



Planning Proposal

Amendment to the Greater Taree Local Environmental Plan 2010



**Pt. Lots 1 & 2 and Lot 9 DP 32272
and Lot 48 DP 1090335
Macquarie and West Streets, Coopernook**

May 2015

1.0 Introduction

This Planning Proposal has been prepared for the subject land to seek changes to *Greater Taree Local Environmental Plan 2010* to provide for expansion of Coopernook village over the land. The planning proposal will provide land for primarily residential development to support services in the Coopernook village.

The proposal delivers outcomes in the area in a manner consistent with the provisions of the Council's local development strategies, as well as the provisions of the *Mid North Coast Regional Strategy*.

The subject land is comprised of elevated cleared land which has been used for low intensity agricultural uses in the past. The land is not subject to significant levels of environmental constraints, with flooding over parts of the land being the key constraint to development.

To facilitate the development of the land, a change is required to the planning controls affecting the land under *Greater Taree Local Environmental Plan 2010*. The change involves changing the zoning of parts of the land from its existing RU1 – Primary Production to RU5 - Village.

This planning proposal has been prepared consistent with the provisions of the Department's document *A Guide to Preparing Planning Proposals*.

1.1 Site details

The subject lands are located adjacent to the Coopernook village which is located in the Greater Taree City local government area approximately 250km north east of Sydney within the Mid North Coast region.

Figure 1-3 show the location of the land and area in a state, regional and local context.

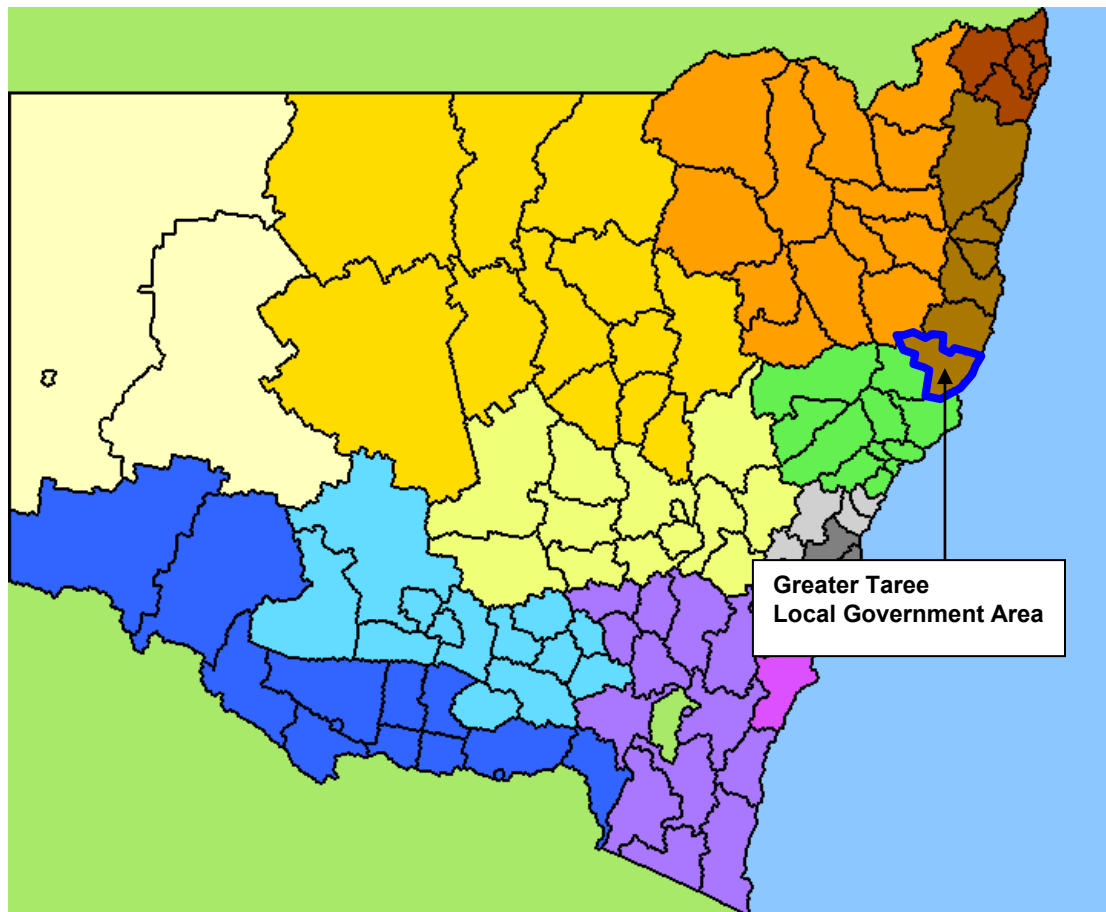


Figure 1 – State Context of Taree LGA

[Source: http://en.wikipedia.org/wiki/Local_government_areas_of_New_South_Wales#/media/File:Australia-Map-NSW-LGA-Regions.png]

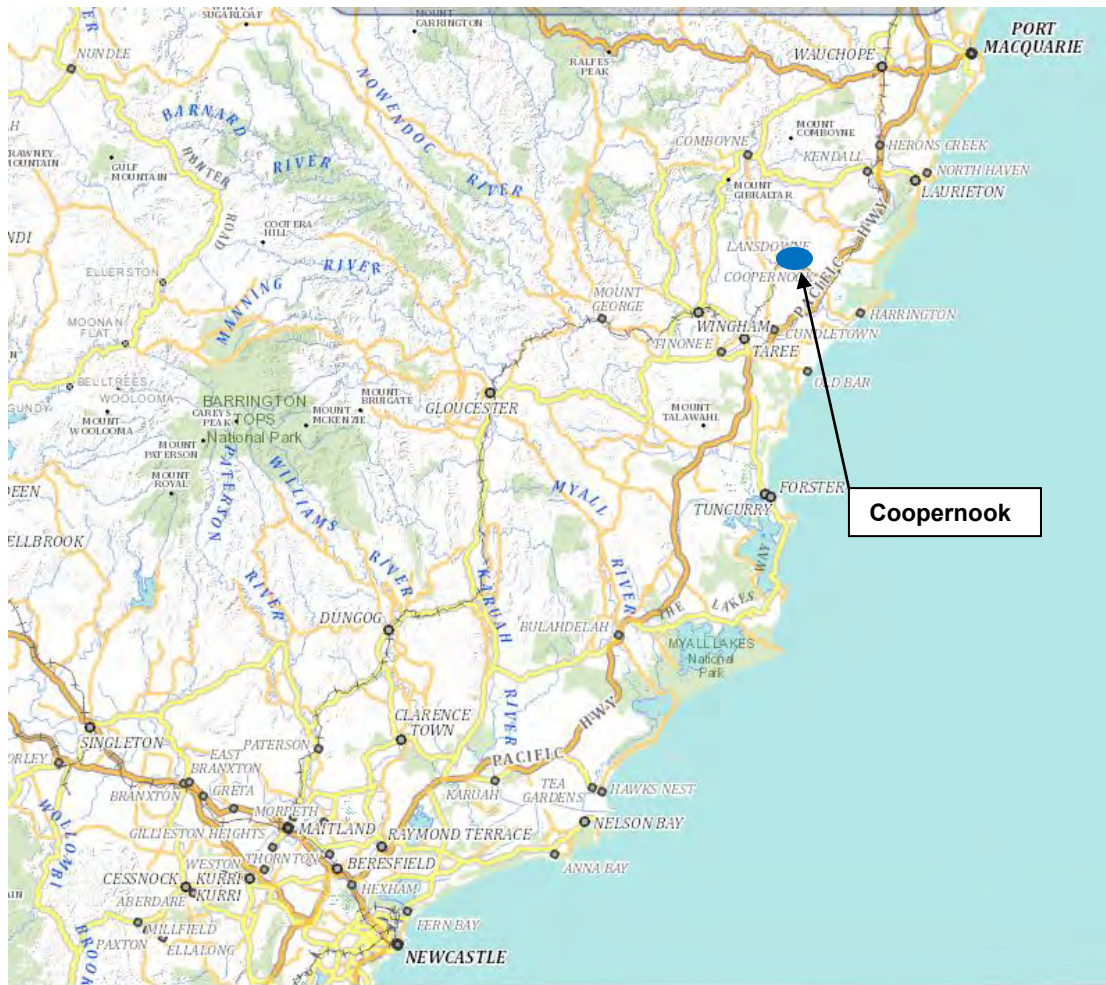


Figure 2 – Cooperook – Regional Context

[Source: LPMA SIX Maps]



Figure 3 – Site in Local Context

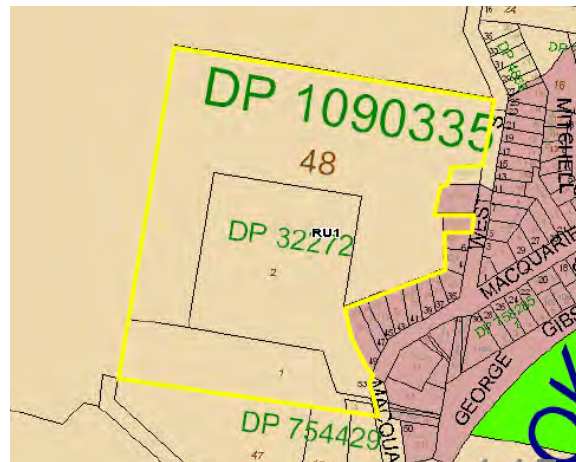
[Source: LPMA SIX Maps]

The following information is provided to assist in identifying and describing the subject lands.

Addresses	53 Macquarie Street and 8 West Street, Coopernook
Real Property descriptions	Pt. Lot 1 DP 32272 Pt. Lot 2 DP 32272 Lot 9 DP 32272 Lot 48 DP 1090335
Site Area	Combined area approximately 17.6 hectares
Current Controls Greater Taree LEP 2010	Zone - RU1 Primary Production/RU5 - Village Subdivision Lot Size – 40 hectares/1,000m ² Floor Space Ratio – No Control Height of Buildings – No Control/8.5m

The site is generally elevated with gradual slopes, primarily to the north, toward the floodplain areas. Vegetation consists of grassed paddocks and scattered trees. The vegetation on-site would be very different to what originally existed prior to the current farming activities. There are no natural waterways or other significant topographical features located on the site. A section of land along the northern boundary is identified as flood prone land.

The zone of the site is shown to the right. It is included in the Primary Production (RU1) zone (shown as brown) with a small area of RU5 shown as pink).



2.0 Objectives

The primary objective of the Planning Proposal is to provide for growth of the village in accordance with the provisions of previous local planning strategies and the Mid North Coast Regional Strategy. The land will provide opportunities for additional residential development in the Coopernook Village supporting existing services and facilities.

3.0 Explanation of provisions

To achieve the objectives, the planning proposal will amend *Greater Taree Local Environmental Plan 2010*. The proposed zones and areas have been determined on the basis of constraints identified for the land.

3.1 Zoning Changes

The planning proposal will achieve the objectives by altering the zonings over parts of the land where appropriate and will involve changes over parts of the land from the current RU1 zone to RU5 – Village. The RU1 zone will be retained over parts of the land where it is subject to flooding and to provide a buffer around the adjoining electricity substation.

3.2 Lot Size Controls

To facilitate subdivision of the land in a manner consistent with the proposed zonings, the lot size controls over the land will be modified to provide a 1,000m² lot size control for the RU5 zoned areas. The lot size control over the RU1 zoned area will be subject to a 5,000m² lot size to allow for small scale agriculture, rather than as a large residue parcel which is unlikely to be used in any sustainable manner.

3.3 Height of Buildings

The land is not currently subject to height of building controls. To facilitate building development on the land in a manner consistent with the proposed zonings an 8.5 metre height of building control is proposed to be created over the land, consistent with the control over the rest of the Coopernook village.

4.0 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?*

Planning for village expansion at Coopernook has been the subject of Council strategies since before 1996 when Council prepared the *Rural Villages Study* which examined the potential for growth at various rural villages in the Greater Taree local government area.

In 2005 Council prepared the *Greater Taree Draft Conservation and Development Strategy* for the entire local government area. The Strategy identified the subject land as a proposed village expansion area.

In 2009 Council and the Coopernook Action Group prepared the *Coopernook Village Plan* which was prepared to provide for the adjustment of the village following the bypass of the Pacific Highway. The Plan identifies that residential growth in the village is desired and identifies the subject land for village expansion (consistent with previous strategies). The Plan recognises that village expansion and population growth will assist in making existing commercial and public services more viable and possibly providing for an expansion of some commercial services in the town, revitalising its role as a rural community centre.

The village expansion in this area is the subject of ongoing strategic studies which have consistently recommended the village expansion in the manner proposed.

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

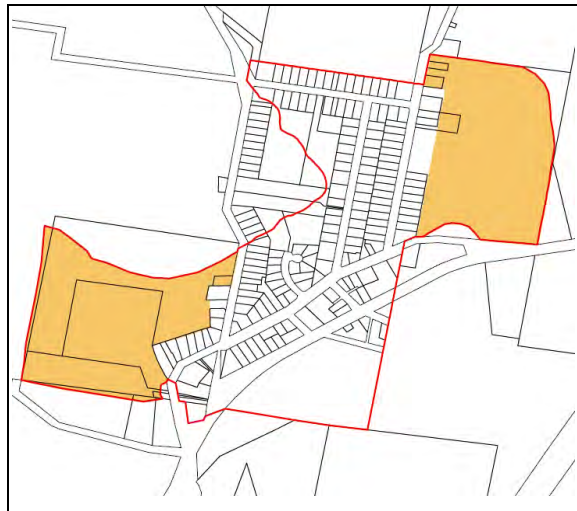
The planning proposal is the only feasible way to achieve the objectives or intended outcomes of providing village growth at Coopernook.

4.2 Relationship to strategic planning framework

4.2.1 Is the planning proposal consistent with the applicable regional strategy?

The proposal is consistent with the aims and objectives of the Department of Planning and Infrastructure's Mid North Coast Regional Strategy 2006-31.

The Mid North Coast Regional Strategy was prepared in 2009 to guide growth in the Mid North Coast Region. The Strategy includes maps that identify future urban release areas within the region, including those areas in the Greater Taree local government area. The plan for the Greater Taree local government area (map 8) identifies the subject land as a future urban release area.



The land does not contain any of the high environmental values identified in the Strategy and will not cause any impacts on such areas. The village zoning of the land will provide for future residential development that is consistent with the character of the village and surrounding area, and is consistent with the objectives of the Strategy for such areas.

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

There are no local strategies or plans that have been endorsed by the Director General. As discussed, the Council had prepared the *Greater Taree Draft Conservation and Development Strategy* in 2005, but the endorsement of the strategy was not completed. The draft Strategy identified the subject land for urban expansion as per the map extracted from the Strategy.

There are no local strategies or plans that have been endorsed by the Director General. As discussed, the Council had prepared the *Greater Taree Draft Conservation and Development Strategy* in 2005, but the endorsement of the strategy was not completed. The draft Strategy identified the subject land for urban expansion as per the map extracted from the Strategy.



The draft Strategy does not identify environmental constraints over the land, other than the flood prone areas in the northern parts of the site, which are addressed through this planning proposal.

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) Koala Habitat Protection (SEPP 44)

In relation to rezoning of land, Clause 15 of SEPP 44 provides that Council should survey lands within its area and determine if the land constitutes potential or core koala habitat. The subject land is comprised completely of modified habitats and does not contain any native vegetation communities. The tree cover over the land is primarily exotic and introduced species, and would not comprise 'potential koala habitat'. In this case, no further provisions of the SEPP would be applicable to the proposal.

(b) Remediation of Land (SEPP 55)

State Environmental Planning Policy Number 55 (SEPP 55) deals with land that is contaminated and the requirements for remediation of that land. Clause 6 of SEPP 55 requires that when Council is considering zoning changes it must consider if the land is contaminated, and if contaminated, will it be suitable for the use or will be remediated.

In relation to the subject land, it has been used for generally low intensity agricultural uses. There is no evidence of past uses being significantly contaminating, and the owners advise that they are not aware of any cattle dips or similar on the land. It is possible that there may be low levels of contamination in some areas used for treatment of stock with veterinary chemicals, such as around the cattle yards. A preliminary investigation would be undertaken following a Gateway determination to determine if any contaminated areas are, or are likely to be, present on the land and whether any remediation is necessary. The results of the preliminary investigation could then inform the final planning proposal.

(c) 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 below.

Clause 7 Principles	Comment
(a) the promotion and protection of opportunities for current and potential productive and sustainable economic activities in rural areas,	The subject land is not highly productive agricultural land, but does support low intensity agricultural uses including cattle and horse grazing. The change of these lands from agricultural use will not result in significant loss of productive agricultural land or of 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 subject land 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 provide for the loss of rural land uses which are important for the social and economic benefits or rural communities. The planning proposal provides for growth of the Coopernook community in accordance with the local and regional strategy and provides for maintenance & 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 planning proposal is balanced and provides social and economic benefits for the community through growth to support the existing services within the village.
(e) the identification and protection of natural resources, having regard to maintaining biodiversity, the protection of native vegetation, the importance of water resources and avoiding constrained land,	The planning proposal affects land which has been completely modified from past activities and has minimal biodiversity values, no native vegetation communities and does 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 planning proposal provides for housing in a manner identified in local and regional development strategies for the area which adds to the social and economic welfare of the community. Growth in the Coopernook village is important to provide for the ongoing viability of services which serve the local community.
(g) the consideration of impacts on services and infrastructure and appropriate location when providing for rural housing,	The planning proposal will include consultation with relevant service providers. The proposal will have access to reticulated water and sewer. Power and telecommunications are available in the locality and would need to be augmented to supply future 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 planning proposal is consistent with the Mid North Coast Regional Strategy and is identified as a future urban area in that strategy. The proposal is consistent with the Coopernook Village Plan which has been prepared by Greater Taree City Council.

While the proposed site is zoned RU1, it is not highly productive agricultural land and the planning proposal provides for uses which have been identified in development strategies for the area. The proposal facilitates growth in a small village which previously serviced the highway and represents a suitable use of land to support the local community.

(e) 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 11km from the coast and 500m from the Lansdowne 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 are to be undertaken and are outlined in the relevant sections of the planning proposal
- the development form will be consistent with established development in the Coopernook village and will maintain the character to the area.

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

The following Ministerial Directions are applicable to the planning proposal:

- Direction 1.2 – Rural Zones – This subject land is zoned rural (RU1) and involves changes in the zone to RU5 and changes to minimum subdivision lot sizes. The objective of the Direction is to protect the agricultural production potential of land. The proposal is identified as in the *Coopernook Village Plan 2009* and as future urban area in the *Mid North Coast Regional Strategy*. The *Mid North Coast Regional Strategy* includes consideration of protecting agricultural production. The proposal does not impact on highly productive agricultural land. As the proposal is in accordance with the Regional Strategy, the proposal can be inconsistent with this direction.
- Direction 1.5 – Rural Lands – This applies as the land involved changes to rural zoned land. The Direction provides that a rezoning must be consistent with the Rural Planning Principles and Subdivision Principles contained in *State Environmental Planning Policy (Rural Lands) 2008*. The Rural Planning Principles are discussed within Section 4.2.3 of this proposal and the associated planning report, and the proposed rezoning is consistent with the principles. The Direction provides that a planning proposal may be inconsistent with these requirements where it is justified by a strategy which takes into account the objectives of the Direction. The *Mid North Coast Regional Strategy* is considered to account for the Direction's objectives and identifies the land as future urban.
- Direction 2.1 – Environmental Protection Zones – This Direction applies when a planning proposal is prepared. The Direction provides that a planning proposal must facilitate protection of environmentally sensitive areas. Given the disturbed nature of the site and surrounding areas, there are no environmentally sensitive areas on the site which would require an environmental protection zone.
- Direction Number 2.2 – Coastal Protection – This Direction applies to any planning proposal prepared for land in the coastal zone. The land is located

in the coastal zone and the Direction provides that the planning proposal must be consistent with and give effect to the provisions of the *Coastal Policy*, *Coastal Design Guidelines* and the *Coastline Management Manual*. These documents are discussed in the accompanying Planning Report. The proposal is considered consistent with these documents.

- Direction Number 2.3 – Heritage Conservation – This Direction applies whenever a planning proposal is prepared and provides for the conservation and protection of items of environment heritage and items of indigenous heritage significance. The subject land does not contain any listed heritage items. In relation to indigenous heritage, the Direction provides that items of Aboriginal Heritage should be identified by an Aboriginal Heritage Survey. An AHIMS search has been done over the land which did not identify any Aboriginal sites or places on the land or surrounding area. The land is all ‘disturbed land’ and application of the *Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales* would suggest that further investigation would not be required (for Part 4 development). Further investigation can be undertaken following a Gateway determination if required by the Office of Environment and Heritage.
- Direction Number 3.1 – Residential Zones – This Direction applies where a planning proposal will affect land within an existing or proposed residential zone. The proposal affects rural zoned land but does involve the creation of a residential zone. The Direction requires that the planning proposal:
 - (a) *broaden the choice of building types and locations available in the housing market, and*
 - (b) *make more efficient use of existing infrastructure and services, and*
 - (c) *reduce the consumption of land for housing and associated urban development on the urban fringe, and*
 - (d) *be of good design.*

(5) *A planning proposal must, in relation to land to which this direction applies:*

 - (a) *contain a requirement that residential development is not permitted until land is adequately serviced (or arrangements satisfactory to the council, or other appropriate authority, have been made to service it), and*
 - (b) *not contain provisions which will reduce the permissible residential density of land.*

The existing planning instruments and development controls that would apply to future development of the land contain provisions consistent with the provisions of the Direction. Greater Taree LEP 2010 includes provisions that residential areas must be adequately serviced before subdivision may occur. The proposal will increase permissible residential density on the land.

- Direction Number 3.4 – Integrating Land Use and Transport – This Direction applies as the proposal involves the creation of a residential zone. This Direction requires Council to give effect to policies aimed at improving transport oriented design in urban areas. In the case of the subject land, the housing is in a small village with limited access to public transport. A bus service connects the village with Taree and Harrington and runs three (3) times a day. The subject site is located within 100 metres of this bus

route, providing alternatives to cars for transport. In addition, the Direction provides that a planning proposal can be inconsistent with the Direction where it is consistent with a regional strategy (such as the *Mid North Coast Regional Strategy*).

- Direction Number 4.1 – Acid Sulfate Soils – This Direction applies where land to which the planning proposal applies has a probability of containing acid sulphate soils. The land is identified as Class 5 on the Planning maps which do not have a probability of containing Acid Sulfate Soils but are located within 500 metres of lands with a probability of containing Acid Sulfate Soils. As such, this Direction would not be applicable to this proposal.
- Direction 4.3 – Flood Prone Land - This Direction applies as part of the subject site is identified as flood prone. The Direction applies when a planning proposal creates, removes or alters a zone or provision that effects flood prone land. The proposal would retain flood prone parts of the site in the RU1 zone. Minimum Subdivision Lot Sizes may alter to allow a smaller allotments size, however, it would not introduce the opportunity for significant development in the flood prone parts of the site. Future development of these areas would be subject to the provisions of Council's Development Control Plans which includes flooding controls developed under the *Floodplain Development Manual*.
- Direction Number 5.1 – Implementation of Regional Strategies – This Direction provides that a planning proposal must be consistent with the Mid North Coast Regional Strategy. This document is discussed within this report, and the proposal is consistent with the Strategy. The land is identified as future residential land within the maps that accompany the Strategy.

5.0 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 subject land is all highly disturbed and modified lands that do not contain native vegetation communities or significant habitat features. The land is used for low intensity grazing purposes and the vegetation on the site is almost entirely comprised of introduced pasture species, as well as planted exotic trees in the gardens around the existing dwelling. The subject lands are not identified as critical habitat and it is highly unlikely that the proposal would impact on threatened species, populations, ecological communities or their habitats.

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

The Planning Report accompanying the Planning Proposal has examined the likely environmental effects that would result from development of the land. Given the disturbed nature of the land and the previous use, few significant environmental constraints have been identified for the land. In relation to the issues identified, the following brief discussion is provided:

- Visual – The subject site is not highly visible in the surrounding visual catchment. The development outcomes that could result from the planning proposal are consistent with the village character of the area.
- Soils – The site is not mapped as having potential for Acid Sulfate Soils to be present. As discussed in relation to SEPP 55, there is potential that some minor soil contamination may exist. This will be investigated and appropriately treated to prevent impact to the surrounding environment.
- Stormwater – The proposed development will generate increased stormwater run-off from the land. Future subdivision of the land can provide a suitable stormwater drainage system with controls to control flows and water quality.
- Traffic – The proposed subdivision will increase traffic generated from the land. The proposal includes new connections to the existing village streets. Given the low volume of traffic likely to be generated, and the capacity of the existing streets, the proposal is unlikely to impact significantly on traffic in the village.

The subject site does adjoin an electricity substation, and consultation with Essential Energy determined that they required a buffer around the substation. This area has been retained within the RU1 zone.

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

The proposal is expected to generally create positive social and economic effects. The planning proposal provides for village growth in the Coopernook area which has been identified as important in the ongoing sustainability of Coopernook as a rural community. The growth in the village has been identified as important to provide for the ongoing viability of the existing businesses and services within the village, especially since the bypass of the highway and the loss to the local economy that occurred with the loss of significant highway trade. The planning proposal therefore provides positive social and economic impacts for the local community. The growth of the village as proposed, was identified in the *Coopernook Village Plan* prepared by the community in conjunction with Council.

The subject land is adjacent to existing heritage items, as well as near an existing heritage conservation area. The concept subdivision layout shows that the lot sizes and shapes generally maintain a village character for the area and allow development which will maintain a village setting for the heritage items and conservation area. The proposed lot size controls and village zoning will act to ensure outcomes on the land maintain the village character, while the Council's DCP and Character Statements for Coopernook will ensure future built forms on the land respect the established village character of the Coopernook village.

The land is highly disturbed and due diligence investigations suggest that there is a low likelihood of the presence of Aboriginal cultural heritage items on the land. Further investigation of Aboriginal cultural heritage significance can be carried out following a Gateway determination, or during the development application process.

6.0 State and Commonwealth interests

6.1 Is there adequate public infrastructure for the planning proposal?

The proposal provides for a small amount of village expansion and does not involve a significant population increase. These small increases, however, have been identified as important to support existing public services and infrastructure in the area such as schools and other village services.

Service infrastructure required for the proposed subdivision will be for water, sewer, electricity and telecommunications. Water and sewer will be provided by MidCoast Water's reticulated water and sewerage systems for the Coopernook village. The water and sewer strategies for the Coopernook Scheme provide for servicing of the subject land, with an allowance made for 100 ETs from the subject land. The concept subdivision layout provides for 87 lots (ET's) and is within the planned capacity by the service provider. The site adjoins the zone substation and will have excellent access to electricity services, subject to necessary augmentation and reticulation in construction. Telephone services are available in the area and can be extended to future subdivision on the land.

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

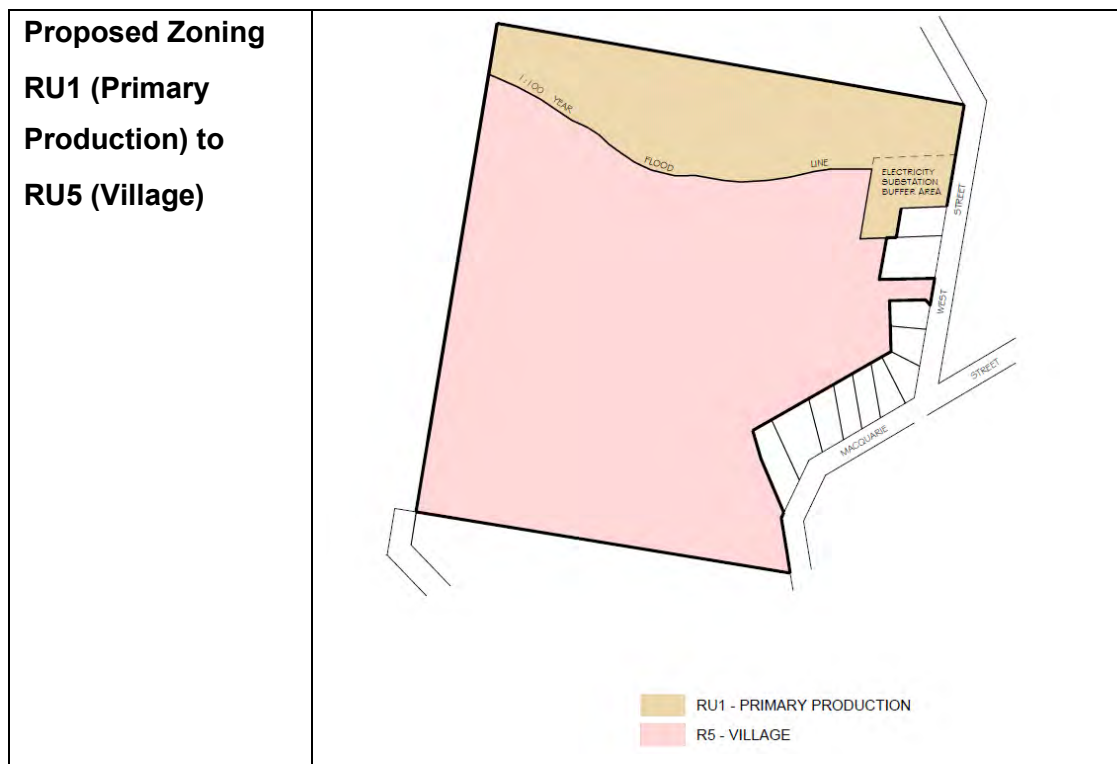
In preparation of the draft planning proposal, consultation has occurred with Essential Energy who has sought the creation of the buffer around the existing substation for 'Earth Potential Rise', but do not want this area included in a land reserve acquisition layer. It was acknowledged, that roads could be constructed through this area.

Additional consultation proposed after the Gateway determination includes:

- Essential Energy
- Department of Education in relation to the adjoining public school.
- Office of Environment and Heritage with regard to Aboriginal cultural assessment

7.0 Mapping

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





8.0 Community Consultation

No community consultation has been undertaken at this stage. The Gateway determination will specify the community consultation that must be undertaken for the planning proposal. It is considered appropriate that the planning proposal be placed on exhibition for 28 days following the Gateway determination, being Council's standard minimum rezoning exhibition period.

9.0 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		June 2015
Lodgement of Planning Proposal for Gateway Determination	Greater Taree City Council		July 2015
Gateway Determination	Minister for Planning and Environment	4 weeks	August 2015
Additional investigations and assessments prepared and consultation undertaken	Proponent/Greater Taree City Council	12 weeks	December 2015
Public Exhibition of Planning Proposal	Greater Taree City Council	Minimum 28 days	January 2016
Final Planning Proposal reported to Council	Greater Taree City Council	4 weeks	March 2016
Making of Local Environmental Plan	Greater Taree City Council (delegation)	6-8 weeks	May 2016

Attachment A

Planning Report

Planning Report

Pt. Lots 1 & 2 and Lot 9 DP 32272

and Lot 48 DP 1090335

Macquarie and West Street, Coopersnook

Prepared for J. D. Hogg

May 2015

Project: 13026

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1. PRELIMINARY

1.1 *Introduction*

Coastplan Group Pty Ltd has been commissioned to prepare this submission and a planning proposal to Greater Taree City Council to seek an alteration of zoning over the subject land to permit residential development on the land in line with outcomes envisaged in the Coopernook Village Plan 2009 and the Mid North Coast Regional Strategy.

This report provides:

- an analysis of the site and surrounding area;
- a description of outcomes sought for the land;
- a detail of key issues relating to the subject land; and
- justification for the alteration of the land use zones applying to the land on the basis of this analysis.

1.2 *Objectives of the Report*

This report has been prepared to provide information on the land and the project to decision-makers and the public. The following objectives for the report and associated analysis have been formulated:

- a) To provide a description of the land and surrounding locality that allows the application of relevant planning instruments and environmental criteria.
- b) To provide a description of the future development likely for the land in a manner that allows the application of relevant planning instruments and environmental criteria.
- c) To review relevant planning instruments and policies, and discuss their application to the land and potential future development.
- d) To use available information on the land to discuss key environmental aspects of the land and potential constraints to development.

1.3 Outline of the Report

The report has been structured to provide information as outlined in the objectives.

- **Section 1 – Introduction** detailing the purpose of the report and the history of the site.
- **Section 2 – Site and Surrounding Area Description** provides a description of the subject land and surrounding area.
- **Section 3 – Description of Development Outcomes Sought** provides a description of outcomes for the land.
- **Section 4 – Planning Context** provides a review of relevant planning legislation, planning instruments, policies and strategies that are relevant to the land and future proposals.
- **Section 5 – Environmental Issues/Constraints** provides a discussion of key environmental issues associated with the land and likely future development.
- **Section 6 – Justification of Rezoning** provides discussion on proposed outcomes in terms of the planning context, environmental issues and community outcomes.
- **Section 7 – Conclusion** provides a summary of the findings.

2. SITE & SURROUNDING AREA DESCRIPTION

2.1 *Site Details*

The subject lands are identified as:

- Pt. Lot 1 DP 32272 – 2.023 hectares
- Pt. Lot 2 DP 32272 – 4.856 hectares
- Lot 9 DP 32272 – 607m²
- Lot 48 DP 1090335 – 10.71 hectares

The site is located adjacent to the Coopernook village and has frontages to both Macquarie Street and West Street. The lots have a combined area of approximately 17.6 hectares. The land is zoned RU1 – Primary Production and RU5 - Village under Greater Taree Local Environmental Plan 2010.

The land adjoins areas zoned RU5 – Village to the east, which is the existing residential areas of Coopernook Village. Other surrounding lands are zoned RU1 – Primary Production.

A site locality plan is provided in Figures 1 and 2.

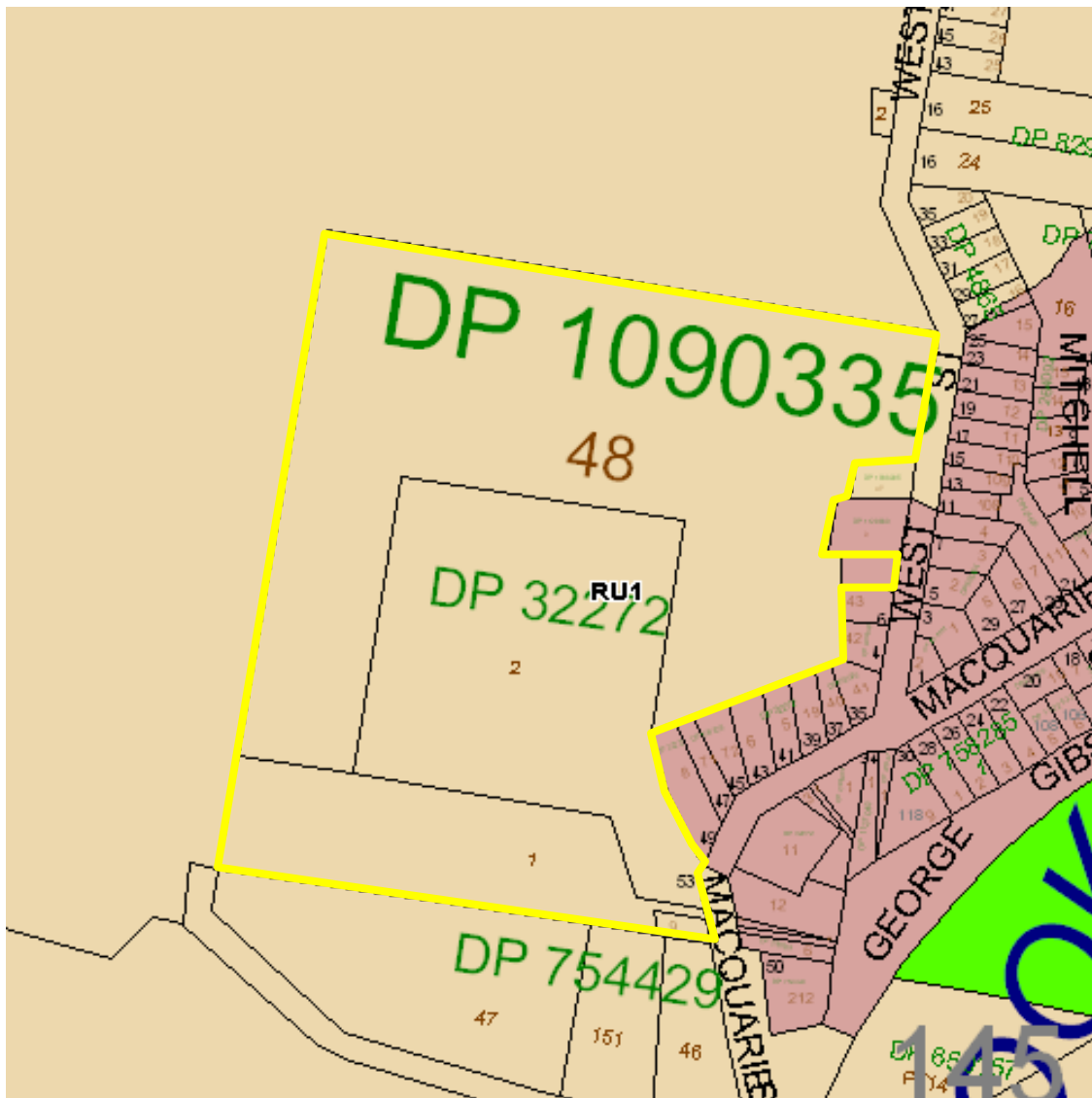


Figure 1 – Site Locality Plan (Zoning)

[Source: GTCC Exponare]



Figure 2 – Site Locality Plan (Satellite)

[Source: LPMA SIX Maps]

2.2 Topography

The topography of the lands is generally described as undulating land with gradual slopes draining in all directions. The slopes over the land vary from approximately 2° to approximately 6° .

There are small ephemeral gullies that drain to the north and south, with water shed to surrounding levels areas (in adjoining lands) drained to the Lansdowne River via a series of constructed drains established as part of agricultural improvements for those lands. The south eastern parts of the property drain to the Council drainage system in Macquarie Street.

2.3 Vegetation

Vegetation types and coverage over the land have been significantly influenced by occupation and use of the land for agricultural and rural residential purposes. The vegetation over the land is entirely comprised of modified land containing agricultural grazing lands with primarily introduced pasture species and managed gardens around the existing dwelling.

There are a few trees existing on the land, and these are primarily located around the dwelling located on Pt. Lot 2. The trees around the dwelling are primarily comprised of some large fig trees and a number of non-indigenous species, including pine species, bamboo, Camphor Laurels and palms. In addition, there are a couple of isolated indigenous eucalypt species located in the grazing areas. The site does not contain any native vegetation communities and instead is comprised of marginal grazing communities disturbed from past activities.

The following photographs show the vegetation over the subject site.



Typical cleared grazing land in northern parts of the site



Typical cleared grazing land in western parts of the site



Typical cleared grazing land in southern parts of the site (note regrowth vegetation is on adjoining land)



Looking across grazing land to dwelling and gardens from eastern parts of site



Exotic species along entrance driveway including bamboo, pine sp. and Camphor Laurel



Exotic species along entrance driveway including bamboo, pine sp. and Camphor Laurel

Adjoining lands to the north and west are comprised of similar rural lands with cleared grazing areas domination. Land to the south is occupied by the Coopernook Public School and land to the east is occupied by residential development of Coopernook township.

2.4 Existing Development/Use

The subject lots are used for rural living and extensive agricultural uses. The land was formerly operated as part of a dairy use, but does not include the highly productive floodplain areas which had the high production values. The property is used for grazing of beef cattle to supplement other incomes and is not a highly productive commercial farming venture.

The adjoining lands to the north and west are utilised for agricultural purposes and include large areas of river flats which are utilised for dairy production. The land to the south is used for community purposes (primary school), while land to the east is utilised for community (church) uses, residential uses (dwellings in the Coopernook township) and infrastructure (electricity substation).

2.5 Access

Existing vehicular access to the site is available from Macquarie Street via an existing gravel driveway that provides vehicular access to the dwelling house and associated buildings that exist there. The site also has two (2) frontages to West Street and farm gate accesses also exist to this frontage.

The Coopernook public road system provides access to the adjoining properties and a private road runs adjacent to the northern boundary of the site, providing access to the farm that operates on the adjoining land.

2.6 Services

Reticulated water, sewer, electricity and telecommunications are available to the land, with services provided within the adjoining village zoned areas of Coopernook.

3. DESCRIPTION OF DEVELOPMENT OUTCOMES SOUGHT

The purpose of the planning proposal is to provide for residential development of the subject land in a manner consistent with the outcomes envisaged by the Coopernook Village Plan and the Mid North Coast Regional Strategy.

3.1 Residential Development

The planning proposal seeks to identify large areas of the site for residential development forms. The areas likely to be identified for these landforms would include the entire site, other than those areas excluded due to constraints imposed on the land because of flooding.

The zone used would most likely for these areas would be the RU5-Village Zone which is consistent with the zoning of the remainder of the Coopernook township. The Planning Proposal would also include the imposition of development standards over the RU5 zoned areas, including:

- Minimum Subdivision Lot Size – 1,000m²
- Height of Buildings – 8.5 metres

3.2 Retained Rural Zoning

There are parts of the site that are constrained for residential development due to flooding hazards. These areas would be retained in the RU1 – Primary Production zone.

The lots size control for these areas would be 5,000m²

4. PLANNING CONTEXT

4.1 *State Planning Documents*

There are a number of Acts of State Parliament, State Environmental Planning Policies and General Policies which are relevant in consideration of the use of the land.

4.1.1 Section 117 Directions

Section 117 Directions are directions given by the Minister regulating the undertaking of certain functions under the Environmental Planning and Assessment Act 1979. The Directions apply when Council is preparing a planning proposal. The following Directions are relevant to the planning proposal over the land.

- Direction 1.2 – Rural Zones – This subject land is zoned rural (RU1) and involves changes to the zone to RU5 and R5. The provisions of the Direction provide that land zoned rural must not be rezoned to a residential, business, industrial, village or tourist zone unless it is supported by a local or regional strategy, which considers the objectives of the Direction, or is a proposal of minor significance. The objective of the Direction is to protect the agricultural production potential of land. The proposal is identified as in the *Coopernook Village Plan 2009* and as future urban area in the *Mid North Coast Regional Strategy*. The *Mid North Coast Regional Strategy* includes consideration of protecting agricultural production. The proposal does not impact on highly productive agricultural land. As the proposal is in accordance with the Regional Strategy, the proposal can be inconsistent with this direction.
- Direction 1.5 – Rural Lands – This applies as the land involves changes to rural zoned land. The Direction provides that a rezoning must be consistent with the Rural Planning Principles and Subdivision Principles contained in *State Environmental Planning Policy (Rural Lands) 2008*. The Rural Planning Principles are discussed within this report, and the proposed rezoning is consistent with the principles. The Direction provides that a planning proposal may be inconsistent with these requirements where it is justified by a strategy which takes into account the objectives of the Direction. The *Mid North Coast Regional Strategy* is considered to account for the directions objectives and identifies the land as future urban.

- Direction 2.1 – Environmental Protection Zones – This Direction applies when a planning proposal is prepared. The Direction provides that a planning proposal must facilitate protection of environmentally sensitive areas. Given the disturbed nature of the site and surrounding areas, there are no environmentally sensitive areas on the site which would require an environmental protection zone.
- Direction Number 2.2 – Coastal Protection – This Direction applies to any planning proposal prepared for land in the coastal zone. The land is located in the coastal zone and the Direction provides that the planning proposal must be consistent with and give effect to the provisions of the *Coastal Policy*, *Coastal Design Guidelines* and the *Coastline Management Manual*. These documents are discussed below in relation to the proposal. The proposal is considered consistent with these documents.
- Direction Number 2.3 – Heritage Conservation – This Direction applies whenever a planning proposal is prepared and provides for the conservation and protection of items of environment heritage and items of indigenous heritage significance. The subject land does not contain any listed heritage items. In relation to indigenous heritage, the Direction provides that items of Aboriginal Heritage should be identified by an Aboriginal Heritage Survey. An AHIMS search has been done over the land which did not identify any Aboriginal sites or places on the land or surrounding area. The land is all 'disturbed land' and application of the *Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales* would suggest that further investigation would not be required (for Part 4 development).
- Direction Number 3.1 – Residential Zones – This Direction applies where a planning proposal will affect land within an existing or proposed residential zone. The proposal affects rural zoned land but does involve the creation of a residential zone. The Direction requires that the planning proposal:
 - (a) broaden the choice of building types and locations available in the housing market, and
 - (b) make more efficient use of existing infrastructure and services, and

(c) *reduce the consumption of land for housing and associated urban development on the urban fringe, and*
 (d) *be of good design.*

(5) *A planning proposal must, in relation to land to which this direction applies:*

(a) *contain a requirement that residential development is not permitted until land is adequately serviced (or arrangements satisfactory to the council, or other appropriate authority, have been made to service it), and*
 (b) *not contain provisions which will reduce the permissible residential density of land.*

The existing planning instruments and development controls that would apply to future development of the land contain provisions consistent with the provisions of the Direction. Greater Taree LEP 2010 includes provisions that residential areas must be adequately serviced before subdivision may occur. The proposal will increase permissible residential density on the land.

- Direction Number 3.4 – Integrating Land Use and Transport – This Direction applies as the proposal involves the creation of a residential zone. This Direction requires Council to give effect to policies aimed at improving transport oriented design in urban areas. In the case of the subject land, the housing is in a small village with limited access to public transport. A bus service connects the village with Taree and Harrington and runs three (3) times a day. The subject site is located within 100 metres of this bus route, providing alternatives to cars for transport. In addition, the Direction provides that a planning proposal can be inconsistent with the Direction where it is consistent with a regional strategy (such as the *Mid North Coast regional; Strategy*).
- Direction Number 4.1 – Acid Sulfate Soils – This Direction applies where land to which the planning proposal applies has a probability of containing acid sulphate soils. The land is identified as Class 5 on the Planning maps which do not have a probability of containing Acid Sulfate Soils but are located within 500 metres of lands with a probability of containing Acid Sulfate Soils. As such, this Direction would not be applicable to this proposal.

- Direction 4.3 – Flood Prone Land - This Direction applies as part of the subject site is identified as flood prone. The Direction applies when a planning proposal creates, removes or alters a zone or provision that effects flood prone land. The proposal would place flood prone parts of the site in the R5 zone with areas provided so that each lot may contain a dwelling above the 1% flood level. Zone provisions may alter to allow a smaller allotments size, however, it would not introduce the opportunity for additional development in the flood prone parts of the site. The planning proposal would provide outcomes consistent with the Floodplain Development Manual, and would be consistent with the requirements of the Direction.
- Direction Number 5.1 – Implementation of Regional Strategies – This Direction provides that a planning proposal must be consistent with the Mid North Coast Regional Strategy. This document is discussed within this report, and the proposal is consistent with the Strategy. The land is identified as future residential land within the maps that accompany the Strategy.

4.1.2 State Environmental Planning Policy Number 44 – Koala Habitat Protection (SEPP 44)

This policy was prepared in 1988 with an aim of conserving and managing koala habitat in NSW. The aim of the policy is *to encourage the proper conservation and management of areas of natural vegetation that provide habitat for koalas to ensure a permanent free-living population over their present range and reverse the current trend of koala population decline.*

In relation to rezoning of land, Clause 15 of SEPP 44 provides that Council should survey lands within its area and determine if land constitutes potential or core koala habitat. The subject land is comprised completely of modified habitats and does not contain any native vegetation communities. The tree cover over the land is primarily exotic and introduced species and would not comprise 'potential koala habitat'. In this case no further provisions of the SEPP would be applicable to the proposal.

4.1.3 State Environmental Planning Policy Number 55 – Remediation of Land

State Environmental Planning Policy Number 55 (SEPP 55) deals with land that is contaminated and the requirements for remediation of that land. Clause 6 of SEPP 55 requires that when Council is considering a zoning changes it must consider if the land is contaminated, and if contaminated will it be suitable for the use or will be remediated.

In relation to the subject land, it has been used for generally low intensity agricultural uses. There is no evidence of past uses being significantly contaminating, and the owners advise that they are not aware of any cattle dips or similar on the land. It is possible that there may be low levels of contamination in some areas used for treatment of stock with veterinary chemicals, such as around the cattle yards. A preliminary investigation would be undertaken following a Gateway determination to determine if any contaminated areas are or are likely to be present on the land, and whether any remediation is necessary. The results of the preliminary investigation could then inform the final planning proposal.

4.1.4 State Environmental Planning Policy (Rural Lands) 2008 [SEPP (Rural Lands)]

As discussed in relation to Section 117 Direction 1.5, the proposal is consistent with the Rural Planning Principles contained within SEPP (Rural Lands). The following compares the proposal to the Rural Planning Principles within the SEPP.

Clause 7 Principles	Comment
(a) the promotion and protection of opportunities for current and potential productive and sustainable economic activities in rural areas,	The subject land is not highly productive agricultural land, but does support low intensity agricultural uses including cattle and horse grazing. The change of these lands from agricultural use will not result in significant loss of productive agricultural land or of 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 subject land is not highly productive agricultural land and is not important for agricultural production in the locality.

Clause 7 Principles	Comment
(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 provide for the loss of rural land uses which are important for the social and economic benefits or rural communities. The planning proposal provides for growth of the Coopernook community in accordance with the local and regional strategy and provides for maintenance and 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 planning proposal is balanced and provides social and economic benefits for the community through growth to support the existing services within the village.
(e) the identification and protection of natural resources, having regard to maintaining biodiversity, the protection of native vegetation, the importance of water resources and avoiding constrained land,	The planning proposal affects land which has been completely modified from past activities and has minimal biodiversity values, no native vegetation communities and does 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 planning proposal provides for housing in a manner identified in local and regional development strategies for the area which adds to the social and economic welfare of the community. Growth in the Coopernook village is important to provide for the ongoing viability of services which serve the local community.
(g) the consideration of impacts on services and infrastructure and appropriate location when providing for rural housing,	The planning proposal will include consultation with relevant service providers. The proposal will have access to reticulated water and sewer. Power and telecommunications are available in the locality and would need to be augmented to supply future 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 planning proposal is consistent with the Mid North Coast Regional Strategy and is identified as a future urban area in that strategy. The proposal is consistent with the Coopernook Village Plan which has been prepared by Greater Taree City Council.

While the proposed site is zoned RU1, it is not highly productive agricultural land and the planning proposal provides for uses which have been identified in development strategies for the area. The proposal facilitates growth in a small village which previously serviced the highway and represents a suitable use of land to support the local community.

4.1.5 State Environmental Planning Policy Number 71 – Coastal Protection (SEPP 71)

SEPP 71 applies to land within the Coastal Zone and provides considerations for Council when preparing a planning proposal. Clause 8 of the SEPP provides matters to be considered. The following table examines the matters in relation to the subject planning proposal:

Table 1 - SEPP 71, Part 2, Clause 8 – Matters for Consideration

Clause	Comment
8(a)	The planning proposal is considered to be consistent with the aims of SEPP 71, as referred to in Clause 2.
8(b)	The planning proposal will not impact on public access arrangements to the existing coastal foreshore.
8(c)	The planning proposal will not interfere with existing opportunities to provide public access to the coastal foreshore.
8(d)	The planning proposal provides for a village expansion as identified in the regional and local strategies. The development of the area will be carried out in a manner that is consistent with the established village character and will be suitable for the location.
8(e)	The planning proposal will not involve any shading impacts onto, or affect any views between, public places and the foreshore.
8(f)	The planning proposal involves an area which is not visually prominent or significant in the context of the NSW Coast. Development of the land would not impact on the scenic quality of the NSW Coast.
8(g)	The proposal will not have a significant impact on Threatened species, populations or ecological communities or their habitats within the locality.
8(h)	The proposal will not impact on fish or aquatic habitats.
8(i)	The proposal is unlikely to impact on wildlife corridors.
8(j)	The land is located in a consolidated hillside away from the active beachfront and is not subject to coastal processes.
8(k)	There are no land/water based conflict issues associated with the land.
8(l)	The proposed development has limited ability to impact on any known archaeological material. An AHIMS Search of the site and surrounding area has not identified any Aboriginal places or sites.

Table 1 - SEPP 71, Part 2, Clause 8 – Matters for Consideration

Clause	Comment
8(m)	The planning proposal will not have any impacts on Coastal Water Quality. Stormwater disposal of future development will be carried out to Council requirements to ensure coastal water quality is not degraded.
8(n)	The subject site does not contain items of heritage significance and is not located in a heritage conservation area. The site adjoins several heritage items and future development will need to be carried out in a manner that is consistent with the desired village character which assists in preserving the character and setting around the heritage items
8(o)	The planning proposal provides for village growth in an area on the fringe of the village which is within service areas and which is within identified growth limits for the village.
8(p)(i)	Not Applicable
8(p)(ii)	Not Applicable.

4.1.6 NSW Coastal Policy

The subject lands are mapped as being located within the Coastal Zone of NSW. As such, the provisions of the NSW Coastal Policy are relevant to the site. The NSW Coastal Policy is a broad policy for the Coastal Zone in New South Wales. Relevant to the principles of the Coastal Policy, village use of the land will not compromise the natural values of the area and development outcomes will be consistent with the character of the existing village and surrounding area. The Coastal Policy lists a series of goals, objectives and actions for development in the coastal zone. Village use of the land is of low scale, compatible with the development and use of land in the locality. Village use of this land is consistent with the goals, objectives and actions of the Coastal Policy.

4.1.7 NSW Coastal Design Guidelines

Urban development of the subject land will not be contrary to the aims and strategic actions of the NSW Coastal Policy. The site location and potential development outcomes are consistent with the NSW Coastal Design Guidelines. The village of Coopernook can be described as an Inland Coastal Centre. Like the issues raised in the guidelines, Coopernook has limited services and facilities and growth can help maintain

and enhance these services. In the case of Coopernook, the realignment of the highway to bypass the village has minimised the highway service functions that previously existed and changed the economic structure of the town. The design guidelines recognise the potential for growth in these areas, and provides objectives for expansion. In regard to these matters, the following is noted:

- The concept subdivision delivers a village outcome consistent with the established character of the village.
- Appropriate controls can be put in place to protect village character in terms of lot size, building heights etc.
- The land is not visually significant.
- Parts of the land are subject to flooding impacts, however, these areas are not proposed to be utilised for residential use.
- Future built forms can be made appropriate for the character of the area. Council's DCP already includes character statements.

4.1.8 NSW Coastline Management Manual

The NSW Coastline Management Manual deals with management of specific coastal processes such as erosion, inundation and recession of coastal foreshore areas. The subject land is elevated and is not located in proximity to any areas subject to these coastal processes. Development of this land would therefore be consistent with the Manual.

4.1.9 Environmental Protection and Biodiversity Conservation Act 1999

Activities that are likely to have a significant impact on a matter of national environmental significance (NES) are subject to a rigorous assessment and approval process under the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act).

The matters of NES identified as triggers for the assessment regime under the EPBC Act are:

- World heritage properties;
- RAMSAR wetlands;
- Nationally threatened species and ecological communities;

- Migratory species;
- Commonwealth marine areas; and
- Nuclear actions (including uranium mining).

The first stage of assessment under the EPBC Act involves determining whether the action is likely to significantly impact on matters of NES. Referral to the Minister is only required where the activity is one which is likely to significantly impact on matters of NES.

A search was undertaken for the land and surrounding area using the EPBC Act Protected Matters search function on the Department of Sustainability, Environment, Water, Population and Communities website.

Assessment for this activity includes an analysis of the works in relation to the NES matters. This has been undertaken and documented in Table .

Table 2: Analysis of the works in relation to the NES matters

<i>NES Matter</i>	<i>Assessment Comment</i>
World heritage properties	The EPBC Protected Matters search did not reveal any World Heritage Properties on the site or surrounding area.
RAMSAR wetlands	The proposed activity will have no impact on any RAMSAR wetland.
Nationally threatened species and ecological communities	The Protected Matters Search identified 1 Endangered Ecological Community and 21 listed Threatened Species that may occur in the area. The site does not contain the EEC identified and has limited habitat values for the potential Threatened Species identified.
Migratory species	The protected matters search identified 13 migratory species that may utilise habitats in the area. The site is unlikely to provide significant habitat resources to these migratory species.
Commonwealth marine areas	The proposed activity will not have any impact on Commonwealth marine area(s).

4.2 Regional Planning Documents

4.2.1 Mid North Coast Regional Strategy

The Mid North Coast Regional Strategy was prepared in 2009 to guide growth in the Mid North Coast Region. The Strategy includes maps that identify future urban release areas within the region, including those areas in the Greater Taree local government

area. The plan for the Greater Taree local government area (map 8) identifies the subject land as a future urban release area. An extract from the map is provided below:

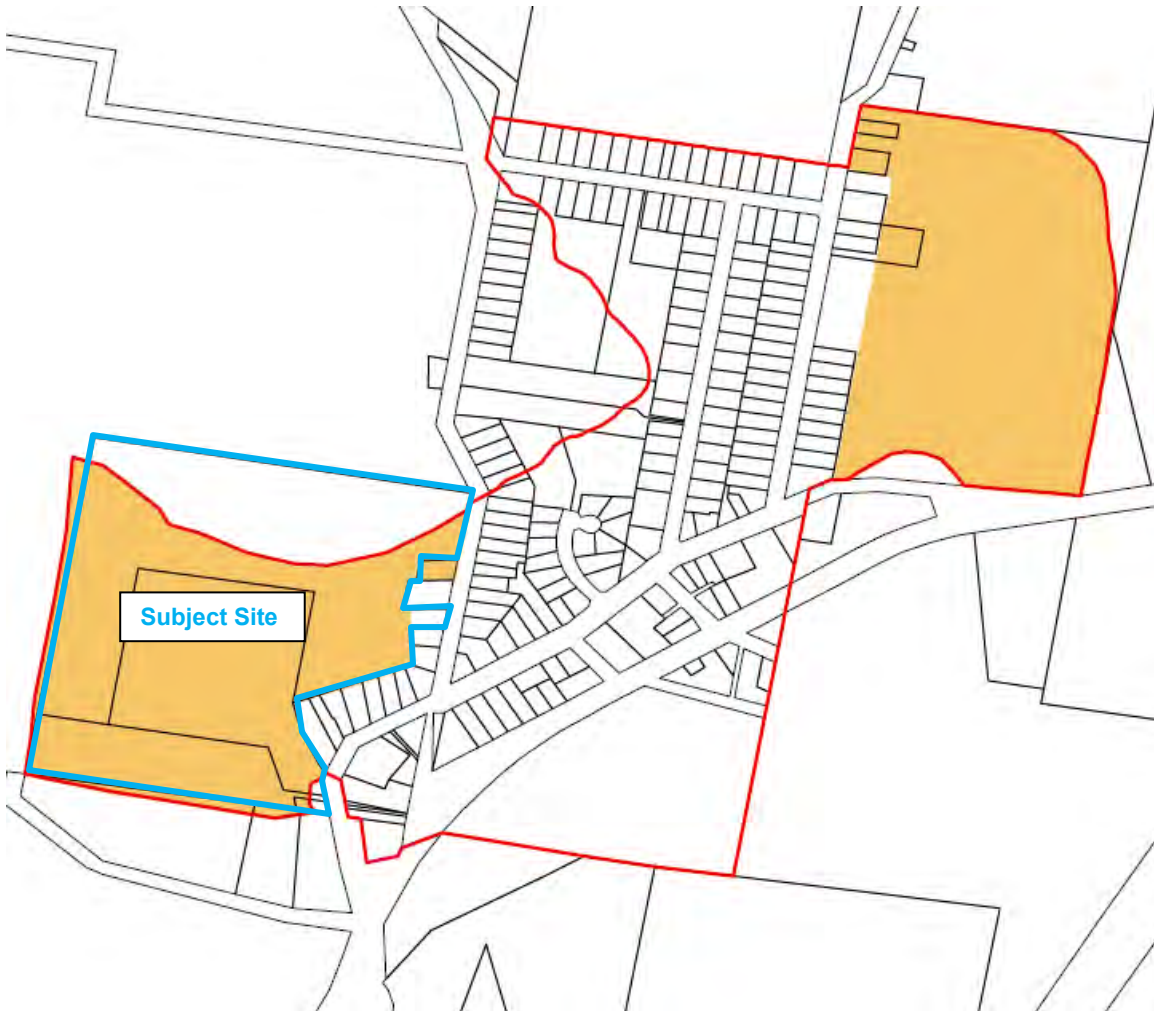


Figure 3 – Extract from Mid North Coast Regional Strategy

[Source: http://www.planning.nsw.gov.au/plansforaction/pdf/mncrs_map_growtharea_08_greatertaree.pdf]

The land does not contain any of the high environmental values identified in the Strategy and will not cause any impacts on such areas. The village zoning of the land will provide for future residential development that is consistent with the character of the village and surrounding area and is consistent with settlement principles and with the objectives of the strategy for such areas.

Village expansion over the subject land would be consistent with the Mid North Coast Regional Strategy.

4.3 Local Planning Documents

4.3.1 Greater Taree Local Environmental Plan 2010

The subject land is zoned RU1 – Primary Production under the provisions of *Greater Taree Local Environmental Plan 2010* (LEP 2010). The RU1 zone has a primary purpose of providing land for productive agriculture, preserving rural landscapes and maintaining flora and fauna outcomes. The subject land is not highly productive agricultural land and does not contain any significant landscape features or ecological values.

The proposal would involve the creation of RU5 – Village zones over parts of the land that are identified as suitable. The RU5 zone is a zone primarily for the establishment of housing at low densities, as well as services and facilities to serve that housing. The land is identified for future village expansion within local and regional strategies that affect the land. The RU5 areas will generally be limited to parts of the land that are capable for residential use having regard to constraints over the land (primarily flooding).

Other parts of the site which are subject to flooding would have an R5 zoning, restricting residential uses on the land, but potentially allowing the land to be used for small scale rural residential activities.

In addition to zoning over the land, the planning proposal will also create new/additional development controls over the land under LEP 2010. Final controls will be subject to the final planning proposal, however, it is likely that the areas that the land will be subject to the following development controls which are typical within surrounding area and local government area generally.

- Minimum Subdivision Lot size – 1,000m² (RU5) & . 5,000m² (R5)
- Height of Buildings – 8.5 metres.

4.3.2 Greater Taree Development Control Plan 2010

This Development Control Plan (DCP) would only be relevant to development on the land following rezoning. The principles within the DCP, however, have been examined as evidence that the outcomes facilitated by the proposal would be consistent with the Council's objectives and controls for development of land.

In relation to the DCP, the following observations are relevant and show the proposal would be consistent with the DCP outcomes:

- Part B of the DCP deals with Character Statements for the different areas of the Greater Taree local government area. The DCP includes a character statement for the Coopernook area. The subject land is included in the 'Study Area' but is not currently mapped in the three (3) precincts of the Character Statement. It is likely that following its rezoning, the land would be part of the Village Living Area and would be subject to the requirements for that precinct.

Future Character of the residential development on the land would respect the desired character detailed in the plan with the following features:

- Large village lots for housing with large open space areas.
 - Larger setbacks with verandas addressing the street frontage.
 - Lightweight building materials such as timber floors, clad walls and sheet metal roofing should be utilised.
 - Large areas of yard and setbacks will be provided in dwelling siting.
- Part C of the DCP provides the subdivision requirements and controls. The proposal could be undertaken in a manner consistent with these controls, including the following:
 - New roads would be required for the subdivision which would be designed/constructed to meet Council's standard.
 - The slope of the land is generally considered suitable for residential occupation and use.
 - The site is naturally drained and controls for control of flows and conveyance of those flows will be required on the land.
 - The site does not contain significant environmental constraints.
 - Flood prone areas of the site will not be utilised for housing.
 - There are no heritage items on the land. The site does adjoin two (2) heritage items and is near the heritage conservation area that exists on

the land. Future development would need to be undertaken in a manner sensitive to the heritage values of these items.

- Future lot sizes will be consistent with the controls imposed under the LEP.
- Part H of the DCP deals with residential requirements. Future housing could be carried out in a manner consistent with the relevant DCP controls.

4.3.3 Coopernook Village Plan 2009

The Coopernook Village Plan 2009 was prepared by Greater Taree City Council and the Coopernook Action Group. The report was prepared following the bypass of the highway in 2006 and the impact this has had upon existing businesses in the village and the decline of those areas of the village which were reliant upon highway trade. The plan was prepared to:

- Capitalise the existing assets of Coopernook.
- Promote improvements to the village.
- Revitalise its existence as a rural community.
- Consolidate its value for existing residents.
- Recognise potential as a tourist destination.

The plan is based on community surveys and examination of the features of the township. The plan identifies that residential growth in the village is desired and identifies the subject land for village expansion (consistent with previous strategies). The plan recognises that village expansion and population growth will assist in making existing commercial and public services more viable and possibly providing for an expansion of some commercial services in the town, revitalising its role as a rural community centre.

4.3.4 Greater Taree Draft Conservation and Development Strategy 2005

This draft strategy was prepared for the entire local government area of Greater Taree. This strategy has not been endorsed by the Department of Planning. The following excerpt has been provided from the draft Strategy describing its purpose:

The strategy develops a vision and a set of strategies for the Greater Taree LGA and how it relates to its surrounding areas to ensure that conservation and development are balanced for a sustainable future.

The draft Strategy reviews the physical, social and economic features of the area, and discusses development and conservation issues arising from the features. The draft Strategy discusses options for growth and then outlines the preferred strategy for growth of the area.

The following map shows the areas identified in the draft Strategy.



Figure 4 – Coopernook Village Expansion Areas [Source: GTCC CADS]

The subject land forms the southern village expansion area identified in the strategy.

The draft Strategy does not identify environmental constraints over the land, other than the flood prone areas in the northern parts of the site.

5. ENVIRONMENTAL CONSTRAINTS/OPPORTUNITIES

The subject site is not subject to significant environmental constraints, other than the areas subject to flooding in the northern parts of the land.

5.1 *Context and Setting*

The subject site is located on elevated land but is not visually prominent in a local or regional context. The site is not highly visible from public areas due to the screening effect of existing vegetation, topography and other development. The existing hillside is partly visible from parts of Macquarie and West Streets but is not considered visually prominent in this area.

Future development will provide low scale village housing in this area which will provide a visual outcome similar to the existing village areas. The existing electricity substation is not a visually pleasing feature in the local landscape and the provision of a landscaped surround to this facility will be necessary to provide a suitable visual outcome within the future subdivision.

5.2 *Soils*

Soils over the land are generally comprised of clay/sandy clay soils with medium to shallow topsoils. The slopes over the land are not considered to be steep and there is no evidence of slope instability over the land.

A brief examination of the area did not reveal any areas where past land uses may have resulted in significant contamination. It is possible that some minor contamination could be possible from agricultural uses of the land, including at yards and stock handling areas where chemical treatments may have been applied, as well as in storage/farm sheds where maintenance and fuelling activities may have occurred. It is considered unlikely that such issues would be an absolute constraint to development and could be further investigated at a later stage, such as during development applications for the sites, or following an initial Gateway determination.

The site is not likely to contain any actual or potential Acid Sulfate Soils, based on Council's Acid Sulfate Soils Planning Maps, with the majority of the site identified as Class 5, with a small area of Class 3 land identified in the northern parts of the site, over the areas identified as flood prone. Future development would be excluded from those parts of the site identified as Class 3, and this is not seen as a significant constraint to development.

5.3 Water

The subject site drains overland, primarily to the north and east. There are no watercourses or significant drainage paths which exist on the land. Drainage flows to the east are intercepted by the village road and drainage system in Macquarie and West Street, while flows to the north are towards an existing dam within the site and to the flood plain areas within the site and adjoining lands.

The preliminary subdivision design presented provides that drainage from future development of the site would primarily be to the north and east, with all new roads draining to these parts of the site. An existing dam to the north would provide stormwater detention, and a new drainage reserve in the south eastern part of the site would provide an area for drainage controls (detention etc).

As discussed, the northern parts of the land are identified as flood prone land by Council's mapping as shown in the following extract from Council's LEP Mapping.

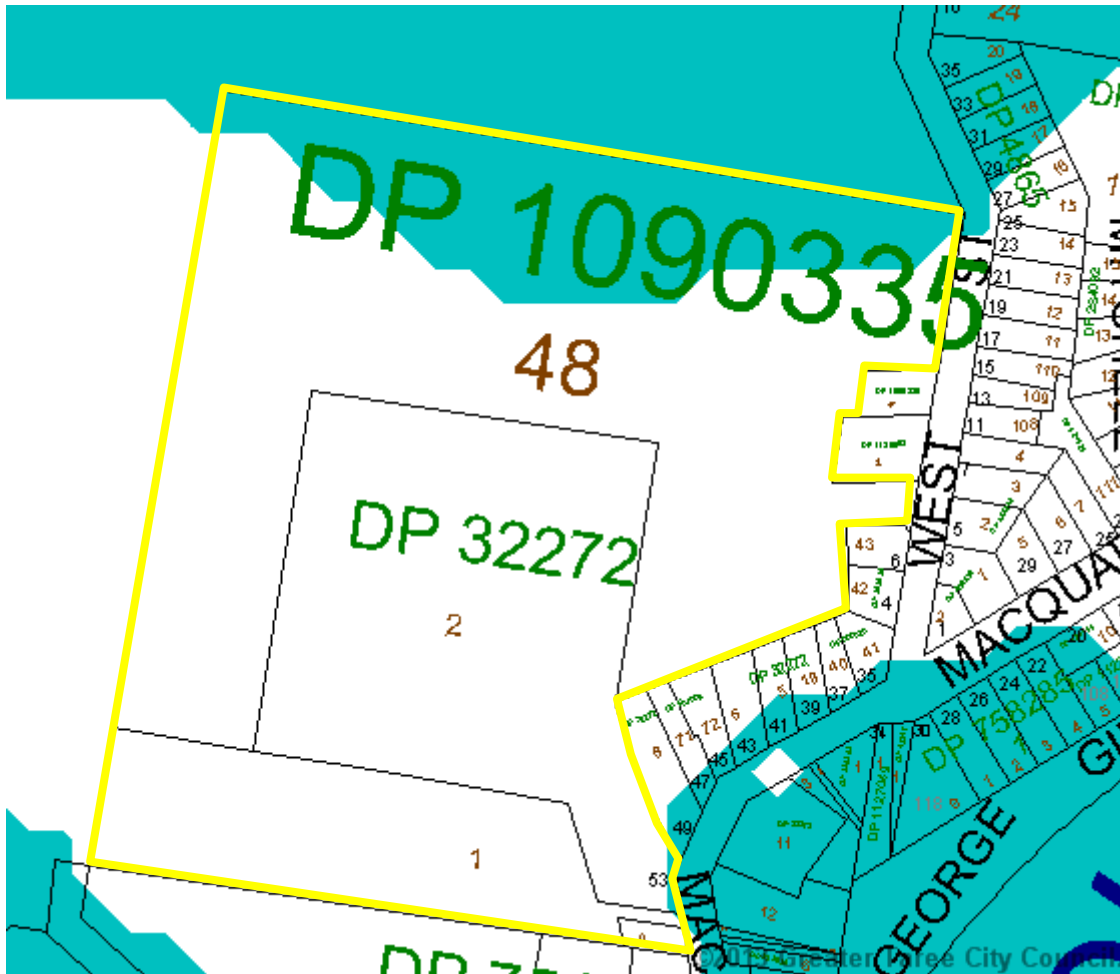


Figure 5 – Extent of Flood Planning Area (LEP Map) [Source: GTCC Exponare]

5.4 Ecology

The land is primarily comprised of disturbed land which has been cleared and maintained for rural purposes.

Vegetation over the land is comprised of pasture and managed gardens. Tree cover over the land is sparse with the majority of tree cover being comprised of planted trees around the dwelling and along the entrance driveway. The vegetation in these areas includes invasive species such as Camphor Laurels and bamboo, as well as large pine, palm and fig trees.

The vegetation on the land is derived from rural occupation of the land and provides limited habitat resources for native species. No ecological investigations have been undertaken over the land, however, given the extensively cleared nature of the site, it is not considered that the site would provide any significant resources for Threatened Species.

5.5 Bushfire

The subject site is not mapped as bushfire prone land. The closest area of mapped vegetation is located approximately 250m to the west of the subject site. The site is surrounded by agricultural grazing lands and managed land within the village, and is considered a low bushfire risk.

5.6 Traffic

Access to the existing dwelling on the land is provided by a gravel driveway from Macquarie Street, adjacent to Coopernook Primary School. The site also has frontages to West Street which can provide access.

The roads within the village are two way sealed roads, some with kerb and gutter, including the frontages of the site in Macquarie and West Streets.

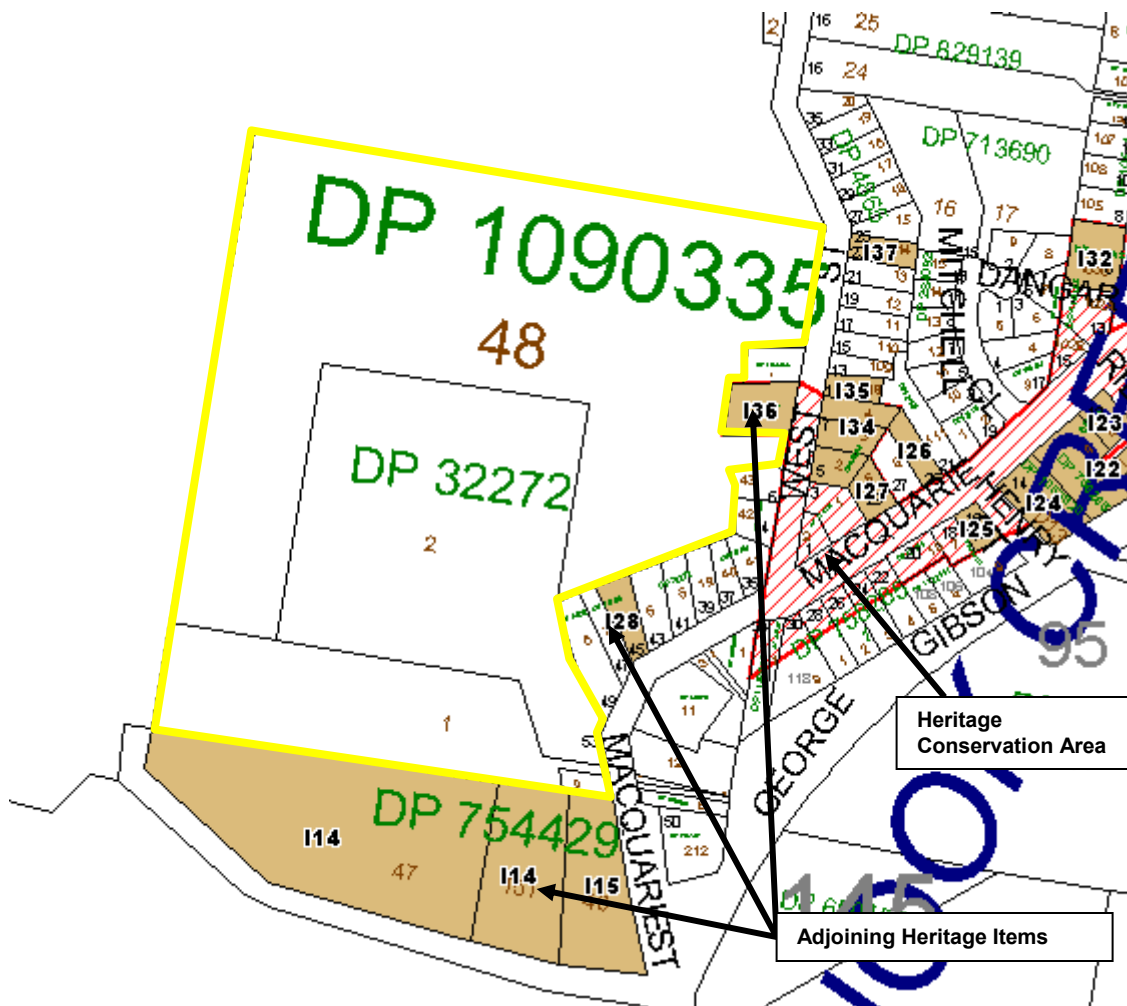
The concept subdivision plan provides linked access from both Macquarie Street and West Street. Both accesses can provide safe and effective access constructed to meet Council requirements. Internally, the access provides a connected ring road and two (2) short cul-de-sacs to provide access to the proposed lots. All roads are located above the 1% AEP flood contour and connecting intersections are located in areas outside the flood planning area.

5.7 Heritage

There are no items of European heritage identified on the land. Adjoining land to the east and south contains items of European heritage significance listed within the LEP as follows:

- I28 – Dwelling – 45 Macquarie Street – Local Significance
- I36 – St Luke's Anglican Church – West Street – Local Significance

- In addition, some areas on the opposite side of West Street are within a heritage conservation zone and include items listed under the LEP. The following extract from Council LEP maps show the location of heritage items and the heritage conservation zone.



Future development of the land will need to be sensitive to the heritage values of these adjoining items and not impact on the heritage significance of these items. Development of the land in a manner consistent with the village character of the area will be important in achieving this outcome. The DCP controls in Greater Taree DCP 2010 provide for this outcome and should be applied to the subject land.

A search of AHIMS has been undertaken for the land and no Aboriginal Sites or Places have been identified on or near the land. The land is disturbed by past activities and does not include landscape features which indicate the possible presence of Aboriginal objects. Consideration of the *Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales* would suggest that investigation would not be required in relation to those areas which are 'disturbed land' or do not contain relevant landscape features.

The provisions of Section 117 Direction 2.3 are noted, and if required an Aboriginal Heritage Survey would be undertaken following a Gateway determination.

5.8 Social and Economic Effects

The subject land is currently utilised for low intensity grazing purposes, but is not a large farm on the productive flood plains of the area which are commonly used for dairying and more intensive grazing activities. Grazing activities on the land are not highly profitable and provide for land management and small supplementary incomes. The development of the land would result in a small reduction of agricultural capacity in the area, however, this capacity is not highly significant in the local economy and would not cause any significant change in the local economy.

The planning proposal provides for village growth in the Coopernook area which has been identified as important in the ongoing sustainability of Coopernook as a rural community. The growth in the village has been identified as important to provide for the ongoing viability of the existing businesses and services within the village, especially since the bypass of the highway and the loss to the local economy that occurred with the loss of significant highway trade. The planning proposal therefore provides positive social and economic impacts for the local community.

Future residential use on the land will make a small increase in demand for the public services and facilities, however, this demand assists in securing the existing public services in the area. Future development of the land will contribute to public facilities through Section 94.

5.9 Servicing

The subject site is currently connected to reticulated water, sewer, electricity and telecommunications.

The site is identified in MidCoast Water's *Coopernook Sewerage Scheme – Sewerage Servicing Strategy 2004*, with the area identified for future connection for 100 Equivalent Tenements (ETs). The concept subdivision plan provides for 87 lots (ETs) and would be within the planned capacity of MidCoast Water.

Reticulated water supply is available to the land and would be augmented to the requirements of MidCoast Water.

Electricity connection is also available to the land and future development will be connected to the requirements of the supply authority. The adjoining land in West Street contains a recently upgraded zone substation which supplies the area. There are power lines which cross the site which will restrict development in those locations and the alignment has been included in roadways and easements within the concept subdivision plan.

6. JUSTIFICATION FOR REZONING

6.1 *Consistency with State, Regional and Local Planning*

The proposed development is considered to be consistent with the planning policies that affect the land and the region. In particular, the following is noted:

- The proposal is generally consistent with the Section 117 Directions applying to a planning proposal of this sort. The lands are identified in the Mid North Coast Regional strategy as well as local development strategies prepared for the area.
- The planning proposal is consistent with relevant State Environmental Planning policies applying to the land.
- The previous use of the site does not identify any significant areas of potential contamination. A preliminary investigation under SEPP 55 should be undertaken to inform the planning proposal.
- Village expansion in this area is identified in the Mid North Coast Regional Strategy.
- Village expansion in this area has been consistently identified in Greater Taree City Council's planning strategies.
- The local village plan prepared by Greater Taree City Council following the bypass of the village identifies village expansion as desirable to provide growth and maintain village facilities and services.

6.2 *Environmental Opportunities and Constraints*

An analysis of available information available for the land has found the following:

- The subject land is highly disturbed and does not contain national, state or regionally significant environmental features, such as wetlands rainforests or reserves.
- The land is cleared and does not contain native vegetation communities and has no discernable features that are required for Threatened Species in the area.
- The land is partially subject to flooding. The planning proposal includes provisions to restrict development in the areas of the site subject to flooding hazards.
- The land is not identified as bushfire prone land.

- The village expansion must be carried out in a manner consistent with the village character of the area and in a manner which maintains the setting for heritage items on adjoining land.
- The land is located within future service areas identified by water and sewer authorities and is connected to all necessary urban services which can be expanded/augmented for future development.

6.3 *Environmental Suitability (ESD)*

The subject land is not subject to significant environmental constraints or values. The following points are noted in regard to ESD principles:

- The proposal does not involve any threats of serious or irreversible environmental damage.
- The proposal provides for intergeneration equity through providing future development areas on suitable land, limiting resource use to provide housing, while maintaining the health, diversity and productivity of the environment.
- The proposal is not expected to have any significant impacts on biodiversity values.
- The proposal provides for growth in an area improving the efficiency and viability of existing public services and resources in the area.

6.4 *Need for Additional Investigation*

The need for an additional specialist investigation is an issue which will be considered by Council and the LEP Panel. Given the disturbed nature of the land and lack of significant environmental constraints, it is not considered that significant additional studies of the land are required.

7. CONCLUSION

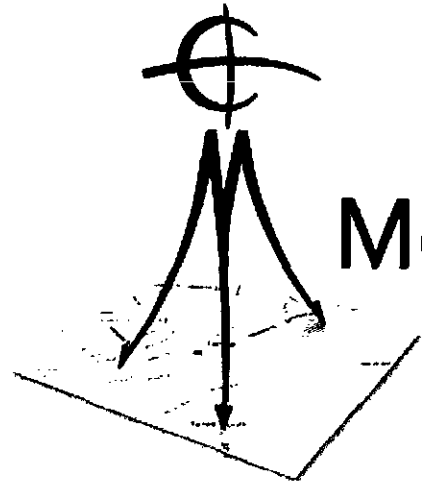
The land has been identified in the Mid North Coast regional Strategy and local planning strategies for urban expansion, and this report has been prepared to support a rezoning application to seek Council's resolution to prepare a planning proposal to rezone the land for village expansion.

The proposal will assist in delivering desired growth to the Coopernook village to provide for ongoing viability and enhancement of services within the village

The site is disturbed from rural occupation on the land and is cleared and suitable for village expansion.

The use of the land for village purposes is consistent with the outcomes envisaged by the regional and local planning strategies that apply to the area.

A draft Planning Proposal has been submitted to Greater Taree City Council and seeks a Gateway determination.



McGlashan & Crisp
SURVEYORS



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A.B.N. 15 061 028 019

12 November 2014

Our Ref: 265-2/11213/GAC;lf

Attn: Michael Griffith
Greater Taree City Council
2 Pulteney Street
TAREE NSW 2430

Re: Planning Proposal for Lots 1, 2 and 9 DP32272 and Lot 48 DP 1090335
Macquarie Street Coopernook

We enclose 3 x copies of the requested Heritage Assessment; an electronic version of this report in .pdf format was emailed directly to you today.

Yours faithfully
McGLASHAN & CRISP Pty Ltd
per *Linda Ferguson*

SURVEYORS

Greg Crisp B.App.Sc(Surv.)
M.I.S (NSW)

Julian Calver B.Surv.
M.I.S (NSW)

Eric Gilfillan B. Surv.

Rod Thomson B. Surv.

CONSULTANT

Brian Crisp M.I.S. (NSW)



CONSULTANTS IN SURVEYING
ENGINEERING & PLANNING

Heritage Assessment & Heritage Impact Statement
of
"Coopernook House"
53 Macquarie St Coopernook



by

INHERITage
Heritage Advisors & Consultants
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November 2014

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"Coopernook House"
by INHERITage
Heritage Advisors and Consultants
November 2014

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1.0 INTRODUCTION

1.1 Background

This Heritage Assessment & Impact Statement for "Coopernook House" at 53 Macquarie St Coopernook was commissioned by the current owner – John Hogg.

This report has drawn on information and research from others including the NSW Heritage Inventory Database, and Greater Taree Council.

This report has been prepared by Ian Kirk – former Heritage Advisor to Armidale Dumaresq, Inverell, Narrabri, Woollahra, Moree Plains, City of Sydney and South Sydney Councils and listed consultant with the NSW Heritage Office with considerable heritage experience working individually and as part of a consultant team.

1.2 Objectives

The object of this report is to assess the heritage significance of the property at 53 Macquarie St Coopernook and assess the impact of the proposed subdivision.

It should be noted the property is not currently listed a Heritage Item but adjoins several listed items and the Coopernook Heritage Conservation Area.

This report is not intended to be, nor should be interpreted as Council Approval or a Conservation Plan for the building.

1.3 Methodology

This report has been prepared in accordance with the Heritage Assessment guidelines from the NSW Heritage Manual published by Heritage Office and the Department of Urban Affairs and Planning, The Conservation Plan by J.S. Kerr published by the National Trust of Australia (NSW), 4th Edition, 1996, and The Revised Burra Charter by P. Marquis-Kyle & M. Walker, published by Australia ICOMOS, 1999.

1.4 Limitations

The report has been prepared from historical research and analysis without excavation or physical intervention to the building fabric or site.

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 "Coopernook House"
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 Heritage Advisors and Consultants
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2.0 Historic Background

The land was originally granted to Michael Caffrey in 1852¹ and around 1875 the property was sold by his widow Ann Caffrey to William Newton.

Around this time Coopernook Public School was established on the adjoining site. It is reported that school classes were held in the original Caffrey home prior to the school being constructed.² There is no evidence on site of that original building and it is likely that William Newton constructed the current house around 1875 following the establishment of a timber mill at Coopernook by 1870.³ Copernook was initially a small riverside port which had developed into a town centre by the mid 1870's.

William Newton arrived in Australia from Ireland in 1859 aged 13 years. He married Sarah Jane Bailie in 1864 and they had many children increasing the need for a local school.

In 1892 William Newton passed away⁴ and the property passed to his wife.

In 1926 Sarah Newton passed away⁵ and the property passed to her children.

In 1928 the site was subdivided by the heirs of William Newton. "Coopernook House" was located on 12 acres and known as Lot 2 in that subdivision.

The property was purchased by Norman Thomas Hogg in 1964 and then by his son – John Hogg⁶ in 1976 who is the current owner. John Hogg's great grandfather Thomas Hogg settled in the district in 1871.⁷

¹ NSW Land Title DP 32272

² Notes from John Hogg

³ Greater Taree Council Rural Heritage Study – Stage 2 p23

⁴ Coopernook Cemetery Index

⁵ Coopernook Cemetery Index

⁶ Vol 9593 Fol 227

⁷ Notes from John Hogg

3.0 DESCRIPTION of BUILDING

3.1 Exterior

The existing building is a single storey mid Victorian house constructed of timber weatherboards with a hipped corrugated metal roof and return verandah on 3 sides. The house is symmetrical at the front and has timber double hung windows and timber paneled doors. There are 2 metal clad sheds in the vicinity of the existing house. These are from the 1980's and do not date from the construction of the existing house.

3.2 Assessment of Building - Exterior

Building Mid Victorian House

Site Rural setting

Streetscape Contribution: None – not visible from street

Context Intact

Period Mid Victorian with later Additions & Alterations

Condition Good

Exterior Features

Roof Material Corrugated metal

Roof Form Hipped

Facade Painted timber weatherboards

Windows Timber double hung

Doors Timber panelled

Verandah Altered handrail, decking and some posts replaced.

Integrity

Front: Medium – chimneys removed, verandah altered and partly replaced, aluminum security screens added.

Rear: Medium - steps removed and altered, sun deck added.

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North Elevation – Rear



West Elevation



South and East Elevation



Sheds

3.3 Interior

The interior does not demonstrate any unusual or rare detailing or features and is generally typical of the period for this type and scale of house. The internal doors are timber paneled, and the ceilings are tongue and groove timber paneled with central pressed metal vents and the fireplaces have timber and /or marble mantels with tiled hearths and hearths.

The interior layout has been significantly altered with rooms opened up and the kitchen being relocated from its original position, and replaced with a bathroom and laundry with the original fireplace being closed up and chimney removed. The bathrooms, laundry and kitchen have all been refurbished and do not demonstrate any original internal features

3.4 Landscape and Setting

There are numerous substantial trees on the site but these appear to be randomly planted rather than part of a specific garden design relating to the house. All of these trees are located outside of the house fenced area and all appear to be in poor condition with stunted growth and limb loss (particularly the pines) from their age and invasive root systems (Moreton Bay Figs). Most are nearing or are beyond their normal life spans for the species and some have fallen over (Canary Island Date Palm). The house fenced area does not contain any remnant plantings of an early garden. It is likely that these plantings were later than the house as most were fashionable around the turn of the century c1900.



Moreton Bay Fig (Invasive Root System)



Pines (limb loss and re-growth)



Canary Island Date Palm (note = fallen)



Driveway (Note trees away from house)

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4.0 SUMMARY

<u>Location</u>	53 Macquarie St Coopernook
<u>Local Government Area</u>	Greater Taree City Council
<u>Date of Construction</u>	c1875
<u>Original Occupant</u>	William Newton
<u>Description</u>	Mid Victorian House

Heritage Status

The building or its setting is not listed as a Heritage Item nor is it within the Coopernook Heritage Conservation Area.

The building or its setting has not been included in the Taree Heritage Study of Coopernook by Suters Architects Snell.

The building or its setting has not been included in the Greater Taree Rural Heritage Study 2003.

The building adjoins several listed heritage items as follows :-



Coopernook School



House - 45 Macquarie St



St Lukes Anglican Church

5.0 ASSESSMENT of SIGNIFICANCE

Criterion (a): an item is important in the course, or pattern, of NSW's cultural or natural history (or the cultural or natural history of the local area) :-

The house is a representative example of a mid Victorian country house located on the mid north coast of NSW.

Criterion (b): an item has strong or special association with the life or works of a person, or group of person, of importance in NSW's cultural or natural history (or the cultural or natural history of the local area) :-

The house has moderate association with William Newton who is likely constructed it but is not a significant person in the development or history of the area.

Criterion (c): an item is important in demonstrating aesthetic characteristics and/or a high degree of creative or technical achievement in NSW (or the local area) :-

The house has moderate aesthetic significance as a representative example of a Victorian country house with later alterations and additions.

Criterion (d): an item has strong or special association with a particular community or cultural group in NSW (or the local area) for social, cultural or spiritual reasons :-

The house does not meet this criterion.

Criterion (e) : an item has potential to yield information that will contribute to and understanding of NSW's cultural or natural history (or the cultural or natural history of the local area) :-

The house is unlikely to reveal any further information that will contribute to the cultural history of Coopernook or NSW generally.

Criterion (f): an item possesses uncommon, rare or endangered aspects of NSW's cultural or natural history (or the cultural or natural history of the local area);

The house is not rare. Victorian era country houses are common in the mid north coast regional area of NSW.

Criterion (g): an item is important in demonstrating the principal characteristics of a class of NSW's: cultural or natural places; cultural or natural environments; (or a class of the local area's);cultural or natural places; cultural or natural environments) :-

The house is a representative example of a mid Victorian rural lifestyle on the mid north coast of NSW.

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6.0 STATEMENT OF SIGNIFICANCE

"Coopernook House " is a representative example of a mid Victorian country farm house which has been altered. It is not a rare example of its type and although it dates from the development for Coopernook it is not directly associated with the significant industries of timber milling or shipbuilding. It has not been identified as significant in the numerous heritage studies of the area. The outbuildings date from much later than the house and are not significant.

7.0 HERITAGE IMPACT STATEMENT

Note that that site is not currently heritage listed and the assessment of significance does not justify the building or site should be listed.

7.1 Description of Works

It is proposed to retain the existing house and outbuildings and to potentially subdivide the site into 87 lots. There are no alterations or additions proposed to the existing buildings on the site.

7.2 Design Options and Recommendations

The existing house is not currently visible from its Macquarie St driveway and is not visibly prominent from further along Macquarie St. It is visible from St Lukes Anglican Church but is set well back and screened by vegetation. The existing house is near to the highest point of the site and will therefore remain visually prominent and the subdivision has been designed to follow the lines of the existing driveway which will retain the current approach to the house. The current proposed lot for the house generally follows the lines of the existing fenced area around the house. The house will become much more visible with the proposed new street layout.

7.3 Heritage Impact of Works

The concept subdivision will have no detrimental heritage impact on the significance of the adjacent heritage items which are set well back and below. The subdivision will be clearly identifiable as new development and not confused with the original subdivision planning of the village of Coopernook. The original form of Coopernook House will remain unchanged and it will become more visibly prominent when viewed from new streetscapes which largely follow the current driveway. The existing fenced house lot is considered a sufficient curtilage around the house.

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7.4 Conclusion and Recommendation

The proposed concept subdivision layout respects the heritage significance of the adjacent and nearby places and the overall heritage impact of the proposal will be negligible. The house and its setting can remain intact with the significant elevations and views retained and not altered.

Consideration should be given to the naming of the new streets of the subdivision to reflect the history of the site such as Newton and Caffrey.

Ian Kirk

INHERITage
Heritage Advisors and Consultants

10 November 2014

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Heritage Advisors and Consultants
November 2014

8.0 Appendix

SEE DEPOSITED DEEDS PACKET NO 34675
 SEE DEPOSITED DEEDS PACKET NO 34794

NO. 646 BOOK 1409 CONVEYANCE
 TEN SHILLINGS R 31.10.25 N NEW SOUTH WALES STAMP DUTY DULY STAMPED

THIS DEED made the seventeenth day of October one thousand nine hundred and twenty-five BETWEEN ANNA ELIZABETH JOHANNA HORNABROOK of Adelaide in the State of South Australia Widow (hereinafter called "the Executrix") of the first part SARAH JANE NEWTON of Cooper-nook in the State of New South Wales Widow of the second part MARGARET JANE NEWTON of the same place Spinster of the third part SARAH BAILLIE NEWTON of the same place Spinster of the fourth part the said ANNA ELIZABETH JOHANNA HORNABROOK of the fifth part EVELINE AUGUSTA NEWTON of Coopernook aforesaid Spinster of the sixth part VICTORIA MAUD NEWTON of the same place Spinster of the seventh part SAMUEL HUGH JAMES BAILLIE NEWTON of the same place Farmer and Grazier of the eighth part and HAROLD AUGUSTUS DANIEL NEWTON of the same place Farmer and Grazier of the ninth part WHEREAS William Newton of Coopernook afore-said Esquire being possessed (inter alia) of the lands and hereditaments mentioned in the various schedules hereto made and executed his last Will and Testament on the twenty-eighth day of February one thousand eight hundred and ninety-two WHEREBY he gave all his real and personal estate life policies shares and all his right title and interest in any and every property to his wife the said Sarah Jane Newton to be used by her for the bene-fit of herself and his sons and daughters trusting her to do what she might think best for their several interests AND he thereby willed and directed that certain of his real and personal property other than the property consisting of Coopernook House and the land and houses surrounding it and the land and houses in the Village of Coopernook and the paddocks and farms situated in and near Coopernook should be sold and the proceeds devoted to the clearing off the Mortgage of the said properties in and near Coopernook and known as the Coopernook Estate AND by his said Will he gave to the Church of England the half acre of land on which the Church of England in Coopernook then stood to be the property of the said body AND WHEREAS the said William Newton departed this life on the twenty-ninth day of February one thousand eight hundred and ninety-two without having altered or revoked his said Will which was duly proved by Charles Soward Hornabrook and Thomas Hogg two of the Executors thereof on the eleventh day of July one thousand eight hundred and ninety-two AND WHEREAS the said Thomas Hogg departed this life on or about the first day of September one thousand nine hundred and five AND the said Charles Soward Hornabrook the survivor of the said Executors departed this life on the twenty-fifth day of September one thousand nine hundred and twenty-two having by his own last Will and Testament appointed the said Anna Elizabeth Johanna Hornabrook the sole Executrix thereof and she thereby became the Executrix and personal representative of the said William Newton deceased AND WHEREAS the direction in the said Will of the said deceased for the sale of certain of his real and personal estate for the purpose abovementioned has been duly carried out all duties and fees payable in the ordinary course of administration of the said estate and the funeral and testamentary expenses of the said deceased and all his debts and liabilities have been paid and satisfied and the half acre of land before described has been duly vested in the Trustees of Church Property of the Diocese of New-castle AND WHEREAS the parties to this Deed of the second, third, fourth, fifth, sixth, seventh, eighth and ninth parts are the whole of the persons now interested in the estate of the said William Newton under the said Will and are all

W. J. Newton

over the age of twenty-one years AND WHEREAS the said Sarah Jane Newton deeming it best for the several interests of herself and the other parties thereto (being sons and daughters of the said deceased) that the partition therein referred to should take place entered into a mutual agreement dated the thirtieth day of June one thousand nine hundred and twenty-one with the parties hereto of the third, fourth, fifth, sixth, seventh, eighth, and ninth parts to make a partition and division of the real and personal estate remaining in the said estate upon the terms and in manner in the said agreement appearing AND WHEREAS in order to carry out the said agreement all the lands under the Real Property Act comprised in the said estate other than such of those as now stand in the name of the said Sarah Jane Newton and are to be taken by her and therefore remain in her name have been transferred to the persons entitled thereto under the said agreement and being desirous of completing the said partition the parties hereto have agreed to enter into these presents for the purpose of vesting in severalty in the said Margaret Jane Newton the entirety of the hereditaments comprised in the first schedule hereto and in the said Eveline Augusta Newton and Victoria Maud Newton as joint tenants the entirety of the hereditaments comprised in the second schedule hereto and in the said Samuel Hugh James Baillie Newton the entirety of the hereditaments comprised in the third schedule hereto and in the said Sarah Jane Newton the entirety of the remaining hereditaments in the said estate and which are not under the Real Property Act or comprised in any of the schedules hereto AND WHEREAS certain instruments and documents of title relate to hereditaments which have been severed and appropriated between two or more of the parties hereto and it has been agreed that in every such case such one of the parties hereto as shall hold the said instruments and documents (hereinafter called the retaining owner) shall give to the other or others interested in such hereditaments such acknowledgment and undertaking with respect thereto as is hereinafter contained NOW THIS DEED WITNESSETH as follows:-

1. In pursuance of and for the purpose of effectuating the said recited agreements and in consideration of the premises SHE the said Executrix as the personal representative of the said William Newton deceased hereby conveys and they the said Sarah Jane Newton, Sarah Baillie Newton, Anna Elizabeth Johanna Hornabrook, Eveline Augusta Newton, Victoria Maud Newton, Samuel Hugh James Baillie Newton and Harold Augustus Daniel Newton do and each of them doth hereby grant convey and confirm unto the said Margaret Jane Newton ALL THOSE freehold hereditaments and premises the particulars whereof are set out in the first Schedule hereto and which are delineated upon the map or plan hereto annexed and therein edged red to hold the same unto and to the use of the said Margaret Jane Newton in fee simple henceforth in severalty.

2. In further pursuance of the said recited agreements and for the purpose and consideration aforesaid SHE the said Executrix as such personal representative of the said William Newton deceased hereby conveys and they the said Sarah Jane Newton, Margaret Jane Newton, Sarah Baillie Newton, Anna Elizabeth Johanna Hornabrook, Samuel Hugh James Baillie Newton and Harold Augustus Daniel Newton do and each of them doth hereby grant convey and confirm unto the said Eveline Augusta Newton and Victoria Maud Newton ALL THOSE freehold hereditaments and premises the particulars whereof are set out in the second schedule hereto and which are delineated upon the map or plan hereto annexed and therein edged blue TO HOLD the same unto and to the use of the said Eveline Augusta Newton and

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Victoria Maud Newton in fee simple henceforth as joint tenants thereof.

3. In further pursuance of the said recited agreements and for the purpose and consideration aforesaid SHE the said Executrix as such personal representative of the said William Newton deceased hereby conveys and they the said Sarah Jane Newton, Margaret Jane Newton, Sarah Baillie Newton, Anna Elizabeth Johanna Hornabrook, Eveline Augusta Newton, Victoria Maud Newton, and Harold Augustus Daniel Newton do and each of them doth hereby grant convey and confirm unto the said Samuel Hugh James Baillie Newton ALL THOSE freehold and conditionally purchased hereditaments and premises the particulars whereof are set out in the third schedule hereto the freehold portion thereof being delineated upon the map or plan hereto annexed and therein edged brown TO HOLD the same unto and to the use of the said Samuel Hugh James Baillie Newton in fee simple henceforth in severalty.

4. In further pursuance of the said recited agreements and for the purpose and consideration aforesaid she the said Executrix as such personal representative of the said William Newton deceased hereby conveys and they the said Margaret Jane Newton, Sarah Baillie Newton Anna Elizabeth Johanna Hornabrook, Eveline Augusta Newton, Samuel Hugh James Baillie Newton and Harold Augustus Daniel Newton do and each of them doth hereby grant convey and confirm unto the said Sarah Jane Newton ALL THOSE the remaining lands and hereditaments comprised in the estate of the said William Newton deceased and which are not under the Real Property Act or comprised in any of the schedules hereto TO HOLD the same unto and to the use of the said Sarah Jane Newton in fee simple henceforth in severalty.

5. In pursuance of the said recited agreement in that behalf and in consideration of the premises the retaining owner in each such case as aforesaid hereby acknowledges the right of such of the other parties hereto as are interested in hereditaments the instruments and documents of title to which such retaining owner holds to production of such instruments and documents and to delivery at the expense of the person or persons requiring the same or copies thereof and undertakes for the safe custody thereof.

IN WITNESS whereof the said parties hereto have hereunto set their hands and seals the day and year first before written.

THE FIRST SCHEDULE HEREINBEFORE REFERRED TO BEING
FREEHOLD LAND - NOT UNDER REAL PROPERTY ACT -
CONVEYED BY THIS DEED TO MARGARET JANE NEWTON

ALL THAT piece or parcel of land containing one hundred and three acres one rood being part of portions forty-one, forty-two and forty-three in the Parish of Harrington County of Macquarie COMMENCING in the highwater on the northern side of Tappin Tappin Creek where the western boundary of Portion thirty-three (1) in the same Parish and County abuts thereon and bounded on the east by part of that west boundary northerly to the north eastern corner of portion forty-two aforesaid on the north by part of the northern boundary of that portion being a line bearing westerly to the south east corner of portion forty-three aforesaid again on the east by part of the eastern boundary of the last mentioned portion being a line bearing twenty-one minutes six hundred and thirteen links to a wire and top-rail fence on the north west by a line following the abovementioned fence and a continuation of that line in all bearing 198 degrees 59 minutes 56 seconds and four tenth links and a line bearing 203 degrees

2 minutes 1980 links to the high water mark on the left bank of Lansdowne River on the south west by that high water mark in a south easterly direction to its confluence with Tappin Tappin Creek and thence on the south by the high water mark abovementioned of that Creek in an easterly direction to the point of commencement AND being the land shown on the plan hereto annexed and thereon edged red.

THE SECOND SCHEDULE HEREINBEFORE REFERRED TO BEING
 FREEHOLD LAND NOT UNDER REAL PROPERTY ACT CONVEYED
 BY THIS DEED TO EVELINE AUGUSTA NEWTON AND VICTORIA
 MAUD NEWTON AS JOINT TENANTS

ALL THAT piece or parcel of land containing fifty-nine acres being part of portions forty-two forty-three, and fifty-two in the Parish of Harrington, County of Macquarie COMMENCING in the High Water Mark of Lansdowne River at a point bearing 90 degrees 21 minutes 1144 and four tenth links 197 degrees 29 minutes 581 and one half links 197 degrees 15 minutes 601 and seven tenth links 199 degrees 57 minutes 398 and one half links and 201 degrees 26 minutes 905 links from the south western corner of portion 4 ⁷ IV same Parish and County and bounded on the south east by lines following a fence said lines bearing 21 degrees 26 minutes 905 links 19 degrees 57 minutes 398 and one half links 17 degrees 15 minutes 601 and seven-tenth links and 17 degrees 29 minutes 581 and one half links to the south boundary of last mentioned portion on part of the north by part of that south boundary being a line bearing 270 degrees 21 minutes 1144 and four tenth links to the south west corner of that portion on the east by part of the west boundary of that portion to its intersection with the south side of a road 100 links from Coopernook to Harrington on the north by part of the southern side of that road being lines bearing 294 degrees 1 minute 449 and seven-tenth links and 293 degrees 26 minutes 614 and three tenth links on the west by a line bearing 182 degrees 13 minutes 1894 links to the highwater mark abovementioned and thence on the west and south west by that high water mark to the point of commencement and being the land shown on the plan hereto annexed and thereon edged blue.

THE THIRD SCHEDULE HEREINBEFORE REFERRED TO BEING
 FREEHOLD LAND - NOT UNDER REAL PROPERTY ACT - AND
 CONDITIONALLY PURCHASED LAND CONVEYED BY THIS DEED
 TO SAMUEL HUGH JAMES BAILLIE NEWTON.

ALL THAT piece or parcel of freehold land containing thirty acres three roods thirty perches being part of portions forty-one, forty-two and forty-three in the Parish of Harrington, County of Macquarie COMMENCING in the high water mark on the left bank of Lansdowne River at a point bearing 180 degrees 21 minutes 976 and two tenth links 198 degrees 59 minutes 565 and four tenth links and 203 degrees 2 minutes 1980 links from the south east corner of portion 4 ⁷ IV in the same Parish and County and bounded thence on the east by lines bearing 23 degrees 2 minutes 1980 links 18 degrees 59 minutes 565 and four tenth links and 21 minutes 976 and two tenth links to the south east corner of portion 4 ⁷ IV abovementioned on the north by part of the south boundary of that portion being a line bearing 270 degrees 21 minutes 855 and six tenth links on the west by lines bearing 197 degrees 29 minutes 581 and one half links 197 degrees fifteen minutes 601 and seven tenth links 199 degrees 57 minutes 398 and one half links and 201 degrees 26 minutes 905 links to the highwater mark of the Lansdowne River aforesaid and thence on the south west by that high water mark downwards in a south easterly direction to the point of commencement and being the land shown on the plan endorsed hereon and thereon

edged brown ALSO ALL THAT piece or parcel of conditionally purchased land containing two hundred and seventy eight acres (278) situated in the Parish and County aforesaid and being portion 152 of the said Parish and being Additional Conditional Purchase 12/121 taken up by the said Charles Soward Hornabrook as such executor as aforesaid.

SIGNED SEALED AND DELIVERED by the said ANNA)
 ELIZABETH JOHANNA HORNABROOK (as such Execu-) A. E. J. HORNABROOK
 trix and personal representative of William)
 Newton deceased) in the presence of)

R.T. MOODIE J.P.

AND by the said SARAH JANE NEWTON in the pres-)
 ence of) SARAH JANE NEWTON
 D. HOGG J.P.

AND by the said MARGARET JANE NEWTON in the)
 presence of) MARGARET JANE NEWTON
 D. HOGG J.P.

AND by the said SARAH BAILLIE NEWTON in the)
 presence of) SARAH BAILLIE NEWTON
 D. HOGG J.P.

AND by the said ANNA ELIZABETH JOHANNA)
 HORNABROOK (as one of the daughters of William) A. E. J. HORNABROOK
 Newton deceased) in the presence of)
 R.T. MOODIE J.P.

AND by the said EVELINE AUGUSTA NEWTON in the)
 presence of) EVELINE A. NEWTON
 R.T. MOODIE J.P.

AND by the said VICTORIA MAUD NEWTON in the)
 presence of) VICTORIA MAUD NEWTON
 D. HOGG J.P.

AND by the said SAMUEL HUGH JAMES BAILLIE)
 NEWTON in the presence of) S.H.J.B. NEWTON
 D. HOGG J.P.

AND by the said HAROLD AUGUSTUS DANIEL NEWTON)
 in the presence of) H.A.D. NEWTON
 D. HOGG J.P.

RONALD THOMAS DUNN of Sydney in the State of New South Wales Clerk to Boyce & Boyce being duly sworn maketh oath and saith the writing contained above and on the five preceding pages, has been compared by me with the original Conveyance and is a true copy thereof.

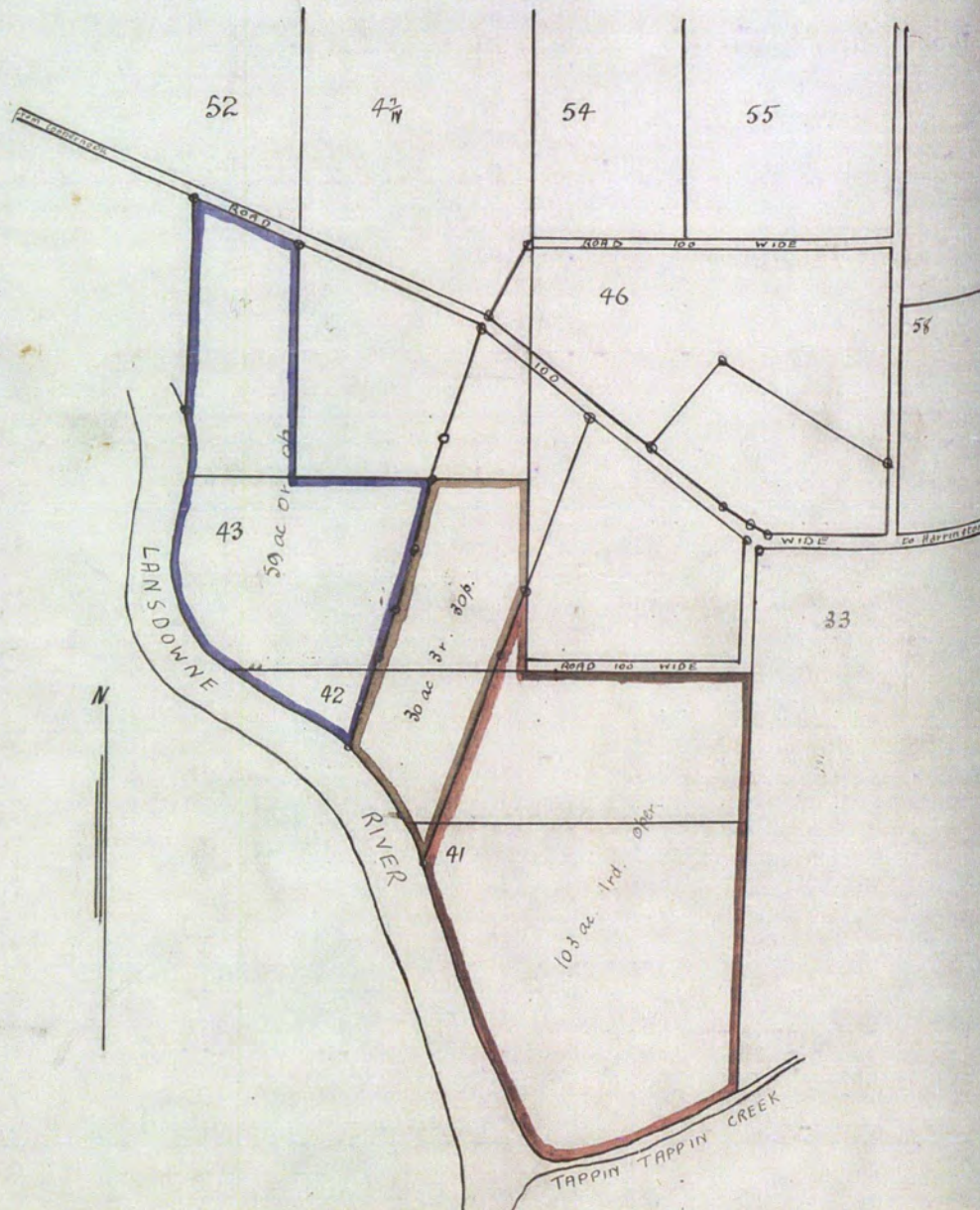
SWORN at Sydney the *fifteenth*)
 day of *December* one thousand)
 nine hundred and twenty-five be-)
 fore me)

[Signature]
 DEPUTY REGISTRAR

RECEIVED into the Registration of Deeds Office at Sydney the *fifteenth* day of *December* one thousand nine hundred and twenty-five at *twenty* minutes past *ten* o'clock in the *fore* noon from Ronald Thomas Dunn Clerk to Boyce & Boyce, of Sydney, Solicitors.

[Signature]
 DEPUTY REGISTRAR.

THIS IS THE PLAN REFERRED TO IN THE ANNEXED CONVEYANCE DATED
AND MADE BETWEEN ANNA ELIZABETH JOHANNA
HORNABROOK (AS EXECUTRIX) SARAH JANE NEWTON, MARGARET JANE
NETWON, SARAH BAILLIE NEWTON, ANNA ELIZABETH JOHANNA HORNABROOK,
EVELINE AUGUSTA NEWTON, VICTORIA MAUD NEWTON, SAMUEL HUGH JAMES
BAILLIE NEWTON and HAROLD AUGUSTUS DANIEL NEWTON.



Witness to the signature of Anna Elizabeth Johanna Hornabrook
Witness to the signature of Eveline Augusta Newton
Witness to the signature of Sarah Jane Newton
Witness to the signature of Margaret Jane Newton
Witness to the signature of Sarah Baillie Newton
Witness to the signature of Victoria Maud Newton
Witness to the signature of Samuel Hugh James Baillie Newton
Witness to the signature of Harold Augustus Daniel Newton

A.E. Hornabrook
Eveline A. Newton
Sarah Jane Newton
Margaret Jane Newton
Sarah Baillie Newton
Victoria Maud Newton
S.H.J.B. Newton
Harold A.D. Newton.

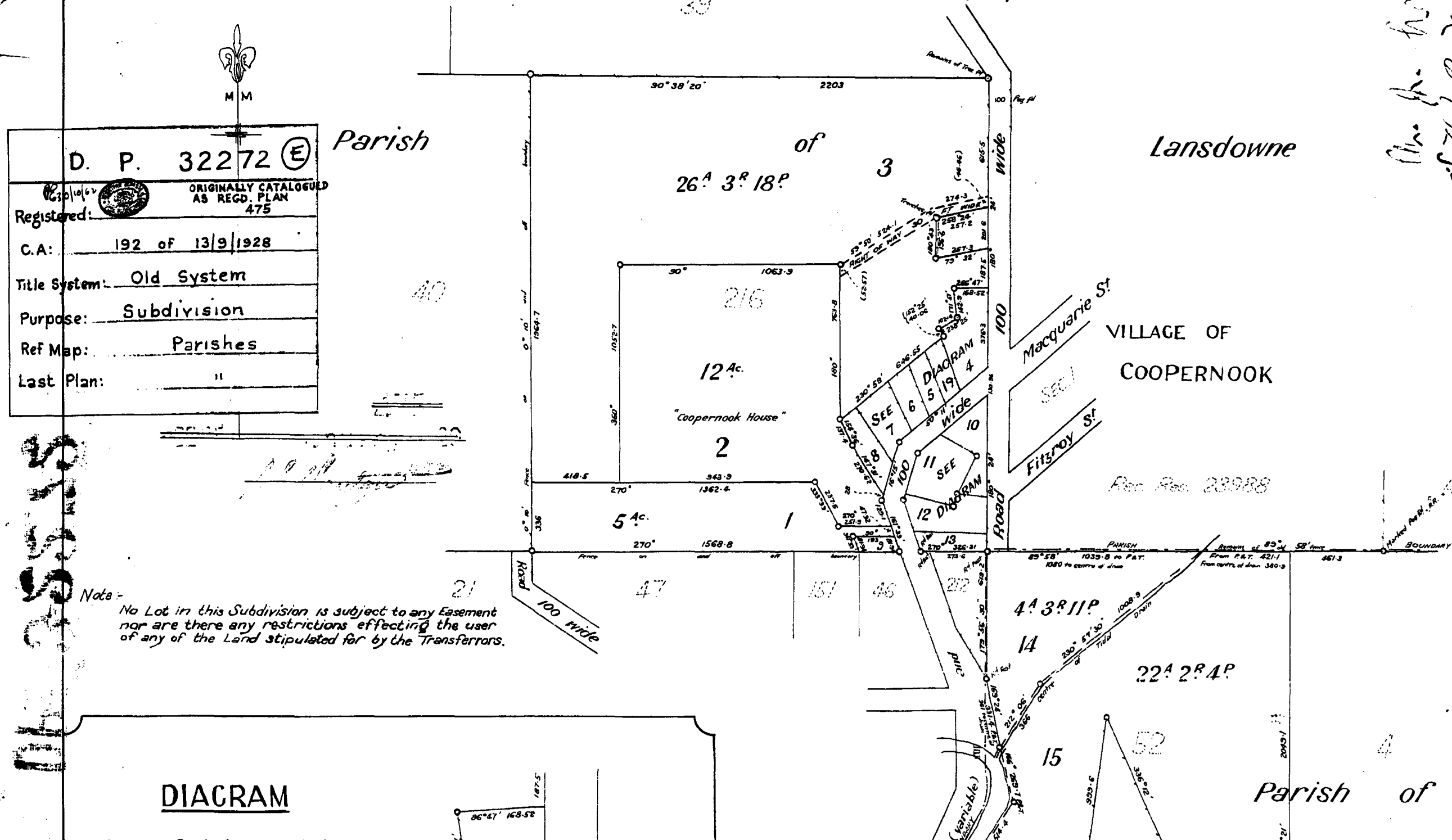
PLAN

DP 3-2272^(E)

PARISHES OF LANSDOWNE & HARRINGTON COUNTY OF MACQUARIE
conveyed to Sarah Jane Norton by Deed of Conveyance dated 17th October 1925 Registered Number 646 Book 1409

SCALE : 5 chains to an inch

APPN. 32070 { PTS 70 AC. (POR. 52 Ph.) GTD. TO MICHAEL CAFFREY ON 15-11-1852 Ø
 { PTS 50 AC. (POR 216 Ph) GTD. TO MICHAEL CAFFREY ON 15-11-1852 Ø

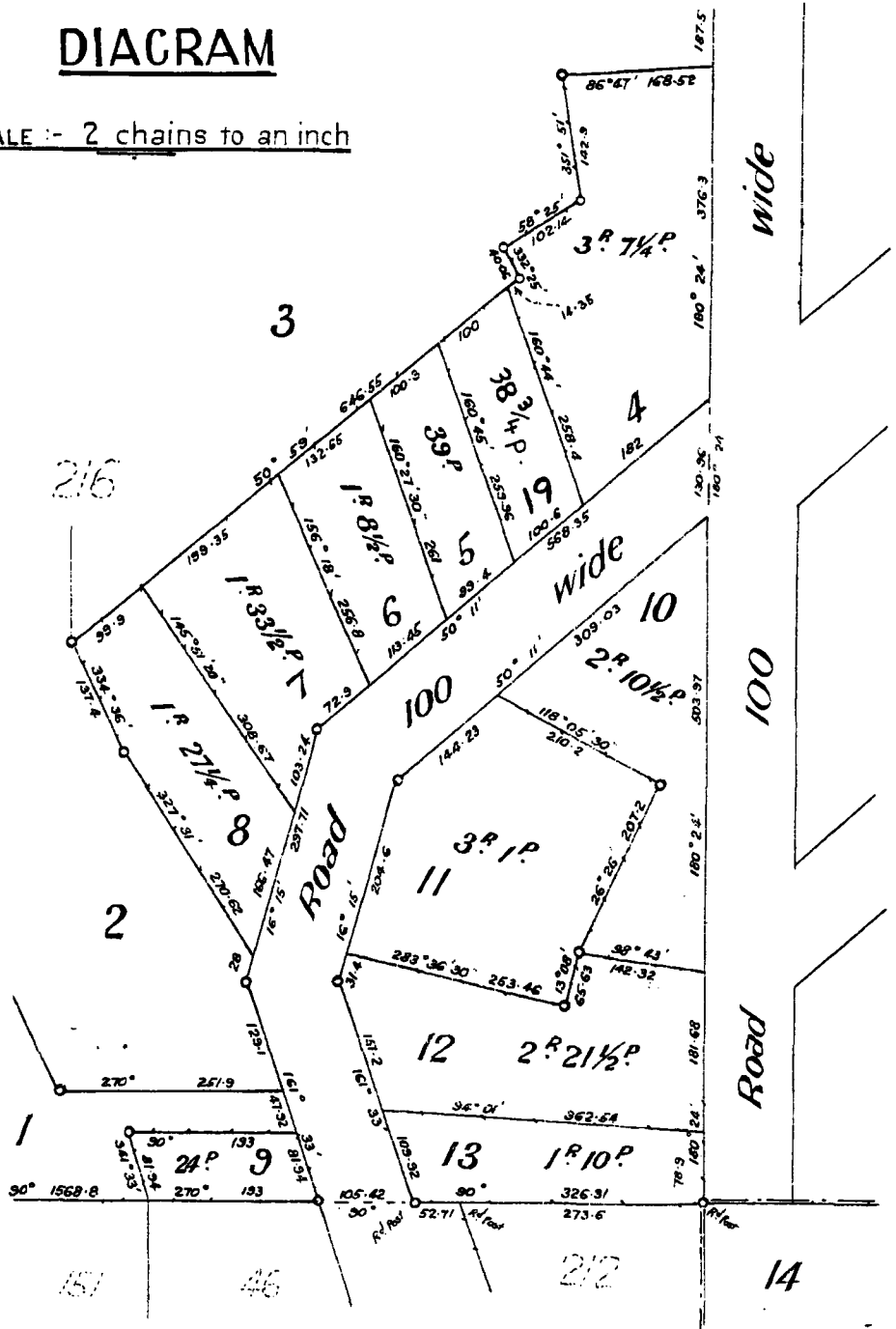


Mr. J. B. Newton
C. W. J. B. Newton
H. A. D. Newton
C. W. J. B. Newton

Note -
No Lot in this Subdivision is subject to any Easement
nor are there any restrictions affecting the user
of any of the Land stipulated for by the Transferrors.

DIAGRAM

SCALE - 2 chains to an inch



Datum Line of Azimuth AB
Date of Survey June 1928

DP 32272 (E)

I, David Stirling Sharpe, of Taree, Licensed Surveyor,
Property Act 1900, do hereby sincerely and solemnly
show on this Plan are correct (b) that all survey marks found
to the boundaries are correctly represented (c) that all physical objects indicated actually exist in the positions shown
(d) that the whole of the material facts in relation to the land are correctly represented (e) that the survey has
been made by me, and I make this solemn declaration conscientiously believing the same to be true
and by virtue of the provisions of the Oaths Act 1900

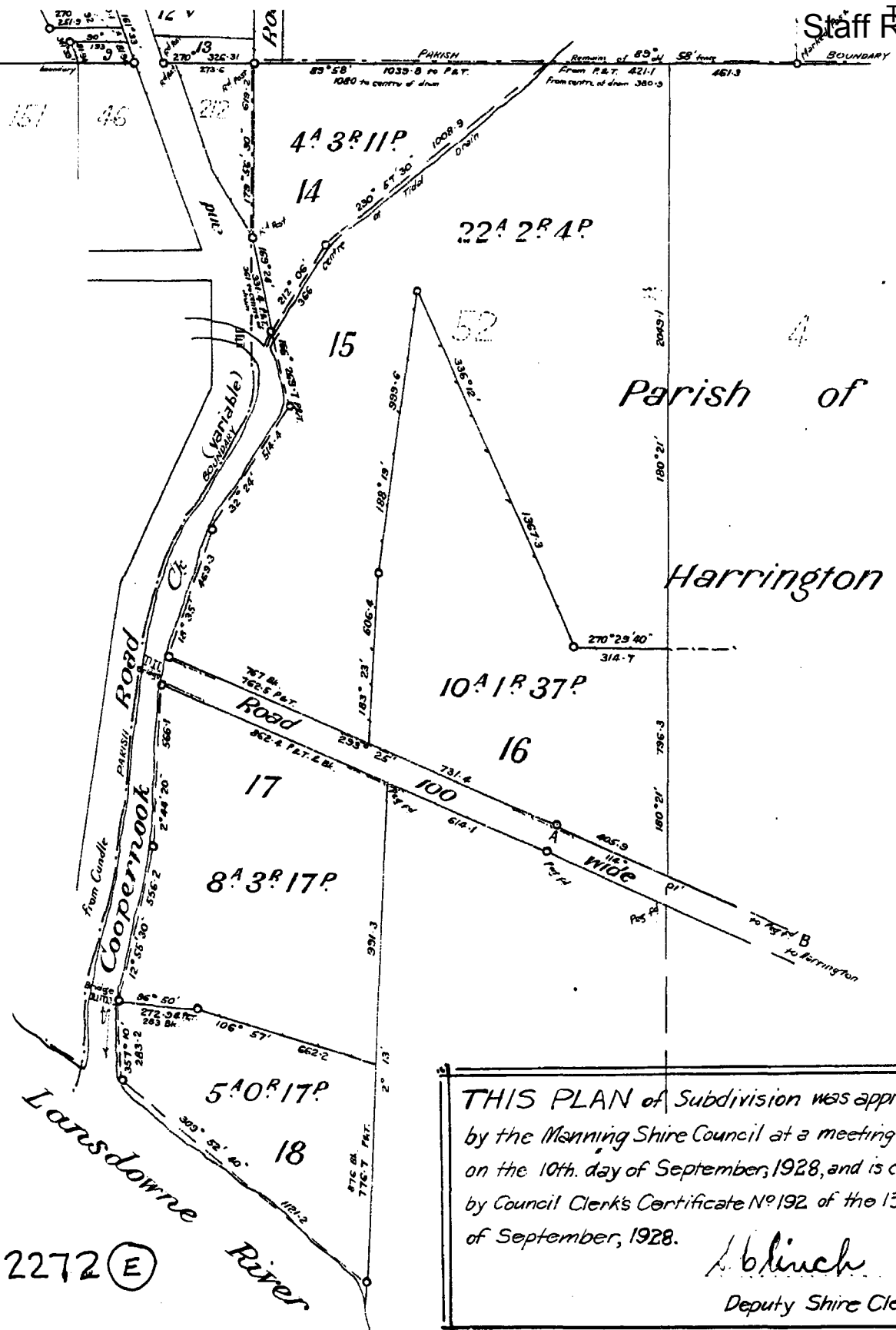
Subscribed and declared before me at Taree
this 3rd day of January AD 1929

THIS PLAN of Subdivision was approved
by the Manning Shire Council at a meeting held
on the 10th. day of September, 1928, and is covered
by Council Clerk's Certificate No 192 of the 13th. day
of September, 1928.

A. blinch
Deputy Shire Clerk.

D.S. Sharpe
Licensed Surveyor.

D.S. Sharpe
Licensed Surveyor



CONVERSION TABLE ADDED IN
REGISTRAR GENERAL'S DEPARTMENT

DP 32272	
LINKS	METRES
7.9	1.589
10	2.012
10.03	2.018
14.35	2.887
24	4.828
28	5.633
31.33	6.303
33.6	6.759
40.06	8.059
46.46	9.346
47.92	9.640
50	10.058
52.57	10.575
52.71	10.604
72.9	14.665
78.9	15.872
81.9	16.476
81.94	16.484
99.4	19.996
99.9	20.097
100	20.117
100.3	20.177
100.59	20.235
100.6	20.238
102.14	20.547
103.24	20.769
105.42	21.207
109.92	22.112
113.45	22.823
129.1	25.971
130.96	26.345
132.65	26.685
137.4	27.640
142.32	28.630
142.9	28.747
144.23	29.014
151.2	30.417
156.6	31.503
159.35	32.056
161	32.388
166.47	33.488
168.52	33.901
180.24	36.259
182	36.613
187.5	37.719
193	38.825
199.35	40.103
201.6	40.555
204.6	41.159
207.2	41.682
210.2	42.286
237.5	47.777
237.6	47.798
238.25	47.928
251.9	50.674
253.45	50.986
253.46	50.988
256.8	51.660
257.2	51.740
257.3	51.761
258.4	51.982
259.96	52.296
261	52.505
269.7	54.255
270	54.315
270.62	54.440
272.94	54.907
273.6	55.040
274.3	55.180
283	56.931
283.2	56.971
297.71	59.890
308.67	62.095
309.03	62.167
314.7	63.308
326.31	65.643
327.31	65.844

CONVERSION TABLE ADDED IN
REGISTRAR GENERAL'S DEPARTMENT

DP 32272 CONTINUED	
LINKS	METRES
331.4	66.667
336	67.592
361	72.622
362.54	72.931
366	73.627
376	75.639
376.3	75.700
380.9	76.625
405.9	81.654
418.5	84.189
421.1	84.712
461.3	92.799
469.3	94.408
503.97	101.383
514.4	103.481
524.1	105.432
527.1	106.036
556.2	111.890
566.1	113.881
568.35	114.334
606.4	121.988
614.1	123.537
615.5	123.819
619.2	124.563
646.55	130.065
662.2	133.213
731.4	147.134
762.5	153.391
763.8	153.652
767	154.296
776.7	156.247
796.3	160.190
862.4	173.487
876	176.223
943.9	189.882
991.3	199.418
999.6	201.088
1008.9	202.998
1021.4	205.473
1039.8	209.174
1052.7	211.770
1063.9	214.023
1080	217.261
1121.2	225.550
1362.4	274.071
1367.3	275.057
1568.8	315.592
1964.7	395.235
2049.1	412.213
2203	443.173
2599.6	522.956
3263.1	656.431
AC RD P SO M	
- - 24	607
- - 39	986.4
- 1 8 1/2	1227
- 1 10	1265
- 1 27 1/4	1701
- 1 33 1/2	1859
- 2 10 1/2	2289
- 2 21 1/2	2567
- 3 1	3060
- 3 7 1/4	3219
AC RD P HA	
4 3 1	1.925
4 3 11	1.95
5 - -	2.023
5 - 17	2.066
8 3 17	3.584
10 1 37	4.242
12 - -	4.856
22 2 4	9.116
26 3 18	10.87

G,
NEW SOUTH WALES

CERTIFICATE OF TITLE
PROPERTY ACT, 1900, as amended.



Vol. **9593** Fol. **227**
1st Edition issued 18-2-1964

CANCELLED

I certify that the person described in the First Schedule is the registered proprietor of the undermentioned estate in the land within described subject nevertheless to such exceptions encumbrances and interests as are shown in the Second Schedule.

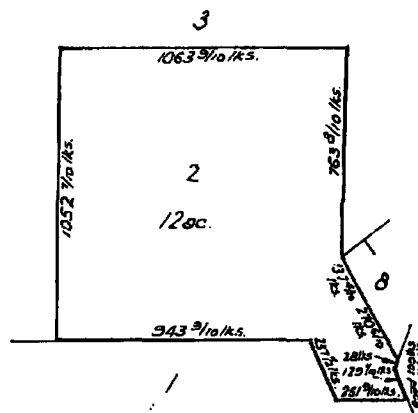
Witness

S. MacLennan

J. Watson
Registrar-General.



PLAN SHOWING LOCATION OF LAND



J462845 Shd. Scale: 5 chains to one inch.
vs *Shd.*

ESTATE AND LAND REFERRED TO

Estate in Fee Simple in Lot 2 in Deposited Plan No. 32272 in the Shire of Lanning, Parish of Lansdowne, County of Macquarie.

J. Watson
Registrar General.

FIRST SCHEDULE (Continued overleaf)

~~JOHN BUTHERTFORD MORRISON of Coombe, Via Keith, in the State of South Australia, Property Manager.~~

J. Watson
Registrar General.

SECOND SCHEDULE (Continued overleaf)

1. Reservations and conditions, if any, contained in the Crown Grant(s) referred to in the said Deposited Plan.

J. Watson
Registrar General.

Reg:R337726 /Doc:CT 09593-227 CT /Rev:07-Feb-2011 /Sts:OK.OK /Prt:09-Oct-2014 11:22 /Pgs:ALL /Seq:2 of 2
Ref: /Src:X
Vol. 9593 Fol 227

BY 1609 V. C. N. BLIGHT, GOVERNMENT PRINTER

FIRST SCHEDULE (continued)				
REGISTERED PROPRIETOR	INSTRUMENT		ENTERED	Signature of Registrar-General
	NATURE	NUMBER		
Norman Thomas David Hogg of Cooperbrook, Grazier. John David Hogg of Cooperbrook, Grazier.	Transfer Transfer	16-34-25 P814027	17-3-1964 29-7-1976	[Signature] [Signature]
CANCELLED SEE AUTO FOLIO				

P814027 Test
Q624222 Pk
R
R534902 w/x

SECOND SCHEDULE (continued)							
NATURE	INSTRUMENT NUMBER	DATE	PARTICULARS	ENTERED	Signature of Registrar-General	CANCELLATION	
Gift	Q624222		By Norman Thomas David Hogg.	28-4-1978	[Signature]	Withdrawn.	R 534902

FORM No. 183a

NOTE: ENTRIES RULED THROUGH AND AUTHENTICATED BY THE SEAL OF THE REGISTRAR-GENERAL ARE CANCELLED