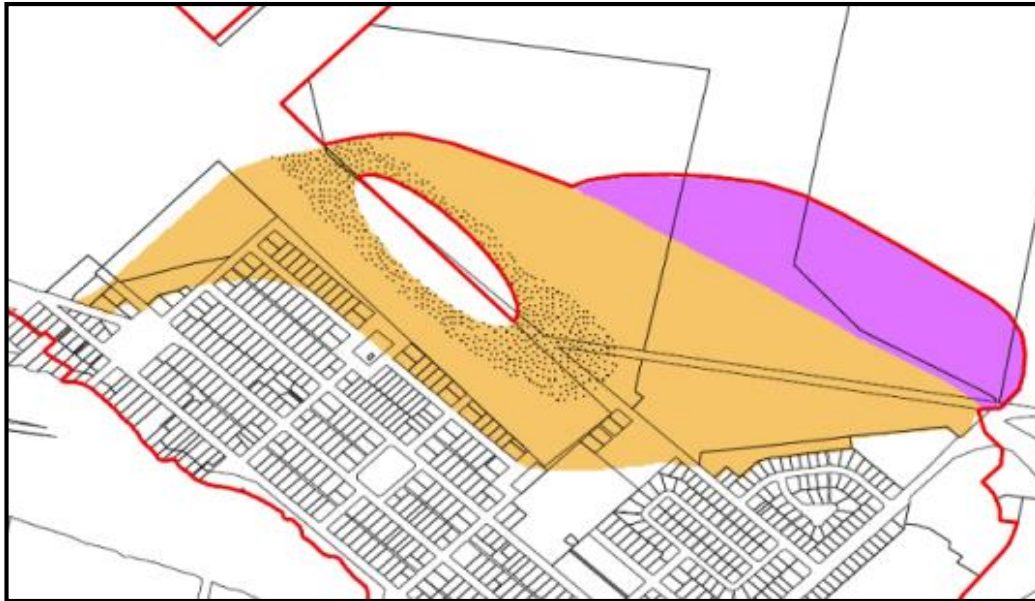


Figure 9 – Mid North Coast Regional Plan 2006-2031

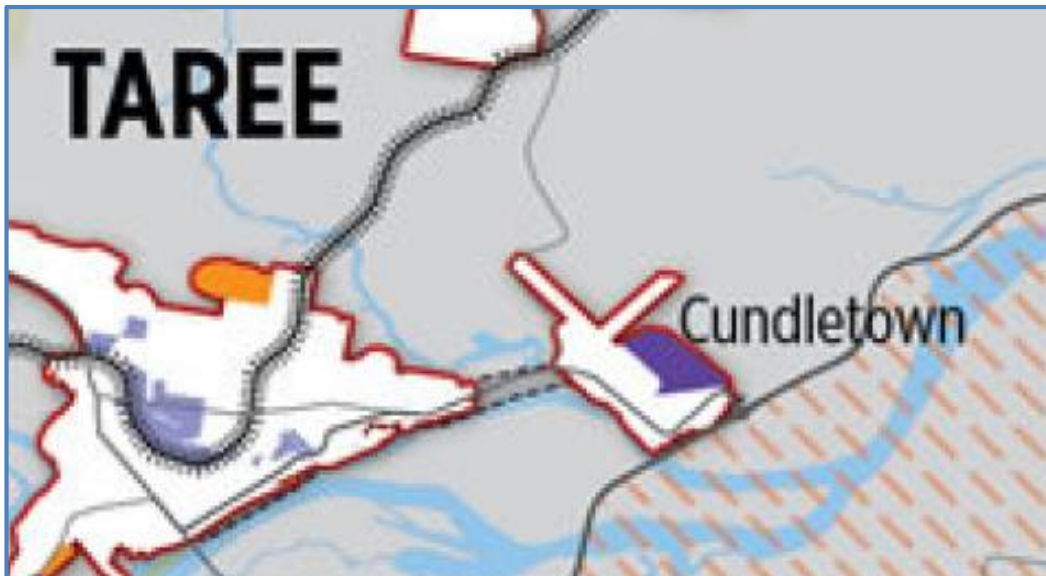


Figure 10 – Draft North Coast Regional Plan 2016

In May 2016, the MidCoast Council was formed and was included in the *Hunter Regional Plan 2036*. The planning proposal is consistent with the Regional Plan, with regard to:

- **Direction 4 – Enhance inter-regional linkages to support economic growth**
 Actions 4.1 and 4.6 promote inter-regional transport connections and investigating opportunities for freight growth around the Taree Airport. This site adjoins the Taree Airport and may long term provide freight opportunities for the airport.
- **Direction 6 – Grow the economy of MidCoast and Port Stephens**
 Action 6.4 seeks to promote the “growth of industries that can leverage accessibility provided by the Pacific Highway”. This is a primary objective of the planning proposal.

- **Direction 10 – Protect and enhance agricultural productivity**

Action 10.1 in terms of facilitating “the supply chain, including infrastructure, distribution areas, processing facilities and research and development in local plans”. The transport hub will provide important freight opportunities for rural producers in this region.

As outlined in section 5.2.6, the transport hub will not restrict the ongoing use of the remaining rural lands. There are a number of opportunities for the rural lands to be amalgamated with adjoining lands, operate in conjunction with the transport hub or be subdivided off as rural lots. Specific requirements will be included in the local provision in LEP 2010 and the Development Control Plan provisions to enable the ongoing rural use of the land. The Department of Primary Industries were consulted in the development of these provisions.

- **Direction 14 – Protect and connect natural areas**

Action 14.4 seeks to protect biodiversity. The planning proposal is consistent in terms of recognising parts of the site with environmental values and including them in an environmental zone.

- **Direction 16 – Increase resilience to hazards and climate change**

Action 16.2 seeks councils to “review and consistently update floodplain risk ... particularly where urban growth is being investigated”. This planning proposal has considered the latest flood studies for the Manning River which were adopted in early 2017. The proposal utilises some areas within a flood planning area, but the use is consistent with the flood plain management controls applicable for this form of development.

- **Direction 21 Create a compact settlement**

Action 21.2 seeks to “focus development to create compact settlements in locations with established services and infrastructure ... in existing towns and villages and sites in an endorsed regional or local strategy”. As outlined in section 4.2.1 this location has been consistently identified as a location for employment lands in regional plans.

- **Direction 24 – Protect the economic functions of employment lands**

Action 24.1 seeks to “locate new employment lands so that it does not conflict with surrounding residential uses”. The location has adequate separation from residential lands and the DCP will include provisions to address potential impacts relating to noise and visual.

- **The MidCoast Narrative** specifically makes reference to “develop opportunities to cluster appropriate economic activities around the Taree Airport and Pacific Highway interchanges (Northern Gateway and Manning River Drive) that support the ongoing commercial/retail role of Taree CBD”.

4.2.2 Is the planning proposal consistent with council’s local strategy?

Yes, as outlined in Section 4.1.1

4.2.3 Is the planning proposal consistent with State Environmental Planning Policies (SEPP)?

The following provides an assessment of the applicable SEPPs at the time of lodgement of the planning proposal.

(a) Hazardous and Offensive Development (SEPP 33)

This policy provides controls in relation to potentially hazardous development. Future development may involve the storage of hazardous goods. Should any materials be stored which are potentially hazardous, further consideration of the issue would be required. However, given the substantial separation distances that can be provided from sensitive areas, it is unlikely that the development would be 'potentially hazardous'. The matter would be further examined in future development applications for the land.

(b) Koala Habitat Protection (SEPP 44)

This policy requires the site to be surveyed to determine if the land contains potential or core koala habitat. The site is a modified habitat and has scattered remnant trees in the grassland areas of the site. These trees include a koala feed species.

An assessment was undertaken by Naturecall Environmental (Attachment 1) which found no record of koala activity at the site, despite previous recordings of koalas in the area. The assessment considers likely impacts to koalas in the area that may have occurred over time and notes that despite targeted searches, no koala activity was detected on the land. The assessment concluded that the site does not comprise 'core koala habitat'. As such, no further provisions of the SEPP would apply.

(c) Remediation of Land (SEPP 55)

This policy requires potential contaminated land be considered in terms of whether the land is contaminated and, if so, will it be suitable for the use or will it need to be remediated. Given this site has been used for agricultural uses a site contamination assessment was undertaken by Regional Geotechnical solutions (Attachment 5).

The report concluded that the site is considered suitable for the proposed industrial use with regard to the presence of soil contamination. This report was assessed by Council's Environmental Health section who:

- were satisfied with the recommendations of the report
- questioned whether a house could be established on land in the environmental zone. The planning controls (minimum lot size of 40ha) would not permit a house on the land included in the environmental zone
- noted the potential historic off-site impacts from the airport, in particular the use of firefighting foam. Taree Airport management advised that the airport is a small regional facility that has no incidents on record where emergency services were required to use foam to suppress a fire. As part of Airport Safety Preparedness, Council carries out practical emergency exercise every 2 years. Desktop exercises are carried out on the alternate year. Per-fluoroalkyl or Poly-fluoroalkyl (PFAS) has not been used in any of these exercises. There are no records available to suggest it has ever been used on site. Given this, it is unlikely that the site would be contaminated from firefighting foam.

Based on this assessment, no provisions of the SEPP would apply.

(d) Rural Lands 2008 [SEPP (Rural Lands)]

The aim of this policy is to facilitate the orderly and economic use of rural lands. The SEPP requires consistency with the Rural Planning Principles outlined in the SEPP, which is provided in the following table. Department of Primary Industries were also consulted in the development of this planning proposal.

Clause 7 Principles	Comment
(a) the promotion and protection of opportunities for current and potential productive and sustainable economic activities in rural areas	The subject lands are productive grazing lands which have been used for agricultural activities. The proposal provides for economic activities on these rural lands consistent with the local and regional strategies applying to the land. The proposed development areas are located on the higher lands, with the large areas of productive flood plain areas retained in the Primary Production (RU1) zone.
(b) recognition of the importance of rural lands and agriculture and the changing nature of agriculture and of trends, demands and issues in agriculture in the area, region or State	The provision of transport infrastructure is important for all types of industries, including agriculture and other forms of primary production. The proposal provides for this infrastructure, whilst maintaining the most productive lands for primary production purposes.
(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 result in the loss of significant rural land uses (important for the social and economic benefits or rural communities). The planning proposal supports local transport industries and provides for employment land in accordance with the regional plan, along with the 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 proposal is balanced and provides social and economic benefits for the community.
(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 provides for the protection of highly constrained ecological areas identified through the ecological investigations of the land.
(f) the provision of opportunities for rural lifestyle, settlement and housing that contribute to the social and economic welfare of rural communities	The proposal provides economic development consistent with the intent of the regional plan, 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	Relevant service providers will be consulted. The site will have access to reticulated water, sewer, power and telecommunications which may need to be augmented to support the proposed 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 proposed development is consistent with the <i>Hunter Regional Plan 2036</i> (refer section 4.2.1).

(e) Coastal Protection (SEPP 71)

This policy applies to land in the coastal zone which applies to the south western parts of this site. The proposal has been assessed against the aims of the policy and was considered to be consistent in terms of:

- the site is located approximately 9km from the coast and 1km from the Manning River. As such the proposal does not impact on coastal access, views or processes or the marine environment
- assessments of heritage and environmental values have been undertaken and are outlined in section 4.2.2 (Ministerial Direction 2.3) and no impacts were identified
- the bulk and scale of the development in the context of location will be considered in the amendments proposed to the *Greater Taree Development Control Plan*, which are to be exhibited with the planning proposal.

(f) Exempt and Complying Development Codes (Codes SEPP 2008)

This SEPP identifies certain types of development which can be undertaken as Exempt Development (not requiring consent) and Complying Development (requiring a Complying Development Certificate if certain requirements are met).

Of relevance to this planning proposal is Part 5A of the SEPP which provides that certain development can be undertaken as complying development on land in the General Industrial zone, including new industrial buildings and the use of those buildings. Under the provisions of this SEPP, it may be possible for an Industrial Building to be developed on land and used for some industrial purpose which does not require the proximity to transport infrastructure, contrary to the purpose of the planning proposal.

To address this issue, the planning proposal provides a minimum lot size of 2 ha. Any industry which utilises a lot of 2 hectares in size will be of a significant size, involving large movements of goods and services, and would be generally consistent with the objectives of the planning proposal of providing land for such uses at this location.

It should be noted that many uses which are permissible in the General Industrial zone, but would not meet the local LEP clause proposed to apply to this land, such as bulky goods premises, hardware and building supplies, landscape material supplies, plant nurseries, service stations, food premises and timber yards, would not be able to be developed as complying development on the land.

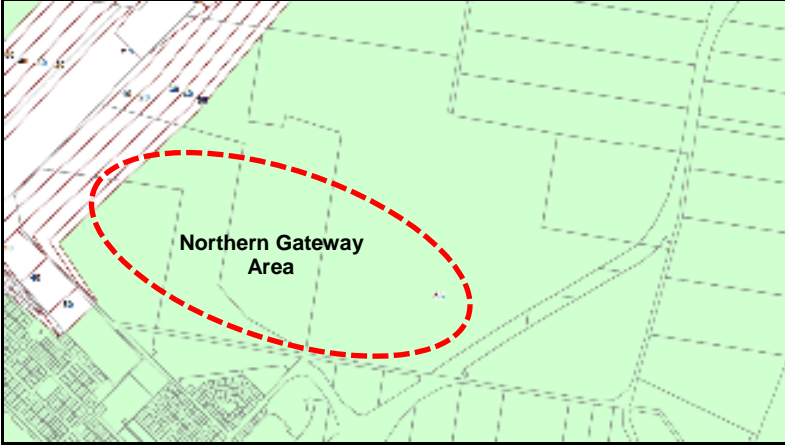
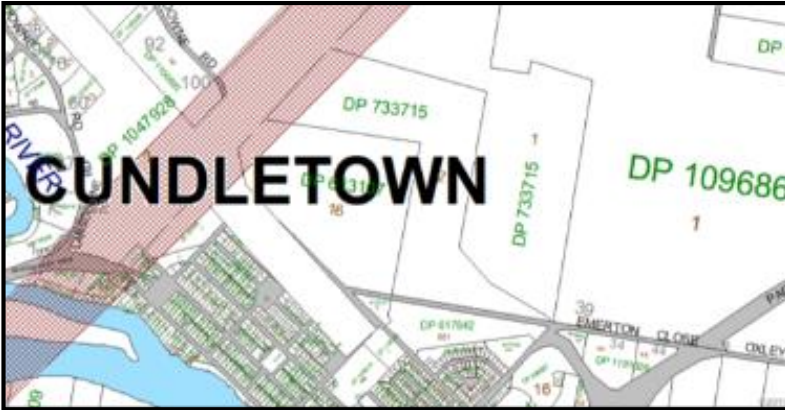
4.2.4 Is the planning proposal consistent with Ministerial Directions?

The following Ministerial Directions were applicable at the time of lodgement of the panning proposal:

Direction	Comment	Consistency
1.1 – Business and Industrial Zones	This direction is applicable where it is proposed to rezone land for business or industrial purposes. The direction provides that land should ensure that all new employment areas are in accordance with a strategy approved by the Director General. As outlined in section 4.2.1 the proposal is consistent with former regional strategies and <i>Hunter Regional Plan 2036</i> , which gives consideration to the relevant objectives.	No, however consistent with former regional strategies and <i>Hunter Regional Plan 2036</i> .

Direction	Comment	Consistency
1.2 – Rural Zones	The subject land is in the Primary Production (RU1) zone and involves changes to the zone. This direction requires 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. As outlined in section 4.2.1 the proposal is consistent with former regional strategies and <i>Hunter Regional Plan 2036</i> , which gives consideration to the relevant objectives.	No, however consistent with former regional strategies and <i>Hunter Regional Plan 2036</i> .
1.3 Mining, Petroleum Production and Extractive Industries	This direction ensures that the future extraction of State/regionally significant reserves of coal, minerals, petroleum and extractive materials are not compromised. There are no mines/quarries in proximity to the site or any state or regionally significant resources identified in the area. The Department of Planning and Environment (Resources and Geoscience) confirmed that they have no issues to raise under this Ministerial Direction (refer Attachment 4).	Yes, confirmed by the Department of Planning and Environment (Resources and Geoscience) (refer Attachment 4)
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 subject 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"> • stormwater controls to maintain water quality • 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 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. As outlined in section 4.2.1, the proposal is consistent with former regional strategies and <i>Hunter Regional Plan 2036</i> , which gives consideration to the relevant objectives.	No, however consistent with former regional strategies and <i>Hunter Regional Plan 2036</i> .
2.1 Environmental Protection Zones	The direction provides that a planning proposal must facilitate protection of environmentally sensitive areas. It is proposed to place environmental protection zones over areas identified in the ecological assessment for the land. Consultation with the Department of Planning, Industry and Environment addressed the environmental issues to the satisfaction of the Department. It was acknowledged that consideration of the development under the <i>Biodiversity Conservation Act 2016</i> would occur through the development application process.	Yes, confirmed by the Department of Planning, Industry and Environment (refer Attachment 4)
2.2 – Coastal Protection	The land is in the coastal zone. This direction requires the planning proposal to be consistent with, and give effect to, the provisions of the <i>Coastal Policy</i> , <i>Coastal Design Guidelines</i> and the <i>Coastline Management Manual</i> . The identification of this land for transport-related industries is low scale, compatible with the development and consistent with the goals, objectives and actions of the <i>Coastal Policy</i> . The land is not subject to coastline hazards or processes and is located away	Yes and the proposal is consistent with the <i>Hunter Regional Plan 2036</i>

Direction	Comment	Consistency
	<p>from active coastal areas; the use of the land for transport-related industry would not conflict with the <i>Coastline Management Manual</i>. This extension to the proposed Northern Gateway area provides economic stimulus and utilises sustainable transport opportunities and reduces unnecessary heavy vehicle trips through the city area consistent with the objectives of the <i>Coastal Design Guidelines</i> for Coastal Cities.</p> <p>Regardless, the planning proposal would not need to be consistent with this direction as it is consistent with the <i>Hunter Regional Plan 2036</i> as outlined in section 4.2.1</p>	
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 site is 'disturbed land'.</p> <p>An Aboriginal Cultural Heritage Assessment was undertaken by McCardle Cultural Heritage P/L (refer Attachment 6) in accordance with the <i>Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales</i> (OEH 2010) and <i>Guide to Investigating, Assessing and Reporting on Aboriginal Cultural Heritage NSW</i> (OEH 2011). This assessment concluded that there were no archaeological sites or Potential Archaeological Deposits identified during the assessment.</p> <p>This Department of Planning, Industry and Environment were satisfied with the assessment.</p>	Yes, confirmed by the Department of Planning, Industry and Environment (refer Attachment 4)
3.4 Integrating Land Use and Transport	<p>This direction applies as the proposal involves the creation of an industrial zone. This direction requires the planning proposal to give effect to policies aimed at improving transport oriented design in urban areas. This proposal provides land for transport related industry in a location adjacent to a major transport corridor which will support industry and transport uses at a local and regional level. The proposal involves sensible management of heavy vehicle transport, reducing heavy vehicle trips through the existing Taree urban areas.</p> <p>Providing a transport hub in close proximity to the Pacific Highway and in a fringe location is appropriate (as per <i>Improving Transport Choice</i> document). It promotes such locations for businesses with significant freight movements and low employment density. This proposal is consistent with the direction.</p> <p>In addition, the direction provides that a planning proposal can be inconsistent with the direction where it is consistent with a regional strategy. As outlined in section 4.2.1 the planning proposal is consistent with the regional plan</p>	Yes, land is identified in the <i>Hunter Regional Plan 2036</i>
3.5 Development Near Licensed Aerodromes	<p>This direction provides that Council must consult with the Commonwealth Department responsible for aerodromes and take into account obstacle limit surfaces and airport noise issues.</p> <p>The Civil Aviation Safety Authority were consulted (refer Attachment 4) and advised that the National Airports Safeguarding Framework are to be used when assessing the</p>	Yes, advice from the Civil Aviation Safety Authority has been addressed

Direction	Comment	Consistency
	<p>proposal. These guidelines will be noted in the Local Area Plan section of the Development Control Plan to ensure that issues around obstacles, air navigation and lighting impacts are considered when the future development application is lodged.</p> <p>It is noted that the LEP has controls for the obstacle surface limit as shown on the map below, which shows that the site has a height limitation of 20-56m. The existing controls under Clause 7.4 of the LEP will be retained to ensure development does not exceed the obstacle limitation surface.</p>  <p>Parts of the site at the western edge of the land are mapped as subject to ANEF controls. These areas are generally in the Environmental Conservation zone and would not be available for additional development. In addition, industrial and transport uses are less susceptible to noise impacts than residential development.</p> <p>The matter can be examined in greater detail when a development application is lodged as required by Clause 7.5 of the LEP.</p> 	<p>in the planning proposal</p>
<p>4.1 Acid Sulfate Soils</p>	<p>This direction provides for actions where a planning proposal provides for intensification of land use on lands having a likelihood of containing acid sulfate soils (ASS). The site contains Class 3, 4 and 5 soils on the Acid Sulfate Soils Planning Maps. This classification means that ASS may be present at depths of 1-2 metres below ground level. Works on the land will involve filling of</p>	<p>Yes, given the unlikelihood of disturbance of Acid Sulfate Soils, the proposal is</p>


Direction	Comment	Consistency
	the site, paving, footings for buildings and installation of infrastructure. The works are unlikely to disturb soils. Whilst sewer works may involve some disturbance in such areas, this will be minor and would be undertaken using MidCoast Water Services acid Sulfate Soils Management Plan.	consistent with the direction.
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. Parts of the subject land are identified as subject to flooding. Figures 12-14 show the different flood planning levels that apply to the site.</p> <p>The planning proposal is inconsistent with this direction but considered of minor significance given:</p> <ul style="list-style-type: none"> as indicated on the maps over the page, only a small portion of the site is considered in the <i>Manning River Flood Study 2016</i> as a high hazard. The majority of the site has no hazards identified the flood planning levels in the planning proposal are based on the findings of the <i>Manning River Flood Study 2016</i> (approved by Council and OEH) which has been developed in accordance with the <i>Floodplain Development Manual 2005</i>. Work is now underway to review the Flood Risk Management Plan (FRMP) based on these findings. It is expected that the FRMP will be in place by the time a development application for this site is considered the proposal is for a non-residential use the planning proposal is generally consistent with Part E of the <i>Greater Taree Development Control Plan 2010</i> (refer to section 5.2.3) for industrial uses the planning proposal is consistent with the MidCoast priorities identified in the <i>Hunter Regional Plan 2036</i>. 	Yes, the proposal is considered to be of minor significance. Department of Planning, Industry and Environment are satisfied with the assessment (refer Attachment 4)



Manning Valley Flood Study 2016 1% AEP+2100 SLR Hydraulic Categorisation



Manning Valley Flood Study 2016 1% AEP+2100 SLR true Flood Hazard

Direction	Comment	Consistency
4.4 Planning for Bushfire Protection	<p>This direction applies as the planning proposal involves land mapped as bushfire prone land as shown below.</p>  <p>Section 5.2.7 outlines how future development on the land will be capable of complying with relevant NSW Rural Fire Service Guidelines.</p> <p>The NSW Rural Fire Service provided advice (refer Attachment 4) that they had no specific requirements for this planning proposal.</p>	Yes, the Rural Fire Service raised no concerns with the planning proposal (refer Attachment 4)
5.10 Implementation of Regional Plans	<p>This Direction provides that a planning proposal must be consistent with the relevant regional plan. As outlined in section 4.2.1 the planning proposal is consistent with the <i>Hunter Regional Plan 2036</i>.</p>	Yes
6.1 Approval and Referral Requirements	<p>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.</p>	Yes
6.2 Reserving Land for Public Purposes	<p>The direction facilitates 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.</p>	Yes
6.3 – Site Specific Provisions	<p>This direction applies as the planning proposal will allow the land to be used for the specific purposes of transport industries. The location of this site, adjoining the Pacific Highway warrants the application of specific provisions to limit the uses to those related to transport. This approach is considered to be of minor significance as it is consistent with:</p>	No, considered to be of minor significance

Direction	Comment	Consistency
	<ul style="list-style-type: none"> the stage 1 planning proposal which created the development standards was prepared in consultation with the Department of Planning and Environment the Northern Gateway Transport Hub is consistent with the MidCoast priorities in the <i>Hunter Regional Plan 2036</i> 	

5. Environmental, social and economic impacts

5.1 Is there any likelihood that critical habitat, threatened species, populations, ecological communities, or their habitats, will be adversely affected by the?

An ecological assessment undertaken by Naturecall Environmental (Attachment 1) examined the ecological values of the land. The report recognised a number of important environmental values that need to be protected and the land that can potentially be developed. Figure 11 identifies these locations (shown in blue) and the unconstrained land (shown in yellow) that is suitable for development.



Figure 11 – important ecological values (blue) and potential land for development (yellow)

Future development on the land will be subject to the provisions of the *Biodiversity Conservation Act 2016*. The developable areas of the site are located over significantly disturbed areas of the land with minimal native vegetation cover. Whilst some low condition and isolated areas of native vegetation will be removed, the ecological assessment undertaken did not identify any significant constraints in the areas proposed to be rezoned industrial which could not be resolved through the Biodiversity Assessment requirements of the Act.

EEC – Coastal Floodplain Forest Communities

This EEC is present in various states of disturbance in the site as follows:

- Highly Disturbed and EEC which is *considered dysfunctional and non-viable in the long term, and will progressively decline to extinction under the current landuse*. This area is located along the northern parts of the study area and is limited to isolated trees within managed grassland areas
- relatively good condition Swamp Schlerophyll Forest which exists centrally in the western property. This area is an aggregated area of Paperbarks used for a cattle camp which has retained some ecological value
- regenerating EEC which is non-protected regrowth and able to be cleared under the provisions of the *Native Vegetation Act 2003*. This area exists in the western-most paddock of the property and has been established as a result of the short term cessation of grazing management in this area.

In regard to these communities, it has been proposed that the highly disturbed areas in the northern parts of the site be included in the developed area due to the minimal ecological value of the area. It has been proposed that the patch of relatively good condition EEC be zoned for environmental conservation. Whilst the regenerating area could be cleared and is not of significant value at this time, parts of the area have been proposed for inclusion in an Environmental Conservation zone to provide connectivity between the isolated area of relatively good condition EEC and adjoining forest areas to the west and south. Where these adjoining forest areas occur within the site, they have also been included in the Environmental Conservation zone.

The ecological investigations were undertaken over the investigation areas identified in the Council strategies. There are also some areas of native forest vegetation located within the site to the north of the study area. Based on the attributes of vegetation within the site, these areas have also been included in the Environmental Conservation zone.

EEC – Freshwater Wetlands on Coastal Floodplains

This vegetation community is limited to an existing dam located in the southern part of the study area where the community is in a very high condition. There are also some remnants of this community in the drainage line below the dam. However, the vegetation in this area is in a very low condition and comprises of a few plants amongst introduced pastures and is not a viable community in the long term. Whilst parts of the dam are undoubtedly man made, which would exclude listing as an EEC, the vegetation community is in excellent condition and the entire dam area has been included in the Environmental Conservation zone.

Eastern Osprey Nest

The study was undertaken in April 2016. At that time a nest was identified which provided habitat for the Threatened species, Eastern Osprey (*Pandion cristatus*). It was located in an isolated tree in a paddock surrounded by grazing lands (refer to photos over the page).

The preferred approach at that time was to undertake a re-location process. This would ensure that the Osprey nest is located in similar surroundings close to its food source and in a natural setting. This will provide the most appropriate means to retain the Osprey in this location in the long term. It would also maintain air safety around the airport.

In March 2018, Council staff and the consultant accompanied the landowner to the property to inspect the nest. As a result of recent storms and strong winds, the nest had fallen from the tree. The nest was on the ground adjacent to the tree as shown in the photograph below. There was no sign of the Osprey.

Discussions were held with Brian Crisp who monitors the local Ospreys (including the subject nest). In May 2019, Brian Crisp advised that a new nest (possibly the same birds) was observed in an Optus Tower located approximately 1.5km south-east of the site, which is closer to the Manning River.



Photo - Eastern Osprey nest on Lot 16. In March 2018 the nest had fallen to the ground

An outline of the events is provided in Attachment 2.

Further assessment

The Department of Planning, Industry and Environment reviewed the ecological assessment and raised eleven issues for consideration (refer Attachment 4). A detailed response to each issue and supplementary report from JB Enviro are contained in Attachment 7. The proposed Development Control Plan provisions (Attachment 8) incorporate ecological and drainage issues to be considered at the development application stage. The Department in a letter dated 4 August 2020 were satisfied with the additional information.

5.2 Are there any other likely environmental effects and how are they proposed to be managed?

Any likely environmental effects that would result from development of the land have been identified below. Given the disturbed nature of the land and the previous use, few significant environmental constraints have been identified. Both the planning proposal and the proposed amendments to the local plan provision the *Greater Taree Development Control Plan 2010* (DCP) address these constraints. The DCP provisions are to be exhibited in conjunction with this planning proposal and are provided in Attachment 8.

5.2.1 Visual

The site is not highly prominent in the landscape and is generally well screened from important viewing locations. Some distant views to the site may be available from points along the Pacific Highway, however given the distance and aspects involved, visual impacts to the highway are unlikely. Some perimeter planting of development areas can be undertaken to maintain a suitable visual screen for such views.

Parts of the site are also visible from within Cundletown village, although such views are largely screened by existing vegetation. There are some dwellings which can see over the site to the existing farmland areas, however extensive views/vistas are not evident. It is likely that the future bypass construction may remove some of the existing vegetation. Some planting of screening vegetation to the perimeter of the development area may be warranted.

The proposed perimeter planting will be a requirement of the Development Control Plan provisions.

5.2.2 Soils

Soils over the land are generally alluvial soils and some consolidated materials in the eastern parts of the site. The slopes over the land are not considered to be steep and there is no evidence of slope instability over the land.

As identified in the planning proposal (section 4.2.3(c)) investigations were undertaken with regard to site contamination and no major issues were identified. As outlined in section 4.2.4, the proposal land use is unlikely to impact on possible Acid Sulfate Soils located 1-2 metres below the existing surface – which will be filled to raise levels.

5.2.3 Water and flooding

The site generally drains in a north easterly direction, toward the Manning River flood plains.

The study area boundary has been determined by the flooding levels of the Manning River as detailed in the *Manning Valley Flood Study 2016*. The following maps show the extent of the flooding over the land. Figure 12 shows the flood planning level 3 (FPL3) which is generally a 100-year flood and includes sea level rise (1% AEP with 2100 and 0.5m freeboard), while Figure 13 shows flood planning level 2 which is FPL3 without the 0.5m freeboard. The FPL2 formed the basis of the study area boundary. Figure 14 shows the flood planning level 1 (FPL1) which is generally a 20-year flood and does not impact on the study area. These maps show the different level of impact for different flood levels to which a range of development provisions are applied (eg. suitable locations for buildings and parking).

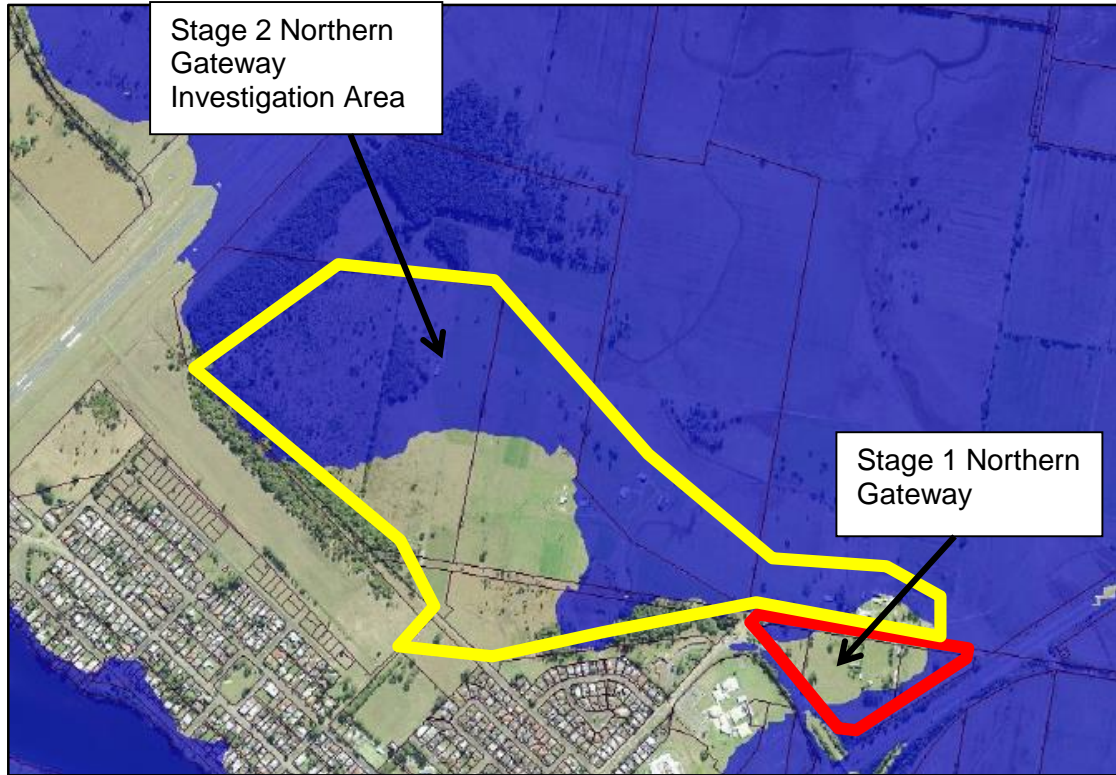


Figure 12 – Flood planning level 3 (1% AEP (100-year average recurrence interval) with 2100 plus 0.5m freeboard)

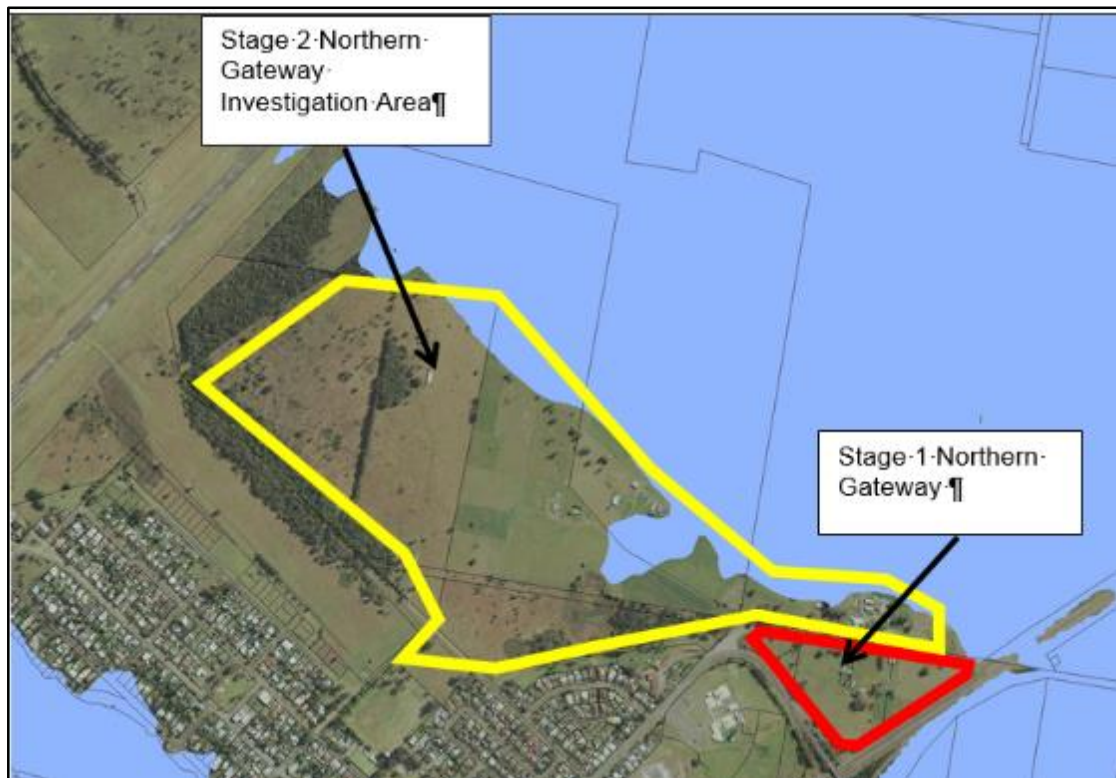


Figure 13 – Flood planning level 2 (1% AEP (100-year average recurrence interval) with 2100)

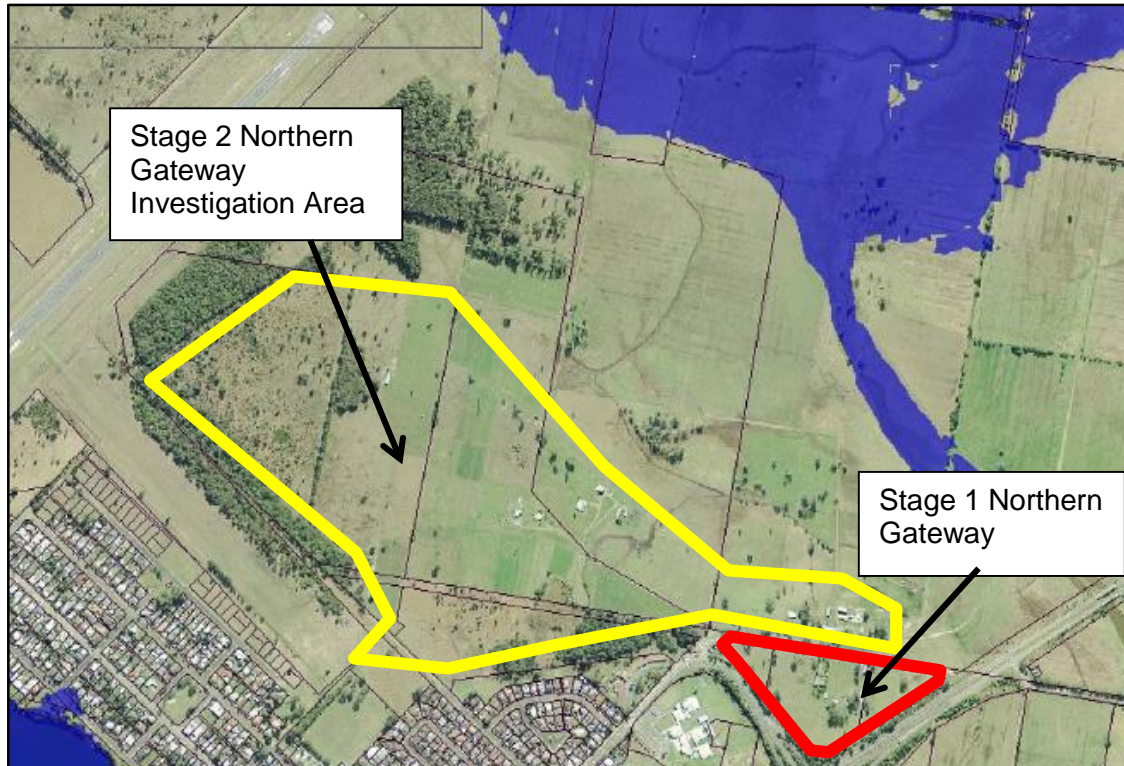


Figure 14 – Flood planning level 1 (5% AEP (20-year average recurrence interval) flood level)

The study area is considered a low hazard fringe area where the flood waters move slowly into the site, rather than at high velocities. Given the minimal grade of parts of the site, it is likely that some filling and land form modification may be necessary to facilitate effective drainage of the land.

The following assessment of Part E – Flooding Requirements in the *Greater Taree Development Control Plan 2010* demonstrates how the planning proposal is generally consistent with the DCP with regard to the following.

Commercial and industrial development	
DCP provision	Response
Hydraulic Hazard Category No development is to occur in or over a floodway area, or a high hazard area, generated by flooding up to FPL2, unless justified by a site specific assessment.	As indicated in Figure 13 the boundary of the study area is generally above FPL2. The flood waters are considered low hazard in this location
Floor Levels Non-habitable floor levels are to be equal to or greater than FPL3 where possible, or otherwise no lower than FPL1 unless justified by a site specific assessment	As indicated in Figure 12 and 14 there are areas where the study area is above FPL3 and well above FPL1. Larger infrastructure like buildings and storage areas will be located above FPL3. This will be addressed in the future development application when details on the location and design of buildings are considered
Building Components and Method All structures to have flood compatible building components below FPL3.	This will be addressed in the future development application when details on the location and design of buildings are considered
Structural Soundness Demonstrate that any structure can withstand the forces of floodwater, debris and buoyancy up to and including FPL3. An engineer's report must be provided	This will be addressed in the future development application when details on the location and design of buildings are considered

Commercial and industrial development	
<p>Flood Effects Engineer's report required to certify that the development will not increase flood effects elsewhere, having regard to the loss of flood storage, changes in flood levels, flows and velocities caused by alterations to the flood conveyance, the cumulative impact of multiple developments in the floodplain.</p>	<p>Transport related development does not typically require significant structures. The extent of fill has not yet been determined. In the event that areas are to be filled to facilitate development, it is noted that the area of fill would occupy less than 1% of the floodplain section. In terms of total floodplain volume, this is considered very minor and unlikely to cause any noticeable increase in flood levels on neighbouring land with respect to flooding from the Manning River This will be considered in more detail at the development application stage</p>
<p>Car Parking and Driveway Access</p> <ul style="list-style-type: none"> the minimum surface level of open car parking spaces or carports shall be as high as practical, and not below FPL1. garages or enclosed car parking must be protected from inundation by flood waters up to FPL2 where 20 or more vehicles are potentially at risk, protection shall be provided to FPL3. where the level of the driveway providing access between the road and parking space is lower than 0.3m below FPL2, condition must be satisfied 	<ul style="list-style-type: none"> car parking and manoeuvring areas will be above FPL1 (refer Figure 14) garages and car parking will be located above FPL2 (refer Figure 13) the relevant protection measures will be investigated through the future development application access to the Cundletown Bypass and Emerton Close will be above FPL2 (refer Figure 13)
<p>Evacuation A Site Flood Emergency Response Plan is required when elements of the development (eg. vehicular/pedestrian access) are below FPL3.</p>	<p>This will be addressed in the future development application when details on the location and design of buildings and operation of the site are considered</p>
<p>Management and Design</p> <ul style="list-style-type: none"> demonstrate that area is available to store goods above FPL3 Materials which may cause pollution or are potentially hazardous during any flood must not be stored externally below FPL3 	<p>This will be addressed in the future development application when details on the location and design of buildings and operation of the site are considered</p>

The proposal will provide water and sewer connections to the reticulated systems provided by Council's Water Services. Water and sewer strategies for the land will need to be developed through the development application process.

5.2.4 Traffic

Traffic management is a key matter for the proposal. The proposal delivers local and regional traffic benefits and improves the efficiency of freight transport generally. The proposal provides land to support freight transport activities, as well as transport related industries adjacent to the Pacific Highway. The benefits on local and regional traffic flows and safety, as a result of this change, are significant and are a key outcome of the Northern Gateway Transport Hub.

The proposal will also result in improvements to the efficiency of freight transport throughout the region. The hub will encourage transport related activities in a location well connected with transport infrastructure.

The number of truck movements likely to be generated from/to the site has been estimated to be in the order of 400-500 truck movements per day

Access to the site will be via two locations:

- along the Cundletown bypass. Given this road is not yet constructed, the applicant would be required to construct the bypass to the point of direct access. Suitable access arrangements to the future bypass would also have to be considered (ie. a roundabout may be required in the long term)
- a roundabout is currently being designed by Council for the intersection of the future Cundletown bypass with Emerton Close and Princes Street (Manning River Drive). This roundabout will provide access to stage 1 and part of the stage 2 development and be designed and constructed to cater for the large number of truck movements.

From these access points, trucks will utilise the Pacific Highway interchange.

Northern Transport Planning and Engineering P/L undertook a Traffic Impact Assessment (refer Attachment 9), which recommended that:

- Stage 2 of the proposed Transport Hub can be accommodated with an upgrade to the existing intersection of Emerton Close and Princess Street to provide a two lane roundabout
- in order to address an existing design deficiency, additional signposting is required on the southern approach to the interchange to advise drivers that the safe exit speed is 90kph.

The access requirements are detailed in the proposed amendments to the *Greater Taree Development Control Plan 2010*.

Consultation was undertaken with Transport for NSW(TfNSW) (refer Attachment 4). A number of issues were addressed through this consultation:

- Council is working with TfNSW toward design and construction of improvements to the Pacific Highway interchange. This work has received a funding allocation within the Northern Gateway Project. There is a commitment from both Council and TfNSW to address the deficiencies of the interchange. This work will occur regardless and independent of this planning proposal
- clarification was provided that the planning proposal involves rezoning part of the site to enable the Northern Gateway Transport Hub (approximately 67 Ha) – the remainder of the site will included in an environmental zone or retained in a rural zone
- Council will undertake a pavement impact assessment for the section of Princes Street between the intersection of Princes St/Emerton Cl and the roundabout arrangement at the Pacific Highway southbound access. The geometry of the existing roundabout on southbound access will also be assessed for PBS 2B vehicles. Any improvements/upgrade work required as a result of increase in traffic generated by proposal will be identified in the assessment. Council will consider options to enable equitable cost sharing of identified road/pavement upgrade works as a result of the future developments within the Transport Hub and in other future developments in the area, apportioned relative to the number of trips generated by that development.

TfNSW in a letter dated 29 July 2020 were satisfied with the additional information.

5.2.5 Air quality/noise

The proposed use is not considered to result in significant impacts to existing air quality. While the trucks entering/exiting the site will discharge exhaust, the separation distances from sensitive uses and the existing air quality environment (next to the airport) would limit the significance of any impact.

The transport hub has the potential to generate noise given the movement of vehicles. While the site is located in a noisy environment (adjoining the airport) it is important to ensure that the adjoining residential uses are not detrimentally impacted upon. An acoustic assessment will be required for future development applications to examine impacts on adjoining uses and ensure noise impacts meet EPA criteria.

5.2.6 Agricultural land use

The site is included in the Primary Production (RU1) zone and is currently used for low scale agricultural purposes, in particular grazing of cattle and growing stock feed. The proposal is to utilise the higher ground for the purpose of a transport hub given the location close to both the Pacific Highway and Taree Airport (in accordance with the *Hunter Valley Regional Plan 2036*). The adjoining vegetated lands are to be included in environmental zones and the remaining low lying lands are to be retained in the Primary Production zone and continue to be used for rural activities (approximately 219 hectares).

The use of the rural lands has a number of opportunities:

- retained as rural lands adjoining the transport hub (General Industrial land) either to be developed as ancillary rural activities to the industrial lands or leased for rural activities (eg. growing vegetables or stock feed, grazing cattle, holding stock being transported or agistment of livestock)
- amalgamated with any of the four adjoining rural properties to expand their rural activities
- further subdivided from the General Industrial land. Any future subdivision would have to demonstrate how rural infrastructure (eg. farm sheds or dwelling) and livestock refuge during floods could be established on the site. This level of detail would be considered through a development application.

Given these rural lands are close to Cundletown, it provides an ideal opportunity for the lands to be used or leased for small scale rural activities, particularly for agistment.

Consultation with the Department of Primary Industries (DPI) was undertaken to ensure that the rural lands remained operational in terms of having access to areas of low flood risk for access, farming infrastructure (dwellings and sheds) and flood refuge. The changes to the local provision in the LEP (outlined in section 3.3) and DCP meet their requirements.

The proposed Development Control Plan provisions (Attachment 8):

- re-enforce the ongoing productive use of the remnant rural lands
- ensure that suitable rural infrastructure (dwellings, sheds), access and flood stock refuges are provided consistent with the Department of Primary Industries 'primefact' *Livestock Flood Refuge Mounds*
- provide a buffer on the higher ground at the back of the industrial area to provide a refuge function during flooding and address any land use conflict issues

- enable access points (streets, roads, non-locked gates) from the transport hub to the land in the Primary Production zone to cater/house rural assets (eg. livestock, farm machinery) in the event of flood.

5.2.7 Bushfire

As identified in section 4.2.4, small areas of the land are identified as bushfire prone land on the Bushfire Prone Land Maps. These areas are generally limited to narrow areas of forest vegetation which, given their limited extent and narrow fire run, are unlikely to represent an extreme bushfire threat.

Under the provisions of the NSW Rural Fires Service Guidelines *Planning for Bush Fire Protection 2006*, use of the land for industrial purposes would not involve residential uses or special fire protection purposes; and would not be subject to specific controls under the guidelines. However, the guidelines provide for the aim and objectives of *Planning for Bush Fire Protection* to apply to “other development”.

Section 1.3 of *Planning for Bush Fire Protection* notes that the provisions under the Building Code of Australia (BCA) are acceptable for bushfire purposes where the aim and objectives of *Planning for Bush Fire Protection* can be met. Future industrial buildings on the land will need to comply with the BCA, including fire protection requirements.

The aim of *Planning for Bush Fire Protection 2006* is:

to use the NSW development assessment system to provide for the protection of human life (including firefighters) and to minimise impacts on property from the threat of bush fire, while having due regard to development potential, on-site amenity and protection of the environment.

The objectives of *Planning for Bush Fire Protection 2006* are to:

- i. afford occupants of any building adequate protection from exposure to a bush fire;
- ii. provide for a defensible space to be located around buildings;
- iii. provide appropriate separation between a hazard and buildings which, in combination with other measures, prevent direct flame contact and material ignition;
- iv. ensure that safe operational access and egress for emergency service personnel and residents is available;
- v. provide for ongoing management and maintenance of bush fire protection measures, including fuel loads in the asset protection zone (APZ); and
- vi. ensure that utility services are adequate to meet the needs of firefighters (and others assisting in bush firefighting).

In relation to the objectives of *Planning for Bush Fire Protection 2006*, the following points are relevant:

- the identified development area is large and will enable suitable separation distances between building and bushfire threats, including provision of a defensible space. These areas will be provided outside of the land included in the environment zones

- the developable area will be managed in a fuel free state and access and egress to the site will be available across areas that do not contain any bushfire threats
- the access to the development will be suitable for heavy vehicles involved in transport industries and activities and will provide for affective access for fire fighting vehicles
- reticulated water supply will be provided to the land, including hydrants for firefighting water supply.

It is considered that the land can be developed in a manner consistent with the aims and objectives of *Planning for Bush Fire Protection 2006*.

Consultation was undertaken with the NSW Rural Fire Service who raised no concerns with regard to the planning proposal (refer Attachment 4).

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

The site is currently used for low intensity rural uses. The local and regional strategies have identified these parts of the land for employment lands uses as part of the Northern Gateway Transport Hub. The remaining lands will remain in the Primary Production zone and be set aside for rural activities.

The Northern Gateway Transport Hub proposes to provide a significant transport and employment hub in this location. An economic assessment identified that the transport hub “would generate local jobs and income to the region. It is estimated the Northern Gateway would create approximately \$42 million of additional output and create an additional 119 jobs”. This planning proposal facilitates the realisation of these economic benefits.

This proposal supports existing local jobs and can potentially create additional local job opportunities in terms of drivers, vehicle maintenance and support staff. In addition, the project will provide short term employment for the local construction industry. The improvement of transport services to the area will also increase opportunities for local business leading to flow-on effects for the local area. It is expected that the proposal will provide significant positive economic effects for Taree and for the local region. In addition, the reduction of heavy vehicles on the local road system will reduce road damage and public maintenance costs. Aboriginal cultural heritage issues will be examined in greater detail once a Gateway determination has been received.

During consultation for stage 1 an information session was held on site. Over 60 members of the community attended to view and discuss the concept of the transport hub and the stage 1 development. Only four submissions were received, three of which were supportive of the planning proposal. The community has demonstrated support for the Northern Gateway Transport Hub through this consultation process.

6. State and Commonwealth interests

6.1 Is there adequate public infrastructure for the planning proposal?

Public infrastructure is considered adequate for the proposal. Consultation with Transport for NSW was undertaken and their issues addressed (refer Attachment 4 and section 5.2.4).

Council's Water Services reviewed the planning proposal (refer Attachment 4) and advised that the planning proposal can proceed. A water and sewer strategy will be required in future stages for the development area showing works required to connect with the reticulated water and sewerage systems.

6.2 What are the views of State and Commonwealth public authorities?

Consultation was undertaken with the following agencies (refer to Attachment 4):

- Department of Primary Industries to ensure that the planning proposal did not reduce the viability of the rural lands. The Department are satisfied with the proposed local provision in the LEP and provided suggestions for the DCP provisions
- Department of Planning, Industry and Environment with regard to the Aboriginal cultural assessment, environmental protection zones, flood prone land and the Eastern Osprey. The outcomes of this assessment are outlined in section 5.1. Responses to specific issues raised by the Department are outlined in Attachment 7
- Civil Aviation Safety Authority (CASA) with regard to aviation requirements of the Taree Airport. CASA provided a response requiring that the future development be assessed against the National Airports Safeguarding Framework. The guidelines will be noted in the Local Area Plan section of the Development Control Plan to ensure that issues around obstacles, air navigation and lighting impacts are considered when the future development application is lodged
- Department of Primary Industries with regard to potential mining and extractive industry. The Department of Planning and Environment (Resources and Geoscience) confirmed that they have no issues to raise under this Ministerial Direction
- NSW Rural Fire Service with regard to bushfire management. The NSW Rural Fire Service provided advice that they had no specific requirements for this planning proposal
- Transport for NSW (TfNSW) with regard to traffic and access issues. A traffic report was referred to TfNSW for consideration. Responses to specific issues raised by TfNSW are outlined in section 5.2.4.

All issues raised by the above agencies have been addressed. Correspondence from the agencies is provided in Attachment 4.

7. Mapping

Maps showing the proposed zone and minimum lot size are concept maps (refer page 9). There are no proposed changes to the maximum building height or floor space ratio. Mapping consistent with the standard instrument will be prepared following community consultation.

8. Community consultation

Community consultation will involve:

- advertising of the planning proposal in a local paper for a period of 28 days
- providing information about the planning proposal at the Council's Administration Buildings and on Council's website
- advice to surrounding residents via letters and a flyer mailed to Cundletown residents within 500m of the Northern Gateway Transport Hub to advise of the proposal
- undertaking a community information session (appointment only – due to Covid-19) where residents can view the concepts and discuss the proposals with staff.

9. Project timeline

The project timeline below will be followed for the Planning Proposal.

Task	Responsibility	Timeframe	Date (approx.)
Council considers planning proposal	MidCoast Council		Feb 2017
Review planning proposal with Department of Planning and Environment (DPE)	MidCoast Council DPE		Feb - May 2017
Review rural provisions with Department of Primary Industries	MidCoast Council DPI		May - Sept 2017
Gateway determination	DPIE		Sept - Dec 2017
Additional investigations and State agency consultation	Applicant MidCoast Council	20 weeks	Jan 2018 – August 2020
Public exhibition of planning proposal	MidCoast Council	Minimum 28 days	19 August – 29 September 2020
Planning proposal reported to Council	MidCoast Council	4 weeks	October 2020
Making of Local Environmental Plan	Minister for Planning	6-8 weeks	November – December 2021