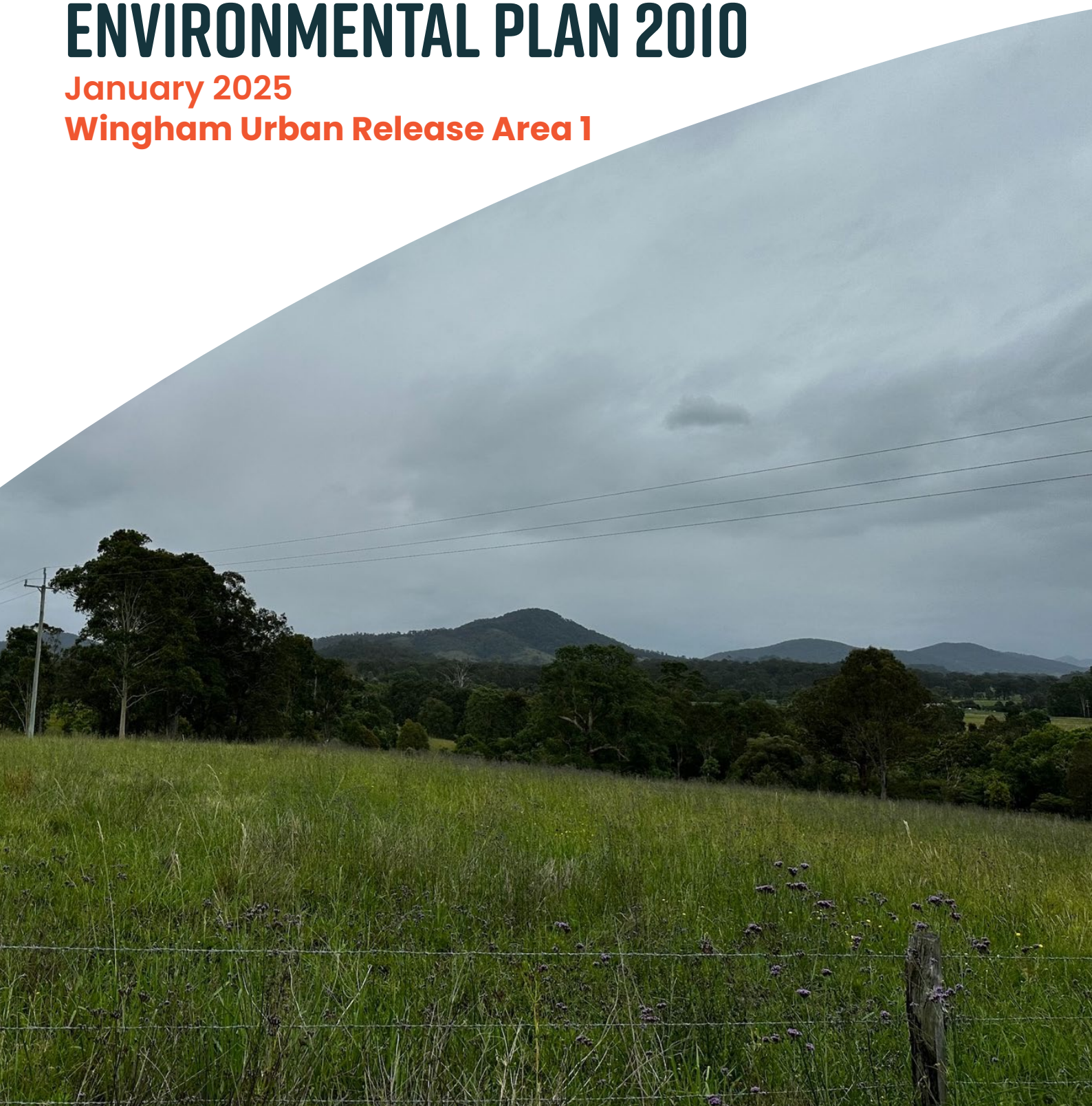


PLANNING PROPOSAL TO AMEND THE GREATER TAREE LOCAL ENVIRONMENTAL PLAN 2010

January 2025

Wingham Urban Release Area 1



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Version	Purpose	Author	Reviewed	Date
A	Planning Proposal Lodgement	Nick Gunn Colliers International Engineering & Design NSW	Tim Colless Hampstead Property	12/06/2024
B	Updated in response to Council comments on Version A	Nick Gunn Colliers International Engineering & Design NSW	Tim Colless Hampstead Property	28/10/2024
C	Update for Council Meeting to reflect the final proposal	Kate Kennedy Land Use Planner MidCoast Council	Michael Griffith Manager Land Use Planning MidCoast Council	10/03/2025
D	Update for Council Meeting to reflect the new Planning Proposal	Kate Kennedy Land Use Planner MidCoast Council	Paul DeSzell Director – Liveable Communities MidCoast Council	31/10/2025
E	Update for Consultation to address Gateway Determination conditions	Kate Kennedy Land Use Planner MidCoast Council	Michael Griffith Manager Land Use Planning MidCoast Council	30/01/2026

INTRODUCTION

1.1 The Proposal

This Planning Proposal (the Proposal) has been prepared by Colliers International Engineering and Design NSW and Council on behalf of MPT Farms in accordance with Division 3.4 of the *Environmental Planning and Assessment Act 1979* and the Local Environmental Plan Making Guidelines, published by the NSW Department of Planning and Environment (now Department of Planning, Housing and Infrastructure).

The Proposal seeks to amend the *Greater Taree Local Environmental Plan 2010*, to enable residential development and environmental conservation, as set out below.

1. Amend the Land Zoning Map from the RU1 Primary Production zone to:
 - a) R1 General Residential
 - b) C2 Environmental Conservation
 - c) C4 Environmental Living
2. Amend the Lot Size Map from the 40ha minimum lot size to:
 - a) 450 m² (for land to be zoned R1)
 - b) 20ha (for land to be zoned C2)
 - c) 20ha (for land to be zoned C4)
3. Amend the Height of Buildings Map from no maximum building height to a 8.5m maximum building height for the portion of the site proposed for the R1 General Residential zone. No maximum building height is proposed for C2 Environmental Conservation and C4 Environmental Living zoned land.
4. Amend the Urban Release Area Map to include the portion of the site proposed for the R1 General Residential zone.

This Planning Proposal outlines the intended effect of, and justification for, the proposed amendments to the *Greater Taree Local Environmental Plan 2010*.

Council is seeking delegation from the Department of Planning, Housing and Infrastructure to be the plan making authority for the Planning Proposal

1.2 The Site and its Context

The subject site (the site) is shown in **Figure 1**. It is identified as Lot 92 DP 1285477 and is located on Wingham Road, Wingham.

The site is located within the MidCoast Local Government Area (LGA), on the urban edge of the existing town of Wingham, being approximately 500m north of the Wingham Town Centre at its closest point. The Strategic Centre of Taree is approximately 9km to the south-east.

The site has an area of approximately 63.56ha and is presently zoned RU1 Primary Production under the *Greater Taree Local Environmental Plan 2010*. Cedar Party Creek forms the northern and western boundaries of the site with the eastern boundary fronting Wingham Road and adjacent residential lots. Along its south-west boundary is the North Coast rail line.



Figure 1: The subject site and surrounds (Source: Peterson Bushfire)

The site is largely cleared of vegetation and was previously used for grazing. It slopes gently from Wingham Road towards Cedar Party Creek with an average slope of between 1 and 2%.

The adjoining lands to the north and east beyond Cedar Party Creek consist predominantly of cleared lots, parkland and the Wingham Racecourse Reserve. The adjoining lands to the south and west consist predominantly of the Wingham township and small rural lots.

Wingham is identified as a Centre in the Barrington District of the Hunter Regional Plan 2041. The town has a population of approximately 5,400 residents, housed in predominantly detached housing in residential or rural properties.

1.3 Background and Consultation

A pre-lodgement meeting was held with MidCoast Council on 28 September 2023 in relation to a Scoping Proposal. In the meeting, Council confirmed the proposal outlined in the Scoping Proposal had strategic merit and could be supported, subject to site-specific constraints being adequately addressed.

Written pre-lodgement advice was received from Council, a copy of which is included at **Appendix 21**. Written responses to the Scoping Proposal were provided to Council from the following agencies:

- Department of Planning and Environment (now the Department of Planning, Housing and Infrastructure (DPHI)),
- Biodiversity Conservation Division (BCD), and
- Transport for NSW (TfNSW).

A summary of these responses is provided in **Section 3.5** of this Planning Proposal. Details as to how this Planning Proposal has taken these agency responses into account is provided in **Appendix 22**.

A Planning Proposal was subsequently submitted on the NSW Planning Portal on 13 June 2024. Following a Completeness Check, Council staff rejected the Planning Proposal on 28 June 2024 due to the documents not being sufficient for lodgement.

On 28 October 2024, a subsequent Planning Proposal was submitted via the NSW Planning Portal to rezone the land from RU1 Primary Production to a mix of R1 General Residential, C4 Environmental Living, C2 Environmental Conservation and SP2 Infrastructure. The October 2024 Planning Proposal had incorporated a number of the previously requested items and was subsequently accepted for lodgement on 14 November 2024 and progressed to an Adequacy Assessment.

To date, the proponent has updated several reports as a result of discussions with Council, and at the completion of the adequacy assessment, Council resolved to endorse the Planning Proposal being sent to the Department of Planning, Housing and Infrastructure (DPHI) seeking a Gateway Determination at the 26 March 2025 Council meeting. The proposal was subsequently forwarded to DPHI on 31 March 2025 and returned to Council soon after requesting additional information to be submitted with a new Planning Proposal.

Following consultation with DPHI and other state agencies, a new proposal has been prepared by the proponent to address their requests. As a result, Council prepared an amended Planning Proposal for endorsement and submission to DPHI seeking a Gateway Determination.

Council has since received a Gateway Determination (**Appendix 25**) from DPHI on Friday 16 January 2026. In preparation for community and agency consultation, Council has updated the Planning Proposal and relevant attachments in accordance with the conditions of the Gateway Determination.

1.4 Planning Proposal Category

The Local Environmental Plan Making Guidelines provide four (4) categories of Planning Proposals based on the strategic consistency and complexity. Council is required to identify the Planning Proposal category when submitting the Planning Proposal to DPHI for Gateway Determination, who will confirm the category during its review.

The categories of Planning Proposals are for administrative purposes only and not set out in the *Environmental Planning and Assessment Act 1979* (EP&A Act). The categories are used to indicate (for example) benchmark timeframes and the scope of information and technical studies required to support its assessment.

This Planning Proposal has been prepared in line with the **Standard category** as outlined in the pre-lodgement advice.

1.5 Proposed Planning Agreement

This Planning Proposal is accompanied by a Letter of Offer to enter into a Voluntary Planning Agreement (**Appendix 23**) to deliver upgrades of public benefit including pedestrian and cyclist connections to and from the Wingham town centre. The pedestrian and cyclist connections are inclusive of a rail crossing to provide unimpeded pedestrian access.

The Voluntary Planning Agreement will also facilitate a portion of the wastewater infrastructure for both the proposed site and the connection of the existing twenty-five (25) sites along the northern side of Wingham Road to the new sewer pump station.

The draft Planning Agreement will be exhibited concurrently with the Planning Proposal.

PART 1:

OBJECTIVES AND INTENDED OUTCOMES



PART 1 - OBJECTIVES OR INTENDED OUTCOMES

(s.3.33(2)(a) A statement of the objectives or intended outcomes of the proposed LEP)

The objective of this Planning Proposal is to amend the *Greater Taree Local Environmental Plan 2010* to:

- encourage land uses on the site consistent with the strategic vision of local and state strategic documents, and
- facilitate residential development over part of the site, and
- provide for the retention and conservation of areas of high environmental value within the site.

The intended outcomes are:

- to facilitate the creation of a residential community that is cohesive with the town of Wingham and, in doing so, contribute to increasing the supply and diversity of housing in Wingham,
- to provide economic benefit through the jobs and economic activity created during the construction phase, increased spending generated from the additional residents and, in doing so, help support local businesses, and encourage further investment and development in the area,
- to identify the site on the Urban Release Area map, pursuant to Part 6 of the *Greater Taree Local Environmental Plan 2010*,
- to rezone land to:
 - increase environmental conservation on the site
 - allow redevelopment of the site consistent with the strategic vision of an urban release area, and
- to introduce suitable development standards for each of the proposed zones.

PART 2:

EXPLANATION OF PROVISIONS



PART 2 - EXPLANATION OF PROVISIONS

The proposed amendments to the *Greater Taree Local Environmental Plan 2010*, as it relates to the site, are listed below and summarised in **Table 1**.

1. Amend the Land Zoning Map as it affects the subject land by changing the RU1 Primary Production zone to:
 - a) R1 General Residential
 - b) C2 Environmental Conservation
 - c) C4 Environmental Living
2. Amend the Lot Size Map as it affects the subject land by changing the lot size map from the 40ha minimum lot size to:
 - a) 450 m² (for land to be zoned R1)
 - b) 20ha (for land to be zoned C2)
 - c) 20ha (for land to be zoned C4)
3. Amend the Height of Buildings Map as it affects the subject land by changing from no maximum building height to an 8.5m maximum building height for the portion of the site proposed for the R1 General Residential zone. No maximum building height is proposed for C2 Environmental Conservation and C4 Environmental Living zoned land.
4. Amend the Urban Release Area Map to include the portion of the site proposed for the R1 General Residential zone on the Urban Release Areas Map.

Existing and proposed *Greater Taree Local Environmental Plan 2010* maps are provided in Part 4 of this report.

Table 1: Explanation of Provisions

Provision	Existing	Proposed
2.2 Zoning of land to which this plan applies	RU1 Primary Production	• R1 General Residential • C2 Environmental Conservation • C4 Environmental Living
4.1 Minimum Lot Size	40ha	• 450m² (within R1) • 20ha (within C2) • 20ha (within C4)
4.3 Height of Buildings	N/A	• 8.5m (within R1) • N/A (within C2 & C4)
Part 6 Urban Release Areas	N/A	• Inclusion of proposed R1 zoned land

Should the draft MidCoast Local Environmental Plan come into effect prior to the LEP amendment included in this Planning Proposal (PP-2025-2132) being made, the proposed amendments to the *draft MidCoast Local Environmental Plan (Gazettal date TBC)*, as it relates to the site, are listed below and summarised in **Table 2**.

1. Amend the Land Zoning Map as it affects the subject land by changing the RU4 Primary Production Small Lots zone (proposed under the draft MidCoast Local Environmental Plan) to:
 - a) R1 General Residential
 - b) C2 Environmental Conservation
 - c) C4 Environmental Living
2. Amend the Lot Size Map as it affects the subject land by changing the lot size map (proposed in the draft MidCoast Local Environmental Plan) from a 40ha minimum lot size to:
 - a) 450 m² (for land to be zoned R1)
 - b) 20ha (for land to be zoned C2)
 - c) 20ha (for land to be zoned C4)
3. Amend the Height of Buildings Map as it affects the subject land by changing from no maximum building height (as proposed under the draft MidCoast Local Environmental Plan) to an 8.5m maximum building height for the portion of the site proposed for the R1 General Residential zone. No maximum building height is proposed for C2 Environmental Conservation and C4 Environmental Living zoned land.
4. Amend the Urban Release Area Map (as it appears in the draft MidCoast Local Environmental Plan) to include the portion of the site proposed for the R1 General Residential zone on the Urban Release Areas Map.

Existing and proposed maps as shown in the draft MidCoast Local Environmental Plan are provided in Part 4 of this Planning Proposal.

Table 2: Explanation of Provisions – draft MidCoast Local Environmental Plan (Gazettal date TBC)

Provision	Existing	Proposed
2.2 Zoning of land to which this plan applies	RU4 Primary Production Small Lots	• R1 Low Density Residential • C2 Environmental Conservation • C4 Environmental Living
4.1 Minimum Lot Size	40ha	• 450m² (within R1) • 20ha (within C2) • 20ha (within C4)
4.3 Height of Buildings	N/A	• 8.5m (within R1) • N/A (within C2 and C4)
Part 6 Urban Release Areas	N/A	• Inclusion of proposed R1 zoned land on the Urban Release Area Map

PART 3: JUSTIFICATION

PART 3 - JUSTIFICATION

(s.3.33(2)(c) Justification of strategic and potential site-specific merit, outcomes and the process for implementation)

3.1 Section A – Need for the planning proposal

3.1.1 Is the planning proposal a result of an endorsed LSPS, strategic study or report?

Yes. The Planning Proposal aims to give effect to the below-listed strategic planning documents:

- MidCoast Council Local Strategic Planning Statement 2020,
- MidCoast Council Urban Release Areas Report 2021,
- MidCoast Housing Strategy 2021, and
- Hunter Regional Plan 2041.

Further detail on how the Planning Proposal would give effect to each of the above-listed local strategies is provided below. Consideration is given to the *Hunter Regional Plan 2041* in **Section 3.2**.

MidCoast Council Local Strategic Planning Statement (LSPS) 2020

The MidCoast Council LSPS:

- sets out the twenty (20) year vision for land use planning across the MidCoast,
- outlines how growth and change will be managed to maintain the high levels of liveability, environmental amenity and rural character that the MidCoast is renowned for, and
- aligns with the directions and actions contained in the *Hunter Regional Plan 2041*. It acts as a link between the strategic priorities identified in that plan and the finer-grained planning at the local level as expressed in the Local Environmental Plans and Development Control Plans (DCPs).

To assist in achieving the vision, the LSPS identifies ten (10) planning priorities. Each Planning Priority includes actions intended to be applied over the short, medium and long term. Consideration is given to the relevant planning priorities below.

Additional low-density residential housing in Wingham aligns with the following Planning Priorities contained within the LSPS:

- Planning Priority 3 – Deliver housing supply, choice and diversity

The Planning Proposal will facilitate a logical expansion to the town of Wingham. The Concept Precinct Plan (**Appendix 14**) prepared to support the Planning Proposal has been designed to provide additional supply of housing to the town, with a diversity of lot sizes to facilitate more housing choice. The smaller lots will provide a more affordable housing product which may suit smaller households or those looking to downsize. The larger lots are expected to appeal to families with young children.

- Planning Priority 4 – Place making in our towns and villages

The Urban Design Vision Report (**Appendix 15**) demonstrates how the Planning Proposal responds to this priority's focus on a "beautiful natural setting" by seeking to establish a respectful residential community in proximity to the riparian area of Cedar Party Creek. It also seeks to retain and enhance the corridor by proposing a conservation zone extend beyond the riparian area. The Concept Landscape Masterplan (**Appendix 16**) is also considerate of local natural features including the Cedar Party Creek and buttress roots of the local Moreton Bay Fig from Wingham Brush to achieve consistency with "the importance of local character" identified within the planning priority.

- Planning Priority 5 – Connect people and places

This priority seeks to improve public transport and pedestrian and cycling connectivity. The subject site is ideally located a short distance from the Wingham town centre, and primary and secondary schools. This proximity, in combination with pedestrian and cycle connections to the town proposed to be delivered under a Planning Agreement which will accompany the Planning Proposal, align closely with this priority.

The Letter of Offer to enter a Planning Agreement also includes a commitment for the provision of a railway pedestrian crossing to enable safe and unobstructed pedestrian access to the Wingham township.

- Planning Priority 6 – Protect and improve our environment

This priority involves protecting the diverse landscapes, species and biodiversity within the MidCoast LGA from habitat loss, degradation, and fragmentation from clearing, introduction of invasive plants and animals, and the impacts of climate change. This Planning Proposal involves including areas of the site with high biodiversity values in a conservation zone to protect and enhance these values.

Council also maintains that the revegetation of the riparian corridor should be undertaken by the applicant and will be investigated further at the Development Application stage.

- Planning Priority 7 – Improve our resilience

The location and boundaries of the proposed R1 General Residential zone have been determined in response to potential threats of bushfire and flooding to ensure a resilient community in alignment with this priority. Refer to **Section 3.3** for additional details.

Mid Coast 2035 - being MidCoast Council's Community Strategic Plan 2025-2035

The *MidCoast Community Strategic Plan* (CSP) is a roadmap for the future of the MidCoast area. In the development of this Plan, other key government plans and legislative frameworks were considered; in particular the *NSW State Plan*, the *Hunter Regional Plan 2041*, the *Local Government Act 1993* and the *Integrated Planning and Reporting Guidelines*, to ensure that there is alignment, and the community is working towards a shared vision.

The Vision of the CSP is:

Together we can make the MidCoast even better.

The Planning Proposal aligns with the following outcomes and strategies of the CSP:

- *Community Outcome: Our Wellbeing*
 - *Strategy W-2: Support the physical and mental health, and wellbeing of our community.*

The Planning Proposal delivers new residential areas that provide integrated community outcomes and walkable catchments encouraging active transport and connectivity to the Wingham township.

- *Community Outcome: Our Natural Environment:*
 - *Strategy NE-1: Protect our native flora, fauna and local ecosystems.*
 - *Strategy NE-5: Manage risks to our environment and communities from climate change and natural disasters*

The riparian area and associated buffer will retain a natural outlook combined with achieving conservation outcomes.

The Planning Proposal has been informed by a detailed Preliminary Biodiversity Development Assessment and Addendum Report (**Appendix 4**) which examined the site, including the consideration of rezoning of the land which will create integrated residential and conservation land use opportunities over suitable land within the site. The proposal will provide for the conservation of areas with high environmental values and improved wildlife corridor connections within the site.

The analysis of natural hazards such as flooding has included consideration of potential variation due to climate change as examined in Council's flood studies.

- *Community Outcome: Our places & Infrastructure*
 - *Strategy PI-2: Deliver housing to meet demand including social, affordable and accessible housing options.*

The Planning Proposal will permit residential land which will provide increased housing opportunities in the locality. Overall, this Planning Proposal is consistent with the values of the CSP.

MidCoast Housing Strategy 2021

The MidCoast Housing Strategy was adopted by Council in December 2020. The Strategy forecasts the MidCoast LGA will be home to an additional 21,000 residents between 2016 and 2036. It identifies there will be a need for an additional 10,300 dwellings to accommodate this population growth. The Strategy identifies the following relevant housing opportunities in Wingham:

- continuing to ensure a supply of the predominant and popular housing type – being detached housing.
- facilitating diverse housing types through a flexible zoning approach, whilst respecting the core heritage areas in the Wingham town centre.

The Strategy specifically references the site as a potential urban release area for R1 General Residential zoning. It also notes the site would provide a logical urban expansion to Wingham. Therefore, it is considered the Planning Proposal would give effect to this Strategy.

MidCoast Council Urban Release Areas (URA) Report 2021

The MidCoast Urban Release Areas Report 2021 considers whether land identified for rezoning in the Housing Strategy potentially has strategic merit, with regards to environmental constraints, the *Hunter Regional Plan 2036* (now superseded by the *Hunter Regional Plan 2041*) and the Strategic Directions contained in the Housing Strategy itself. In doing so, it intends to:

- provide increased certainty around the expansion of settlements in the MidCoast LGA.
- assist in meeting the 'Strategic Merit' requirement, which planning proposals for rezoning are required to meet.

The URA Report 2021 identifies the site as having a low level of environmental constraints and as offering a suitable opportunity for additional low-density residential land and the provision of a walkway/cycleway to the Wingham town centre. The report identifies the land as 'Wingham Urban Release Area 1'. Accordingly, the URA Report 2021 recommends the site be nominated as an urban release area in the medium term. Therefore, it is considered the Planning Proposal would give effect to this Strategy.

3.1.2 Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Yes. The Planning Proposal is the best way of achieving the primary objective and the intended outcomes as detailed in **Part 1** of this Planning Proposal, as:

- it would not be possible to redevelop the site for residential purposes under the current zoning of RU1 Primary Production, and
- the only way to change the zoning of the site is through a Planning Proposal.

As noted throughout the Planning Proposal, Council's strategic planning framework identifies the use of the land for future urban purposes, providing for residential development opportunities. The current RU1 Primary Production zone is restrictive in that the primary aim of this zone is to enable rural activities, and it only permits a small range of residential and commercial uses. The forty (40) hectare minimum lot size applying to the land is also contrary to this outcome.

Amending the zoning, as well as the height and FSR development standards (via a planning proposal) is the only feasible way the outcomes identified by the development strategies for the area could be realised. Therefore, the planning proposal approach is the most appropriate option.

Other options such as modifying the zones or varying the standards (via a Clause 4.6 variation) are not considered appropriate methods to facilitate the development of the area in accordance with Council's strategic planning framework.

3.2 Section B – Relationship to strategic planning framework

3.2.1 Will the planning proposal give effect to the objectives and actions contained within the applicable regional plan (including any exhibited draft plans or strategies)?

Yes, the Planning Proposal will give effect to the objectives of the *Hunter Regional Plan 2041*.

The *Hunter Regional Plan 2041* is a twenty (20) year land use plan prepared under the *Environmental Planning and Assessment Act 1979* (EP&A Act). It applies to the entire Hunter Region, including the MidCoast Local Government Area. The *Hunter Regional Plan 2041* sets the strategic land use framework for continued economic growth and diversification of the region and aims to unlock sustainable growth opportunities and investments, as well as housing choice and lifestyle opportunities.

The *Hunter Regional Plan 2041* sets out nine (9) high-level objectives which it seeks to achieve. These objectives are supported by strategies which set out the preferred pathway to achieve each objective. Planning proposals should generally be consistent with relevant strategies. Where a planning proposal is not consistent, it must be assessed against performance outcomes associated with the objective.

An assessment of the Planning Proposal against the relevant objectives and associated strategies and, where warranted, performance objectives is provided in **Appendix 1**. It finds the Planning Proposal is consistent with all relevant objectives.

3.2.2 Is the planning proposal consistent with Council's LSPS?

Yes, as outlined in **Section 3.1** the Planning Proposal is consistent with the relevant Planning Priorities of the MidCoast Council Local Strategic Planning Statement 2020.

3.2.3 Is the planning proposal consistent with any other applicable State and regional studies or strategies?

Yes, the Planning Proposal is consistent with the *Hunter Regional Plan 2041* as discussed in **Section 3.2.1**. The Planning Proposal will also enable the development of more housing in the MidCoast consistent with the relevant State and Federal initiatives.

3.2.4 Is the planning proposal consistent with applicable State Environmental Planning Policies?

Yes, the Planning Proposal is generally consistent with applicable State Environmental Planning Policies (SEPPs). A summary of the Planning Proposal's consistency with applicable SEPPs is provided in **Appendix 2**.

3.2.5 Is the planning proposal consistent with applicable Ministerial Directions (Section 9.1 directions) or key government priority?

Yes, the Planning Proposal is generally consistent with applicable Ministerial Directions. A summary of the Planning Proposal's consistency with relevant Ministerial Directions is provided in **Appendix 3**. Any inconsistency is justifiable with reference to a strategy, supporting study or because the inconsistency is minor.

3.3 Section C – Environmental, social and economic impact

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

A Preliminary Biodiversity Development Assessment Report (PBDAR) and accompanying Addendum Letter has been prepared for the site by consultants Ecoplaning (**Appendix 4**). The PBDAR claims to:

- provide an assessment of the site in accordance with Stage 1 of the Biodiversity Assessment Method (BAM) 2020, and
- document the predicted impacts to biodiversity values at Development Application stage, should the Planning Proposal be finalised and gazetted.

The PBDAR identifies the 'subject land' as the area of the site proposed for the R1 General Residential zone. In addition, sections of the C4 Environmental Living zoned land that are proposed to contain the retaining wall, batter and bio-retention basins, as well as any area likely to be directly impacted by works (at Development Application / construction stage) associated with this zoning (a total of 32.51ha). Council previously had concern that the PBDAR defined the 'study area' as being the entire site (63.56ha), though this doesn't align with the extent of the assessment. Council had been of the view that the report failed to consider the residue land and associated effects from the R1 General Residential zoned area.

The findings and recommendations of the initial PBDAR is detailed below.

Flora

With regard to flora, the PBDAR identified:

- 3.42ha of 32.51ha of the subject land contains native vegetation, made up of the following plant community types (PCTs):
 - 0.10ha of PCT 4042 - Lower North Riverflat Eucalypt-Paperbark Forest. This PCT is associated with:
 - Subtropical Coastal Floodplain Forest, which is a threatened ecological community (TEC) under the NSW *Biodiversity Conservation Act 2016*
 - Subtropical eucalypt floodplain forest and woodland of the New South Wales North Coast and South East Queensland bioregions under the Commonwealth *Environmental Protection and Biodiversity Conservation Act 1999*.
 - 3.32ha of PCT 3329 - Northern Hinterland Valleys Red Gum Grassy Forest, which was assessed as not being associated with a threatened ecological community (TEC).
- both PCTs were assessed as being in a 'degraded' state, having been cleared and grazed in the past and largely lacking a shrub layer and subject to weed infestation.
- the remainder of the subject land was identified as non-native vegetation, made up of 'exotic grassland' (29.07ha) and 'Camphor' (0.02ha).
- no threatened flora species within the subject land and none are likely to occur.

The location of the identified vegetation is shown in **Figure 2** and the location of the TECs is shown in **Figure 3**. Based on its findings, the PBDAR determined it was likely, under a future Development Application that:

- 66 ecosystem credits would need to be retired to offset the impacts to PCT 3329
- 3 ecosystem credits would need to be retired to offset the impacts to PCT 4042

- no offsets would be required in relation to the areas mapped as 'exotic grassland' and 'Camphor'.
- owing to the small impact (0.10ha) the proposed development will not result in a significant impact to the TEC.

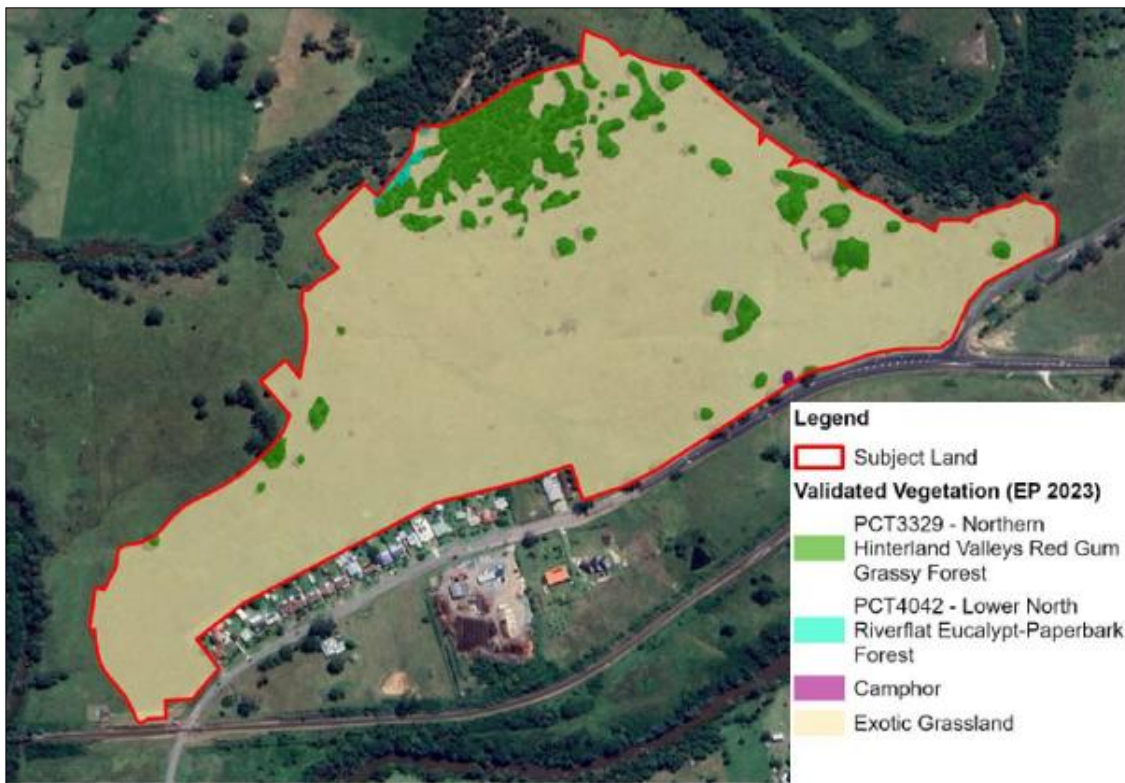


Figure 2: Identified vegetation within the subject land (Source: Ecoplanning)

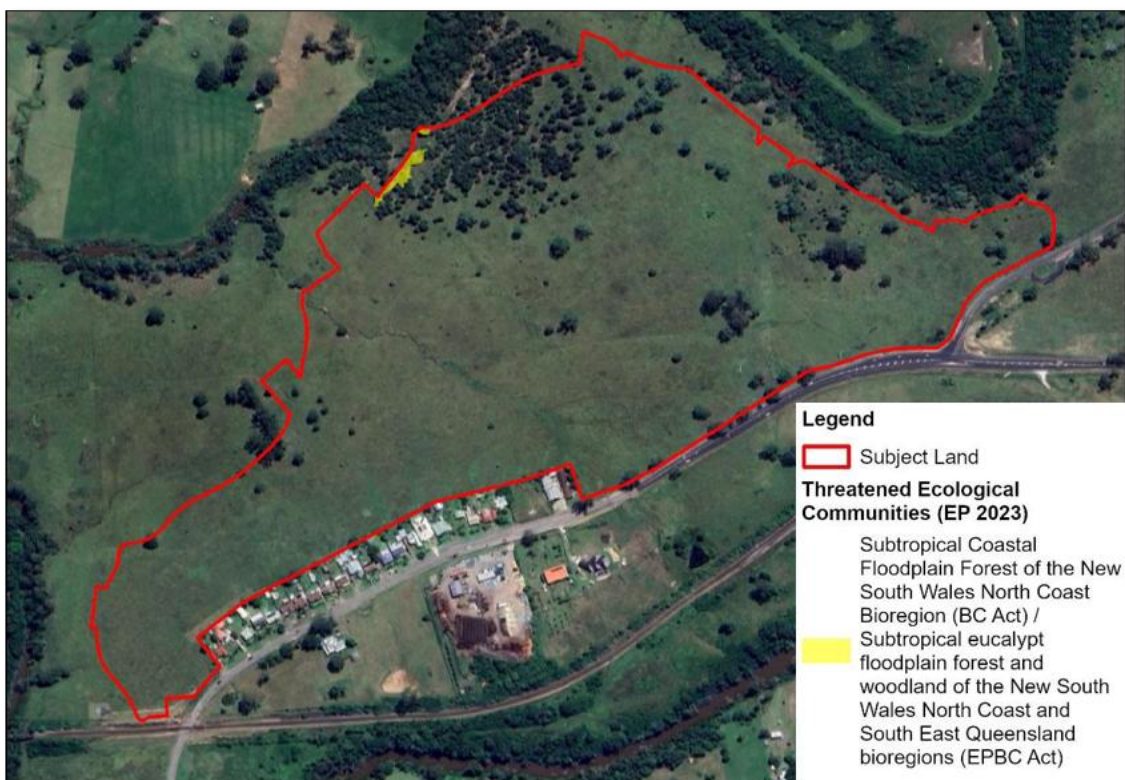


Figure 3: Threatened ecological communities within the subject land (Source: Ecoplanning)

Fauna

With regard to fauna, the PBDAR found:

- no evidence of koalas being present within the subject land through targeted surveys.
- suitable habitat for a number of threatened fauna species in the form of 21 hollow bearing trees within or in close proximity to the subject land.
- targeted surveys for the following threatened fauna species should be undertaken with a Biodiversity Development Assessment Report (BDAR) at Development Application stage:
 - Gang gang cockatoo
 - Glossy black cockatoo
 - Southern myotis
 - Powerful owl
 - Masked owl
 - Barking owl

Avoid and minimise

The PBDAR noted the following with regard to avoidance and minimisation measures which have informed the Planning Proposal:

- the 'study area', being the entirety of the subject site (as opposed to the 'subject land' being the R1 General Residential and C4 Environmental Living land only), is 61.37ha and contains 11.25ha of native vegetation. Of this vegetation, only 3.42ha would be directly impacted by the proposal. Just 0.10ha of this is identified as a TEC, and all of it is identified as fragmented and degraded,
- 7.83ha of native vegetation would not be directly impacted,
- the proposed R1 General Residential and C4 Environmental Living zoned land, where direct impacts would occur, are at least 50m from Cedar Party Creek,
- the Cedar Party Creek riparian area, which contains the highest biodiversity values within the site:
 - would experience no direct impacts,
 - would be protected from future impacts by the proposed C2 Environmental Conservation zoning.

The PBDAR further noted that, of the twenty-one (21) hollow bearing trees with habitat supporting potential, opportunities exist to retain approximately fifteen (15) of them, subject to detailed design at the Development Application stage. Nest boxes should be used to replace hollow bearing trees which are unable to be retained.

Overall, the PBDAR found that the Planning Proposal has been designed in a way that avoids impacts to land of highest biodiversity values within the study area. Impacts of the Planning Proposal would largely be limited to exotic vegetation, avoiding intact native vegetation, threatened ecological communities and, to the greatest extent practicable, watercourses. The remnants of native vegetation within the area proposed to be rezoned for residential are generally small, fragmented, and subject to existing disturbance from grazing and weeds.

Importantly, following submission and return of the initial Planning Proposal to DPHI in March 2025, the proponent has worked with Council, DPHI and the Department of Climate Change, Energy, the Environment and Water (DCCEEW) to prepare an amended concept plan and Addendum to the BDAR. The amended plan has reduced the footprint of the residential zoned land and increased the extent of the C2 Environmental Conservation zoned land, which has reduced the areas of HEV previously identified for removal. The amended concept plan is accompanied by an Addendum letter from the proponent's ecologist, supporting the amended residential footprint (**Appendix 17**).

The amendments have resulted in the area of native vegetation identified as being impacted by the development being reduced from 3.42ha to 0.73ha with no impact on PCT 4042 (the PCT is associated with the TEC, Subtropical Coastal Floodplain Forest (*NSW Biodiversity Conservation Act 2016* – as endangered)).

In addition to reducing the scope of impact on native vegetation, the plans have specifically been amended to avoid impacting on eighteen (18) hollow bearing trees of various sizes.

Council's Senior Ecologist has attended the site and reviewed the Planning Proposal with a focus on the PBDAR and subsequent Addendum Report. The review has concluded that the Planning Proposal was suitable to progress to seek a Gateway Determination and finalisation of the proposed LEP amendments with a detailed assessment to occur at the Development Assessment stage.

DCCEEW have reviewed the amended concept plan prior to seeking a Gateway Determination and have provided in principle support subject to a detailed assessment which will occur during the agency consultation period.

The final footprint of impact (including the extent of the associated civil works) will not extend beyond the line shown dashed black in **Figure 4** below.

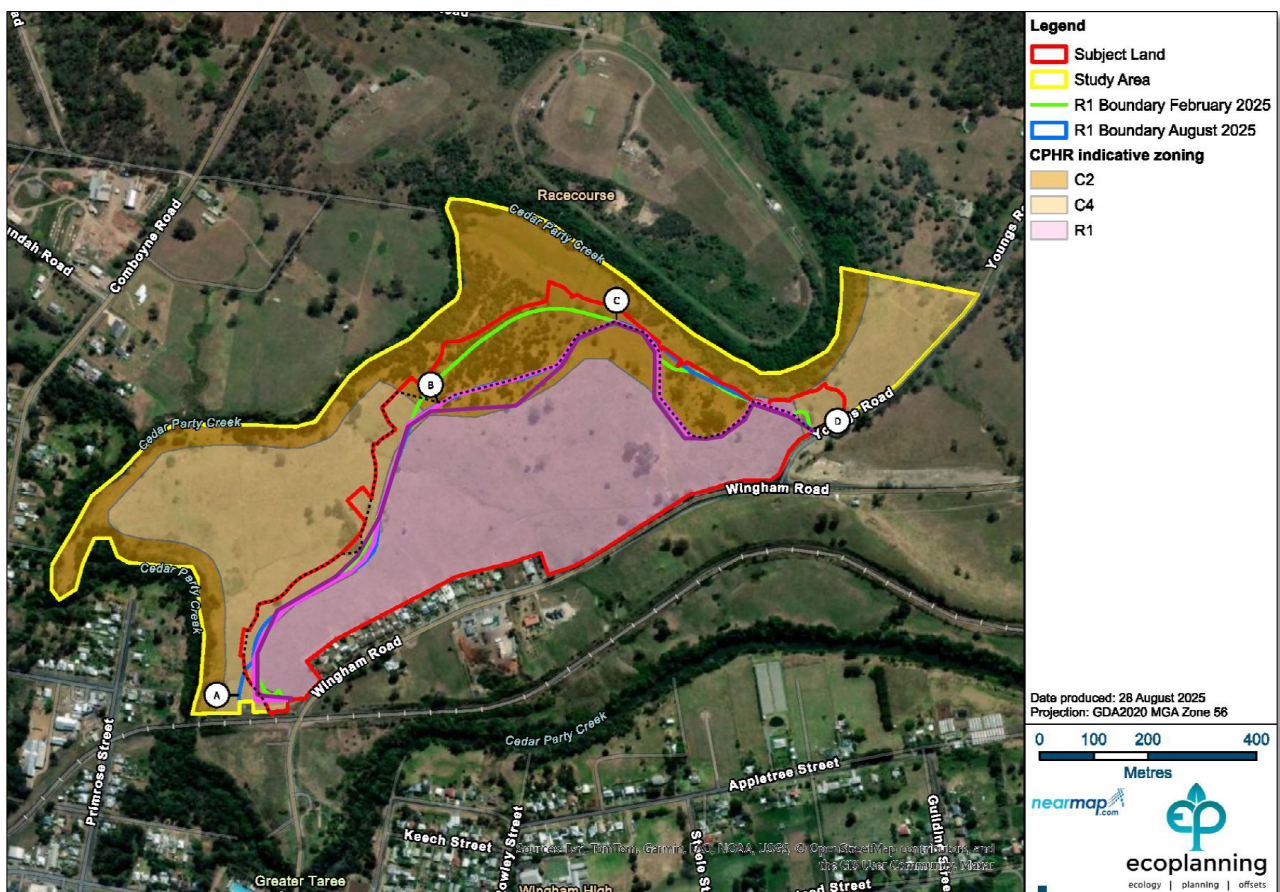


Figure 4: Proposed extent of works on the site (Source: Ecoplanning in consultation with council)

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

In addition to biodiversity, the Planning Proposal has considered the following environmental effects:

Bushfire

A Strategic Bushfire Study (SBS) has been prepared in support of the Proposal by Peterson Bushfire (**Appendix 5**). The SBS considered the requirements of the NSW Rural Fire Service (RFS) document Planning for Bushfire Protection (PBP) 2019 and Ministerial Direction 4.3 – ‘Planning for Bush Fire Protection’. The SBS includes:

- a risk assessment of the site including consideration of vegetation, topography, fire weather and fire history, and
- modelling to predict likely fire intensity and behaviour under different bushfire scenarios.

Based on the risk assessment and modelling, the SBS determined:

- most of the land surrounding the site in all directions is cleared lands or grassland with a gentle topography,
- accordingly, any fires affecting the site would likely be lower intensity grass fires; the development of a high intensity fire front towards the site is not possible, and
- future subdivision at the site should be considered a ‘medium’ risk which is deemed acceptable for low density residential development subject to appropriate bushfire protection measures being reflected in the ultimate design, including:
 - Asset Protection Zones (APZs),
 - a perimeter road,
 - a compliant internal road layout for evacuation and emergency response and
 - adequate hydrant supply.

The SBS included an assessment of the previous Concept Precinct Plan against the required bushfire protection measures listed above and found:

- APZ:
 - an ‘acceptable solution’ APZ is able to be provided along the northern and western interface of the proposed R1 General Residential zone and will consist of a perimeter road and building setbacks within lots. Wingham Road and Youngs Road will provide the necessary APZ to the east and south,
 - the C4 Environmental Living zoned lots would be large enough that a building envelope and APZ can be accommodated within each lot. The exact locations of these can be determined at Development Application stage.
- Perimeter Road:
 - a perimeter road has been provided between the proposed R1 General Residential lots and the bushfire hazards to the north and west (within the proposed C4 Environmental Living zone) and beyond,
 - the C4 Environmental Living lots would not require a public perimeter road due to their large size and the degree of separation that would exist between each building.
 - fire-fighter access around building envelopes in the C4 Environmental Living zone can be achieved by internal driveways within each lot.
- Access and road capacity:
 - the single access point from Wingham Road will be complemented by two additional emergency access points; one at each end of the site.
- Emergency services and infrastructure:
 - four (4) fire stations are within proximity of the site. This is considered suitable,

- the PBP acceptable solution requirements for water, hydrant spacing, gas and electricity are expected to be achievable for future development.

The SBS concluded that expansion of residential development into the site will be suitable within the context of bushfire risk.

Council acknowledges that the bushfire risk may change based on the final plans and environmental outcomes for the site. However, based on the updated Concept Precinct Plan provided which reduces the potential residential land and the current landscape characteristics of the nearby area, Council is satisfied that the SBS has demonstrated the suitability for the residential use of the land subject to detailed assessment at the Development Application stage.

To avoid any doubt regarding the relevance of the report with regard to the amended concept plans and reduced residential footprint, the proponent has provided an Addendum Letter to the SBS prepared by Peterson Bushfire which concludes that the amended footprint does not change the suitability of the proposal from a bushfire perspective. The letter is included as an Addendum to **Appendix 6**.

Flooding

A flood impact and risk assessment has been prepared in support of the Proposal by Torrent Consulting (**Appendix 7**). Its findings are considered in detail below. Based on these findings, the assessment concludes that the Planning Proposal is compatible with the flood function and behaviour of the land. In particular, the Planning Proposal would:

- present a low risk to property and to life from flooding,
- would not adversely impact existing flood conditions or result in detrimental increases in the potential flood affectation of other properties.

Risk Assessment

The risk assessment included TUFLOW modelling and investigated the existing and post-development flood conditions for a range of flood events including the 5%, 2%, 1%, 0.5%, 0.2% and 0.05% Annual Exceedance Probability (AEP), as well as the probable maximum flood (PMF).

The initial assessment noted there are two potential flood events which could impact the site; the flooding of the Manning River catchment and the flooding of the Cedar Party Creek catchment.

Regarding a flood event involving the Manning River catchment, the assessment determined:

- the proposed minimum level in the R1 General Residential zone of 17.8m AHD represents around a 1-in-10,000-year (or 0.01% AEP) flood level on the Manning River. Therefore, the risk to life exposure from flooding for future residential subdivision is minimal,
- isolation of the site would occur:
 - from the town of Wingham during 1-in-100-year (1% AEP) events for 12-36 hours. However, warning would be available of this isolation at least 24 hours in advance,
 - from the town of Taree during 1-in-20,000 year (0.005% AEP) events.
- the flood hazard exposure for at least part of the site would be considered as 'high'. For rare events where isolation is a possibility, an evacuation order may be issued by the SES. However, existing capabilities mean that over 24 hours warning is able to be given.

Regarding a flood event involving the Cedar Party Creek catchment, the assessment determined:

- the proposed level of 17.8m AHD represents around a 1-in-1,000,000-year flood level on Cedar Party Creek. Therefore, the risk to life exposure from flooding would be minimal.
- isolation of the site would occur:

- from the town of Wingham during a 1-in-20,000-year (0.005% AEP) event.
- from the town of Taree in during a 1-in-600,000-year event.
- the flood hazard exposure would be low, meaning that residents would be safe sheltering from flood waters in their homes.

Council's Flooding and Drainage Team sought additional advice from the NSW State Emergency Service (NSW SES) as is practice for all rezoning proposals noting that further consideration of evacuation during flood events would be beneficial and additional consideration such as including warning mechanisms, specific routes, timelines, the numbers of additional people to be handled by evacuation centres and how they will be managed.

A response was received from the NSW SES on 19 December 2024 which outlined key considerations, a number of which were already addressed in the current FIRA. The NSW SES had no specific objection and requested a full review of the Planning Proposal following Gateway Determination. The NSW SES have provided advice on a number of occasions and have been provided the opportunity to complete a detailed assessment during the agency consultation period.

The recommendations of the NSW SES and DPHI responses have been considered in the amended FIRA (page 112 of **Appendix 7**) and incorporated into the final residential footprint shown in the amended Concept Precinct Plan (**Appendix 14**) which is included below in **Figure 5**. The amendments to the FIRA included commentary addressing the NSW SES concerns, the reduction in dwelling sites and civil works within the flood prone land and the inclusion of and consideration of the building envelope for the C4 Environmental Living zoned land.

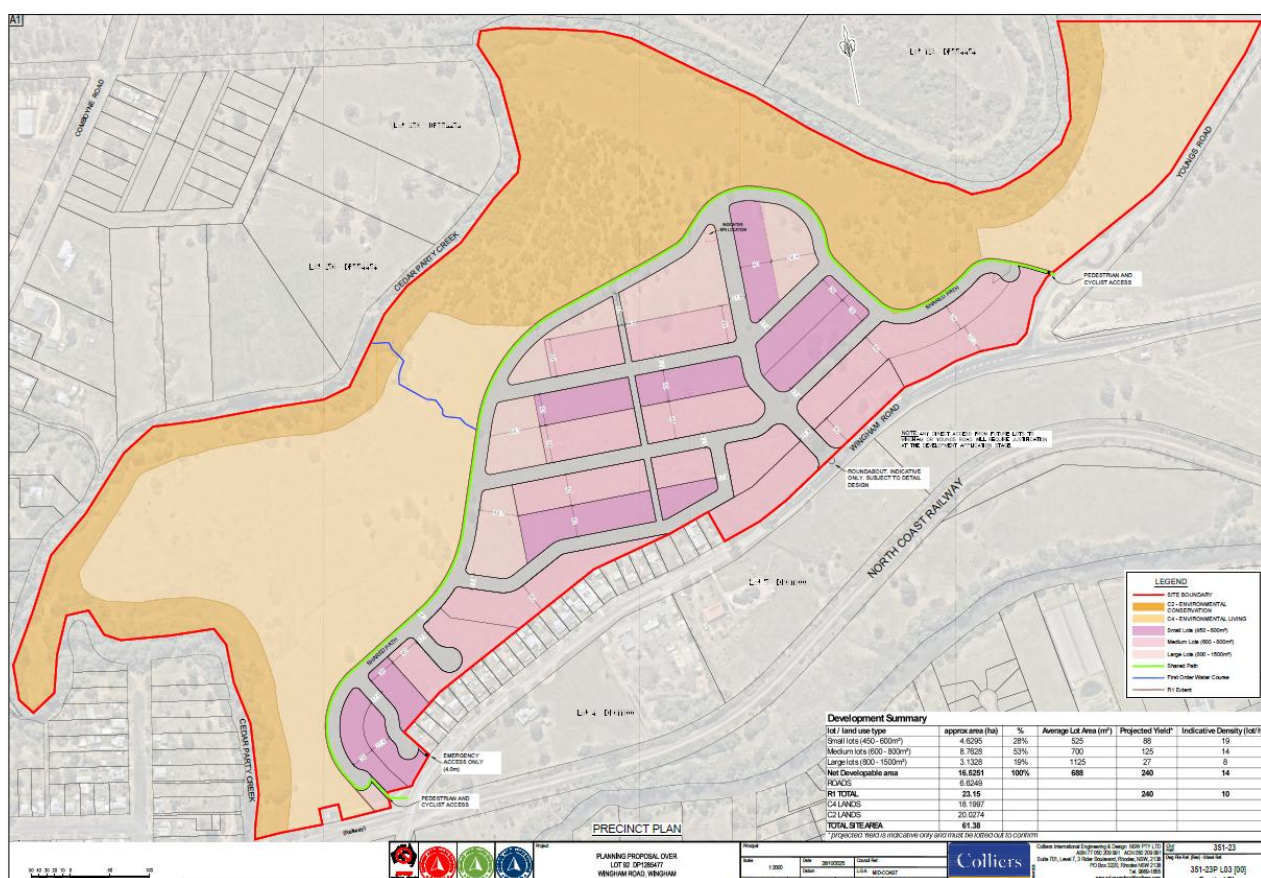


Figure 5: Concept Precinct Plan (Source: Colliers)

The amended concept civil engineering plans (**Appendix 18**) consider bulk earthworks across the site to facilitate development. The plans include some nominal fill area within existing flood areas. TUFLOW modelling was used to assess the impact of fill on existing flood conditions. The impact assessment indicated that the proposed fill would have no material impact on existing flood conditions, including on other properties, across the range of flood events considered.

Detailed assessment of the potential impacts of development within the flood areas will also be required at the Development Application stage once the final civil plans have been prepared including the final locations of the bio-retention systems and on-site detention basin.

The amended Civil Plans are reflective of the agreed footprint as shown in **Figure 6** below. The proponent has agreed that the stormwater infrastructure and civil works shown below will not extend beyond the agreed footprint in **Figure 5**.



Greater Taree LEP 2010 – Wingham Road, Wingham
January 2026

Traffic Impacts

A Traffic Impact Assessment (TIA) has been prepared for the proposed development of the site by Intersect Traffic (**Appendix 9**).

The TIA assumed an ultimate development yield of up to 294 dwellings which would be fully occupied by 2040. Based on this assumption, it estimates the development would generate an additional 2,176 vehicle trips per day, with 250 of those in the morning peak and 265 of those in the afternoon peak.

Using traffic counts and SIDRA modelling, the TIA determines:

- the existing road network around the site is operating below its two-way mid-block technical capacity thresholds and has capacity to accommodate the additional traffic which would result from the Planning Proposal,
- nearby intersections would continue to operate satisfactorily through to 2040, notwithstanding the Planning Proposal,
- queuing at the Wingham Road railway crossing would increase from 27 vehicles to 29 vehicles in the morning peak and from 25 to 28 vehicles in the AM peak. This assumes a road closure of five minutes, typical for freight trains. For a passenger train, the closure (and associated impacts on queuing) would be less, and
- the most appropriate treatment for the main site access off Wingham Road would be a single lane roundabout. This would avoid excessive delays for vehicles turning right from the site onto Wingham Road. A Preliminary Roundabout Design (**Appendix 19**) has been prepared by DRB Consulting Engineers utilising a dual lane roundabout to meet the existing geometry of the road to demonstrate that the roundabout can be achieved. The design confirms that the additional turning/through lane may be deleted with adjustment to the roundabout line-marking.

The TIA also noted that the previous Concept Precinct Plan:

- represents best practice insofar as it generally provides T-intersections as opposed to cross-intersections and provides only short length cul-de-sacs,
- would involve a number of lots gaining direct access to Wingham Road and Youngs Road. This is considered acceptable with an extension of the 60 km/h speed zoning east past the Youngs Road intersection in the case of Wingham Road as well as a short length along Youngs Road. It is noted that:
 - there are already approximately 25 dwellings adjacent the site connecting directly to Wingham Road and the Proposal would represent only a minor increase,
 - Transport for NSW (TfNSW) has been consulted regarding a proposed speed limit change.

Since submission of the Proposal to Council in November 2024, preliminary discussions with Transport for NSW (TfNSW) have been undertaken by Council and the proponent. TfNSW have indicated they have no significant concerns at this stage but have again highlighted a preference for a reduction in or the removal of lots fronting Wingham Road. Council also has the preference for no lots fronting Wingham Road but acknowledges that this can be investigated further at the Development Application stage. If necessary, lots could be articulated away from the Wingham Road frontage through the design and/or assessment processes at the Development Application stage.

TfNSW have also questioned the applicant's response to their pre-lodgement meeting comments and their subsequent review of the scoping document regarding the potential lot yield based on the proposed 450m² minimum lot size proposed. The concern was around how the TIA could demonstrate suitability given the potential lot yield could be higher than the 294 lots covered in the TIA.

The proponent has suggested there would not be a significant increase in lot yield and there is no need for an amended report and lot yield controls. The applicant has indicated they are willing to consider a lot yield control if required. Further discussion on the lot yield is included in the letter prepared by Hampstead Property included in the Planning Proposal as **Appendix 23**.

Since initial assessments from TfNSW the residential footprint and lot yield has been reduced from that detailed in the initially reviewed plans and it is expected that the concerns previously raised by TfNSW regarding capacity for additional lots and how that is considered in the TIA will be resolved with a review of the amended plans. Despite the reduction in footprint, the development has maintained the same internal road design supported by TfNSW.

To avoid any doubt regarding the relevance of the report with regard to the amended concept plans and reduced residential footprint, the proponent has provided an Addendum Letter to the TIA prepared by Intersect Traffic which concludes that the amended footprint does not change the suitability of the proposal from a traffic perspective.

Aboriginal Heritage

An Aboriginal Cultural Heritage Assessment (ACHA) has been prepared for the site by McCardle Cultural Heritage in consultation with a number of registered Aboriginal parties (RAPs) (**Appendix 6**).

The ACHA notes there are six known Aboriginal sites recorded within 2km of the site, including two artefact sites, one burial, one stone arrangement, one ceremonial ring and one Aboriginal ceremony and dreaming/burial/potential archaeological deposit. However, there are no known Aboriginal sites or Aboriginal places within the site itself.

The ACHA included a strategic assessment of the site's geographical features, particularly the presence of a dependable fresh water source, associated subsistence and medicinal sources, and elevated land along its length. The assessment concluded that possible artefact scatters (such as hearths or grinding stones, which are evidence of food preparation) could be found along Cedar Party Creek with the highest concentration being within 50m of the creek. This area has therefore been identified as a potential archaeological deposit (PAD).

As the Planning Proposal will not result in any works within at least 50m of the creek, the PAD should not be disturbed by the Planning Proposal. Based on this, the ACHA concludes the Planning Proposal is unlikely to result in any impacts to the potential archaeological record. Notwithstanding, it provides a number of recommendations for implementation at the Development Application and construction stages, such as creating an unexpected finds procedure and legislative and cultural awareness training for workers at the site. Should the Planning Proposal be gazetted and made, the subsequent Development Application will include the recommendations as conditions of consent.

The C2 Environmental Conservation zone has also been applied to the buffer area for the riparian zone which ensures limited development within the area. The reduction in the residential footprint proposed in the amended concept plans further reduces the likelihood of impact on items or areas of Aboriginal or non-indigenous heritage.

Based on the available information, Council does not reasonably believe the Planning Proposal will have any impact on any items of non-indigenous heritage. The development is not expected to have any detrimental impacts on the gateway entry to the historic town of Wingham.

Environmental (contamination)

A Preliminary Site Investigation (PSI) has been undertaken by consultants Regional Geotechnical Solution (**Appendix 8**). The Investigation includes a desktop assessment of the site's history and prior uses, a field investigation and laboratory testing of soil samples. It concludes that:

- concentrations of any chemicals of concern were either below the laboratory detection limit, or below the adopted health investigation criteria for a 'Residential A' site.
- the site would be suitable in its current state for future residential land use, subject to conditions relating to appropriate site preparation works and management protocols.

Council's Environmental Health Team reviewed the initial Preliminary Site Investigation and completed a preliminary assessment which included the review of a Site Audit Report (SAR) prepared by Ramboll Australia Pty Ltd (Ramboll) for Caltex Australia Pty Ltd (Caltex) Reference 318000089, dated October 2018 which was prepared for the former service station on the land adjoining to the subject site being 1036-1038 Wingham Road, Wingham. The Site Audit Report identified that while remediation of the site had occurred the groundwater contamination had not been delineated and the flow direction was identified as being north, towards the subject land.

The PSI reports that vapour readings ranging from 'negligible' to 'low to moderate' were recorded in boreholes and advises that:

'residual hydrocarbon impacts to groundwater are likely to be present near the southern boundary as a result of off-site activities (the former service station and existing smash repair business). On the basis of the findings of this investigation it is considered unlikely that these impacts, which will further attenuate over time, will pose an unacceptable risk to future site users from a vapour inhalation. However, should extraction of groundwater for any use be considered, then an appropriate sampling assessment of these impacts should be undertaken prior to use to make a suitability for use evaluation'.

Given the uncertainty of the groundwater impact being delineated and the vapour readings taken within the subject site, Council requested the applicant to undertake additional investigations of groundwater and the provision of a Detailed Site Investigation (DSI) to determine if management actions or restrictions were required.

A DSI has since been prepared by Regional Geotechnical Solutions (**Appendix 8**) which includes additional testing for hydrocarbon contamination and vapour intrusion. The testing included the addition of two (2) boreholes at 17.4m and 11.1m to confirm there had been no contamination plumes from the former service station impacting upon the site. Groundwater encountered at each of the boreholes was analysed and it was identified that the concentrations of chemicals were below the health investigation criteria for a Residential A site. Vapour sampling at the boreholes also only encountered negligible vapour concentrations. The findings were peer reviewed by Dr David Tulley Certified Environmental Practitioner Site Contamination Specialist (Certification no. SC40084).

Based on the information available, Council is now satisfied that the Planning Proposal is suitable from a contamination perspective, and it is anticipated that Conditions of Consent will be included on subsequent Development Applications to include provision for an unexpected finds protocol during development.

Further discussion on Contamination is included in the Ministerial Directions assessment included with the Planning Proposal (**Appendix 3**).

Geotechnical conditions

A limited Geotechnical Assessment has been prepared for the site by DRB Consulting Engineers (**Appendix 8**). The assessment included:

- a desktop study of available government agency maps relating to soil and landscapes, acid sulfate soil risk, and coastal quaternary geology, and
- a field investigation which comprised of a visual assessment of the site and surrounds, the excavation of 14 boreholes and the driving of 14 dynamic cone penetrometer probes.

The assessment concluded that:

- the site is considered suitable for residential development with footing systems able to be designed in accordance with the standard requirements of AS2870 – Residential Slabs and Footings,
- the site is considered geotechnically suitable for future residential road construction,
- the tested soils can be considered to be Non-Aggressive for steel piles and Mild to Moderately Aggressive for concrete piles,
- the site is not considered to be constrained by saline soils, and
- Acid sulfate soils may impact the site. Therefore, an Acid Sulfate Soil Management Plan should be provided as part of the construction phase of the project.

Council is satisfied that there is sufficient detail provided within the Geotechnical Assessment to demonstrate the suitability of the site for a residential use for the purpose of progressing the Planning Proposal to seek a Gateway Determination and finalisation of the amendment. However, it is acknowledged that further detailed investigations may be required during the Development Application stage given the land is flood prone, includes landform modification and the identified potential for Acid Sulfate Soils to be present on the land.

Acoustics and Vibration

A Transport Corridor and Shooting Range Noise Impact Assessment (NIA) has been prepared in support of the Planning Proposal by Amenity Acoustics (**Appendix 10**) to determine the impact of nearby noise sources on future residents. The NIA identifies four (4) potential noise sources impacting the site:

- road traffic noise from Wingham Road and Youngs Road,
- train noise and vibration from the Main North Railway Line,
- shooting range noise from the nearby Taree-Wingham Clay Target Club,
- model aircraft noise from the nearby Manning River Model Aero Club which operates on the Wingham Racecourse Reserve.

Using attended and unattended noise monitoring, the NIA assessed each of the above noise sources against the requirements set out in the NSW Department of Planning's *Development Near Rail Corridors and Busy Roads – Interim Guideline* (DNRCBR) 2008. It determines that:

- future occupants of the development would not be subject to excessive internal noise from any of the above-listed sources subject to standard noise mitigation measures being incorporated in those building façades directly exposed to traffic and shooting range noise,
- any noise impacts related to Wingham Road would be further reduced should the speed limit in front of the site be reduced to 60km/hr as recommended in the TIA,
- with regard to noise from the shooting range:
 - appropriate levels of public safety and amenity would be achieved when assessed against the NSW Environmental Protection Authority's *Target Shooting Ranges: Application Note for Assessing Noise Compliance*,

- there would remain scope for the shooting range to hold more frequent events or intensify its operations, whilst still remaining compliant with the Application Note (noting no comment or assessment is made against existing dwellings which are in closer proximity to the shooting range),
- the proposed residential uses and the shooting range are therefore reasonably compatible land uses and land use conflict is unlikely to arise from the Proposal.
- the Proposal is consistent with the objectives of Ministerial Direction 5.4–Shooting Ranges (refer to **Appendix 3** for details),
- no detailed vibration assessment is warranted as:
 - all future residential buildings will be more than 25m from the rail track, which is the distance within which the DNRCBR requires vibration assessments,
 - the existing and proposed ground conditions are favourable to stifle vibration,
- received sounds from the model aero club may be audible. However, they are unlikely to be any louder than the ambient noise in the area such as insect noise, road traffic noise and wind in the trees as all of these are high frequency noises.

Following a detailed review of the NIA, Council's Environmental Health Team raised concern for the potential for land use conflict between the exiting Taree-Wingham Clay Target Club and the proposed residential land on the subject site. It was identified that the noise from the shooting range would be clearly audible and potentially the dominating noise source in the area when in use while the report suggests the noise from the shooting range would not be 'offensive' as it did not occur often and is largely on weekends.

Given there are currently no time of use or noise restrictions applying to the shooting range, there is concern regarding the actual frequency and duration of operations. The NIA proposed the inclusion of building noise treatment controls and further acoustic assessment at a later stage. The detail included in the NIA while being satisfactory regarding vibrations and noise associated with the Classified Road, was deficient regarding the noise associated with the shooting range and further clarification was requested. Following meetings with the applicant and the engagement of an external acoustic consultant by Council, a detailed request for further information was issued to the applicant.

The applicant has since provided an amended NIA which has been reviewed by Council's Environmental Health Team and their acoustic consultant, Day Design Pty Ltd who have both considered the NIA to be sufficient for the purpose of progressing the Planning Proposal to seek a Gateway Determination and subsequent finalisation of the LEP amendment with specific construction levels to be determined at a later stage (prior to any development on the site).

It is envisaged that detailed acoustic considerations will also be incorporated into the future Development Control Plan (DCP) to ensure acoustic levels are provided with the first development or subdivision application on the land. This will alleviate the need for acoustic reports being prepared for each of the individual lots.

It is also noted that while the assessment is considered suitable at this point in time, it is also contingent on the current operation of the shooting range and that if this changes the noise impact could be considered 'unacceptable'. Further consideration of the potential hours of operation of the shooting range should be considered at the DCP and Development Application stage.

To further support the consideration of noise from the shooting range and to address concerns that the provided acoustic report does not address a potential intensification of use at the shooting range, Council has relied upon legal advice that has been provided by the proponent discussing the operation of developments that are 'existing uses' (such as the Shooting Range) as defined in Division 4.11 – Existing Uses of the *Environmental Planning and Assessment Act 1979* which are operating under existing use rights and how operating hours would be considered would be considered within that context.

The legal advice generally speaks to circumstances in which such use may be lawfully altered, enlarged or expanded and concludes that it is up to the person seeking the changes or intensification to rely on the 'existing use rights' to demonstrate their existence and should the existing use be demonstrated, the rights are generally limited to the continuation of that existing use only and cannot be changed (including altered, enlarged, or intensified) without first obtaining separate development consent for such change.

Noise impacts associated with the Shooting Range are also discussed in the Ministerial Directions assessment included with the Planning Proposal (**Appendix 3**).

Stormwater Management

DRB Consulting Engineers have prepared a Stormwater Management Strategy for the Proposal, set out in the concept civil engineering plans (**Appendix 18**) and associated conceptual Design Report, which includes MUSIC and DRAINS modelling (**Appendix 17**).

The strategy proposes a combination of on-lot rainwater tanks and six end of line biofiltration basins to satisfy Council's water quality and quantity requirements. The detention basins would mitigate post-development flow rates to the pre-development flows for all storms up to the 100-year storm event and ultimately discharge towards Cedar Party Creek. The basins had been considered in the previous Concept Precinct Plan and are proposed to be zoned C4 Environmental Living.

The MUSIC modelling contained in the Design Report finds that, under the post-development scenario, the quality of the stormwater runoff leaving the site could improve when compared to the existing undeveloped scenario, resulting in a positive beneficial impact on downstream receiving waters.

Council's Estuary and Water Quality Team have reviewed the Planning Proposal with a specific focus on the Strategy. The review identified a number of items which were requested to be addressed which included:

- identifying six (6) bio-retention basins as being excessive for the development. The number of basins would also impose an unacceptable maintenance burden on Council that is not sustainable, and the consolidation of basins was recommended,
- the Planning Proposal included the on-site detention and bio-retention basins being included within the one basin. This creates unnecessary risks such as inundation and damage to the pollutant removing plants, blockage of drainage systems and scouring. This approach is therefore not appropriate, and the applicant was requested to separate the on-site detention and bio-retention basins,
- the Planning Proposal failed to integrate the bio-retention basins as development features as requested at the pre-lodgement meeting. The basin locations were included outside of the residential footprint and had not considered the benefits of green space provided by a well-designed water quality treatment system,
- the funding of the ongoing maintenance of the water quality assets was also questioned given the high ongoing maintenance costs attributed to the bio-retention basins. Either an upfront developer contribution or special rate variation were discussed with the applicant,
- the methodology for the preparation of the MUSIC modelling was requested as the plans identified multiple basins and yet the modelling was provided based on one (1) basin and identified the 'lots' node as rural rather than residential. The modelling also failed to include the lot within the C4 Environmental Living zoned land,
- concern was raised regarding the suitability of the strategy and bio-retention basin systems given the minimum lot size proposed and the potential for a substantial increase in dwelling sites when considering the land area within the urban release area.

The applicant has since responded and addressed some of these items, though there is outstanding information which is agreed can largely be finalised at the development assessment stage. The site has sufficient area within both the residue lot and the residential footprint to accommodate an integrated bio-retention system.

The applicant's previous response regarding stormwater is further discussed in **Appendix 17**.

The applicant has agreed that if suitable area cannot be provided for the consolidated bio-retention basins within the agreed area for development within the C4 Environmental Living land shown in **Figure 4** and **Figure 6**, that they will need to be located and integrated within the residential footprint. The applicant also acknowledges that the systems must not further impact on the site's biodiversity. Despite the Stormwater Management Strategy referencing the previous concept plans, it remains sufficient to progress the proposal as it demonstrates the site is capable of containing the stormwater system for the higher lot yield and is therefore considered suitable for progressing the application to progress to seek a Gateway Determination and subsequent finalisation of the LEP amendment.

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

A Social and Economic Impact Comment (SEIC) has been prepared in support of the Proposal by Hill PDA Consulting (**Appendix 11**). It advises that the development could result in up to 300 new dwellings and around 690 new residents.

With regard to economic impact, the SEIC determines the Planning Proposal:

- would result in a significant benefit to the local economy through the jobs and economic activity created during the construction phase; increased spending generated from the additional residents; and opportunities to support work-from-home jobs. This would stimulate the local economy, help support local businesses, and encourage further investment and development in the area,
- would, by progressing the rezoning sooner than envisaged under the MidCoast Urban Release Areas Report 2021, speed up the above-listed benefits and catalyse further growth and development in Wingham,
- would not result in any significant negative economic impacts, either in general or by virtue of being delivered sooner than strategic planning documents may have envisaged,
- would not result in any negative economic impacts on nearby growth areas or urban release areas.

With regard to social infrastructure, the SEIC found:

- the site is adequately serviced by existing open space in accordance with the requirements of the MidCoast Open Space and Recreation Strategy 2023,
- existing schools in the area have sufficient capacity to accommodate the projected demand arising from the Planning Proposal,
- existing childcare facilities would have sufficient capacity to accommodate additional demand for childcare places created by the Planning Proposal,
- the provision of a pathway connecting the site to Wingham town centre, as proposed in the Planning Agreement (**Appendix 23**), represents a positive social impact by providing increased connectivity and safety for pedestrians and cyclists. Consultation is ongoing with the Australian Rail Track Corporation (ARTC) as to the most suitable method to provide this connection, in consideration of safety and usability.

Finally, with regard to social impacts, the SEIC identified a range of potential impacts relating to way of life, community, accessibility and connectivity, culture, health and wellbeing, livelihoods and decision-making systems. To mitigate these impacts, the SEIC provides a number of recommendations including the preparation of a community engagement strategy during the early stages of Development Application planning and a construction management plan prior to the commencement of works. The SEIC identified no potential direct or cumulative social impacts on nearby growth areas or urban release areas.

While the changes to the concept plans resulted in less residential lots the SEIC addresses the suitability of the proposal from a social or economic perspective, and the recommendations of the report remain valid.

Council's Community Development Team and Economic and Destination Development Management Teams have reviewed the SEIC. While it is acknowledged that some of the claims have not been substantiated, the information in the Planning Proposal as it relates to social and community impact is considered satisfactory and sufficient to progress the proposal to seek a Gateway Determination and subsequent finalisation of the LEP amendment.

Despite the reduction in the residential footprint of the site and reduction in dwelling sites identified on the original concept plans and reduced residential footprint, the SEIC is considered relevant as the reduction in potential occupants would have negligible impacts on the report and no detrimental impacts are anticipated as a result of the reduction in lots.

3.4 Section D – Infrastructure (Local, State and Commonwealth)

3.4.1 Is there adequate public infrastructure for the planning proposal?

Yes, there is adequate public infrastructure available to support the Planning Proposal, as discussed below.

Sewer and Water

A Servicing Strategy has been prepared by consultants Colliers International Engineering & Design NSW (**Appendix 12**). With regard to potable water, the strategy notes that an existing water main (the Kolodong reticulation main) runs along Wingham Road and is supplied by the Kolodong reservoir six kilometres southeast of the site. The reservoir is considered to have adequate pressure to service the future dwellings without the requirements for any additional infrastructure.

With regard to sewer, the strategy recommends that a new sewer pump station (SPS) should be installed within the site to service all future lots. The new SPS:

- is intended to be located within proposed for R1 General Residential zone and at a low point so as to allow for gravity flows of the internal reticulation network, whilst still being outside of the 1:100 flood area,
- would have a respective rising main which leads into an existing SPS (identified as WG SPS 01),
- would allow for the decommissioning of another existing SPS (identified at WG SPS 03) to minimise operation and maintenance requirements of Council.

The strategy determines that the upstream network, WG SPS 01, and the downstream network to the sewer treatment plant all have sufficient capacity to accommodate future residential development at the site.

The strategy concludes that the site is suitable for the Planning Proposal and that sufficient water and sewer servicing can be achieved.

Council's Water Services Team have reviewed the Servicing Strategy and are satisfied that it now provides sufficient detail to demonstrate that the site is capable of being serviced.

The Planning Proposal also includes the offsetting of sewer development charges against the cost of decommissioning the sewer pump station and connecting existing lots to the new pump station. The works-in-kind agreement has in-principle support from Council's Water Planning and Assets Team. The scope and details of the works including which decommissioning tasks are to be undertaken by Council, will be confirmed during the design phase which is undertaken outside of the Planning Proposal process.

While changes to the concept plans have resulted in a reduction of lots, the Water and Sewer Servicing Strategy addresses the suitability of the proposal from a water and sewer perspective. The recommendations of the strategy remain valid as detailed plans will be provided through the Development Assessment process, and the provided strategy demonstrates the serviceability of the site.

Electricity

An assessment of the required electrical infrastructure to service the site has been prepared by A&K Harvey Power Consultants (**Appendix 13**). It finds that the site has 11kv aerial cables available along Wingham Road. The current aerials are adequate for the development, without any need for upgrades.

While the changes to the concept plans resulted in less residential lots the Electrical Assessment addresses the suitability of the proposal from an electrical supply perspective.

Council is satisfied that the proposal site has sufficient access to electricity and telecommunications infrastructure to progress the proposal to seek a Gateway Determination and subsequent finalisation of the LEP amendments. Consultation with Essential Energy will also be undertaken during the consultation phase.

3.5 Section E – State and Commonwealth interests

3.5.1 What are the views of State and Commonwealth public authorities and government agencies consulted in order to inform the Gateway Determination?

A Scoping Proposal for the rezoning was prepared by Hampstead Property and lodged with MidCoast Council in September 2023. A pre-lodgement meeting was subsequently held with Council on 28 September 2023, the minutes of which are provided as **Appendix 21**.

Council sought feedback on the Scoping Proposal from a number of government agencies. The feedback is summarised below. Additional details of how the Planning Proposal has responded to agency comments is provided in **Appendix 22**.

Transport for NSW (TfNSW):

TfNSW recommended a Transport Impact Assessment (TIA) and traffic modelling be prepared, which should:

- identify development impacts and any mitigation measures,
- justify any design treatment put forward and consider all transport modes including active and public transport facilities and connections,
- identify active transport initiatives across the site and address additional cycle and pedestrian movements across the railway line,
- include consultation with the Australian Rail Track Corporation who would need to give approval regarding any crossing of the railway line.

TfNSW also recommended the consultant traffic engineer prepare a scoping paper for agreement by TfNSW prior to preparing the TIA. Accordingly, consultants Intersect Traffic prepared and received approval for, a scoping report to ensure the TIA would address all TfNSW concerns. In addition, Council reviewed and approved this scoping report in 2024 with commentary that new traffic counts should be undertaken to take into consideration the recent upgrading of Wingham Road especially at the Youngs Road intersection.

Biodiversity Conservation Division (BCD):

BCD advised that, with regard to flooding:

- the Proposal will need to be referred to the NSW State Emergency Service,
- consideration should be given to safe evacuation of the site in the event of a flood, including at what point evacuation routes would be cut off by flooding of both the Manning River catchment and the local catchment (Cedar Party Creek catchment),
- the 0.5% and 0.2% AEP events should be used proxies for the 50 and 100 year events in consideration of climate change impacts on the rainfall intensity,
- consistency with Local Planning Direction 9.1 – s4.1 Flooding should be demonstrated.

Department of Planning and Environment (DPE):

The then Department of Planning and Environment (now known as the Department of Planning, Housing and Infrastructure) advised that the Planning Proposal should address the relevant sections, strategies and performance outcomes of the *Hunter Regional Plan 2041* and that any non-compliance with relevant Ministerial Directives be justified.

In particular, it noted the requirement to address:

- Objective 3 – 15-minute neighbourhoods.
- Objective 5 – Plan for Nimble Neighbourhoods.
- Objective 6 – Conserve heritage, landscapes, environmentally sensitive areas, waterways and drinking water catchments.

- The following Planning Priorities of the Barrington District:
 - Priority 1: housing diversity
 - Priority 2: enhance character

These have been addressed in **Appendix 1** of this report in accordance with Department of Planning, Housing and Infrastructure s request.

The Gateway Determination received by DPHI on 16 January 2026 (**Appendix 25**) determined that consultation is required with a number of state agencies under section 3.34(2)(d) of the *Environmental Planning and Assessment Act 1979*. Consultation with government agencies will occur alongside community consultation. The following government agencies will be consulted:

- Department of Climate Change, Energy, the Environment and Water (DCCEEW) (Flooding)
- DCCEEW (Biodiversity)
- Department of Primary Industries and Regional Development - Agriculture
- Transport for NSW
- NSW Rural Fire Service
- NSW State Emergency Services
- Heritage NSW
- NSW Resources
- Purfleet/Taree Local Aboriginal Land Council

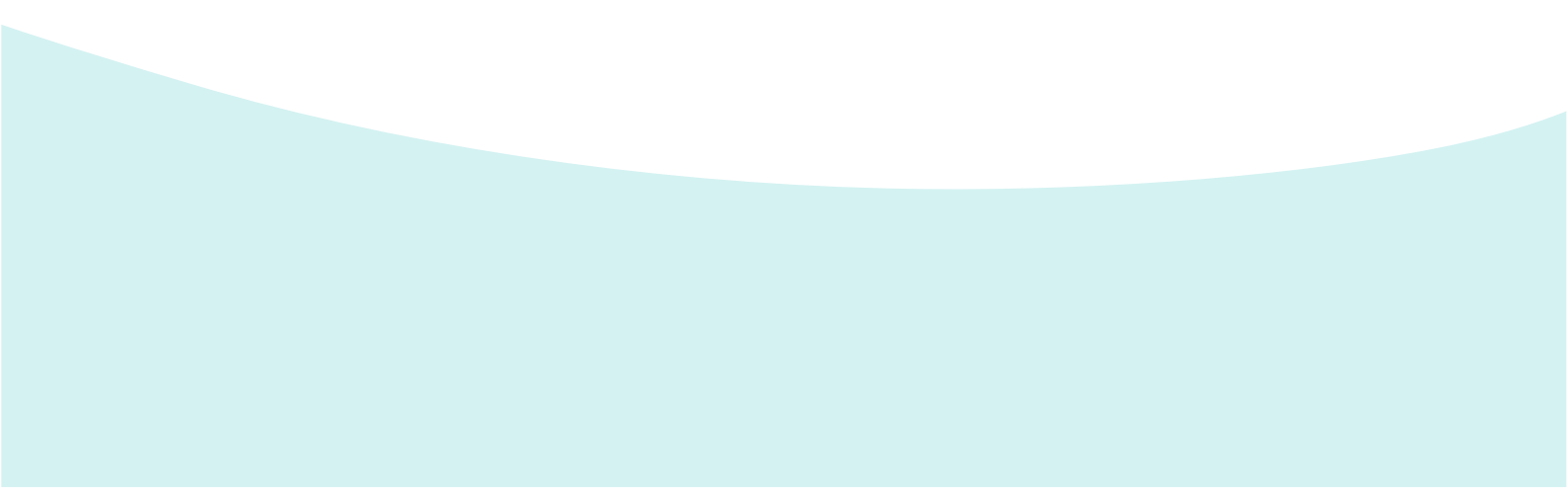
Consultation is also required with the following organisations:

- Taree Wingham Clay Target Club
- Australian Rail Track Corporation

Separate consultation will also occur with the following public authorities to determine any potential designated State Infrastructure provision requirements, due to the inclusion of part of the site as an Urban Release Area (URA) on the URA Map in the relevant LEP as required by Gateway Condition (4). The following public authorities will be consulted:

- NSW Rural Fire Service
- NSW Police Force
- Fire and Rescue NSW
- NSW Ambulance
- Hunter New England Local Health District
- Department of Education
- Transport for NSW
- Essential Energy
- Transgrid

PART 4: MAPS



PART 4 - MAPS

The Planning Proposal will require amendments to existing map layers as shown overleaf.

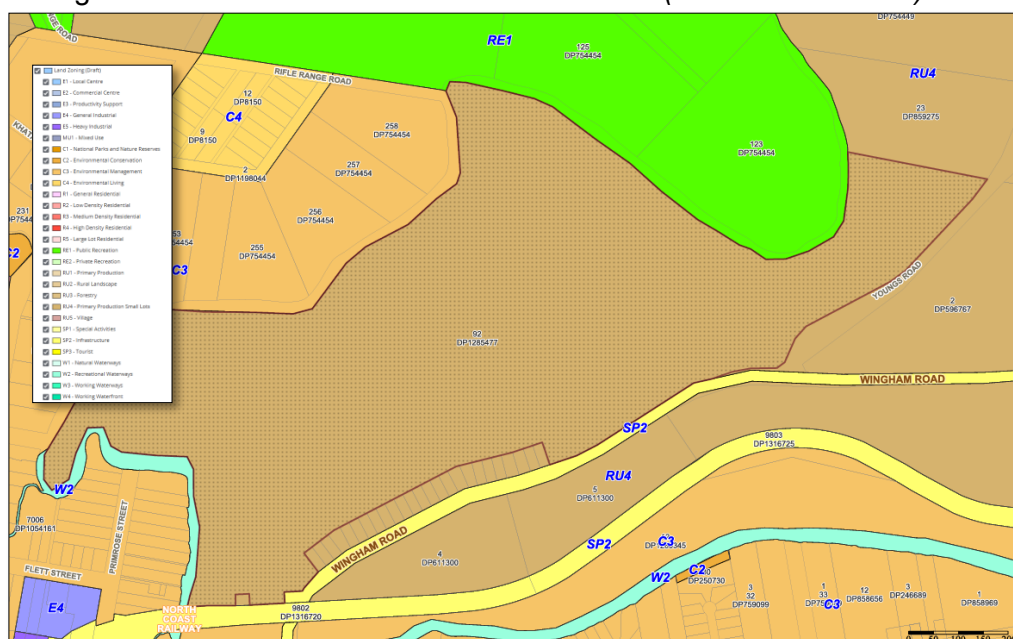
Additional areas may be identified as the Planning Proposal progresses through public exhibition and subsequent stages in the timeline. Should this occur, an amended Planning Proposal will be submitted prior to being forwarded to the Minister for Planning to be made as an amendment.

EXISTING LAND USE ZONES (Current GTLEP and Draft MidCoast LEP)

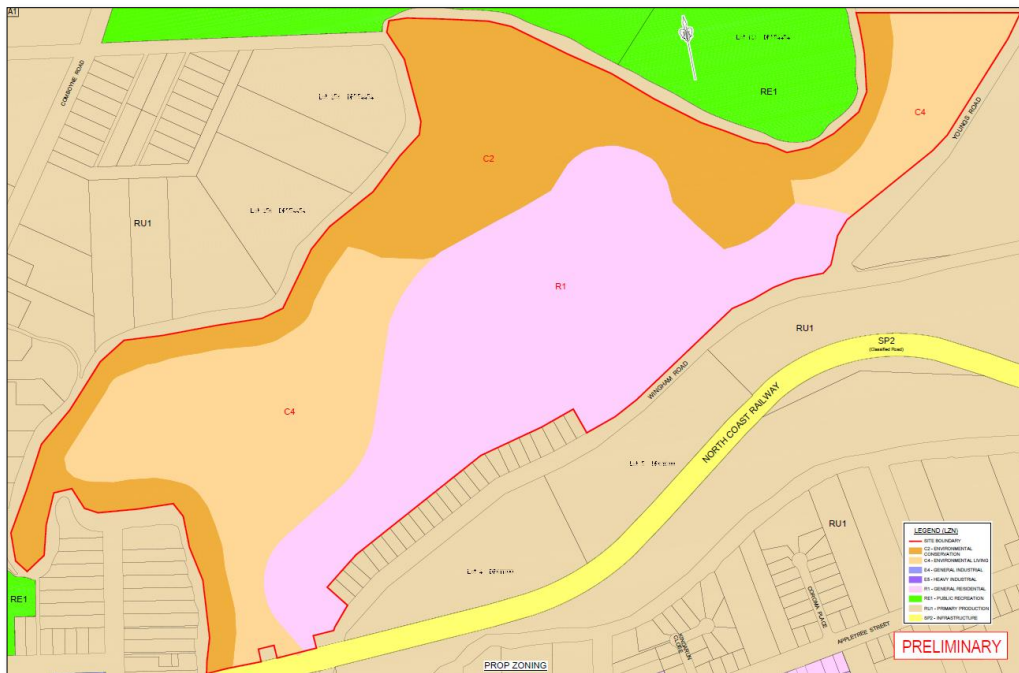
Existing Zoning - Greater Taree Local Environmental Plan 2010



Zoning – draft MidCoast Local Environmental Plan (Gazettal date TBC)

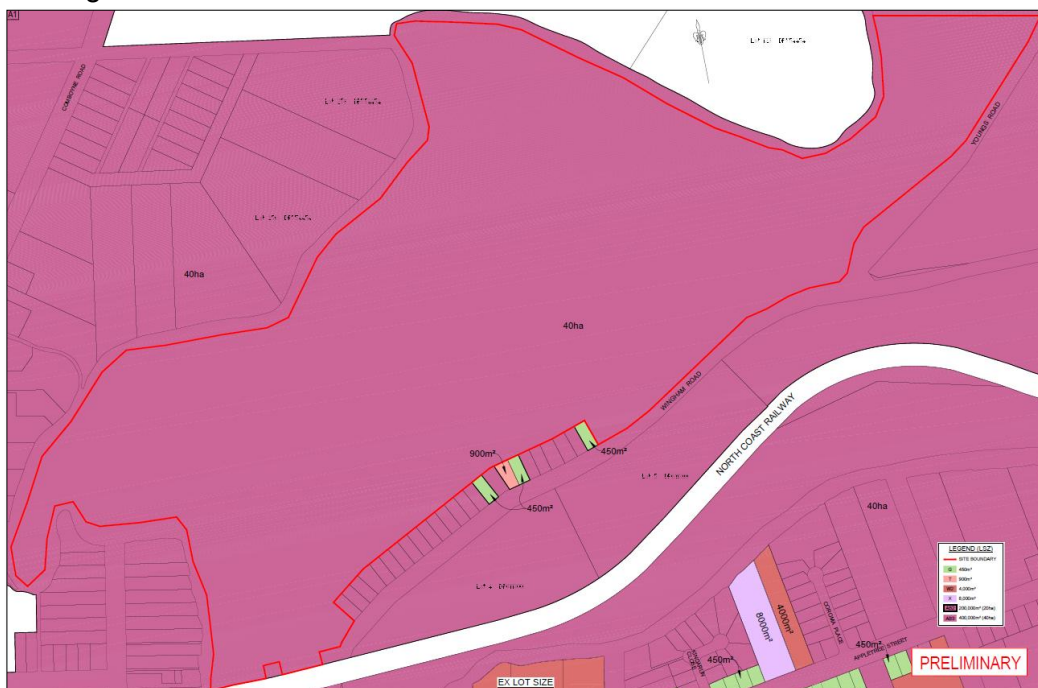


PROPOSED LAND USE ZONE



EXISTING MINIMUM LOT SIZES (Current GTLEP and Draft MidCoast LEP)

Existing Minimum Lot Size – Greater Taree Local Environmental Plan 2010



Legend:

- Minimum Lot Size (Grafts)
- G - Min Lot Size 400m²
- I - Min Lot Size 500m²
- Q - Min Lot Size 700m²
- S - Min Lot Size 800m²
- T - Min Lot Size 900m²
- U1 - Min Lot Size 1000m²
- U2 - Min Lot Size 1500m²
- V - Min Lot Size 2000m²
- W1 - Min Lot Size 3000m²
- W2 - Min Lot Size 4000m²
- W3 - Min Lot Size 5000m²
- W4 - Min Lot Size 6000m²
- W5 - Min Lot Size 7000m²
- W6 - Min Lot Size 8000m²
- W7 - Min Lot Size 9000m²
- W8 - Min Lot Size 10000m²
- W9 - Min Lot Size 15000m²
- W10 - Min Lot Size 20000m²
- W11 - Min Lot Size 25000m²
- W12 - Min Lot Size 30000m²
- W13 - Min Lot Size 40000m²
- W14 - Min Lot Size 50000m²
- W15 - Min Lot Size 60000m²
- W16 - Min Lot Size 70000m²
- W17 - Min Lot Size 80000m²
- W18 - Min Lot Size 90000m²
- W19 - Min Lot Size 100000m²
- W20 - Min Lot Size 150000m²
- W21 - Min Lot Size 200000m²
- W22 - Min Lot Size 250000m²
- W23 - Min Lot Size 300000m²
- W24 - Min Lot Size 400000m²
- W25 - Min Lot Size 500000m²
- W26 - Min Lot Size 600000m²
- W27 - Min Lot Size 700000m²
- W28 - Min Lot Size 800000m²
- W29 - Min Lot Size 900000m²
- W30 - Min Lot Size 1000000m²
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- W93 - Min Lot Size 700000000000m²
- W94 - Min Lot Size 800000000000m²
- W95 - Min Lot Size 900000000000m²
- W96 - Min Lot Size 1000000000000m²
- W97 - Min Lot Size 1500000000000m²
- W98 - Min Lot Size 2000000000000m²
- W99 - Min Lot Size 2500000000000m²
- W100 - Min Lot Size 3000000000000m²

The map illustrates a proposed development site. A large green area, labeled '450m²', is the central focus. This area is bordered by a red line representing the 'SITE BOUNDARY'. To the left of the green area, there are purple regions labeled '40ha' and '20ha'. A white line, representing the 'NORTH COAST RAILWAY', runs along the bottom right of the green area. A 'PROPOSED ROAD' is shown running along the bottom edge of the green area. Other labels include 'EXISTING ROAD', 'EXISTING LOT', 'PROPOSED LOT', and 'PROPOSED LOT SIZE'. A legend in the bottom right corner explains the symbols and colors used. A 'PRELIMINARY' stamp is in the bottom right corner.

LEGEND (L/SZ)

- SITE BOUNDARY
- EXISTING ROAD
- PROPOSED ROAD
- EXISTING LOT
- PROPOSED LOT
- PROPOSED LOT SIZE
- EXISTING LOT (L/SZ)
- PROPOSED LOT (L/SZ)

PRELIMINARY

EXISTING MAXIMUM HEIGHT OF BUILDINGS (Current GTLEP and Draft MidCoast LEP)

Existing Height of Building – Greater Taree Local Environmental Plan 2010



Existing Height of Buildings – draft MidCoast Local Environmental Plan (Gazettal date TBC)

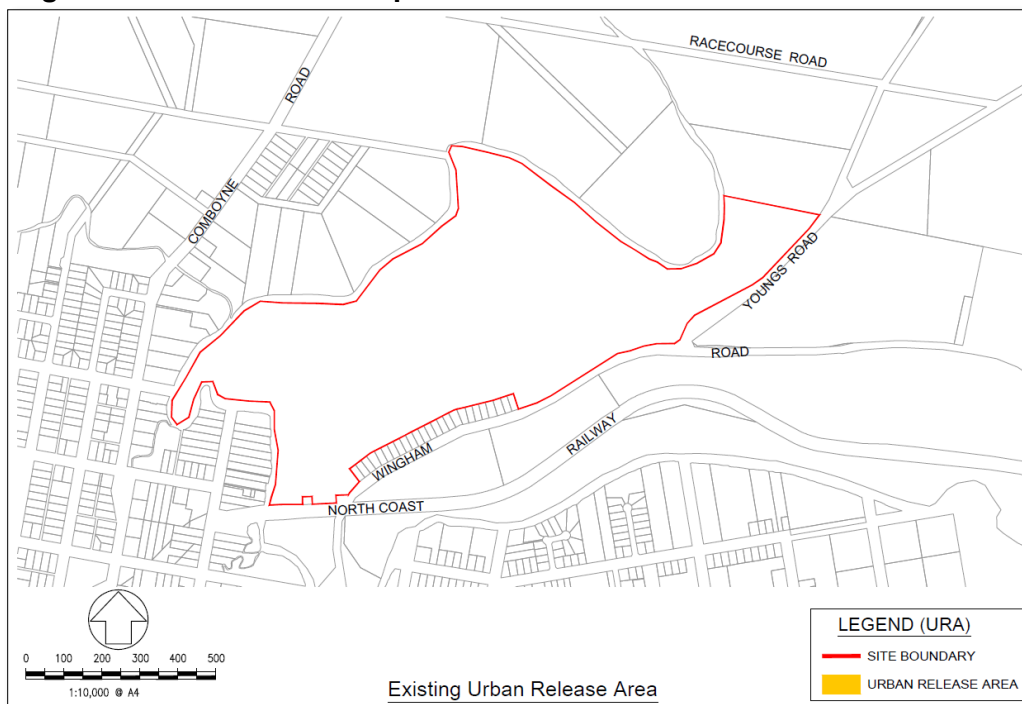


PROPOSED HEIGHT OF BUILDING MAPS

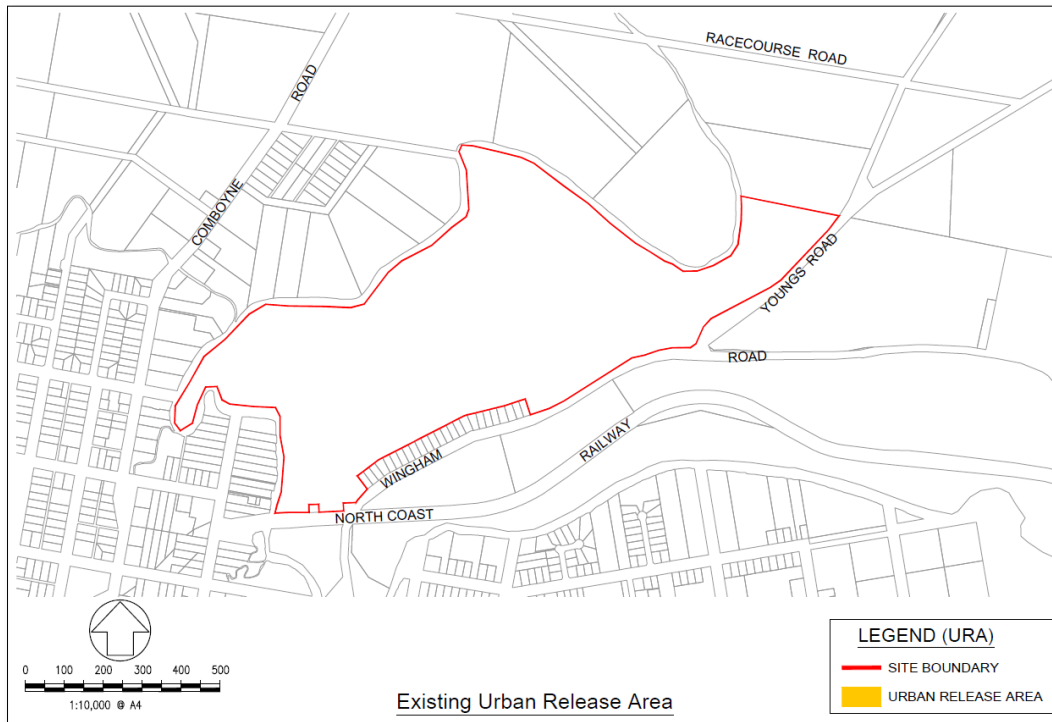


EXISTING MAXIMUM HEIGHT OF BUILDINGS (Current GTLEP and Draft MidCoast LEP)

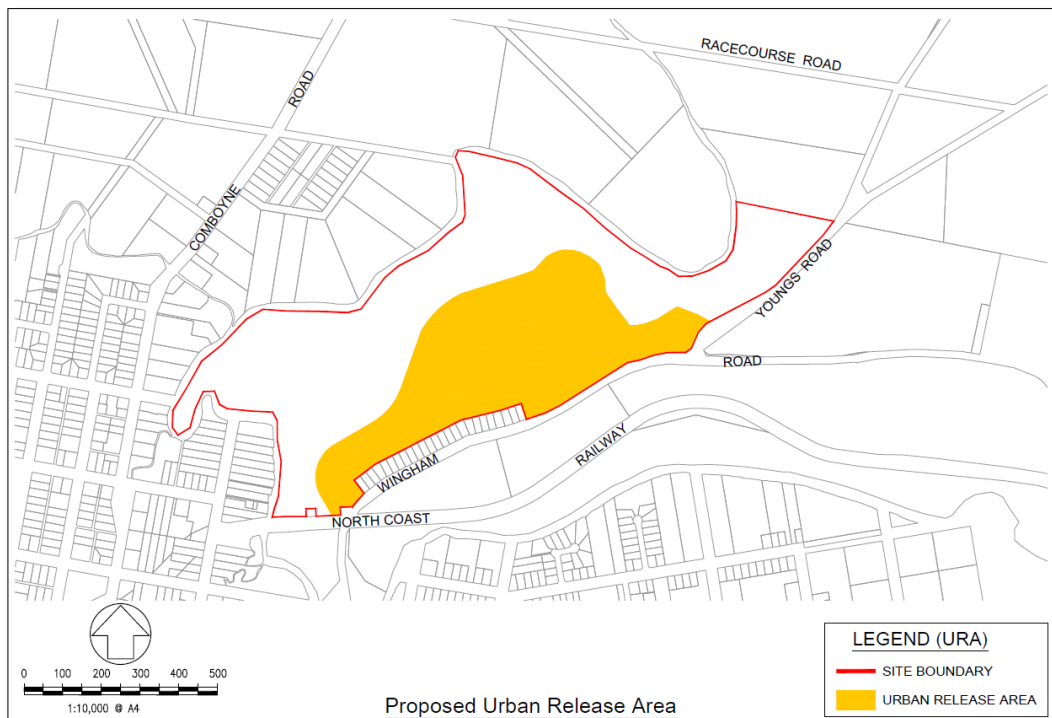
Existing Urban Release Area Map



Existing Urban Release Area Map – draft MidCoast Local Environmental Plan (Gazettal date TBC)



PROPOSED URBAN RELEASE AREA MAP



PART 5:

COMMUNITY CONSULTATION



PART 5 - COMMUNITY CONSULTATION

Consultation prior to lodgement

Initial consultation was undertaken on an informal basis by the owner of the site in 2019. The intention was to assist in determining the extent to which additional residential land was required in Wingham and whether the site might be considered suitable. The following organisations and businesses were consulted as part of this process:

- Wingham Chamber of Commerce,
- Sorensen & Caldon Builders,
- Lauders Real Estate, Wingham, and
- LJ Hooker Wingham.

Letters of support for the initial Planning Proposal were provided from each organisation and business and are provided as **Appendix 24**. The letters raise matters such as:

- the suitability of the site in terms of proximity to the town centre, existing infrastructure availability, suitable topography, and the likelihood of limited negative environmental impacts,
- the need for increased housing supply and diversity,
- the lack of available land for residential development to satisfy demand.

A Scoping Proposal for the rezoning was prepared by Hampstead Property and lodged with MidCoast Council in September 2023. A pre-lodgement meeting was subsequently held with Council on 28 September 2023. Council sought feedback on the Scoping Proposal from a number of government agencies, and received responses from:

- Transport for NSW (TfNSW),
- Biodiversity Conservation Division (BCD), and
- Department of Planning and Environment (now known as the Department of Planning, Housing and Infrastructure).

A summary of these responses is provided in **Section 3.5**, and a copy of Council's written pre-lodgement advice is available in **Appendix 21**. Ongoing informal consultation with Council has occurred since the scoping meeting, to ensure the Planning Proposal and associated studies are in accordance with its requirements. Similarly, as detailed in **Section 3.5**, TfNSW has been consulted on an ongoing basis to ensure the TIA addresses its requirements.

Consultation to be completed

In accordance with Section 3.34(2)(c) and clause 4 of Schedule 1 of the *Environmental Planning and Assessment Act 1979*, this Planning Proposal will be made publicly available for a minimum of twenty-eight (28) days in accordance with Council's Community Engagement Strategy and the Gateway Determination condition (2)(a) & (2)(b).

In accordance with Council's adopted consultation protocols the following will be undertaken:

- notices in the local newspaper,
- direct mail notification to potentially affected landowners,
- posts on Council's social media platforms,
- exhibition material and all relevant documents will be available at Council's Administrative Office and;
- exhibition material and all relevant documents will be available on Council's website.

It is proposed that public exhibition with relevant landholders will commence on Friday 06 March 2026 which will conclude on Thursday 16 April 2026 in accordance with Gateway Condition (2)(a) and (2)(b), the Local Environmental Plan Making Guideline and MidCoast Council's Community Engagement Strategy 2025-2029.

Public Authority, Government Agency and relevant consultation with organisations will commence alongside the public exhibition with exhibition commencing on Friday 06 March 2026 and concluding on Monday 20 April 2026.

PART 6: PROJECT TIMELINE



PART 6 - PROJECT TIMELINE

The Local Environmental Plan Making Guideline provides a project timeline as a tool for Council and the Department to monitor the progress of the Planning Proposal through the Local Environmental Plan making process and manage resources accordingly.

The timeframes indicated are estimates and may change during the life of the Planning Proposal. The project timeline may be amended by Council or in the Gateway Determination.

Task	Max. benchmark timeframe (days)	Timeframe
1. Pre-Lodgement	Complete	N/A
2. Planning Proposal • Consideration by Council • Council Decision	95 working days	October 2025 – December 2025
3. Gateway determination	25 working days	December 2025 – January 2026
4. Post-Gateway • Pre-exhibition • Additional technical studies	50 working days	January 2026 – February 2026
5. Community, Public Authority and Government Agency exhibition and review • Commencement and completion of public exhibition period • Consideration of submissions • Post-exhibition review and (if required) additional studies • Report to Ordinary Council Meeting (if required) • Submission to the Department (where applicable)	95 working days	March 2026 – June 2026
6. Finalisation • Finalisation checks • Final GIS mapping • Legal drafting • Gazettal of LEP amendment	55 working days	July 2026 – September 2026

PART 7: CONCLUSION

PART 7 - CONCLUSION

The primary aims of this Planning Proposal are to amend the existing maps of the *Greater Taree Local Environmental Plan 2010*, as it relates to the site, as follows:

1. RU1 Primary Production zone to:
 - a) R1 General Residential
 - b) C2 Environmental Conservation
 - c) C4 Environmental Living
2. Amend the Lot Size Map from the 40ha minimum lot size to:
 - a) 450 m² (for land to be zoned R1)
 - b) 20ha (for land to be zoned C2)
 - c) 20ha (for land to be zoned C4)
3. Amend the Height of Buildings Map from no maximum building height to an 8.5m maximum building height for the portion of the site proposed for the R1 General Residential zone. No maximum building height is proposed for C2 Environmental Conservation and C4 Environmental Living zoned land.
4. Amend the Urban Release Area Map to include the portion of the site proposed for the R1 General Residential zone.

As advised by Council in its pre-lodgement meeting minutes (**Appendix 21**), the Planning Proposal is considered to have strategic merit as it would give effect to a number of local and regional strategic planning documents including:

- MidCoast Council Local Strategic Planning Statement (LSPS) 2020,
- MidCoast Council Urban Release Areas Report 2021,
- MidCoast Housing Strategy 2021, and
- Hunter Regional Plan 2041.

The Planning Proposal is also considered to have site-specific merit, being supported by a range of studies which demonstrate:

- there is a low likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result. Following agency consultation, further information and offsetting requirements may be required,
- it would not result in any unacceptable risks to life or property in the event of bushfire or flooding,
- most existing roads and public infrastructure have the capacity to accommodate the anticipated number of dwellings and residents,
- it would provide many positive economic benefits for the community with no significant negative economic effects,
- negative social impacts are considered acceptable and manageable through mitigation strategies and community consultation.

