

Greater Taree LEP 2010 – Amendment No 6 Brimbin New Town

Proposal Title : **Greater Taree LEP 2010 – Amendment No 6 Brimbin New Town**

Proposal Summary : **The planning proposal seeks to:**

- **rezone the whole of the Brimbin new town site (approximately 3,766 ha) from RU1 Primary Production, RU4 Primary Production Small Lots, E2 Environmental Conservation and SP2 Infrastructure to R1 General Residential, R5 Large Lot Residential, B4 Mixed Use, RU4 Primary Production Small Lots, IN1 General Industrial, E1 National Parks and Nature Reserves, E2 Environmental Conservation, E4 Environmental Living and retain the SP2 Infrastructure zone;**
- **amend the associated Land Zoning, Lot Size, Height of Buildings, Floor Space Ratio Maps. Prior to exhibition the planning proposal will need to incorporate an amending Urban Release Area Map;**
- **insert an E4 Environmental Living zone into Greater Taree LEP 2010 and adopt the standard instrument zone objectives and land use table;**
- **add the following items to Schedule 5 Environmental Heritage of LEP 2010 and identify as locally significant: the former well/soldier's garrison/ outpost Lansdowne and the remains of the former road from Wingham to Port Macquarie; and**
- **include two additional local provisions providing for the subdivision of the proposed RU4 zoned land and proposed E4 zoned land at Brimbin under certain circumstances.**

PP Number : **PP_2013_GTARE_002_00** Dop File No : **13/15062**

Proposal Details

Date Planning Proposal Received :	23-Sep-2013	LGA covered :	Greater Taree
Region :	Hunter	RPA :	Greater Taree City Council
State Electorate :	MYALL LAKES	Section of the Act :	55 - Planning Proposal
LEP Type :	Precinct		

Location Details

Street :	Lansdowne Road		
Suburb :	Brimbin	City :	Taree
		Postcode :	2430
Land Parcel :	Lot and DP as per cadastre		

DoP Planning Officer Contact Details

Contact Name : **Brian Murphy**
Contact Number : **0249042712**
Contact Email : **brian.murphy@planning.nsw.gov.au**

RPA Contact Details

Contact Name : **Lisa Proctor**
Contact Number : **0265925249**
Contact Email : **lisa.proctor@gtcc.nsw.gov.au**

DoP Project Manager Contact Details

Contact Name :
Contact Number :
Contact Email :

Land Release Data

Growth Centre :		Release Area Name :	
Regional / Sub Regional Strategy :	Mid North Coast Regional Strategy	Consistent with Strategy :	Yes
MDP Number :		Date of Release :	
Area of Release (Ha) :	1,500.00	Type of Release (eg Residential / Employment land) :	Both
No. of Lots :	8,000	No. of Dwellings (where relevant) :	8,000
Gross Floor Area :	0	No of Jobs Created :	2,500

The NSW Government Lobbyists Code of
Conduct has been
complied with : **Yes**

If No, comment :

Have there been meetings or
communications with
registered lobbyists? : **No**

If Yes, comment :

Supporting notes

Internal Supporting Notes : **The Director General determined, on 10 March 2009 and under the former section 54 plan making provisions, that Council could progress a draft LEP for part of this site, noting that a detailed structure plan was being prepared for the whole of the site. The draft LEP was converted into the new plan making provisions and became a Planning Proposal on 9 November 2010.**

The original draft LEP provided for the rezoning of part of the site (approximately 700 ha) currently zoned RU1 Primary Production and RU4 Rural Small Holdings to R1 General Residential, R5 Large Lot Residential, B2 Local Centre, B6 / IN2 Enterprise Corridor /Light Industrial, RE1 Public Recreation and RE2 Private Recreation.

A detailed site Structure Plan has now been prepared for the whole of the site. The structure plan is consistent with the requirements of the Mid North Coast Regional Strategy and the detailed project brief prepared by the Department's Regional Office, in consultation with the proponent, Roche Group, and Council.

The Roche Group have now submitted a new planning proposal for the whole site (approximately 3766 ha) and Council, as Relevant Planning Authority, has submitted that proposal to the Department. The new planning proposal in particular provides for a significant conservation outcome which has been resolved in consultation with OEH, a reconfiguration of the employment land and the introduction of a proposed rural industry component and an environmental living zone.

Due to these changes and the significant variation to the subject area as a result (700ha to 1500ha), a new planning proposal has been submitted for transparency and to provide the public with complete information about what is now proposed.

Subject to receiving a Gateway determination for this larger planning proposal, Council will resolve not to proceed with the previous, now superceded, planning proposal PP_2010_GTARE_003.

Council has not sought delegation. Given the size and significance of the proposal it is considered that delegation is not appropriate. Further the Regional Director has elected not to use his delegations for this Gateway Determination, due to the scale of the proposal and previous consideration by the Gateway panel.

External Supporting
Notes :

The submitted planning proposal indicates that approximately 9,000 additional employment opportunities will be generated by this proposal over time. The submitted documentation indicates that this estimate includes jobs generated from the employment land to be rezoned (approximately 2,500 jobs as per Appendix 7) and additional employment associated with the agricultural enterprises that would be facilitated by the proposal.

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? Yes

Comment :

The objectives adequately explain the intent of the planning proposal is to enable the land to be developed for a sustainable new town for approximately 20,000 people. The stated intended outcomes of the proposed rezoning are to:

- Provide residential land to accommodate a series of residential neighborhoods with a range of housing types for a diverse community from urban through to rural and environmental living;
- Provide a mixed use local centre that is the heart of the new town offering a range of services and employment;
- Provide significant employment lands for industry and agricultural support businesses to ensure a sustainable economic base for the new town and broader region;
- Provide land for intensive agriculture to offer a broader range of agricultural opportunities for the region;
- Protect land for conservation and public reserve purposes which will ultimately be dedicated to the National Parks and Wildlife Service and Council, providing a publicly accessible and significant extension to the Brimbin Nature Reserve

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? Yes

Comment :

The explanation of provisions indicates that the planning proposal is intended to be delivered through an amendment to Greater Taree LEP 2010 by:

1. Rezoning the subject site from:

- RU1 Primary Production 2582.30ha
- RU4 Primary Production Small Lots 1005.42ha
- E2 Environmental Conservation 160.60ha
- SP2 Infrastructure 17.83ha

to:

- R1 General Residential, 1162.21ha
- R5 Large Lot Residential 74.37ha
- B4 Mixed Use, 114.89ha
- RU4 Primary Production Small Lots 401.40ha
- IN1 General Industria, 158.39ha
- E1 National Parks and Nature Reserves, 994.29ha
- E2 Environmental Conservation, 158.39ha
- E4 Environmental Living, and 726.58ha
- SP2 Infrastructure; 17.83ha

2. Apply Minimum Lot Sizes (MLS) to land zoned R1 General Residential (MLS 450m2), R5 Large Lot Residential (MLS 4,000m2), E4 Environmental Living (MLS 600ha) and RU4 Primary Production Small Lots (MLS 300ha). No MLS is to be applied to land zoned E1 National Parks and Nature Reserves and E2 Environmental Conservation.

3. Greater Taree LEP 2010 does not currently include an E4 Environmental Living Zone. Council therefore intends to adopt the standard instrument E4 zone, zone objectives and land use table in full into LEP 2010, as advised in its covering letter.

4. Amending the associated Land Zoning, Lot Size, Height of Buildings, Floor Space Ratio Maps. The planning proposal will also need to be amended, prior to exhibition, to include an amendment to the Urban Release Area Map. Subsequent to lodging the planning proposal Council has provided copies of the amending URA maps;

5. Adding the following items to Schedule 5 Environmental Heritage of LEP 2010: the former well/soldier's garrison/ outpost Lansdowne and the remains of the former road from Wingham to Port Macquarie;

6. Including two Part 7 Additional Local Provisions to LEP 2010

7.8 Strata or community title subdivision of land at Brimbin.

1) This clause applies to Lots 1,2,3 and 28 on DP 14182, Lots 4 and 5 on DP 6031 and part of Lot 1 on DP 530846, Lansdowne Road Brimbin, which are zoned RU4 on the Land Zoning Map.

2) Despite clauses 4.1, 4.1AA (3) and 4.2B.

3) Development consent may be granted for the strata title or community title subdivision of land to which this clause applies to create lots of any size, subject to a master plan being adopted by Council which details such matters as the principles as the principles of sustainable agriculture subdivision design, lot size, access, tenure, infrastructure requirements, and a management statement setting out the terms of a management association being adopted by Council concurrently with the master plan and registered to all subdivided lots.

7.9 Subdivision of E4 zoned land at Brimbin

1) This clause applies to Lot 1 DP 314748, Lot 7 on DP 6031, Lot 8 DP 667626, Lot 9 on DP 664296, Lots 37-47 and 111 on DP 754409, Lot 122 on DP 882912, Lots 23 and 24 on DP 182474, Lot 1 on DP 170558 and Lot 1 on DP 965109 Onslow Road, Brimbin, which are zoned E4 on the Land Zoning Map.

2) Notwithstanding clauses 4.1, 4.1AA (3) and 4.2B (3) development consent may be granted for the land to which this clause applies for the Torrens title, strata title or community title subdivision of land to create lots of any size, subject to a master plan being adopted by Council which details such matters as subdivision design, lot size, access, tenure, effluent disposal, drainage, infrastructure requirements, and a management statement for the non-developable land being adopted by Council concurrently with the master plan and registered to all subdivided lots; and

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **No**

b) S.117 directions identified by RPA :

* May need the Director General's agreement

1.1 Business and Industrial Zones

1.2 Rural Zones

1.3 Mining, Petroleum Production and Extractive Industries

1.4 Oyster Aquaculture

1.5 Rural Lands

2.1 Environment Protection Zones

2.3 Heritage Conservation

3.1 Residential Zones

3.3 Home Occupations

3.4 Integrating Land Use and Transport

4.1 Acid Sulfate Soils

4.2 Mine Subsidence and Unstable Land

4.3 Flood Prone Land

4.4 Planning for Bushfire Protection

5.1 Implementation of Regional Strategies

6.1 Approval and Referral Requirements

6.2 Reserving Land for Public Purposes

Is the Director General's agreement required? **Yes**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified?

SEPP No 15—Rural Landsharing Communities

SEPP No 44—Koala Habitat Protection

SEPP No 55—Remediation of Land

e) List any other matters that need to be considered :

Have inconsistencies with items a), b) and d) being adequately justified? **No**

If No, explain :

Minor inconsistencies with s117 Direction 1.2 Rural Zones, 1.5 Rural Lands, 5.1 Regional Strategies and 6.3 Site Specific Provisions are considered justified and are discussed under the Assessment tab of this report.

Consultation with NSW Rural Fire Service is required after Gateway and prior to exhibition for consistency with s117 direction 4.4 Planning for Bushfire Protection.

The need to undertake a preliminary land contamination assessment under SEPP 55 and for council to confirm that a plan of management is not required under SEPP 44 is discussed under the Assessment tab of this report.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment :

Subsequent to lodging the planning proposal council has provided amending URA maps. These maps will need to be annexed to the planning proposal prior to exhibition.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : Council advises that during the preparation of the Planning Proposal and site Structure Plan Roche Group (and its consultant representatives) undertook consultation with Council, the Department of Planning and Infrastructure, numerous government agencies and Aboriginal groups. Three full-day community information and feedback sessions were also held in Taree in March 2013.

Appendix 15 Public Authority Consultation and Appendix 16 Community Information and Feedback report provide details on the outcomes of these consultations. It is noted that the broader Lansdowne and Taree communities are generally supportive of the new town proposal. Issues raised by government agencies have been addressed through the preparation of the Structure Plan and will be further refined through the preparation of future voluntary planning agreements and detailed site master-planning.

Council will rely on the Gateway to determine the public exhibition period. But given the significance of the proposal Council considers a minimum 28 day exhibition period is appropriate. This timeframe is supported.

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment : Subsequent to lodging the planning proposal, Council and the Roche Group have provided further advice and justification for the inclusion of proposed new local clauses 7.8 and 7.9 and also justification for extending the proposal outside the URA identified in the Mid North Coast Regional Strategy. These matter are discussed in the Assessment section.

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation to Principal LEP :

Greater Taree LEP 2010 was made in June 2010.

Assessment Criteria

Need for planning proposal :

The proposal has a long history. In December 2004 Council resolved to prepare a draft LEP to rezone large tracts of land on Dawson River north of Taree. The purpose of which was to enable the development of a major new town "Brimbin" comprising approximately 8000 dwellings and 20,000 population, including a marina requiring excavation along the River and removal of high value vegetation.

At the time key questions about the proposal related to its consistency with the overarching residential and employment strategy for Taree and its impact on natural resources and biodiversity. Roche Group sought to progress the proposal through the former Part 3A provisions of the Act, however this request did not proceed prior to the repeal of Part 3A. In response to the former Department of Environment and Climate Change (DECC) concerns regarding the clearing of vegetation for the proposed residential development and Dawson river access, Roche Group reconfigured its development plan to avoid sensitive vegetation areas.

The strategic justification of the site and boundaries for a possible investigation area have subsequently been resolved through the preparation of the Mid North Coast Regional Strategy (2009). Council in February 2009 submitted a draft LEP covering part of the site (approximately 700 ha) for the LEP Panel's consideration. The Director General determined, on 10 March 2009 and under the former section 54 plan making provisions, that Council could progress the draft LEP for part of the site, noting that a detailed structure plan was being prepared for the whole of the site. The draft LEP was converted into the new plan making provisions and became a Planning Proposal on 9 November 2010.

A detailed site Structure Plan has now been prepared for the whole of the site. The structure plan is consistent with the requirements of the Mid North Coast Regional Strategy and the detailed project brief prepared by the Department's Regional Office, in consultation with the Roche Group and Greater Taree City Council. The structure plan and report is supported by various issue specific studies and assessments including, Bushfire Protection Assessment, Traffic Impact Study, Retail Lands Assessment, Net Community Benefit Test, Employment Lands Assessment, Community Plan, Aboriginal Cultural heritage assessment, Biodiversity Certification Assessment, Historical Heritage Review, Integrated Water Cycle Management Strategy, Stormwater Management Strategy, Employment Land Provision, Public Authority Consultation and a Community Information and Feedback Report.

Given the comprehensive nature of the Structure Plan the Roche Group and Council have now submitted a new planning proposal for the whole site. The new planning proposal in particular provides for a significant conservation outcome which has been resolved in consultation with OEH, a reconfiguration of the employment land and the introduction of a proposed rural industry component and an environmental living zone.

Rezoning the whole site will ensure the site is developed overtime in a staged coordinated manner. Local and State physical and community infrastructure requirements will be determined for the whole site. The more detailed planning for the delivery of this infrastructure will be further refined through the future detailed masterplanning of the whole site.

The whole of site approach to the rezoning will give Council and the Taree community greater confidence in how the site will evolve and develop overtime. It will also give the proponent more development certainty and confidence in making the significant investment that will be required to make the Brimbin new town.

The Department's Planning Coordination and Support Unit advised that, given the changes proposed, a new planning proposal should be submitted. This provides a greater level of transparency to the rezoning process and also provides the public with complete information about what is now proposed.

Given the above circumstances, proceeding with a proposal for the whole site is considered the most effective and timely method to achieve the objectives and intended outcomes of the proposal.

Consistency with strategic planning framework :

State Environmental Planning Policies

The proposal is considered to be generally consistent with relevant State Environmental Planning Policies.

SEPP 55 _ Remediation of Land. The planning proposal states that the land has been used for agricultural purposes, cattle grazing since occupation and that there have been no identified contamination issues at this stage. Nevertheless, given the proposed residential land uses, it considered prudent to require the preparation of preliminary site contamination report, consistent with the provisions of SEPP 55 and for council to consider the findings of this report prior to rezoning.

SEPP44 - Koala Habitat Protection. The site is situated within the Greater Taree LGA which is listed in Schedule 1 of the SEPP and a number of Schedule 2 Koala feed tree species exist on site. The proponent advises that recent fauna surveys have not detected any Koalas within the site's proposed development areas. However, Koalas have been recorded within the study area (Conservation areas) and immediately adjacent to the study area. The Biodiversity Certification Assessment Report (Appendix 10), concludes that the proposed development areas do not constitute core koala habitat, however the adjacent proposed conservation areas do. Council should confirm that they agree with the author's recommendation, that a plan of management for the species is not considered necessary prior to any development being approved.

Local Strategy

The site is identified for urban development in Council's draft local growth management strategy for the Greater Taree LGA. The Regional office has reviewed this strategy and the proposal is generally consistent with it. Council is waiting for the new planning legislation to be finalised before undertaking further strategic planning for formal endorsement by the Director General.

Mid North Coast Regional Strategy

The Mid North Coast Regional Strategy identifies the need to plan for minimum of 15,000 dwellings in the Greater Taree and Great Lakes LGAs between 2006 and 2031. Whilst there is not a current shortage of zoned land for immediate to midterm housing needs in the Taree LGA the Strategy does note that Taree in particular has sufficient land and capacity to provide the necessary physical and community services to respond to increased migration driven demand.

Brimbin has been identified as a urban release area in the Strategy (that may ultimately comprise 8000 dwellings and 112 ha of employment lands and a further 400 ha for a range of intensive agricultural industries). If successful it will relieve growing residential development pressures on the coast and provide a focus for major industrial and other employment development. The site adjoins the main North Coast railway and is in close proximity to the Taree Airport and Pacific Highway and builds on the existing major Goninan's and Ridley Grain Mill facilities.

The proposal also accords with the Strategy's key objective "to allow council's greater scope for investigation of release areas, as a contingency to allow for population growth in excess of expectations, to assist with housing choice and affordability and to cater for residential tourism demand". It also accords with the Strategy's key planning principles and actions for local environmental plans to:

- ensure new settlement respects the environmental, coastal and cultural heritage values of the landscape and is directed toward less valuable areas.
- facilitate employment growth in major regional centres and towns and ensure sufficient lands are zoned for industrial and business purposes;
- protect and zone land with high environmental, vegetation, habitat, riparian, aquatic, coastal and corridor value for environmental protection;

- identify and zone land of landscape value (including scenic and cultural landscapes) to protect those values.

It is noted that the Planning Proposal includes land outside the Urban Release Area identified in the Strategy. It is proposed to rezone these areas R5, RU4, E1, E2, and E4. The proponent's planning consultant has provided advice, additional to the planning proposal, arguing that these are not urban zonings and therefore are not inconsistent with the Strategy. In summary the reasons provided for including this land are to:

- protect the Lower Manning Valley Subregional Wildlife Corridor identified by OEH and which in part transverses Roche Group land holdings.
- provide offsetting opportunities for land that will need to be cleared for development within the proposed urban areas.
- provide opportunities for intensive small scale agriculture and associated employment generation, consistent with the overall objectives for the Brimbin new town.

S117 Directions

The proposal is inconsistent with s117 Directions 1.2 Rural Zones, and 1.5 Rural Lands. These inconsistencies are justified because the planning proposal, with the exception of some additional land, is in accordance with the Mid North Coast Regional Strategy. Further the zoning of the additional land is considered justifiably inconsistent with this direction under clause 5 d and therefore as of minor significance. Although the RU4 and E4 zones may result in an increase in the permissible density of the land, the intention is for it to result in only limited additional development and only in circumstances that, for the RU4, facilitate a full range of agricultural enterprises and, for the E4, facilitate the protection of environmentally sensitive flood-labile land. The land to be zoned R5 does not appear to be included within the boundaries of that identified within the Mid North Coast Regional Strategy. The small increase in this boundary is considered justified as of minor significance, given the scale of the broader proposal and masterplanning work undertaken to clarify this boundary. Land to be zoned E1 and E2 will not result in any increase in density and is not considered inconsistent with this direction.

The proposal is inconsistent with s117 Direction 5.1 Implementation of Regional Strategies. The inconsistency is considered justified because the inclusion of land outside the area identified for urban release in the Mid North Coast Regional Strategy will facilitate the appropriate management of environmentally constrained land and facilitate the growth of intensive agriculture employment opportunities. Further the revised boundary is the result of more detailed planning through the structure plan process. The planning proposal therefore achieves the overall intent of the Regional Strategy and inconsistency is justified under clause 5b because it does not undermine the achievement of the Strategy's vision, land use strategy, policies, outcomes or actions.

The proposal is potentially inconsistent with s117 Direction 6.3 Site Specific Provisions because the two clauses seek to impose additional requirements on zoned land. These clauses seek to permit subdivision below the minimum lot size (MLS) when certain conditions are met and are uniquely designed to facilitate a full range of agricultural enterprises and the protection of environmentally sensitive flood-labile land. Furthermore these clauses may serve only a temporary purpose until further structure planning is undertaken and appropriate MLS's put in place through a future mapping amendment. The existing MLS for these sites is large (300ha and 600ha) and the provisions provide additional scope for development not further restrictive controls. These clause are not considered to be restrictive and may be temporary. As such any potential inconsistency with this direction can be considered as of minor significance under clause 6.

Proposed Local Provisions Clause 7.8 and 7.9

The proposal seeks to include 2 additional local provisions within the LEP that apply to land within the Brimbin site. The intent of these clauses is understood and supported however the precise mechanism by which this intent will be achieved in the final LEP will be explored with Parliamentary Counsel at the time of drafting. For the purposes of

exhibition the local provisions, with additional information regarding their intention and justification incorporated, are considered satisfactory.

The proponent's planning consultant has provided additional advice to the planning proposal in support of the inclusion of proposed new local provisions, clauses 7.8 and 7.9. The reasons provided for including these clauses are summarised below.

Clause 7.8 Strata or community title subdivision of land at Brimbin.

The primary intent of this clause, which will apply to the land proposed to be zoned RU4, is to facilitate the development of intensive small-lot agriculture at Brimbin and protect against unintended outcomes such as hobby farms and lifestyle lots.

It is noted that there are recent examples of special provisions being included in Bega Valley, Cessnock and Eurobodalla LEPs to allow for reductions to the minimum lot size in rural areas to facilitate community and cluster housing. However, Council and the proponent's planning consultant have not found any existing LEP controls that would adequately facilitate the intended outcome for small-lot intensive agriculture using cluster housing and community title, hence the need for the new local clause.

Support for Brimbin proposal has always been predicated on creating new employment opportunities to support the growth of the new town. The clause will act to support future employment growth and prevent the subject land from devolving to hobby farm / rural lifestyle lots.

7.9 Subdivision of E4 zoned land at Brimbin

The primary intent of this clause, which will apply to the land proposed to be zoned E4, is to facilitate the future management of this largely floodprone or otherwise environmentally constrained land. Whilst at the same time allowing some housing development on less constrained land to provide for future management and a funding mechanism for the environmentally constrained land.

A minimum lot size of 600ha is proposed for the E4 zoned area. Under the proposed clause development consent may be granted for the torrens, strata or community title subdivision of the land to create lots of any size, subject to a master plan being adopted by Council which details such matters as subdivision design, lot size, access, tenure, effluent disposal, drainage, infrastructure requirements, and a management statement for the non-developable land being adopted by Council concurrently with the master plan and registered to all subdivided lots.

The clause will help ensure the protection and management of environmentally constrained land, including part of the Lower Manning Valley Subregional Wildlife Corridor identified by OEH. This is consistent with the Regional Strategy's objective to protect and enhance environmental assets and for LEPs to include provisions to encourage habitat and corridor establishment in future zoning of land with environmental and rural values.

Environmental social
economic impacts :

The proposal is supported by a detailed whole of site Structure Plan. An Environmental Assessment and Survey (Appendix 10) and a Net Community Benefit Analysis (Appendix 6) has been undertaken as part of the planning proposal. It is expected the proposal would provide positive community benefit.

Approximately 1142 ha of land is to be set aside for conservation purposes and to help provide for a vegetation corridor and connection between Yarratt State Forest and the Brimbin and Goonock Nature Reserve to the west and the large areas of habitat to the east of the site. Roche Group and Council are currently in discussions with OEH to prepare a Voluntary Planning Agreement for the future dedication of this land to the National Park Estate and Biodiversity Certification of the site.

The proposal provides for additional employment and housing opportunities and population growth in proximity to Taree. This in-turn will help reinforce Taree's regional centre role and support community services, retail and commercial facilities.

It is anticipated there will be positive flow-on effects for the Greater Taree area and broader Mid North Coast Region as the Brimbin new town develops.

Required physical and social infrastructure and the indicative staging for its delivery has been identified through the preparation of the structure plan and supporting reports including in Appendix 4 Traffic Impact Assessment, Appendix 8 Community Plan Appendix 12 Integrated Water Cycle Management Strategy and Appendix 13 Stormwater Management Strategy.

Council is also currently in the process of negotiating with the Roche Group an overarching VPA for the delivery of the required local physical and community services infrastructure. This VPA will be resolved prior to the proposed rezoning being approved. More detailed VPAs for local infrastructure will also be negotiated as costings and details are firmed up through the future masterplanning process.

State infrastructure requirements are addressed below.

Assessment Process

Proposal type :	Precinct	Community Consultation Period :	28 Days
Timeframe to make LEP :	12 months	Delegation :	DDG
Public Authority Consultation - 56(2) (d) :	Office of Environment and Heritage Office of Environment and Heritage - NSW National Parks and Wildlife Service NSW Rural Fire Service		

Is Public Hearing by the PAC required? No

(2)(a) Should the matter proceed ? Yes

If no, provide reasons :

Resubmission - s56(2)(b) : No

If Yes, reasons :

Identify any additional studies, if required. :

Other - provide details below

If Other, provide reasons :

As discussed above given the previous agricultural and now proposed residential land uses, it is considered prudent to require the preparation of preliminary site contamination report, consistent with the provisions of SEPP 55 and for Council to consider the findings of this report prior to rezoning.

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? Yes

If Yes, reasons : The land is identified as an urban release area in the Mid North Coast Regional Strategy. The Part 6 Urban Release Area and Clause 6.1 Arrangements for designated State public infrastructure provisions of Greater Taree LEP 2010 will apply. The associated LEP Urban Release Area Map will be amended through the rezoning process to identify the Brimbin site. At this point in time the whole site is identified as an urban release area, however further assessment of the development yield and infrastructure implications for land zoned R5 and clarification of the mechanism to deliver council's intent in relation to the development of the RU4 and E4 land, may result in an amendment to the URA map prior to the PP being finalised.

Greater Taree LEP 2010 – Amendment No 6 Brimbin New Town

Meetings have also been held with a range of relevant State agencies and where possible infrastructure requirements have been identified through the preparation of the whole of site structure plan. Appendix 15 Public Authority Consultation provides details on the outcomes of these consultations.

State infrastructure satisfactory arrangements will be resolved in accordance with LEP 2010 Clause 6.1 requirements, prior to any subdivision consent being granted.

Documents

Document File Name	DocumentType Name	Is Public
Planning_Proposal.pdf	Proposal	Yes
Council covering letter.pdf	Proposal Covering Letter	Yes
Appendix_1_Structure Plan.pdf	Drawing	Yes
2013-09-23 advice re clarification ru4 and e4.pdf	Study	Yes
URA Map 1.pdf	Map	Yes
URA Map 2.pdf	Map	Yes
Appendix_3_Bushfire_Protection_Assessment.pdf	Proposal	Yes
Appendix_4_Traffic Study.pdf	Proposal	Yes
Appendix_5_Retail_Lands_Assessment.pdf	Proposal	Yes
Appendix_6_NCBT.pdf	Proposal	Yes
Appendix_7_Retail_Lands_Assesment.pdf	Proposal	Yes
Appendix_8_Community_Plan.pdf	Proposal	Yes
Appendix_9_Aboriginal_Cultural_Heritage_Assessment.pdf	Proposal	Yes
Appendix_10_Biodiversity_Certification_Assessment.pdf	Proposal	Yes
Appendix_11_Historical_Heritage_Review.pdf	Proposal	Yes
Appendix_12_Integrated_Water_Cycle_Managemant_Strategy.pdf	Proposal	Yes
Appendix_13_Stormwater_Management_Strategy.pdf	Proposal	Yes
Appendix_14_Employment Land_Provision.pdf	Proposal	Yes
Appendix_15_Public_Authority_Consultation.pdf	Proposal	Yes
Appendix_16_Community_Information_and_Feedback_Report.pdf	Proposal	Yes
Appendix_2_Structure_Plan_Report.pdf	Proposal	Yes

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

- S.117 directions:
- 1.1 Business and Industrial Zones
 - 1.2 Rural Zones
 - 1.3 Mining, Petroleum Production and Extractive Industries
 - 1.4 Oyster Aquaculture
 - 1.5 Rural Lands
 - 2.1 Environment Protection Zones
 - 2.3 Heritage Conservation
 - 3.1 Residential Zones
 - 3.3 Home Occupations
 - 3.4 Integrating Land Use and Transport
 - 4.1 Acid Sulfate Soils
 - 4.2 Mine Subsidence and Unstable Land
 - 4.3 Flood Prone Land
 - 4.4 Planning for Bushfire Protection
 - 5.1 Implementation of Regional Strategies
 - 6.1 Approval and Referral Requirements
 - 6.2 Reserving Land for Public Purposes

Additional Information : **The Planning Proposal:**

1. Should proceed but be amended prior to exhibition to include:
 - * the advice and justification provided for the inclusion of proposed new local clauses 7.8 and 7.9;
 - * the advice and justification for extending the proposal outside the urban release area identified in the Mid North Coast Regional Strategy; and
 - * updated draft LEP mapping to include the amendment required to the Urban Release Area map layer and apply an MLS to all relevant land, including that RU4 land currently excluded.
2. A preliminary site contamination report should be prepared, consistent with the provisions of SEPP 55. Council should consider the findings of this report, prior to submitting the final planning proposal for approval.
3. The planning proposal should be finalised as an LEP within 12 months. A 12 month time-frame is recommended because of the need to resolve and exhibit planning agreements between:
 - * Council, the Roche Group and the Office of Environment and Heritage (OEH), for the dedication of ecological conservation lands.
 - * Council and the Roche Group for the staged delivery of required local infrastructure.
4. A minimum 28 day community consultation exhibition period is recommended because of the significant nature of the planning proposal.
5. Further consultation with relevant State authorities and agencies is limited however all agencies previously consulted should be informed of the progress as soon as possible. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act and/or to comply with the requirements of relevant S117 Directions:
 - * Office of Environment and Heritage regarding the securing of the biodiversity offset
 - * Office of Environment and Heritage regarding the Assessment of Aboriginal Heritage.
 - * Rural Fire Service of NSW regarding s117 direction 4.4 Planning for Bushfire Protection

Each public authority 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. Once the consultation is undertaken with the public authorities, and information is provided, Council is to update its consideration of S117Directions.
6. Council should consider whether or not a Minimum Lot Size is required on the land to be rezoned E1 and E2 if the necessary arrangements to transfer the land to public ownership have not been finalised prior to the rezoning.
7. The Director General's delegate should approve the minor inconsistency with s117 Directions 1.2 Rural Zones and 1.5 Rural Lands, 5.1 Implementation of Regional Strategies and 6.3 Site Specific Provisions.

Supporting Reasons :

The proposal is consistent with the strategic framework. It will facilitate the development of a new town over the next thirty years potentially containing 8,000 dwellings, retail, commercial, industrial, agricultural and community services employment opportunities and a population of 20,000 people. Such development will help to reinforce Taree's regional centre role and provide positive flow-on effects for the broader Greater Taree area and Mid North Coast Region.

A large area (approx 1000 hectares) of environmentally significant land will be zoned for conservation and ultimately dedicated as an addition to National Park estate. This a significant conservation outcome which will help provide for a vegetation corridor and connection between Yarratt State Forest and the Brimbin and Goonock Nature Reserve to the west and the large areas of habitat to the east of the site.

The proposal also supports the Mid North Coast Regional Strategy settlement planning principal for growth in inland towns to be focused in areas where extra population is needed to make existing services more viable and if the risk of environmental degradation is low.

Signature:



Printed Name:

KOFLAHERTY

Date:

18-10-13