

# Environmental Assessment Report Concept Plan

## Figtrees on the Manning, Taree

Mixed Residential, Tourist, Commercial, Open Space and  
Marina Development

Submitted to  
The Department of Planning  
On Behalf of Chase Taree Developments Pty Ltd,  
Hocana Pty Ltd and Spychalla Pty Ltd

November 2009 ■ 08404

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This report has been prepared by: Nick Roberts

Signature



Date 16/11/09

This report has been reviewed by: Clare Swan

Signature



Date 16/11/09

# Statement of Validity

This Environmental Assessment has been prepared and submitted under Part 3A of the *Environmental Planning and Assessment Act 1979* (as amended) by:

## Environmental Assessment

Name	Clare Swan
Qualifications	BA MEnvPI MPIA CPP
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Address	Level 7, 77 Berry Street North Sydney NSW 2060
In respect of	A Concept Plan Application

## Concept Plan

Applicant	Chase Taree Developments Pty Ltd, Hocana Property Pty Ltd and Spychalla Property Pty Ltd
Address	C/- 179 Victoria Street, Drummoyne NSW 2047
Land to be developed	Pitt Street, Chatham, Taree
Proposed development	Mixed Use Residential, Commercial, Tourist, Open Space, Marina and Tourist Development
Environmental Assessment	An Environmental Assessment (EA) is attached
Certificate	<p>I certify that I have prepared the content of this Environmental Assessment and to the best of my knowledge:</p> <ul style="list-style-type: none"><li>▪ It is in accordance with the Environmental Planning and Assessment Act and Regulation.</li><li>▪ It is true in all material particulars and does not, by its presentation or omission of information, materially mislead.</li></ul>

Signature



Name

Clare Swan

Date

16 November 2009



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## Volume 3

- V** Figtrees on the Manning Local Area Plan (November 2008)  
*Suters Architects*



# Executive Summary

## Purpose of this report

This is an Environmental Assessment Report (EAR) for a Concept Plan application under Part 3A of the Environmental Planning and Assessment Act 1979 (EP&A Act), which seeks approval for a mix of uses including residential, tourism, commercial, open space and marina development. It addresses requirements of the Director General of the Department of Planning (DoP) for the preparation of an EAR that were provided to the proponent on 12 June 2008 (and supplemented on 20 June 2008).

## The Site

The site is approximately 22 hectares in area and located on the northern foreshore of the Manning River, approximately 2km from Taree CBD on the Mid North Coast of NSW. Taree is a regional centre accommodating regional-scale medical, entertainment and retail facilities.

The site is adjacent to the residential area of Chatham and connected to the rest of the city via the arterial road of Manning River Drive. Its historic use has been for agricultural industry including dairy production, pastoral uses and other light industrial and commercial activities such as concrete batching, car dealership and fuel depot. Many of these uses have been discontinued, leaving much of the land unused.

## Background

This EAR seeks the approval of a Concept Plan for a mixed use residential, commercial, tourist, open space and marina concept plan on the Manning River foreshore in Taree. The Concept Plan will enable the renewal of ex-light industrial land currently accommodating the fuel depot and concrete batching plant and pasture. It will contribute towards the fulfilment of residential and commercial targets set by the NSW Department of Planning (DoP) and promote tourism related uses on the river.

The site has been subject to a rezoning process overseen by Greater Taree City Council (Council) and landowners. The rezoning process is based on Council's consideration of a Local Area Plan (LAP) for the site. The LAP has been developed in response to the findings of specialist site investigations which identified the opportunities and constraints for the site and consultation with key agencies and the community. The LAP is proposed as the Concept Plan and therefore represents the planning objectives that have been derived through the consideration of alternative development outcomes and consultation.

The rezoning of the land is to be implemented through an amendment to the comprehensive Local Environmental Plan (LEP) for the Greater Taree Local Government Area (LGA). The new LEP is currently a draft and is on exhibition. It is also anticipated that this EAR will be exhibited shortly after the exhibition of the draft amendment LEP. A draft Voluntary Planning Agreement (VPA) is currently being prepared to support the rezoning and will be entered into by the proponent and Greater Taree City Council.

While the LAP/Concept Plan was prepared as part of a rezoning process for the site, the development it proposes constitutes a "major project" within the meaning of State Environmental Planning Policy (Major Projects) 2005<sup>1</sup> on the basis of its capital investment, proposed building height, tourism related uses and marina capacity and as it includes recreational and tourist facilities in a sensitive coastal location. Accordingly, the Minister for Planning is the consent authority for the Concept Plan.

**NOTE:** In order to be consistent with the terminology of the Part 3A application process, the LAP is referred to as 'the Concept Plan' throughout this report.

<sup>1</sup> The Project as declared a Part 3A Project pursuant to State Environmental Planning Policy (Major Projects) 2005, now known as State Environmental Planning Policy (Major Development) 2005 as of 1 July 2009.

## Overview of Project

This Concept Plan EAR seeks consent for:

- Building envelopes (indicating height in storeys);
- Floor areas and floor space ratios;
- Land uses (residential / commercial / tourism uses / open space / marina etc);
- Indicative street alignments and pedestrian networks;
- Location of open space, landscaping and “restored” wetland and riparian areas;
- The location of commercial marinas and their capacities (no. of berths);
- Heritage items to be retained and adaptively reused; and
- The location of recreational facilities and public domain elements (including publically accessible private space).

The Concept Plan proposes the development of five distinct precincts as follows:

**Gateway Residential Precinct:** This precinct forms a pedestrian gateway to the development to the west of the site and accommodates modestly sized residential buildings.

**Figtree Commercial Precinct:** Also located to the west of the site, this precinct will form a hub, with mixed use residential / commercial development.

**Dairy Heritage Precinct:** Defined by the reuse of a group of agricultural/dairy heritage buildings at the centre of the site, this precinct will provide for cultural activities, restaurants and retail uses.

**Riverpark Village Precinct:** A residential village at the centre of the site. The village will be enclosed to the north by a restored wetland park that will constitute a recreational facility and provide a buffer between the development and an adjacent residential area.

**Marina Commercial Precinct:** A fixed berth commercial marina, with associated commercial uses and tourist activates forming a “working waterfront”.

## The Proponent and Land Ownership

The site is subject to three major landholdings held by Chase Taree Developments Pty Ltd, Hocana Property Pty Ltd and Spsychalla Property Pty Ltd (the proponents). The rest of the site is owned by Council and the Department of Lands, with the remainder comprising of residential properties in individual ownership.

## Planning Context

The site is within the area covered by the Mid North Coast Regional Strategy, which guides growth in the Mid North Coast to 2031. The Concept Plan will contribute towards the strategy’s target of around 58,400 additional dwellings and 47,000 new jobs in the region by 2031. (15,000 additional dwellings are targeted for the Manning Valley – Great Lakes subregion, in which the site is located). In addition, the proposal is consistent with the Strategy’s identification of Taree as a major regional centre, suited to accommodating the majority of population growth and a concentration of medium density living.

The Concept Plan also accords with a number of local strategic objectives adopted by Council that are associated with the use of foreshore lands and the Manning River for tourist related uses and the provision of pedestrian access along the foreshore.

This report demonstrates the Concept Plan’s consistency with statutory planning objectives and controls.

## Implementation and Staging

It is intended that the implementation of the Concept Plan will take place over a 15 to 25 year period. The implementation of infrastructure works and development of the site will be guided by the provisions of a Voluntary Planning Agreement, which details the proposed development lots and staging. Both the proponent and Council wish that authority to grant consent to the future stages of the Concept Plan (except the marina) be Taree Council.

## Environmental Assessment

The Concept Plan is informed by specialist studies that formed the basis of the LAP and which have been considered in detail by Council and the rezoning control group (RCG). Reports of the specialist studies prepared to inform the LAP are provided in the appendices accompanying this report. Several of these reports are accompanied by written confirmation from the consultants that prepared them that they are relevant to the Concept Plan and have not become outdated. Some reports are also accompanied by further supplementary investigations to ensure their relevance to the Concept Plan. In addition, several of the studies were commissioned specifically to inform this EAR.

Both the studies commissioned to inform the LAP and those prepared for this EAR demonstrate that the proposal appropriately responds to site constraints identified by specialist investigations. The level of detail of investigations is appropriate to a Concept Plan application. Subsequent, more detailed applications for development on the site will be subject to further assessment.

The key environmental assessment issues identified on the site relate to heritage (Aboriginal and European), flooding and potential sea level rise, ecological constraints (flora and fauna), traffic and transport, contamination, acid sulphate soils, noise impacts, air quality, view analysis, water cycle management and the construction and operation of the marina complex. It is considered that any proposed impacts, beyond that considered as part of the rezoning and Concept Plan will be effectively mitigated by the draft Statement of Commitments, which supplements the findings of this Environmental Assessment.

## Conclusion

The Concept Plan will result in the fulfilment of strategic planning objectives for the provision of housing in the Mid-North Coast Region and for the renewal of presently underutilised land. It will increase residential development in proximity to the regional centre of Taree and increase the range of dwelling types in the area. Access along the foreshore will be provided, in accordance with Council planning objectives. Tourism related uses, including a marina and cultural precinct will be provided, thereby promoting economic development. The proposal will involve the investment of approximately \$250 million in the local economy, based on the anticipated capital investment required for the implementation of the Concept Plan.

Given the Concept Plan's fulfilment of strategic objectives and its compliance with statutory planning objectives and provisions, and as it will have no adverse environmental impacts that cannot be effectively managed or mitigated via the Statement of Commitments (at Section 7.0), it is recommended that it be approved in order to appropriately guide future development of the site.



# 1.0 Introduction

This Concept Plan and Environmental Assessment Report (EAR) is submitted to the Minister for Planning, pursuant to Part 3A of the *Environmental Planning and Assessment Act 1979* (EP&A Act).

This report has been prepared by JBA Urban Planning Consultants Pty Ltd, for the proponents, Chase Taree Developments Pty Ltd, Spychalla Pty Ltd and Hocana Pty Ltd. It is based on a Concept Plan and information prepared by Suters Architects and supporting technical documents.

This EAR describes the site, its environs and the proposed development, and includes an assessment of the proposal in accordance with the requirements for the preparation of an Environmental Assessment issued by the Director General of the Department of Planning (DoP) pursuant to Part 3A of the EP&A Act. The Director General's requirements (DGRs) are included at **Appendix A**. This EAR should be read in conjunction with the information contained in and appended to it. This report:

- Outlines the vision for the Figtrees on the Manning Waterfront Precinct;
- Presents a Concept Plan to guide the future development of the site; and
- Provides an assessment of the environmental impacts of the proposed land uses and Concept Plan.

**Volume 1** of the report is structured as follows:

*Section 1:* Introduction, overview of the project, background, project team and approvals process.

*Section 2:* Site analysis, overview of existing site conditions, and summary of opportunities and constraints.

*Section 3:* The current legislative, strategic and statutory planning framework and context applying to the site.

*Section 4:* Summary of the key issues arising from consultation with relevant agencies and other stakeholders.

*Section 5:* Description of the Concept Plan, including key elements for which concept approval is sought.

*Section 6:* Environmental assessment of the Concept Plan.

*Section 7:* Draft Statement of Commitments (pursuant to Part 3A of the EP&A Act).

*Section 8:* Conclusion

**Volume 2** and **Volume 3** contain technical studies undertaken to inform the Concept Plan, included as appendices. These studies address the DGRs.

## 1.1 Overview of the Proposal

The Pitt Street Waterfront Precinct (also known as Figtrees on the Manning) is to be developed for a mix of uses, including residential, tourist, commercial, open space and marina development. The Concept Plan establishes objectives for the development of the site. It includes the following built form elements:

- Building envelopes (indicating height in storeys);
- Maximum floor space ratios by precinct;
- Land uses (residential / commercial / mixed use / open space / heritage adaptive reuse / marina etc);
- Indicative street alignments and pedestrian networks;

- Location of open space, landscaping and “restored” wetland and riparian areas;
- The location of commercial marinas and their capacities (no. of berths);
- Heritage items to be retained and adaptively reused; and
- The location of recreational facilities and public domain elements (including publically accessible private space).

## Planning and Design Principles

The Concept Plan is based on site-specific urban design and planning principles that have been developed to ensure that the desired urban, environmental, economic and social outcomes for the precinct are achieved. These principles are set out in the Figtrees on the Manning Rezoning Report (June 2008), prepared by Sinclair Knight Mertz (SKM) (**Appendix B**) which supports the Local Area Plan on which the Concept Plan is based and are reproduced below:

- Provide development that complements and allows for increased connectivity to Taree Town Centre and the Entertainment/Recreation area to the east of the site;
- Provide a mixed use, mixed density zone that maximises the interface with the Manning River, the Old Pacific Highway and existing surrounding residential areas including:
  - commercial and retail premises and other appropriate employment generating developments;
  - residential development;
  - public foreshore open space and promenade;
  - water-based activities including the provision of a marina;
  - tourist facilities;
  - transport (including cyclist) facilities and car parking;
  - adaptive reuse of existing heritage buildings, where appropriate;
- Innovative and sustainable built form;
- To provide for development which allows for visual links and public access between the waterfront and the surrounding area;
- To provide public waterfront open space areas and promenade along or near the water’s edge; and
- To provide overall a high quality public domain.

## 1.2 Planning Background

### 1.1.2 Rezoning of the Site

Currently, the site is zoned to allow predominantly rural, residential, light-industrial, special uses and open space uses which reflect the historical use of the site, rather than potential future uses.

The rezoning of the site has been considered by Council and the DoP since 2006, when a group of three major landowners applied for rezoning of some of the land.

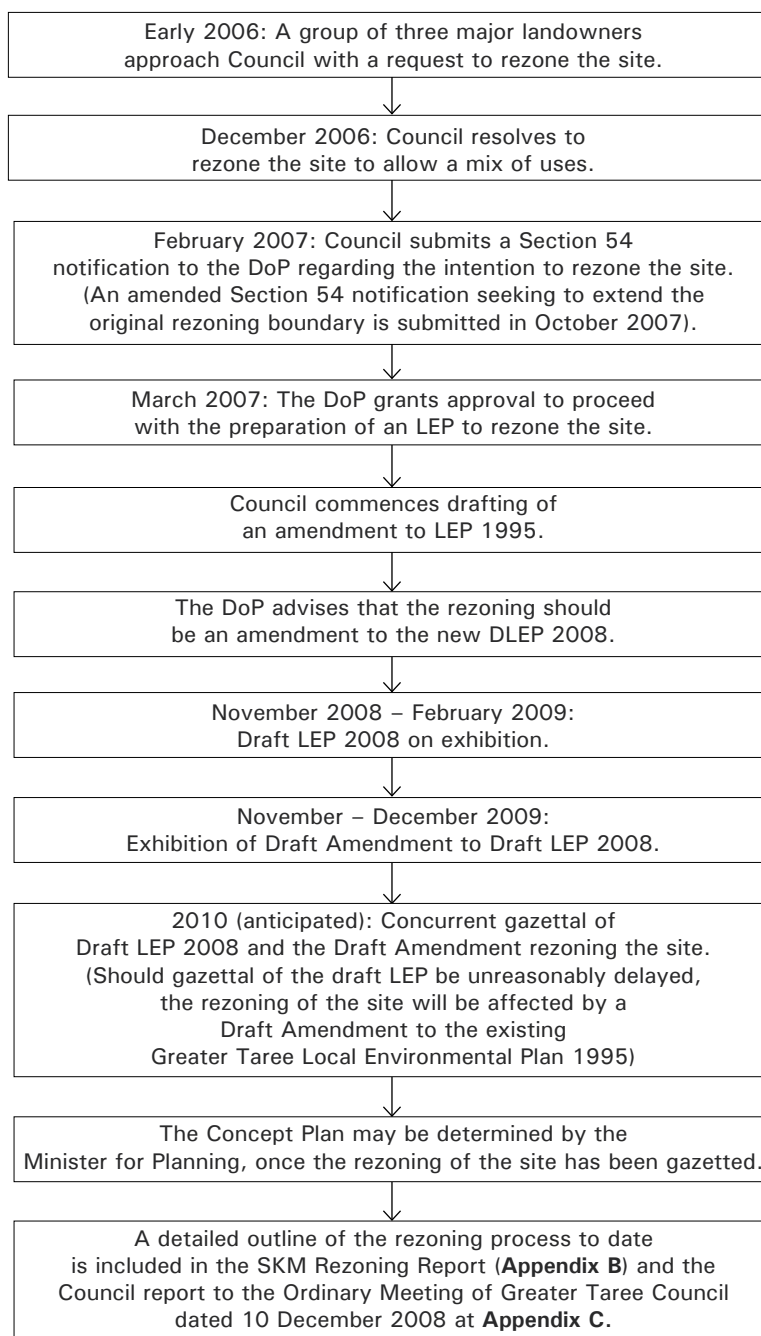
On 6 December 2006, Council resolved to rezone the land to allow a mixed outcome. Planning proceeded and rezoning was initially to occur through an amendment to the Greater Taree Local Environmental Plan 1995 (LEP 1995).

However, subsequent to the resolution to rezone the land, Council progressed the preparation of a new, comprehensive LEP for Greater Taree, in accordance with the Standard Instrument (Local Environmental Plans) Order 2006. On advice from the Department of Planning, the rezoning of the site was to take place by amending the new comprehensive LEP, rather than the existing LEP 1995.

The new LEP, Draft Greater Taree Local Environmental Plan 2008 (DLEP 2008), has been exhibited. The draft LEP amendment for the rezoning of the site is currently being exhibited and will utilise zonings from DLEP 2008. It will either be gazetted as part of LEP 2008, or as the first amendment to it. The rezoning will allow a mix of commercial and residential uses and open space/recreation and will enable the implementation of the Concept Plan.

Should the timeframe for the gazettal of the draft LEP 2008 become significantly protracted, thereby threatening to unreasonably delay the assessment of the proposed Concept Plan, the rezoning of the site will be subject to an application to amend the existing Greater Taree Local Environmental Plan 1995.

### Rezoning Process Chronology



### 1.2.2 Investigations & Concept Design Work Completed

Council engaged Sinclair Knight Mertz (SKM) to project manage the planning work required for the rezoning. SKM commissioned detailed investigations into environmental constraints on the site to inform the rezoning process, in accordance with Section 57 of the EP&A Act. The DoP determined that a Local Environmental Study would not be required for the rezoning.

Council also conducted a tender selection process, following which a team of consultants, lead by Suters Architects, was selected to prepare a masterplan. The masterplan is entitled 'Figtrees On The Manning Local Area Plan' (LAP) and is included at **Appendix V**. The LAP is informed by the detailed site investigations commissioned by SKM. The LAP and site investigations have been subject to consultation between Council and relevant agencies (in accordance with Section 62 of the EP&A Act). The LAP and accompanying studies inform the amendment to DLEP 2008.

The preparation of the LAP has also been subject to the review of the Rezoning Consultation Group (RCG), which was formed by Council to progress the rezoning in a transparent manner. The RCG includes Brian Murphy of the DoP Hunter Region, Council's Director of Planning and Senior Strategic Planner, representatives of SKM and major landowners associated with the rezoning application. It provides a direct feedback loop to the Department of Planning Regional Office.

A draft VPA is currently being prepared to support the rezoning and will be entered into by the proponent and Greater Taree City Council. A Statement of Intent for the Figtrees on the Manning draft VPA is at **Appendix D**. It is anticipated the exhibition of the draft VPA will occur prior to the gazettal of the rezoning.

## 1.3 Part 3A Approvals Process

The amendment to Draft LEP 2008 that proposes to rezone the site will allow the uses proposed in the Concept Plan. As the project meets Part 3A Criteria, but is currently partly or wholly prohibited and within a sensitive coastal location, the amendment to the LEP is required prior to the Minister determining the Part 3A Concept Plan.

State Environmental Planning Policy (Major Projects) 2005 (now known as the Major Development SEPP) identifies development to which Part 3A of the EP&A Act applies and for which the Minister is the consent authority.

Clause 6 of the SEPP states that development, which in the opinion of the Minister is development of a kind referred to in Schedule 1 (Classes of Development, Schedule 2 (Specified Sites) or Schedule 3 (State significant development) of the SEPP, is declared to be a project to which Part 3A applies.

The Concept Plan has been declared a Major Project. It is noted that both the request to lodge the Concept Plan and the Minister's authorisation to lodge the plan occurred prior to the recent amendments to the Major Projects SEPP, gazetted on 1 July 2009 (now known as the Major Development SEPP). The criteria by which the project was declared (prior to the recent changes regarding "regional development") are outlined below:

- Clause 13 of Schedule 1 of the Major Projects SEPP refers to development for the purpose of residential, commercial or retail projects with a capital investment value of more than \$50 million that the Minister determines important to achieving state or regional planning objectives. Recent changes to the SEPP contain a provision for this to be \$100million. The proposal is for residential and commercial development with an estimated capital investment of approximately \$250 million.
- Clause 14 of Schedule 1 refers to marinas with capacity for more than 80 vessels in waters other than Sydney Harbour, Middle Harbour, North Harbour, Botany Bay, Port Hacking, Broken Bay or associated tidal waters. The subject concept application includes a marina outside of these waters with a capacity of 100 vessels.



- Clause 1 of Schedule 2 refers to tourist related development within a sensitive coastal location. The portion that is tourism related development is within a sensitive coastal location and tourist facilities are proposed.
- Clause 1 (f) of Schedule 2 refers to recreational and tourist facilities wholly or partly in a sensitive coastal location outside the metropolitan coastal zone that provide accommodation for any number of people. Hotel accommodation is provided within a sensitive coastal location. This class of development is now declared as Regional Development.
- Clause 1 (g) of Schedule 2 refers to buildings greater than 13 metres in height wholly or partly within a sensitive coastal location. The concept plan includes buildings of 13m or more within a sensitive coastal location. This class of development is now declared as Regional Development.

A request to submit a Concept Plan under Section 75M of the EP&A Act was lodged in February 2008. On 13 March 2008, the Minister for Planning formed the opinion that Part 3A of the EP&A Act applies to the project and authorised the submission of a Concept Plan. The Concept Plan is based on the Local Area Plan (LAP). In accordance with Section 75F of the EP&A Act, DGRs (**Appendix A**) were issued on 12 June 2008 (and supplemented on 20 June 2008).

## 1.4 Concept Plan and LAP

As the LAP considers detailed planning work, has been overseen by Council and landowners in concert and has been subject to agency consultation, it is submitted as the Concept Plan for this application. Should consent be granted to the Concept Plan, it will guide future development on the site (subject to subsequent, more detailed Development or Project Applications). The Concept Plan will give the legal weight to achieve the desired future character of the precinct. As the precinct will be developed over a 15 to 25 year timeframe, the LAP requires flexibility to enable adjustments to be made as trends develop.

However, the LAP also requires sufficient structure to ensure the desired character is achieved.

The background studies undertaken to support the rezoning and masterplan process also form the basis of the Concept Plan Environmental Assessment. Where required, consultants who conducted the rezoning studies have provided letters of commitment that their findings have not been outdated and are relevant to the Concept Plan. The letters of commitment accompany each of the specialist reports appended to this EAR. They are based on each consultant's comparison of their findings with a detailed review of the LAP and the DGRs.

In order to be consistent with the terminology of the Part 3A application process, the LAP is referred to as 'the Concept Plan' throughout this report.

## 1.5 Project Team

The project team includes the consultants commissioned by SKM to undertake investigations to inform the rezoning process. These consultants have provided commitments that the findings of their investigations are not outdated and are relevant to the Concept Plan (i.e. the LAP).

In addition to the consultants originally commissioned by SKM, Heggies consulting engineers have been engaged to assess potential air quality / greenhouse gas emission of the Concept Plan and Acoustic Logic has assessed potential noise impacts. Suters Architects have conducted a visual impact assessment, also in order to address the DGRs.

Proponent	Taree Developments Pty Ltd, Hocana Property Pty Ltd and Spsychalla Property Pty Ltd
Urban Planning (Part 3A)	JBA Urban Planning Consultants
Rezoning Development Manager	SKM
Architectural / Urban Design	Suters Architects
Landscape Consultant	McGregor Coxall Partners
Quantity Surveyors	WT Partnership
Contamination and Acid Sulphate Soils	Coffey Geotechnics
Flooding and Stormwater	Worley Parsons
Greenhouse Gas Emissions and Air Quality	Heggies Australia
Flora and Fauna	Ecotone Pty Ltd and Orogen Pty Ltd
Traffic and Transport	Maunsell Australia
Archaeology and Heritage	ENSR AECOM
Geotechnical	Coffey Geotechnics
Mangrove and Bank Stability	Ecotone Pty Ltd
Economic and Social Impact	SGS Economics
Maritime Assessment	Maunsell Australia
Urban Context Analysis	Coastplan Pty Ltd
Acoustic Assessment	Acoustic Logic
Sustainability Assessment	ARUP
Water Balance Assessment	Connell Wagner
Visual Impact Assessment	Suters Architects
Voluntary Planning Agreement	Sparke Helmore

Greater Taree Council has provided permission to use the specialist studies commissioned as part of the rezoning with this Concept Plan EAR (**Appendix E**).

## 2.0 Site Analysis

The site has been the subject of extensive analysis throughout the rezoning process, culminating in the development of the Local Area Plan (LAP). Detailed analysis has been included in a number of documents including:

- Figtrees on the Manning Rezoning Report (June 2008), prepared by Sinclair Knight Mertz (SKM) included at **Appendix B**.
- Figtrees on the Manning Local Area Plan included at **Appendix V**; and
- Urban Context Study - Pitt Street Waterfront Precinct Rezoning Taree prepared by Coastplan Consulting (August 2008) included at **Appendix F**;

This chapter summarises the extensive analysis to date, by describing the physical features of the site and surrounding development and provides land title information. It concludes with a summary of site opportunities and constraints.

### 2.1 Location and Context

#### Regional Context

The site is located on the Mid North Coast of New South Wales (NSW). It is approximately 2km north of the Taree city centre, 80km south of the town of Port Macquarie and situated on the bank of the northern arm of the Manning River. The site is in the Greater Taree local government area (LGA), which is within the area of the DoP's Mid North Coast Regional Strategy (refer to **Figure 1**).

Taree is one of four major regional centres identified in the Regional Strategy. Major regional centres are identified as suitable for accommodating the majority of future population growth in the subregion and a concentration of medium to higher density dwellings. Regional facilities at Taree include the Manning Base Hospital, Taree Airport, Manning Entertainment Centre and recreational and sporting facilities at Chatham Park, adjacent to the site.

#### Local Context

The site is located in Chatham, between the Manning River and the urban residential area along Manning River Drive. It is within the eastern part of the Taree urban area and connected to the centre of Taree via Victoria Road. The eastern part of Taree accommodates recreation and sporting facilities at Chatham Park (adjacent to the site), several schools, the Chatham district shopping centre and Taree airport. The Chatham district shopping centre primarily caters for the local suburban population and includes a cinema complex.

The site constitutes a considerable portion of the Taree urban area waterfront, stretching from the edge of Taree town centre to Chatham Park to the east. The site therefore offers the opportunity for a pedestrian connection along the river between the town centre and the recreational and sporting precinct of Chatham Park.

Located on an arterial road on the approach to central Taree, the site is a gateway for traffic travelling south into the city from the Pacific Highway. **Figure 2** is reproduced from the Concept Plan and shows the site in relation to local and regional facilities in the urban area of Taree. On the map, the site is indicated as 'Figtrees on the Manning'.



**Figure 1 – Regional Context**  
Source: DoP, Mid North Coast Regional Strategy



**Figure 2 – Local Context and Facilities**  
Source: Figtrees on the Manning Local Area Plan (Suters Architects)



## 2.2 Site Description

The site has an area of approximately 22 hectares, is irregular in shape and elongated along the northern foreshore of the Manning River (**Figure 3** and **Figure 4**). Its relationship with the river is the most important defining element of the site's character.

The land is predominantly flat to gently undulating, with elevations ranging from sea level to around 60m above sea level (ASL). The site has expansive views along and across the Manning River and deep water frontage along much of its length that is of sufficient depth to accommodate vessels.

The northern boundary of the site is formed by Pitt Street and the edge of the urban residential area along Chatham Avenue and McCrae Avenue. The site narrows to the eastern boundary, which abuts the rear of dwelling houses on Gregory Close. The southern boundary is defined by the Manning River. The site narrows to a point at the western end, which abuts a gravel road extending from Nelson Street to a jetty on the river.



**Figure 3** – Aerial view along the length of the site looking east  
Source: Suturs Architects/Greater Taree City Council (GTCC)



**Figure 4** – View along the length of the site looking west  
Source: Suturs Architects/GTCC

## Western Precinct

The western end of the site forms a narrow strip approximately 100m wide between the river and Pitt Street. The precinct is predominantly characterised by small scale light industrial uses along Pitt Street, including a concrete batching plant and fuel storage facility.

The Acid Sulphate Soil and Contamination Assessment and Review prepared by Coffey Geotechnics indicates that, while locally contaminated, much of the fuel depot land is suitable for residential, recreational and commercial uses, subject to further investigation and remediation. The Coffey Geotechnics assessment and review is included at **Appendix G**, along with a Letter of Confirmation of Findings. The precinct also includes the disused buildings of the Manning River Cooperative Dairy (**Figure 5**). A disused railway that once served the dairy buildings traverses the precinct (**Figure 6**). Along the opposite (north) side of Pitt Street are single dwelling houses. The eastern part of Pitt Street is lined with fig trees.



**Figure 5** – Buildings of the Manning River Cooperative Dairy to the west of the site  
Source: Suters Architects/GTCC



**Figure 6** – Disused railway at to the west of the site  
Source: Suters Architects/GTCC



## Central Pastoral Precinct

The site reaches its greatest depth at its centre, where it extends approximately 280m north from the river towards Chatham Avenue / Manning River Drive. The historic use of this part of the site has been for pasture (**Figures 7**).

A creek lined with trees and other vegetation running along the northern boundary is a defining element of this part of the site. Another tree lined creek traverses the width of the precinct at the eastern end. Pitt Street, along which is aligned a block of detached dwelling houses, extends east into the pasture land.



**Figure 7** – Pasture at the centre of the site looking west to the Cooperative Dairy buildings  
Source: Suturs Architects/GTCC

## Eastern 'Big Oyster' Precinct

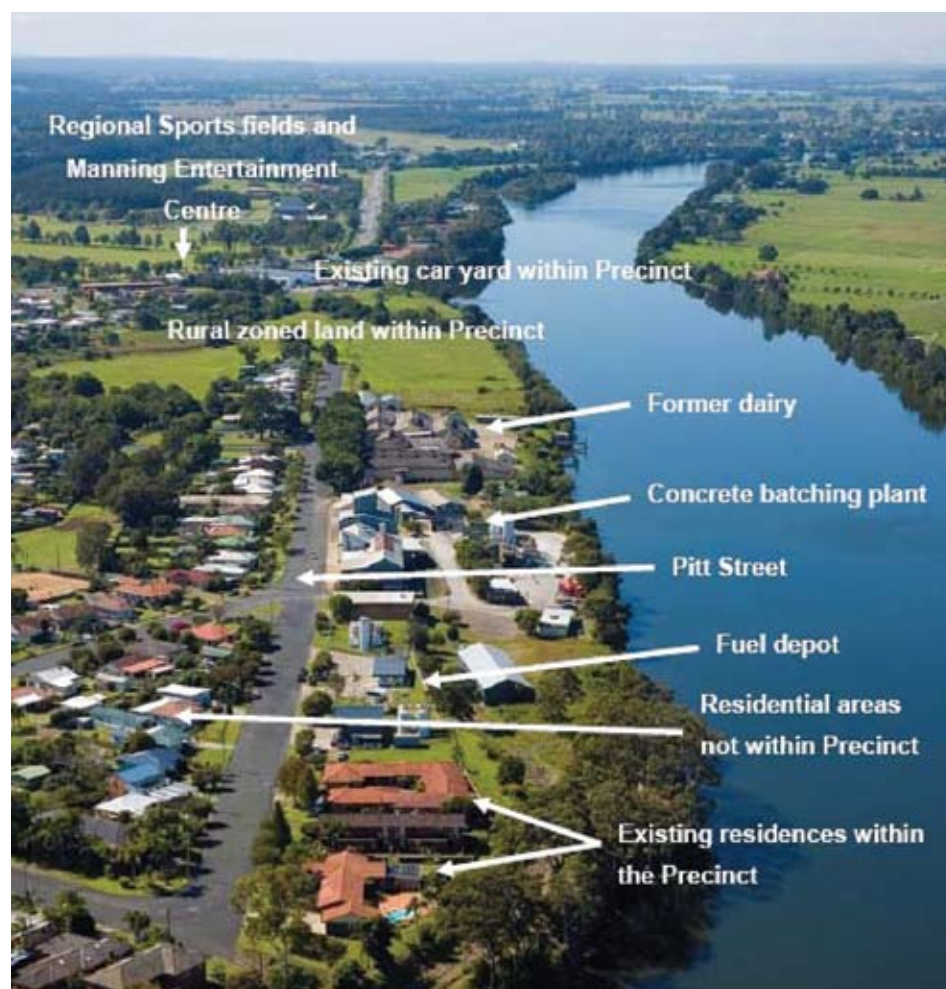
The eastern end of the site extends approximately 200 metres north of the river to abut Manning River Drive and accommodates the Big Oyster group of buildings. Originally used as a fuel service station, the buildings now accommodate a car dealership. The Acid Sulphate Soil and Contamination Assessment and Review by Coffey Geotechnics (**Appendix G**) indicates that localised contamination has occurred on the Big Oyster Land. The curtilage of the Big Oyster buildings comprises of low quality pasture land.

## Summary of Existing Development

**Figure 8** is reproduced from the Urban Context Study by Coastplan Consulting (**Appendix F**). It indicates the location of existing developments on the site, including some of the buildings and structures discussed above. (The Big Oyster site is indicated as 'Existing car yard'). A summary of existing structures on the site includes:

- The former Manning Valley Dairy Cooperative group of buildings;
- A disused railway and associated loading facilities in the western part of the site;
- A Caltex fuel depot and concrete batching plant on the west of the site;
- The buildings of the Fishermans' Cooperative on the west of the site ;
- Detached dwellings along the eastern extent of Pitt Street;
- A townhouse development and larger single dwelling at the western extent of Pitt Street;

- Agricultural land with remnant structures (including a former piggery);
- The car dealership on the 'Big Oyster' site; and
- Jetties on the Manning River (including the Lime Kiln Wharf);



**Figure 8** – Location of existing buildings and other structures on the site  
Source: Urban Context Study (Coastplan Consulting)

## 2.3 Land Ownership and Legal Description

The site comprises 33 allotments of the following legal descriptions:

Lot2 DP804829	Lot30 DP20200	Lot15 DP703272
Lot1 DP804829	Lot31 DP20200	Lot14 DP703272
Lot 1 DP243828	Lot32 DP20200	Lot12 DP703272
Lot A DP343913	Lot33 DP24505	Lot16 DP703272
Lot1 DP343913	Lot35 DP24505	SP 22701
Lot2 DP555702	Lot36 DP24505	Lot1 SP22701
Lot27 DP20200	Lot37 DP24505	Lot2 SP22701
Lot28 DP20200	Lot38 DP24505	Lot3 SP22701
Lot29 DP20200	Lot39 DP24505	Lot4 SP22701
Lot 1 DP215485	Lot 1 DP555702	Lot 1 DP243828
Lot 2 DP215485		
Reserve in Crown plan 037-3070		Reserve 1011448



Referring to **Figure 9**, the site is subject to three major landholdings held by Chase Taree Developments Pty Ltd, Hocana Property Pty Ltd and Spychalla Property Pty Ltd (the proponents).

The above legal descriptions include two additional lots that were not mentioned in the Preliminary Environmental Assessment for the Project and hence the Minister's Clause 6 declaration, being Lot 1 DP215485 and Lot 2 DP215485. These two lots are owned by Greater Taree City Council and adjoin Pioneer Street. These lots form part of the intended rezoning of the site and Local Area Plan (LAP) and were therefore previously erroneously excluded from the Part 3A request. Owner's consent from Greater Taree City Council has been provided for the Concept Plan.

It is understood that the Clause 6 opinion for the project does not need to be amended as it was made on the type of project on the site and the declaration is such that the site is 'generally described'. In light of this, request is made for these two additional lots to be included in the Minister's determination of the Concept Plan.

The rest of the site is owned by Council and the Department of Lands, with the remainder comprising of residential properties in individual ownership. Letters of owner's consent for each land owner within the Concept Plan are provided under separate cover.



**Figure 9** – Ownership of the Site  
Source: Figtrees on the Manning Local Area Plan (Suters Architects)

## 2.4 Transport and Pedestrian Access

### 2.4.1 Road Transport

The site is accessible by car from Lyndhurst Street to the west, Pioneer Street towards the centre of the site and Bligh Street to the east (**Figure 10**). These roads connect with Chatham Avenue / Manning River Drive to the north, an arterial road with up to three lanes in each direction. There are currently no road connections through the site. Chatham Avenue / Manning River Drive connect the site with surrounding localities, central Taree and the Pacific Highway.



**Figure 10** – Local context and facilities

Source: Figtrees on the Manning Local Area Plan (Suters Architects)

## Pedestrian Access

Pedestrian access to the site is currently restricted to Nelson Street, Pioneer Street and Lyndhurst Street / Pitt Street. There is no pedestrian connection through the site to Manning River Drive and the sports and recreation precinct to the east. Pedestrian access to the foreshore of the Manning River is currently constrained by vegetation and fencing.

Current pedestrian access around the precinct tends to be limited to grass verges along road reserves. Pedestrian crossings exist at the signalised intersections of Chatham Avenue / Pioneer Street and Chatham Avenue / Cowper Street. However, at the adjacent priority intersections of Lyndhurst Street / Crescent Avenue and Bligh Street / Manning River Drive, there are no existing pedestrian crossing facilities.

The disused railway that traverses the west of the site and passes under Crescent Avenue beneath a road bridge offers the opportunity for a pedestrian connection with the centre of Taree (**Figure 11**).



**Figure 11** – Potential for pedestrian access to site under Crescent Avenue road bridge

Source: Google Maps

### 2.4.3 Public Transport

Local bus services are provided by Eggins Coach Services to connect Taree with the surrounding localities of Chatham, Taree North, Taree West and Cundletown. Taree is serviced by up to five CountryLink rail services daily, linking the town with to Brisbane, Sydney, Casino and Kyogle.

### 2.4.4 Proximity of Taree Airport

Taree airport is located approximately 2.5km to the east of the site and connected to it by Manning River Drive. The airport provides services to other regional cities and state capitals.

## 2.5 Flooding

As indicated in the Flood Impact Assessment by Worley Parson (**Appendix H**), the site is prone to flooding in the 100 year recurrent storm event. The nature and management of flooding impacts to the Concept Plan is addressed in Section 6.13 and the Statement of Commitments at Section 7.0

## 2.6 Flora and Fauna

An Ecological Constraints Assessment has been prepared by Ecotone Ecological Consultants and reviewed by Orogen (**Appendix I**). It concludes that the tree lined creek along the northern boundary at the centre of the site comprises native vegetation including freshwater reedland and riparian areas. The assessment also found mangroves along the river.

Apart from these areas, the site was found to comprise predominantly of cleared and disturbed light industrial/commercial or agricultural land devoid of natural vegetation. The flora and fauna assessment is discussed in greater detail in Section 6.18 of this report.

## 2.7 Indigenous and European Heritage

ENSR/AECOM Australia Pty Ltd have undertaken an Aboriginal and Historic Heritage Assessment of the site. The study is included at **Appendix J**, along with a Letter of Confirmation of Findings stating that the study's conclusions are relevant to the Concept Plan and have not been outdated. The study identified one Aboriginal site along the Manning River Bank in the southwest corner of the study area, consisting of over 50 artefacts. The site had been heavily disturbed by previous activities, with only remnants of topsoil (and the likely location of the artefacts).

Lime Kiln Wharf and Tramway (a river wharf and rail loading facilities used to transport burnt limestone) and the Manning River Cooperative Dairy buildings are listed as local heritage items in the Greater Taree Local Environmental Plan 1995 (LEP 1995).

## 2.8 Rowing Course

The Rowing Course adjacent to the site in the Manning River is a major sporting and tourism asset.



## 2.9 Built Form Context and Surrounding Development

Future development on the site must consider the built form context. This context is defined by developments in precincts immediately surrounding the site, the built form and function of Taree as a regional centre and the site's waterfront location.

### Local Context

Taree accommodates buildings of relatively low heights and modest scales (refer to **Figure 12**). While the city's built form is low in scale, it accommodates a concentration of commercial and retail buildings that reflect its function as a regional centre. Larger buildings are typically found in the main street of the town centre, on larger sites, or adjoining transport infrastructure corridors.

Within Greater Taree, there are urban areas at Cundletown to the east, Taree South and Purfleet to the south, Tinonee to the southwest and parts of Wingham to the west. Generally, the character of these areas is defined by a mixture of low and medium density residential, commercial, light industrial uses and some rural agricultural land.



**Figure 12** – Aerial view of Taree Centre looking north  
Source: Suters Architects/GTCC

### To the North

Adjacent to the site to the north is a residential area along the southern side of Manning River Drive. Properties fronting Manning River Drive accommodate a mix of dwellings and commercial / retail uses. The wider locality to the north comprises urban residential areas, neighbourhood centres and open space.

### To the East

To the east, the Chatham Park recreational and sporting precinct includes playing fields and a swimming pool. Also to the east is an area of dwelling houses, predominantly of one to two storeys in height, on Gregory Close. Further east are agricultural uses along the north of the Manning River and Taree Airport.

### To the South

Beyond the Manning River to the south is agricultural land at Dumaresq Island and Glenthorne.

## To the West

To the west, on an island in the Manning River, are the Botanical Gardens. Further west are residential, commercial and retail developments along Victoria Road and the Taree town centre.

## Implications for the Site

Considering the built form context discussed above, appropriate development on the site would incorporate residential development, consistent with surrounding precincts. As the site is in proximity to central Taree and has direct connection to an arterial road, it offers opportunities for commercial / retail development to support the city's role as a regional centre.

Given the relatively large site area and proximity to a transport corridor, building heights similar to those of Taree town centre would be appropriate. Given the site's waterfront location, future development should take advantage of opportunities for views over the river. Open space and pedestrian circulation should be integrated with the waterfront.

## 2.10 Summary of Site Opportunities and Constraints

The Pitt Street waterfront site has been extensively studied as part of the rezoning and LAP proves, including detailed site analysis (refer to the SKM Rezoning Report at **Appendix B**). From this analysis, a summary of the planning and environmental opportunities and constraints is provided below.

### Opportunities

Opportunities presented by the site include:

- The development of underutilised land for housing and commercial uses that will support the economic development and ongoing renewal of Taree;
- Provision of housing to achieve strategic targets for additional dwellings. Medium to high density residential development can be provided in response to trends towards increased consumer preference for such dwellings.
- Given the site's proximity to a regional centre, future development of the land will be close to public transport infrastructure and community facilities;
- The size of the site allows for a residential development yield that would support limited scale retail uses onsite that would not adversely affect the function of surrounding centres such as Chatham district shopping centre;
- The site can be used to provide public access to the waterfront as well as tourism and recreational activities that take advantage of the river;
- The site's location provides an opportunity to provide pedestrian links between Nelson Street to the west and the recreational and sporting facilities to the east. The continuation of the disused railway line under Crescent Avenue allows for a future pedestrian link to Taree;
- Deep water frontage and the proximity of major roads provides an opportunity to develop a marina complex, thereby promoting tourism related economic activity;
- Development of the site can provide a more appropriate gateway to the centre of Taree;
- Heritage buildings on the site can be incorporated into the built form and public domain to imbue future development with cultural values and a sense of place;

- Riparian areas along the creek to the northern boundary can be used as a “buffer” to protect the amenity of residences to the north. Riparian areas can be restored to become a valuable recreational facility, while conserving ecological values; and
- Development can proceed in a timely and non-fragmented manner as ownership of the site is relatively concentrated, with most of the area owned by three entities.

## Constraints

Constraints presented by the site include:

- The flood prone nature of the land will necessitate appropriate design solutions;
- The need to ensure that the function of Chatham shopping centre and Taree CBD is not adversely affected by activities on the site;
- Localised contamination resulting from the fuel depot to the west of the site and the former service centre on the Big Oyster land;
- The need to consider an area of archaeological potential along the Manning River bank;
- Preservation of views into the site from the river, foreshore and public domain and through the site from private and publically accessible areas;
- The need to consider the amenity of adjacent residential areas; and
- The need to maintain the physical integrity of the rowing course and ensure development does not encroach on the rowing lanes.

## 3.0 Planning Framework

### 3.1 Relevant Legislation

#### 3.1.1 Environment Protection and Biodiversity Conservation Act 1999 (Commonwealth)

The Commonwealth Environment Protection and Biodiversity Conservation

Act 1999 (EPBC Act) requires approval from the federal Minister for Environment for actions that may have national environmental significance.

The Ecological Constraints Assessment by Ecotone Ecological Consultants (**Appendix I**) was prepared as part of the rezoning of the site and found that no threatened flora species or ecological communities listed by the Act are considered to have the potential to occur within the study area. The report found that one threatened fauna species listed in the EPBC Act has potential to occur within the study area whilst potential habitat for a number of species may exist and potential migratory species may use the site. Matters of National Environmental Significance (NES) relevant to the study area are nationally threatened and migratory fauna with potential habitat seen to occur on the site.

The rezoning report concluded that it is considered unlikely that development on the site would impact on any matters of national significance. The rezoning report found that additional landscaping work/regeneration has the potential to improve habitat and that it was considered unlikely that specific assessment under the provisions of the EPBC Act would be required for the future development of the site. The rezoning assessment found that it would be unlikely that referral to the federal Minister for Environment under the EPBC Act would be required for terrestrial flora and fauna.

These findings have been supplemented by Orogen Pty Ltd who have assessed the Concept Plan with respect to the consistency of the findings with Ecotone. Orogen concludes that there are no Wetlands of International Significance, Migratory Species, EPBC listed threatened species or any other matters protected by the EPBC Act that will be significantly affected by the proposed development. It is therefore considered that the proposed development would not require Commonwealth approval under the provisions of the EPBC Act.

This issue is addressed in further detail at Section 6.18.

#### 3.1.2 Threatened Species Conservation Act 1995

The Threatened Species Conservation Act (TSC Act) lists endangered species, populations and ecological communities and provides for their protection. It also provides for the protection of the critical habitat of threatened species, populations and ecological communities that are endangered.

The Ecological Constraints Assessment prepared as part of the rezoning process (**Appendix I**) found that no naturally occurring flora species listed as threatened in the TSC Act were recorded on the site and that none were expected to occur. Degraded remnants of native vegetation on the site represent four endangered ecological communities (pursuant to the TSC Act). There is potential habitat for fauna species including the Green and Golden Bell Frog, two native birds and bat species on the site.

The Concept Plan intends to retain and revegetate riparian habitat along the creek/drainage line and to replace weed infested areas with native vegetation, however, there will be some loss of riparian habitat along the river.

As most of the existing vegetation remnants are in many instances retained and enhanced, the rezoning report found that significant impacts on any threatened fauna species that may be recorded during future surveys is unlikely to occur. The rezoning assessment concluded that it is unlikely that development on the site would significantly impact on any local population of threatened terrestrial flora or fauna species, or endangered ecological communities.

These findings have been supplemented by Orogen Pty Ltd who have assessed the Concept Plan with respect to the consistency of the findings with Ecotone (**Appendix I**). As per the Ecotone Report, a number of Endangered Ecological Communities listed under the TSC Act were recorded within the subject site. For the purposes of a Section 5A assessment, Orogen also list all threatened fauna species recorded in the locality (also providing an assessment of likely occurrence within the site). A total of 20 fauna species were considered as Subject Species for the site and the assessment for significant impact. The Section 5A Assessment conducted concluded that the proposal is unlikely to have a significant effect on "threatened species, populations or ecological communities or their habitats within the locality".

Detailed surveys and impact assessment would need to be taken as part of the Statement of Commitments for relevant DAs. Orogen conclude that it is, however, unlikely that the results would significantly alter the outcomes of the overview assessment. Additional mitigation measures can be specifically formulated following the results of these surveys, if required.

This issue is addressed in further detail at Section 6.18.

### 3.1.3 Environmental Planning and Assessment Act 1979

Part 3A of the EP&A Act outlines the process for considering Major Development Applications. In particular it outlines:

- What development consists of a Major Development;
- The matters which the Minister must take into account when assessing a major application;
- Information which must be submitted with a major Project Application;
- The environmental assessment requirements for approval;
- Public exhibition of Major Project Applications;
- Assessment report procedures; and
- Appeals under Part 3A.

This report responds to these requirements.

### 3.1.4 Native Vegetation Act 2003

The *Native Vegetation Act 2003* (NV Act) applies to the clearing of native vegetation from all land in NSW. Its objects include:

- Encouraging and promoting the management of native vegetation on a regional basis in the social, economic and environmental interests of the State;
- Preventing broad scale clearing unless it improves or maintains environmental outcomes;

The act requires the consent of the Minister for Environment and Climate Change, or an approved Property Vegetation Plan for the clearing of native vegetation.

In determining whether to grant approval, the Minister for DECC is to have regard to any relevant provisions of catchment action plans of catchment management authorities.



Agency approval for the clearing native vegetation is not required for to Part 3A projects. However, the objects of the NV Act may still be of relevance. Pursuant to Section 5 and Schedule 1 of the NV Act, land zoned for residential use (but not “rural-residential”), industrial use or business use, or having the substantial character of such a zone is excluded from the operation of the act. Since part of the subject site is currently zoned Rural, any clearing of native vegetation may be relevant. However, as it is intended to change the zoning for the proposal and the surrounding land consists of urban and industrial development, and approval of the Concept Plan is dependent on the gazettal of this zoning, the provisions of the NV Act will not be a relevant matter for consideration upon gazettal of the LEP.

### 3.1.5 Heritage Act 1977

Pursuant to the Heritage Act 1977 (Heritage Act), a permit from the NSW Heritage Council is required if archaeological relics are to be exposed, moved, damaged or destroyed. The requirement for a permit does not apply to Major Projects under Section 75U of the EP&A Act.

There are no heritage items on the site that are listed on the State Heritage Register. However, there is the potential for unidentified wharves or other structures which may be protected as ‘wrecks’ under the Heritage Act 1977. An assessment to determine the likelihood of wharves and other waterfront structures is included as a Statement of Commitment.

### 3.1.6 Protection of the Environment Operations Act 1977

The POEO includes statutory provisions for the management and prevention of environmental harm (air, land, water, noise etc) from pollution. It requires licenses to be obtained to authorise the carrying out of ‘scheduled’ activities or development work.

‘Marinas and boat repair facilities’ are listed within Schedule 1 of the POEO Act and would therefore require a licence from DECC to operate the facility.

However, as the exact operator of the premises is not yet known, a number of specific operational aspects of the marina will be developed at the Project Application stage. Therefore, once proponents and/or operators of the facility have been decided, the NSW Department of Environment and Climate Change (DECC) will be approached to ascertain whether or not a licence is required.

Pursuant to Section 75V, the EP&A Act a licence under the POEO Act cannot be refused if it is necessary for carrying out an approved project. Should a licence under the POEO Act be required, it will be obtained prior to the issue of an occupation certificate for the facility. In addition, the Statement of Commitments (**Section 7**) addresses the management of boat storage facilities on the site.

### 3.1.7 Water Management Act 2000

The Water Management Act 2000 (WM Act) provides for the sustainable and integrated management of the water resources of the State.

Approval is required under Section 90 (water management works) for stormwater and flood management works for the site. Similarly an activity approval under Section 91 of the WM Act approval is required to carry out a controlled activity in, on or under waterfront land.

Waterfront land is the bed of a river, lake or estuary and includes land 40 metres from the highest bank of a river, the shore of a lake or high water mark of an estuary.

Section 75U of the EP&A Act removes the requirement for a permit under the WM Act for a project approved under Part 3A of the EP&A Act and accordingly the provisions of the WM Act that prohibit an activity without such an authority do not apply.

Nevertheless, planning for the site, in particular the Flood Study, WSUD solutions in the Sustainability Strategy and Mangrove and Bank Stability Assessment, has considered the requirements of the WM Act and consultation with the then Department of Water and Energy has been undertaken in the rezoning process.

### 3.1.8 Fisheries Management Act 1994

The objects of the Fisheries Management Act 1994 (Fisheries Act) include conserving, developing and sharing fishery resources, conserving fish stocks and key habitats and conserving threatened species, populations and ecological communities of fish and marine vegetation. Pursuant to the Fisheries Management Act, licenses are required to harm mangroves or seagrasses and for dredging. The requirements for such permits under Section 201, 205 and 219 do not apply to Part 3A applications.

The Ecological Constraints Assessment by Ecotone at **Appendix I** found one threatened marine species (the Grey Nurse Shark) to be present in the river next to the site. Mangroves were found on the river bank. This assessment also concluded that the potential removal of mangroves and riparian habitat, changes to the water depth through excavation to create the marina and the construction of wharfs, jetties and boat moorings is likely to require consideration under the Fisheries Management Act. In addition, Fish Habitat Protection Plan No. 1 – General has been prepared pursuant to the Fisheries Management Act. The plan applies to the waters adjacent to the site and makes provision for dredging, reclamation and damaging marine/riparian vegetation.

Orogen have reviewed the Concept Plan with respect to the FM Act (**Appendix I**). Orogen consider that the amount of mangrove and seagrass vegetation likely to be removed for the development is not significant in the context of the extent of mangroves and seagrasses associated with the Manning River. Orogen conclude that no threatened species, habitats or endangered populations listed by the FM Act have been recorded in the locality, and it is highly unlikely that any would occur within the areas proposed for disturbance. Therefore, based on available records, it is considered highly unlikely the Concept Plan will cause a significant impact (direct or indirect) upon any threatened species, endangered population or endangered communities listed under the FM Act.

Construction techniques and the exact location of piles or other structures on the river bed and foreshore have not been defined at the Concept Plan.

Notwithstanding that substantive details of the marina will be available at the

Project Application stage, a Maritime Assessment was prepared by Maunsell to inform the rezoning of the site. The Maritime Assessment demonstrates the suitability of the site from a maritime engineering perspective. The assessment is provided at **Appendix K**, along with a Letter of Confirmation of Findings that states that the assessment's conclusions are relevant to the Concept Plan and have not been outdated.

Detailed surveys and impact assessment on marine/aquatic habitat would, however, need to be taken as part of the Statement of Commitments and would include a quantitative study to state how much seagrass and habitat would be removed. The assessment would need to address Fish Habitat Protection Plan No. 1 and Fish Habitat Protection Plan No. 2: Seagrasses developed by NSW Fisheries.

### 3.1.9 National Parks and Wildlife Act 1974

Sections 84 and 90 of the National Parks and Wildlife Act 1974 (NPW Act) provide the primary statutory means for the protection and management of Aboriginal sites and relics within NSW. The Act requires, amongst other things:

- Consultation with the Department of Environment, Conservation and Climate Change (DECC) prior to development to determine the presence of items of Aboriginal heritage;
- Consultation with local Aboriginal groups; and
- Consent to disturb or destroy Aboriginal heritage sites/items.

Pursuant to the NPW Act, a permit is required for the removal, damage or destruction of an Aboriginal object or place. Archaeological investigations have concluded that the site has the potential to contain Aboriginal objects. In the case of Part 3A project, this permit is not required. However the usual requirements under the Act in relation to the management of indigenous heritage would still apply.

The Aboriginal and Historic Heritage Assessment at **Appendix J** involved consultation with Aboriginal groups, in accordance with DECC Guidelines. An Aboriginal site identified by the assessment will be conserved through its inclusion within an area of open space. Measures to ensure areas of high Aboriginal heritage significance are not adversely affected are provided in the Statement of Commitments at Section 7.

### 3.1.10 Roads Act 1993

The Roads Act 1993 (Roads Act) provides for public access to roads and access to roads from private land. It also establishes procedures for opening and closing public roads and regulates various activities on public roads. Section 138 of the Roads Act requires consent to be issued for work on or that affects a public road, or to connect to a public road. Such consent cannot be refused for a Part 3A project if the consent is necessary for carrying out the project and if it is consistent with an approval granted under Part 3A.

### 3.1.11 Rural Fires Act 1997

Amongst its objectives, the Rural Fires Act 1997 (RF Act) seeks to prevent, mitigate and suppress bush and other fires. Under Section 100B, a permit is required from the NSW Rural Fire Service should a development contain a 'special fire protection purpose'.

Section 75U of the EP&A Act removes the requirement for a permit under the RF Act for an approved Part 3A project. Notwithstanding this, the site is not classified as 'bushfire prone' according to the mapping available on Taree Council's website. Bushfire protection will need to be considered in subsequent DAs, particularly where buildings are adjacent to vegetated remnants, however, given the limited vegetation on the site bushfire protection requirements are likely to be minimal even after restoration of the drainage line.

### 3.1.12 Crown Lands Act 1989

The principles of the Crown Lands Act 1989 aim to:

- Encourage public use and enjoyment of Crown Lands;
- Ensure environmental protection principles are observed in relation to the management and administration of Crown Land;
- Conserve where possible the natural resources of Crown Land (including water, soil, flora, fauna and scenic quality);
- Encourage multiple use of Crown Land;

- Ensure that Crown land that is occupied, used, sold, leased, licensed or otherwise dealt with is within the best interests of the State consistent with the above principles.

The Crown Lands Act also requires that Crown land shall not be occupied, used, sold, leased, licensed, dedicated or reserved or otherwise dealt with unless the occupation, use, sale, lease, licence, reservation or dedication or other dealing is authorised by this Act.

As part of the site is designated as Crown Lands, the provisions of this Act are a relevant matter for consideration. Section 6.15 addresses the principles of Crown Land Management for the site. The Department of Lands has also provided owner's consent for the lodgement of the Concept Plan application where it relates to their land.

## 3.2 Strategic and Statutory Framework

The following section lists State Environmental Planning Policies (SEPPs), regional and local strategies and development guidelines. A description of the relevant legislation and assessment of the implications for the Concept Plan is provided assessment at Section 6 and in the appendices accompanying this report. It is noted that, as part of the NSW planning reforms, the Hunter REP has been repealed.

### State and Local Strategic Planning

The following key state and local strategic documents apply the site.

- NSW Coastal Policy and Coastal Design Guidelines;
- Mid North Coast Regional Strategy;
- Greater Taree Council Twenty-Two Vision;
- The Greater Taree Draft Conservation and Development Strategy;
- The Local Growth Management Strategy;
- Taree CBD Foreshore Management Plan;
- Taree Town Centre Study;
- Greater Taree City Bike Plan; and
- Browns Creek Estuary and Catchment Management Plan.

The consistency of the Concept Plan with these documents is addressed at Section 6.2 and in the Urban Context Study at **Appendix F**. Other State Government Technical and Policy Documents referenced in Attachment 3 of the DGRs were consulted where relevant by each specialist consultant in the preparation of the rezoning reports and EAR as referenced in the appendices accompanying this document, including (but not limited to):

- Floodplain Risk Management Guideline; Practical Consideration of Climate Change (DECCW) and draft NSW Sea Level Rise Policy Statement;
- RTA Guide to Traffic Generating Developments;
- DECC Industrial Noise Policy;
- Approved Methods and Guidance for the Modelling and Assessment of Air Pollutants in NSW, DECC;
- National Greenhouse Accounts (NGA) Factors (June 2009);
- Acid Sulphate Soils Manual, ASSMAC, 1998; and
- DECC (1997) Aboriginal Cultural Heritage Standards and Guidelines Kit and DECC (2004) Interim Community Consultation Requirements for Applicants

## State and Local Statutory framework

- State Environmental Planning Policy (Infrastructure) 2007 (Infrastructure SEPP);
- State Environmental Planning Policy (Major Projects) 2005 (now known as the Major Development SEPP);
- State Environmental Planning Policy 14 – Coastal Wetlands;
- State Environmental Planning Policy 26 – Littoral Rainforest;
- State Environmental Planning Policy No 44 – Koala Habitat Protection (SEPP 44)
- State Environmental Planning Policy No. 50 – Canal Estate Development;
- State Environmental Planning Policy No.55 – Remediation of Land (SEPP 55);
- State Environmental Planning Policy No.71 – Coastal Protection (SEPP 71);
- State Environmental Planning Policy No 65 – Design Quality of Residential Flat Development (SEPP 65);
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 (BASIX SEPP);
- Greater Taree Local Environmental Plan 1995 (LEP 1995); and
- Draft Amendment to Draft Greater Taree Local Environmental Plan 2008

## 4.0 Consultation

### 4.1 Consultation in Relation to the Rezoning of the Site

Steps have been taken throughout the duration of the project to ensure a high degree of consultation. Platforms for consultation throughout the rezoning and master planning process (which forms the current Concept Plan) have been undertaken between Council, the landowners, the project planner (SKM), the master planner (Suters Architects), state government agencies and the public.

Consultation is discussed in detail in the Taree Council report and the SKM Rezoning Report (**Appendix B and C**). In summary, the following has occurred in the preparation of the LAP/Masterplan (i.e. the Concept Plan):

- The work of the Rezoning Control Group ;
- Section 54 and Section 62 notification and consultation;
- A Planning Focus Meeting held on site on 16 May 2007. Attendees included Council Officers, Councillors, DoP, government agencies, utilities providers and the proponents.
- Three community consultation meetings on 5 June and 23 October 2007 and 29 April 2008;
- A static display of the proposal was displayed in the foyer of the Council's administration building from 28 April to 2 May 2008;
- Various landowner meetings with Council on 6 March 2007, 19 July 2007 and 12 August 2008;
- A meeting between Council and all landowners on 12 August 2008;
- A site open day on 30 April 2008; and
- A Councillor Workshop on 12 November 2008;

Further consultation will also take place as the draft amendment to DLEP 2008 is placed on public exhibition.

### 4.2 Part 3A Consultation

The Concept Plan and supporting documentation will also be subject to the requirements of Part 3A of the EP&A Act, under which the Director General of the DoP must consult with relevant authorities in preparing the DGRs. Agencies that provided responses to requests for information in relation to this application are:

- Department of Environment and Conservation and Water (DECCW);
- Department of Lands;
- MidCoast Water;
- Greater Taree City Council;
- Department of Water and Energy (now part of DECCW);
- NSW Rural Fire Service;
- Country Energy;
- Roads and Traffic Authority (RTA);
- Department of Primary Industries; and
- Hunter/Central Rivers Catchment Management Authority.

Comments and issues raised by these authorities and groups are included at in the DGRs at **Appendix A** and have been considered by the Department in preparing the DGRs. As the Director-General is required to advertise and exhibit the Environmental Assessment and appended reports and documentation, agencies will have a further opportunity to comment.

Following concept approval, further consultations with relevant agencies and the community will take place at Project Application/DA stage. The Project Application/DA plans and supporting documentation will also be exhibited in order that any agencies and community members may make submissions. For future development on the site that is subject to the Development Application pursuant to Part 4 of the EP&A Act, exhibition and consultation requirements under that part of the act will be observed.

Given the extent of prior consultations regarding the rezoning of the site and future consultations in relation to this application and future applications, it is considered that the requirements of the DGRs are satisfied in this respect.

## 5.0 Concept Plan

### 5.1 Introduction

This application seeks approval for a Concept Plan for the development of the site to allow residential, commercial, open space marina and tourist development on the site. As stated in Section 1.2, the Local Area Plan (LAP) for the site was commissioned by Council and informs the rezoning of the land. As the LAP is based on specialist environmental investigations and has been subject to agency consultation, it is of considerable detail. It also represents the planning objectives of Council and will be subject to public exhibition. It is therefore submitted as the Concept Plan for this application.

The Concept Plan establishes objectives for the development of the site. It includes the following built form elements:

- Building envelopes (indicating height in storeys);
- Maximum floor space ratios by precinct;
- Land uses (residential / commercial / mixed use / open space / heritage adaptive reuse / marina etc);
- Indicative street alignments and pedestrian networks;
- Location of open space, landscaping and “restored” wetland and riparian areas;
- The location of commercial marinas and their capacities (no. of berths);
- Heritage items to be retained and adaptively reused; and
- The location of recreational facilities and public domain elements (including publically accessible private space).

The Concept will guide future development of the site, with clearly defined design parameters and outcomes. It will be used by the consent authority to assess future development proposals within the Figtrees on the Manning site.

The challenge of the Concept Plan is to address the environmental setting of the site in a way that will respect its scenic and cultural qualities and its potential to provide public access to the foreshore and a vibrant mixed use precinct that will complement Taree as a major regional centre.

### 5.2 Consideration of Options

The Concept Plan is the result of a competitive selection process through which four design teams submitted alternative proposals for the development of the site. Council’s decision to commission the team lead by Suturs Architects was based on consideration of each of the alternatives. Considerable consultation regarding the Concept Plan has also occurred via the Rezoning Consultation Group (RCG) and provided significant input into the rezoning and planning of the precinct.



## 5.2 Concept Plan Objectives

In accordance with the opportunities and constraints identified in the Site Analysis (Section 2), the project team has identified the following objectives for the project:

### Built Form and Amenity

- Recognize the importance of the site as a catalyst to strengthen Taree's relationship to the waterfront;
- Provide dwellings, public domain and recreational facilities that take advantage of the amenity and views afforded by the site's waterfront location;
- Respect existing views into, from and within the site;
- Create building envelopes that will maximise internal amenity;
- Integrate heritage buildings and their curtilage with contemporary architecture and urban form to imbue the site with cultural value and a sense of place;
- Achieve a scale of development appropriate to the surrounding residential areas and the waterfront;
- Connect the Botanical Gardens and the sports and recreation precinct via a pedestrian network that provides links with central Taree;
- Establish precincts of unique character providing a diversity of uses; and
- Promote permeability throughout the site through open space, road, bicycle and pedestrian networks that connect with those of surrounding residential open space/recreational precincts.

### Economic

- Ensure that development compliments the service functions of the Taree CBD and Chatham shopping centre;
- Maximise the site's potential to support the economic development of Taree and the renewal of underutilised waterfront land;
- Promote tourism, through access to and use of the Manning River and its foreshore;
- Provide a marina complex and associated boat maintenance and tourism related operations that take advantage of the site's deep water frontage; and
- Stimulate local economic activity by promoting innovative commercial and retail uses such as growers markets, art markets, marina and boat maintenance activities, specialty, tourist accommodation, and reception facilities.

### Community

- Provide residential and commercial development that will meet demand created by the anticipated population growth in the Mid North Coast region and in the Greater Taree LGA;
- Provide publically accessible community facilities including educational uses, open space and children's play areas in quality public domain areas, including those on the waterfront; and
- Enable public pedestrian access to the waterfront.

## Environment / Sustainability

- Encourage the use of modes of transport other than the car, thereby reducing congestion and greenhouse gas emissions by:
  - Promoting pedestrian and bicycle transport within the development and to Taree town centre and other surrounding destinations;
  - Integrating employment, residential, retail, recreational and cultural, land uses within a “walkable” community to promote working and living in the same precinct;
- Implementing best practice sustainable design including technical solutions that will achieve compliance with BASIX targets; and
- Manage stormwater runoff from the site so as to minimise impacts to ground water and river systems.

## 5.3 Concept Plan Overview

Referring to **Figures 13** and **14**, the Concept Plan is comprised of five precincts of different but complementary characters and uses as follows:

- 1) **Gateway Residential Precinct:** Occupying the westernmost end of the site, adjacent to the Botanical Gardens, this precinct forms a pedestrian gateway to the development and accommodates modestly sized residential buildings.
- 2) **Figtree Commercial Precinct:** Also located to the west of the site, this precinct will form a hub, with mixed use residential / commercial development.
- 3) **Dairy Heritage Precinct:** Defined by the reuse of the group of heritage buildings on the site, this precinct will provide for cultural activities, restaurants and retail uses.
- 4) **Riverpark Village Precinct:** A residential village at the centre of the site, enclosed by a restored wetland park, which constitutes a recreational facility and a buffer between the development and the residential area to the north.
- 5) **Marina Commercial Precinct:** A fixed berth commercial marina, with associated commercial uses and tourist activates forming a “working waterfront”.



**Figure 13** – The Concept Plan’s five precincts  
Source: Figtrees on the Manning Local Area Plan (Suters Architects)



06.1 Development Masterplan

- |  |   |   |
|--|---|---|
| 01. Alignment of Existing Rowing Course                  | 12. Water detention / quality feature   | 22. Beach   |
| 02. Pedestrian Connection to Chatham Avenue              | 13. Car Parking for Commercial Area   | 23. Commercial Marina   |
| 03. Urban Riverside Plaza With Constructed Edge To Water | 14. Shared Cycle Way + Footpath on Existing Railway Line                                    | 24. Boatel Marina   |
| 04. Retail Plaza   | 15. Children's Play Area  | 25. Boat Ramp   |
| 05. Nelson Street Park                                   | 16. Public Artwork / Sculptural Element   | 26. Boat Crane on Timber Deck   |
| 06. Wetland Park   | 17. Raised Boardwalk + Bridges along river + Creek to connect Marina + Residential Precinct | 27. Existing Eucalyptus Community to be retained                          |
| 07. Pitt Street - Garden Boulevard                       | 18. Viewing Platform  | 28. Existing Mangroves to be Retained                                     |
| 08. Communal Gardens                                     | 19. Floating Jetty  | 29. Existing Fig Trees on Pitt Street to be retained                      |
| 09. External Seating / Dining Areas                      | 20. Bridge to Connect to Botanical Gardens  | 30. Wetland Area with Native Aquatic Planting                             |
| 10. Floating River Pool / Stage                          | 21. Water Feature   | 31. Stormwater Filtration Biotope / Bioswale with Native Wetland Planting |
| 11. River Stairs   |   |   |

Figure 14 – Concept Plan Overview

Source: Figtrees on the Manning Local Area Plan (Suters Architects)

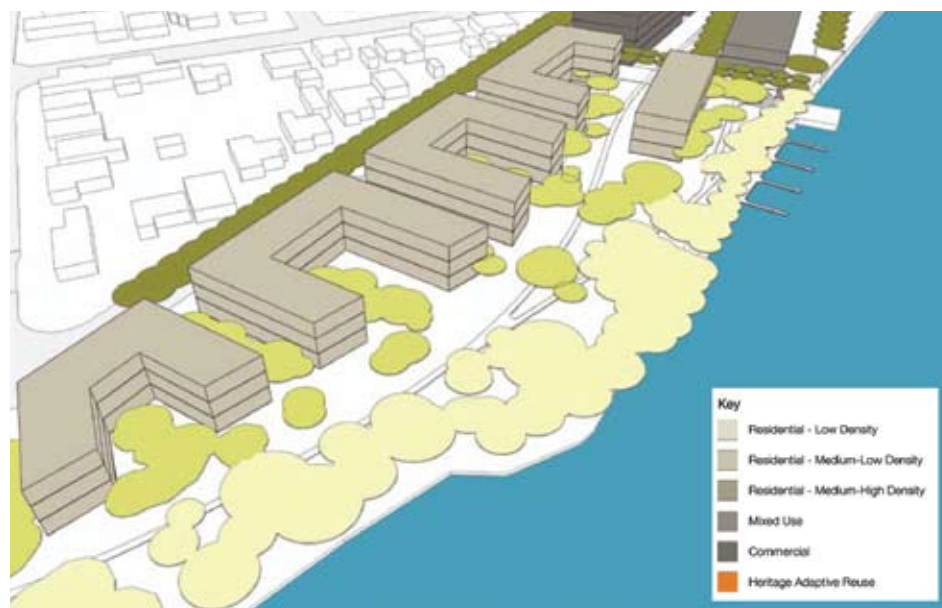
## 5.4 Western Gateway Precinct (1)

The Gateway Residential Precinct is bound by Pitt Street to the north and the river to the south and forms the westernmost extent of the site. Referring to **Figure 15** concept approval is sought for:

- Up to 13,655m<sup>2</sup> of residential floor area comprising medium density dwellings in five buildings;
- Four residential buildings of three storeys in height fronting Pitt Street (10m plus roof/loft space);
- One residential building of two storeys in height closer to the waterfront (8.5m plus roof/loft space);
- Floor space ratios (FSRs) of between 1.5:1 and 2:1; and
- Jetty of up to 10 vessels.

The four three storey buildings will be arranged around a central courtyard, while the two storey building will form a rectangular block aligned along the waterfront.

The precinct will be accessible from Crescent Avenue, along the disused railway line, which will be upgraded to become a pedestrian footpath, splitting into two to the east. The two footpaths will transect the precinct connecting it to the rest of the site to the west. Woodland will be retained along the riverbank, along with Figtrees on Pitt Street.



**Figure 15** – Gateway Residential Precinct building envelopes  
Source: Figtrees on the Manning Local Area Plan (Suters Architects)

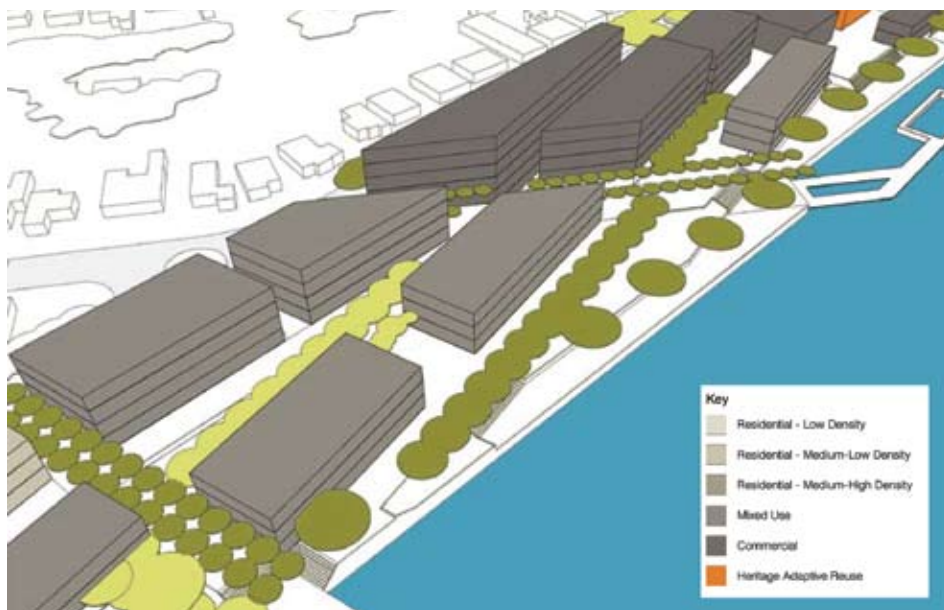
## 5.6 Figtree Commercial Precinct (2)

This precinct comprises the land between Pitt Street and the river that is currently occupied by the disused fuel storage facility and concrete batching plant. Referring to **Figure 16**, concept approval is sought for:

- Five mixed use buildings comprising:
  - Up to 12,960m<sup>2</sup> of floor area
  - 3-4 storeys in height (between 11m and 15.6m plus roof/loft space); and
  - FSR of 2:1 to 4:1.
- Three use commercial buildings comprising:
  - Up to 11,410m<sup>2</sup> of floor area
  - 4 storeys in height (15.6m plus roof/loft space); and
  - FSR of 3:1 to 4:1.

Activities in this precinct are anticipated to include speciality restaurants and cafes, commercial offices and dwellings above. Dwellings may be located above office uses so as to avoid noise impacts to residents.

Buildings will be aligned along a tree lined boulevard and the continuation of the footpaths that transect the adjacent Gateway Residential precinct to the west. The waterfront will include a hard edge to create an urban style promenade. It is anticipated that a riverside plaza will provide external seating and dining areas.



**Figure 16** – Figtree Commercial Precinct building envelopes  
Source: Figtrees on the Manning Local Area Plan (Suters Architects)

## 5.7 Dairy Heritage Precinct (3)

This precinct is also bound by Pitt Street to the north and the Manning River and includes the heritage buildings of the Manning River Cooperative Dairy. Referring to **Figure 17**, concept approval is sought for:

- The Co-operative Dairy group of buildings adapted for reuse comprising:
  - Up to 6,825m<sup>2</sup> of commercial adaptive re-use;
  - 2 storeys in height (between 6.6m and 8.5m plus roof/loft space); and
  - FSR of 0.75:1.
- Three new commercial buildings comprising:
  - Up to 6,720m<sup>2</sup> of floor area;
  - 3 storeys in height (11m plus roof/loft space); and
  - FSR of 2:1.

It is envisaged that the precinct will incorporate cultural and educational facilities, restaurants, the existing fish co-op, fresh produce markets and conference facilities. A public pontoon and pool / stage will be provided on the river. Bulk and scale will be sympathetic to that of the heritage buildings. The waterfront will be hard edged and provide access to a small number of marina berths.





**Figure 17**– Dairy Heritage Precinct building envelopes  
Source: Figtrees on the Manning Local Area Plan (Suters Architects)

## 5.8 Riverpark Village Precinct (4)

This precinct occupies the widest, central part of the site that at present is predominantly of pasture. Referring to **Figure 18**, concept approval is sought for:

- 34 residential buildings within 20 development lots comprising up to 70,545m<sup>2</sup> of floor area;
- Building heights of 2/3 storeys at the waterfront, stepping up to 5 storeys at the northern boundary(between 10m and 17.5m plus roof/loft space);
- FSR of 1.5:1 to 3.5:1; and
- Two jetty areas for up to 20 vessels.

The precinct will accommodate a residential village, with a range of dwelling types including townhouses and apartments. Extending from the river to native reedland and riparian areas along the creek to the north, the precinct allows the provision of dwellings with a high degree of amenity, afforded by proximity to and views of natural landscapes.

The creek and riparian areas along the northern boundary will be restored to conserve ecological values and provide a recreational facility. A public beach and marina berths will be provided on the river. Pedestrian access and roads will be aligned along view lines and connect with adjacent precincts.

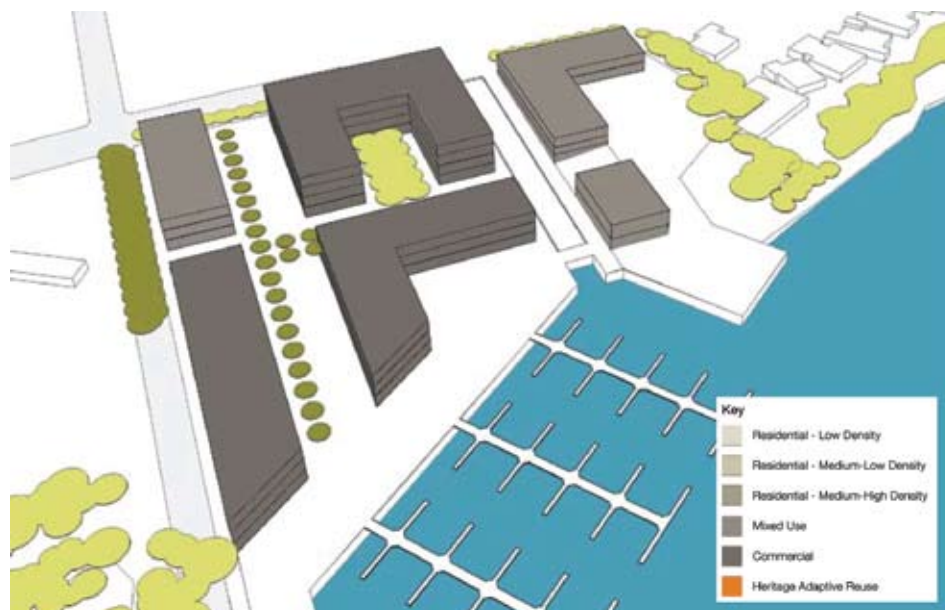


**Figure 18** – Riverpark Village building envelopes  
Source: Figtrees on the Manning Local Area Plan (Suters Architects)

## 5.9 Marina Commercial Precinct (5)

The marina commercial precinct will comprise a working waterfront with a commercial/mixed use centre and frontage to Manning River Drive, forming the eastern gateway to Taree. Pedestrian links with the sports and recreation precinct to the north and along the Manning River will be provided. Uses will include tourism related activities, boat maintenance and administration for the marina. Maintenance operations, dry dock, dry storage and boat building facilities are anticipated on the Big Oyster site. Referring to **Figure 19**, concept approval is sought for:

- Three commercial buildings comprising:
  - Up to 24,240m<sup>2</sup> of floor area;
  - Building heights of 3-4 storeys (between 12m and 15.6m plus roof/loft space); and
  - FSR of 3:1.
- Two mixed use buildings comprising:
  - Up to 11,010m<sup>2</sup> of floor area;
  - Building heights of 2 to 3 storeys (12mm plus roof/loft space); and
  - FSR of 1:1 to 3:1; and
- Commercial marina berths accommodating 100 wet berths.



**Figure 19** – Marina Commercial Precinct building envelopes and marina layout  
Source: Figtrees on the Manning Local Area Plan (Suters Architects)

## 5.10 Public Domain and Open Space

With regard to the public domain, the Concept Plan sets out key urban design strategies, which are summarised as follows:

- Creating view corridors to foster a link in built form and natural landscape;
- Enhancing key view corridors to and from the site and connecting the river and the character of native vegetation to the town;
- Establishing a relationship between local context and site through preservation and integration of existing heritage buildings and development of public space;
- Integrating and respecting existing heritage buildings;
- Integration of existing landscape features;
- Establishing primary and secondary levels of street landscaping;
- Rehabilitation and preservation of landscape and riparian areas, providing contiguous and permeable green space throughout the site;
- Establishing a main street and a secondary street level for residential development;
- Defining major pedestrian / main street gateways to site;
- Establishing key landscape zones for public activity; and
- Maintaining a main traffic connection to the town centre and establishing key intersections and primary streets for site traffic.

The Concept Plan states that, through the implementation of these strategies, future development on the site will provide:

- A large expanse of publicly accessible space with areas of privately owned land dedicated for community use (refer to **Figure 20**);
- The connection of the Botanical Gardens and the Entertainment / Sports and Recreation Precincts of Taree via pedestrian paths, cycle ways and boardwalks. This will provide direct public access to the waterfront for the full length of the site;



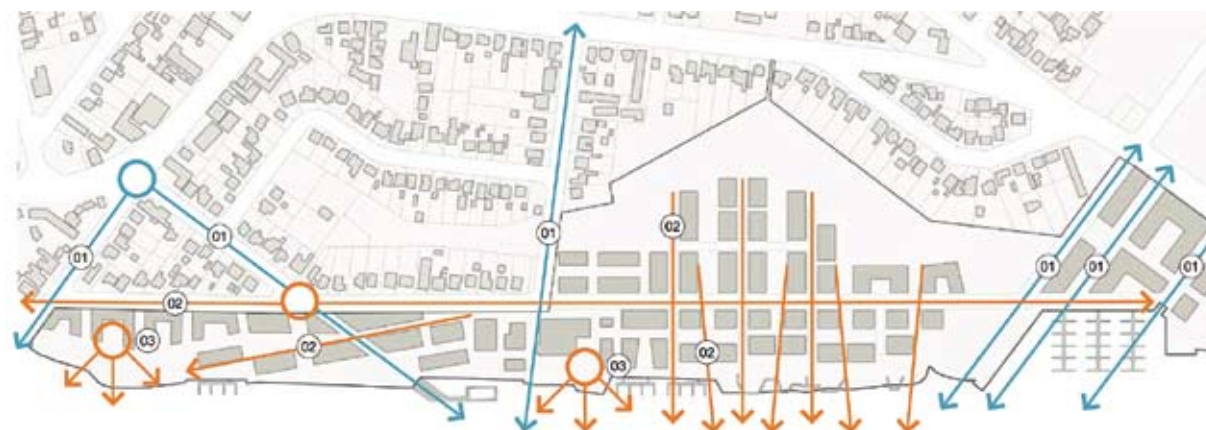
- Use of the existing railway line as a shared cycleway and footpath;
- A Wetland Park accessible via a path system along the creek to the north of the site;
- The development of a direct relationship with the waterfront through the provision of marina, jetties, viewing platforms, boardwalks and a river pool / stage, making the river accessible to all for recreational use; and
- Integration where appropriate of remnant woodland, riparian forest, freshwater reedland and Figtrees on Pitt Street to allow development that will achieve social and commercial outcomes while respecting appropriate aspects of the natural environment.

Native vegetation will be incorporated into open space (particularly in the restored wetland to the north and along the river). This will promote amenity and links between vegetated areas in the locality.

View corridors to and from the site have been preserved, so as to connect the river with the public domain (refer to **Figure 21**)



**Figure 20** – Public open space (Orange) and publically accessible private space (light Blue)  
Source: Figtrees on the Manning Local Area Plan (Suters Architects)



**Figure 21** – View lines through the site  
Source: Figtrees on the Manning Local Area Plan (Suters Architects)

## 5.11 Water Cycle Management

In accordance with Water Sensitive Urban Design (WSUD) principles, stormwater will flow off roads to roadside swales. Some of the water volume in roadside swales will flow to the restored wetland for further filtration in detention ponds. Stormwater from the site is to be managed to protect natural systems and reflect predevelopment flows in terms of water quality and quantity. Runoff from rooves is to be stored for reuse in irrigation.

Principles of WSUD will be detailed in subsequent Project or Development Applications and take into consideration the recommendations of the Sustainability Report prepared by ARUP(**Appendix L**) and the Water Balance Assessment by Connell Wagner (**Appendix M**).

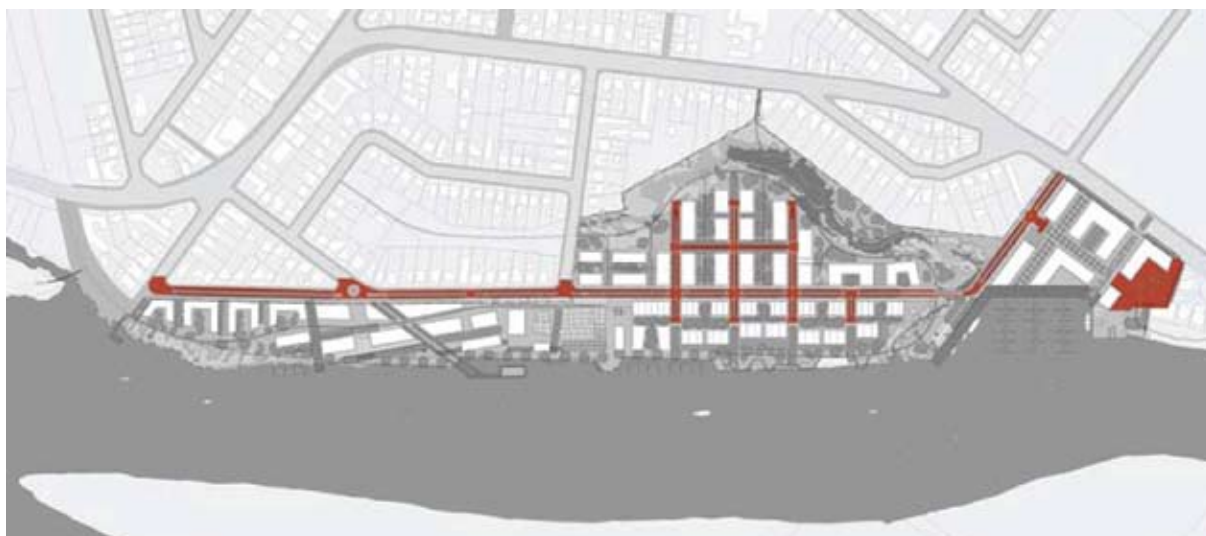
## 5.12 Access and Transport

### Road Network

Referring to **Figure 22**, an extension of Pitt Street into the site is proposed, connecting with four residential access ways to the south and three to the north. The three access ways to the north will connect with a residential loop road.

### Car parking

Parking is to be predominately underground, serving the need to keep habitable floors above the 1 in 100 year flood level. Angled and parallel parking will also be provided along Pitt Street.



**Figure 22** – Indicative Internal road layout  
Source: Figtrees on the Manning Local Area Plan (Suters Architects)

## 5.13 Indicative Project Planning and Future Development Lots

Development of the precincts described in this Section of the EAR will be in accordance with the indicative subdivision/staging plans included at **Appendix N**. The indicative staging plans indicate specific infrastructure outcomes tied to each proposed lot. While a specific timeframe has not been nominated for each lot, it is anticipated that the precinct will be developed from Concept Plan approval and then over the next 15 to 25 years.

The proponent has indicated a preference that, following Concept Plan approval, detailed development proposals for each of the stages be assessed by Council under Part 4 of the EP&A Act (with the exception of the marina). This is considered appropriate, as Council has been integrally involved in overseeing the design of the Concept Plan and the site investigations that inform the rezoning process and development of the LAP. This involvement has enabled Council to develop an understanding of how the Concept Plan relates to local planning objectives and makes Council suitably resourced to assess future stages.

## 5.14 Infrastructure and Voluntary Planning Agreement (VPA)

As discussed in an ordinary meeting of Council on 10 December 2008, development contributions and infrastructure upgrades for the precinct will be made through a VPA, which is currently being finalised.

Section 93F of the EP&A Act makes provision for Planning Agreements and allows a VPA to be entered into between a planning authority and a person (the developer) who has:

- sought a change to an environmental planning instrument, or
- who has made, or proposes to make, a development application.

In this instance, the proponent will enter into a VPA with Greater Taree City Council and the VPA is linked to a change in an environmental planning instrument (i.e. the rezoning of the land). As such the VPA is not directly associated with the separate statutory process of this Part 3A Concept Plan and as does not require exhibition with the Part 3A Concept Plan.

It is anticipated that the VPA will be exhibited soon after exhibition of the rezoning application. The commitment to enter into a VPA is included in the Statement of Commitments at Section 7.0.

A Statement of Intent for the Figtrees on the Manning VPA is at **Appendix D**.

## 6.0 Environmental Assessment

This section of the report assesses and responds to the environmental impacts of the Concept Plan proposal. It addresses the matters for consideration set out in the DGRs. The draft Statement of Commitments complements the findings of this section.

### 6.1 Director General's Environmental Assessment Requirements

**Table 1** provides a detailed summary of the individual matters listed in the DGRs and / or identifies where each of these requirements has been addressed in this report and the accompanying technical studies.

**Table 1** – Director General's Environmental Assessment Requirements (DGRs)

Director General's requirements	Location in Report/Application
<b>General Requirements</b>	
Executive Summary.	Executive Summary provided at pages vi to vii
An outline of the project, including development options	<ul style="list-style-type: none"> <li>- Section 5.0</li> <li>- Figtrees on the Manning Local Area Plan at <b>Appendix V</b></li> </ul>
A justification for the project.	Section 8.1
Site analysis.	<ul style="list-style-type: none"> <li>- Section 2.0</li> <li>- Figtrees on the Manning Rezoning Report at <b>Appendix B</b></li> <li>- Figtrees on the Manning Local Area Plan at <b>Appendix V</b></li> </ul>
Consideration of statutory legislative provisions.	<ul style="list-style-type: none"> <li>- Section 3.0 and Section 6.3</li> <li>- Urban Context Study at <b>Appendix F</b></li> </ul>
Consideration of non-statutory provisions.	Section 6.2 and Section 6.4
Demonstration of consistency with the objects of the EP&A Act.	Section 6.0
Consideration of impacts on matters of National Environmental Significance under the Environmental Protection and Biodiversity Conservation Act 1999 (Cth).	<ul style="list-style-type: none"> <li>- Section 6.18</li> <li>- Ecological Constraints Assessment and Review at <b>Appendix I</b></li> </ul>
Assessment of the potential impacts of the project and a draft statement of commitments.	<ul style="list-style-type: none"> <li>- Section 6.0</li> <li>- Section 7.0</li> </ul>
Plans and supporting documents.	Plans and specialist consultant reports at <b>Appendices A to V</b>
Quantity Surveyor's certificate of costs.	Submitted under separate cover
<b>Key Issues</b>	
<b>Strategic Planning</b> The EA must justify the proposal with reference to relevant local, regional and state planning strategies.	Section 6.2
<b>Relationship with Crowns lands</b> The EA must clearly delineate the status of Crown lands and roads and indicate consistency with proposed uses.	Section 6.15

Director General's requirements	Location in Report/Application
<b>Urban Design, Visual Impact and Sustainability</b> <ul style="list-style-type: none"> <li>- The Concept Plan application must:</li> <li>- Include an Urban Context Assessment that demonstrates the suitability of the proposal with the surrounding area in relation to bulk, scale and amenity (including acoustic and visual amenity;</li> <li>- Demonstrate consistency with the Coastal Design Guidelines of NSW 2003, NSW Coastal Policy 1997 and SEPP 71 – Coastal Protection;</li> <li>- Consider appropriate land uses, activity nodes, special areas, gateways and land marks, view corridors, open space networks and the movement network; and</li> <li>- Consider adequate pedestrian, public and emergency access to the Manning River foreshore.</li> </ul>	<ul style="list-style-type: none"> <li>- Urban Context Study at <b>Appendix F</b></li> <li>- Visual Impact Statement at <b>Appendix O</b></li> <li>- Figtrees on the Manning LAP at <b>Appendix V</b></li> <li>- Acoustic Assessment at <b>Appendix T</b></li> <li>- Section 5.10, Section 5.12, Section 6.4 and Section 6.5.</li> </ul>
The Concept Plan application must address the visual impact of the proposal, in the context of surrounding development and relevant mitigation matters.	<ul style="list-style-type: none"> <li>- Section 6.6</li> <li>- Visual Impact Statement at <b>Appendix O</b></li> </ul>
<ul style="list-style-type: none"> <li>- Urban Context Assessment to address energy and water efficiency and safety;</li> <li>- Future compliance with the BASIX SEPP is to be demonstrated achievable.</li> </ul>	<ul style="list-style-type: none"> <li>- Section 6.9</li> <li>- Section 6.7</li> <li>- Urban Context Study at <b>Appendix F</b></li> <li>- Sustainability Report at <b>Appendix L</b></li> <li>- Water Balance Assessment at <b>Appendix M</b></li> </ul>
A demonstration that future compliance with SEPP 65 is achievable.	<ul style="list-style-type: none"> <li>- Section 6.5</li> <li>- Figtrees on the Manning Local Area Plan at <b>Appendix V</b></li> </ul>
<b>Infrastructure Provision</b> The Concept Plan application must address existing infrastructure capacity and future requirements for sewerage, water, electricity, waste disposal, telecommunications and gas.	<ul style="list-style-type: none"> <li>- Section 4.1,</li> <li>- Section 6.11</li> <li>- Community and Agency Consultation at <b>Appendix B</b></li> </ul>
A water servicing strategy must be provided that identifies the demands of the proposal and any required subsequent local augmentations in accordance with MidCoast Water standards;	<ul style="list-style-type: none"> <li>- Section 6.9</li> <li>- Section 6.11</li> <li>- Water Balance Assessment at <b>Appendix O</b></li> </ul>
The Concept Plan application must address the likely scope of planning agreements	<ul style="list-style-type: none"> <li>- Section 5.14</li> </ul>
The Concept Plan application must detail types and quantities of waste likely to be produced and measures to store/recycle/dispose of waste	<ul style="list-style-type: none"> <li>- Section 6.7</li> <li>- Section 6.11</li> <li>- Statement of Commitments Section 7.0</li> </ul>
The management of sewerage wastes from vessels using proposed marina facilities must be provided.	<ul style="list-style-type: none"> <li>- Section 6.7</li> <li>- Section 6.11</li> <li>- Section 6.14</li> <li>- Air Quality and Greenhouse Gas Emissions Assessment at <b>Appendix P</b></li> </ul>

Director General's requirements	Location in Report/Application
<b>Traffic and Access</b> A traffic impact study must be prepared, in accordance with Table 2.1 of the RTA's Guide to Traffic Generating Developments, to address road capacities, access to and within the site, servicing and parking, intersection site distances, connectivity to surrounding development, impact on public transport and provision of pedestrian and cyclist facilities.	<ul style="list-style-type: none"> <li>- Section 5.10</li> <li>- Section 5.12</li> <li>- Section 6.12</li> <li>- Transport Review at <b>Appendix Q</b></li> </ul>
The EA must address the proposal's public infrastructure requirements and the protection of existing public access to and along the foreshore	<ul style="list-style-type: none"> <li>- Section 5</li> <li>- Section 6.12</li> <li>- Urban Context Study at <b>Appendix F</b></li> <li>- Figtrees on the Manning LAP at <b>Appendix V</b></li> <li>- Explanation of Voluntary Planning Agreement at <b>Appendix D</b></li> </ul>
<b>Hazard Management and Mitigation</b> The Concept Plan application must consider coastal processes and coastal hazards and the provisions of the Coastline Management Manual.	<ul style="list-style-type: none"> <li>- Section 6.13</li> <li>- Section 6.14</li> <li>- Maritime Assessment at <b>Appendix L</b></li> <li>- Urban Context Study at <b>Appendix F</b></li> <li>- Flood Assessment at <b>Appendix H</b></li> <li>- Acid Sulphate Soils and Contamination at <b>Appendix G</b></li> </ul>
The Concept Plan application must provide a preliminary Contamination Assessment and identify any contamination on site and appropriate mitigation measures in accordance with the provisions of SEPP 55. It must also determine whether contaminated soils are likely to be disturbed during the proposed works.	<ul style="list-style-type: none"> <li>- Section 6.3</li> <li>- Section 6.13</li> <li>- Acid Sulphate and Contamination Assessment and Review at <b>Appendix G</b></li> </ul>
The presence and extent of Acid Sulfate soils on the site and appropriate mitigation measures must be identified.	<ul style="list-style-type: none"> <li>- Section 6.13</li> <li>- Acid Sulphate and Contamination Assessment and Review at <b>Appendix G</b></li> </ul>
Geotechnical limitations that may occur on the site and design considerations that address these limitations must be identified.	<ul style="list-style-type: none"> <li>- Section 6.14</li> <li>- Geotechnical Assessment at <b>Appendix R</b></li> </ul>
A flood study, evacuation plan, flood risk management plan and assessment of the potential for impacts resulting from sea level rise are required.	<ul style="list-style-type: none"> <li>- Section 6.13</li> <li>- Flood Impact Assessment at <b>Appendix H</b></li> </ul>
Potential degradation of / impacts to groundwater source and appropriate remediation or management measures must be identified.	<ul style="list-style-type: none"> <li>- Section 6.13</li> <li>- Section 6.16</li> <li>- Acid Sulphate and Contamination Assessment and Review at <b>Appendix G</b></li> </ul>
<b>Marina Development</b> <ul style="list-style-type: none"> <li>- The need for marina facilities;</li> <li>- Cumulative impacts of boating activities;</li> <li>- Analysis of any required dredging; and</li> <li>- Economic feasibility.</li> </ul>	<ul style="list-style-type: none"> <li>- Section 6.14</li> <li>- Maritime Assessment at <b>Appendix K</b></li> </ul>



Director General's requirements	Location in Report/Application
<b>Water Cycle Management and Water Quality</b> Integrated water cycle management measures are to be set out in the Concept Plan.	<ul style="list-style-type: none"> <li>- Section 6.16</li> <li>- Sustainability Report at <b>Appendix L</b></li> <li>- Water Balance Assessment at <b>Appendix M</b></li> </ul>
Water management planning and re-use	<ul style="list-style-type: none"> <li>- Section 6.7</li> <li>- Section 6.9</li> <li>- Sustainability Report at <b>Appendix L</b></li> <li>- Water Balance Assessment at <b>Appendix M</b></li> </ul>
Impacts to groundwater, surface water and hydrology must be identified.	<ul style="list-style-type: none"> <li>- Section 6.13</li> <li>- Section 6.16</li> <li>- Contamination Assessment and Review at <b>Appendix G</b></li> </ul>
The Concept Plan must include mitigation measures to prevent contamination.	<ul style="list-style-type: none"> <li>- Section 6.13</li> <li>- Contamination Assessment and Review at <b>Appendix G</b></li> <li>- Statement of Commitments Section 7.0</li> </ul>
<b>Air Quality</b> <ul style="list-style-type: none"> <li>- A detailed air quality impact assessment in accordance with the Approved Methods and Guidance for the Modelling and Assessment of Air Pollutants in NSW (DECC); and</li> <li>- A comprehensive assessment and report of the proposal's predicted greenhouse gas (CO<sub>2</sub>) emissions.</li> </ul>	<ul style="list-style-type: none"> <li>- Section 6.8</li> <li>- Air Quality and Greenhouse Gas Emissions Assessment at <b>Appendix P</b></li> </ul>
<b>Heritage and Archaeology</b> <ul style="list-style-type: none"> <li>- Identify whether the site has significance to Aboriginal cultural heritage and identify appropriate measures to preserve such significance;</li> <li>- Aboriginal consultation should be undertaken in accordance with DECC's <i>Interim Community Consultation Requirements for Applicants</i>; and</li> <li>- Identify any items of European heritage significance and, where relevant, provide measures for the conservation of such items.</li> </ul>	<ul style="list-style-type: none"> <li>- Section 2.7</li> <li>- Section 6.17</li> <li>- Aboriginal and Historic Heritage and Review at <b>Appendix J</b></li> </ul>
<b>Flora and Fauna</b> <ul style="list-style-type: none"> <li>- Potential impacts to aquatic and terrestrial flora and fauna and habitats; and</li> <li>- Wildlife corridors and riparian areas.</li> </ul>	<ul style="list-style-type: none"> <li>- Section 6.18</li> <li>- Ecological Constraints Assessment and Review at <b>Appendix I</b></li> </ul>
<b>Acoustic Impacts</b> <ul style="list-style-type: none"> <li>- Address potential noise impacts, particularly of the marina during construction and operation and road transport to and from the site; and</li> <li>- Recommended mitigation measures.</li> </ul>	<ul style="list-style-type: none"> <li>- Section 6.20</li> <li>- Acoustic Assessment at <b>Appendix T</b></li> <li>- Statement of Commitments Section 7.0</li> </ul>
<b>Socioeconomic Impacts</b> Address the potential social and economic impacts of the development.	<ul style="list-style-type: none"> <li>- Section 6.21</li> <li>- Preliminary Economic and Social Assessment <b>Appendix U</b></li> </ul>

Director General's requirements	Location in Report/Application
Supplementary DGRs	
<b>Noise Impacts</b> - Aircraft noise on the proposal safety  <b>Civil Aviation Safety</b> - Address matters related to civil aviation safety (including hazardous objects, bird hazard management, dangerous lights, and interference with navigational aids and radar, in consultation with Air Services Australia.  - Address the obstacle limitation surfaces (OLS requirement) of an inner edge width for take-off runway 22 (to the south) of 180 metres instead of 120 metres.	- Section 6.5 - Section 6.20  - Community and Agency Consultation at <b>Appendix B</b> (Rezoning Report).
Consultation with relevant agencies.	- Section 4 and <b>Appendix B</b> (Rezoning Report).

## 6.2 Strategic Implications

### 6.2.1 Mid North Coast Regional Strategy

The purpose of the strategy is to establish the guiding principles for the growth of the Mid North Coast to 2031. The strategy anticipates a population increase of 91,000 people in the region over 25 years (from 333,400 to 424,000). This will create demand for around 58,400 new dwellings. An anticipated 47,000 new jobs will be generated by 2031.

The Greater Taree local government area falls under the Mid North Coast Regional Strategy which identifies Taree as one of four major regional centres, and is the major regional centre of the Manning Valley-Great Lakes sub-region.

The target for additional dwellings in the subregion is 15,000 by 2031. The major centres within the strategy are seen as suited to accommodating the majority of population growth and a concentration of medium to higher density living.

The Concept Plan will assist in contributing to the achievement of the strategy's target of 15,000 additional dwellings in the Manning Valley / Great Lakes subregion by 2031. It also accords with the Strategy's expectation that the proportion of multi unit dwellings in existing urban areas to increase from 20% to 40%.

The Concept Plan is consistent with the Strategy's aims of identifying appropriate locations and criteria for new tourism developments and ensuring that the region's character and appeal are not undermined by inappropriate developments.

The Strategy identifies that development should not result in the emergence of out-of-town retailing/commercial centres which will fragment the functions of the Taree CBD or Chatham Shopping Centre. It is envisaged that retail activity on the site will comprise small scale neighbourhood convenience stores serving the needs of local residents and specialised retail functions, such as growers markets and tourism orientated businesses. These retail functions will be provided in response to demand created by the incoming population and the river views and high degree of amenity afforded by the site's foreshore location. Given their scale and nature and as they are specific to the site, retail uses on the site will not represent competition with Taree CBD and Chatham shopping centre, as acknowledged by Taree Council in their decision to adopt the Concept Plan/LAP.



## 6.2.2 The Greater Taree Draft Conservation & Development Strategy

The Greater Taree Draft Conservation and Development Strategy (draft CDS) comprises a vision and a set of strategies for the development of the LGA to 2025.

The draft strategy estimates a population growth of 25% between 2005 and 2025 (from approximately 45,000 to 56,250). This will result in a demand for 4,464 dwellings (223 per year). The draft CDS anticipates that the majority of future growth will be focused on Brimbin, which will accommodate around 8,000 dwellings. District centres, such as Taree, as well as rural villages will accommodate much of the remaining future development.

The Concept Plan fulfils the objectives of the Draft CDS as it will enable recreational uses associated with the river, provide new and enhanced boating facilities and public access to promote tourism in the area and utilise the river in a more purposeful manner.

## 6.2.2 Greater Taree Council Twenty-Twenty Vision

Greater Taree Council's Twenty-Twenty Vision (Taree 2020) provides the direction and long-term framework for Council to the year 2020. As acknowledged by Council's decision to rezone the site, the Concept Plan fulfils the objectives of this strategy as:

- It provides tourism, recreational and boating facilities in proximity to the Manning Rive and the Taree CBD;
- A formal connection will be made between the CBD and the recreation and entertainment precinct as well as high quality residential accommodation in proximity to the CBD;
- There will be potential for greater public use of the site; and
- It preserves and adaptively re-uses buildings of local heritage significance (former co-operative dairy complex).

## 6.2.3 The Local Growth Management Strategy

The Local Growth Management Strategy (LGM Strategy) was prepared by Council with the intention that it would inform the Mid-North Coast Regional Strategy. The strategy projects supply and demand for dwellings in the LGA over 25 years.

The LGM contains a vision and a set of strategies for the future of the LGA to ensure a future balance between conservation and development. The LGM recommends that major future urban growth be focused on the new town of Brimbin, six existing district centres and six rural villages.

While the Pitt Street Waterfront site is not included in the areas recommended for the concentration of future growth, the Concept Plan fulfils several conservation and development principles identified by the LGM. These principles are to be adhered to by Council in its strategic decision making process. Principles served by the Concept Plan include:

- The provision of a choice of living opportunities and types of settlement through a range of residential densities and dwelling types;
- Avoiding development in areas of conservation significance;
- Developing a specialised retail function, such as markets, tourism orientated businesses or small neighbourhood shops that can evolve on the site without presenting adverse competition to the Taree CBD and Chatham;
- Provision of a diversity of local employment opportunities which capitalise on the economic strengths of the Manning Valley;

- Adaptively re-using heritage buildings; and
- Provision of facilities that allow access to the Manning River and take advantage of its deepwater frontage.

The Concept Plan is consistent with the Draft Taree Growth Management Strategy as:

- As discussed in Section 6.2.1, the Concept Plan will not result in an “out of town shopping centre” and will retain the regional significance of the Taree CBD;
- The site is appropriate as a location for new tourism given its river frontage. The development provides opportunities to imbue future development with cultural significance through the retention of significant heritage buildings and providing facilities that provide access to the Manning River; and
- The proposal will accommodate residential housing within an existing regional centre and a range of dwelling types to meet the likely demand for dwellings in the Greater Taree LGA.

### 6.2.5 Taree CBD Foreshore Management Plan

The major aspect of the Taree CBD Foreshore Management Plan that is relevant to the proposal is its objective of establishing a marina development adjacent to the city centre.

### 6.2.6 Taree Town Centre Study

The Taree CBD Town Centre Study 2004 determines that tourist opportunities within Taree are currently limited to motels, fast food outlets and roadside service establishments. The redevelopment of the Precinct therefore provides an opportunity for the inclusion of tourist development that will better define Taree as a tourist destination and promote its regional role by encouraging river based tourism.

The proposal will also address the issues of poor pedestrian connectivity to the Town Centre and inadequate visual and physical connections to the riverfront identified in the study. Issues related to the activation of the river foreshore and provision of a dynamic public domain and river-based tourism have also been incorporated into the Concept Plan.

### 6.2.7 Browns Creek Estuary and Catchment Management Plan

The Browns Creek Estuary and Catchment Management Plan locates the south- western part of the site within the catchment of Browns Creek. The plan refers to the Twenty-Twenty Vision in identifying a strategic priority for the effective management of the Manning River and identification of opportunities for enhanced commercial and recreational usage of the river in balance with the environmental considerations.

The Concept Plan will further the aims of the plan as:

- It will develop opportunities for enhanced commercial and recreational usage in balance with the environmental considerations and protection of the river; and
- Ecological habitats will be enhanced through the restoration of riparian areas to the north of the site.

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<sup>2</sup> The Project as declared a Part 3A Project pursuant to State Environmental Planning Policy (Major Projects) 2005, now known as State Environmental Planning Policy (Major Development) 2005 as of 1 July 2009.

## 6.2.8 Greater Taree City Draft Bike Plan

The Draft Bike Plan aims to provide a network of bicycle routes and to integrate cycling into the transport system for recreation and commuting purposes. Tourism opportunities associated with the promotion of cycling are discussed. The plan identifies the objective of making the river a focus of tourism, with opportunities for cyclists and pedestrians. By allowing for bicycle paths, the proposal will promote the objectives of providing better bicycle facilities and connectivity throughout Taree.

## 6.3 Statutory Requirements

The section below provides a summary of the Concept Plan's consistency with key statutory provisions. Consistency with statutory provisions is further demonstrated by the Urban Context Study prepared by Coastplan Consulting (**Appendix F**) and the Rezoning Report prepared for Council by SKM (**Appendix B**).

### 6.3.1 State Environmental Planning Policy (Infrastructure) 2007 (Infrastructure SEPP)

The aim of the Infrastructure SEPP is to facilitate the effective delivery of infrastructure across the State. Amongst a broad range of functions, the SEPP requires that applications for specific types of traffic generating development are referred to the Roads and Traffic Authority (RTA) for its comment prior to determination. Under the provisions of Schedule 3 of the SEPP, the following forms of development are required to be referred to the RTA:

- development comprising 300 or more apartment dwellings;
- shops and commercial premises with 4,000<sup>2</sup> of floorspace; or
- subdivision of land into 200 or more allotment where the subdivision includes the opening of a public road.

As the Concept Plan includes this level and intensity of development, referral to the RTA will occur.

### 6.3.2 State Environmental Planning Policy (Major Projects) 2005<sup>2</sup>

The site has been declared to be a project to which Part 3A of the EP&A Act applies under the Major Projects SEPP. This EAR has been prepared to response to the Director General's Environmental Assessment Requirements in accordance with Part 3A of the EP&A Act.

### 6.3.3 State Environmental Planning Policy 14 – Coastal Wetlands

SEPP 14 aims to ensure that coastal wetlands are preserved and protected. No designated/mapped wetlands under SEPP 14 occur on or near the subject site. The SEPP is therefore not relevant for the purposes of the DGRs.

### 6.3.4 State Environmental Planning Policy 26 – Littoral Rainforest

The mapping for SEPP 26 does not show any areas of Littoral Rainforest occurring within the study area although the community was considered to be present according to the rezoning Ecotone Ecological Constraints Assessment (**Appendix I**). Orogen have further reviewed this finding and consider that the area around the drainage line mapped as Littoral Rainforest by Ecotone should be mapped as Lowland Rainforest of Floodplain EEC.

Orogen also considers that areas mapped by Ecotone as Littoral Rainforest along the bank of the Manning River comprise scattered trees and these do not constitute a rainforest community. The SEPP is therefore not relevant for the purposes of the DGRs.

### 6.3.5 State Environmental Planning Policy No 44 – Koala Habitat Protection (SEPP 44)

SEPP 44 addresses the requirement for a plan of management where land is identified as core Koala habitat. The Ecological Constraints Assessments by both Ecotone and Orogen (**Appendix I**) conclude that the site does not contain core Koala habitat. The SEPP is therefore not relevant for the purposes of the DGRs.

### 6.3.6 State Environmental Planning Policy No. 50 – Canal Estate Development

SEPP 50 applies to Canal Estate Development, which is defined in the SEPP. The definition incorporates wholly or in part a constructed canal, or other waterway or water body, that is inundated by or drains to a natural waterway or natural water body by surface water or groundwater movement and the construction of dwellings.

Consultation with the Department asked for the provisions of SEPP 50 be addressed on the basis of the waterbody/ water feature extending into the marina precinct. It is noted that this water feature is an above ground treatment pond, which is not physically connected to the river system and not associated with dwelling development. The SEPP is therefore not relevant for the purposes of the DGRs.

### 6.3.7 State Environmental Planning Policy No.55 – Remediation of Land (SEPP 55)

SEPP 55 aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment. The DGRs require the EAR to consider whether the land is contaminated, and that if the land is contaminated whether or not the land can be made suitable for the proposed use. A number of areas within the site have been identified as potentially contaminated with a contamination study commissioned as part of the rezoning process (addressed further at Section 6.13).

The Acid Sulphate Soil and Contamination Assessment and Review by Coffey Geotechnics (**Appendix G**) identifies areas of potential contamination. A site audit statement on these areas should be undertaken at subsequent stages of planning for the site. This will ensure that the land will be appropriately remediated prior to development. The conclusions of the report satisfy SEPP 55 in that the land can be made suitable for the proposed uses.

### 6.3.8 State Environmental Planning Policy No.71 – Coastal Protection (SEPP 71)

The site is situated within the Coastal Zone (as defined under the Coastal Protection Act 1979). SEPP 71 seeks to ensure that development within the Coastal Zone is appropriate and suitably located and that there is a consistent and strategic approach to coastal planning and management. The DGRs require the list of matters for consideration, including the aims of the SEPP, to be taken into account.

For the purpose of the DGRs, the key matters considerations are listed in Clause 8 of SEPP 71. An assessment of consistency with the matters for consideration of SEPP 71 is provided in the Urban Context Study at **Appendix F**. In particular, the development will provide public access along and to the Manning River, conserve heritage items and promote the consolidation of the Taree centre, linking it to the foreshore.

### 6.3.9 Future Compliance State Environmental Planning Policies

The DGRs for this Environmental Assessment require an assessment of the ability of future development on the site to fulfil the provisions of the following Environmental Planning Instruments (EPIs).

- State Environmental Planning Policy No 65—Design Quality of Residential Flat Development (SEPP 65), which aims to improve the design of apartment buildings (refer to Section 6.5); and
- State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004 (BASIX SEPP), which aims to reduce water and energy consumption in residential developments (refer to Section 6.9).

The principles of these policies have been considered and incorporated into the proposed Concept Plan, in order that future detailed applications, will be capable of demonstrating consistency with these policies.

### 6.3.10 Greater Taree Local Environmental Plan 1995 (LEP 1995)

The site is currently zoned 1(a) Rural General, 1(b1) Rural Valley Agriculture, 2(a) Residential, 4 Industrial, 5 Special Uses and 6(a) Open Space Recreation. As stated, it is proposed that the site be rezoned by a site specific amendment to DLEP 2008 or to LEP 1995, dependent on the timing of the new consolidated LEP in order to make the proposed Concept Plan land uses permissible.

### 6.3.11 Draft Amendment to Greater Taree Local Environmental Plan 2008

The draft amendment proposes that the site be zoned B4 Business (Mixed Use) and RE1 (Public Recreation) to facilitate the uses proposed in the Concept Plan. The proposed mixed residential / commercial and open space uses are consistent with the objectives of the B4 Business (Mixed Use) and RE1 (Public Recreation) zones that are proposed by the draft amendment.

## 6.4 Relevant Guidelines

### NSW Coastal Policy and Coastal Design Guidelines

The NSW Coastal Policy, released in 1997, sets the direction for coastal zone management, planning and conservation. The Coastal Policy adopts nine principles:

- Protecting, rehabilitating and improving the natural environment of the coastal zone;
- Recognising and accommodating the processes of the coastal zone;
- Protecting and enhancing the aesthetic qualities of the coastal zone;
- Protecting and conserving the cultural heritage of the coastal zone;
- Providing for ecologically sustainable development and use of resources;
- Providing information to enable effective management of the coastal zone; and
- Providing for integrated planning and management of the coastal zone.

The NSW Coastal Policy is to be considered by Council's in preparing Local Environmental Plans, Development Control Plans and in determining Development Applications under Part 4 of the EP&A Act. Whilst the Concept Plan is a Part 3A project, the DGRs seek an assessment of the proposal against the NSW Coastal Policy.

The Coastal Design Guidelines have been prepared by the Coastal Council of NSW and complement SEPP 71. The guidelines are based on the principles of ecologically sustainable development (ESD) and consider the NSW coast in terms of a hierarchy of settlements. They provide a framework for analysing the relationships between settlements and local, urban and natural areas and between neighbouring settlements.

The proposal's consistency with the Guidelines is addressed in detail in the Urban Context Study at **Appendix F**. Guidelines will be implemented through:

- The improvement of public access and diversity of uses along the foreshore;
- The extension of open space networks;
- Preservation of views (refer to the Visual Impact Statement prepared by Suturs Architects at **Appendix O** and Section 6.6);
- Through site links;
- Consistency in form and scale with surrounding development, landforms and visual setting; and
- Minimisation of overshadowing of the foreshore.

As detailed building designs are not specified in a Concept Plan, detailed assessment of aspects of the Coastal Design Guidelines will also be provided in the subsequent Project or Development Applications.

### Floodplain Risk Management Guideline; Practical Consideration of Climate Change (DECCW)

The Department of Environment and Climate Change and Water (DECCW) has prepared a guideline for the consideration of climate change in flood management applications. The guideline is titled, 'Floodplain Risk Management Guideline; Practical Consideration of Climate Change' and was published by DECC in October 2007.

The guideline considers the impact of climate change on sea level and rainfall intensities. The associated recommendations are based on research by the Intergovernmental Panel on Climate Change (IPCC) and recent modelling undertaken by CSIRO in Australia. (DECCW) recommends that consideration be given to the following three cases of sea level rise by 2090 to 2100:

- 0.18m increase (low level impact)
- 0.55m increase (mid-range impact)
- 0.91m increase (high level impact)

The DECC guideline also recommends that increases in peak rainfall and storm volume of between 10% and 30% by 2070 should also be considered (DECC, 2007).

This document has recently been supplemented by the draft NSW Sea Level Rise Policy Statement which aims to amongst other things promote adaptive risk based approaches to managing the impacts of sea level rise and encouraging appropriate development on land projected to be at risk from sea level rise.

Consideration of the impacts of sea level rise in accordance with the DECCW Guideline are discussed at Section 6.13, which concludes that sea level rise is not likely to affect the peak level of flooding or flood behaviour at the precinct during the 100 year recurrence event.



## Other Guidelines

Other guidelines referenced in Attachment 3 of the DGRs were consulted where relevant by each specialist consultant in the preparation of the rezoning reports and EAR.

## 6.5 Urban Design and Built Form

The proposed urban character, built form, relationship with surrounding character and foreshore, open space network, landscaping, and public/private domain interface are extensively addressed in the Concept Plan/ LAP and the Urban Context Study (**Appendix V** and **Appendix F**) and the Rezoning Report by SKM (**Appendix B**). Council has considered all these documents in its assessment of the suitability of the site for rezoning and the LAP/Concept Plan. The objectives and principles that will guide the design of the proposed urban form are discussed in Section 5.3.

### State Environmental Planning Policy No 65—Design Quality of Residential Flat Development (SEPP 65)

The Concept Plan's consistency with SEPP 65 is to be the subject of design verification statements by qualified architects for each building proposed by subsequent project or development applications for the site. A comprehensive assessment of the Concept Plan against the principles of SEPP 65 is therefore not practicable at this stage. However, a preliminary consideration of the SEPP's principles concludes that:

- The proposed building envelopes are appropriate to their context and in terms of scale, built form, given their residential character, bulk, scale and separation from one another and the surrounding residential areas;
- Proposed density is appropriate, given the site's proximity to central Taree and given likely future demand for dwellings in the area;
- Efficient use of resources will be promoted through the location of residential areas close to a sub-regional centre. As discussed in Section 6.9, detailed measures for the energy efficiency of buildings will be appropriately addressed at a later stage of planning for the site;
- The preliminary landscaping design in the Concept Plan indicates a strong integration of landscaping and public domain with built elements;
- Building siting, orientation and envelopes will promote good internal amenity; and
- Housing affordability will be promoted through increased supply of a range of dwelling types in the region.

### Consideration of Taree Airport

Supplementary DGRs were received from the Department of Planning on 20 June 2008 requiring consideration of aviation matters with respect to Taree airport. The assessment issue of aircraft noise is addressed in Section 6.20.

Section 62 consultations were undertaken with the Commonwealth Aviation Safety Authority, with comments reflecting the DGRs. In terms of the obstacle limitation surfaces, the correspondence required consideration of an obstacle limitation surfaces (OLS requirement) of an inner edge width for take-off runway 22 (to the south) of 180 metres instead of 120 metres.

Correspondence during the rezoning consultation indicates that the Taree OLS map shows the Precinct wholly within the Inner Horizontal Surface, therefore a maximum height of structures of 52.48m AHD. The maximum terrain elevation of the Precinct is less than 10m so this means buildings of up to 14 storeys would be allowable, which is much higher than the LAP. Therefore, the proposed heights within the LAP are satisfactory from a Taree airport perspective.

## 6.6 Visual Impact

A Visual Impact Statement by Suters Architects (**Appendix O**) considers the response of the Concept Plan to the site's regional and immediate context and impacts to views to and through the site. Visual amenity and impacts resulting from the Concept Plan when viewed both from locations outside and within the site through are also considered.

### Regional Context

The Visual Impact Statement notes that the site's context includes:

- The satellite urban areas of Cundletown to the east and Taree South and Purfleet to the south, Tinonee to the southwest and parts of Wingham to the west;
- A mixture of low and medium density residential, commercial, light industrial uses and rural agricultural lands;
- The Taree Entertainment Centre and Taree Airport to the east;
- The regional city centre of Taree approximately 2km to the southwest, in which most buildings have low heights and modest scales; and
- Larger buildings in Taree centre typically found in the main street, or dispersed throughout larger sites or infrastructure corridors.

Considering the site's context, the Statement concludes that the Concept Plan:

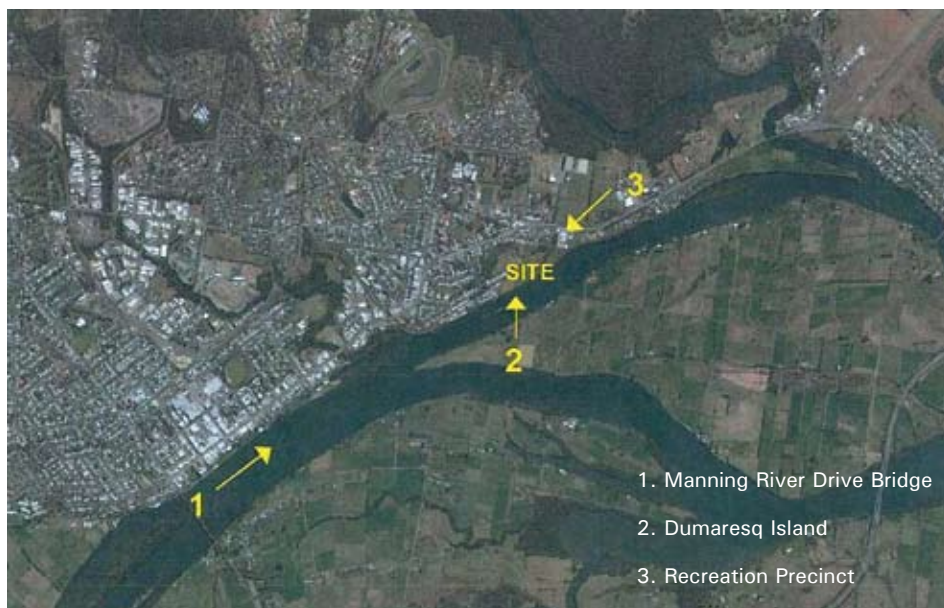
*"will complement the regional city of Taree. It should allow height and scale consistent with main street development of Taree and those of the local rural industry while introducing a variety of bulk and scale across the site to both the streetscape and waterfront".*

### Existing Views

The Statement considers that there are limited opportunities for views of the site from longer vistas. It identifies "distant" views are available from the following locations (refer to **Figure 23**):

- The Manning River Drive bridge the south (partial and oblique views are available of the western end of the precinct from this location);
- The southern part of Dumaresq Island; and
- The recreation precinct to the east of the site.

The Statement concludes that while the above "distant views" are limited, those from the bridge and entertainment precinct to the site "enhance the notion of connectivity between these bookend facilities".



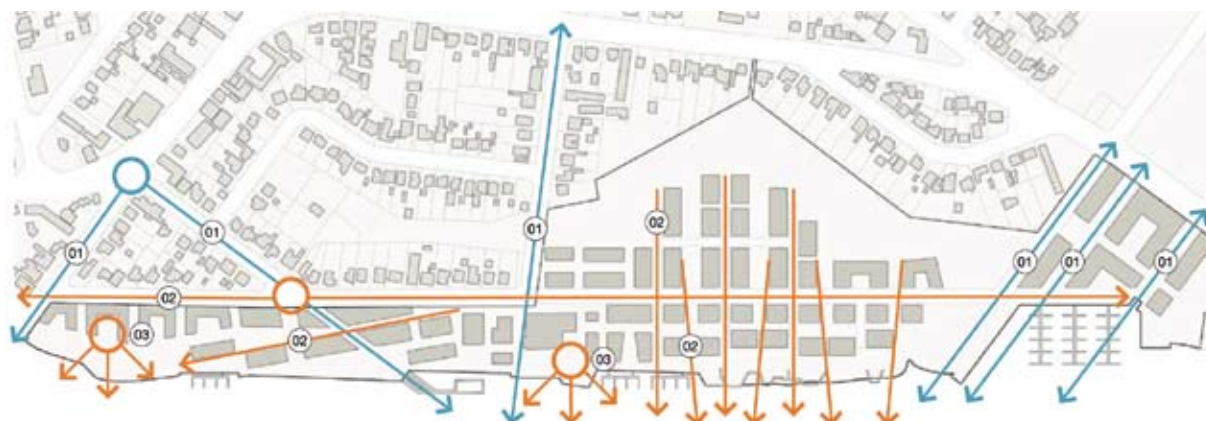
**Figure 23** – Existing distant views to the site  
Source: Visual Impact Statement, Suters Architects

## View Impacts

Suters Architects also found that a detailed contextual analysis that informed the LAP showed views available through existing built form and vegetation on the site to be limited. However, at closer proximity to the site, there are minor vistas along streets to the site and river beyond.

Considering the effects of the Concept Plan on views to and through the site, the Statement concludes that:

- No significant visual impact is experienced from the Manning River Drive bridge, the southern part of Dumaresq Island, or the entertainment precinct to the east of the site; and
- Views from close proximity to the site have been recognised and enhanced by the Concept Plan through the provision of direct visual links through the precinct to the river (refer to **Figure 24**).



**Figure 24** – View lines through the site  
Source: Figtrees on the Manning Local Area Plan (Suters Architects)

## Response to Local Context

In relation to the response made by the proposed precincts to the site's immediate context, the Visual Impact Statement notes the following:

- The built form of the Gateway Residential is of modest scale with buildings predominantly of three storeys in height, which step down to adjoining residences and open towards the river and public spaces;
- The Figtree Commercial precinct accommodates buildings ranging from three to four storeys in height;
- Bulk and scale of proposed buildings in the Dairy Heritage Precinct does not exceed bulk and scale of existing heritage buildings. Building curtilages allow unobstructed views to and from heritage items; and
- The four storey built form of the Marina Commercial Precinct will result in the provision of a gateway on the Manning River Drive. The setback of the marina from the existing foreshore limits visual and physical impacts on the river.

## Internal Visual Amenity

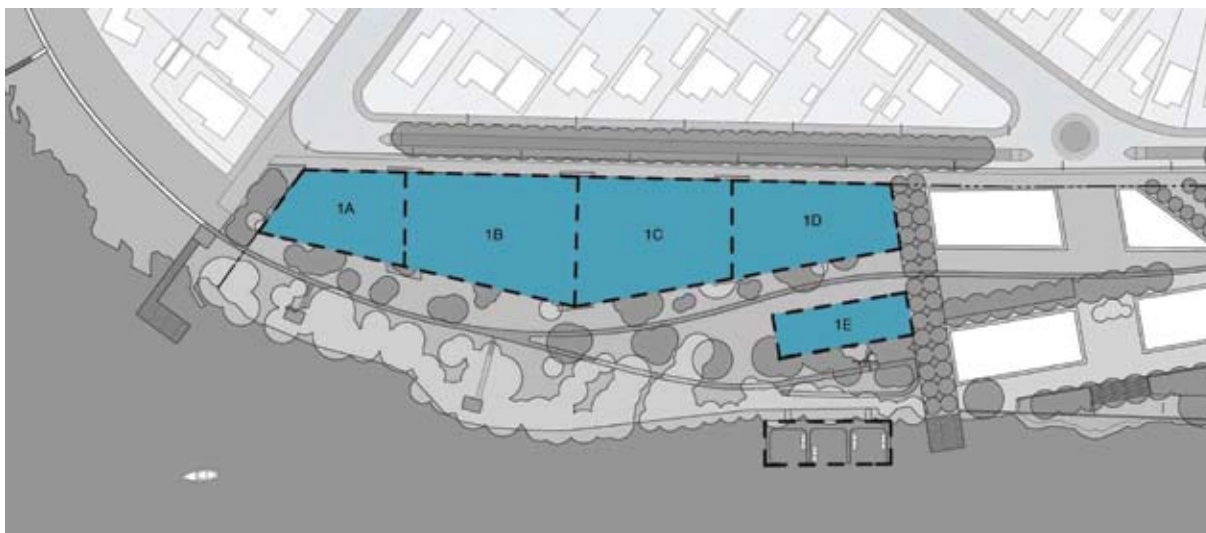
The Visual Statement states that the Concept Plan considers visual amenity and views within the site through the following design outcomes:

- Facades will form a pattern or rhythm, which will give the streetscape a distinctive character;
- A juxtaposition between proposed and existing heritage buildings;
- Building heights that respond appropriately to existing structures;
- The siting of taller buildings in proximity to native vegetation and separated from adjoining residential areas and the river, so as to limit visual impacts;
- The stepping down of built form to generally 2 storeys adjacent to the waterfront to integrate the development with the natural landscape;
- The provision of five distinct precincts that provide variation in architectural outcomes to enhance the visual amenity of the waterfront precinct;
- Landscaping of road reserves and integration of car parking with landscaping; and
- Integration of landscaping with heritage and cultural items and the retention of existing trees.

## Impacts of Flood Study

As a result of the Worley Parsons Flood Study (December 2008) and discussed at Section 6.13, a recommendation was made for Residential Building 1E in the Western Gateway Precinct to be elevated to a height of 6.5 metres AHD (previously 4.5m AHD). In fact this flood study recommended that all residential buildings would be at or above 6.5m AHD.

The LAP depicts this building as 2 storeys. As a result of the flood study recommendation, the height of the building would now be 2 metres higher.



**Figure 25** – Building 1E Western Gateway Precinct  
Source: Figtrees on the Manning Local Area Plan (Suters Architects)

The residential building behind the affected building (i.e. Building 1D) is designated as 3 storeys or 10 metres (plus roof/loft space) (7.5m AHD). There is also a level difference of approximately 4 metres between Building 1E and Building 1D. In this regard, the height of Building 1D and the effective level difference on the site, means that the increase in height for Building 1E due to flood recommendations will be effectively nestled within the visual catchment of Building 1D and the Western Gateway Precinct when viewed from the river.

As per Section 6.5 (Consideration of Taree Airport) this increase in height for Building 1E would not impact on CASA's requirements for obstacle limitation surfaces, which would allow buildings of a much greater height.

## 6.7 Sustainability

Prior to the preparation of the Concept Plan, ARUP was commissioned by Council to prepare a Sustainability Action Plan to guide future development on the site. The plan set out a vision for the site and objectives to guide decision making to ensure sustainable outcomes are delivered through the concept planning process.

Once the Concept Plan had been prepared, ARUP undertook a Sustainability Assessment to determine the extent to which it accorded with the objectives and principles of the Sustainability Action Plan. The report of the assessment is provided at (**Appendix L**). The Sustainability Report divides the characteristics of the development into the 22 categories and applies a rating system to each category. The rating system refers to the extent to which a proposed development considers sustainability measures and outcomes and is as follows:

- 1: Not considered / poor sustainability outcomes;
- 2: Considered, with significant room for improvement;
- 3: Regulatory compliance / at or slightly above expected Australian Industry standard;
- 4: Well beyond regulatory requirements and industry standards; and
- 5: World's best practice.

The assessment includes a set of recommended sustainability strategies for future development on the site. The assessment concludes that, assuming these recommendations are implemented, the Concept Plan will achieve a score of 5 (World's best practice') in the heritage category and a score of 4 ('Well beyond regulatory requirements and industry standards') in 12 categories.



A score of 3 ('Regulatory compliance / at or slightly above expected Australian Industry standard') is attained in 7 of the categories. Only 2 categories ('Innovation' and 'Viability') achieve a score of 2 ('Considered, with significant room for improvement'). The lowest score (1) did not apply to any of the categories in relation to the Concept Plan.

The report concludes that, conditional on the implementation of a range of recommended strategies, the Concept Plan includes many desirable sustainability outcomes. The report recommends that key sustainability initiatives be included in detailed planning controls. These actions include those relating to energy and water efficiency standards, materials specification, recycling and organic waste collection.

Many of the objectives and recommended strategies of the Sustainability Assessment are integral to the Concept Plan, such as development density, provision of significant green space, inclusion of walking and cycle paths and riverfront access. Other more detailed objectives and strategies may be implemented in the more detailed design of development on the site. The assessment of future project or development applications should include consideration of their consistency with the sustainability objectives and recommendations.

The Concept Plan therefore directly implements environmentally sustainable design principles and practices, while also allowing for the further development of principles and practices in future development on the site.

## 6.8 Air Quality

Heggies Pty Ltd has prepared an Air Quality & Greenhouse Gas Assessment of the Concept Plan (**Appendix P**). The objectives of the Assessment include identifying potential sources of atmospheric emissions, developing air quality goals, identifying development options that may compromise air quality goals and recommending measures to minimise impacts.

The study considered data for the primary pollutants anticipated to be associated with the Concept Plan. These include Carbon Monoxide, Oxides of Nitrogen, Sulphur Dioxide, Organic Pollutants and Particulate Matter.

### Air Quality Assessment Criteria

The Assessment considered the following air quality assessment criteria:

- National Environment Protection Measure (NEPM), a set of national uniform standards for ambient air quality defined by the National Environment Protection Council (NEPC) and agreed to by the Environment Ministers of Australian states and territories;
- NSW Air Quality Assessment Criteria, ground level air quality impact assessment criteria established by DECC for key air pollutants to achieve appropriate environmental outcomes and to minimise associated risks to human health; and
- As the Concept Plan is a Scheduled Activity in accordance with the POEO (as discussed in Section 3.1.6), the standards of concentrations for Scheduled Activities presented in Schedule 4 of the Protection of the Environment Operations (Clean Air) Regulation 2002 (POEO Regulation) apply.

### Sources of Data

As no air quality monitoring data was available for greater Taree, the Assessment considered historical data from DECC ambient air quality monitoring stations in the Lower Hunter region. The DECC Lower Hunter air quality monitoring stations are located in significantly more urbanized areas than Taree. Consequently, the Assessment notes that its findings regarding ambient air quality conditions in Taree are conservatively low. Potential polluting operations in the region surrounding the Project Site were also considered.



The Assessment also involved a review of the National Pollutant Inventory (NPI) database that lists operations in the local area with the potential to impact on local air quality.

## Findings

The Assessment concluded that the local air shed has the capacity to assimilate atmospheric emissions generated by the Concept Plan without compromising air quality goals. Given the relatively minor level of industry and residential development compared with that of the Lower Hunter, the Assessment considers it highly likely that the existing air quality in the Taree region will not be compromised by proposal, assuming all suitable emission mitigation and control techniques are applied.

## Recommendations

The Heggies Assessment recommends the following measures to minimise impacts of the Concept Plan on air quality:

- A construction dust management plan should be implemented to reduce impacts from dust and particulate matter that may result from construction activities;
- Sanding and abrasive blasting activities in the marina should be conducted in workshops with a suitable dust extraction systems or surrounded with appropriate shrouding fences;
- Outside painting and re-spraying of vessels in the marina is to be restricted to minor repair and detailing work and utilise technologies that reduce solvent evaporation;
- Fibre glassing should be carried out in an enclosed area fitted with appropriate ventilation controls;
- Delivery of fuel to the marina should involve the use of vapour check valves and locking caps at the unloading point;
- Marina sewage pump-out systems should minimise potential for odour emission through the use of technologies such as single-action diaphragm pumps;
- Food on the site should adopt methods typically implemented by such activities for capturing cooking fumes, oil and grease filtration, and the maintenance of exhaust filters.

The Heggies report concludes that, assuming appropriate emissions control methods and technologies are implemented, the potential for the Concept Plan to result in adverse air quality impacts is low as reflected in the Statement of Commitments at Section 7.

## 6.9 Energy and Water Efficiency

Referring to the greenhouse gas emissions analysis contained in the Air Quality and Greenhouse Gas Assessment (**Appendix P**), the energy consumption and efficiency of the proposed buildings cannot be ascertained at this stage. However, measures to reduce energy consumption recommended by the assessment will be implemented, in accordance with the Statement of Commitments at Section 7.

Following approval of the Concept Plan, more detailed design proposals will be subject to assessment, under State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004.

While the water efficiency of future development will also be subject to BASIX assessment at a later stage, the Water Balance Assessment prepared by Connell Wagner (**Appendix M**) demonstrates that, through efficiency and rainwater and grey water harvesting measures, development on the site is capable of reducing potable water consumption by 50% compared with existing consumption per tenement in the region.

The ratings achieved by the Concept Plan in the ARUP Sustainability Assessment are dependent on the implementation of specific measures, which include:

- The incorporation of solar hot water systems and photovoltaic systems on rooves where feasible;
- A comprehensive grey water recycling and rainwater collection system to provide all irrigation water;
- Installation of 3.5 star rated Water Efficiency and Labelling Standards (WELS) rated water fittings in dwellings; and
- The achievement by future multi unit residential developments of a minimum of 4 stars from the Green Star Multi Unit Residential Tool.

## 6.10 Greenhouse Gas Emissions

The Heggies Air Quality and Greenhouse Gas Assessment includes consideration of:

- Scope 1 emissions, or 'direct emissions', which result from activities under the control of an entity (such as a company), or from sources which it owns;
- Scope 2 emissions, which relate to the generation of electricity consumed by the use of equipment owned or controlled by an entity; and
- Scope 3 emissions that arise from sources not owned or controlled by the entity, such as off-site transportation of purchased fuel purchased by the entity.

Scope 2 and 3 emissions are 'indirect emissions'.

Greenhouse gases emitted in the construction and operation of the Concept Plan are likely to include carbon dioxide, carbon monoxide, methane, oxides of nitrogen and non-methane volatile organic compounds. For comparative purposes, non-CO<sub>2</sub> greenhouse gases are awarded a "CO<sub>2</sub>-equivalence" based on their contribution to the enhancement of the greenhouse effect.

The Assessment finds that a quantitative assessment of greenhouse gas emissions cannot be undertaken at this stage, as quantities of fuel, electricity and materials to be consumed are unknown. Given this, the Heggies report utilises a qualitative approach that identifies opportunities for the minimisation of greenhouse gas emissions.

### Recommendations

The Heggies report finds that opportunities to minimise greenhouse gas emissions from the Concept Plan are identified in the Sustainability Report by Arup included at **Appendix L** and discussed in Section 6.7. The measures in the Sustainability Report that are relevant to reducing GHG emissions are summarised as follows:

- Scope 1 emissions from the use of diesel in construction and operational vehicles should be reduced by optimising vehicle operations to reduce fuel consumption. Vehicle engines should be maintained according to manufacturers' guidelines and tyres kept at optimum pressure to maximise fuel efficiency. Vehicle idling should be minimized and the use of alternative fuels with a reduced carbon content considered;
- Scope 2 emissions from the consumption of electricity should be reduced by implementing solar-powered lighting on the site where possible;
- Scope 3 emissions should be minimized through the remediation of creek to the north of the site with majority native species, the reduction of the amount of cleared land, the reuse and recycling of construction materials and the specification of "sustainable" and locally sourced materials.

- In the operational phase of future development, roof insulation, photovoltaic cells, solar hot water and systems that track electricity consumption to identify areas of potential GHG reduction should be explored;
- Buildings should achieve a minimum 4 Star Green Star Multi-Unit Residential rating and a 4 star Australian Building Greenhouse Rating (ABGR) rating;
- Solar access into buildings should be maximized to reduce demand for lighting;
- Waste recycling, composting and grey water recycling should be provided for; and
- Glass on north facing windows should be specified so as to reduce solar radiation and air conditioning load.

Following the implementation of the above measures, investment in schemes such as those involved in renewable energy, energy efficiency and revegetation can offset emissions resulting from the Concept Plan.

## 6.11 Servicing and Infrastructure

### Energy, Water Supply and Telecommunications

The site is located adjacent to the existing urban area and will be serviceable with energy, water and telecommunications services. The developer for each stage will upgrade energy, water and telecommunications infrastructure to relevant service provider requirements.

Potable water will be provided in accordance with a strategy that accords with MidCoast Water standards. The finding of the Connell Wagner Water Balance Assessment (**Appendix M**) concludes that future development on the site can reduce potable water consumption by 50% which would support the viable servicing of the site by MidCoast Water.

### Sewerage Services

As discussed in Section 4.1, consultation was undertaken with MidCoast Water, in relation to the rezoning application for the site, which highlighted issues as to the ability to satisfactorily provide reticulated water and sewerage. Sewerage infrastructure for all aspects of the development will be upgraded as required during detailed staging of the development.

### Marina Sewerage Servicing

For boats at the proposed marina berths, appropriate pump-out facilities will be provided in accordance with the relevant regulatory requirements. The type, make, number, capacity and mechanical specifications of the facilities and their exact location will be subject to subsequent applications for the marina. It must be noted that continual technological developments in the manufacture of such facilities makes it impractical to specify their parameters until a detailed Project Application for the marina is prepared.

### Waste

Waste will be stored in accordance with waste management plans approved by the relevant consent authority. Quantities and types of waste cannot be determined until detailed proposals for commercial operations and dwelling types have been prepared, subsequent to the Concept Application stage. Waste contractors will be engaged to dispose of waste in accordance with all relevant regulatory requirements.

## 6.12 Traffic and Access

A 'Phase 1 - Transport Review' of the LAP was undertaken by Maunsell Australia as part of the ongoing process of considering the rezoning of the site. The Transport Review has been prepared in accordance with the RTA's Guide to Traffic Generating Developments. The review was a traffic and transport assessment prepared for the purpose of rezoning the Figtrees on the Manning site. The review identified opportunities and constraints for pedestrians, cyclists, public transport and the existing road network.

The review is included at **Appendix Q**, along with a Letter of Confirmation of Findings from Maunsell stating that the review's findings have not been outdated and are relevant to the Concept Plan. The letter also states that the assessment's projections of traffic volumes that will result from the Concept Plan are not outdated and are relevant to the proposal.

The Transport Review considers the existing capacity of the surrounding road and intersection network and the likely impacts of the LAP / Concept Plan.

### Existing Conditions

Currently, the roads and intersections surrounding the precinct were found to perform well during the morning and evening peak periods. However, vehicle and pedestrian access into the site is limited. Cycle facilities within the Taree urban area are generally confined to a small area adjacent to the Taree City Centre. Public transport services between the site and the city centre are currently limited.

Opportunities identified include the use of the abandoned railway line as a pedestrian link that could promote connectivity between the site and central Taree. The site was found to have good opportunities for connectivity with the adjacent road network, being served by three roads to the west, centre and east end of the site.

### Traffic Impacts

The Assessment considered projections of the amount of traffic generated by the four schemes considered in the design competition process for the site. The assessment's findings were based on an anticipated 5% increase in peak hour traffic volumes in Greater Taree over the next 5 years (based on population growth trends). The assessment concluded that levels of service of intersections surrounding the site will remain satisfactory during peak periods, without the need for augmentation.

Whilst the internal layouts, land uses and floor space areas originally assessed as part of the Transport Review differ from the Local Area Plan (LAP), the forecast trip generation of the site is similar to the sensitivity assessment undertaken as part of the Transport Review. Therefore, the findings of the Transport Review in relation to the capacity of the road network to accommodate the current LAP/Concept Plan remain valid.

Other specific details identified by the DGRs such as staging of development and construction traffic assessment were not specifically addressed. Staging is addressed in Section 5.13, whilst a Construction Traffic Management Plan will be prepared with the relevant Project Applications as outlined in the Statement of Commitments at Section 7.

### Public Infrastructure Requirements

The Transport Review identified current constraints of the existing infrastructure as well as potential opportunities to improve accessibility within the area. Infrastructure upgrades are being addressed by the applicant and Council as part of the VPA.

## Public Access to and along the foreshore

The Traffic Assessment considered that the proposal would further the aims of Council's Taree CBD Foreshore Management Plan in formalising a waterfront pedestrian and bicycle pathway along the length of the foreshore. The Concept Plan contemplates boardwalks, jetties, viewing platforms and a river pool to improve public access to the foreshore. Other specific details mentioned by the DGRs will be suitably be addressed at the DA stage.

## Parking

Parking is to be generally provided within basement levels of the proposed building envelopes, with excavation utilising the fall of the site and observing the need to keep buildings above the 1 in 100 year flood level. Angle / parallel parking along Pitt Street will also be provided.

While the Concept Plan includes building envelopes and floor space ratios, dwelling mix and specific commercial uses cannot be determined at Concept Plan stage. Details as to the numbers of car spaces to be provided and the layout of car parking areas will be provided as part of subsequent applications.

## Impact on Public Transport

The development would have a positive impact on public transport services in the locality by increasing demand for new and existing bus services to Taree City Centre and surrounding areas (including to schools).

## Infrastructure Requirements

The following recommendation of the traffic assessment requires the provision of infrastructure:

- A connection between Pitt Street and Bligh Street would promote permeability and accessibility and integration with the surrounding road network. This issue will be subject to further consultation with Council;
- The current layout of the Crescent Avenue / Lyndhurst Street / Nelson Street intersection requires motorists to observe several opposing traffic movements before attempting to enter Crescent Avenue from either Nelson or Lyndhurst Streets. This problem could be ameliorated by restricting exiting movements at Nelson Street, also subject to further consultation with Council;
- Footpaths should be provided on all roads; and
- Improved pedestrian access along the waterfront to Taree City Centre should be pursued, in line with the principles defined in the Taree CBD Foreshore Management Plan.

## 6.13 Hazard Management & Mitigation

### Coastal process

The marina berths to be provided on the site will be subject to subsequent applications, following Concept Plan approval. These applications will be accompanied by detailed designs indicating the exact location of piers and other structures to be constructed at the water's edge. Detailed designs will allow an assessment of the potential impacts of wave and wind action and erosion on the site, following the proposed development. The impact of intense storms is considered in the discussion of 100 year recurrent storm events below under the heading of '*Flooding*'.

## Flooding

The detailed Flood Impact Assessment prepared by Worley Parsons (Appendix H) assesses the Concept Plan's effect on flood characteristics associated with the Manning River, including flooding of the site and adjoining land. The assessment considers existing flooding behaviour, previous investigations, topographic data and hydrographic modelling. The report also includes consideration of potential impacts of climate change and sea level rise and Flood Evacuation Plan considerations.

The report concludes that:

- Flood level increase resulting from the Concept Plan will be relatively insignificant and are not expected to affect dwellings or traffic routes within or outside the precinct;
- The development will result in decreases in peak flow velocity;
- The future peak flood level in the precinct during the 100 year recurrent flood event is likely to be a maximum of 5.5 AHD. This includes anticipated increases in sea levels and rainfall to 2100;
- Ground floor levels of habitable buildings are at 6.5 AHD;
- Habitable areas are therefore above the anticipated future 100 year recurrent flood event, with a 1m freeboard;
- Flood warnings will be capable of being issued three hours in advance. An evacuation route is available along Pitt Street / Lyndhurst Street and shall remain open during a 200 year recurrent flood event;
- Basement car parking areas will be susceptible to flooding. However, flood warnings will be able to be issued 4 hours prior to inundation, to allow cars to be removed from basement areas;
- The Concept Plan will generally lead to decreases in peak flow velocity and will not impact on the distribution of flood discharges along the Manning River;
- Peak discharges downstream from the Precinct will not be affected;
- An increase in peak rainfall associated with climate change/sea level rise is not likely to affect the peak level of flooding or flood behaviour at the precinct during the 100 year recurrence event;
- An increase in peak rainfall associated with climate change will not cause inundation of the proposed development; and
- Evacuation of the site by residents can be undertaken safely in accordance with flood warnings issued by the State Emergency Service and the Bureau of Meteorology.

Appropriate emergency egress, access to the foreshore and out of the site during flooding will be provided, subject to subsequent applications for more detailed designs of development on the site.

## Sea Level Rise

Flood Impact Assessment by Worley Parsons (**Appendix H**) was undertaken in order to inform this EAR and considers the potential impacts resulting from anticipated sea level rise. The assessment cites data from the Intergovernmental Panel on Climate Change (IPCC) and Commonwealth Scientific and Industrial Research Organisation (CSIRO). This data indicates that sea levels could rise by up to around 0.91m AHD by 2100. The assessment is based on consideration of the Floodplain Risk Management Guideline: Practical Consideration of Climate Change (DECCW).



Sea level rise may increase river levels at the site to between 1.1 and 1.4m AHD, leaving low-lying areas within the precinct permanently flooded. These areas would generally be along the creek that passes through the site. The Flood Impact Assessment concludes that, as minimum habitable floor levels will be 6.5m AHD or higher, development proposed by the concept plan is at least 1 metre above the peak 100 year recurrence flood level of 5.2m AHD. The finished floor level of basement car parks will be at 3.5m AHD and it is anticipated that basement levels will be enclosed to prevent floodwaters from freely entering the basement level during flooding. Accordingly, all proposed development will be at least 2 metres above the tidal water level that is expected to occur under the high level impact scenario for sea level rise.

It is anticipated that the peak ocean level during a 100 year recurrence storm will increase and that this will project up the river to result in increased levels at the Pitt Street Waterfront Precinct. However, it was determined that sea level rise will not affect the peak level of flooding or flood behaviour at the precinct during the 100 year recurrence event.

## Contamination

An Acid Sulphate Soil and Contamination Assessment and Review of the LAP was undertaken by Maunsell Australia as part of the ongoing process of considering the rezoning of the site. The assessment is included at **Appendix G**, along with a Letter of Confirmation of Findings from Coffey Geotechnics stating that its findings have not been outdated and are relevant to the Concept Plan, subject to the completion of site audit statements on localised areas of potential contamination.

These areas are as follows:

- The fuel depot to the west of the site (groundwater beneath the depot is contaminated by petroleum hydrocarbons that appear to be related to the presence of diesel). The extent of contamination down slope of the fuel depot should be further investigated to assess the extent and degree of groundwater contamination;
- The rail siding to the west of the site (which has the potential to be contaminated, given its past usage and its location adjacent to the fuel depot);
- Buildings of the Dairy Cooperative that contain asbestos cement and are potentially contaminated with other substances;
- A filled gully adjacent to the Fishermans Co-operative that presents a moderate risk of contamination;
- The concrete batching plant, disused rural store and Big Oyster, which are of low, or no risk of contamination (the Big Oyster site has been remediated following the removal of fuel storage tanks); and
- The area behind Sheathers Machinery land in the central area of Pitt Street.

Coffey Geotechnics have reviewed the LAP and provided written confirmation that the findings of the Acid Sulphate Soil and Contamination Assessment are applicable to the Concept Plan (refer to **Appendix G**).

The site is suitable for residential, recreational and commercial uses. Coffey Geotechnics recommend that a Site Audit Statement is prepared for some areas of potential localised contamination identified. Such a statement should be prepared by an accredited Contaminated Lands Auditor. A commitment to the commissioning of the necessary site audits is made in the Statements of Commitment in Section 7.

### Acid Sulphate Soils

The Coffey Geotechnics study identified the potential for Acid Sulphate Soils (ASS) between 1m and 3m below the ground surface in a strip of land along the Manning River to the north east of the site (refer to **Figure 26**). A low-lying drainage depression surrounding the creek that flows through the eastern end of the site has a high probability of ASS between 1m and 3m below the surface.

For excavation adjacent to the river, the soil must be neutralized with lime prior to disposal or reuse as fill. Alternatively, delineation of the lateral and vertical extent of ASS can be done prior to excavation of soils. ASS areas should be over-excavated to remove non-ASS soil from beneath. ASS should then be buried below the water table. The recommendations of the Coffey Geotechnics assessment are incorporated in the Statement of Commitments in Section 7. The assessment recommends that, when more detailed Project Application development proposals are available, further investigations be undertaken to define the extent and concentrations of ASS. These investigations should be the basis of an ASS Management Plan to guide future development.

### Groundwater Source

The Geotechnical Assessment by Coffey Geotechnics (**Appendix R**) concludes that excavations in soil are not likely to encounter the groundwater table.



The assessment found that demand for marina berths on the site would result predominantly from the population of Greater Taree. Further demand would result from visitors from other areas including Newcastle and Port Macquarie. Given that the Manning River Bank limits access from the river to the ocean, demand would predominantly be for berths to accommodate river vessels, such as houseboats, runabouts and some larger cruisers.

Considering quantitative projections based on industry and socio-economic data, as well as industry information (including case studies of other marinas), the Maritime Assessment concludes that:

- There is existing demand for 100 to 110 marina berths on the site; and
- By around 2021, demand is likely to be for between 150 to 190 berths, rising to around 180 to 260 berths in 2031.

The proposal seeks Concept Approval for 100 marina berths

### Design and Capacity of Facilities

Considering demand for marina berths, the Maunsell Australia assessment concludes that a marina on the site would meet such demand through the provision of:

- Berths capable of accommodating houseboats, larger river cruising vessels and commercial tour operators;
- Berths capable of accommodating a single hull yacht 12m in length and other vessels of 1.8m to 2.0m draft (approximately 30m in length);
- Marina depths should account for low water levels and should be the subject of more detailed investigation at a subsequent stage of planning for the site;
- Other uses that could be viable on the site include a chandlery, café/restaurant, shop (grocery), boat maintenance facility and associated residential, office, retail and tourist accommodation uses;
- “Dry berth” storage for around 104 vessels, with potential to expand capacity by a further 48 vessels could be provided;
- Parking for around 50 vessels is recommended for the operation of the marina; and

A breakwater to protect vessels following future extensions of the marina; The above detailed specifications will be addressed in the subsequent project application for the marina.

### Geotechnical Issues (Marina and Mixed Use Precinct)

Given site constraints, the assessment concludes that the optimum solution to providing suitable marina berths would be to excavate a marina basin that provides suitable protection for vessels at an appropriate depth. This marina basin could also incorporate a breakwater in the River to provide additional moorings if required.

**Figure 27** is reproduced from the Maritime Assessment and indicates that the location of the marina proposed by the Concept Plan is in the optimum location, considering site constraints and opportunities. Deep water exists naturally in the river at the north-eastern end of the site. The location of the marina is also adjacent to an underlying bedrock ridge, which has potential for an artificial marina basin. The river embankment is naturally indented, providing some shelter for moorings. Excavation for the marina entrance would be minimised at this location. The breakwater shown on **Figure 27** would only be necessary should the marina expand in future. It is shown to demonstrate the ability of the site to accommodate such expansion, while avoiding the rowing course.

Overall, the Maunsell study concludes that *“the findings of this study provide sufficient basis, in light of the information presented herein, for demonstrating the suitability of the site as part of the rezoning process”*. The suitability of the site from a conceptual Concept Plan level has therefore been demonstrated, however, the report recommended some further geotechnical investigations.



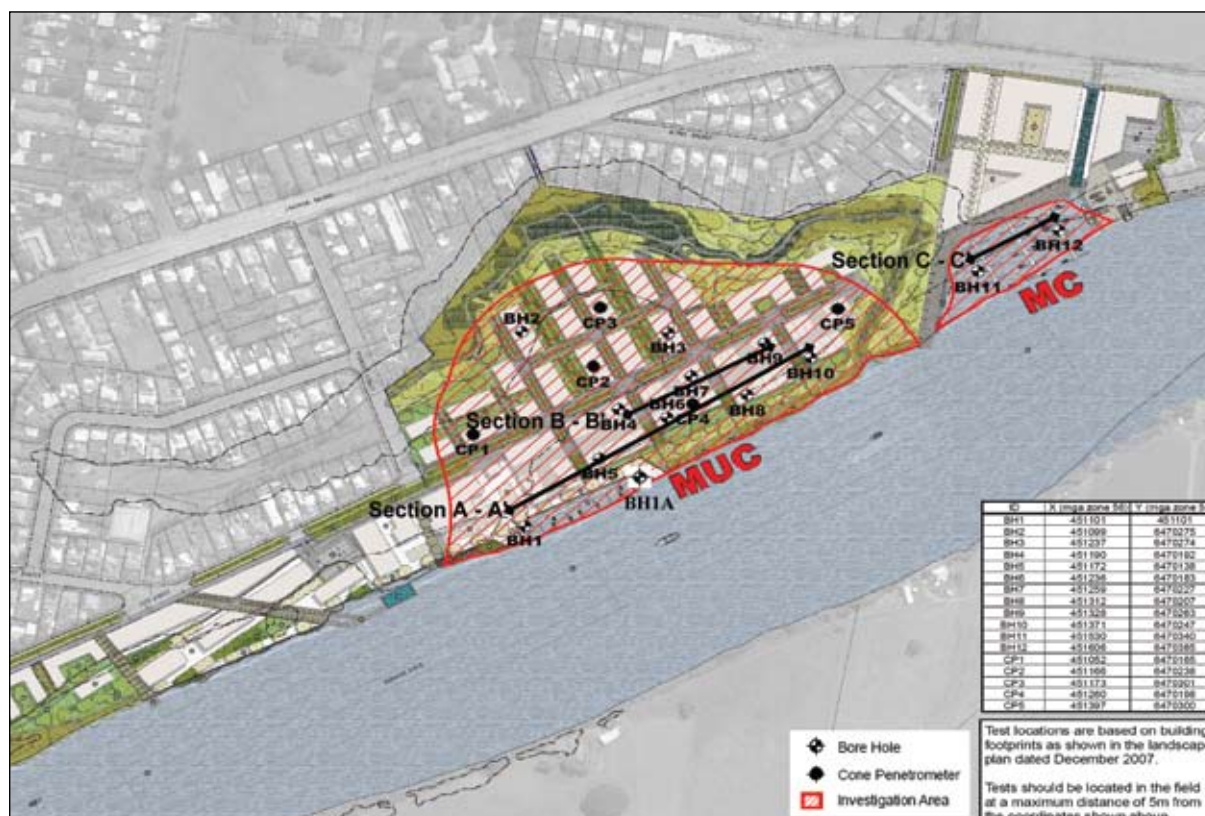
**Figure 27** – Maunsell Australia’s recommended location for a marina on the site  
Source: Maunsell/AECOM (2008)

As a result of Maunsell’s recommendations, the Geotechnical Assessment of the LAP by Coffey Geotechnics was commissioned to inform the ongoing process of considering the rezoning of the site. The assessment is included at **Appendix R**, along with a letter of commitment from Coffey Geotechnics that its findings have not been outdated and are relevant to the Concept Plan. Referring to the map in **Figure 28**, the assessment examined the feasibility of the development of two areas of land:

- The marina (marked ‘MC’ on the map); and
- The proposed Riverside Village precinct and the eastern end of the Dairy Heritage precinct (marked ‘MUC’ on the map).

The scope of the study included stratigraphy, depth to bedrock, and the depth and fluctuations in groundwater levels in flood-prone areas. The assessment did not find constraints that prevent the land being developed for the purposes outlined in the Concept Plan. The assessment recommended technical measures for the development of the site. Recommendations relate to excavation, specifications for foundations, piling, and the filling of the site above flood levels and are detailed in **Appendix R**. A commitment to observing the recommendations of Coffey Geotechnics is included in the Statement of Commitments in Section 7.





**Figure 28** – Areas of land that were subject to the Detailed Geotechnical Assessment  
Source: Coffey Geotechnics (2008)

## Fuel Facilities

Appropriate fuelling facilities will be provided in accordance with the relevant regulatory requirements. The type, make, number, capacity and mechanical specifications of the facilities and their exact location will be subject to subsequent applications for the marina. It must be noted that continual technological developments in the manufacture of such facilities makes it impractical to specify their parameters at Concept Plan stage.

## Update to the Assessment

Maunsell have prepared an update to their initial assessment which specifically addresses the DGRs. In summary:

- The initial maritime assessment provided strategic analysis of the site in terms of maritime site issues only, including overview analysis of hydrological and geotechnical. Assessment is sufficient to demonstrate the site is generally suitable for such development, but further design is required to adequately ameliorate any impacts. It is recommended that development of the marina basin and berthing be subject to detailed hydrodynamic modelling to determine the final basin design which will occur at the detailed design stage.
- The Maritime assessment does not provide geotechnical assessment of the 'to be extracted' material in the marina basin, assessment of acid sulphate soils or an assessment of the marina impacts on the shallow underlain bedrock. However, these issues are addressed in the Geotechnical Assessment and the Acid Sulphate Soil and Contamination Assessment and Review (**Appendices R and G**).
- Flood studies and climate change predictions have been addressed in other studies. Other issues indicated in the Coastline Management Manual are not applicable to the site.

- The objective of the Maritime Assessment was to address the suitability of the site for a marina, based on existing known physical constraints, along with justifying the size of the marina.
- Whilst cumulative impacts of the marina were not explicitly addressed, based on information presented in the Maritime Assessment, the marina and associated boat ramp/maintenance area would enhance the availability of boating facilities in the area to meet forecast demand.
- A hydrographic survey was provided in the initial assessment along with dredging and maintenance of the site. Dredging in other parts of the Manning River was not addressed, however, Taree Council have advised that given the depth of water adjacent to the marina it is anticipated that minimal dredging (if at all) will be required.
- The Maunsell Update notes that the Concept Plan does not depict the number of dry storage facilities recommended as appropriate in the initial maritime assessment. In general, the Concept Plan has considered/adopted the general principles of the maritime assessment. However, specific consideration of dry storage facilities will be explored and confirmed when an operator is available and refines the specific operations, which will occur at the Project Application stage. The recommendations in the Maritime Assessment, with respect to facilities and viability of a marina at the subject site remain valid.
- The maritime assessment does not address items in the DGRs such as pump out facilities, holding tanks, connection to sewerage systems, spill management and containment, management of privately owned vessels, fuel dispensing and storage. Protocols exist for effective management of these matters, which would be applied to the proposed marina. Typically, these elements are determined by an operator as part of a subsequent design stage and therefore will be addressed in the subsequent Project Application.

The requirements of the Maritime assessment in relation to the construction of the marina are reflected in the Statements of Commitment in Section 7.

## 6.15 Principles of Crown Land Management

The requirement of the DGRs to delineate the areas of Crown Lands is met by the land ownership map prepared by Suters, and included in the LAP (refer previous **Figure 9**).

### Crown Land Status

The Crown Lands are 30.48m wide foreshore reserves. The smaller parcel to the north east is contiguous with the "Ochiltree Place Reserve" whilst the larger reserve adjoins an unformed Crown Road Reserve known as Queens Place. The reserve adjoining Queens Place is under tenure by Permissive Occupancy (about 0.9ha to Lot 2 DP555702 (part of the Concept Plan site).

### Crown Roads

A number of formed roads are located in or near the LAP site and maintained by Council as Crown Roads, including:

- Nelson Street, Lyndhurst Street, Pitt Street and Bligh Street. Department of Lands indicate it would be appropriate for Council to seek transfer of control of these roads;
- Queen Place, which is an unformed Crown Road reserve giving public access to the Manning River and the 30.48m wide foreshore reserve. Application may be made at a later stage for its closure and purchase.



## Management Options

With regards to the two foreshore reserves, options available for their future management as outlined in the Department of Lands Section 62 Consultation response include:

- Retaining current ownership status for on-going public ownership and foreshore access, with care and management by Council and Department of Lands approval authorisation for works on their land;
- Transfer care and control of reserved land to Council as trust managers;
- Disposal to Council under the Land Acquisition (Just Terms Compensation Act) 1999.

Both the Department of Lands (DoL) and Greater Taree City Council advise that the future management of the public open space area currently owned and managed by the Department of Lands will be resolved as part of the rezoning. Once the land is rezoned and Council and DoL are then certain of open space and future roads for the area, this issue will be resolved.

## 6.16 Water Cycle Management & Water Quality

As discussed in Section 5.11, Water Sensitive Urban Design (WSUD) principles will be implemented in order to ensure that stormwater runoff will not impact on the water quality of the Manning River or other watercourses. Stormwater will flow off roads into roadside swales, which contaminants provide for filtration of contaminants. From the proposed swales, stormwater will enter a restored wetland, which will provide further filtration. Runoff from roofs is to be stored for reuse in irrigation with the objective of retaining pre-development flows as far as practicable.

It is noted that the Water Balance Assessment (**Appendix M**) was specifically commissioned during the rezoning process to address issues raised by MidCoast water with respect to the sustainable water usage on the site. Due to the increased demand for water usage on the site principles of WSUD such as water harvesting and grey water usage could significantly reduce potable water demand.

The design of WSUD infrastructure will be subject to subsequent project or development applications for the site, following concept approval. Groundwater and stormwater issues have been discussed separately at Sections 6.13.

## 6.17 Heritage and Archaeology

The rezoning process for the site has involved extensive consultation between Council, the NSW Heritage Council and DECCW. The Concept Plan is informed by an Aboriginal and Historic Heritage Assessment undertaken by AECOM/ ENSR Australia is provided at **Appendix J**.

### Aboriginal Heritage

The assessment identifies one Aboriginal site (the railway cutting site), consisting of over 50 archaeological artefacts scattered across a riverbank levee to the far west of the precinct (**Figure 29**). The area was found to be a rare example of an Aboriginal camp site in a river-side setting. The AECOM/ ENSR assessment notes that the Aboriginal site has been heavily disturbed by previous activities, with only remnants of topsoil remaining.



**Figure 29** – Extract from a map of Aboriginal significance showing the location of the Aboriginal site

Source: ENSR / AECOM

As indicated on the Concept Plan, a viewing platform and associated pathway are proposed on the Aboriginal site. As discussed in Section 3.1.9, permits for the destruction of Aboriginal objects or places that would otherwise be required pursuant to Section 90 of the NPW Act, are not required for Part 3A projects. Nonetheless, to conserve cultural values, the location of the viewing platform and pathway will be amended so that no part of them coincides with the Aboriginal site. This issue is included in the Statement of Commitments at Section 7.

The ENSR assessment concludes that, with the exception of the identified Aboriginal site, the remainder of the precinct is unlikely to contain any Aboriginal archaeological artefacts of cultural significance.

### European Heritage

As discussed in Section 2.7, the site contains several items of heritage significance, notably at the Manning River Co-operative Dairy site (**Figure 30**). The significance of these buildings and other listed heritage items were considered by the AECOM/ENSR assessment. The assessment found the following five items to be of heritage significance that are not listed in LEP 1995:

- a section of the Rail siding to the west of the site;
- The Produce Store;
- An area of archaeological potential along the Manning River Bank (above and below water);
- The alignment of Pitt Street;
- Housing along Pitt Street; and
- The Big Oyster site.

These items have not been uplifted into the Taree draft LEP 2008.

The location of the above items is discussed in detail in the assessment at **Appendix J**.

An area comprising the riverbed and riverbank to the west of the site was found to have the potential to contain the archaeological remains of a wrecked barge and abandoned wharfs. A more detailed archaeological survey would be required to ascertain whether such remains are, in fact, present (refer to the Statement of Commitments in Section 7).



**Figure 30** – Manning River Co-operative Dairy site  
Source: Suters Architects/GTCC

AECOM/ENSR has reviewed the LAP/Concept Plan and their initial Assessment and provided written confirmation that assessment findings are still applicable (refer to the Letter of Confirmation of Findings at **Appendix J**). This assessment determined that a number of requirements of the DGRs may be addressed as Statement of Commitments. Additional assessment of the demolition of part of the Dairy Complex Structures was deemed to warrant further assessment to determine whether such demolition impacted on the overall heritage significance of the complex. This additional assessment concludes:

- Demolition of the stores and workshops is not considered to have an impact of the overall heritage significance of the complex with these items deemed to hold no significance.
- The proponent has advised that they would be open to retain the Wooden Store has part of the Concept Plan approval, subject to further review and tests of its structural adequacy at DA stage, which may deem that demolition is warranted.
- The wharf structure will be repaired at the DA stage. The Department of Lands has advised the proponent that they will not grant a further permissive occupancy on this structure until it is repaired, which will occur with the relevant detailed DA.
- The 1966 Office is not included in the Greater Taree (1995) listing. The report attributes the office limited contributory significance and that no further heritage assessment is warranted. The report still recommends archival recording of this office.

## Recommendations

The AECOM/ENSR initial assessment and update assessment makes the following recommendations in relation to heritage:

- As stated above, no part of the proposed viewing platform and pathway is to coincide with the Aboriginal site identified by the assessment;
- The Aboriginal site is to be conserved through its incorporation into open space, consistent with the proposed rezoning of the precinct;
- Any proposed waterfront access should be designed to minimise impact to the topsoil within the Railway Cutting Site;

- The alignment of the railway siding should be reflected in future development. Interpretation and integration into the landscape will be undertaken as appropriate;
- Archival recording of the rail siding, Produce Store, Pitt Street housing and the Big Oyster should be given consideration by the applicant. Given, that Taree Council has considered the AECOM report and has not included these items as listed heritage items under the draft Greater Taree LEP 2008, it is not considered that this archival recording is warranted;
- Proposed landscaping will not disturb archaeological deposits associated with the Lime Kiln Wharf and Tramway site (which lies outside of the area covered by the Concept Plan) as identified in the Aboriginal and Historic Heritage Assessment. Should any deposits be disturbed this will be done with the consultation with the Heritage Branch of the DoP;
- The alignment of and fig trees along Pitt Street should be maintained. The aesthetics of the street should be maintained and the ornamental planting of figs considered; and
- Where relevant, Project / Development Applications should include archaeological surveys along the river bank to locate potential underwater relics including wharves and other waterfront structures and the remains of a barge on the riverbed.

The recommendations above are reflected in the Concept Plan and/or reflected in the Statement of Commitments in Section 7.

## 6.18 Flora and Fauna

The Ecological Constraints Assessment by Ecotone Ecological Consultants (**Appendix I**) consisted of a baseline study of the ecological condition of the precinct, discussion of the potential effects of the LAP/Concept Plan and a review of relevant legislation to identify constraints for the rezoning. The scope of the assessment included the presence or likelihood of endangered species, populations and ecological communities, or critical habitat of threatened species and populations pursuant to the TSC Act. It also considered the likelihood of species listed in the EPBC Act occurring on the site.

These findings have been supplemented by Orogen Pty Ltd who have assessed the Concept Plan with respect to the consistency of the findings with Ecotone (**Appendix I**). The findings of the two assessments are discussed below.

### 6.18.1 Site Conditions

#### Flora Species

The Flora and Fauna assessments found that the bulk of the site is open and consists of cleared pasture. The site contains remnants of natural vegetation, mainly in the form of discontinuous patches or narrow bands of riparian vegetation along the river bank and creek.

Large areas of remnant vegetation are degraded and invaded by weeds to varying degrees, from minor invasions to almost complete replacement by exotic species. However, some patches retain a substantial proportion of the original species composition of the natural community and are at least partially intact. More than half of the floral species on the site were found to be introduced or artificially planted. The remainder of the site accounting for the majority of its area consists of grazed pasture or cleared, weedy grasslands with predominantly exotic pasture grasses and weeds. The general classification of vegetation communities on the site is shown in **Figure 31**.





**Figure 31** – Subject site showing vegetation communities  
Source: Orogen, Ecological Overview (September 2009)

One flora species listed as threatened under the TSC Act, *Eucalyptus nicholii* (Vulnerable), was recorded on the site. A single tree of the species was noted in proximity to the concrete batching plant to the west of the site. The report notes that the species does not occur naturally in the Taree area and concludes that the tree concerned was planted as part of landscaping for the batching plant.

Two Forest Red Gums found on the site require further investigation as this species is similar in form to *Eucalyptus seeana*, listed in the TSC Act as an endangered population within the locality. However, based on the position and alignment of the trees, the assessment found it likely that the trees have also been planted for landscaping purposes. These trees have been the subject of further field investigations by Orogen who indicate that the species is a *Eucalyptus Tereticornis*.

The assessment found that no flora species listed in either the EPBC Act or TSC Act occurred *naturally* on the site or were likely to occur.

### Endangered Ecological Communities

Four endangered ecological communities listed under the TSC Act were found by Ecotone on the site, although few areas of vegetation were found to represent a 'pure' form of any EEC. These were Littoral Rainforest, Swamp Sclerophyll Forest on Coastal Floodplain, Subtropical Coastal Floodplain Forest and Swamp Oak Floodplain Forest. The location of these communities is shown in **Figure 31** above. However, these communities were found to comprise simplified or degraded remnants of native vegetation.

Field surveys undertaken by Orogen identified some discrepancies in the EEC mapping and classification provided in the assessment prepared by Ecotone. It is noted, however, that classifying highly modified communities can sometimes be difficult given that key defining features are often missing. Orogen considers that three TSC Act listed EEC's occur in the subject site, namely Freshwater Wetland on Coastal Floodplain, Swamp Oak Floodplain Forest, and Lowland Rainforest on Floodplain.

Ecotone has mapped areas as Littoral Rainforest, however, this rainforest type only grows in close proximity to the coast. Orogen considers that the area around the drainage line mapped as Littoral Rainforest by Ecotone should therefore be mapped as the Lowland Rainforest on Floodplain EEC. Orogen also considers that areas mapped by Ecotone as Littoral rainforest along the bank of the Manning comprise scattered trees and these do not constitute a rainforest community.

The area of Sclerophyll Forest that the assessment identified is located to the north of the site. The identified area of Subtropical Coastal Floodplain Forest is also located to the north. Both of these areas of native vegetation will be substantially retained and improved as part of a restored wetland on the site (refer to the Statement of Commitments in Section 7).

No endangered populations of flora or critical habitat were considered to occur within the precinct.

### Riverbank Vegetation

The Ecotone Assessment found that past activities have resulted in severe weed invasion adjacent to the river bank along Pitt Street and at the upstream extent of the unnamed creek to the north of the site. Areas of moderate to good condition vegetation are present along the river bank (primarily mangroves) and the unnamed creek. Mangroves on the site are protected under the Fisheries Management Act 1994.

### Fauna and Habitat

While no threatened fauna species under the TSC Act were recorded in the study, Ecotone considered that several threatened bat species have the potential to forage at or fly over the site, however, the Grey Headed Flying-fox (listed as vulnerable on the TSC Act) may seasonally feed on the site. Potential habitat for a number of species may occur, however, there is only a low probability of them occurring within the subject site. In addition, as most of the existing vegetation remnants will be retained and enhanced in many areas, it is considered that significant impact on any threatened fauna species that may be recorded during future surveys is unlikely to occur.

Orogen has reviewed the findings of the Ecotone report and also consider that the site, including habitats provided by the River and drainage line, provide potential habitat for protected and threatened fauna species. However, no evidence of habitat utilisation was observed within the subject site by Orogen.

### Corridors

The Orogen review of the NPWS Key habitats and corridors in North East NSW, (NPWS 2009) indicates that the subject site is not located within or does not adjoin any corridors modelled by NPWS. Review of aerial photography and ground-truthing confirmed that the vegetation within the subject site is unlikely to form part of a significant fauna movement corridor.

The 'riparian corridor' along the foreshore of the river provides limited habitat in terms of connectivity. Currently, this area would most likely be suited for flying species such as birds and bats or possibly more robust arboreal mammals such as Brushtail Possums.

The Concept Plan shows that some of the riparian corridor would be removed (e.g. the waterfront developments), and this corridor may be broken as a result. Notwithstanding, this clearing would not create a barrier to the species considered likely to utilise these habitats at present (i.e. flying species).



## 6.18.2 Assessment

Orogen have specifically assessed the impacts of the Concept Plan, with reference to Ecotone's findings (**Appendix I**). The assessment concludes as follows:

### Vegetation Removal

The majority of the vegetation that would be removed or modified for the development comprises pasture grassland and weed thickets. The proposal will therefore result in the removal of a relatively small amount of native vegetation. The proposal will result in the removal of approximately 0.18 hectares of Lowland Forest and 0.30 hectares of Swamp Forest as shown in **Figure 32**.



**Figure 32** – Areas affected by clearing  
Source: Orogen, Ecological Overview (September 2009)

The native vegetation requiring removal comprises:

- highly modified bushland fragments;
- scattered trees; and
- mangroves and seagrass from the tidal zone of the Manning River;

The proposal will also require modification of the river bed/tidal zone of the Manning River. The exact extent of mangrove and seagrass removal will be determined during the Aquatic Assessment as part of the Statement of Commitments (Flora and Fauna Statement of Commitments).

While a number of Threatened fauna may potentially occur within the subject site, the habitat proposed to be removed or modified represents a very limited habitat resource for fauna in terms of aerial extent and quality. The habitats within the subject site are relatively isolated and would most likely only form linkages for more mobile, flying species such as birds and bats.

Some arboreal fauna may also traverse through the site, however, existing connectivity would be very marginal for such species and any linkages most likely terminate within the site itself.

The proposal will result with the removal of up to 9 hollow bearing trees, however, the hollow resources provided by these trees is considered negligible to the available hollow resources in the locality. In addition, the loss of these hollows could be offset with the erection of nest boxes in retained habitats. The Threatened flora species (*Eucalyptus nicholii*) detected within the subject site is not native to the North Coast Bioregion. The one tree found to occur within the subject site does not form a viable population/community and is not considered to have conservation significance.

It is highly unlikely that any Threatened fauna species are dependent on the vegetation requiring removal and the clearing will not cause isolation of habitats in the locality. The impact of removing pasture improved grassland, weed infestations and small fragmented patches of woodland is considered negligible in the context of more suitable habitat occurring in the locality. In addition, there is scope to rehabilitate any retained areas to compensate for any loss of native vegetation on the site.

Given the limited native vegetation within the subject site, the proposed development is likely to result with increasing the amount of native vegetation in the area. Similarly, the small amount of mangrove and seagrass vegetation likely to be removed for the development is not considered significant in the context to the extent of mangroves and seagrasses associated with the Manning River. The proposal would also not create a barrier to movement for fish.

The requirements for additional surveys at the DA stage are included in the Statement of Commitments below.

### Endangered Ecological Communities

The proposal will result in modification to the composition of the EEC's with the subject site through clearing and/or utilisation for bio-filtration, and/or revegetation techniques.

The EEC's within the subject site, however, are currently highly degraded and occur as small isolated patches within a highly modified landscape. Any clearing or modification of these communities as a result of the proposal is unlikely to result in placing each community type at risk of extinction in the local area.

Although these communities are highly degraded, the Statement of Commitments includes measures to improve the condition of the EEC's where retained. In particular, the bio-filtration would need to be designed in a manner that improves the quality of the communities proposed to be utilised for this purpose.

### Weeds

The paddocks within the subject site are dominated by exotic species as a result of pasture improvement for grazing. Existing bushland remnants such as the vegetated drainage lines and riparian areas are also infested with weeds sourced from the paddocks. Other weed species in these areas have most likely established from seeds spread by the wind and birds (e.g. Privet, Coral Tree). Any clearing for the proposal is therefore unlikely to exacerbate the spread or colonisation of weed species present in the subject site.

Notwithstanding, a weed management strategy for the remnant areas is part of the Statement of Commitments at Section 7.

### Erosion and Sedimentation

The potential for erosion and sedimentation during construction, and also runoff generated by the completed road is considered minimal. Appropriate controls implemented during the construction phase would reduce the potential for erosion of exposed surfaces and sedimentation of receiving waters.

## Cumulative Effects

The proposed clearing will contribute towards the cumulative effect of habitat loss occurring in the locality. In the context of the existing development occurring throughout the locality, and due to the relatively small area of potential habitat for Threatened species and Protected species that will be removed as a result of the proposal, the cumulative impact could not be regarded as considerable or significant. It is also noted that the proposed development provides an opportunity to improve the ecological value of the habitats proposed to be retained within the subject site.

The provisions of the Threatened Species Conservation Act 1995 and the EPBC 1999 are further outlined in Section 3.1.

### 6.18.3 Mitigation Measures and Statement of Commitments

While the proposal is not considered likely to cause a significant impact upon any Threatened species, Population or Endangered Ecological Community, a number of mitigation measures are recommended by Orogen in order to reduce the potential for impacts associated with the proposal. In addition, the proposed development provides an opportunity to improve the ecological value of the habitats proposed to be retained within the subject site. These measures would form a component of the Statement of Commitments for the project and are listed below.

- Detailed terrestrial and aquatic (including marine) surveys and impact assessment with relevant DAs. The assessment will address the Fish Habitat Protection Plan No. 1 and Fish Habitat Protection Plan No. 2: Seagrasses developed by NSW Fisheries.
- General mitigation concepts to conserve flora and fauna would need to be developed and would include, but not be limited to:
  - Rehabilitation of any retained habitats within the subject site in accordance with a rehabilitation plan. Plan to include/outline:
    - i. Planting locations, densities, and schedules.
    - ii. Species for planting (must be locally indigenous flora species suited to each vegetation community to be rehabilitated).
    - iii. Regular weed management and target areas.
    - iv. Monitoring and frequency.
  - Compensation of any hollow bearing trees with nest boxes (minimum 2:1 ratio). Nest boxes erected in retained areas;
  - Habitat resource recovery and relocation (e.g. keep relocated and felled timber into retained habitats where appropriate);
  - Pre-clearing surveys of fauna habitats (e.g. searches for raptor nests, identify hollow trees for removal);
  - Ecological clearing supervision for removal of any hollows;
  - Design clearing techniques to minimise risk to injury of potential inhabitants. For example:
    - i. clear hollows outside breeding periods;
    - ii. Shake hollow tree before felling, allowing inhabiting fauna to emerge
    - iii. inspect (by ecologist/fauna carer) all hollows upon felling.
  - Erect suitable nesting platforms for the Osprey; and
  - Installation of other artificial habitat structures, including fish habitat.

- More specific mitigation measures may need to be developed following outcomes of detailed surveys at the relevant DA stages to conserve flora and fauna. This may include modification of the development if critical items are identified;
- Design of the bio-filtration system is to be sympathetic to the EEC's proposed to be utilised. The design must aim to improve the condition of the community;
- Appropriate erosion and sedimentation controls to protect the Manning River during and post construction to be provided;
- Appropriate controls to exclude general public from entering rehabilitation areas, and/or encourage persons to keep to formed tracks within walkways; and
- Construction of interpretive signage in retained areas or along walkways.

## 6.19 Mangrove and Bank Stability

Following review of the findings of the Ecological Constraints assessment for the Precinct, further investigation into the distribution of mangroves and bank stability for the area of the Precinct located adjacent to the Manning River was undertaken. This information was required to assist Suturs in determining the location of maritime structures in order to minimise adverse effects on marine habitat and to assist preparation of any additional assessments required under the Threatened Species Conservation Act 1995, the Fisheries Management Act 1994 and the Water Management Act 2000. The objective of the study was to map mangrove assemblages, density, ecological condition and habitat value and level of disturbance. The Mangrove and Bank Stability Assessment was prepared by Ecotone Ecological Consultants and is included at **Appendix S**.

Mangroves were found to occur along the entire Manning River riparian zone and the unnamed tributary and part of the bank exhibited poor condition and stability. The mangroves were found to be in generally good ecological condition. Whilst it was found that the location of the marina had the potential to impact on an area of high mangrove ecological value, the rezoning control group (RCG) continued to support the location of the marina on the grounds of the overall scale of the proposal, the fact that Concept Plan will be the only waterfront land on the river (and mangroves are prolific along the whole river frontage).

As construction and operation of facilities may affect water quality in the Manning River, which may in turn affect the mangroves, the report also recommended a number of mitigation measures which have been included in the Statement of Commitments at Section 7, including:

- Bank Stability and Erosion - following removal of horses and stock from the site, eroded areas along sections of the bank that will be retained should be stabilised and revegetated. Best practice sediment and erosion control measures will need to be put in place during construction and where the bank is to be excavated along the Manning River. The construction area will need to be isolated from the river water to avoid water pollution.
- Weed Management - a weed management plan should be prepared for weedy sections of the bank that are to be retained.
- Fluvial flow analysis - should be carried out under the full range of river conditions to ensure that eddies are not created within the area of the proposed marinas.
- Water Quality - any discharge points to the Manning River or the tributary should be below the water mark or via dissipaters in order to prevent bank erosion. Water pollution protection measures will be required for any proposed maintenance facilities associated with the proposed marina.

## 6.20 Acoustic Impacts

An Acoustic Assessment of the Concept Plan has been undertaken by Acoustic Logic (**Appendix T**) and provides an assessment of potential noise impacts associated with the Concept Plan. The report:

- Identified noise emissions that may be generated by the site and recommends acoustic and management controls in order to reduce any potential noise impacts on adjoining properties, or identifies issues which should be the subject of further assessment in the subsequent DA stage;
- Identifies environmental noise sources (traffic and air craft noise) which may impact the recommended site acoustic treatments.

The assessment identifies the following potential sources of noise that will result from the proposal:

- Mechanical plant serving the proposed residential and commercial buildings;
- Boat engines accelerating in order to propel boats onto trailers on the boat ramp and from mechanical winches used hauling boats onto trailers;
- The marina boat crane and general marina activity;
- Outdoor car parks;
- Restaurants (outdoor dining);
- The proposed swimming pool/stage; and
- Traffic generated by the development.

External noise sources (such as traffic noise from Chatham Avenue and aircraft noise) were considered in terms of their impact on the development.

### Noise Control Objectives

The report notes that there are no noise emission guidelines presented in the Greater Taree City Council Draft Development Control Plan. In the absence of such controls, noise from licensed premises (including music noise and outdoor dining/smoking areas) should comply with noise emission goals determined with reference to DECCW and the Liquor Administration Board (LAB) Acoustic Guidelines (Entertainment Noise from Licensed Premises).

Noise from mechanical plant, the marina complex, outdoor car parking areas and from the proposed stage/swimming pool should comply with the DECCW Industrial Noise Policy, Intrusiveness and Amenity Criteria when received at nearby residential properties.

As the proposed will result in increased traffic volumes, it should comply with the requirements of the DECCW Environmental Criteria for Road Traffic.

### Assessment

#### Internal Noise Sources

Operational noise emissions from the site have been assessed against relevant DECCW and Liquor Administration Board acoustic guidelines. Provided that acoustic treatments and/or necessary additional acoustic assessments (either at CC stage or in subsequent DAs for future tenants) are met then compliance with the set criteria in the acoustic report can be achieved.

#### External Noise Sources

Noise impacts from Chatham Avenue will not impact on future occupants of the development, subject to upgraded glazing on buildings adjacent to Chatham Avenue. Masonry walls and other higher elements of the facade will not require additional acoustic treatments. Standard glazing for the residential buildings is deemed to be acceptable.



The impact of aircraft noise from Taree Airport was also assessed. The noise level from aircraft noise, even on a worst case scenario of a plane taking off on a curved path directly over the site, will comply with the noise standards in D1 of Appendix D to AS 2021-2000 "Aircraft Noise Intrusion – Building Siting and Construction". No further assessment is therefore required.

## Recommendations

In order that future development of the site accords with the above noise control criteria, the Acoustic Logic report makes the following recommendations:

### External Noise Impacts (Traffic)

- Satisfactory control of these impacts on residential and commercial occupants of the development may be achieved through standard building constructions, with some upgraded single glazing necessary to the commercial buildings located adjacent to Chatham Avenue as per the indicative treatments presented in the acoustic assessment.

### Mechanical Plant

- Detailed review of all plant items should be undertaken at Construction Certificate stage and acoustic treatments (plant enclosures, screens, in-duct treatments) determined in order to ensure noise emission objectives are met. Compliance with noise emission goals is achievable through appropriate plant selection and standard acoustic treatments.
- Noise from plant (including air-conditioners) can be satisfactorily attenuated through appropriate plant location and the installation of acoustic screens or enclosures (subject to assessment of subsequent project or development applications for the site).

### Car Park on the Eastern Property Boundary and Boat Ramp

A 1.8m high fence will be installed along the eastern boundary of the site adjacent to the marina car park and along the eastern edge of the hardstand area of the boat ramp. Appropriate landscaping will be provided alongside the fence to ensure its appearance is consistent with surrounding development and does not result in adverse visual impacts.

The provision of the fence will not be required if alternative ameliorative measure are provided at the DA stage, or if the specific design of the marina meets the noise guidelines stated in the Concept Plan Acoustic Report. The fence should be imperforate (no holes) and may be constructed using lapped and capped timber, Colorbond or masonry.

### Marina

Noise from the marina should comply with the acoustic criteria set out in Section 5.1 of the Acoustic Assessment.

- Noise levels from the marina crane are dependent on the make and model of the crane installed there. Detailed acoustic assessment of the crane and other plant items such as compressors should be conducted at Construction Certificate stage after selection of plant. Acoustic treatment to the crane engine and management controls (restriction of times of use) will be determined to meet this criteria;
- Use of equipment such as the marina crane, high pressure hoses, compressors and power tools should be determined in a marina plan of management, so as to avoid impacts to surrounding noise receivers.

### Restaurants/Bars

- Noise levels resulting from restaurants on the site will be achievable through appropriate control of patron numbers, music noise levels and operating times. If necessary, additional acoustic treatments such as noise absorptive linings and screens may be incorporated;



- Future DAs required for restaurants or bars with amplified music or outdoor dining or smoking areas should include an acoustic assessment demonstrating compliance with Liquor Administration Board noise emission goals and the criteria specified in the Concept Plan acoustic report.

### Stage/Swimming Pool

- Noise from the use of the stage should comply with the criteria set out in the acoustic report. Technical measures (including those relating to the positioning of speakers) may be required for performances of amplified music on the proposed stage. Performance without amplified music will comply with the set criteria without the need for acoustic treatments;

The Acoustic Logic Report concludes that subject to compliance with the relevant acoustic objectives, compliance can be achieved through appropriate acoustic treatments detailed at Development or Project Application stage as reflected in the Statement of Commitments at Section 7.

## 6.21 Social and Economic Issues

### Methodology

A Preliminary Economic and Social Impact Assessment conducted by SGS Economics and Planning is included at **Appendix U**. The assessment aimed to determine the level of economic development achievable on the site without detracting from the economic sustainability of the LGA, in particular the Taree Town Centre. It also aimed to identify community services that should be provided on the site. A letter of confirmation from SGS confirming that the findings of the assessment are still relevant to the Concept Plan and have not become outdated is also provided at **Appendix U**.

The study included an examination of the demographic characteristic of Greater Taree. The study included the analysis of housing, retail, commercial and tourism markets, as well as an analysis of existing community infrastructure provision. Based on current trends, the study estimates that 351 to 402 additional medium-density dwellings and 642 to 716 additional high density dwellings will be required within the Greater Taree LGA by 2031. Case studies of five existing marinas were considered in order to gain perspective on the mix of development and the location and integration of different land uses in marinas generally.

### Findings

The assessment made the following findings:

- The population of Greater Taree has steadily increased over the past decade and is ageing rapidly (with a current median age of 43 years);
- The LGA has a relatively high proportion of smaller households;
- There is a lack of housing diversity and choice in the LGA and a growing trend towards increased housing density;
- Housing is relatively more affordable than the wider region, however there has been a decline in the sales market in the past 5 years;
- There is significant demand in the LGA for additional retail floor space (in particular for fresh/organic food retail);
- There is also high demand for commercial office space and associated business services;
- Tourism is important to the local economy, but Taree is perceived within the region as a service centre rather than a tourist destination;
- Visitors to Taree are predominately from NSW, with families and retirees being the most common visitor types;

- There is a lack of variety in accommodation, built attractions and organised activities and conference facilities in the city;
- There is currently a need for a regional community centre located in Taree which provides services for all members of the community; and
- There is an increasing demand for a community/indigenous arts centre to serve the surrounding region.

## Recommendations

SGS makes the following recommendations for the future development of the site:

- Residential development should:
  - Primarily cater for the local market;
  - Be predominantly medium density, including villas, townhouses and apartments;
  - Provide 2-3 bedroom dwellings with storage facilities and car parking; and
  - Be priced to suit the local market.
- Retail development should include:
  - Development that maximises the amenity of the site, access to the waterfront and views;
  - Boutique retail, a high-end tavern, restaurant or café as well as a small supplies store;
  - Leisure and tourism-related retail such as canoe, kayak, bicycle or boat hire;
  - A shop-front for local tourism providers and potentially the relocation of the Taree visitor information centre to the site;
  - The reuse of heritage items;
  - A flexible space to host organic fresh food markets;
  - Marina-related retail such as a chandlery and boat broker; and
  - Links to the old dairy factory site.
- Commercial development should incorporate:
  - Development that maximises the amenity of the site, access to the waterfront and views;
  - A 4-4.5 star hotel with flexible conference facilities;
  - Boutique office space to cater for home-based businesses; and
  - A clearly defined area with exposure to Manning River Drive and linked to retail development on the site.
- Tourism and leisure development should create a gateway to Taree along Manning River Drive, as well as museum and art gallery space.
- Community facilities should:
  - Provide an inviting environment for local people and a space that creates a sense of place;
  - Capture local heritage values through adaptive reuse of existing heritage items and design that this respectful of the character of the surrounding area; and
  - High quality facilities (such as sloping grassed areas and flexible open space) to create access and vantage points to view events on the Manning River.
- The overall design of the site should include cycle and pedestrian links across the site and to surrounding precincts.

- The staging of development at the site should involve:
  - Connections to neighbouring areas and the Taree City Centre;
  - A key anchor tenant in early development stages;
  - The construction of the marina as part of the first stage;
  - The incorporation of public open space and activity areas; and
  - Marking and sale of dwellings “off the plan” to allow the “testing” of the market.

The mix of uses, siting and the incorporation of heritage items, open space, through site links and recreational/tourist facilities proposed by the Concept Plan either directly implements the above recommendations, or allows for their implementation during future development on the site.

## 7.0 Draft Statement of Commitments

In accordance with the Director General's Environmental Assessment Requirements, the proponent is required to include a Draft Statement of Commitments in respect of environmental management and mitigation measures on the site. The table included in this section sets out commitments made by the proponent to manage and mitigate potential impacts arising from the project and subsequent stages.

Subject	Commitments	Approved by Whom	Timing
Approved Project	Development on the site will be implemented in accordance with the Concept Plan entitled 'Figtrees on the Manning Local Area Plan / Masterplan' prepared by Suters Architects and dated November 2008.	Department of Planning.	No timing. General Statement of Commitment
Voluntary Planning Agreement	A Voluntary Planning Agreement will be executed between the proponent and Greater Taree City Council to provide for the timely delivery of local infrastructure and community services.	Council	Prior to determination of the Concept Plan.
Development Staging Plan	A Development Staging Plan will be submitted prior to first stage DA and reviewed prior to each subsequent Stage.  The Staging Plan will address: <ul style="list-style-type: none"> <li>- Total lots approved and outstanding balance.</li> <li>- Lots proposed for each subsequent stage and any minor revisions from the concept plan approval or previous staging plan.</li> <li>- Average lots sizes and areas.</li> </ul>	Minister for Planning or delegate	Prior to 1 <sup>st</sup> stage DA
Road Access and Traffic	Vehicular access to the marina to the east of the site will allow for vehicles with boat trailers and heavy or oversized vehicles.	–	No timing. General Statement of Commitment
	Circular road routes and once way roads with separate ingress and egress will be not be implemented.	–	No timing. General Statement of Commitment
Flora and Fauna	In accordance with Ecotone's recommendations (November 2007), future development on the site will implement the following recommendations: <ul style="list-style-type: none"> <li>- The retention of the existing creek / drainage line to the north of the site and regeneration as appropriate. Much of the existing reedland / riparian areas will be incorporated into a restored wetland park. Modification to the tidal part of the creek will be avoided;</li> <li>- Eroded areas of the river bank (including those eroded by livestock) will be retained, stabilised and revegetated; and</li> <li>- To avoid further erosion, natural vegetation on the riverbank will be stabilised and rehabilitated with native species where development is not proposed.</li> </ul>	The relevant consent authority for each stage.	No timing. General Statement of Commitment
	In accordance with Orogen's recommendations (September 2009), future development on the site will implement the following recommendations <ul style="list-style-type: none"> <li>- Detailed terrestrial and aquatic (including marine) surveys and impact assessment will be undertaken with relevant DAs. The assessment will address the Fish Habitat Protection Plan No. 1 and Fish Habitat Protection Plan No. 2: Seagrasses developed by NSW Fisheries.</li> </ul>	The relevant consent authority for each stage.	With the relevant DA/PA.

Subject	Commitments	Approved by Whom	Timing
Flora and Fauna	<ul style="list-style-type: none"> <li>- The design of the bio-filtration system is to be sympathetic to the EEC's proposed to be utilised. The design must aim to improve the condition of the community;</li> <li>- Appropriate erosion and sedimentation controls to protect the Manning River during and post construction will be provided;</li> <li>- Appropriate controls to exclude general public from entering rehabilitation areas, and/or encourage persons to keep to formed tracks within walkways will be provided; and</li> <li>- Construction of interpretive signage in retained areas or along walkways.</li> </ul>	The relevant consent authority for each stage.	With the relevant DA/PA.
Flooding and Sea Level Rise	<p>In accordance with the Worley Parsons Flooding Report (15 May 2009), the following will be implemented:</p> <ul style="list-style-type: none"> <li>- Habitable floor area will be above the anticipated future 100 year recurrent flood event, with a 1m freeboard. An evacuation route will be available along Pitt Street / Lyndhurst Street and will be capable to remain open during a 200 year recurrent flood event.</li> <li>- Appropriate emergency egress, access to the foreshore and out of the site during flooding will be provided, subject to subsequent project/development applications.</li> <li>- Floor levels will be above 3.5m AHD (including the basement car park level) and will therefore be at least 2m above the tidal water level anticipated under the high level impact scenario for sea level rise.</li> </ul>	–	No timing. General Statement of Commitment
Heritage	The Cooperative Dairy Group of Buildings (other than components approved for demolition in the Concept Plan) will be retained and incorporated into the development through adaptive reuse.	–	No timing. General Statement of Commitment
	<p>In accordance with the ENSR Aboriginal and Historic Heritage Assessment (dated 10 March 2008), the following recommendations will be implemented:</p> <ul style="list-style-type: none"> <li>- The Aboriginal site on riverbank levee to the far west of the site will be conserved through its incorporation into open space zoning. No part of the viewing platform and pathway will coincide with the identified Aboriginal site</li> <li>- Waterfront access will be designed to minimise impact to the topsoil within the Railway Cutting Site. The alignment of the railway siding will be reflected in future development with interpretation and integration into the landscape (as appropriate);</li> <li>- Care will be taken to ensure archaeological deposits associated with the Lime Kiln Wharf and Tramway are not disturbed. Should any deposits be disturbed, this will be done with the consultation with the Heritage Branch of the DoP;</li> <li>- The alignment of fig trees along Pitt Street will be maintained;</li> </ul>	–	No timing. General Statement of Commitment

Subject	Commitments	Approved by Whom	Timing
Heritage	<ul style="list-style-type: none"> <li>- Where relevant, Project / Development Applications will include archaeological surveys along the river bank to locate potential underwater relics including wharves and other waterfront structures and the remains of a barge on the riverbed;</li> <li>- The Wooden Store is retained has part of the Concept Plan approval, subject to further review and tests of its structural adequacy at DA stage, which may deem that demolition is warranted;</li> <li>- The wharf structure identified in the AECOM/ ENSR report (August 2009), will be repaired or replaced at DA stage.</li> <li>- Archival recording of the 1996 Office associated with the Dairy Co-operative Complex will occur prior to demolition.</li> </ul>	–	No timing. General Statement of Commitment
Mangrove and Bank Stability	Bank Stability and Erosion - following removal of horses and stock from the site, eroded areas along sections of the bank that will be retained, stabilised and revegetated. Best practice sediment and erosion control measures will need to be put in place during construction and where the bank is to be excavated along the Manning River. The construction area will need to be isolated from the river water to avoid water pollution.	The relevant consent authority at the relevant stage.	With the relevant DA/PA.
	Weed Management - a weed management plan should be prepared for weedy sections of the bank, the vegetated drainage lines and riparian areas	The relevant consent authority at the relevant stage.	With the relevant DA/PA.
	Fluvial flow analysis - should be carried out under the full range of river conditions to ensure that eddies are not created within the area of the proposed marina.	The relevant consent authority at the relevant stage.	With the marina Project Application.
	Water Quality - any discharge points to the Manning River or the tributary should be below the water mark or via dissipaters in order to prevent bank erosion. Water pollution protection measures will be required for any proposed maintenance facilities associated with the proposed marina.	The relevant consent authority at the relevant stage.	With the marina Project Application.
Stormwater Management	<p>WSUD principles and solutions will be implemented on the site including the provision of roadside swales for the capture and filtration of stormwater.</p> <p>A Water Sensitive Urban Design (WSUD) Strategy will be prepared. The WSUD Strategy will conform to statutory, Council and DECCW guidelines.</p> <p>Some of the water volume in roadside swales will flow to the restored wetland for detention and further filtration in ponds. Water runoff from roads will be treated prior to its release into creeks and/or the river to ensure no adverse impacts result from runoff.</p>	The relevant consent authority at the relevant stage.	With the relevant DA/PA.
	Runoff from rooves is to be stored for reuse in irrigation to retain pre-development flows as far as practicable.	The relevant consent authority at the relevant stage.	With the relevant DA/PA.



Subject	Commitments	Approved by Whom	Timing
Stormwater Management	Any discharge points to the river for treated stormwater will be below the low water mark, or shall utilize dissipaters to prevent bank erosion.	The relevant consent authority at the relevant stage.	With the relevant DA/PA.
Acid Sulphate Soils (ASS)	<p>An Acid Sulphate Soil Management Plan (ASS) will be developed to address excavation adjacent to the river and shall involve either, including:</p> <ul style="list-style-type: none"> <li>- The neutralisation of ASS with lime prior to disposal, or reuse as fill or;</li> <li>- Delineation of the lateral and vertical extent of ASS, its removal and subsequent excavation of non-ASS soil from beneath. The ASS will then be buried below the water table; or</li> <li>- Any other technical measures identified as part of further investigations on the site that will satisfactorily manage ASS impacts.</li> </ul>	The relevant consent authority at the relevant stage.	With the relevant DA/PA.
Contamination	<p>Site Audit Statements shall be provided in relation to the development of any localised areas of contaminated land identified in the Acid Sulphate Soils and Contamination Assessment by Coffey Geotechnics (dated 7 November 2007) at <b>Appendix G</b>, in particular:</p> <ul style="list-style-type: none"> <li>- The fuel depot to the west of the site. The extent of contamination down slope of the fuel depot should be further investigated to assess the extent and degree of groundwater contamination;</li> <li>- The rail siding to the west of the site (which has the potential to be contaminated, given its past usage and its location adjacent to the fuel depot);</li> <li>- Buildings of the Dairy Cooperative that contain asbestos cement and are potentially contaminated with other substances;</li> <li>- A filled gully adjacent to Fishermans Co-operative that presents a moderate risk of contamination;</li> <li>- The concrete batching plant, disused rural store and Big Oyster, which are of low, or no risk of contamination; and</li> <li>- The area behind Sheathers Machinery land in the central area of Pitt Street.</li> </ul> <p>Site Audit Statements will be prepared by an accredited Contaminated Lands Auditor for these localized areas of contamination. More detailed investigation and sampling is required in these localised areas of the site. Future works should be undertaken in consultation with the auditor so that a Site Audit Statement can be issued on completion of the works.</p>	The relevant consent authority at the relevant stage.	With the relevant DA/PA.
Marina Development	<p>The development of the marina basin and berthing will be subject to detailed hydrodynamic modelling to determine the final basin design at the Project Application stage.</p> <p>Subsurface stratigraphy will be determined for any proposed marina excavation and for any proposed channel dredging. An excavated level of -3.0m AHD will be investigated to allow for squat, siltation and under-keel clearance. The depth of the marina should account for low water levels and should be further investigated as part of the detailed PA.</p>	The relevant consent authority for the marina.	With the marina Project Application.

Subject	Commitments	Approved by Whom	Timing
Marina Geotechnical Issues	Construction techniques set out in the Geotechnical Report by Coffey Geotechnics dated 16 June 2008 will be implemented.	The relevant consent authority at the relevant stage.	With the marina Project Application.
	The detailed recommendations for excavation, piling and the construction of basement areas, footings and other supporting structures contained in the Coffey Geotechnical Assessment dated 16 June 2008 will be observed in subsequent designs of the proposed development.	The relevant consent authority at the relevant stage.	With the relevant DA/PA.
Marina Operation and Management	<p>A Marina Plan of Management including an environmental management plan (EMP) will be implemented for the operation of the marina to the east of the site. The EMP will address all relevant issues associated with the use, inspection, maintenance and repair of the marina. It shall ensure that the operation of the marina complies with all relevant statutory and regulatory requirements, including those of the POEO Act and DECCW noise guidelines.</p> <p>The scope of the EMP shall embrace the marina management guidelines; induction and training of staff and tenants in the safe operation of the marina; fire prevention and fire fighting; medical emergency; hazard management; navigational safety; fuel management and the use of sewage pump out equipment; solid and liquid waste management and prevention of waterway pollution.</p>	The relevant consent authority for the marina.	With the marina Project Application.
Construction, Waste and Traffic Impacts	Construction Management Plans, Construction Traffic Management Plans and Waste Management Plans will be prepared for each stage of the development and submitted with future project/development applications.	The relevant consent authority at the relevant stage, including the marina stage.	With the relevant DA/PA.
Acoustic Impacts	<p>The following recommendations of the Acoustic Logic report dated (5 November 2009) will be implemented:</p> <p>External Noise Impacts (Traffic)</p> <ul style="list-style-type: none"> <li>- Some upgraded single glazing necessary to the commercial buildings located adjacent to Chatham Avenue will be provided as per the indicative treatments presented in the acoustic assessment.</li> </ul> <p>Mechanical Plant</p> <ul style="list-style-type: none"> <li>- Detailed review of all plant items will be undertaken at Construction Certificate stage and acoustic treatments (plant enclosures, screens, in-duct treatments) determined in order to ensure noise emission objectives are met.</li> <li>- Noise from plant (including air-conditioners) will be attenuated through appropriate plant location and the installation of acoustic screens or enclosures (subject to assessment of subsequent project or development applications for the site).</li> </ul> <p>Car Park on the eastern property boundary and Boat Ramp</p>		

Subject	Commitments	Approved by Whom	Timing
Acoustic Impacts	<ul style="list-style-type: none"> <li>- A 1.8m high fence will be installed along the eastern boundary of the site adjacent to the marina car park and along the eastern edge of the hardstand area of the boat ramp. The fence (if required) will be imperforate (no holes) and constructed using lapped and capped timber, Colorbond or masonry.</li> <li>- The provision of this fence is not required if alternative ameliorative measures are provided at the DA stage or the specific design of the marina meets the noise guidelines stated in the Concept Plan Acoustic Report. Appropriate landscaping will be provided alongside the fence to ensure its appearance is consistent with surrounding development and does not result in adverse visual impacts.</li> </ul> <p>Marina</p> <p>Noise from the marina shall comply with the acoustic criteria set out in Section 5.1 of the Acoustic Assessment.</p> <ul style="list-style-type: none"> <li>- Noise levels from the marina crane are dependent on the make and model of the crane installed there. Detailed acoustic assessment of the crane and other plant items such as compressors will be conducted at Construction Certificate stage after selection of plant. Acoustic treatment to the crane engine and management controls (restriction of times of use) will be determined to meet this criteria;</li> <li>- Use of equipment such as the marina crane, high pressure hoses, compressors and power tools will be determined in a marina plan of management, so as to avoid impacts to surrounding noise receivers;</li> </ul> <p>Restaurants/Bars</p> <ul style="list-style-type: none"> <li>- Noise levels resulting from restaurants on the site are to achieve compliance with the noise goals in the acoustic report through appropriate control of patron numbers, music noise levels and operating times. If necessary, additional acoustic treatments such as noise absorptive linings and screens may be incorporated;</li> <li>- Future DAs required for restaurants or bars with amplified music or outdoor dining or smoking areas should include an acoustic assessment demonstrating compliance with Liquor Administration Board noise emission goals and the criteria specified in the Concept Plan acoustic report.</li> </ul>	The relevant consent authority at the relevant stage	With the relevant DA/PA.
	<p>Stage/Swimming Pool</p> <ul style="list-style-type: none"> <li>- Noise from the use of the stage will comply with the criteria set out in the acoustic report. Technical measures (including those relating to the positioning of speakers) may be required for performances of amplified music on the proposed stage. Performance without amplified music will comply with the set criteria without the need for acoustic treatments.</li> </ul>		

Subject	Commitments	Approved by Whom	Timing
Utilities	Future development on the site will include upgrades to energy, water, sewer and telecommunications infrastructure in accordance with service provider requirements. The developer for each stage will upgrade energy, water and telecommunications infrastructure to relevant service provider requirements.	Relevant service provider	With the relevant PA/DA
Energy and Water Efficiency	<p>In accordance with ARUP Sustainability Assessment (June 2008) , the following measures will be targeted to reduced energy consumption and greenhouse gas emissions:</p> <ul style="list-style-type: none"> <li>- The incorporation of solar hot water systems and photovoltaic systems on roofs where feasible;</li> <li>- A grey water recycling and rainwater collection system to provide all irrigation water as required;</li> <li>- Installation of 3.5 star rated Water Efficiency and Labelling Standards (WELS) rated water fittings in dwellings; and</li> <li>- The achievement by future multi unit residential developments of a minimum of 4 stars from the Green Star Multi Unit Residential Tool.</li> </ul>	The relevant consent authority at the relevant stage	Detailed in the relevant PA/DA
Air Quality	<p>The air quality recommendations set out in the Air Quality and Greenhouse Gas Assessment by Heggies Australia (dated 10 September 2009) will be implemented during the construction and use of future development on the site. These recommendations include:</p> <ul style="list-style-type: none"> <li>- A construction dust management plan to reduce impacts from dust and particulate matter that may result from construction activities;</li> <li>- The restriction of sanding and abrasive blasting activities in the marina workshops with suitable dust extraction systems or areas that are surrounded with appropriate shrouding fences;</li> <li>- Restriction of outside painting and re-spraying of vessels in the marina to minor repair and detailing work and the utilization of technologies that reduce solvent evaporation;</li> <li>- Restriction of fibre glassing activities to enclosed areas fitted with appropriate ventilation controls;</li> <li>- The use of vapour check valves and locking caps at the unloading point in the delivery of fuel to the marina;</li> <li>- The use of technologies such as single-action diaphragm pumps in marina sewage pump-out systems to minimise potential for odor emission; and</li> <li>- The use of methods typically implemented in food preparation to activities for capturing cooking fumes.</li> </ul>	-	During Construction
Waste	Allowance will be made for the future collection of waste by waste contractors in accordance with all relevant regulatory requirements.	Council	During construction

Subject	Commitments	Approved by Whom	Timing
Erosion and Sediment Control	Best practice sediment and erosion control measures will be implemented to contain and treat runoff from land based construction. Where the bank of the Manning River is to be excavated, the construction area will be completely isolated from the river water to avoid water pollution.	-	During construction

## 8.0 Conclusion

The proposed rezoning and development of the LAP/Concept Plan has been developed jointly by the proponent and Greater Taree City Council and has been overseen by landowners, Council's strategic planning staff and the Department of Planning's Regional Office, sitting as members of the RCG. The Plan therefore represents the planning objectives of Council and has been subject to public and agency consultation.

### 8.1 Justification for the Proposal

#### Fulfilment of Strategic Objectives

This environmental assessment demonstrates that the Concept Plan will guide future development of the site so as to be consistent with regional strategic objectives. It shall help meet anticipated demand for housing and commercial floor space in the region and respond to trends towards an increased need for medium to high density dwelling types.

The proposal involves the renewal of underutilised land at the fringe of the urban area of a regional centre. It will result in the development of marina recreational and cultural facilities that will promote tourism and economic activity. The proposed urban design and open space network provides public access to the foreshore and through site links and imbues the development with cultural value through the adaptive reuse of heritage items.

Discussion in this report and appended specialist consultant reports demonstrates that the Concept Plan meets the objectives of all relevant statutory and regulatory provisions.

#### Suitability of the Site

Council's resolution to rezone the site resulted from a detailed assessment of its suitability for the proposed land uses. Integral to this assessment was the consideration of the LAP/Concept Plan. The site will be serviceable and subject to extension/augmentation and given its location adjacent to an existing urban area and given sustainability measures proposed in the specialist consultant reports. The site is in proximity to community services and transport infrastructure and will form an extension of the urban area of Taree.

#### Amelioration of Impact

Specialist studies accompanying this report are of a level of detail to demonstrate the suitability of the site for the Concept Plan. The studies demonstrate that future development is capable of being implemented without resulting in adverse environmental impacts. Subsequent project or development applications on the site will be subject to further environmental assessment to identify issues that may arise as the result of more detailed designs. Such issues may then be addressed in order to ameliorate impacts.

As demonstrated by this report, the Concept Plan can be implemented without resulting in adverse impacts to endangered or threatened flora and fauna species or ecological communities, or the habitat of endangered or threatened fauna. Areas of native vegetation including riparian areas will be retained and restored in a manner that enhances the amenity of the site.

Proposed roads are capable of being provided without adverse impacts to the surrounding road and intersection network. The site and the Manning River have the capacity to accommodate the construction and operation of the marina to the east of the site, without adverse impact to the marine or land environment or to navigation or the rowing course.



Provision has been made for the sustainable management of stormwater through the implementation of WSUD principles. Detailed designs of WSUD infrastructure and their effectiveness in treating runoff, so it does not result in adverse impacts to the Manning River or other watercourses will be provided in detail in the subsequent DAs for the site.

Future development will not have a significant effect on local flood behaviour under anticipated climate change scenarios that account for increases in sea level and rainfall. Given their elevation, habitable areas will not be adversely affected by peak flooding levels in the one in 100 year flood event. Adequate measures can be implemented for the evacuation of people and vehicles from the site prior to flood events.

### Future Compliance with Sustainability and Design Objectives

Compliance with SEPP 65 and the BASIX scheme will be subject to the assessment of subsequent project or development applications. However, a preliminary analysis concludes that Concept Plan building envelopes comply with SEPP 65 principles for context, built form and density.

Expert opinion has been sought on measures through which the energy efficiency of the proposal may be maximised and greenhouse gas emissions reduced. The Concept Plan has been assessed for its fulfilment of sustainability objectives and strategies. The assessment concludes that the plan directly implements desirable sustainability strategies and also allows for the subsequent implementation of more detailed strategies in the future development of the site.

Acoustic and air quality impacts may be ameliorated, so as to appropriately protect amenity, in accordance with the recommendations in this report.

### Response to Context

The Concept Plan's consistency with planning objectives and statutory provisions leave results from an appropriate response to the site's urban and coastal context. Visual analysis concludes that the proposal will not result in adverse visual impacts, when viewed from the surrounding area. The proposed development will appropriately respond to the social needs of the region and local area.

The Concept Plan raises no adverse environmental impacts that cannot be effectively managed via the Statement of Commitments.

### Recommendation

Given the justification for the proposal, its fulfilment of strategic objectives and the matters discussed in this report, we have no hesitation in recommending the Concept Plan for approval.