

Planning Proposal

Rezoning of Land at Brimbin

13 October 2010

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1. Introduction

Brimbin has been identified in the *Mid North Coast Regional Strategy* (2009) as a future new community, and is proposed to be a major residential and employment development in the Greater Taree Local Government Area that provides the opportunity for sustainable growth in the City. The site covers an area of 3,763 ha and is located 8 kilometres to the north-east of Taree on Lansdowne Road.

The Planning Proposal Report has been prepared in accordance with section 55 of the *EP&A Act, 1979* and the relevant Department of Planning Guidelines including *A Guide to Preparing Local Environmental Plans* and *A Guide to Preparing Planning Proposals*.

The Council resolved to prepare a draft Local Environmental Plan (LEP) under the provisions of the previous section 54 of the *EP&A Act, 1979* on 8 December 2004. This resolution only related to the land owned by Roche Group generally to the west of the North-Coast Railway line (refer **Figure 1**). Work on this draft LEP has been ongoing and has required consultation and negotiation with the Department of Environment, Climate Change and Water (DECCW) concerning native vegetation issues as well as a number of other Government Agencies. These consultations and negotiations have been carried out by Roche Group in consultation with Greater Taree City Council and the Department of Planning. Roche Group has also commissioned a number of expert consultant reports to investigate the various development and conservation issues of the site and these will form background studies for a Development Strategy and Structure Plan which is currently being prepared. The commissioning of these reports has also been done in consultation with Greater Taree City Council and the Department of Planning.

The recent amendments to the plan making provisions of the *EP&A Act, 1979* and *Environmental Planning & Assessment Act Regulations 2000* has placed a time limit on the completion of draft LEPs such as the one for this site to be finalised by 1 January 2011. The investigations and consultations for this draft LEP have been lengthy but have progressed to such an extent that it is proposed to have the Development Strategy and Structure Plan for the site prepared by the end of 2010. However, this will not meet the timeframe outlined above. Council has been advised by the Department of Planning to submit a Planning Proposal under the new Gateway provisions to progress this rezoning. As agreed with the Department of Planning Newcastle Office and Council, it is intended to submit a revised Planning Proposal in accordance with the Development Strategy and Structure Plan currently being prepared in February – March 2011 once the Development Strategy and Structure Plan has been approved by Greater Taree City Council for submission to the Department of Planning. The revised Planning Proposal will relate to all land owned by Roche Group (refer **Figure 1**). So in essence, this Planning Proposal has been prepared to transition the draft LEP into the Gateway process with the intention of amending it once the Development Strategy and Structure Plan have been finalised.

2. Background

Brimbin has been identified as an area for future development for 20 years since the completion of the *Taree Wingham Urban Growth Plan* (1991). It was identified by the Department of Planning in the *Hunter Coastal Settlement Strategy* (1994) and is identified in the Greater Taree City Council's *Draft Conservation and Development Strategy* (2005), jointly funded by the Council and State Government. It has also been identified in the Department of Planning's *Mid North Coast Regional Strategy* (2009) as a proposed future urban release area and proposed employment lands.

In 1997 a Local Environmental Study was prepared by ERM to support the rezoning of the area to be a mixture of residential and employment lands. This aimed to compliment Taree's role as the primary urban,

employment and service centre in the region. Based on the analysis contained in the Local Environmental Study Council adopted the *Brimbin Employment Based Centre Development Strategy* in December 2000.

The land then changed ownership with the new owners, Roche Group, proposing a totally integrated development. This involved several changes to the previously adopted Concept Masterplan and Development Strategy. Roche Group recognised the merit in the earlier concept but saw that it would be difficult to attract industry and skills to the area without incorporating facilities for residents that would ensure a competitive and attractive lifestyle was offered on the site.

To progress the rezoning of the revised Brimbin proposal, Connell Wagner were engaged by Council to undertake a two stage comprehensive Local Environmental Study in 2004. The process involved the preparation of a comprehensive baseline Environmental Assessment and a Stage 2 Impact Assessment Report which included a recommended land use strategy and sustainable management principles.

Subsequent to the 2004 Local Environmental Study, the Department advised the Council that the proposal would be put on hold pending the preparation of a strategic context for the proposal. This was provided by the Draft *Greater Taree Conservation and Development Strategy* prepared and exhibited in 2005. The adoption of this was deferred after the consideration of submissions pending the preparation of the *Mid North Coast Regional Strategy*. This deferral also affected the Brimbin proposal.

Following the inclusion of the site into the *Mid North Coast Regional Strategy*, Council re-initiated the Local Environmental Plan preparation process on 16 February 2009 by advising the Department of its intention to prepare a draft LEP under the provisions of the former section 54 of the *EP&A Act, 1979* to rezone the subject land from 1(a) Rural General and 1(c2) Rural Farmlets (the previous zoning pursuant to *Taree Local Environmental Plan 1995*) to R1 General Residential, R5 Large Lot Residential, B2 Local Centre, B6/IN2 Enterprise Corridor/Light Industrial, RE 1 Public Recreation and RE2 Private Recreation (zoning pursuant to LEP template) to enable the development of Brimbin new community in accordance with the *Mid North Coast Regional Strategy*. On 10 March 2009, the Department of Planning responded saying that the Council could proceed with the draft LEP. The Department stated that the draft LEP is required to be supported by and consistent with a detailed Structure Plan and the matters listed in Appendix 2 of *Mid North Coast Regional Strategy*– “growth areas requiring significant issues to be resolved”. Since then work has progressed with the engaging of a number of specialist consultants to investigate the following issues:

- Flora and Fauna Assessment
- Traffic and Transport Network Strategy
- Water and Sewer Strategy
- Integrated Water Cycle Management
- Stormwater Management Strategy
- Aboriginal and European Heritage Study
- Bushfire Assessment
- Utilities Capacity Study
- Economic and Employment Strategy

Roche Group has also engaged Edge Land Planning to collaborate with them to prepare the Development Strategy and Structure Plan.

This Planning Proposal seeks to transition the existing draft LEP into the Gateway process. A new Planning Proposal incorporating all land covered by the Development Strategy and Structure Plan will be submitted in early 2011.

3. Site Identification

Brimbin is located approximately 8 kilometres from central Taree and 3km from Taree Airport. It is shown in **Figure 1**. It is bounded by the Melinga township and surrounding farmland to the north, Lansdowne River to the East, Kundle Kundle Road to the South, Brimbin Road to the South and South West, and the Dawson River in the West. The North Coast Railway line and Lansdowne Road traverse the central part of the site.

All land is privately owned by Roche Group, and has an area of 3,763 hectares. The site is largely used for pastoral purposes. It also has some significant areas of native vegetation which are to be retained and conserved.

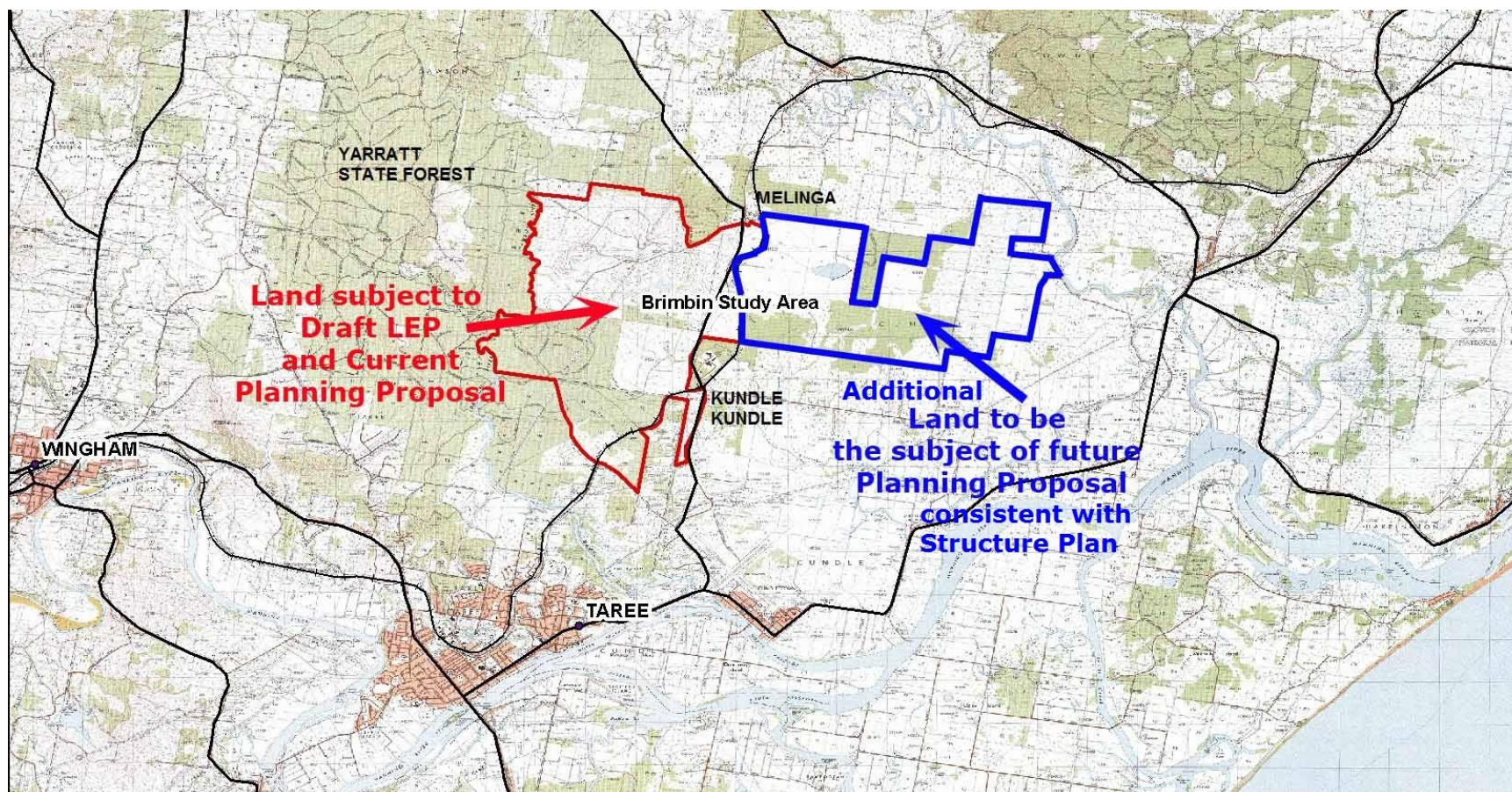


Figure 1: Brimbin Proposal Location

4. Planning Proposal

This section has been prepared in accordance with the requirements of section 2 of the *Guide to Preparing Planning Proposals* prepared by the Department of Planning. It provides details of the 4 parts of a Planning Proposal, which are as follows:

- Objectives and Intended Outcomes
- Explanation of Provisions
- Justification
- Community Consultation

In accordance with discussions held with Department of Planning Newcastle Office and Council on 10 September 2010, this is a transitional Planning Proposal to allow for the continuation of work on an existing draft LEP. A considerable amount of work is currently being done to prepare a Development Strategy and Structure Plan as required by the Department of Planning, intended to be completed by November 2010. To date, a Draft Structure Plan Map has been prepared (refer **Annexure 1**). This Development Strategy and Structure Plan will provide a lot more detail of the development of the site. This is proposed to be the subject of a new Planning Proposal to be submitted in early 2011.

4.1 Objectives or Intended Outcomes

The objective or intended outcome of the Planning Proposal is to enable the development of land at Brimbin for a new community which has been identified as a proposed future urban release area and proposed employment lands in the *Mid North Coast Regional Strategy*.

4.2 Explanation of Provisions

The current environmental planning instrument which covers land within the local government area of Greater Taree City Council is known as the *Greater Taree Local Environmental Plan 2010 (GTLEP 2010)*.

Pursuant to *GTLEP 2010* (refer to **Figure 2**), the subject site is currently zoned:

- RU 1- Primary Production
- RU 4- Rural Small Holdings
- E2- Environmental Conservation

The existing zones in the *GTLEP 2010* do not permit the development of a future greenfields land release in accordance with the *Mid North Coast Regional Strategy*.

The objectives and intended outcomes of the Planning Proposal are to be achieved by amendment of the relevant *GTLEP 2010* Zoning Map. In addition, some Structure Plan Requirements have been prepared for the site by the Council and Department of Planning and these have formed the basis of the investigations currently being undertaken on the site. They are provided in **Annexure 2**. All of these matters are being addressed by the Development Strategy and Structure Plan as well as the separate expert studies outlined in section 2.

The remaining Local Environmental Plan maps that require amendment are:

- The Lot Size Map;
- Height of Buildings; and
- Floor Space Ratio.

The height and floor space ratio for each land use zone will be consistent with those that apply to the remainder of the Greater Taree local government area.

The map submitted by the Council as part of its section 54 advice in February 2009 is shown as **Figure 3** and it shows the proposed zones that will form the basis of the rezoning. This will be addressed in more detail by the Development Strategy and Structure Plan currently being prepared. It should be noted that the map submitted did not reflect all of the land relevant to the original section 54 notification (as shown by the section 54 boundary).

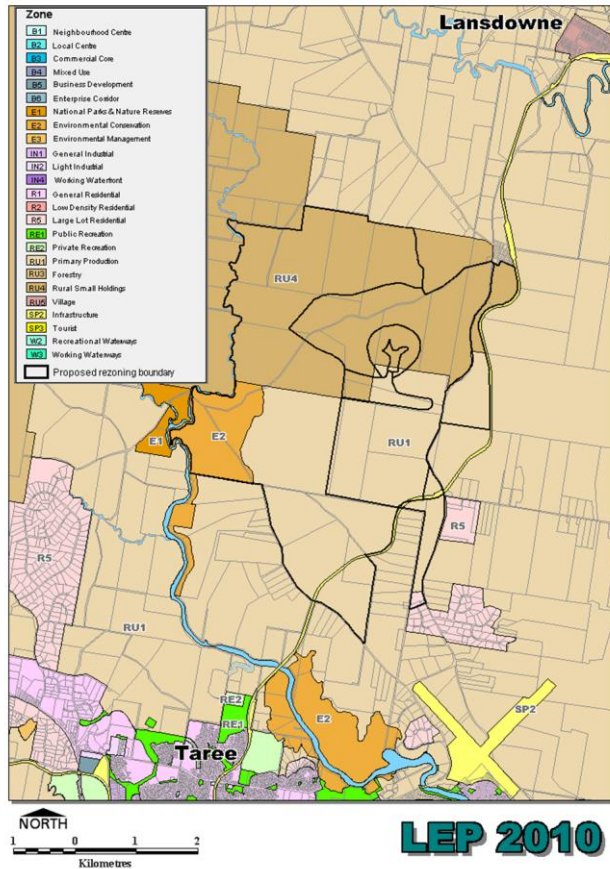


Figure 2: Existing zoning pursuant to GTLEP 2010

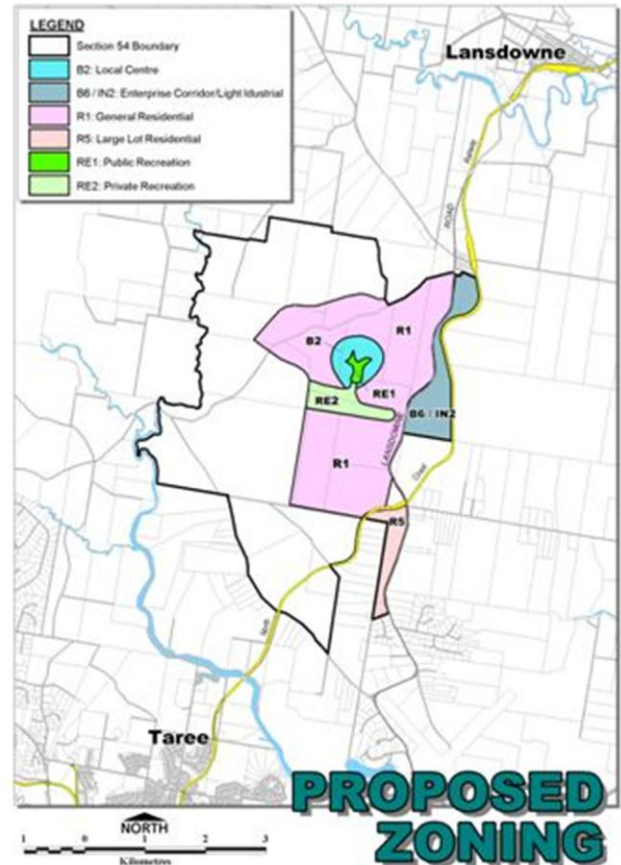


Figure 3- Land subject of draft LEP and Planning Proposal.

4.3 Justification

4.3.1 Need for the Planning Proposal

Is the Planning Proposal a result of any strategic study or report?

Brimbin has been identified as an area for future development for 20 years since the completion of the *Taree Wingham Urban Growth Plan* (1991). It was identified by the Department of Planning in the *Hunter Coastal Settlement Strategy* (1994) and is identified in the Greater Taree City Council's *Draft Greater Taree Conservation and Development Strategy* (2005), jointly funded by the Council and State Government. It has also been identified in the Department's *Mid North Coast Regional Strategy* as a proposed future urban release area.

It has also been the subject of two (2) detailed Local Environmental Studies prepared by ERM in 1997 and Connell Wagner in 2004.

Is the Planning Proposal the best means of achieving the objective or intended outcomes or is there a better way?

It is considered that dealing with the Planning Proposal as an amendment to the Greater Taree *Local Environmental Plan 2010* is the only means of achieving the objectives and intended outcomes. Development for a new community incorporating residential, employment and community uses would not otherwise be permitted in the current zones.

Is there a net community benefit?

A net community benefit test will not be undertaken as part of this transitional Planning Proposal.

A comprehensive net community benefit test will inform and will form part of the overall Development Strategy and Structure Plan for the site. The Net Community Benefit Test will be prepared giving regard to the *Department of Planning Guidelines (July 2009)* and the advice contained in the *Draft Centres Policy*. Such an assessment will:

- evaluate the external costs and benefits of the proposal;
- consider the changes that reflect a higher community benefit; and
- be assessed against the matters specified in the justification, and include an evaluation of the proposal against a base case or base cases including retaining the existing zones on the land.

Given the site has been entrenched in layers of local and state policy for over 20 years, the rezoning of this land broadly entails a net community benefit for the following reasons:

- Brimbin is unique in the region in that it offers both the potential to provide significant housing that will relieve pressure on fragile coastal areas and also compliments the future growth of Taree and surrounding localities;
- It will ultimately house approximately 21,500 people in 8,000 dwellings fulfilling the housing requirements that have been foreshadowed in Council and State Planning policies for over 20 years;
- It provides large areas of employment and industrial land (Taree has an acute shortage);
- It is estimated that the project will bring 15,000 long term jobs to a region that currently experiences higher than average unemployment levels; and
- A major environmental outcome will be achieved on-site through the conservation of a regional habitat corridor linking the Dawson River and the Brimbin Nature Reserve in the West with the Lansdowne River, Lansdowne Forest and Cattai wetlands to the east of the site.

4.3.2 Relationship to Strategic Planning Framework

Is the Planning Proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

The *Mid North Coast Regional Strategy* identifies Brimbin as a new community that may ultimately comprise 8000 dwellings and 340 hectares of employment lands. **Figure 4** identifies Brimbin in the *Mid North Coast Regional Strategy* as an area for urban growth and employment purposes.

The *Mid North Coast Regional Strategy* identifies that the extent of development potential relies on completion of a Structure Plan for the entire site that establishes a proposed urban structure, conservation planning and infrastructure requirements (including lead-in infrastructure).

As required by the *Mid North Coast Regional Strategy*, the Development Strategy and Structure Plan will address the following principles:

- Appropriate balance of development against high conservation values;
- Identification and protection of key conservation values, eg regional conservation and habitat corridors, ability to maximize new development on cleared areas;
- Maximise the locational opportunities of the site - such as context to adjacent major employment area and Taree; and
- Appropriate release of land consistent with infrastructure provision.

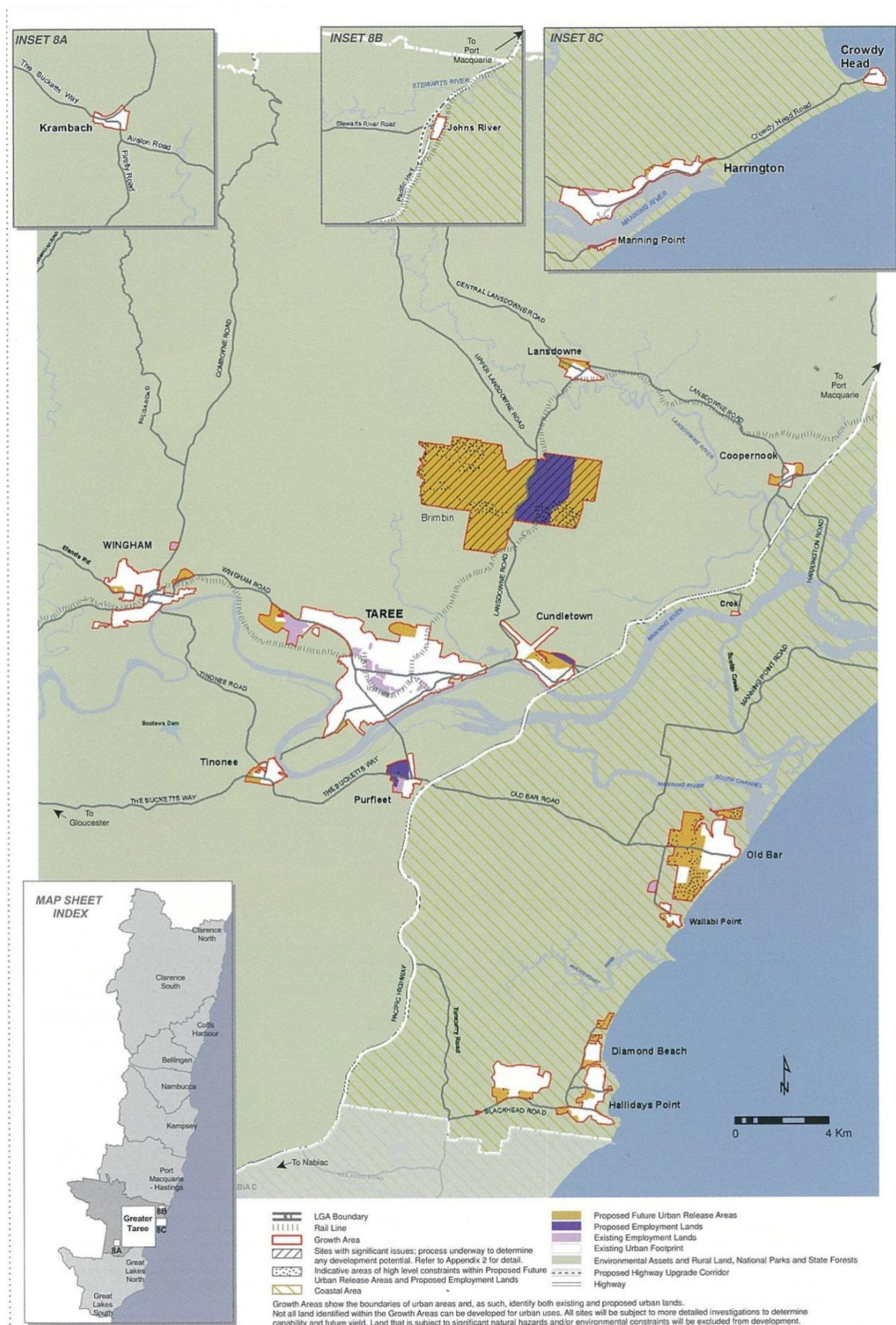


Figure 4- Extract from Department of Planning's *Mid North Coast Regional Strategy*

Is the Planning Proposal consistent with the local Council's Community Strategic Plan or local Strategic Plan?

The site has been identified in the Draft *Greater Taree Conservation and Development Strategy* as a preferred option for the future growth of the Local Government Area.

The Draft *Greater Taree Conservation and Development Strategy* comprises a vision and a set of strategies for the development of the Greater Taree Local Government Area to 2025. It has been placed on public exhibition and was not finalised because of the pending *Mid North Coast Regional Strategy*.

The draft *Greater Taree Conservation and Development Strategy* estimates a population growth of 25% between 2005 and 2025 (from approximately 45,000 to 56,250). This will result in a demand for 4,464 dwellings (223 dwellings per year).

The Draft Strategy examines a number of options for the development of new residential areas before settling on Brimbin as a preferred option for the future growth of the Local Government Area. The major regional centre of Taree, as well as the towns and rural villages will accommodate much of the remaining future development.

A full justification of focusing growth on Brimbin is provided in the Draft *Greater Taree Conservation and Development Strategy* however it is based on the following points:

- The existing form and character of the community are of a series of contained settlements not settlements that sprawl out across the landscape. Accommodating growth in Brimbin will help to maintain this;
- A more diverse employment base is needed;
- Settlements should have easy access to higher order settlements;
- Brimbin's access to Taree will not only compliment but significantly enhance its role as the region's centre, as well as potentially providing the critical mass to encourage new businesses and rejuvenation of existing businesses within the centre;
- Protection of coastal areas and lifestyles;
- Good access to services and facilities; and
- Good access to infrastructure.

Council's draft *Manning Valley Community Plan 2010-2030* outlines a number of objectives that are to be met in maintaining the existing environment within the Greater Taree area. In relation to strategic land use planning, objective 6 requires "*a strategic land-use planning framework that will establish a clear balance between development and conservation, and accommodate economic investment and lifestyle change demands*". The proposal is consistent with this objective as it achieves an appropriate balance between conservation, development, and open space.

Is the Planning Proposal consistent with applicable State Environmental Planning Policies (SEPPs)?

Table 1- Consistency with State Environmental Planning Policies

SEPP Title	Comment	Consistency with SEPP
1.Development Standards	The Standard Instrument Clause 4.6 will supersede <i>SEPP 1</i> .	Yes
4.Development without consent and Misc	The application of <i>SEPP 4</i> will be unaffected by this Planning Proposal.	Yes
6.Number of storeys in a building	The application of <i>SEPP 6</i> will be unaffected by this Planning Proposal.	Yes
10.Retention of Low Cost Rental Accommodation	Not Applicable	N/A
14.Coastal Wetlands	Not Applicable. There are no <i>SEPP 14</i> Wetlands within Brimbin.	N/A
15. Rural Land-sharing Communities	Not Applicable	N/A
19. Bushland in Urban Areas	Not Applicable	N/A
21. Caravan Parks	Not Applicable	N/A
22. Shops and Commercial Premises	The application of <i>SEPP 22</i> will be unaffected by this Planning Proposal.	Yes
26. Littoral Rainforests	Not Applicable	N/A
29. Western Sydney Recreation Area	Not Applicable	N/A
30. Intensive Agriculture	Not Applicable	N/A
32. Urban Consolidation (Redevelopment of Urban land)	Not Applicable	N/A
33. Hazardous and Offensive Development Complex	The application of <i>SEPP 33</i> will be unaffected by this Planning Proposal.	Yes
36. Manufactured Home Estates	Not Applicable	N/A
39. Spit Island Bird Habitat	Not Applicable	N/A
41.Casino/ Entertainment Complex	Not Applicable	N/A
44.Koala Habitat Protection	The objective of this policy is to encourage the conservation and management of areas of habitat for koalas, to ensure the current distribution of koalas is maintained. A <i>SEPP 44</i> assessment involves: * Determination of whether the subject site occurs within the Local Government Areas (LGA's) listed on Schedule 1 of <i>SEPP 44</i>; *Determination of Potential Koala Habitat within the subject site;	Yes

SEPP Title	Comment	Consistency with SEPP
	* Determination of Core Koala Habitat; and * Consideration of the need for a Koala Plan of Management. The site is situated within the Greater Taree Local Government Area, which is listed on Schedule 1 of <i>SEPP 44</i>, therefore a Koala assessment must be undertaken in accordance with this policy. <i>SEPP 44</i> also makes provision for the preparation of a Koala Management Plan. Greater Taree City Council's Draft Comprehensive Koala Plan of Management has been prepared for the Greater Taree Local Government Area. It was found that Koalas utilize part of the site. An updated flora and fauna study is being finalized. The proposed development footprint does not significantly impact on corridors or habitat.	
47-Moore Park Showground	Not Applicable	N/A
50- Canal Estates	Not Applicable	N/A
52- Farm Dams and other works in Land and water Management plan areas	Not Applicable	N/A
55- Remediation of Land	The majority of the site has been used for cattle grazing. There have been no identified contamination uses, therefore the provisions of <i>SEPP 55</i> are not relevant at this stage.	Yes
59- Central Western Sydney Regional Open Space and Residential	Not Applicable	N/A
60- Exempt and Complying Development	Not Applicable	N/A
62- Sustainable Aquaculture	Not Applicable	N/A
64- Advertising and Signage	Not Applicable	N/A
65- Design Quality of Residential Flat Buildings	Not Applicable	N/A
70- Affordable Housing (Revised Schemes)	It is anticipated that Brimbin will provide high quality affordable housing opportunities for predominantly moderate income households due to the relatively low price of land (compared to the Sydney Region) and the choice of housing stock that will be offered. The site will provide the opportunity for housing for all employees with an affordable high quality	Yes

SEPP Title	Comment	Consistency with SEPP
	lifestyle within walking or cycling distance of work. This will ensure that not only housing, but lifestyle as a whole will be affordable.	
71- Coastal Protection	Not Applicable	N/A
SEPP (Building Sustainability Index: BASIX 2004)	Residential development will meet BASIX standards for energy efficiency and home design will feature elements such as natural heating and ventilation of homes to ensure that energy use on the site is minimized. It is noted that the <i>SEPP (BASIX)</i> applies to development applications and it does not directly apply to the strategic planning process.	N/A
SEPP (Housing for Seniors or People with a Disability) 2004	The application of this <i>SEPP (Housing for Seniors or People with a Disability)</i> will be unaffected by this Planning Proposal.	N/A
SEPP (Major Development) 2005	The site is not within the coastal zone however any future development application exceeding 100 lots may be a Major Project Application under Part 3A subject to the Minister exercising his discretion pursuant to Clause 6 of the Policy.	Yes
SEPP (Sydney Region Growth Centres) 2006	Not Applicable	Yes
SEPP (Infrastructure) 2007	Consultation is being undertaken with the NSW Roads and Traffic Authority, Mid-Coast Water and Council to manage any relevant issues.	Yes
SEPP (Kosciuszko National Park- Alpine Resorts) 2007	Not Applicable	N/A
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	Not Applicable	N/A
SEPP (Temporary Structures and Places of Public Entertainment) 2007	Not Applicable	N/A
SEPP (Exempt and Complying Development Codes) 2008	The application of the <i>SEPP (Exempt and Complying Codes)</i> will be unaffected by this Planning Proposal.	N/A
SEPP (Rural Lands) 2008	Clause 7 of the <i>SEPP (Rural Lands)</i> contains the following Planning Principles: • The promotion and protection of opportunities for current and potential productive and sustainable economic activities in rural areas; • Recognition of the importance of rural lands and agriculture and the changing nature of agriculture	Yes

SEPP Title	Comment	Consistency with SEPP
	and of trends, demands and issues in agriculture in the area, region or state; • 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; and • In planning for rural lands, to balance the social, economic and environmental interests of the community. • 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. Land at Brimbin is currently managed for grazing but it is not high quality agricultural or cropping land and the development will have no significant impact on agriculture. Development of land at Brimbin will have regard to the principles contained in Clause 7 of the <i>SEPP (Rural Lands)</i>. However it is not high class agricultural land and has been identified in the <i>Mid North Coast Regional Strategy</i> as a proposed future urban release area, which reduces the applicability of the <i>SEPP (Rural Lands)</i>.	
SEPP (Western Sydney Parklands)	Not Applicable	Yes
SEPP (Affordable Rental Housing) 2009	Not Applicable	Yes

Is the Planning Proposal consistent with the applicable Ministerial Directions?

It is considered that the Planning Proposal is consistent with the relevant Directions issued under section 117(2) of the *EP&A Act, 1979* by the Minister to Councils, as demonstrated in the assessment of the following:

Table 2- Consistency with section 117 Ministerial Directions

Direction Title	Comment	Consistency with Direction
Employment and Resources		
1.1 Business and Industrial Zones	The rezoning of the land at Brimbin is consistent with the <i>Mid North Coast Regional Strategy</i> and the <i>Draft Greater Taree Conservation and Development Strategy</i> . The new community will provide approximately 380 hectares of employment land.	Yes
1.2 Rural Zones	The rezoning of the area has previously been justified by a Local Environmental Study prepared by Connell Wagner in accordance with section 57 of the <i>EP&A Act 1979</i> and other supporting studies and reports. The site in question does not contain any land zoned as containing any high agricultural value land in the <i>GTLEP 2010</i>.	Yes
1.3 Mining, Petroleum Production and Extractive Industries	The NSW Department of Industry and Investment (formerly Dept of Primary Industries and Mineral Resources and Agricultural Divisions) was consulted to identify any issues relating to mining or extractive industries. Their advice was to contact Melinga quarry in order to minimise possible impacts on current and future extraction.	Yes
1.4 Oyster Aquaculture	Not Applicable	N/A
1.5 Rural Lands	Table 1 addresses the planning principles contained in <i>SEPP (Rural Lands)</i> . It is not classed as prime agricultural land. It does provide an opportunity to accommodate development of a new community that has been identified for growth in the <i>Mid North Coast Regional Strategy</i> as a future urban release area.	Yes
Environment and Heritage		
2.1 Environmental Protection Zones	The draft Local Environmental Study prepared by Connell Wagner has included areas to be zoned for environmental protection. The site includes land in an existing environmental protection zone. The rezoning is not intended to reduce the environmental protection standards that	N/A

Direction Title	Comment	Consistency with Direction
	currently apply to the land.	
2.2 Coastal Protection	Not Applicable.	N/A
2.3 Heritage Conservation	An aboriginal heritage assessment was previously prepared by Jacqueline Collins Consultant Archaeologist in December 2003. An updated Aboriginal and European cultural heritage will be undertaken as part of the Development Strategy and Structure Plan preparation. The Purfleet Taree Local Aboriginal Land Council will also be consulted.	N/A
2.4 Recreation Vehicle Areas	Not Applicable	N/A
Housing, Infrastructure and Urban Development		
3.1 Residential Zones	Housing choice will range from medium density living around the town centre to lower density residential development within the various neighbourhoods.	Yes
3.2 Caravan Parks and Manufactured Home Estates	The Planning Proposal will not affect provisions relating to caravan parks and manufactured home estates.	N/A
3.3 Home Occupations	Not Applicable	N/A
3.4 Integrating Land Use and Transport	This applies because the rezoning creates land zoned for residential purposes. Discussions will be held with the Ministry of Transport and local bus operators to ensure that adequate public transport is provided to the site. Discussions will also be held with the Australian Rail Track Corporation to ascertain whether passenger rail will be available to the site.	Yes
3.5 Development near licensed aerodromes	Not Applicable	N/A
Hazard and Risk		
4.1 Acid Sulphate Soils	The area proposed for rezoning is located on land that is identified as having a probability of containing acid sulphate soils. Acid sulphate soils occur on rural land to the east of the site, with a small area of potential acid sulphate soils occurring in the lower western portion of the site adjacent to the Dawson River. Subject to the implementation of an acid sulphate management plan, the development of the land should not pose a risk to the surrounding environment.	Yes
4.2 Mine Subsidence and Unstable Land	Not applicable as the area proposed for rezoning is not within a mine subsidence district and is not located on unstable land.	N/A
4.3 Flood Prone Land	The undertaking of the proposed works	Yes

Direction Title	Comment	Consistency with Direction
	will be consistent with the provisions of the <i>Flood Prone Land Policy</i> and the principles contained in the <i>Flood Plain Management Manual</i> (2005) and <i>Greater Taree Development Control Plan 2010</i> . Preliminary flood extents for the 100 year ARI storm event will be determined.	
4.4 Planning for Bushfire Protection	Brimbin contains large areas of vegetation in the southern, central and northern sections of the site. It is adjoined by large tracts of vegetation comprising Yarratt State Forest and Brimbin nature Reserve to the west and vegetation on privately owned land. The proposed rezoning addresses the bushfire risk through Asset Protection Zones and other provisions, incorporating the directions contained in this section of the section 117 directions. Asset Protection Zones will be required to be provided in accordance with <i>Planning for Bushfire Protection</i> guidelines. A comprehensive Bushfire Environmental Assessment was prepared at the time of the Local Environmental Study, with recommendations provided for bushfire buffer areas and asset protection zones. Consultation has also occurred with the Rural Fire Service.	Yes
Regional Planning		
5.1 Implementation of Regional Strategies	This draft LEP amendment is consistent with the <i>Mid North Coast Regional Strategy</i> .	N/A
5.2 Sydney Drinking Water Catchments	Does not apply, as the area proposed for rezoning is not within the Sydney Drinking Water catchment area.	N/A
5.3 Farmland of State and Regional Significance on the NSW far North Coast	Does not apply, as the area proposed for rezoning is not within the NSW Far North Coast.	N/A
5.4 Commercial and Retail Development along the Pacific Highway, North Coast.	Does not apply, as the area proposed for rezoning is not within the vicinity of the Pacific Highway.	N/A
5.5 Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)	Does not apply as the area proposed for rezoning is not within the vicinity of Ellalong, Paxton or Millfield and is not within the Cessnock LGA.	N/A
5.6 Sydney to Canberra Corridor	Does not apply, as the area proposed for rezoning is not within the Sydney to Canberra corridor.	N/A
5.7 Central Coast	Does not apply, as the area proposed for rezoning is not within the Gosford or Wyong Local Government Areas.	N/A

Direction Title	Comment	Consistency with Direction
5.8 Second Sydney Airport: Badgerys Creek	Does not apply, as the area proposed for rezoning is not within the vicinity of the Badgerys Creek proposed airport site.	N/A
Approval and Referral Requirements		
6.1 Approval and Referral Requirements	The direction prevents a draft amendment from requiring concurrence from or referral to, the Minister or a public authority. The Planning Proposal will not be inconsistent with this requirement.	Yes
6.2 Reserving Land for Public Purposes	The direction states that a draft Local Environmental Plan shall not create, alter, or reduce existing zonings or reservations of land for public purposes without the approval of the relevant public authority and the Director-General of the Department of Planning. The Planning Proposal will not be inconsistent with this requirement.	Yes
6.3 Site Specific Provisions	Not Applicable	N/A

4.3.3 Environmental, Social and Economic Impact

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

A detailed ecological study is currently being undertaken for the entire site. This was also addressed in the Local Environmental Study prepared by Connell Wagner in 2004.

It is not anticipated that critical habitat or threatened species, populations or ecological communities or their habitats will be adversely affected as a result of the proposal as the majority of the vegetated areas would be protected through conservation agreements reached with DECCW and zoning of land consistent with these agreements.

The Council recognises the role of the site as a habitat linkage at a regional level, and provides for a vegetated regional conservation corridor. The Brimbin proposal offers to provide a regional corridor within the site meeting a strategic need for the area that land fragmentation makes impossible to achieve on neighbouring sites.

The regional corridor will provide a connection between the Yarratt State Forest, and the Brimbin and Goonook Nature Reserves to the West and the large areas of habitat to the east of the site. This is considered to be a very important link between hinterland and coastal habitats and one that would contribute immensely to the long-term survival of several threatened species in the study area. The value of this linkage in environmental terms is therefore extremely significant compared to fragmented pockets of existing vegetation, which is currently the case.

Roche Group is currently in discussions with DECCW in regard to the development and conservation outcomes for the site which will culminate in the preparation of voluntary planning agreements. This will be addressed in more detail in the Development Strategy and Structure Plan.

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

All development will have regard to the environmental constraints of the site. It is recognised that detailed studies will need to be undertaken. This matter will be addressed in more detail in the Development Strategy and Structure Plan being prepared for the site.

How has the Planning Proposal adequately addressed any social and economic effects?

The *Mid North Coast Regional Strategy* recognises that the proposal is for 8,000 dwellings and 340 ha of employment lands, which will have positive social and economic effects on the local area.

The development of the Brimbin new community contributes to social growth of the area by encouraging a pattern of residential development which will help diversify and increase housing choice, and the setting aside of a large parcel of relatively unconstrained and readily serviced employment lands means the site can accommodate any existing businesses interested in establishing within it, while also providing for new businesses to incubate and grow.

An employment and economic study is currently being prepared for the site and will be addressed in more detail in the Development Strategy and Structure Plan being prepared for the site.

4.3.4 State and Commonwealth Interests

Is there adequate public infrastructure for the Planning Proposal?

The current land use does not contain the necessary public infrastructure for the proposed development. The new community will require new, or upgrades to, roads, provision of water and sewer reticulation, electricity and communications, stormwater drainage infrastructure, and community services such as hospitals, schools and emergency services.

Consultation is being undertaken with relevant public authorities such as the Roads and Traffic Authority, Department of Education, Mid Coast Water, Rural Fire Services as part of the preparation of supporting documentation to the Development Strategy and Structure Plan which is currently under preparation.

What are the views of State and Commonwealth Public Authorities consulted in accordance with the gateway determination?

Consultation was previously undertaken as part of the preparation of the two (2) previous Local Environmental Studies that were prepared for Brimbin. More consultation has been undertaken on the Development Strategy and Structure Plan formulation. In this regard, Roche Group has recently written to a wide variety of Government Departments. Responses have been received from the following:

- Ambulance Service of New South Wales
- Australian Rail Track Corporation Limited
- Country Energy
- Department of Education and Training
- Department of Local Government
- Department of Environment, Conservation and Climate Change
- NSW Fire Brigades
- Forests NSW
- Gloucester Shire Council
- Hunter-Central Rivers Catchment Management Authority
- Great Lakes Council
- Department of Health-Hunter New England

- Department of Industry and Investment (includes former Dept of Primary Industries and Mineral Resource and Agricultural Divisions)
- Koalas in Care Inc
- Land and Property Management Authority
- NSW Maritime
- Department of Planning- Heritage Branch
- NSW Police Force
- Purfleet Taree Local Aboriginal Land Council
- NSW Rural Fire Service
- Telstra

4.4 Planning Proposal- Community Consultation

As part of the preparation of the Development Strategy and Structure Plan, input has been requested from authorities as outlined above. To date responses have been very positive. Once the Development Strategy and Structure Plan is finalised, a new Planning Proposal will be lodged and it will be formally exhibited and comments again sought.

The revised Planning Proposal is not considered to be of low impact, and therefore it is likely that it will be on exhibition for a minimum period of 28 days.

The community will be notified of the commencement of the exhibition period via a notice in the local newspaper and via a notice on Council's website. It is also intended to hold workshops with local residents and Community Interest Groups.

5. Conclusion

This Planning Proposal seeks to amend the existing zoning and planning controls contained within the *GTLEP 2010* to enable land situated at Brimbin to be developed for a new community as supported by the site's inclusion in the *Mid North Coast Regional Strategy*. The current Planning Proposal has been prepared to transition an existing draft LEP into the new provisions of the *EP&A Act, 1979* relating to plan preparation.

A Development Strategy and Structure Plan is currently being prepared which will address all of the matters outlined in the *Mid North Coast Regional Strategy* as well as subsequent more detailed requirements of the Department of Planning. This is due to be finalised by the end of 2010. Once this has been done, a revised Planning Proposal will be prepared.

Annexure 1: Draft Structure Plan Map

Annexure 2: Structure Plan Requirements