

Planning Proposal

Amendment to the Greater Taree Local Environmental Plan 2010



Located at 10, 34 and 44 Emerton Close, Cundletown

April 2016

Contents

1

Planning Proposal	1
1.1 Site details.....	3
1.1.1 Vegetation.....	4
1.1.2 Topography.....	5
1.1.3 Zone.....	5
1.2 Northern Gateway Transport Hub	5
1.3 Pearson's site	6
2. Objectives.....	6
3. Explanation of provisions	7
4. Justification.....	8
4.1 Need for the planning proposal	8
4.1.1 Is the planning proposal a result of any strategic study/report?	8
4.1.2 Is the planning proposal the best means of achieving the objectives/ outcomes?.....	9
4.2 Relationship to strategic planning framework.....	10
4.2.1 Is the planning proposal consistent with the regional strategy?	10
4.2.2 Is the planning proposal consistent with a local strategy/plan?.....	11
4.2.3 Is the planning proposal consistent with applicable State Environmental Planning Policies (SEPP)?	11
4.2.4 Is the planning proposal consistent with Ministerial Directions (Section 117 directions)?.....	13
5. Environmental, social and economic impacts	17
5.1 Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?	17
5.2 Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?	18
5.2.1 Visual.....	18
5.2.2 Soils.....	18
5.2.3 Water	18
5.2.4 Traffic.....	19
5.2.5 Air quality/noise.....	19
5.2.6 Ecology.....	19
5.2.7 Bushfire.....	20
5.3 Has the planning proposal adequately addressed any social and economic effects?.....	20
6. State and Commonwealth interests	21
6.1 Is there adequate public infrastructure for the planning proposal?	21
6.2 What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway determination?	21
7. Mapping.....	21
8. Community Consultation	22
9. Project Timeline	24

1. Introduction

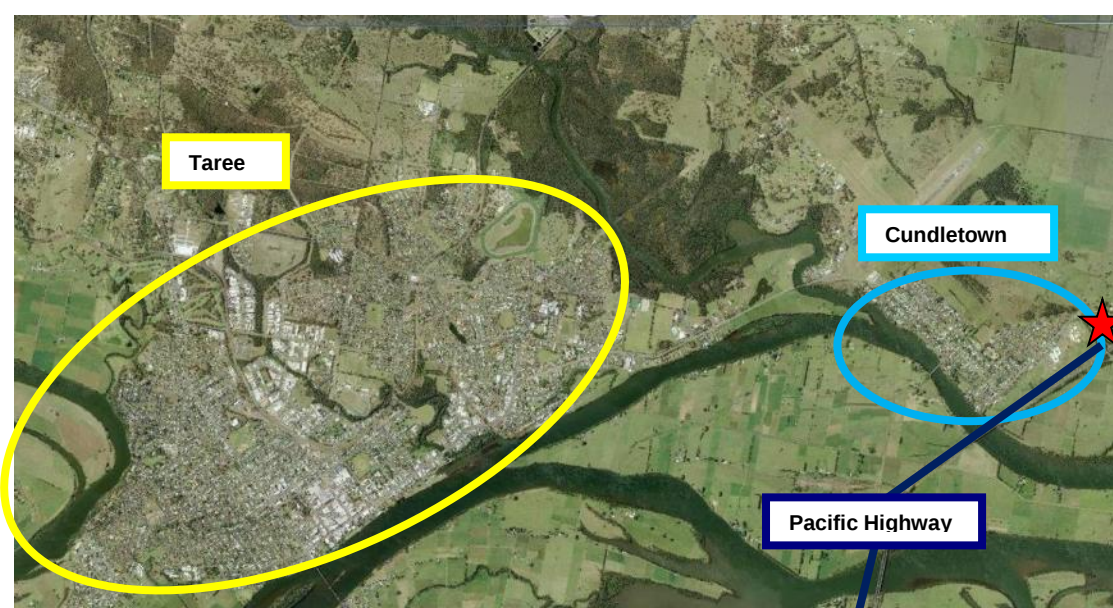
Over the last three years Council has been actively seeking assistance to develop the Northern Gateway Transport Hub north of Cundletown. The immediate intended use of this hub is for road transport related services/industries given it adjoins the Pacific Highway. Over time it will be connected to other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

This planning proposal adjoins the larger Northern Gateway Transport Hub and will support an important regional transport service (referred to as stage 1).

To facilitate the development of the land, changes are required to the *Greater Taree Local Environmental Plan 2010* (LEP). This planning proposal outlines the characteristics of the site, how the proposed development is consistent with the planning controls and the amendments that are proposed to the LEP. In summary, the change involves including the site in the General Industrial (IN1) zone and having local provisions (in Part 7 of the LEP) to ensure future development is transport related.

1.1 Site details

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

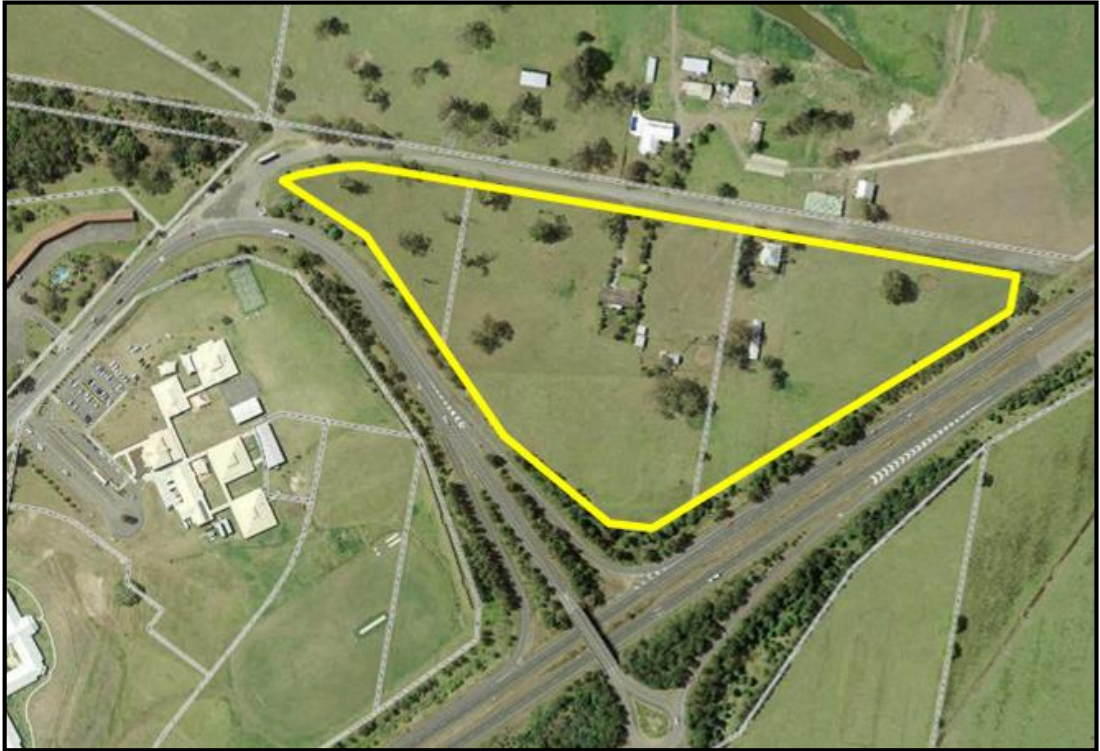


The site (shown above as ★) is adjacent to the Pacific Highway, being the main regional transport corridor along the Mid North Coast that links Sydney and Brisbane.

The following table provides the specific details of the site.

Site address	10, 34, 44 Emerton Close, Cundletown, 2430
Real property description	Lot 17 DP 856622, Lots 44 and 46 DP 1191326
Site area	Approximately 7.03 hectares

As seen in the aerial photograph below, the site is currently used for rural residential and hobby farming activities. There are two houses and agricultural structures including yards, fencing and rural sheds. Existing vehicle access is provided from Emerton Close. There is no access to Princes Street or the Pacific Highway. The houses are serviced with reticulated water, sewer, electricity and telecommunications.



1.1.1 Vegetation

Vegetation consists of grassed paddocks and scattered trees. The Ecological Assessment (Attachment A) prepared by Naturecall describes the site as cleared grassland dominated by pasture grass and grazed by a small number of cattle. Scattered Forest Red Gum (*Eucalyptus tereticornis*) occurs throughout the site and no understorey of shrub layer is present (as shown in the photograph to the right).



The ecological assessment identifies that the vegetation on the site would be remnants of a native vegetation community known as Forest Red Gum Tall Very Open Woodland which contains vestigial remains of the Endangered Ecological Community *Subtropical Floodplain Forest on Coastal Floodplains*, but is not a viable native community due to the previous disturbance of the site from previous agricultural and rural activities.

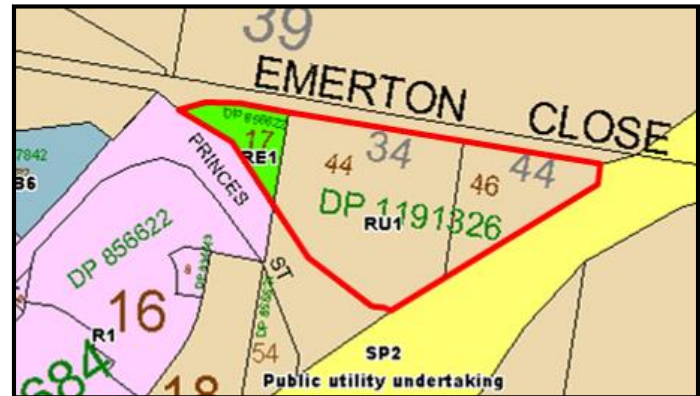
There are linear rows of trees planted along the road frontages of the site to Princes Street and the Pacific Highway. The yards around the existing dwellings are comprised of managed lawns and garden areas with plantings primarily comprising exotic species or generic ornamental native species.

1.1.2 Topography

The site is relatively flat with the lowest point adjoining the Pacific Highway (generally consistent with the extent of flooding). There are no natural waterways or other significant topographical features located on the site. The site generally drains as a sheet flow to roadside drains in Princes Street, Emerton Close and beside the Pacific Highway. There are a few localised low points in the eastern parts of the site which collect water drained from the site before overflowing to the adjoining drainage for the Pacific Highway.

1.1.3 Zone

The zone of the site is shown to the right. It is included in the Primary Production (RU1) zone (shown as brown) and Public Recreation (RE1) zone (shown as green). Given this land is privately owned the Public Recreation zone appears to be a historical error that needs to be rectified. This site was originally earmarked for a rest area and was owned by Roads and Maritime Services(RMS) when the Pacific Highway passed through Taree. When Taree was bypassed, RMS sold this property. Council has no intention to purchase this site for recreation purposes.



1.2 Northern Gateway Transport Hub

This site (shown in red) adjoins the larger Northern Gateway Transport Hub which has a potential developable area of approximately 67Ha. The location of the transport hub is shown in blue on the map to the right. The immediate intended use of this hub is for transport related industries. Over time this hub will be connected to other transport forms including air (adjoining Taree Airport) and rail (located in Taree). Expected uses include freight transport facility, truck depot, transport depot, warehouse or distribution centre.



The catalyst for this transport hub was recognition that this site is 3-4 hours from Sydney, which is approximately a third of the trip for road freight between Sydney and Brisbane. The State government recognises this distance as appropriate for single driving stints. With another hub located around Grafton, the road freight transport network between Sydney and Brisbane would be enhanced and safety improved on the Pacific Highway. It has been estimated that the Northern Gateway Transport Hub would create approximately \$42 million of additional output and create an additional 119 jobs.

The subject site adjoins the larger transport hub and would provide an appropriate continuation of employment lands toward the Pacific Highway.

1.3 Pearson's site

While planning work on the transport hub is underway, Pearson's have acquired their site (shown as red on the previous map) and are progressing the changes to the LEP through this planning proposal. Given this proposal compliments the larger transport hub and can be developed in isolation to the larger hub; Council has agreed to progress this planning proposal. For consistency, it is intended that the planning instruments/mechanisms used are consistent with those intended for the adjoining transport hub.

Pearson's Transport proposes to use the land as a truck depot. They currently have existing depots in Brisbane, Sydney, Grafton and Port Macquarie, as well as a smaller depot in Taree. This site would enable the current operations in Taree to be expanded to provide support services for the trucking fleet and a driver interchange.

A concept plan for the proposed development is provided in Attachment B. The general components of the layout include:

- large open hardstand areas for parking and maneuvering of trucks and other vehicles involved in the operations of the company and the proposed depot
- workshop for the servicing and repair of trucks and other vehicles used by the company
- truck wash to be used for washing the vehicles
- freight shed to be used for the unloading and loading of goods to be distributed and transported to the local markets
- fuel canopy with diesel pumps to be used for the refueling of trucks
- above ground diesel storage tanks to be used for the storage of diesel used to refuel the trucks
- dwelling to provide accommodation for the on-site manager responsible for the operations of the depot
- new entry/exit road connecting Emerton Close to Manning River Drive (Princes Street) and entry/exit driveway from Emerton Close to the site
- stormwater quality and detention structures for the treatment and control of stormwater from the site.

Under the provisions of the *Greater Taree Local Environmental Plan 2010*, this form of development would be defined as a freight transport facility, truck depot or transport depot. All of these uses are currently prohibited in the existing zones and a change to the LEP is necessary to permit the development to occur.

2. Objectives

The key objective of this planning proposal is to compliment the proposed adjoining transport hub and generate employment in the Manning Valley, utilising the major transport services provided by the Pacific Highway and potentially, in the longer term the Taree airport and rail services. This planning proposal can be developed independently of the proposed larger hub. The site's location, access and separation from residential uses make it an appropriate location for transport uses.

In addition, the planning proposal will:

- reduce the impact of heavy vehicles on the local road network
- provide a location for transport related industry which is accessible to move freight and goods

- form part of a larger network of transport hubs which will improve the safety of the Pacific Highway.

In undertaking this planning proposal the potential impacts on adjoining residential uses and traffic management will be addressed through amendments to the *Greater Taree Development Control Plan 2010*.

3. Explanation of provisions

To enable the development of transport related uses on the site, the zone of the land needs to be changed to accommodate the proposed uses. In deciding the appropriate zone a number of options were considered which are outlined in more detail in section 4.1.2 of this report.

The site's location is an important consideration; it adjoins the Pacific Highway and is near the Taree Airport. This means that development of the site needs to take advantage of the location and be earmarked for transport related industries. The aim is to encourage uses that have a direct nexus (relationship) to the transport industries and discourage other industrial and commercial uses that could be located elsewhere in the Manning Valley.

The following changes to the LEP aim to achieve this development outcome:

- the site will be included in the General Industrial (IN1) zone to enable transport related industries to be established on the site
- a local provision will be included in Part 7 of the LEP. The general intent of the clause is outlined below. The specific wording will be refined through the drafting of the amendments to the LEP with Parliamentary Counsel.

7.8 – Transport related development at Emerton Close Cundletown. These provisions will:

- *apply to land at Emerton Close, Cundletown, being Lot 17 DP 85622 and Lots 44 and 46 DP 1191326*
- *promote the development of an **integrated freight hub**, being uses that rely on the transportation of goods via the Pacific Highway, Taree Airport or rail every business day. Uses such as a freight transport facility, truck depot or transport depot, warehouse and distribution centre will be encouraged in this location. Ancillary uses that solely support the transport uses, such as truck servicing, spare parts or kiosk will also be encouraged in this location*
- *promote the use of this site as an integrated freight hub given its close proximity to major transport infrastructure being the Pacific Highway and Taree airport and good connections to the rail network. Other industrial and retail uses are better located in industrial land within the towns to service their local community*
- *development consent must consider:*
 - (a) *the contribution the proposed development would make to the ongoing operation of an integrated freight hub*
 - (b) *the likely adverse impacts on the surrounding rural interface and nearby residential community*
 - (c) *the visual impact when viewed from the Pacific Highway.*

- to reflect the proposed General Industrial zone and the type of transport industries proposed for the site, the lot size map in the LEP will be amended to provide a minimum lot size of 2Ha
- no floor space ratio or building height limits will apply to this site which is consistent with sites included in the General Industrial zone in the local government area.

An amendment to *Greater Taree Development Control Plan 2010* will be prepared and exhibited concurrently detailing site specific provisions for this site, including visual provisions and traffic management.

4. Justification

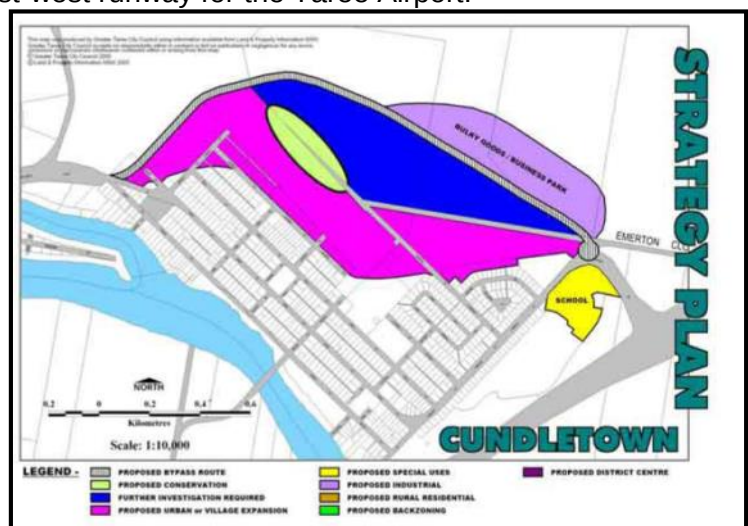
4.1 Need for the planning proposal

The following justifies the need for the planning proposal

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

The area north of Cundletown has been identified as a potential gateway development for a number of years. However, the extent and type of development has changed based on the need for the east-west runway for the Taree Airport.

The plan to the right is from the draft *Greater Taree Conservation and Development Strategy* undertaken in 2005. At this time it had been decided that there was no need for the airport's proposed east-west runway. This enabled the Cundletown Bypass to be relocated through the runway site, further to the north. This significantly increased the potential residential development of Cundletown (shown as pink) on the runway site. In addition, a business park was proposed to the north of the Cundletown Bypass (shown as light purple) to create a northern gateway to Cundletown.



This plan was the basis for the mapping of future development areas in the *Mid North Coast Regional Strategy 2006*.

When the *Greater Taree Local Environmental Plan 2010* was developed, further analysis of the Taree Airport was undertaken and it was decided to maintain the future east-west runway option (shown as white dotted line to the right). This meant that the route for the Cundletown Bypass was relocated back to the southern side of the propose runway (shown in yellow). Given the runway and Cundletown Bypass provide good separation between the residential and employment lands, the configuration of future development has changed. Future development will now be predominately employment lands located north of the proposed runway (shown in blue).



This site (shown in red) lies between the future employment lands (proposed larger Northern Gateway Transport Hub) and the Pacific Highway. While not originally included in the future employment lands shown in the *Mid North Coast Regional Strategy 2006*, it is an appropriate location to extend the use. As such, the proposed use of this site is considered a minor and practical variation to the outcomes proposed in the *Mid North Coast Regional Strategy 2006*.

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

The aim has been to develop planning provisions that achieve the transport hub outcomes not only for this site (stage 1) but also the adjoining Northern Gateway Transport Hub (stage 2). This will ensure a consistent planning approach for this area.

Three options were considered for achieving a transport outcome at this location which are outlined below. The first two options involve changing the zone of the land to accommodate the transport industry uses. The third option leaves the site in the current zones, but includes specific requirements for the site in the LEP.

1. Special Purpose - Infrastructure (SP2) zone apply over the whole site with the use being "freight transport facility and truck depot". A new objective would be included in this zone "to encourage a range of transport industry related uses to create a transport hub at Cundletown".

This zone is commonly used for public infrastructure like roads and hospitals. It does allow a use to be included in the name of the zone which provides a clear intent for what the land should be developed for, which in this case would be a "transport industry hub".

2. General Industrial (IN1) zone apply over the whole site with the addition of a local provision in Part 7 of the LEP that encourages the intended use being an integrated freight hub as outlined in section 3.0 of this report.
3. Schedule 1 - Additional Permitted Uses provisions. This section of the LEP lists locations where special planning provisions apply - they are the 'exceptions to the rule'. The zones over the property would remain unchanged but the proposed transport industry uses would be listed as permissible for this site.

The challenges and opportunities of each option were considered as shown in the table over the page.

Both the Special Purpose and General Industrial options have the potential to provide a transparent approach and achieve the desired planning outcomes. The General Industrial option was selected as the preferred option as it provides a more typical approach to a private development and is commonly being used by councils in NSW. While not valid planning considerations for the choice of options, this option also provided a better financial scenario.

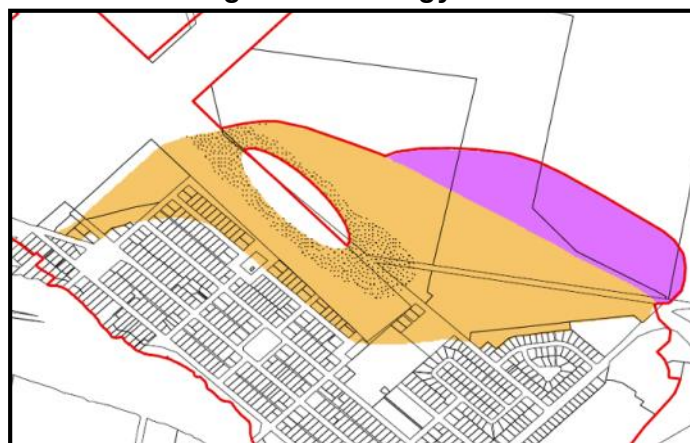
The use of the General Industrial option would also be appropriate to be applied over the proposed transport hub location.

Planning considerations	Special Purpose (SP) option	General Industrial option	Schedule 1 option
The planning intent will be transparent ensuring the community and development industry's expectation are met	The SP description 'freight transport facility and truck depot' will clearly identify to the community the intended use of the site. The inclusion of an objective for this zone will further define the intended use for the land. However, the SP zone is typically used for public infrastructure such as hospitals and roads and not commonly used for private developments. This option provides a moderate level of transparency.	This zone allows for a range of industries and transport uses, as noted in the zone objectives. This may raise some concern for nearby residents. However, the proposed Part 7 provisions aim to encourage the development of the site to those that are transport related. This option provides a moderate level of transparency.	The uses permitted on the site as outlined in Schedule 1 would be directly contrary to the intent of the Primary Production and Public Recreation zones. This is the least transparent option as it is not obvious as to what the intended use of the site is when looking at the zone.
The planning mechanisms are robust enough to achieve the desired outcomes	This zone outlines the desired use of the site by having the use described in the zone and objectives. The zone is commonly used on publicly owned assets, such as the adjoining airport. In these cases the intent is clear and not questioned. The combination of the term "freight transport facility and truck depot" and the proposed objective statement will provide clarity on the intended outcome and be robust. This option also provides flexibility to enable any new transport industry uses that may arise over time.	While not used previously in Council's LEP, local provisions that encourage a specific planning outcome in a set location are becoming more common across NSW. The transport industry uses are consistent with the zone objectives, while the Part 7 provision provides a clear planning intent for this location. This option effectively outlines the intended use of the site.	This option is very robust as the uses proposed are described in the schedule. These provisions are used where there needs to be site specific requirements/uses to achieve the desired outcome. These provisions have been used extensively during the development of the standard LEPs across NSW to identify where a use has existing rights that were not consistent with the proposed zone. This approach is generally discouraged by the Department of Planning and Environment due to the transparency issue.
Financial considerations (provided by the applicant)	For this proposal NAB suggest a lending percentage of 50-60% with a possible higher interest rate and shorter repayment period. The applicant suggests a possible cost of \$1M to their proposed development.	For this proposal NAB suggest a lending percentage of 70%. It is assumed that this greater financial capacity is given because of the certainty of permitted uses in the zone.	No comparison provided

4.2 Relationship to strategic planning framework

4.2.1 Is the planning proposal consistent with the regional strategy?

As outlined in section 4.1.1, the intent has always been for employment lands to be developed in this vicinity to provide a northern gateway into Cundletown and Taree. The location and extent of development identified in the *Mid North Coast Regional Strategy 2006* (as shown to the right) changed when it was decided to retain the east-west runway option in the LEP.



Given the runway and Cundletown Bypass provide good separation between the residential and employment lands, the configuration of future development has changed. Future development will now be predominately employment lands located to the north of the proposed east-west runway (as shown to the right).

While this site is not included as potential employment lands, it provides a logical extension of the use towards the Pacific Highway. Given the future surrounding uses and proximity to the Highway, it is also the best use for the land. As such, the proposed use of this site is considered a minor and practical variation to the outcomes suggested in the *Mid North Coast Regional Strategy 2006*.

4.2.2 Is the planning proposal consistent with a local strategy/plan?

As outlined in section 4.1.1, this area was subject to a planning assessment as part of the development of the draft *Greater Taree Conservation and Development Strategy* undertaken in 2005, which formed the basis of the *Mid North Coast Regional Strategy 2006*. While this site adjoins the proposed employment lands, it is considered to be a logical extension of the employment lands towards the Pacific Highway.

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

The following provides an assessment of the applicable SEPPs.

(a) Hazardous and Offensive Development (SEPP 33)

This policy provides controls in relation to potentially hazardous development. The proposal would include storage of diesel, which is not a hazardous material and would not trigger the requirements of SEP 33. Should any materials be stored which are potentially hazardous, further consideration of the issue would be required. However, given the substantial separation distances from sensitive areas, it is likely that after consideration of relevant guidelines the proposal would be defined as 'potentially hazardous'. The matter would be further examined in a future development application for the land.

(b) Koala Habitat Protection (SEPP 44)

This policy requires the site to be surveyed to determine if the land contains potential or core koala habitat. The site is a modified habitat and has scattered remnant trees in the grassland areas of the site. These trees include Forest Red Gums which are a koala feed species. An assessment was undertaken by Naturecall Environmental (Attachment A) which found no record of koala activity at the site and concluded that the site does not comprise 'core koala habitat'. As such, no further provisions of the SEPP would apply.

(c) Remediation of Land (SEPP 55)

This policy requires potential contaminated land be considered in terms of whether the land is contaminated and, if so, will it be suitable for the use or will it need to be remediated. Given this site has been used for low intensity agricultural uses, a site contamination assessment was undertaken by Regional Geotechnical Solutions (Attachment F). Based on the samples analysed, it was found that the site is suitable for commercial/industrial uses.

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

The aim of this policy is to facilitate the orderly and economic use of rural lands. The SEPP requires consistency with the Rural Planning Principles outlined in the SEPP, which is provided in the following table.

Clause 7 Principles	Comment
(a) the promotion and protection of opportunities for current and potential productive and sustainable economic activities in rural areas	The site contains hobby farm activities and is not considered highly productive agricultural land. The change of these lands from agricultural use will not result in significant loss of productive agricultural land or the opportunity for sustainable rural activities.
(b) recognition of the importance of rural lands and agriculture and the changing nature of agriculture and of trends, demands and issues in agriculture in the area, region or State	The site is not highly productive agricultural land and is not important for agricultural production in the locality.
(c) recognition of the significance of rural land uses to the State and rural communities, including the social and economic benefits of rural land use and development	The planning proposal does not result in the loss of significant rural land uses (important for the social and economic benefits or rural communities). The planning proposal supports local transport industries and provides for employment land in accordance with the regional strategy, along with the enhancement of services for the local community.
(d) in planning for rural lands, to balance the social, economic and environmental interests of the community	The proposal is balanced and provides social and economic benefits for the community.
(e) the identification and protection of natural resources, having regard to maintaining biodiversity, the protection of native vegetation, the importance of water resources and avoiding constrained land	As indicated by the ecologist's report, the site has been modified and does not contain significant environmental features, or not impact on water resources.
(f) the provision of opportunities for rural lifestyle, settlement and housing that contribute to the social and economic welfare of rural communities	The proposal provides economic development consistent with the intent of the regional strategy, which adds to the social and economic welfare of the community.
(g) the consideration of impacts on services and infrastructure and appropriate location when providing for rural housing	Relevant service providers will be consulted. The site has access to reticulated water, sewer, power and telecommunications which may need to be augmented to support the proposed development.
(h) ensuring consistency with any applicable regional strategy of the Department of Planning or any applicable local strategy endorsed by the Director-General	The proposal adjoins land identified in the <i>Mid North Coast Regional Strategy 2006</i> as employment lands. Extending employment lands over this site is considered a logical progression of these uses toward the Pacific Highway.

Land adjoining this site has been earmarked as an employment gateway for a number of years as identified through the *Mid North Coast Regional Strategy 2006*. When identifying these employment lands the social and economic benefits were considered acceptable. Given this planning proposal is considered a minor extension of the proposed employment lands, it is considered consistent with this policy.

(e) Infrastructure SEPP 2007

The aim of this policy is to facilitate the effective delivery of infrastructure across the state. Clause 101 of the policy outlines controls for development with frontage to a classified road. The proposal is consistent with these controls and the following is observed:

- all vehicular access to the proposal will be via Emerton Close and no access is proposed from the classified road
- access to the land will not impact on the operation of the Pacific Highway

- the proposed use would not result in smoke or dust generation impacting on the highway
- the proposed use is not sensitive to traffic noise or emissions and relies on a proximity to the highway to function effectively.

The planning proposal is considered consistent with this policy.

(f) Coastal Protection (SEPP 71)

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

- the site is located approximately 9km from the coast and 1km from the Manning River. As such the proposal does not impact on coastal access, views or processes or the marine environment
- assessments of heritage, cultural heritage and environmental values have been undertaken and are outlined in the relevant sections of the planning proposal
- the bulk and scale of the development in the context of location will be considered in the amendments proposed to the *Greater Taree Development Control Plan*, which are to be exhibited with the planning proposal.

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

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

Of relevance to this planning proposal is Part 5A of the SEPP which enables certain development to be undertaken as complying development on land included in the General Industrial (IN1) zone, including new industrial buildings and the use of those buildings. Under the provisions of this SEPP, it may be possible for an industrial building to be developed on land and used for some industrial purpose which does not require the proximity to transport infrastructure, contrary to the purpose of the planning proposal.

To address this issue, the planning proposal provides a minimum lot size of 2 hectares. Any industry which utilises a lot of 2 hectares will typically be a large industry involving significant movements of goods and services, which is generally consistent with the objectives of the planning proposal and not likely to be able to be undertaken as complying development.

It should be noted that many uses which are permissible in the General Industrial zone, but which would not meet the local LEP clause proposed to apply to this land (eg. hardware and building supplies, landscape material supplies, plant nurseries, service stations, food premises and timber yards) are not considered complying development in the SEPP.

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

The following Ministerial Directions are applicable to the planning proposal:

(a) Direction 1.1 – Business and Industrial zones

The proposal involves the inclusion of the site in the General Industrial (IN1) zone. The planning proposal is a minor extension to the proposed employment lands in the *Mid North Coast Regional Strategy 2006*.

The planning proposal supports this direction by encouraging employment growth in this identified employment location. It provides industrial land in close proximity to the proposed employment lands identified in the *Mid North Coast Regional Strategy 2006* and delivers outcomes consistent with this strategy.

(b) Direction 1.2 – Rural zones

Part of the site is included in the Primary Production (RU1) zone. This direction requires consideration the impacts on rural lands, unless supported by a regional strategy which considers the objectives of the Direction, or is a proposal of minor significance.

The planning proposal is a minor extension to the proposed employment lands identified in the *Mid North Coast Regional Strategy 2006*. In addition, the proposal does not impact on highly productive agricultural land.

(c) Direction 1.5 – Rural lands

This direction requires that the planning proposal be consistent with the Rural Planning Principles and Subdivision Principles contained in *State Environmental Planning Policy (Rural Lands) 2008*. These principles were considered under section 4.2.3(d) of this report and found to be generally consistent.

In addition, the direction acknowledges regional strategy outcomes which took into account the objectives of the direction. The *Mid North Coast Regional Strategy 2006* took into account the direction's objectives and identifies land adjoining this site as proposed employment land. This planning proposal is a minor extension of the proposed employment lands.

(d) Direction 2.1 – Environmental Protection zones

This direction requires the protection of environmentally sensitive areas. The ecological assessment confirms that the site is modified and contains no environmentally sensitive areas. As such, the proposal is consistent with this direction.

(e) Direction 2.2 – Coastal protection

The land is in the coastal zone. This direction requires the planning proposal to be consistent with, and give effect to, the provisions of the *Coastal Policy*, *Coastal Design Guidelines* and the *Coastline Management Manual*.

The identification of this land for transport related industries is low scale, compatible with the development and consistent with the goals, objectives and actions of the *Coastal Policy*. The land is not subject to coastline hazards or processes and is located away from active coastal areas; the use of the land for transport related industry would not conflict with the *Coastline Management Manual*. This extension to the proposed Northern Gateway area provides economic stimulus and utilises sustainable transport opportunities and reduces unnecessary heavy vehicle trips through the city area consistent with the objectives of the *Coastal Design Guidelines* for Coastal Cities.

(f) Direction 2.3 – Heritage conservation

The site does not contain any listed heritage items; however the house at 44 Emerton Close was identified as having potential heritage significance in Council's Rural Heritage Study 2003. Council required a detailed heritage assessment be undertaken which is provided in Attachment B. Council's Heritage Advisor assessed

the application and supported the findings that the building does not warrant heritage listing.

In relation to Aboriginal cultural heritage, a due diligence investigation was undertaken by Myall Coast Archaeological Services (Attachment C). This assessment found that “it is unlikely that archaeological evidence exists within the study area”. The assessment does acknowledge that subsurface archaeological material may exist on the site, but these may only be discovered during works following rezoning of the land. The assessment suggests a post approval management plan for Aboriginal heritage would be more appropriate in this case, and would meet the requirements of the direction.

The Archaeologist undertook consultation with the CEO of the Local Aboriginal Land Council in regard to this matter. It was agreed that field surveys would not be effective, and that post approval management (involving the Land Council) would be far more effective. As such, it is considered that the direction will be met if ongoing observation and management of Aboriginal heritage potential during construction is implemented. The Office of Environment and Heritage were consulted with regard to this approach and they were satisfied with the findings of the Aboriginal Cultural Assessment undertaken by Myall Coast Archaeological Services.

(g) Direction 3.4 – Integrating land use and transport

This direction requires the planning proposal to give effect to policies aimed at improving transport oriented design in urban areas. This proposal provides transport infrastructure adjacent to a major transport corridor which will support freight transport at a local and regional level. The proposal involves sensible management of heavy vehicle transport, reducing heavy vehicle trips through the existing Taree urban areas.

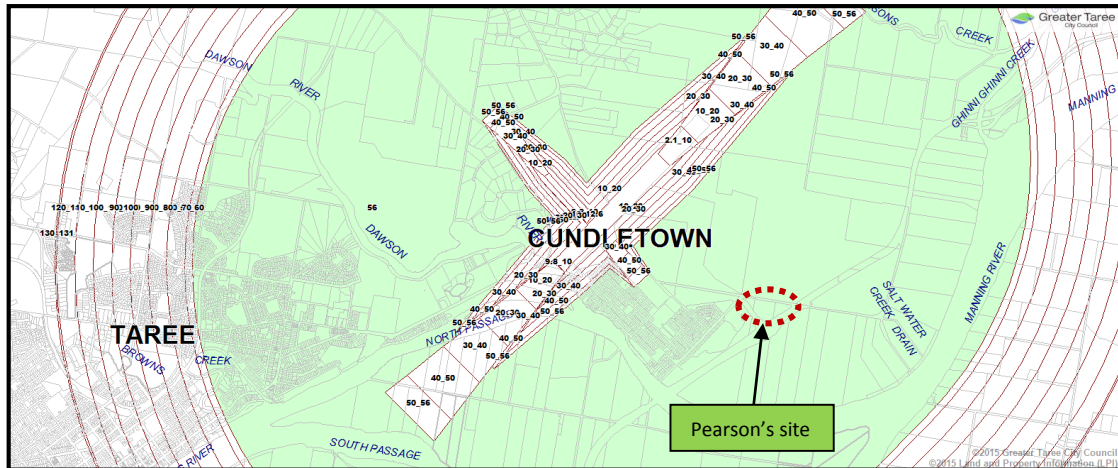
Providing a transport hub in close proximity to the Pacific Highway and in a fringe location is appropriate (as per *Improving Transport Choice* document). It promotes such locations for businesses with significant freight movements and low employment density.

Roads and Maritime Services (RMS) were consulted in the preparation of this planning proposal and their response is provided in Attachment H. RMS have no objection to the planning proposal provided a roundabout is provided in Princes Street to provide access to Emerton Close. The roundabout design shall be constructed in accordance with Austroads *Guide to Road Design 2009* and cater for the largest design vehicle intended to access the truck depot. This requirement has been included in the proposed amendment to the *Greater Taree Development Control 2010*.

This proposal is consistent with the direction.

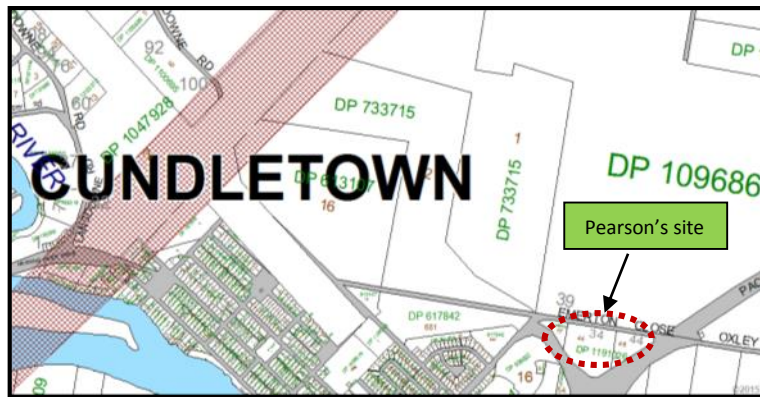
(h) Direction 3.5 – Development near licensed aerodromes

The site is located approximately 1.5km from Taree Airport. The direction requires consultation with the aviation authority and takes into account obstacle surface limits and noise impacts from airports. The LEP has controls for the obstacle surface limit as shown on the map over the page, which shows that the site has a height limitation of 50-56m.



As shown by the map to the right, the site is not subject to any current ANEF requirements.

Investigations were undertaken as to whether an amendment was required to the obstacle surface limits/ANEF to ensure the future use of the east-west runway was not impacted upon by this development. Council's Property and Procurement Department who manage the airport were satisfied that no changes were required.



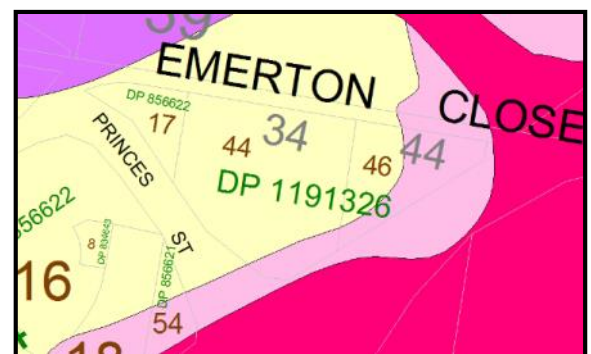
With regard to noise impacts, the proposal would not create noise sensitive uses in proximity to the airport.

The Civil Aviation Safety Authority (CASA) were consulted. CASA require the relevant airport guidelines to be addressed in any future development applications to minimise impacts on the operation of the Taree airport (eg. lighting). These requirements have been addressed in the Local Area Plan that is to be included in the *Greater Taree Development Control Plan 2010*. The CASA response is included in Attachment K.

The planning proposal is consistent with the direction.

(i) Direction 4.1 – Acid sulfate soils

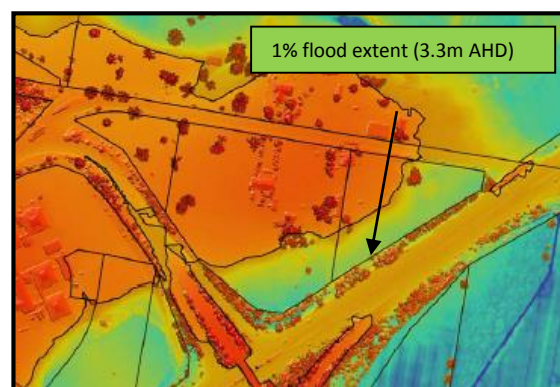
As shown on the map to the right, the site contains Class 3 (pink) and Class 5 (yellow) acid sulfate soils. Only Class 3 areas have a probability of containing acid sulfate soils, which are located on the outer areas of the site. The direction requires an Acid Sulfate Soils study be undertaken as part of the planning proposal. However, given the presence of these soils is on the outer areas of the site, the impact of acid sulfate soils is likely to be minimal on the intended use. As a result, a more detailed assessment will be undertaken when a development application is lodged



over the site and the clear intent of these areas is known.

(j) Direction 4.3 – Flood Prone Land

As shown on the map to the right, part of the site is flood prone (shown as blue/yellow area). This location serves as temporary flood basin, resulting in slow moving water that recedes when the river flow is reduced.



The concept plan (Attachment B) shows the main areas of development are located on land above the 100 year flood level. This area is not to be filled. Development will be limited to vehicle maneuvering, some parking and a truck wash. The restricted use of this land will be reinforced in the proposed amendments to the *Greater Taree Development Control Plan 2010* to provide clear direction on the flooding constraints of the site. This approach is commonly used where industrial sites are subject to some inundation. As such, the planning proposal provides outcomes consistent with the Floodplain Development Manual, and is generally consistent with the requirements of the direction.

(k) Direction 5.1 – Implementation of regional strategies

The planning proposal adjoins proposed employment lands identified in the *Mid North Coast Regional Strategy 2006*. It provides a logical extension of the employment lands toward the Pacific Highway. Given the future surrounding uses and proximity to the Highway, it is also the best use for the land. As such, the proposed use of this site is considered a minor and practical variation to the outcomes proposed in the *Mid North Coast Regional Strategy 2006*.

(l) Direction 6.2 – Reserving land for public purposes

This direction applies as part of the site is included in the Public Recreation (RE1) zone. This site was originally purchased by NSW Roads and Maritime Services as it was earmarked for a rest area when the Pacific Highway passed through Taree. Given this land was owned by RMS and not Council, the land was not designated as 'community lands'. This land is now privately owned making the current Public Recreation zone a historical zone that needs to be rectified to reflect its proposed use.

(m) Direction 6.3 – Site specific provisions

This direction applies as the planning proposal seeks to allow the land to be used for the specific purposes of transport industries. This approach has been undertaken in consultation with the Department of Planning and Environment is considered appropriate.

5. Environmental, social and economic impacts

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

The site is highly disturbed and modified, containing only remnant native trees scattered amongst the grasslands. An ecological assessment undertaken by Naturecall Environmental (Attachment A) identified the trees as Forest Red Gums

which are located below the 1:100 year flood level. They are a vestigial remnant of *Subtropical Coastal Floodplain Forest* which is an endangered ecological community. However, the vegetation is degraded to a point where the vegetation community is not viable or functional. The assessment found:

- no record of threatened flora or fauna species on the land
- the proposal would not adversely affect any threatened species, population or ecological community.

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

Any likely environmental effects that would result from development of the land have been identified below. Given the disturbed nature of the land and the previous use, few significant environmental constraints have been identified.

Amendments are proposed to the *Greater Taree Development Control Plan 2010* (DCP) to guide future development and address any identified potential impacts. This amendment will be a local plan which provides planning provisions specific to the site. These provisions are to be exhibited in conjunction with this planning proposal.

5.2.1 Visual

The site is visible from both the Pacific Highway and the surrounding rural and urban uses. An assessment of the visual impacts identified site specific landscaping requirements that screen the development or provide gateway plantings for Cundletown. These landscaping requirements are to be included in the DCP amendment.

5.2.2 Soils

Soils over the land are generally comprised of consolidated materials, as well as some alluvial soils in the lower eastern parts of the site. The slopes over the land are not considered to be steep and there is no evidence of slope instability over the land. As identified in the planning proposal (section 4.2.3(c)) further investigations were undertaken with regard to site contamination and the levels were considered satisfactory for commercial/industrial uses. The impact of acid sulfate soils will be investigated in more detail when future development applications are considered which will at that time have more details on the intended use of the lands identified as Class 3 acid sulfate soils (as outlined in section 4.2.4(i)).

5.2.3 Water

The site drains to the road side drainage of the adjoining road reserves but overall is generally in an easterly direction, towards the Pacific Highway and Manning River flood plains. The drainage can be easily adapted to drain future development and, where necessary, existing depressions and dams may be utilised for detention or quality treatment as required. The concept plan (Attachment B) includes allowance for an area which will provide for stormwater treatment and detention.

While parts of the site are identified as subject to flooding (section 4.2.4(j)), the flooding would be of low velocity in a flood fringe area which would be restricted to uses such as truck parking and will be outlined in the DCP provisions. The extent of flooding should not prevent zoning of these areas to allow such uses.

The proposal will provide water and sewer connections to the reticulated systems provided by MidCoast Water. This will include trade waste generated from work shop and fuelling areas after it has been appropriately treated as required by MidCoast Water.

5.2.4 Traffic

Traffic management is a key matter for the proposal. The proposal delivers local and regional traffic benefits and improves the efficiency of freight transport generally. It provides a facility for a regional transport company that provides freight transport between Sydney and Brisbane and for the centres in between along the Mid North Coast and North Coast areas. Currently the company operates an existing depot in Elizabeth Avenue, Taree which would be replaced by this proposal. The relocation of this depot to the subject land would have direct benefits to local and regional roads and traffic by placing the trucking depot adjacent to the main regional route, removing the need for trucks to deviate onto local and regional roads to access services. The benefits on local and regional traffic flows and safety as a result of this change are significant and are a key outcome of the Northern Gateway Transport Hub.

The proposal will also result in improvements to the efficiency of freight transport movements throughout the region. The depot will provide better coordination of trucking movements and fleet management for the company which will provide for faster, more efficient movement of freight throughout the region.

The proposed access to future development of the site will be from Emerton Close. Internal access arrangements within the site would need to provide for forward entry and exit to Emerton Close.

A traffic assessment was undertaken by Northern Transport Planning and Engineering (Attachment E). Both Council and Roads and Maritime Services engineers reported that the proposed intersection works at Emerton Close and Princes Street were not satisfactory and a roundabout would be required. The need for a roundabout has been included in the DCP amendment.

5.2.5 Air quality/noise

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

The transport hub has the potential to generate noise given the movement of vehicles. While the site is located in noisy environment, adjoining the Pacific Highway, it is important to ensure that the surrounding residential, school and motel are not detrimentally impacted upon. An acoustic assessment was undertaken (Attachment I) and acoustic measures were proposed for the adjoining residence north of the site. An acoustic barrier is proposed along the Emerton Close frontage and the specific requirements are provided in amendment to the DCP.

5.2.6 Ecology

The ecological assessment (Attachment A) found:

- the site is highly disturbed from past rural activities on the land. Only scattered paddock trees remain of the original native vegetation community over the land
- where the remnant native trees exist below the 1:100 year flood level, these are vestigial remains of an Endangered Ecological Community. These elements are in the final stages of natural attrition due to long term historical

habitat changes as a result of the agriculture and associated Key Threatening Processes. These influences have eliminated the ecological processes which define this EEC. While the proposal would remove the vestigial remains of the EEC, the proposal would not result in impacts of sufficient order of magnitude to place a local viable population or EEC at risk of extinction

- no Threatened Flora species on the land or utilising the site
- while the trees on site contain hollows, there was no evidence that they were being used by Threatened species
- the habitat on the land was only suitable as foraging habitat for highly mobile species and that the hollows on site would only be suitable for some bat species. The use of the hollows by common species makes them generally unavailable for use
- no evidence of use by koalas and concluded that koala activity on the land was unlikely
- under Section 5A of the *Environmental Planning and Assessment Act 1979* the proposal would not have a significant impact on threatened species, population or ecological communities.

The ecological assessment makes the following recommendations:

- retention of four trees on the land (as shown in the concept plan)
- procedures for removal of hollow bearing trees to protect animal welfare
- offer koala foliage to local koala care groups to provide feed for koalas in care
- provide landscape planting that supplements forage habitat for mobile native species
- controls on artificial lighting.

These measures can be incorporated into development on the land.

5.2.7 Bushfire

The site is not mapped as bushfire prone land. The closest area of mapped vegetation is located approximately 750m to the west of the site. The site is surrounded by agricultural grazing lands and managed land and is considered a low bushfire risk.

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

The site is currently used for limited hobby farming and rural residential purposes. It is considered that there would be no loss of significant agricultural production as a result of the proposal.

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

This proposal supports existing local jobs and can potentially create additional local job opportunities in terms of drivers, vehicle maintenance and support staff. In addition the project will provide short term employment for the local construction industry. The improvement of transport services to the area will also increase opportunities for local business leading to flow-on effects for the local area. It is

expected that the proposal will provide significant positive economic effects for Taree and for the local region. In addition, the reduction of heavy vehicles on the local road system which will reduce road damage and public maintenance costs.

Heritage conservation and Aboriginal cultural assessments have identified potential issues and how they will be addressed (refer section 4.2.4(f)).

6. State and Commonwealth interests

6.1 Is there adequate public infrastructure for the planning proposal?

The proposal provides for the use of existing services to the land of water, electricity and telecommunications. In addition, development on the land will be connected to MidCoast Water's sewerage system, either by gravity system or an on-site pump system.

Public infrastructure is considered adequate for the proposal.

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

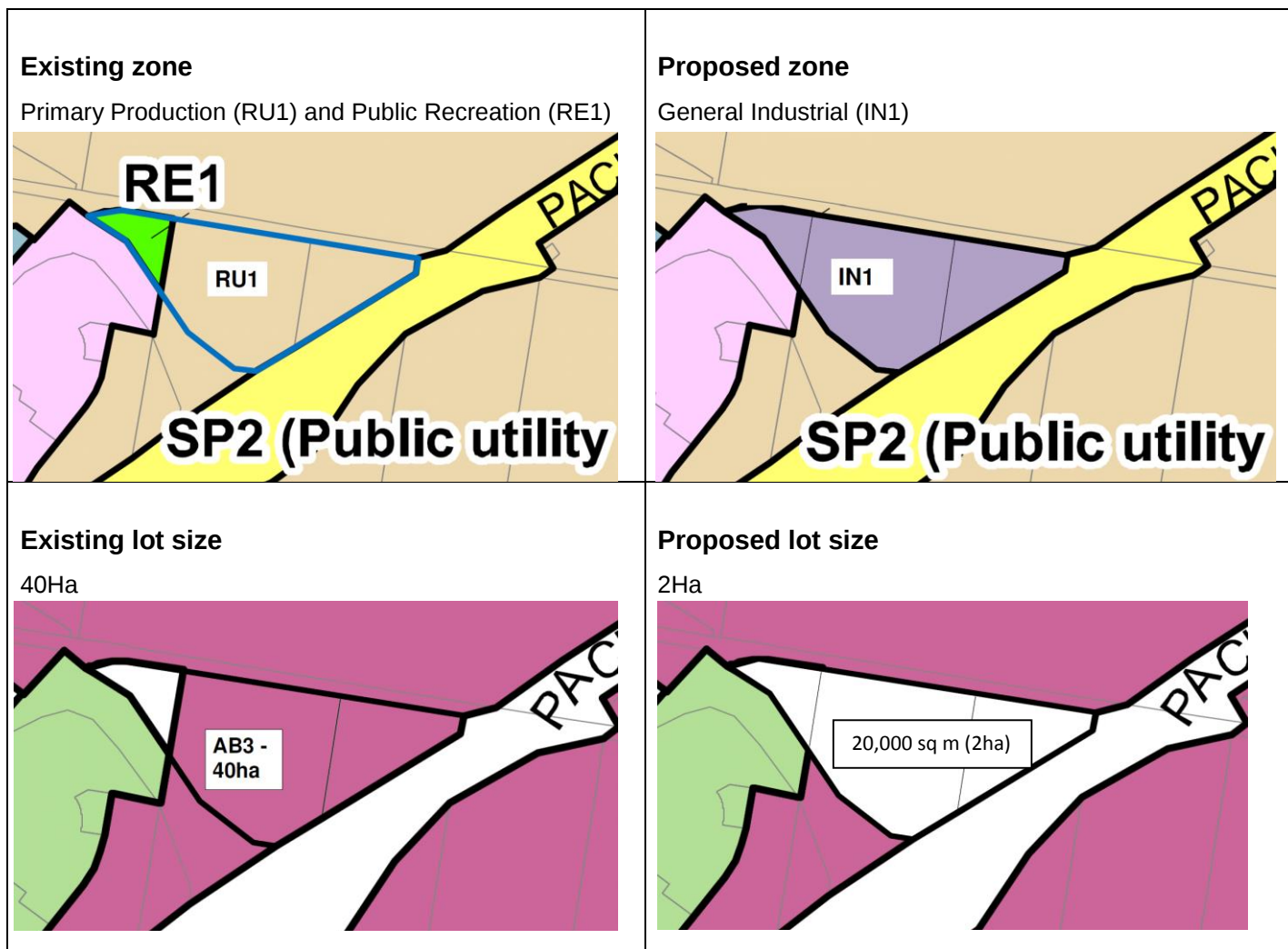
Consultation has occurred with the following public authorities:

- Roads and Maritime Services – advice received from RMS has been provided in Attachment H. They had no objection to the planning proposal on the basis that a roundabout will be constructed at the intersection of Emerton Close and Princes Street
- MidCoast Water – discussion on servicing issues with David MacKellar on 25 August 2014. Site able to be serviced by water. Sewerage may require public or private pump station to be funded by developer.
- the Civil Aviation Safety Authority – advice received from CASA has been provided in Attachment K. CASA outlined guidelines that should be considered in the future development of the site, which have been included in the Local Area Plan to be included in the *Greater Taree Development Control Plan 2010*
- Office of Environment and Heritage (OEH) – discussions were held with regard to the suitability of the Aboriginal Cultural Assessment. In February 2016, OEH confirmed that they were satisfied with the report undertaken by Myall Coast Archaeological Services.

This consultation has been undertaken in accordance with the Gateway Determination (Attachment G).

7. Mapping

Mapping has been prepared for the planning proposal as shown over the page. Maps consistent with the LEP will be prepared for exhibition.



8. Community Consultation

Community consultation was undertaken from 4 March to 5 April 2016 and included:

- public notification in the Manning News of the Manning River Times
- letters sent to all adjoining property owners
- information made available on Councils website, the Administration Building and Taree Library.

An information session was held on 17 March 2016 from 4-6pm on-site. Cundletown residents were advised by a flyer (letter box-drop) and a media release. 64 residents attended and the overall the response was positive. Key issues raised were:

- timing and location of the Cundletown Bypass. Advice was given that the Bypass design/construction are subject to funding and not part of this proposal
- the safe exit/entry of trucks onto the Pacific Highway – NSW Roads and Maritime Services raised no issues regarding these highway access points
- the loss of free parking at the intersection of Emerton Close and Princes Street. New truck services are likely to be addressed in Stage 2 of the Northern Gateway Transport Hub
- the timing of both stage 1 and 2 of the Northern Gateway Transport Hub. The applicant advised that Pearson Transport were keen to occupy the site as

soon as development approvals and construction permits. The stage 2 application will be submitted over the next few months.

Four submissions were received during community consultation and are provided in Attachment J. Three submissions (including the neighboring Manning Valley Anglican College) provided support for the planning proposal.

The fourth submission was from the applicant on behalf of Pearsons Transport requesting an amendment to the Local Area Plan to remove the need to fund the entire roundabout.

RMS were concerned that the traffic solutions provided by the applicant had not considered the increased development in Cundletown and the acceptable solution would be a roundabout. A meeting was held in November 2015 with landowners/consultants undertaking major developments in this locality. It was agreed that Council would design/cost the roundabout and landowners would contribute toward the construction. The agreed costs and processes would be detailed in a voluntary planning agreement. This can not occur until the full costs of the roundabout are known.

The landowners/consultants were advised that to enable applications to progress, each development would be conditioned to provide the roundabout, and Council would seek to have an agreement in place prior to construction to ensure costs were distributed to all landowners. This condition was placed on the approval for the Cundletown service centre and has been included in the Local Area Plan for this proposal.

In addition, Council has sought grant funding for the roundabout from Fixing Country Roads (partial funding) and has been successful in progressing to stage 2 of the grant process.

If the voluntary planning agreement is not in place when the development application for Pearsons Transport is submitted, Council will work with the consultant to see whether an interim solution can be achieved. This would be undertaken through the development application process. To be consistent with the meeting outcomes from November 2015, the Local Area Plan remained unchanged.

As a result of the community consultation no changes were made to the planning proposal.

9. Project Timeline

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

Task	Responsibility	Timeframe	Date (approx)
Draft Planning Proposal reported to Council for consideration	Greater Taree City Council		February 2015
Lodgement of Planning Proposal for Gateway Determination	Greater Taree City Council		May 2015
Gateway Determination	Minister for Planning and Environment	12 weeks	August 2015
Additional investigations and assessments prepared and consultation undertaken	Proponent/Greater Taree City Council	8 weeks	February 2016
Public Exhibition of Planning Proposal	Greater Taree City Council	Minimum 28 days	March 2016
Final Planning Proposal reported to Council	Greater Taree City Council	4 weeks	April 2016
Making of Local Environmental Plan	Minister for Planning and Environment	6-8 weeks	June 2016