

Planning Services

Gateway Determination Report

LGA	MidCoast
RPA	MidCoast Council
NAME	Kolodong Road Rezoning, Taree (450 lots)
NUMBER	PP_2018_MCOAS_002_00
00	Greater Taree Local Environmental Plan 2010
ADDRESS	353, 423, 441, 443, 445, 461, 461A, 463 and 465 Kolodong Road Taree
DESCRIPTION	353 – Lot 6 DP 614144 423 – Lot 53 DP 1042462 441 - Lot 52 DP 1042462 443 - Lot 54 DP 1042462 445 – Lot 3 DP 607547 461 – Lot 7 DP 1170882 461A - Lot 8 DP 1170882 463 - Lot 6 DP 833772 465 - Lot 5 DP 833772
RECEIVED	12 March 2018
FILE NO.	EF18/3898
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.

INTRODUCTION

Description of planning proposal

To rezone approximately 64ha of land from RU1 Primary Production to R1 General Residential and E2 Environmental Conservation.

Site description

The Kolodong rezoning proposal is located on the western edge of the existing Taree township located approximately 6km by road from the Taree CBD. The main access to the subject land is provided via Kolodong Road through the western intersection with Wingham Road, just north of the subject lands. Kolodong Road continues to the south until it meets the railway corridor and proceeds east, connecting with a range of rural and rural residential properties before once more intersecting with Wingham Road adjacent to the Bunnings commercial centre.

Existing development on the land is connected to reticulated water, electricity and telecommunications. Gravity sewer is available to parts of the site, subject to

construction and augmentation of sewer infrastructure. Other parts of the site are outside an existing sewer catchment, but can be serviced under the servicing strategy for the area prepared by the Water Services Division of MidCoast Council. It has good access to facilities such as the hospital, Christian College (providing for Kindergarten - Year 12), and employment opportunities in adjoining industrial areas.

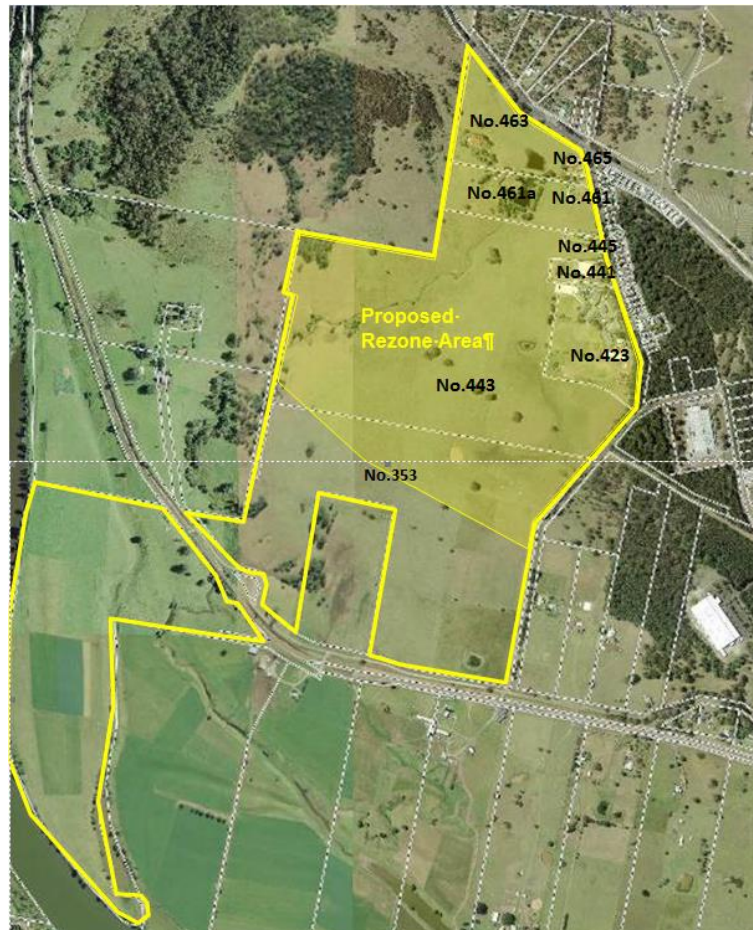


Figure 1 - Aerial Photograph with property address details

The rezoning proposal covers 9 properties in separate ownership. A brief site description of the 4 larger properties is provided below:

No.353 Kolodong Road, Taree

This is a large rural property which has an area of approximately 77 hectares and is dissected by Neales Lane and the Mid North Coast Railway. Only the northern parts of this land have been identified for residential land uses. The parts of the site south west of the railway line are comprised of river flats that have been used for dairy farming. The areas to the north of the railway line are more elevated lands with very gradual slopes and mainly comprising managed grassland areas used for low intensity grazing purposes. Improvements on the site are generally limited to rural infrastructure.

443 Kolodong Road, Taree

This is a large property with an area of approximately 43 hectares. The land is comprised of undulating land with gentle slopes and there are two small gullies

which drain the site and adjoining lands. Vegetation over the land is limited to grazing pastures and isolated paddock trees. There is a small grove of trees in the north western corner of the site which is dominated by native trees, with a grazed understorey which is used as a cattle camp. There is a rural dwelling located centrally on the land, and rural infrastructure.

461A Kolodong Road, Taree

This is a rural residential property with an area of approximately 4.91 hectares. The land is gently sloping toward a central drainage gully that connects with the gully through 443 Kolodong Road to the south. Vegetation over the land is limited to managed pasture areas and gardens around the existing dam in the gully. The site contains a rural residential dwelling located in the western part of the site.

463 Kolodong Road, Taree

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

A number of smaller adjoining allotments (No. 423 Taree Christian College, 441 church, 445 concessional lot, 461 restaurant/café and 465 concessional lot) have been included in the broader investigation area to be provide a more strategic approach for future land uses in this locality.

Existing planning controls

The subject land is zoned RU1 Primary Production and has a minimum lot size of 40ha under the Greater Taree Local Environmental Plan 2010.



Figure 2 - Current Zoning Plan

Surrounding area

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

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

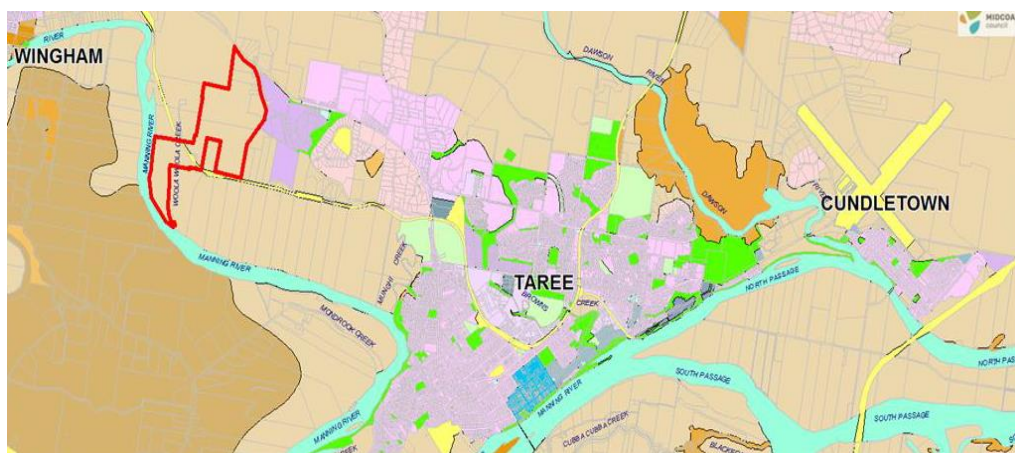


Figure 3 - Locality Plan

Summary of recommendation

Proceed with conditions – The planning proposal is consistent with the strategic directions contained in local strategies as well as the Hunter Regional Plan 2036.

PROPOSAL

Objectives or intended outcomes

The planning proposal clearly outlines its objectives and intended outcomes. The primary objective of the planning proposal is to provide for the growth of Taree in accordance with local and regional strategies. No amendments to the objectives are required prior to community consultation.

Explanation of provisions

The planning proposal aims to rezone part of the land from RU1 Primary Production to R1 General Residential and E2 Environmental Conservation under the Greater Taree Local Environmental Plan 2010. The remainder of the site will be retained in the RU1 Primary Production zone to provide for ongoing agricultural use of the land.

A minimum lot size of 450sm, maximum height of 8.5m and floor space ratio of 0.6:1 will be applied to the residential zone. A minimum lot size of 40ha will be applied to the E2 Environmental Conservation and a minimum lot size of 40ha will be retained for the RU1 Primary Production zone.

The E2 Environmental conservation zone is proposed over an area of native woodland located in the north western corner of the land (no.443).

The Kolodong rezoning proposal will be mapped as an Urban Release Area, thereby requiring a contribution towards the provision of State Infrastructure and preparation of a comprehensive Development Control Plan before any development application is approved. The Development Control Plan will address:

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

It is recommended that the Gateway determination be conditioned to require Part 3 Explanation of Provisions to be updated to explain that the E2 Environmental conservation land will be subdivided in accordance with clause 4.1B under the Greater Taree Local Environmental Plan 2010 so that it is attached to an adjoining residential allotment.

Mapping

The planning proposal requires amendments to the zoning, minimum lot size, height, floor space ratio and urban release area maps. The planning proposal clearly identifies the current and proposed amendment maps. No mapping updates are required prior to community consultation.

NEED FOR THE PLANNING PROPOSAL

Yes. The planning proposal is the best means of achieving the objectives and intended outcomes for the land. The existing zone and lot size controls do not facilitate residential development.

STRATEGIC ASSESSMENT

State/Regional

The planning proposal implements the Hunter Regional Plan 2036 (RP), specifically part of Direction 21 Compact Settlements which encourages development in sites identified in an endorsed regional strategy.

The Mid North Coast Regional Strategy 2031 identifies the majority of the Kolodong rezoning proposal as a proposed urban area (Figure 4). Council has also included a number of smaller adjoining allotments (No. 423 Taree Christian College, 441 church, 445 concessional lot, 461 restaurant/café and 465 concessional lot) as part of the investigation area to provide a more strategic approach for this locality.

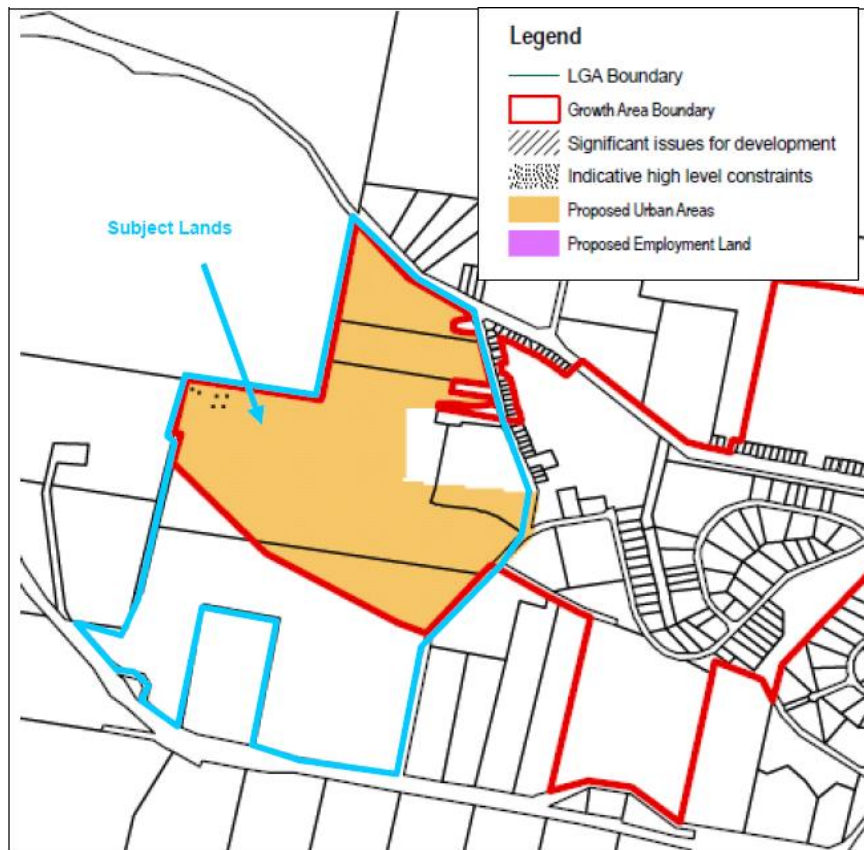


Figure 4 - Mid North Coast Regional Strategy

Local

Taree Wingham Growth Plan 1990 identified the subject land as part of a larger urban release area that included the subject lands and adjoining lands to the north and south. It was also identified for future urban expansion by the Hunter Coastal Urban Settlement Strategy (1994), prepared by the Department of Planning to guide growth in the coastal area of the Hunter Region and Council's draft Greater Taree Conservation and Development Strategy 2005.

Land Supply Analysis

As suggested by the Department, Council has undertaken an assessment of residential land supply and demand in the Taree Housing market to determine the need for more residential land in Taree.

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

Figure 5 – Residential land supply and demand for Taree

The land analysis found that there was sufficient supply of both vacant residential land and unzoned urban release areas to generally meet both the low and high growth scenarios (Figure 5). Of the three unzoned urban release areas within the Taree submarket (Figure 6), Council considers the Kolodong and Taree West Urban Release Areas as priority growth areas, whereas the Bushland Urban Release Area is considered a low priority. The Bushland catchment has the largest residential land supply (zoned as well as urban release area) but has traditionally experienced low demand due to a number of socioeconomic reasons.

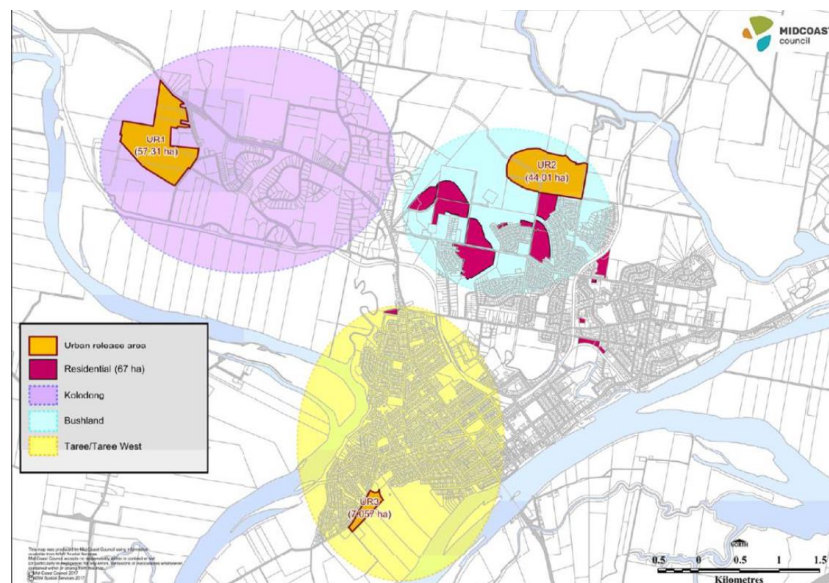


Figure 6 – Taree Residential Catchments

Council's assessment of the residential catchments in Taree identified some significant differences between the amount of land zoned and the land that is readily available for development.

Brimbin was rezoned in 2015 and has the potential to offer a new housing market (up to 8000 dwellings) close to Taree. Brimbin has not been assessed as part this land supply and demand analysis. There is uncertainty regarding the timing of housing and it may create a new different market when development proceeds.

It is considered that Council's land supply and demand analysis justifies the rezoning of additional residential land in the Taree submarket because only limited land is available outside the Bushland catchment.

Section 9.1 Ministerial Directions

Direction 1.2 Rural Zones – The planning proposal is inconsistent with this direction by rezoning part of the subject land from rural to residential. It is recommended that the Secretary's delegate approve this inconsistency based on it being identified as a future urban release area by the endorsed Greater Taree growth areas map in the Mid North Coast Regional Strategy 2031.

For the smaller adjoining allotments (No. 423 Taree Christian College, 441 church, 445 concessional lot, 461 restaurant/café and 465 concessional lot) not identified on the endorsed Greater Taree growth areas map, it is recommended that the Secretary's delegate approve this inconsistency as being of minor significance

because the land would otherwise be isolated and unable to contribute to Agricultural purposes.

Direction 1.3 Mining, Petroleum Production and Extractive Industries - The objective of this direction is to ensure that the future extraction of State or regionally significant reserves of coal, other minerals, petroleum and extractive materials are not compromised by inappropriate development. Council advises there are no mines or quarries in proximity to the site or any state or regionally significant resources identified in the area. Consultation with the Department of Primary Industries (Resources) will determine consistency with this Direction.

Direction 1.5 Rural Lands - The planning proposal is inconsistent with Rural Planning Principle (a) under the State Environmental Planning Policy (Rural Lands) 2008 by rezoning rural land used for low scale grazing and hobby farming activities. Importantly, the highly productive land to the south are being retained in the rural zone. It is recommended that the Secretary's delegate approve this inconsistency based on it being consistent with the strategic directions of the endorsed Greater Taree growth areas map in the Mid North Coast Regional Strategy 2031. Consultation with Department of Primary Industries (Agriculture) is recommended to obtain their views.

Direction 2.1 Environmental Protection Zones – The planning proposal is considered consistent with this direction by rezoning a small area of native woodland to E2 Environmental conservation. Council has formed the opinion that given the disturbed nature of the site, it is unlikely that any other environmentally sensitive areas need to be protected. Based on the aerial photograph there appears to be a riparian corridor running through the site, which may require some level of protection and future management. The Gateway determination has been conditioned to prepare a flora and fauna assessment report and consult with the Office of Environment and Heritage and the Office of Water to obtain their views.

Direction 2.3 Heritage Conservation - The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance. Council advises that an AHIMS search has been done over the land which did not identify any Aboriginal sites or places on the land or surrounding area. The land is 'disturbed land' and application of the Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales would suggest that further investigation would not be required. Consultation with the Office of Environment and Heritage will determine consistency with this Direction.

Direction 4.4 Planning for Bushfire Protection - This Direction applies as the planning proposal aims to rezone bushfire prone land. Consultation with the NSW Rural Fire Service will determine consistency with this Direction.

State environmental planning policies

State Environmental Planning Policy No.44 Koala Habitat Protection – Council confirms the presence of koala feed trees within the small area of native woodland located in the north western corner of No.443 Kolodong Road, Taree. However, it has formed the opinion that given the existing land uses, likely barriers to movement, and the findings of the Greater Taree draft Comprehensive Koala Plan of Management, it is unlikely that the vegetation on the site comprises core koala habitat or is essential to koala populations in the area.

The Gateway determination has been conditioned to prepare a flora and fauna assessment report in accordance with the SEPP 44 assessment requirements to determine whether it constitutes potential or core koala habitat. If an individual koala plan of management is required, this should be finalised and approved before requesting notification.

State Environmental Planning Policy No.55 Remediation of Land – The subject land has been used for low intensity agricultural activities and is unlikely to be contaminated. Council recognises that a preliminary site investigation in accordance with SEPP 55 needs to be prepared to determine if any contaminated areas are, or are likely to be, present on the land and whether any remediation is necessary.

The Gateway determination has been conditioned to prepare a contamination assessment report in accordance with State Environmental Planning Policy (SEPP) 55 – Remediation of Land.

State Environmental Planning Policy (Rural Lands) 2008 - The planning proposal is inconsistent with Rural Planning Principle *(a) the promotion and protection of opportunities for current and potential productive and sustainable economic activities in rural areas*. This inconsistency is justified by being consistent with the endorsed Greater Taree growth areas map in the Mid North Coast Regional Strategy 2031.

The planning proposal is considered consistent with the other relevant Rural Planning Principles.

State Environmental Planning Policy (Infrastructure) 2007 - The planning proposal is consistent with this policy. Clauses 85-88 provide controls in relation to development adjacent to rail corridors in relation to land use, excavation and impact of noise and vibration. The proposal does not provide for additional development or uses within approximately 350m of the rail corridor and would be consistent with these clauses. Interim Guidelines for development near rail corridors provide that noise and vibration from rail corridors would only be an issue where development is located within 80 metres of the corridor. Consultation with the Australian Rail Track Corporation is recommended to obtain their views.

SITE-SPECIFIC ASSESSMENT

Social

The planning proposal should have positive social benefits by increasing housing supply within the Taree LGA.

Environmental

The small pocket of native woodland is being rezoned E2 Environmental Conservation. The remainder of the proposed residential land is disturbed with minimal areas of potential habitat.

Consultation with the Office of Environment and Heritage and the Office of Water will clarify whether the riparian corridor exists, the level of protection and future management requirements.

Economic

The rezoning should have a positive multiplier effect on the local economy through employment opportunities and construction costs.

State Infrastructure

The Kolodong rezoning proposal will be mapped as an Urban Release Area, thereby requiring a contribution towards the provision of State Infrastructure.

Local Infrastructure

The planning proposal will substantially increase the amount of traffic along Wingham Road. Council advises that the development (450 dwellings) has the potential to generate up to 3,330 vehicle trips per day based on the Guide to Traffic Generating Developments. A traffic assessment needs to be prepared to determine the adequacy of the existing Kolodong Road/Wingham Road intersection and necessary upgrade works. The Gateway determination has been conditioned accordingly.

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

Water will be provided by Council's Water Services reticulated system and the land is located within the Manning Water Supply service area. The site will have access to electricity services, subject to necessary augmentation and reticulation in construction. Telephone services are available in the area and can be extended to future subdivision on the land.

Consultation with Water Services Division of Council (water and sewer) and Essential Energy (electricity) will confirm whether the land can be adequately serviced by reticulated water, sewer and electricity.

CONSULTATION

Community

Council proposes that the planning proposal be placed on exhibition for 28 days. The exhibition will involve:

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

The level of community consultation proposed is considered appropriate for this planning proposal.

Agencies

Council proposes consultation with the following agencies:

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

- RailCorp – proximity of the rail line

In addition to the above agencies, the Gateway determination has been conditioned to consult with Water NSW about the riparian corridor and Australian Rail Track Corporation who own the rail infrastructure instead of Railcorp.

TIME FRAME

Council's project timeframe suggests a 12-month completion timeframe. This is achievable but in the circumstances, an 18-month completion timeframe is recommended to provide sufficient time to prepare the required supporting documentation (flora and fauna, traffic and contamination assessments) and address any issues raised by the community and government agencies

LOCAL PLAN-MAKING AUTHORITY

Council has not requested to be the local plan-making authority. It is recommended that Council be given the Minister's plan making delegations to complete this planning proposal.

CONCLUSION

The planning proposal is supported to proceed with conditions.

The planning proposal implements the Hunter Regional Plan 2036 (RP), specifically part of Direction 21 Compact Settlements which encourages development in sites identified in an endorsed regional strategy.

The Department initially raised concern about the oversupply of zoned residential land within the Mid-Coast Local Government Area. However, Council's land supply and demand analysis has presented a case for the rezoning of this site.

RECOMMENDATION

It is recommended that the delegate of the Secretary:

1. agree that any inconsistencies with section 9.1 Directions (Direction 1.2 Rural Zones and Direction 1.5 Rural Lands) are justified based on it being consistent with the endorsed Greater Taree growth areas map in the Mid North Coast Regional Strategy 2031 and the small areas outside the growth areas map as being of minor significance.

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

1. Prior to undertaking community consultation Council is to amend the Planning Proposal as follows:
 - (a) Update Part 3 Explanation of Provisions to explain that the E2 Environmental conservation land will be subdivided in accordance with clause 4.1B under the Greater Taree Local Environmental Plan 2010 so that it is attached to an adjoining residential allotment.
 - (b) Update part 4.2.3 (a) to outline the findings of the flora and fauna assessment report prepared for the site, including in accordance with the SEPP 44 assessment requirements. If an individual koala plan of management is required, this should be finalised and approved before requesting notification. This report is to be included with the public exhibition material.

- (c) Update part 4.2.3 (b) to outline the findings of the contamination assessment report prepared in accordance with State Environmental Planning Policy (SEPP) 55 – Remediation of Land. This report is to be included with the public exhibition material.
 - (d) Update Part 4.2.4 to explain that the planning proposal is consistent with Direction 3.1 Residential zones.
 - (e) Update Part 5.2.4 to summarise the traffic assessment recommendations. This report is to be included with the public exhibition material.
2. Community consultation is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:
- (a) the planning proposal must be made publicly available for a minimum of **28 days**; and
 - (b) the planning proposal authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment 2016).
3. Consultation is required with the following public authorities under section 3.34(2)(d) of the Act and/or to comply with the requirements of relevant section 9.1 Directions:
- Office of Environment and Heritage regarding Direction 2.1 Environmental Protection Zones and Direction 2.3 Heritage Conservation.
 - Water NSW regarding Direction 2.1 Environmental Protection Zones (riparian corridor)
 - NSW Department of Primary Industries (Agriculture) regarding Direction 1.5 Rural Lands
 - NSW Department of Primary Industries (Minerals and Petroleum) regarding Direction 1.3 Mining, Petroleum Production and Extractive Industries.
 - NSW Rural Fire Service regarding Direction 4.4 Planning for Bushfire Protection.
 - Australian Rail Track Corporation
 - Water Services Division of Council – water and sewer servicing issues
 - Essential Energy – electricity servicing issues

Each public authority/organisation is to be provided with a copy of the Planning Proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.

4. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

5. The planning proposal authority is authorised as the local plan-making authority to exercise the functions under section 3.36(2) of the Act subject to the following:
 - (a) the planning proposal authority has satisfied all the conditions of the Gateway determination;
 - (b) the planning proposal is consistent with section 9.1 Directions or the Secretary has agreed that any inconsistencies are justified; and
 - (c) there are no outstanding written objections from public authorities.
6. The time frame for completing the LEP is to be **18 months** following the date of the Gateway determination.

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3/4/2018
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