

Planning and Assessment

Gateway Determination Report

LGA	MidCoast
PPA	MidCoast Council
NAME	Glenthorne Employment Area
NUMBER	PP_2019_MCOAS_002_00
LEP TO BE AMENDED	Greater Taree Local Environmental Plan 2010
ADDRESS	Glenthorne Road, Glenthorne Eriksson Lane, Taree South
DESCRIPTION	Lot 50, DP 863972 Lot 2, DP 573214 Lot 2, DP 827097 Lot 20, DP 836884
RECEIVED	1 July 2019
FILE NO.	SF19/37815
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required.
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal.

1. INTRODUCTION

1.1 Description of planning proposal

The planning proposal (**Attachment A**) seeks to amend Greater Taree Local Environmental Plan 2010 to facilitate the development of the site for industrial, employment and environmental purposes by:

- rezoning land from RU1 Primary Production to part B6 Enterprise Corridor, part IN1 General Industrial and part E2 Environmental Conservation;
- applying a maximum height control, floor space ration and amending the minimum lot size for part of the site; and
- preparing a site-specific development control plan (DCP) to guide the future development of the site.

1.2 Site description

The subject site is located approximately 1.7km south of Taree, adjoins the existing Manning River Drive Employment Precinct (Figure 1). The site is approximately 24ha and comprises of four lots in Glenthorne and Taree South including:

- 51 Glenthorne Road (Lot 50, DP 863972);
- 55 Glenthorne Road (Lot 2, DP 573214);
- 50 Eriksson Lane (Lot 2, DP 827097); and

- Eriksson Lane (Lot 20, DP 836884).

The site is used for extensive agriculture with a dwelling located on each of the four lots. It is scattered with native and exotic vegetation, containing two minor streams in the south and a third stream in the north. A portion of the land is flood prone and has a gently undulating topography primarily draining to the north-east.

The site has locational advantages, being approximately 500m from the Pacific Highway, with existing road infrastructure in place to allow efficient vehicle movements in and out of the site without significant alterations to the existing road network. There are high volumes of local traffic passing the site each day, providing a unique opportunity to capitalise on local trade and consolidate Taree South as an employment precinct.

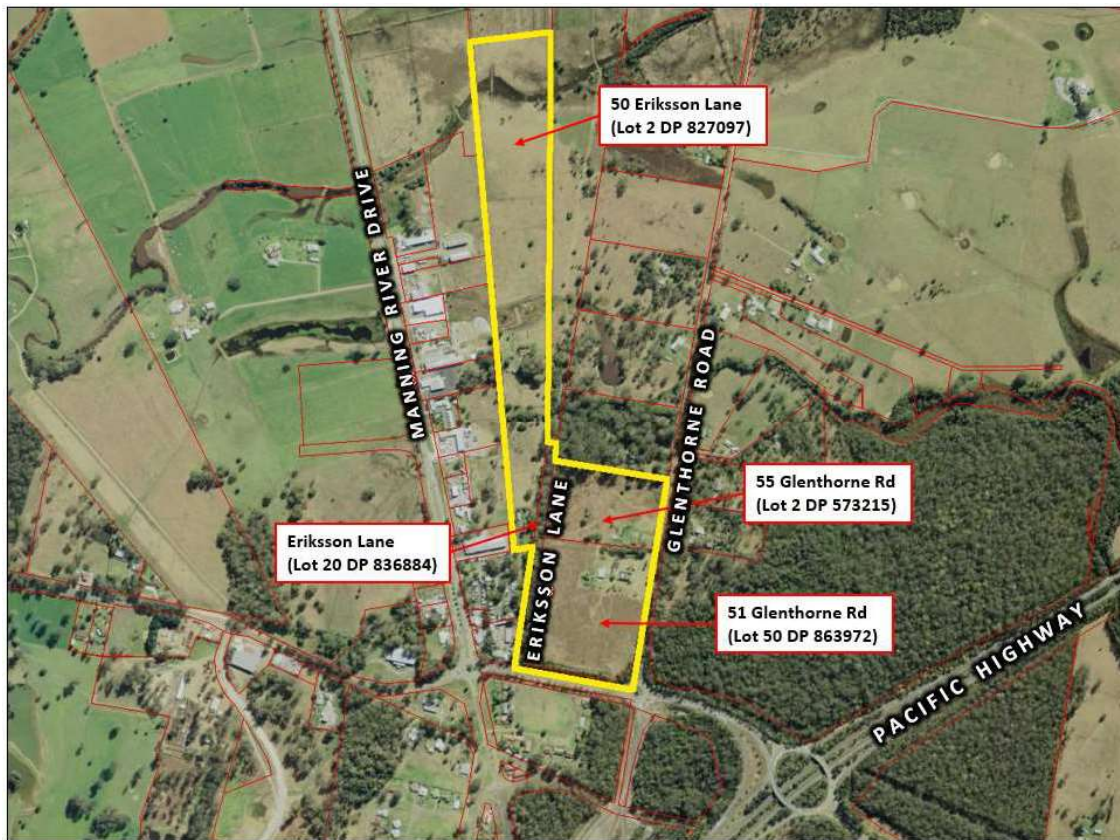


Figure 1: Site Map

1.3 Existing planning controls

The subject site is zoned RU1 Primary Production under Greater Taree Local Environmental Plan 2010 (Figure 2). The site is not subject to a height of building or floor space control, however is subject to a 40ha minimum lot size.

The site adjoins an area zoned B6 Enterprise Corridor to the east that has been developed for employment related uses.

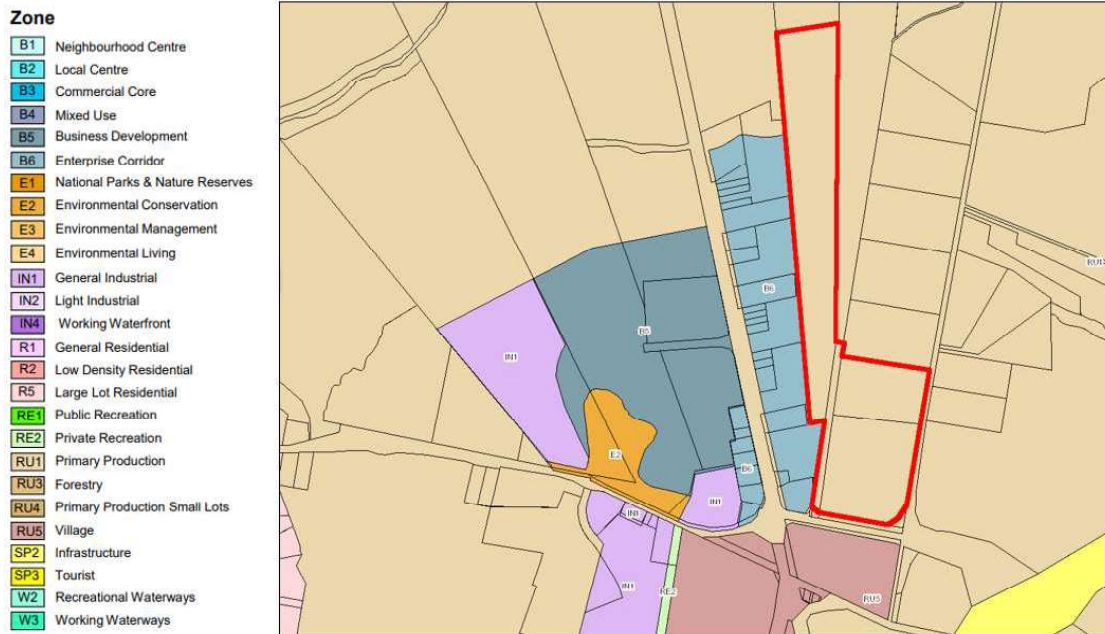


Figure 2: Current Land Zoning Map

1.4 Surrounding area

To the west the site adjoins the B6 Enterprise Corridor, B5 Business Development and IN1 General Industrial zones which form part of the Manning River Drive Employment Precinct (Figure 3).

To the north and east of the site, the area is used for extensive agriculture and rural residential uses. To the south the subject land adjoins the RU5 Village zone of Purfleet on the opposite side of Manning River Drive.

The Manning River Drive/Pacific Highway interchange is located approximately 500m east of the site. At its closest point, the Manning River is located approximately 1.1km to the north.

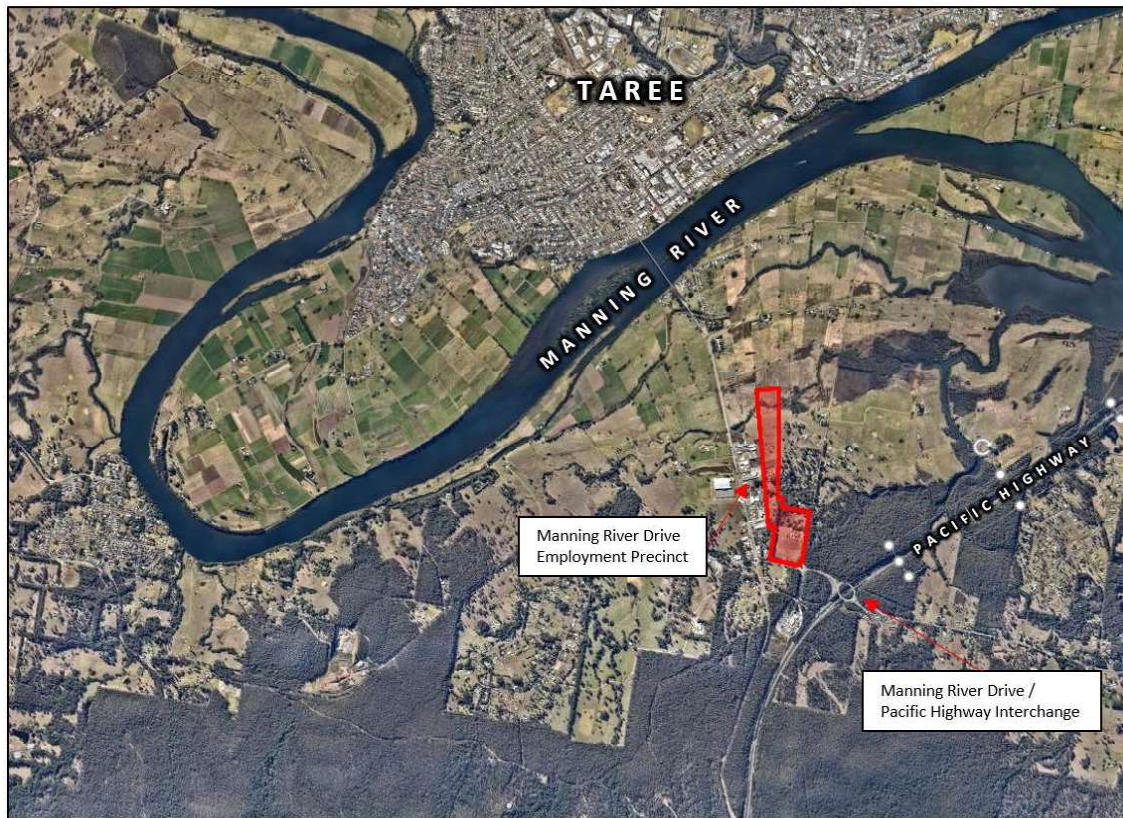


Figure 3: Locality Map

1.5 Summary of recommendation

It is recommended that the planning proposal proceed subject to conditions.

The site is strategically located with close proximity to the Pacific Highway interchange and forms a logical extension to the existing Manning River Drive Employment Precinct. The proposal is consistent with Council's local planning strategy and the Hunter Regional Plan.

Conditions are proposed to ensure agency and community input on the planning controls proposed and to ensure that DCP provisions are exhibited concurrently with the proposal. The site is subject to a number of environmental constraints. The proposal indicates that a number of technical studies relating to biodiversity, flooding, contamination, traffic and servicing will be prepared to address site specific constraints and a condition has been included to ensure these studies are prepared prior to exhibition.

2. PROPOSAL

2.1 Objectives or intended outcomes

The objectives and intended outcomes of the planning proposal are to:

- rezone the site for employment purposes;
- enable an easterly extension to the Manning River Drive Employment Precinct; and
- protect and conserve the areas within the site that have high ecological value.

The objectives of the proposal are clear and no changes are required.

2.2 Explanation of provisions

The explanation of provisions notes that the proposal would amend the LEP by the amending the following controls:

Provision	Existing	Proposed
Land Zoning	RU1 Primary Production	IN1 General Industrial B6 Enterprise Corridor E2 Environmental Conservation
Floor Space Ratio	n/a	Apply FSR of 1:1 on Lot 50 DP 863972.
Height of Building	n/a	Apply 8.5m height control on Lot 50 DP 863972.
Lot Size	40ha	Removing lot size for proposed IN1 and B6 zones.
Urban Release Area	n/a	Apply URA to lots 50 DP 863972, Lot 2 DP 573214 and Lot 2 DP 827097.

The explanation of provisions is clear and no changes are required.

Council advises that further controls are to be applied through a DCP. These provisions are to be prepared and should be exhibited with the planning proposal. A Gateway condition is proposed to require concurrent exhibition.

2.3 Mapping

The proposal includes amendments to the LEP maps as follows (Figure 4):

- Land zoning map;
- Floor space ratio map;
- Height of building map;
- Lot size map; and
- Urban release area map.

The proposed map amendments are considered to be adequate for exhibition purposes and no further changes are required.

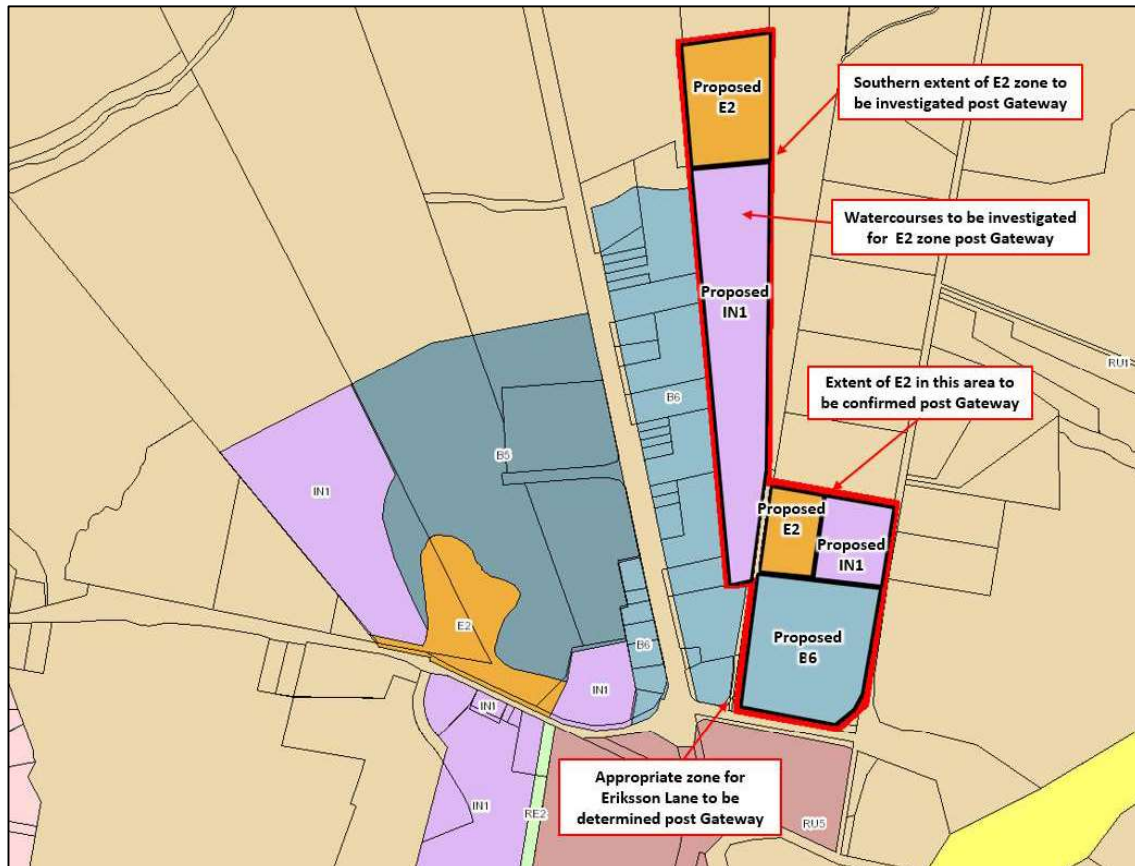


Figure 4: Proposed Zoning

3. NEED FOR THE PLANNING PROPOSAL

Council advises that the proposal is generally consistent with the draft Manning Valley Local Strategy which identifies part of the site for business purposes and prioritises a commercial and industrial hub within the Manning River Drive Employment Precinct. The southern part of the site is identified as an extension to the existing employment precinct. The proposal seeks to consolidate the Manning River Drive Employment Precinct and to develop as an important southern entry to Taree. The proposal states that this employment area will complement the Northern Gateway employment precinct.

The proposal notes that the site has good access to the Pacific Highway and is suitably located for the creation of new employment opportunities, particularly those related to truck and passenger vehicle related retail, transport related hospitality, servicing and manufacturing and technical services and logistics. The site is likely to capture trade from highway traffic as well as local trade supporting Council's objective to strengthen the local and regional economy.

It is noted that in 2017, within MidCoast LGA approximately 23 percent of zoned employment land was undeveloped. Whilst there is a supply of undeveloped employment land available in the LGA, it is considered that this site has site specific merit due to its proximity to the Pacific Highway and as it forms a logical extension to the exiting employment precinct.

Council considers the planning proposal to be the best means of achieving its desired outcome for the site. The Department agrees and it is recommended that the planning proposal proceed.

4. STRATEGIC ASSESSMENT

4.1 State

There are no State strategic plans which are relevant to the planning proposal.

4.2 Regional

Hunter Regional Plan 2036

The site is located on land subject to the Hunter Regional Plan 2036 and states that it is consistent with the Plan, specifically Direction 4, 6 and 27 (described below).

Direction 4: Enhance inter-regional linkages to support economic growth

The site has good access to the Pacific Highway and brings site specific strengths to activate the creation of new employment opportunities, particularly in transport, logistics and manufacturing (Figure 5). The region's proximity to Sydney and Newcastle via the Pacific Highway makes it ideal for general industrial and freight/logistic business and industries.

Consultation with RMS is required to understand the impact the proposal would likely have on the Pacific Highway, in particular the Taree South interchange.

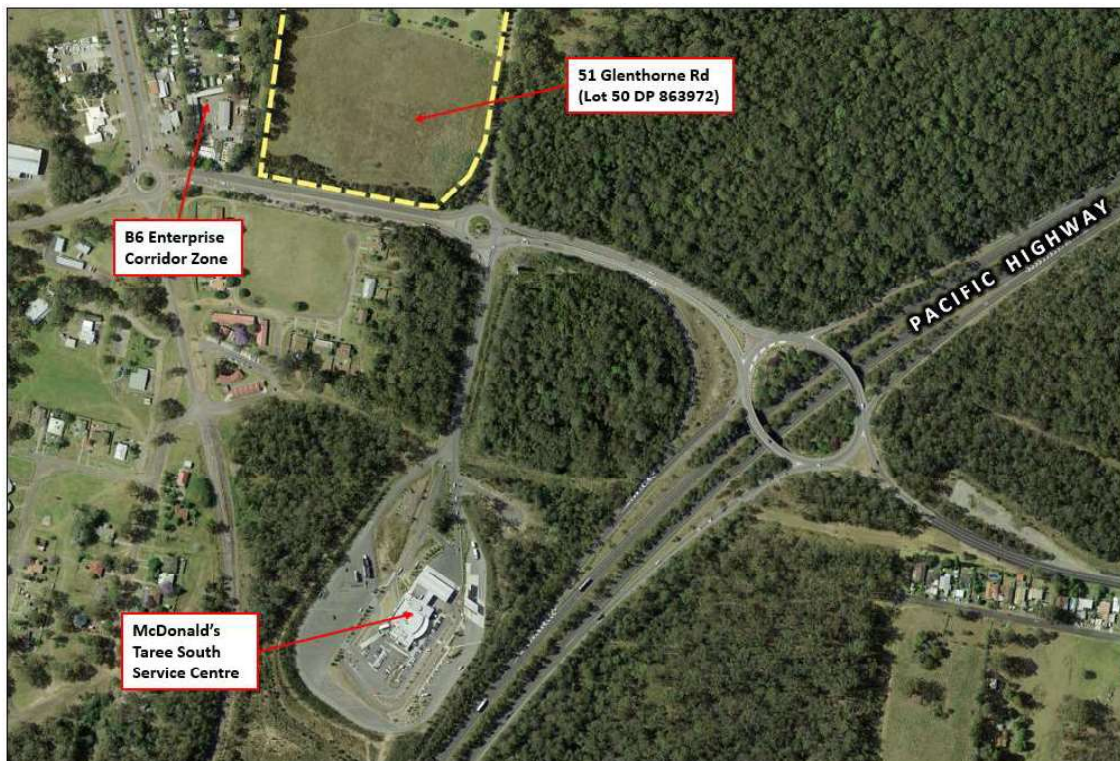


Figure 5: Aerial map of Taree South Interchange

In particular, *Action 4.6 Investigate opportunities for logistics and freight growth and other complementary land uses around airports, leveraging investments at Taree and Newcastle airports* is relevant. Whilst the site is not located within direct

proximity to the Taree airport, the growth of logistics and freight industries on the site is likely to support the use of Taree Airport located approximately 6km north.

Direction 6: Grow the economy of MidCoast and Port Stephens

In particular, *Action 6.4 Promote growth of industries that can leverage accessibility provided by the Pacific Highway* is relevant. The proposal states that the growth of industries leveraging on the access to the Pacific Highway would result in fewer heavy vehicles travelling through towns or residential areas. It is expected that businesses will be attracted from both within the Hunter and from the North Coast Region, with possible further attraction from Greater Sydney. The proposal is consistent with this direction.

Direction 27: Strengthen the economic self-determination of Aboriginal communities

In particular, *Action 27.1 Work with the Purfleet-Taree, Forster, Karuah, Worimi, Mindaribba, Awabakal, Bahtabah, Biraban and Wanaruah Local Aboriginal Land Councils to identify priority sites that can create a pipeline of potential projects* is relevant. The proposal seeks to incorporate provisions for new economic and cultural development opportunities in partnership with the Purfleet-Taree local Aboriginal Land Council given its close proximity to the village. The village of Purfleet is located to the south of the subject land on the southern side of Manning River Drive.

Consultation with the Purfleet-Taree Local Aboriginal Land Council will need to occur to consider an amount of floor space for employment and cultural services for the local Aboriginal community.

Local Government Narratives: MidCoast

The Hunter Regional Plan also states in the Local government narratives, *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 and retail role of Taree CBD.*

The site's location on the Pacific Highway corridor at Glenthorne brings natural locational strengths to activate the creation of new employment opportunities, particularly in transport, logistics and manufacturing. This will provide for wider economic benefits to be generated for Taree and the MidCoast Region more broadly. The proposal is consistent with this direction.

Inconsistencies

Direction 10: Protect and enhance agricultural productivity; and

The proposal is inconsistent with Direction 10 as it seeks to rezone rural land for industrial and business purposes and it would result in the loss of rural land. However, the proposal states that it would facilitate opportunities for some agricultural enterprises and states the land is not suitable for agricultural enterprises as it adjoins an existing employment precinct. Consistent with Action 10.1

It is recommended that to address inconsistencies with 9.1 directions relating to rural land, further detail regarding the existing rural use and consultation with DPI – Agriculture is required.

4.3 Local

Draft Manning Valley Local Strategy (June 2016)

The planning proposal is generally consistent with the draft Manning Valley Local Strategy (MVLS), which has been deferred because of the Council amalgamation. The strategy seeks to grow the local economy, by offering accessible and affordable options for new businesses.

One of the high-level priorities in the MVLS is the provision of a commercial and industrial hub within the Manning River Drive precinct, which is recognised in the MVLS as a key economic precinct (Figure 6). It has been recognised as providing good access to the Pacific Highway with high volumes of passing traffic. The southern part of the site is located within the expansion area in the MVLS for industrial land, however the northern part of the site is not included in this area, however directly adjoins the employment area.

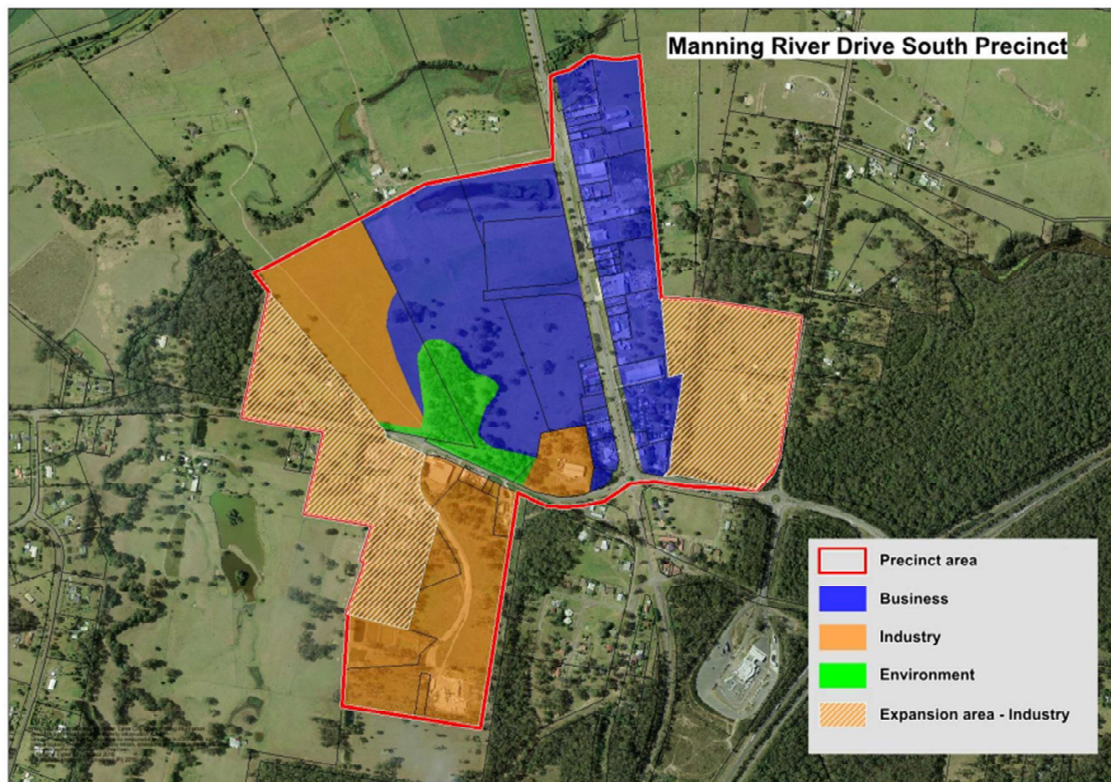


Figure 6: Extract from Draft Manning Valley Local Strategy showing the subject land identified as an expansion area for industry.

MidCoast Regional Economic Development Strategy 2018-2022

The planning proposal is consistent with the Regional Economic Development Study (REDS) for the MidCoast region, prepared by the NSW Department of Premier and Cabinet (2018). The REDS plans to consolidate the region's key industries. This includes boosting productivity in agriculture through greater use of technology and innovation, growing the local aquaculture industry, leveraging advantages for freight

and logistics and building on its strengths as an attractive location for people to reside and visit.

In particular, the proposal is consistent with *Strategy B: Creating a supportive environment for businesses to invest and grow* which includes six initiatives to grow and support the local economy by removing barriers and uncertainty over land-use..

MidCoast 2030: Shared Vision, Shared Responsibility

The planning proposal is consistent with Council's Community Strategic Plan *MidCoast 2030: Shared Vision, Shared Responsibility*. The proposal seeks to provide an extension to the Manning River Drive Employment Precinct. Its locational advantages and co-location with existing industrial and business uses will contribute to providing an environment to grow and strengthen local businesses and attract new businesses, particularly in the transport and logistics sector. The proposal will also contribute to sustainable economic growth by creating an opportunity for new industries to establish in a location with unique economic advantages.

4.3 Section 9.1 Ministerial Directions

The planning proposal is either inconsistent or further work is required before consistency can be determined with the following Section 9.1 Directions:

1.1 Business and Industrial Zones

This Direction applies as the proposal will result in additional business zoned land and states that new employment areas should be in accordance with a strategy that is approved by the Secretary. As the draft MVLS is not approved or endorsed by the Secretary, the proposal is inconsistent with this Direction. It is considered that the inconsistency is minor as the proposed B6 land adjoins other business zoned land and it forms a logical extension to the existing employment area. The proposal is also consistent with directions in the Hunter Regional Plan. Inconsistency with this Direction can be justified as it is of minor significance.

1.2 Rural Zones

The planning proposal is inconsistent with Direction 1.2 because it would rezone rural land to business and industrial. Whilst the agricultural production value of the land has diminished due to rural lifestyle properties and the land adjoining the Manning River Drive Employment Precinct, it is recommended that consultation with DPI - Agriculture occur to confirm the value of the existing RU1 Primary Production land before consistency is determined.

1.5 Rural Lands

The proposal is inconsistent with the Direction because it does not promote opportunities for investment in productive, diversified, innovative and sustainable rural economic activities.

As above, whilst the agricultural production of the land has diminished, it is recommended that consultation with DPI- agriculture occur to confirm the value of the existing rural land before consistency can be determined.

2.1 Environmental Protection Zones

The planning proposal includes provisions which facilitate the protection and conservation of the environmentally sensitive land located on site by zoning E2 Environmental Conservation.

The site includes a number of vegetation communities, most of which have been modified by past activities. A Preliminary Ecological Constraints Assessment was undertaken and identified that the site contains two Ecological Endangered Communities (EECs) – Freshwater Wetlands and Swamp Forest on Coastal Floodplains. The site also contains hollow-bearing trees. The Assessment indicates that the rezoning and development of the site is likely to trigger the need to enter into the Biodiversity Offset Scheme (BOS). The proposal indicates that a Stage 1 Biodiversity Development Assessment Report (BDAR) will be prepared and this has been conditioned accordingly.

Consultation with OEH should also occur to confirm the suitability of the biodiversity measures proposed. Consistency with this direction may then be determined.

3.5 Development Near Licensed Aerodromes

The planning proposal is located within the obstacle limitation surface (OLS) map in the LEP associated with the nearby Taree Airport and therefore this Direction applies. Consultation with the operator of Taree Airport is required, and then consistency with this Direction may be determined.

4.1 Acid Sulfate Soils (ASS)

The southern half of the site contains Class 5 ASS, and the majority of the northern half contains Class 4 ASS. Small portions of Class 3 and Classes 2a and 2b occur in the far north of the land, within the area that is proposed to be zoned for Environmental Conservation (Figure 7).

The Direction requires an ASS study to be undertaken as land use intensification would occur. Council has identified that future development would only occur on Class 4 and Class 5 ASS, and that no further consideration of ASS is required for the planning proposal. Given the ASS provisions in the LEP, it is considered that a study as required by this Direction is unnecessary and the matter can be resolved at the development application stage. It is recommended that the Secretary agree that the inconsistency is of minor significance.

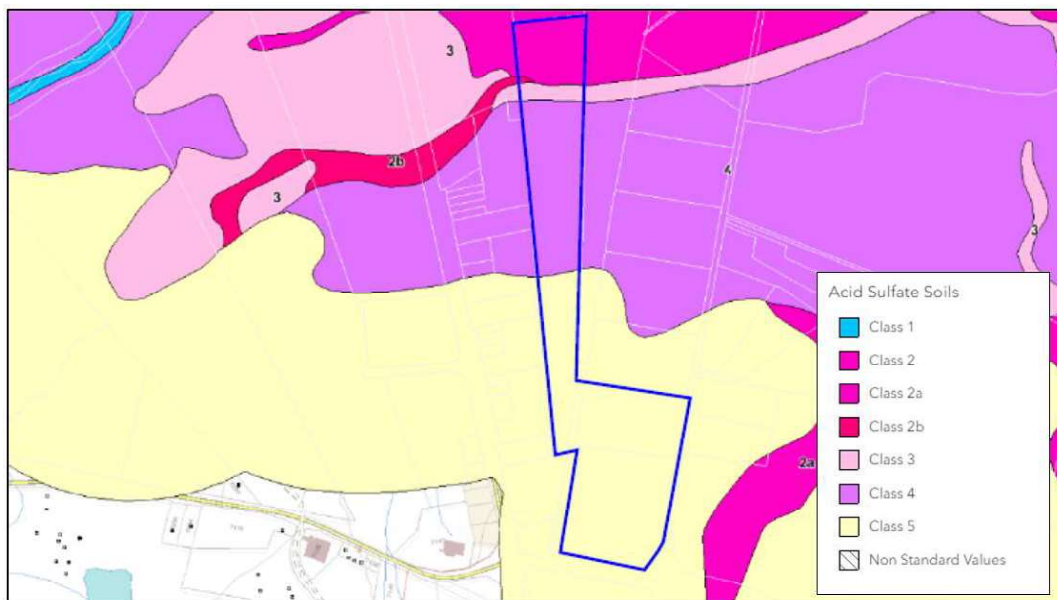


Figure 7: Acid Sulfate Soils

4.3 Flood Prone Land

The planning proposal is inconsistent with this Direction because a portion of the central and northern parts of the subject land are located within a flood prone land area (Figure 8). The Manning River Flood Study applies to the site and the Manning River Floodplain Risk Management Plan, currently under preparation by Council, will apply to the land when it is completed.

The land is not proposed to be zoned for residential purposes, and the areas noted as flood prone are proposed to be entirely located within the E2 Environmental Conservation zone. The proposal notes that a Flooding and Drainage Assessment will be undertaken following Gateway, and this has been conditioned accordingly.

Consultation with OEH to assess the proposed approach. Consultation should occur before consistency within this Direction can be determined.

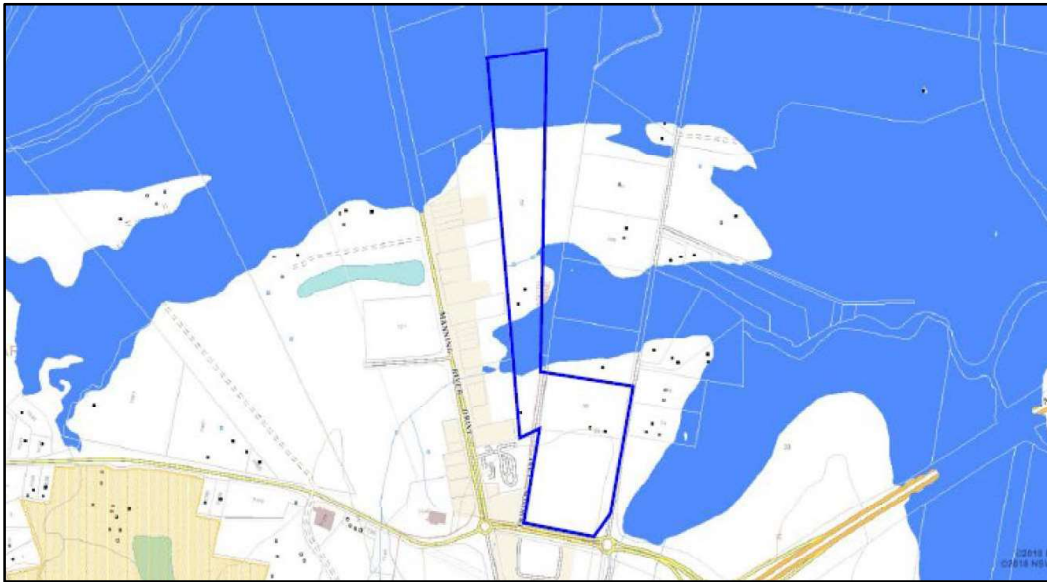


Figure 8: MidCoast Council Flood Prone Land Mapping (October 2018)

4.4 Planning for Bushfire Protection

The planning proposal affects land mapped as bushfire prone (Figure 9) and consultation with NSW RFS needs to occur before consistency with this direction can be determined.

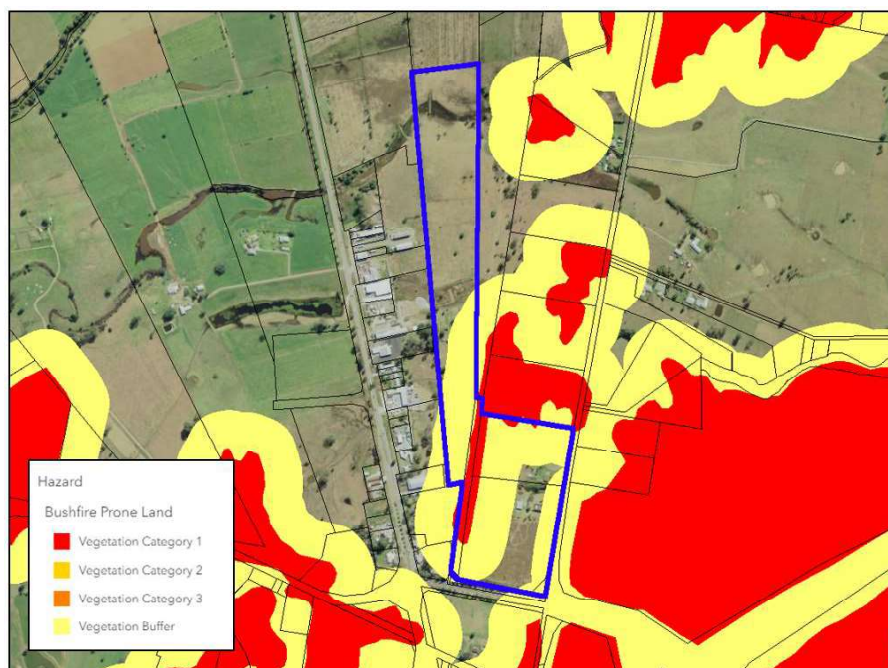


Figure 9: Bushfire Prone Land Mapping

5.10 Implementation of Regional Plans

The planning proposal is inconsistent with Direction 5.10 as it is contrary to the Hunter Regional Plan 2036 as discussed previously in relation to rural lands. Conditions are recommended to address these matters.

4.4 State environmental planning policies (SEPPs)

SEPP 44 – Koala Habitat

The proposal has identified that the site contains potential Koala habitat, mostly as very young regrowth on Lot 2 DP 573214 and in the road reserve of Eriksson Lane (Figure 10). Evidence of Koalas was found along the Eriksson Lane road reserve.

The proposal seeks to rezone those areas with the highest concentration of koala feed trees to E2 Environmental Conservation. Further surveys as part of the biodiversity studies (BDAR) is required to determine if the land qualifies as core koala habitat. Consultation with OEH is also required before consistency with the SEPP may be evaluated.



Figure 10: Koala Feed Trees (source: JBEnvir)

SEPP 55 – Remediation of Land

The proposal has not identified the land as contaminated. A preliminary contamination assessment will be prepared to confirm that the land is not contaminated and is land suitable for the zones and uses permitted. A condition has been included in the Gateway determination requiring a Phase 1 Contamination Assessment to be undertaken.

SEPP (Coastal Management) 2018

The land is partly located within the Coastal Environment Area identified in the SEPP. The proposed E2 Environmental Conservation zones on the site will ensure that the objectives of the Coastal Environment Area are achieved. Consideration of the need for any site-specific controls to align with the Coastal Environment Area of the SEPP is required to be considered by Council when preparing the DCP for the site. A condition has been included to ensure the DCP addresses the Coastal Management SEPP.

SEPP (Exempt and Complying Development Codes) 2008

The proposal would permit certain commercial and industrial development as exempt or complying which are not currently permitted, by virtue of the introduction of the IN1 and B6 zones.

SEPP (Rural Lands) 2008

The proposal intends to amend the zoning of rural land for the purposes of employment. The site is not identified as State significant agricultural land and provides only marginally productive agricultural. The proposal is not in conflict with the aims or rural planning principles of the SEPP, however as previously identified consultation with DPI – Agriculture is required to confirm the value of the rural land proposed to be rezoned.

5. SITE-SPECIFIC ASSESSMENT

5.1 Social

The planning proposal will result in increased traffic, noise and amenity impacts in the local area, but it is unlikely to be an adverse impact on existing residents in the surrounding residential areas, given the located near the Pacific Highway interchange and adjoins an existing employment area. It is considered that the proposal will have an overall positive socio-economic impact.

5.2 Environmental

The site is subject to a range of environmental constraints that have been previously discussed in the report. The planning proposal includes areas proposed to be rezoned for E2 Environmental Conservation in order to protect the aquatic and terrestrial biodiversity values on the land. Further studies and consultation with the relevant agencies is required before the environmental impacts can be fully evaluated.

5.3 Economic

The planning proposal is strategically located and can service locals and visitors to the area, which takes advantage of the economic opportunity that the site's accessibility and exposure to the Pacific Highway presents. The planning proposal estimates that the planning proposal could generate between 700-750 new jobs once fully developed, it is recommended further analysis and detail is provided on the estimated number of jobs to be provided.

The rezoning will strengthen the significance of the Manning River Drive Employment Precinct as an important southern entry into Taree. The proposal complements the Northern Gateway precinct, ensuring that Taree captures every opportunity to trade from highway traffic and local resident movements in order to maximise the available local economic benefits.

5.4 Infrastructure

Development of the site would predominantly utilise existing infrastructure, however upgrades to the road network may be required. The proposal notes that Water and Sewer Servicing Strategy will be prepared following Gateway.

The proposal considers the potential impacts on the local road network and also the Pacific Highway. The proposal indicates that the Traffic Study will be updated to address a number of matters including access arrangements and internal road layout and this has been conditioned accordingly. Given the site's proximity to the Pacific Highway, consultation with RMS is recommended.

6. CONSULTATION

6.1 Community

Council has specified an exhibition period of 28 days. This is supported and it recommended that a 28 day exhibition period is required.

6.2 Agencies

Consultation is required with the following Government agencies:

- Roads and Maritime (traffic and access);
- Rural Fire Service (bushfire);
- Office of Environment and Heritage (flooding, ecology and koala habitat);

- Purfleet/Taree Local Aboriginal Land Council;
- Taree Airport; and
- Department of Primary Industries – Agriculture (rural land).

The Gateway determination has been conditioned accordingly.

7. TIME FRAME

Council has proposed a 12 month timeframe for completing the LEP. This timeframe is considered appropriate given the additional studies and agency consultation required.

8. LOCAL PLAN-MAKING AUTHORITY

Council has not requested to be the local plan-making authority. As the proposal is generally consistent with the local planning strategy, Council has been authorised to be the local plan-making authority.

9. CONCLUSION

It is considered that the planning proposal should proceed subject to conditions because:

- the proposal will facilitate a logical eastern extension to the Manning River Drive Employment Precinct;
- the proposal is generally consistent with the Manning Valley Local Strategy and Hunter Regional Plan;
- the proposal seeks to protect and conserve the areas within the site that have high ecological value; and
- the site is well located for industrial and business uses which will contribute to growing the local and regional economy and triggering local investment and job creation.

10. RECOMMENDATION

It is recommended that the delegate of the Secretary:

1. agree that any inconsistencies with section 9.1 Directions 1.1 Business and Industrial Zones, and 4.1 Acid Sulfate Soils are minor and justified.
2. note the consistency with section 9.1 Direction 1.2 Rural Zones, 1.5 Rural Lands, 2.1 Environmental Protection Zones, 3.5 Development Near Licenced Aerodromes, 4.3 Flood Prone Land, 4.4 Planning for Bushfire Protection and 5.10 Implementation of Regional Plans are unresolved and will require justification and/or consultation.

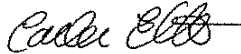
It is recommended that the delegate of the Minister determine that the planning proposal should proceed subject to the following conditions:

1. Prior to community consultation, Council is to update the planning proposal to:
 - (a) include the following studies:
 - i. Flooding and Drainage Assessment;


- ii. Biodiversity Assessment;
- iii. Phase 1 Contamination Assessment; and
- iv. Updated Traffic Assessment.

(b) include further information regarding the existing rural and agricultural land uses on the site.

2. Development control plan (DCP) provisions for the site should be exhibited concurrently with the planning proposal.
3. The planning proposal should be made available for community consultation for a minimum of 28 days.
4. Consultation is required with the following public authorities:
 - Roads and Maritime Services
 - Office of Environment and Heritage
 - Rural Fire Service
 - Taree Airport (operator)
 - Local Aboriginal Community and Purfleet-Taree Local Aboriginal Land Council
 - Department of Primary Industries – Agriculture.
5. The time frame for completing the LEP is to be 12 months from the date of the Gateway determination.
6. Given the nature of the planning proposal, Council should be the local plan-making authority to make this plan.



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