

FIGTREES on the Manning Rezoning and Masterplanning

REZONING REPORT



- Revision 4
- 21 September 2009



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Document history and status

Revision	Date issued	Reviewed by	Approved by	Date approved	Revision type
1	9 Dec 08	B Watson	B Watson	8 Dec 08	Issued for client review
2		B Watson	B Watson		Final issued to client
Final	23 June 2009	B. Watson	B. Watson	23 June 2009	Practise
4	21 Sept 2009	GTCC	B. Watson	21 Sept 2009	Client

Distribution of copies

Revision	Copy no	Quantity	Issued to
1		1	GTCC, Chase Properties
2		1	GTCC, Chase Properties
4	5 hard copies + 2 electronic	7	GTCC

Printed:	6 November 2009
Last saved:	21 September 2009 03:27 PM
File name:	I:\NVSP\Projects\NV00811\Deliverables\Reports\Rezoning Report Rev4.docx
Author:	Kahli Macnab, Kristen O'Connor, Holly Marlin
Project manager:	Kahli Macnab, Holly Marlin
Name of organisation:	Greater Taree City Council
Name of project:	Pitt Street Waterfront Precinct Rezoning and Masterplanning
Name of document:	Rezoning Report
Document version:	Revision 4
Project number:	EN10811

Abbreviations

CBD	Central Business District
DOP	Department of Planning
DCP	Development Control Plan
EP&A Act	Environmental Planning and Assessment Act 1979
EPBC Act 1999	Environment Protection and Biodiversity Conservation Act 1999
GTCC	Greater Taree City Council
LAP	Local Area Plan - complements the LEP and provides more detailed design parameters for new developments. Forms a component of a DCP
LEP	Local Environmental Plan - describes land zonings and permissible types of development within each zone
LES	Local Environmental Study - required to support rezoning applications/ modifications to LEPs
LGA	Local Government Area
RCG	Rezoning Consultation Group
RFI Act 1948	Rivers and Foreshores Improvement Act 1948
The Strategy	Greater Taree draft Conservation and Development Strategy 2005

Executive Summary

Greater Taree City Council (GTCC) proposes to rezone an area of Taree located on the banks of the Manning River known as FIGTREES on the Manning, which currently houses a disused Dairy Cooperative, Crown land and multiple private landholdings. GTCC engaged Suters Architects to prepare a Masterplan for the site to ensure that the mixed use development of the site will complement the Taree central business district (CBD) and the heritage of the area while providing greater public access to the river foreshore. The masterplanning and rezoning processes were undertaken concurrently under the guidance of a Rezoning Consultation Group comprised of Council staff, landowners, the Department of Planning and the Project Planner (Sinclair Knight Merz). Background studies were undertaken to determine the opportunities and constraints associated with the proposal, which covered ecology, acid sulphate soils and contamination, traffic and transport, Aboriginal and historic heritage, socio-economics, maritime and urban context issues. Detailed studies of mangrove and bank stability, geotechnics, flooding and a water balance study were also undertaken. The findings of these reports were used to inform the development of the Masterplan.

The objectives of the rezoning are to:

- provide a mix of land uses that will drive development of the site for both public and private outcomes;
- provide connectivity between the Taree CBD, the adjacent residential precinct and the recreational precinct to the east;
- to optimise utilisation of the waterfront;
- maximise adaptive re-use of the existing buildings and infrastructure on the site; and
- provide effective and efficient transport facilities for cars, pedestrians and cyclists.

The proposed mixed use rezoning of the FIGTREES on the Manning Precinct has had ongoing support from the community. The proposal is in keeping with the intent of the Mid North Coast Regional Strategy, which has identified Taree as a Regional Centre and, hence, an area for growth.

1. Introduction

In early 2006, Chase Taree Development P/L (Chase) approached Greater Taree City Council (GTCC) with a request to rezone the site of the disused Lower Manning Dairy Cooperative on the banks of the Manning River that they had recently purchased. While Chase had no specific development plans at the time, the existing Industrial zoning reflected the historical use of the site rather than potential future uses.

In addition to the Dairy Cooperative site, GTCC proposed to rezone the two adjacent properties to the east of the site as well as neighbouring Crown land and multiple private landholdings to enable strategic development of the area. GTCC passed a formal resolution to rezone the land to allow for mixed-use development at a meeting held on 13 December 2006.

GTCC convened a Rezoning Consultation Group (RCG) to facilitate the rezoning and subsequent development of the land by identifying studies needed to support the rezoning application and also establishing discussion between landowners and Council (refer to **Error! Reference source not found.** for the RCG Terms of Reference). The RCG included representatives from GTCC, landowners, the Department of Planning (DOP) and the Project Planner (SKM).

GTCC engaged the services of consultants to prepare a Masterplan for the site to ensure that development of the site is innovative, exciting and sustainable, sitting within a unique combination of natural attributes and heritage built form. A naming competition was held and many entries were received proposing titles based on the history and culture of the site, the final winner being decided as FIGTREES on the Manning. The FIGTREES on the Manning Project (the Project) will achieve a vibrant waterfront precinct with opportunities for increased leisure and recreational activities on the Manning River.

The Precinct is approximately 22 hectares in size, and is located around 2 km north east of the Taree Central Business District (CBD) along the north channel of the Manning River. Development opportunities for the Precinct include the following:

- | | |
|--|-----------------------|
| ■ Residential | ■ Recreation |
| ■ Commercial | ■ Tourism |
| ■ Open space (public and private) | ■ Entertainment |
| ■ Marina and associated boating infrastructure | ■ Walkways/cycle ways |

A national competition for preparation of the Masterplan for the Precinct was run in 2007. Following receipt of 14 submissions, 5 were shortlisted by a review committee and provided with \$10,000 each to develop a draft concept plan for the Precinct. A consortium led by Suturs Architects was subsequently chosen.

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The Project will provide an open space (walkway/cycleway) link between the Taree CBD and the recreation/entertainment precinct to the east of the site. This important public outcome, supported by GTCC and the community, will achieve public access to the foreshore and increased boating opportunities.

The rezoning of the site and the approval of the Masterplan under Part 3A of the Environmental Planning and Assessment Act 1979 are being undertaken concurrently. The purpose of this report is to provide details of background studies conducted to inform the rezoning and Masterplan applications.

1.1. Project Context

The Greater Taree Area falls under the Mid North Coast Regional Strategy 2006-2031, which identified Taree as a major regional centre. The draft Conservation and Development Strategy (GTCC, 2005) also applies to the area, and provides a framework for rezoning and development within the Greater Taree Area for the next 25 years.

The redevelopment of the Precinct has the potential to both reinforce the major centre role of Taree and to support the ongoing urban renewal of the CBD and the surrounding area. Additionally, the project will provide new housing choices in an area located close to services and facilities, and will generate renewed interest in and access to the Manning River. The development, however, needs to be integrated within the broader city context with the existing facilities of Taree rather than compete with them; this has been addressed through the masterplanning process. Maintenance of the local character of the area is also important.

This site represents a very significant opportunity for comprehensive redevelopment, particularly to capitalise on the deep-water frontage with existing jetties along the Manning River. A substantive portion of the land is flood free. Although many of the existing buildings are beyond their useful life, the potential for adaptive re-use of the structures will form part of the broader considerations for the development. The close proximity to Taree CBD provides an opportunity to enhance and support existing urban services and to provide significant benefits to Taree through urban renewal.

1.2. Site Location and Description

The FIGTREES on the Manning Precinct (the Precinct) is located in the Greater Taree Local Government Area (LGA), approximately 2 km north east of the Taree CBD on the North Passage of the Manning River (see **Figure 1-1**). The Precinct is bound to the south east by the Manning River and to the north and west by existing residential development, and covers an area of approximately 22 hectares.

There are three main landholdings in the Precinct: The old Dairy Factory site (Chase Taree Developments P/L), Mid Coast Ford (Wally Spychalla) and vacant cleared agricultural land between these two sites (Hocana P/L). There are also 13 residentially-zoned lots in the central area and 3 at the western end of Pitt Street within the Precinct. Some Crown land and Council land also falls within the Precinct.



■ **Figure 1-1 Location of the FIGTREES on the Manning Precinct**

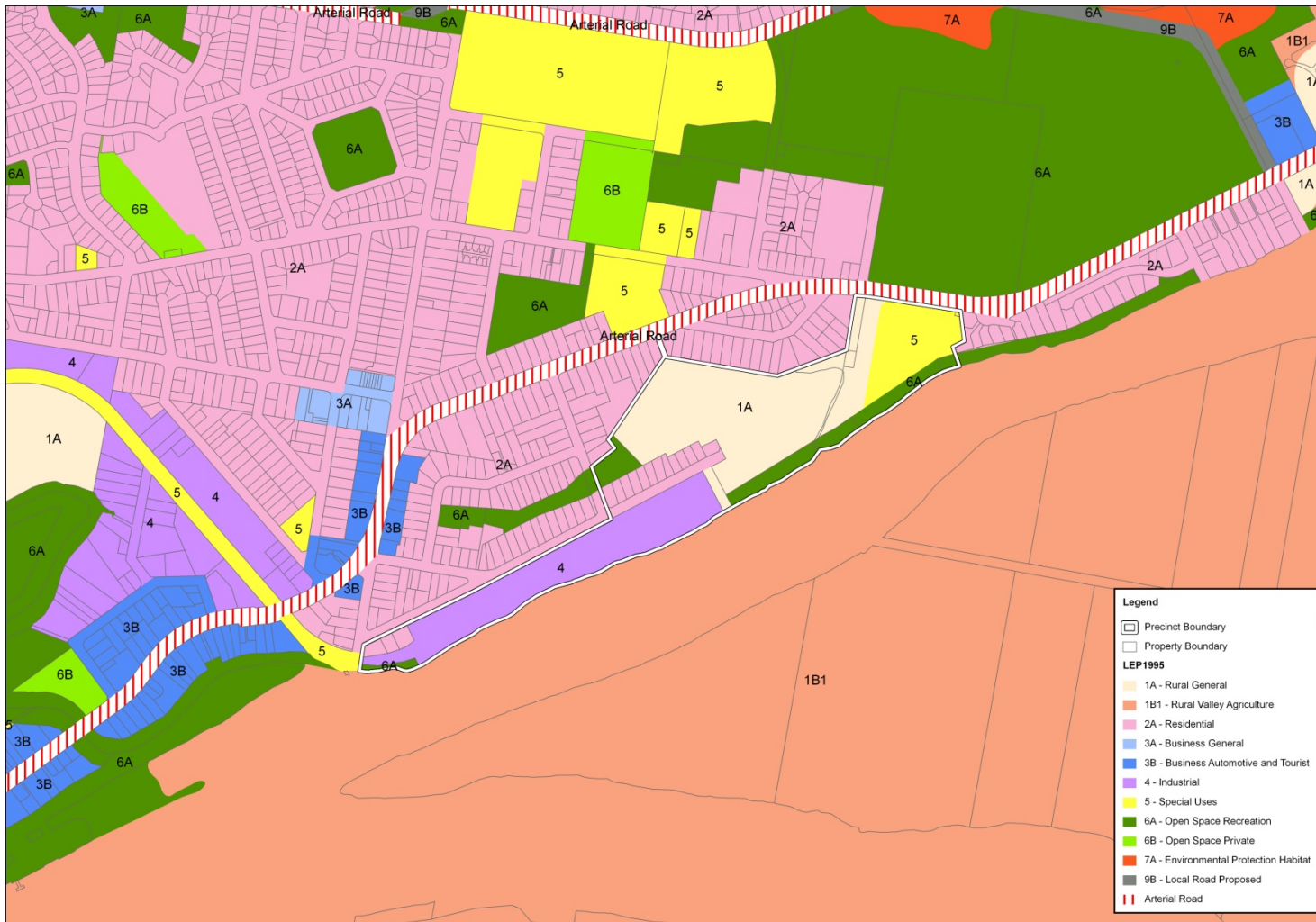
The areas within the Precinct are currently variously zoned 1(a) Rural General, 2(a) Residential, 4 Industrial, 5 Special Uses, and 6(a) Open Space Recreation under the Greater Taree LEP 1995 as shown in **Figure 1-2**. Existing development within the Precinct consists of:

- The former Manning Valley Dairy Cooperative with occupied and unoccupied buildings, including a disused rail spur and associated infrastructure;
- Residential development;
- Agricultural land with minor remnant structures (previous piggery);
- A car dealership on the site of a former service station (the 'Big Oyster');
- A creek and drainage channel;
- Scattered vegetation, generally along the creek and the Manning River;
- Disused wharfs on the Manning River;
- Parcels of vacant Crown land;
- Fisherman's Cooperative; and
- A fuel depot.



The Precinct is to be rezoned under the existing LEP (Greater Taree LEP 1995) to zone(s) that permit a mixed use outcome for the Precinct allowing for uses including residential, industrial, commercial, tourism and maritime. Open space zones will also be provided.

Greater Taree LEP 1995 will be replaced by the draft Greater Taree LEP 2008 once gazetted. The likely zoning of the land within the precinct under the prescribed zones of the standard LEP template (draft Greater Taree LEP 2008) will be Zone B4 Mixed Use. Refer to **Error! Reference source not found.** for further description of the objectives of this zoning.



■ **Figure 1-2 Current Zoning of the Precinct**

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1.3. Approval Regime

A comprehensive planning process involving rezoning and preparation of a Masterplan/ Local Area Plan (LAP) is in place to ensure redevelopment of the Precinct both complements existing services and development and integrates with the surrounding areas of the Taree LGA and the Mid North Coast region. The rezoning and Masterplan preparation is progressing through a transparent process led by a Rezoning Consultation Group (RCG). The RCG is comprised of a Project Planner (Sinclair Knight Merz), GTCC staff, NSW Department of Planning (DOP) and the landowners (refer to **Error! Reference source not found.** for the RCG Terms of Reference).

GTCC resolved to rezone the Precinct on 13 December 2006 and submitted a Section 54 Notification to the DOP on 7 February 2007. Approval to proceed with the preparation of a draft Local Environmental Plan (LEP) to accommodate the rezoning was issued by the DOP on 8 March 2007. An amended Section 54 Notification was submitted by GTCC on 30 October 2007 to extend the Precinct boundary, and approval to proceed with the LEP preparation for the amended area, as shown in **Figure 1-3**, was granted by the DOP on 21 November 2007.



■ **Figure 1-3 Rezoning Area**

GTCC submitted an application to the DOP to submit a Concept Plan under Section 75M of the Environmental Planning and Assessment Act 1979 (EP&A Act). On 13 March 2008, the Minister for Planning formed the opinion that Part 3A of the EP&A Act 1979 applies to the project, and



authorised the submission of a Concept Plan for which the DOP would be the consent authority. The Concept Plan takes the form of a Masterplan/LAP (see **Error! Reference source not found.**).

The rezoning applicants lodged the Part 3A Application for a concept plan approved in late 2008.

Due to the formal lodgement of the Part 3A application based directly on the Masterplan prepared for the rezoning, the DoP has indicated that the Masterplan need not be incorporated as a Local Area Plan as part of Council's consolidated Development Control Plan, but could be exhibited alongside the rezoning as a standalone document to show the intended development and public space outcomes for the Precinct.

1.4. Purpose of Report

The proposed rezoning application and Masterplan/LAP require supporting documentation to demonstrate the suitability of the Project. The purpose of this report is to summarise both the planning and consultation processes undertaken, and the findings of the specialist environmental studies commissioned to provide details to inform the rezoning and Masterplan.

2. Rezoning Proposal

The Precinct is to be primarily rezoned 'Mixed Use' to allow for uses including residential, industrial, commercial, tourism and maritime activities. Open space zones will also be provided. The concept plan as shown in **Figure 2-1** will form the basis of the proposed land uses and, hence, the rezoning proposal.

2.1. Future Urban Development

2.1.1. Regional Context

Taree is identified in the Mid North Coast Regional Strategy as one of the four major regional centres in the Mid North Coast Region. For this reason, the relationship between the Precinct and Taree CBD will be very important.

The Precinct will form a gateway to Taree and will act as a critical element within the overall future character of Taree, forming an integral link between the CBD and the recreation and entertainment precinct to the north east of the Precinct. The Precinct will be complementary to the main retail and service function of Taree CBD. Waterfront-oriented businesses or smaller specialised businesses will be located within the Precinct, such as markets or tourism-oriented ventures that will link positively with the services offered by the CBD.

Planning for the Precinct will ensure service functions are not duplicated in the Precinct and will encourage connectivity with the CBD by all transport modes including pedestrian, cycle, public and private. Redevelopment of the Precinct will not result in a situation where competition may result in businesses seeking to relocate from the CBD to the Precinct.

The Greater Taree draft Conservation and Development Strategy 2005 (the draft Strategy) identifies tourism as a key industry within the LGA and observes the growing appeal of the area as a lifestyle destination. As Council's 20-20 Vision Plan indicates that the Manning River is currently underutilised, the draft Conservation and Development Strategy identifies the opportunity for river-based tourism. The Taree CBD Town Centre Study 2004 determined that tourist opportunities within Taree are currently limited to motels, fast food outlets and roadside service establishments. The redevelopment of the Precinct, therefore, provides a real opportunity for the inclusion of tourist development that will define Taree as a tourist destination and promote its regional role.



- | | | |
|--|---|---|
| 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 2-1 Precinct Masterplan**

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2.1.2. Local Context

The draft Strategy is the document that identifies planned future development within the Taree LGA. The proposed rezoning of the Precinct is not currently identified by the draft Strategy. The proposed redevelopment of the Precinct stems from the landowners' submission to GTCC's exhibition of the draft Strategy.

The Greater Taree 20-20 Vision Plan encourages the provision of tourism, recreational and commercial facilities in proximity to population centres and recognises the need to prepare and implement plans for land and water-based activities and waterfront facilities. Furthermore, the Taree CBD Town Centre Study 2004 identified the Precinct as currently having poor connectivity with the CBD and inadequate visual and physical connections to the river front. Redevelopment of the Precinct will provide the opportunity for a formal connection to be made between the CBD and the recreation and entertainment precinct, as well as increasing the potential for greater public use of the area.

The desired urban context of the Precinct is one that will enhance the character and sense of place of the area and improve accessibility for the public to the Manning River foreshore. Connection to the CBD, river foreshore, residential areas and the sporting and entertainment precinct will be formalised through the following measures:

- Pedestrian and bicycle transport will be encouraged;
- Access to the river foreshore and public domain will be provided;
- Building character and scale will acknowledge the river foreshore and architectural styles will honour the previous history of the site;
- Waterfront development will complement the scale and character of the existing residential land; and
- Retail and service functions of the Precinct will not fragment those of the Taree CBD or the nearby neighbourhood Chatham Shopping Centre.

Although the Precinct is to be rezoned for mixed use redevelopment, it will remain heavily characterised by residential uses. The potential supply and demand for future dwellings over the next 25 years provided by the Precinct has been identified in the Council Local Growth Management Strategy (2007).

3. Masterplan Development

The Masterplan/LAP is provided in **Error! Reference source not found.** This section summarises the process undertaken to develop the Masterplan.

3.1. Concept Design

Masterplanning for the Precinct commenced with an Expression of Interest (EOI) advertised in the Australian Financial Review in mid 2007. Fourteen EOIs were received and assessed by a selection panel that included members of GTCC, the RCG, and John Drake of the University of Newcastle.

The selection criteria shown in **Error! Reference source not found.** were used, and were based on *A Guide to Qualification Based Selection of Architects: A Key to Quality* produced by the Royal Australian Institute of Architects. The assessment criteria evaluated each organisation on the basis of qualifications and capability related to the works. The criteria included:

- Related experience;
- Evaluation of assigned personnel;
- Familiarity with the geography and facilities of the local area;
- Client sectors;
- Peer recognition – awards; and
- Outstanding projects.

Each EOI was ranked on the selection criteria and given a score. The organisations achieving the top five scores were invited to develop a draft concept design, and were each provided \$10,000 by GTCC for the development of that plan.

Four draft concept designs were received under the commission from consortiums led by:

- Suters;
- HBO+EMTB;
- Dickson Rothschild; and
- LAB Architecture.

A fifth firm, Architectus, declined the offer to provide a draft concept plan.

The draft concept designs are presented in **Error! Reference source not found.** Each of the four organisations presented their concept designs to the selection panel on 14 August 2007, who evaluated the designs based on similar criteria to that used for the EOI process, which included:

- Land use mixture - Urban design strategy, mix of residential, commercial, recreational; natural and urban context.
- Connectivity of the site - Connectivity and incorporation of existing natural attributes and infrastructure including proximity to the Taree Town Centre and the Entertainment & Recreational Precinct.
- Public domain and access - Public foreshore open space and possibility of a waterfront promenade. Public access between the waterfront and surrounding areas.
- Opportunities of the waterfront location - Visual Links. Identity of Place.
- Adaptive reuse - Adaptive reuse of existing infrastructure where appropriate and/or justification for non-retention.
- Building forms and envelope - Height, scale, bulk, character; architectural and landscape delight.
- Maritime facilities - Location and incorporation of boating and marine facilities within the landscape of the site and how they address the waterfront.
- Transport facilities - Pedestrian movement, vehicular access and parking, cycling and public transport.
- Opportunities for Public Delight - Qualities that will give the development of the area an element of beauty, liveability, lifestyle choice, and make it a delightful place to live and visit.
- Sustainability - Ecological sustainability and energy efficiency.

The Suters consortium scored the most highly against the selection criteria, and was appointed as the Masterplanner for the Project.

3.2. Masterplan Team

Members of the Suters consortium are shown in **Table 3-1**.

■ **Table 3-1 The Suters Team**

Member	Role
Suters Architects	Project Team Coordinator, Urban Design, Heritage
S-Lab, Steffen Lehmann	Urban Design Leader/Masterplanner
McGregor Partners	Landscape & Urban Design
Arup Sustainability	Sustainability Design
Connell Wagner	Infrastructure Design

4. Consultation

Transparency and communication were identified as paramount during inception of the project. Steps were taken throughout the duration of the project to ensure these ideals were achieved. Various platforms for consultation were utilised that included GTCC, landowners, the Project Planner, the Masterplanner, State Government agencies and the public. The following sections provide a description of consultation that occurred throughout the duration of the project for both the rezoning and masterplanning components.

4.1. Rezoning Consultation Group

A Rezoning Consultation Group (RCG) was established on 9 August 2006 to provide a mechanism to facilitate resolution of rezoning issues and establish dialogue between landowners and GTCC. The group will disband when revoked by GTCC or when 'self-dissolved'. The Terms of Reference for the RCG are provided in **Error! Reference source not found.** Membership of the RCG is as follows:

- GTCC Director Planning & Building (or his representative) – Chair (Graham Gardener);
- Project Planner (Sinclair Knight Merz) – Brian Watson;
- GTCC Manager Environmental and Strategic Planning – Richard Pamplin;
- Development Control representative (optional); and
- All landowners associated with the Rezoning Application.

Additional assistance was provided by Brian Murphy of the Regional Office of the DOP and John Drake of the University of Newcastle. These affiliates provided assistance and recommendations in terms of the strategic context, rezoning and masterplanning of the Precinct.

The RCG met at GTCC every fortnight to provide direction and discuss matters so as to progress the rezoning and masterplanning processes. Minutes of each meeting were kept that detail discussions, decisions and actions to be implemented.

4.2. Agency Consultation

4.2.1. Department of Planning

In addition to the participation of Brian Murphy at RCG meetings, formal consultation was undertaken with the DOP in relation to providing a response to Council's Section 54 Notification of the intent to rezone the land and a Part 3A Major Project Application and Clause 6 Concept Plan Submission. Copies of correspondence are included as **Error! Reference source not found.** Additional meetings were also held with the DOP in their Sydney office in late 2007 and the Newcastle office of Suters Architects in mid 2008.

4.2.2. Other Agencies

Under Section 62 of the EP&A Act 1979, any Council proposing to prepare a draft LEP (i.e. rezoning application) is required to consult with “*such public authorities or bodies (including authorities of the Commonwealth or other States) as, in its opinion, will or may be affected by that draft local environmental plan.*”.

An invitation to attend a Planning Focus Meeting (PFM) on 16 May 2007 was forwarded to the following relevant agencies:

- Australian Rail Track Corporation
- Commonwealth Aviation Safety Authority
- Country Energy
- Department of Community Services
- Department of Education and Training
- Department of Lands
- Department of Planning (DOP)
- Department of Primary Industry, including Fisheries, Agriculture, Minerals and Soil Conservation Services;
- Department of Environment and Climate Change
- Department of Water and Energy
- Hunter Central Rivers Catchment Management Authority
- Hunter New England Area Health Service
- NSW Ambulance Service
- NSW Department of Housing;
- NSW Fire Brigade
- NSW Heritage Office
- NSW Maritime Services
- NSW Police Service
- NSW Roads and Traffic Authority (RTA)
- NSW Rural Fire Service
- Purfleet Taree Local Aboriginal Land Council
- Midcoast Water
- Soul Communications
- Telstra

Table 4-1 details the people/agencies who attended the PFM. A copy of the letter sent to the agencies and a summary of responses and key outcomes received are included in **Error! Reference source not found.**

■ Table 4-1 Planning Focus Meeting Attendees

Agency	Representative
Government	
Department of Planning	Brian Murphy
Department of Lands	Bob Birse
	Gary Dowse
Department of Water and Energy	Jeff Hunt

Agency	Representative
NSW Maritime	Brett Ryan
NSW Police	Sergeant J Munday
NSW Ambulance	Andrew Chapman
Service Providers	
MidCoast Water	Ian McCubbin
	David McKellar
Telstra	Michael Heyer
	Geoff Cairns
Proponents	
Greater Taree City Council	Richard Pamplin
	Graham Gardner
	Wayne Deer
	Laura Black
	Graham Schultz
	Craig Mylan
	Lillian Cullen
	Bruce Moore
	Larry Howell
Chase Properties	Bart Elias
Hocana	Matt Hardyman
MidCoast Ford	John Florent
	Julie Florent
Sinclair Knight Merz	Brian Watson

The purpose of the meeting was to discuss potential issues associated with the rezoning and masterplanning of the Precinct. The meeting included a site inspection. Information regarding the proposal was presented to attendees, including background details, objectives, role of the RCG, constraints, and an outline of the masterplanning and approval processes.

4.3. Other Stakeholders

4.3.1. Councillor Briefings

Two Councillor briefings were held to provide an initial outline of the process and concept Masterplan and then the final rezoning proposal. Both meetings were well attended and, together with a number of clarifications and suggestions, the process was supported.

In addition to the two specific Councillor Workshops, a number of Councillors also attended the community briefings.

4.3.2. Landowners

An initial meeting with landowners of 13 additional lots included in the Pitt Street Waterfront rezoning was held on 6 February 2007 at GTCC chambers. Issues raised related to the existing and proposed zonings and effect on Council rates, flooding, existing buildings, dredging, the marina, and who the determining authority would be for development. The minutes from the meeting are provided in **Error! Reference source not found..**

4.3.3. Public Consultation

Three community meetings were held as part of the rezoning and masterplanning process:

- 5 June 2007 – attended by 130 – 150 people;
- 23 October 2007 in order to explain the Pitt Street Waterfront Precinct concept. This included discussion of the design competition and reasons for choosing the Suters proposal, and introduction of the consultant design team led by Suters Architects. This meeting was attended by approximately 70 community members.
- 29 April 2008 to present the draft Masterplan, attended by approximately 55 community members.

Other phases of the community consultation strategy involved a static display in the foyer of the GTCC chambers from 28 April to 2 May 2008 and a site open day on 30 April 2008 attended by approximately 75 community members, who were able to view the site and ask questions directly of the Masterplan project team.

The project was well received and supported by the public. Feedback received was primarily focused on the details of the project. Minutes of meetings and details of public submissions received are provided in the draft Community Engagement Report (see the Masterplan provided in **Error! Reference source not found.**).

5. Statutory Planning

The Urban Context Report prepared for the project (refer to **Section 6.7** and **Error! Reference source not found.**) details the statutory planning framework that applies to the Precinct. This section of the report provides additional background to the context of the rezoning proposal.

5.1. Local Environmental Plan

LEPs are statutory instruments that guide planning decisions for LGAs. They include planning provisions such as permitted land uses, zoning, floor space, heights, lot sizes and how an area is to develop. Some LEPs cover entire council areas, while others may be limited to one or a few sites. The DOP and Minister for Planning assess and approve LEPs.

Under Section 117(2) of the Environmental Planning and Assessment Act 1979, the Minister for Planning issues Local Planning Directions (LPDs) directions for the preparation of new LEPs. These directions cover six broad categories:

- | | |
|---|---------------------|
| ■ Employment and resources | ■ Hazard and risk |
| ■ Environment and heritage | ■ Regional planning |
| ■ Housing, infrastructure and urban development | ■ Local plan making |

An assessment of the proposed rezoning against the relevant LPDs is provided in the Urban Context Report. While the proposed rezoning is inconsistent with the LPDs relating to Business and Industrial Zones (Direction 1.1) and Rural Zones (Direction 1.2), these inconsistencies are considered to be minor, and the project is, therefore, considered to be permissible under Clause 5 of the above-mentioned LPDs.

Additionally, the proposed development is inconsistent with the s117 directions for flood prone land. As all the development is located above the 1 in 100 year flood level with the exception of the under-building car parks and adequate provision for evacuation has been made in the design of the Masterplan, the provisions of the LEP that are inconsistent with the s117 directions are considered to be of minor significance. As such, the project is considered to be permissible.

More details of the inconsistencies are provided in **Error! Reference source not found.** and summarised in **Table 5-1**.

■ **Table 5-1 Inconsistencies of Proposed Rezoning to Local Planning Directions**

Direction	Comments relating to the inconsistency
1.1 Business and Industrial Zones	Clause 5 of the Direction provides that a draft LEP may be inconsistent with the terms of the Planning Direction if the provisions of the draft LEP that are inconsistent are of minor significance. The proposed rezoning of the Pitt Street Waterfront Precinct will comprise a majority of land zoned for mixed use development and will be inconsistent with Direction 1.1. This is considered of minor significance as the portion of the land presently zoned 4 Industrial supported the former industrial uses of the waterfront land, most of which have now ceased. The industrial area of Taree has evolved and become well established in the area of Taree to the north of the main railway line. The former industrial zoned land in the Precinct does not maintain any link with the other industrial zoned land in Taree and, in relation to the objectives of the planning direction, the proposed rezoning of the industrial land to mixed uses is of relatively minor significance.
1.2 Rural Zones	Clause 5 of the Direction provides that a draft LEP may be inconsistent with the terms of the Planning Direction if the provisions of the draft LEP that are inconsistent are of minor significance. The 1(a) Rural General zoned land within the Precinct remains as the last parcel of rural zoned land in the now residential zone dominated area of north-east Taree and Chatham. The land has negligible agricultural potential and has clearly become so isolated by encroaching residential development that it maintains no commercially viable agricultural potential. The proposed rezoning of the presently rural zoned land to a residential or mixed use zoning is of relatively minor significance.
4.3 Flood Prone Land	<p>A significant portion of the land within the Precinct is mapped as being subject to flooding during a 1:100 year flood event. The Direction will apply to the proposed rezoning of land within the Precinct as the rezoning will affect flood prone land.</p> <p>According to the Direction, any draft LEP shall include provisions that give effect to and are consistent with the NSW Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005 (including the Guideline on Development Controls on Low Flood Risk Areas). In order to effect the rezoning, the Department of Planning must be satisfied that the draft LEP is in accordance with a floodplain risk management plan prepared in accordance with the principles and guidelines of the Floodplain Development Manual 2005.</p> <p>All existing and proposed buildings will have floor levels at or higher than the 1% AEP (including a 100 year sea level rise planning figure component), with only footings and car parks within flood affected areas. The proposed development will not affect neighbouring properties adversely and hence is considered consistent with this direction</p>

5.2. Rezoning Application

As the land comprising the FIGTREES on the Manning project is currently held under a number of different zonings that are inappropriate for the proposed strategic development for the site, the land must be rezoned. Rezoning requires an amendment to the LEP, which needs to be assessed by the

DOP and approved by the Minister for Planning. Councils are required to justify the merits of the proposed rezoning in terms of compatibility with agreed State and regional strategic directions for development in the area, consistency with State and regional policies and Ministerial (s117) directions, and other considerations before the DOP will consider the rezoning application.

The Local Environmental Study (LES) provides an objective analysis of the capability and suitability of the land for future development that ensures the proposed rezoning is both environmentally sustainable and consistent with relevant planning strategies. An LES can also be used to justify an inconsistency between a draft LEP and an LPD.

While the Director-General of the DOP determined that an LES was not required for this draft LEP, background studies were undertaken to support the rezoning and masterplanning processes that essentially form an LES. These studies are summarised in **Sections 6 and 7** of this document (also refer to Error! Reference source not found. to **Error! Reference source not found.**).

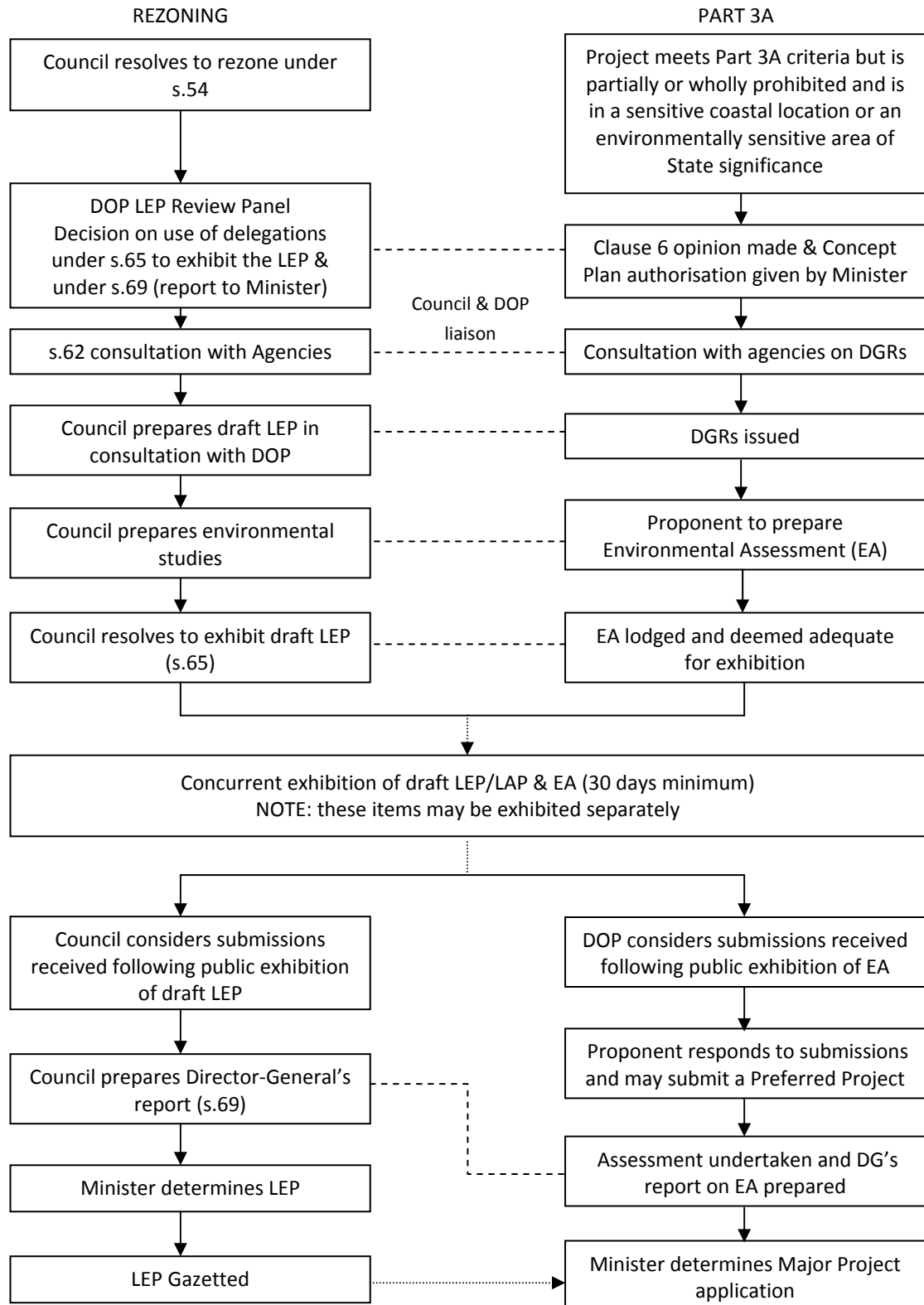
5.3. Masterplan/Local Area Plan

Development Control Plans or Local Area Plans (LAP) complement LEPs and provide more detailed design parameters for new developments in terms of character for different zones, building forms (street frontage heights, setbacks, landscape design), pedestrian amenity and access considerations. It was considered appropriate to present the Masterplan as an LAP.

5.4. Part 3A Major Project Application

GTCC's vision for the site involves development that triggers Part 3A of the EP&A Act 1979. A Concept Plan (i.e. the Masterplan) is to be submitted under Section 75M of the EP&A Act 1979 prior to development occurring. In order to achieve development approval in a timely fashion, it was decided to undertake the rezoning and major project applications concurrently. The background studies undertaken to support the rezoning and Masterplan processes have, therefore, also formed the basis of an Environmental Assessment that is concurrently being prepared on behalf of the land owners. While the processes are being undertaken in parallel, the Minister is unable to determine the Concept Plan until the site has been rezoned as the proposed use of the site is not permissible under the current zonings. The concurrent processes are outlined in **Figure 5-1**.

■ **Figure 5-1 Concurrent Rezoning and Major Project Application Processes**



6. Background Studies

At the inception of the rezoning process it was determined that a number of baseline studies were needed to inform the determination location of potential zoning and land use outcomes. The specific studies are outlined in **Table 6-1**. Proposals were sought from several consultants for each of the required specialist studies. Consultants invited to submit proposals were determined by the RCG with the final concurrence/approval of GTCC.

Briefs were prepared by the Project Planner. All proposals submitted were reviewed and initially assessed by the Project Planner, who provided a recommendation on the preferred consultant to GTCC. Following final review and assessment by GTCC, landowner funding was sought prior to engagement by GTCC. All consultants were formally engaged through GTCC; the Project Planner was precluded from submitting proposals for any studies. Details of the consultants engaged for each study are provided in **Table 6-1**.

■ **Table 6-1 Consultants Engaged for Background Studies**

Study	Consultant
Ecological Constraints Assessment	Ecotone
Acid Sulphate Soil and Contamination Assessment and Review	Coffey Geosciences
Transport Review	Maunsell
Aboriginal and Historic Heritage Assessment	ENSR Australia
Preliminary Economic and Social Assessment	SGS Economics and Planning
Maritime Assessment	Maunsell
Urban Context Study	Coastplan
Mangrove and Bank Stability Assessment	Ecotone
Geotechnical Investigation	Coffey Geosciences
Flood Impact Assessment	Worley Parsons
Water Balance	Connell Wagner

Specialist environmental studies were undertaken during the latter half of 2007 and early 2008. The following sections contain a summary of the outcomes of these studies. **Error! Reference source not found.** provides a summary of the opportunities and constraints identified by the background studies.

6.1. Ecological Constraints Assessment

The objective of the Ecological Constraints Assessment was to identify and locate ecological factors forming constraints or opportunities to the final Masterplan. The Assessment consisted of a baseline study of the ecological condition of the Precinct, discussion of potential effects of the proposed Masterplan on the existing conditions, and a review of relevant legislation to identify any constraints.

The outcomes and recommendations from the study are summarised below. The full report is contained in **Error! Reference source not found..**

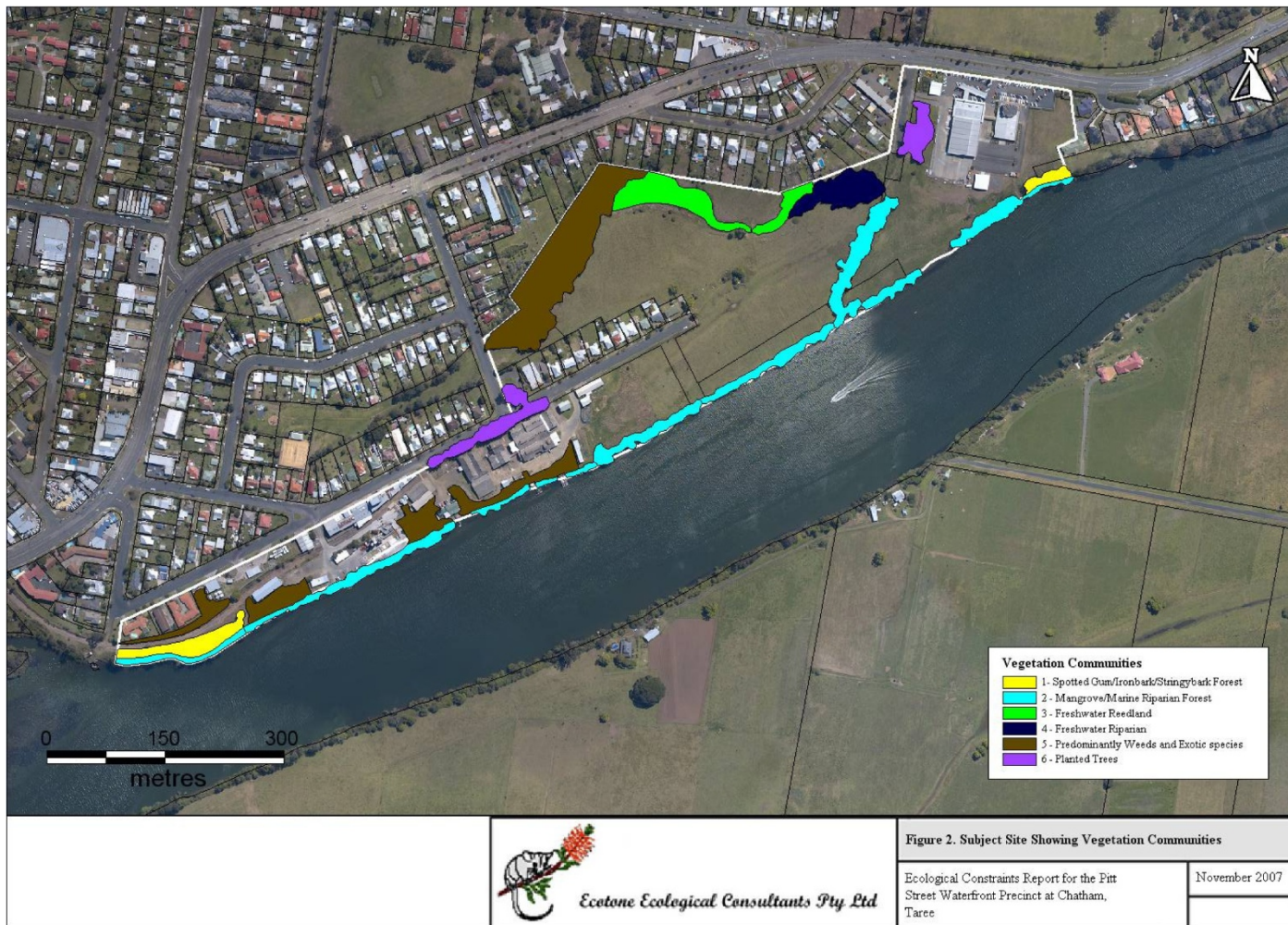
The baseline ecological study determined that the Precinct was highly disturbed. While the area was of limited ecological importance for terrestrial flora and fauna, the mangroves and marine habitat were found to provide important areas for aquatic organisms. The mangroves present are protected under the Fisheries Management Act 1994 and a Mangrove and Riverbank Stability Assessment for the Precinct has been undertaken by Ecotone (refer to **Section 7.1** and **Error! Reference source not found.**).

The area was found to have a high diversity of floral species, although more than half were introduced or artificially planted. One of these artificially planted species was the threatened *Eucalyptus nicholii*. The four Endangered Ecological Communities identified in the Precinct were found to be in simplified or degraded forms and do not pose a significant constraint to development. No endangered populations of flora or areas of critical habitat were considered to occur within the Precinct. Vegetation communities mapped within the site are shown in **Figure 6-1**.

Past activities within the Precinct have resulted in severe weed invasion behind the river bank in the industrial area along Pitt Street and at the upstream extent of the unnamed creek within the Precinct. Seven noxious weed species were identified. While some parts of the natural vegetation along the river bank have been disturbed or removed, areas of remnant vegetation in moderate to good condition occur along the river shore (primarily mangroves) and along the unnamed creek.

While no threatened fauna species were recorded during the baseline survey, several threatened bat species may forage seasonally at the Precinct. Suitable nest/roost sites for hollow-dependent fauna species were not common within the study area, with only nine potential habitat trees identified. Connectivity of the Precinct to other habitat remnants was considered poor. The riparian strip along the Manning River provides a limited movement corridor to the Browns Creek corridor, mainly for flying fauna.

Table 6-2 outlines the recommendations of the Ecological Constraints Assessment.



■ **Figure 6-1 Vegetation Communities – FIGTREES Precinct**

SINCLAIR KNIGHT MERZ

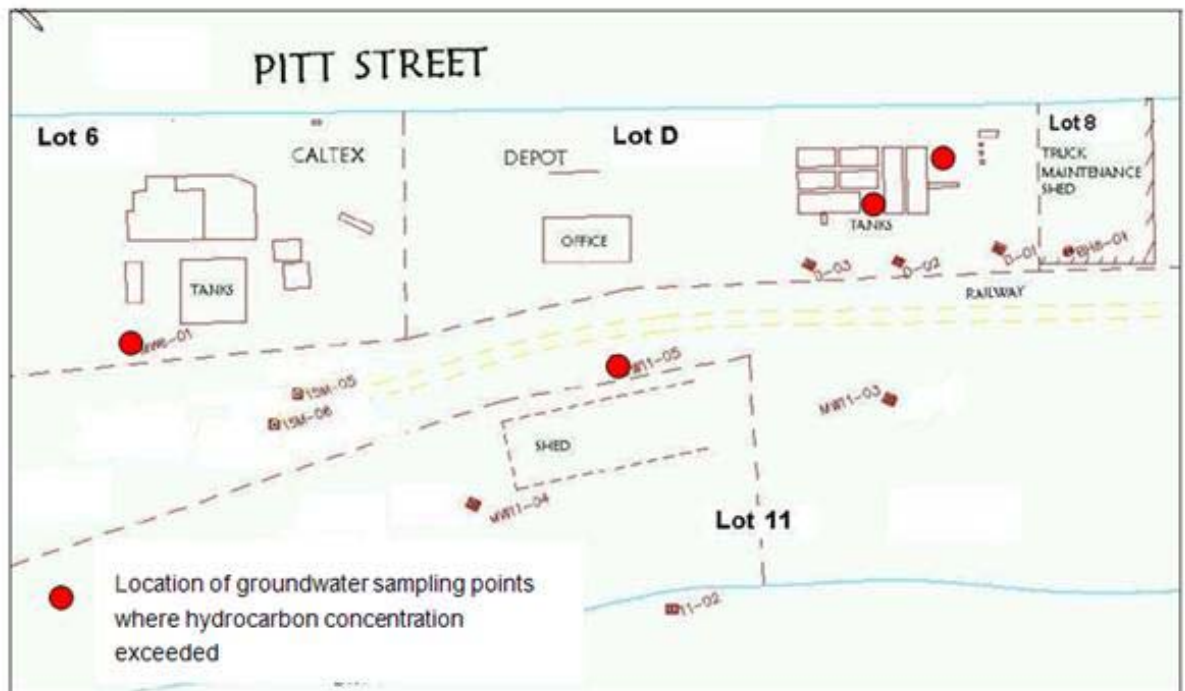
■ **Table 6-2 Ecological Assessment Recommendations**

Item of Concern	Recommendation
Mangrove/riparian habitat	Disturbance of existing native vegetation should be minimised.
Riverbank/creek	Disturbance should be minimised.
	The existing creek/drainage line should be retained in its entirety with provision for landscaping and regeneration.
	Modification to the tidal part of the creek should be avoided.
	To avoid further erosion to the river bank, areas where natural vegetation by the river bank has been disturbed, removed or heavily invaded by weeds should be physically stabilised and rehabilitated with the appropriate native species where development has not been proposed.
Landscaping works	Landscaping works within the Precinct can add to the available foraging habitats for birds and the Grey-headed Flying-fox if nectar-producing species are used.
Additional surveys	The following detailed surveys should be conducted once the Masterplan has been finalised: <ul style="list-style-type: none"> ■ Aquatic flora and fauna surveys to accurately map the extent of the mangroves, seagrass (undertaken in maritime assessment) and other fish habitat; ■ A bat survey, including spotlighting to target the Grey-headed Flying Fox and ultrasonic bat call analysis (Anabat) to target insectivorous microbats; and ■ A frog search targeting the Green and Golden Bell Frog.
	Two trees identified as Forest Red Gums (<i>Eucalyptus tereticornis</i>) will require further investigation if there is a risk of the trees being disturbed by the proposal as this species is similar in form to <i>Eucalyptus seeana</i> (which is listed under the Threatened Species Conservation Act 1995).
Statutory concerns	Impacts of the Precinct Masterplan under the Fisheries Management Act 1994 are likely to include water pollution, dredging and loss of marine/riparian vegetation. A full assessment under the Act is likely to be required for the riparian habitat along the bank of the Manning River requiring survey of seagrass, fish and invertebrates, benthic and other fauna. The results of that assessment may trigger the need for the preparation of a Species Impact Statement.
	Assessment under the Fisheries Management Act 1994 is likely to comprise a significant constraint to the Precinct Masterplan.
	While it is considered unlikely that significant effects on Endangered Ecological Communities or terrestrial fauna will result from the proposal, potential impacts on flora and fauna will need to be identified through a seven part test under the Threatened Species Conservation Act 1995.
	If there is a risk that the single <i>Eucalyptus nicholii</i> could be disturbed, the species may need to be formally assessed under Part 5A of the EP&A Act 1979.

6.2. Acid Sulphate Soil and Contamination Assessment and Review

The objective of the study was to identify and locate the extent and nature of contamination issues and acid sulphate soil (ASS) conditions that may form constraints on development within the Precinct. This was achieved by conducting a review of existing information, and additional sampling and analysis of soils. The full report (**Error! Reference source not found.**) also discusses potential impacts, and outlines management options for ASS and contaminated areas.

Of the sites investigated, the fuel depot and rail sidings were the only areas considered to be of significant concern. Groundwater beneath the fuel depot is contaminated with hydrocarbons as shown in **Figure 6-2**. Evidence of staining was observed on the ballast and sleepers of the siding. The Dairy Cooperative and the Fisherman's Cooperative were considered to be potentially contaminated, and the existing buildings at the Dairy Cooperative contain large quantities of asbestos. The concrete plant, disused rural store and the Big Oyster were considered to be of low or no risk of contamination. While the area behind Sheathers Machinery was previously investigated and remediated, insufficient testing for PAHs was undertaken, and further investigation is required.



■ **Figure 6-2 Sampling Points with Identified Contaminated Groundwater**

It should be noted that the sampling densities undertaken on the site to date do not fully comply with NSW EPA Contaminated Sites Sampling Design Guidelines (1995). As such, further investigation is required to support a change to a more sensitive land use.

Potential ASS may be 1-3 metres below the ground surface at the north eastern end of the agistment paddocks and in the low-lying drainage depression surrounding the creek that flows through the eastern end of the site. Strong ASSs in the area adjacent to the Manning River were identified, and may be exposed by excavation works. Avoiding excavation along the Manning River, however, would prevent development of a significant portion of the waterfront land.

Table 6-3 summarises the recommendations of the contamination assessment.

■ **Table 6-3 Recommendations for Potentially Contaminated Sites and ASS**

Item of Concern	Recommendation
Dairy Cooperative site	<ul style="list-style-type: none"> ■ Filled areas on site should be re-sampled and analysed for PAH, including the area towards the southern site boundary where there is visible ash and oil; and ■ TRH analysis should also be undertaken.
Fisherman's Cooperative	<ul style="list-style-type: none"> ■ Further sampling and analysis of surface soils should be undertaken around the former slipway and in the gully.
Fuel depot and adjacent land	<ul style="list-style-type: none"> ■ Caltex was required to decontaminate the site following cessation of its use; ■ The fuel depot should be subjected to a detailed site contamination assessment; ■ Remediation will be required within and adjacent to the fuel depot area; and ■ The extent of contamination down slope of the fuel depot should be investigated further. In particular, further wells should be installed and monitoring undertaken to assess the extent and degree of groundwater contamination.
Sheathers Machinery	<ul style="list-style-type: none"> ■ A grid of sampling points should be established for the area behind Sheathers Machinery to sample for the presence of PAH in the remaining soils due to prior insufficient testing; and ■ Prior to rezoning for the area behind Sheathers Machinery and the fuel depot, a site auditor should be engaged to discuss the provision of a site audit statement for the rezoning to a more sensitive land use.
AAS	<ul style="list-style-type: none"> ■ Excavation of ASS adjacent to the Manning River should be avoided. If excavation of ASS cannot be avoided, one of the following actions may be undertaken: <ul style="list-style-type: none"> ■ Neutralisation of the excavated soil with lime to allow the soil to be disposed of or reused on site as fill; or ■ Delineation of the lateral and vertical extent of ASS and then excavation of the soils as required. ASS areas should be over-excavated to remove non-ASS soil from beneath, and the ASS should be buried below the water table.

6.3. Traffic and Transport Review

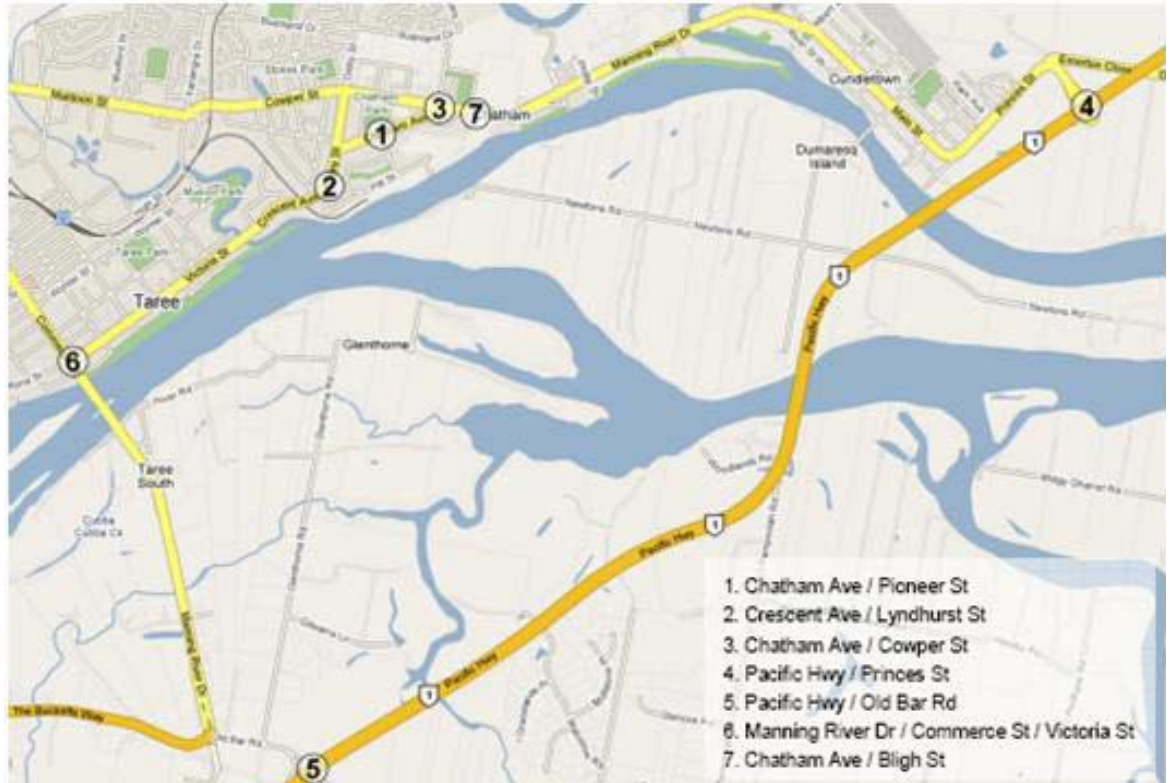
The purpose of the Traffic and Transport Study was to consider the existing capacity of the surrounding networks. Opportunities and constraints, including the possible re-use of the existing

rail spur, and recommendations were given regarding the ability of the precinct to support the proposed land uses. The full report is provided in **Error! Reference source not found..**

Three roads currently link the Precinct to Chatham Avenue, which is the major arterial road through the township of Taree. Roads surrounding the Precinct were found to perform to a satisfactory level during peak traffic times and provide access to the CBD and many of the surrounding localities within the Greater Taree area. Currently the majority of the site comprises pasture land and vehicle access within these areas is limited.

Few pedestrian and cycling facilities are currently available, and the public transport service is limited. Existing cycle facilities within Taree are limited to a small area adjacent to the Taree CBD. While a draft Bicycle Plan for the Greater Taree area proposed a bicycle route along the Manning River edge between Commerce Street and Manning River Drive, this has not yet been implemented. Pedestrian facilities are concentrated within the CBD and along the main roads; limited facilities exist outside the town centre. The Precinct is not currently serviced by public transport to the CBD. Limited local bus services connect Taree with the surrounding localities, while rail and coach services link Taree to Sydney, Brisbane, Casino and Kyogle.

The proposed rezoning of the Precinct is expected to affect traffic and transport in the area by increasing traffic flow by 5% within the next five years and increasing the demand for public transport services. The intersections investigated in this study are shown in **Figure 6-3**. The increased traffic flow is expected to result in near-capacity operation of the intersection of Commerce and Victoria Streets, and the study highlighted the need for proper measures to protect pedestrian safety, such as pedestrian crossings.



■ **Figure 6-3 Intersections Investigated**

Table 6-4 outlines the recommendations of the Traffic and Transport Study.

■ **Table 6-4 Recommendations for Traffic and Transport**

Item of Concern	Recommendation
Road traffic	<ul style="list-style-type: none"> ■ The Masterplan needs to ensure that all development has access to a flood evacuation route via Pitt Street or Manning River Drive ■ Remedial measures will be required at the intersection of Commerce and Victoria Streets if traffic volumes increase
Public transport	<ul style="list-style-type: none"> ■ New bus services, or extension of existing operating services into the Precinct will reduce the reliance on private vehicles
Pedestrian traffic	<ul style="list-style-type: none"> ■ Safe pedestrian connectivity should be provided at key intersections
General	<ul style="list-style-type: none"> ■ Improved access along the waterfront to Taree CBD should be pursued in line with the principles defined in the Taree CBD Foreshore Management Plan.

6.4. Aboriginal and Historic Heritage Assessment

The aim of the Aboriginal and Historic Heritage assessment was to identify the constraints and opportunities for the Development of the Precinct stemming from the site's Indigenous and Non-

Indigenous Heritage. The study particularly focused on the potential conservation of buildings of heritage significance in the masterplanning process to satisfy GTCC's heritage requirements. The full report is provided in **Error! Reference source not found..**

Items of both Aboriginal and Historic Heritage significance were found within the Precinct. One heavily disturbed Aboriginal site was identified (refer to **Figure 6-4**), together with several items of local heritage significance including the Dairy Factory and the Produce Store (refer to **Figure 6-5**).

The Railway Cutting site was the only Aboriginal heritage site identified within the Precinct area. This site is a rare local example of a riverside stone artefact site. Although the site has been subjected to erosion and disturbance, the site was considered to be of high archaeological significance and to have good educational value.

A number of locally significant sites were identified, including the Lime Kiln Wharf and Tramway site immediately adjacent to the Precinct, the Railway Siding, the Produce Store, the Dairy Factory and housing along Pitt Street. The bank of the Manning River was considered to be of potential historical significance due to possible archaeological evidence relating to shipping.



■ **Figure 6-4 Map of Aboriginal Significance and Disturbed Area**



■ **Figure 6-5 Location of Heritage Items Identified within the FIGTREES Precinct**

Several of the historical heritage items identified are likely to be affected by proposed development at the site, particularly development of the foreshore areas and some of the existing buildings.

The Heritage Assessment recommended that all items of historic heritage significance be added to the schedule of heritage items in the Greater Taree Local Environmental Plan, and that duplicate listings be removed. Where the significant item is a building, the property on which it is located would be listed rather than the individual building. Additional recommendations are shown in **Table 6-5**.

■ **Table 6-5 Aboriginal and Historic Heritage Recommendations**

Heritage Item	Recommendations
Aboriginal Heritage	
	<ul style="list-style-type: none"> ■ Breaking of topsoil at the far western end of the Precinct requires approval under Section 90 of the National Parks and Wildlife Act 1974. ■ Any proposed waterfront access should be designed to minimise impact to the topsoil within the Railway Cutting Site. ■ Consultation with the Aboriginal communities should be maintained throughout the duration of the project.
Historic Heritage	
Lime Kiln Wharf & Tramway site	<ul style="list-style-type: none"> ■ While outside the Precinct, interpretation of the history of the site should be undertaken.
Railway siding	<ul style="list-style-type: none"> ■ At a minimum, the alignment of the siding should be reflected in future development plans. Some interpretation of the railway siding should occur.
Produce store	<ul style="list-style-type: none"> ■ Archival recording should be undertaken if the building is to be altered or demolished.
Manning Riverbank	<ul style="list-style-type: none"> ■ A detailed archaeological survey should be undertaken along the bank to locate any potential underwater relics such as ships and littoral structures.
Manning River Co-operative Dairy Society Factory	<ul style="list-style-type: none"> ■ Due to the high local heritage significance; development on the site must be contained within the existing fabric. ■ A Conservation Management Strategy should be prepared for this part of the Precinct.
Alignment of Pitt Street & housing	<ul style="list-style-type: none"> ■ The alignment of Pitt Street should be maintained. ■ The aesthetics of the street should be maintained and consideration should be given to the extension of the ornamental planting of figs.
Housing along Pitt Street	<ul style="list-style-type: none"> ■ Demolition of existing housing should not be encouraged.
Big Oyster	<ul style="list-style-type: none"> ■ Further evaluation of significance is required. A Heritage Impact Statement should be prepared and the structural adequacy of the item assessed. ■ If the Big Oyster is to be relocated or destroyed, appropriate archival recording may be required. Relocation of the item should be based on the structural adequacy of the Big Oyster to withstand relocation.

6.5. Preliminary Economic and Social Assessment

The aim of this study was to determine the level of economic development that the Precinct can support without detracting from the economic sustainability of the Greater Taree Area. The study was also to identify the level of community service that can or should be located within the proposed redevelopment area without detracting from the economic viability of the mixed use rezoning.

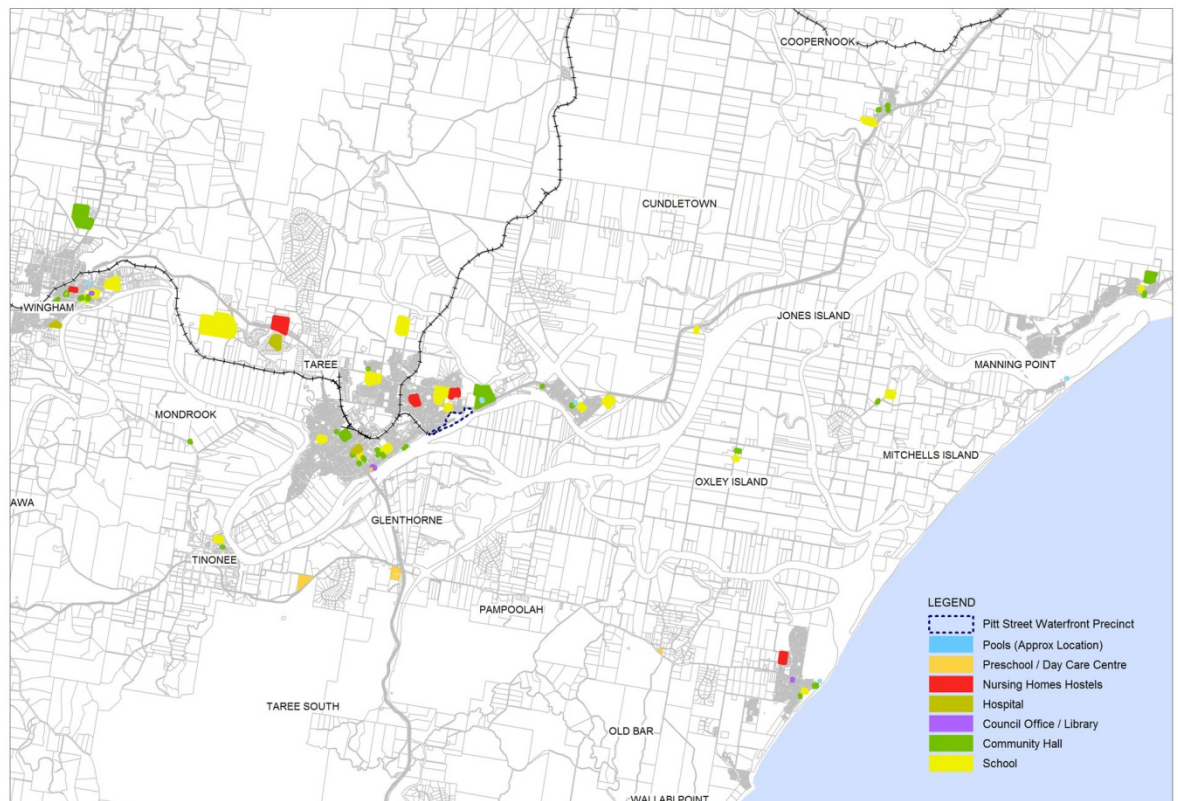
The Preliminary Economic and Social Assessment examined the current demographics and socio-economic characteristic of the Greater Taree Local Government Area. The population characteristics of the Greater Taree LGA are outlined in **Table 6-6**.

■ **Table 6-6 Existing Demographics and Socio-economic Characteristics of the Greater Taree Local Government Area.**

Element	Comment
Local & regional context	<ul style="list-style-type: none"> ■ Steady population growth over the past decade; ■ Current population (Greater Taree) is concentrated in existing centres; ■ Rapidly ageing population with the current median age being 43 years (2006 Census) for Greater Taree; ■ High proportion of smaller household types; ■ New residents to the LGA are predominantly from neighbouring coastal LGAs and the Central Coast; ■ High proportion of low income households and a low proportion of high income households; ■ High rates of unemployment, particularly for youth, young adults and Indigenous people; ■ Declining unemployment - since 2001, the unemployment rate has steadily declined, reaching below 7 % in 2004; and ■ High car dependence and poor access to public transport.
Residential	<ul style="list-style-type: none"> ■ A lack of housing diversity and choice, and a small growing trend towards increased housing density. The housing market is dominated by owner-occupiers; ■ Housing in Taree is relatively more affordable than in the wider region, particularly the coast. There has, however, been a decline in the sales market in the past 5 years.
Retail & commercial	<ul style="list-style-type: none"> ■ An increase in the following industry sectors: <ul style="list-style-type: none"> ■ Retail; ■ Health and Community services; and ■ Small business and home-based business. ■ Demand for additional retail floor space, in particular for boutique retail and for fresh, organic and gourmet food. Commercial office space and associated business services and support are also in high demand; and ■ Demand for quality restaurants and cafes to cater for local and visitor populations.
Tourism & leisure	<ul style="list-style-type: none"> ■ Tourism is an important industry for the local economy but Taree is seen as a service centre rather than a tourist destination. Visitors to Taree are predominantly from NSW with families and retirees being the most common visitor types; and ■ There is a lack of variety in accommodation, built attractions and organised activities and conference facilities in Taree.

Element	Comment
Community infrastructure	<ul style="list-style-type: none"> Taree is particularly well serviced by health-related services, but there is a need for additional aged care and respite care facilities within the LGA; There is currently a need for a regional community centre located in Taree that provides services for all members of the community. There is also a demand for youth services and support; There is an increasing demand for a community/indigenous arts centre that celebrates indigenous culture of the local area and surrounding region; There will be a need for an additional TAFE facility by 2016 within the existing Taree CBD. There is also a need for a regional museum within the Greater Taree LGA; and There will be a need for an additional childcare centre to support the future population of Taree.

Constraints and opportunities with relation to market demand are detailed in **Error! Reference source not found.** Existing community facilities are shown in **Figure 6-6**.



■ **Figure 6-6 Community Facilities – Greater Taree LGA**

Table 6-7 provides the recommendations of the study regarding residential, retail and commercial development, community facilities and staging for development.

■ **Table 6-7 Preliminary Economic and Social Recommendations**

Development	Recommendations
Residential	<p>The site should provide residential development that is:</p> <ul style="list-style-type: none"> ■ Primarily catered to the local market; ■ Predominantly medium density, including villas, townhouses and apartments in a tiered development up to 3 storeys; ■ 2-3 bedroom dwellings with storage facilities and car parking; ■ Priced to suit local market and reflect Taree's position to the coast; ■ Staggered or uses landscaping and physical separation; and ■ High quality design and construction.
Retail	<p>The site should provide retail development that:</p> <ul style="list-style-type: none"> ■ Includes boutique retail, a high end tavern, restaurant or café as well as a small supplies store; ■ Incorporates leisure and tourism-related retail including canoe, kayak, bicycle or boat hire; ■ Includes a shop-front for local tourism providers and potentially the relocation of the Taree visitor information centre to the site; ■ Involves the reuse of the Dairy Factory buildings and relocation of Fisherman's Cooperative; ■ Provides a flexible space to host the organic fresh food markets; ■ Includes marina-related retail including a chandlery and boat broker; and ■ Is located around the marina and linked to the old Dairy Factory site.
Commercial	<p>The site should provide commercial development that:</p> <ul style="list-style-type: none"> ■ Includes a high quality 4-4.5 star hotel with flexible conference facilities; ■ Includes boutique office space to cater for home-based businesses; and ■ Is located in a clearly defined area with exposure to Manning River Drive, but is well linked to the retail development at the site.
Tourism & leisure	<p>The site should provide tourism and leisure development that:</p> <ul style="list-style-type: none"> ■ Includes a gateway site that is attractive to visitors entering Taree; ■ Includes Indigenous art and general art space; and ■ Is clustered at the 'heart' of the development on the waterfront;
Community facilities	<p>The site should include community facilities that:</p> <ul style="list-style-type: none"> ■ Include high quality facilities including barbeques and public parks; ■ Include flexible open space to create access and vantage points to view events on the Manning River including a sloping grassed area; and ■ Are well managed.

Development	Recommendations
Overall site design	<p>The overall design of the site should:</p> <ul style="list-style-type: none"> ■ Use lighting and landscaping to create opportunities for natural surveillance; and ■ Include cycle pedestrian and boat links across the site and to surrounding precincts.
Staging of development	<p>The staging of development at the site should include:</p> <ul style="list-style-type: none"> ■ Establishment of key anchor tenant at the site early in the development process; ■ Construction of the marina first; ■ Incorporation of public open space and activity areas into the early stages of development; and ■ Marketing and sale of some residential dwellings off the plan to provide an opportunity to raise capital as well as to 'test' the market.

6.6. Maritime Assessment

The Maritime assessment was undertaken to investigate the feasibility of establishing a marina at the Precinct as part of the rezoning process. The study assessed the current and potential future demand for a marina at the site and related facilities and identified practical characteristics of a marina, including, the number of berths, boat size, required depths and associated amenities. A maritime engineering site analysis was also conducted to demonstrate the potential for developing a marina on the site considering existing physical constraints.

An integral component of the initial rezoning process and subsequent redevelopment of the Precinct is the potential development of a marina. While the market-based analysis identified a potential demand for a marina located within the Precinct, the engineering assessment outlined that the site could not provide a suitable number of marina berths to meet demand without appropriate protection from the river swell and flood debris. The key challenge for development of a marina at the site would, therefore, be the capability of the site to provide an adequate number of berths to meet expectations.

Estimates of current and future berth demand are provided in **Table 6-8**. The majority of marina berths are expected to be sourced from the Greater Taree Area, with potential visitor demand from locations as distant as Newcastle and Port Macquarie. Demand for marina berths is likely to be predominantly for river-based vessels including houseboats, runabouts and some larger cruisers due to the limited ocean access and the Manning River Bar. The low income profile and large inexpensive blocks of land in the Taree area indicates that there may be greater demand for dry berths than wet berths.

■ **Table 6-8 Potential Vessel Demand**

Potential Market Modelling Calculations	Results	
Base Component (2007)		
Potential market – vessels of right type and size to use a marina in the Manning River	330	
Number of vessels likely to use a marina (equates to 55% of potential market)	182	
Current supply of marina berths (Harrington Marina and Crowdy Head)	74	
Potential unmet demand for marina berths in the Manning River	108	
Growth Component (2007 – 2031)		
Growth Scenario	Year 2021	Year 2031
Standard case – vessel registration growth assumed to continue at same rate over time	146 (56 wet, 90 dry)	180 (68 wet, 112 dry)
Optimistic case – vessel demand calculated on projected population growth rates over time	191 (73 wet, 118 dry)	262 (100 wet, 162 dry)

Based on similar marinas throughout NSW, Australia and overseas, the suggested elements for a marina located at the Precinct were described as follows:

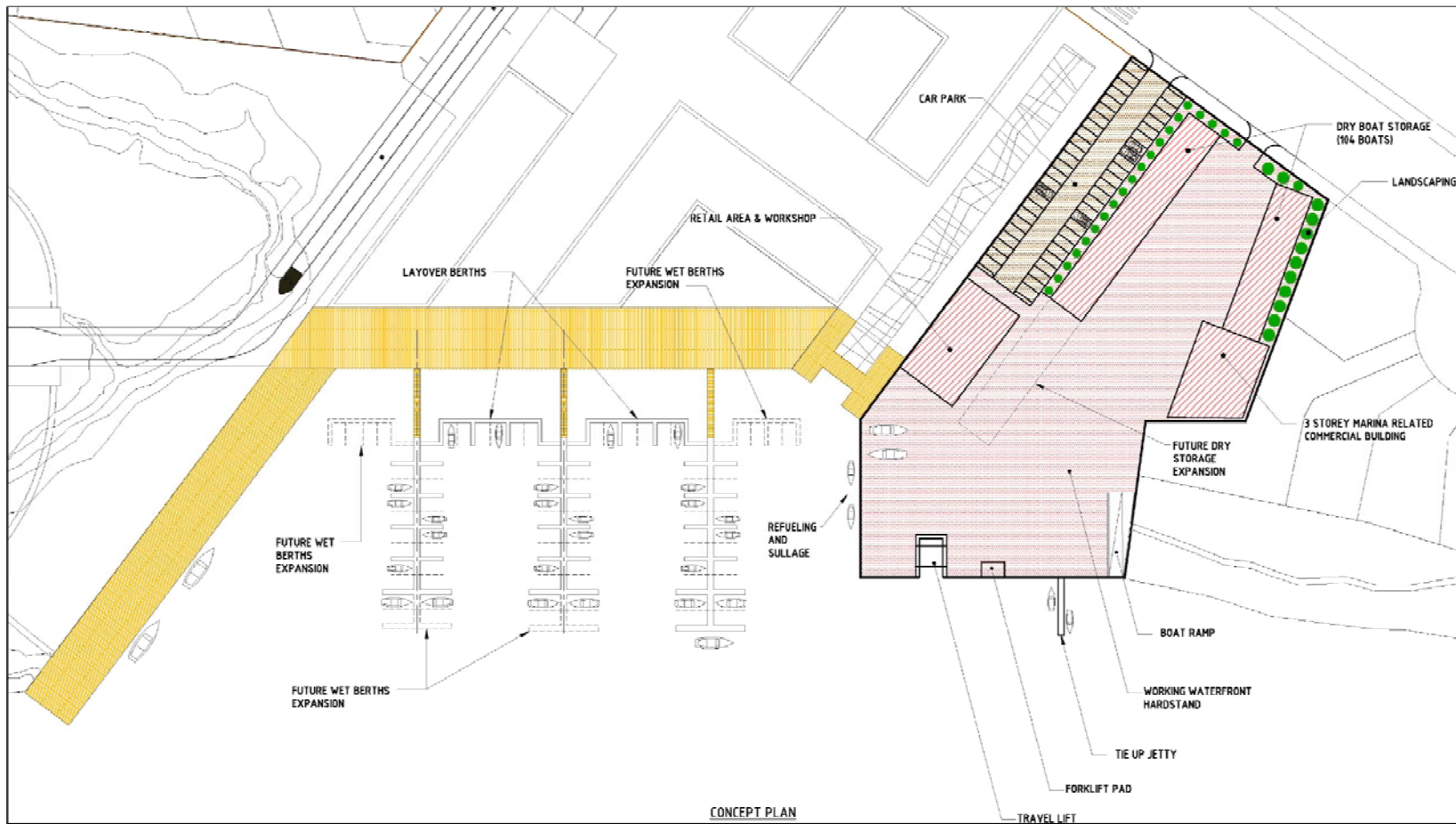
- Berths to provide for houseboats, larger river cruising vessels and commercial tour operators;
- Refuelling and sullage pump out;
- Accessible parking;
- Chandlery;
- Café and/or restaurant;
- Grocery shop;
- Amenities including toilets, showers, rubbish collection, intranet, fax and similar facilities;
- Maintenance facilities with travel lift for houseboats;
- Boat ramp within the marina complex and associated car and trailer parking; and
- Tour operator facilities and tourist accommodation.

The proposed marina concept design is shown in **Figure 6-7**.

Development of a marina within the Precinct may negatively affect marine ecology, including sea grass, and expose acid sulphate soils. Recommendations of the study are shown in **Table 6-9**. The Maritime Study also identified the need for a further feasibility assessment of drilling work and a flood study. These works are discussed in **Sections 7.2** and **7.4** respectively. The full Maritime Assessment Report is included in **Error! Reference source not found..**

■ **Table 6-9 Maritime Assessment Recommendations**

Recommendations
<ul style="list-style-type: none"> ■ A marina basin must be excavated that provides suitable protection for vessels in order to provide suitable marina berths. The marina basin could also incorporate a breakwater and additional moorings if required. ■ Deep water exists naturally in the Manning River at the north eastern end of the site, which could be used to create an artificial basin. ■ Filling of the site will require excavation to compensate for loss of flood plain storage. ■ Dredging of the river bed is required to accommodate large vessels. ■ Subsurface stratigraphy needs to be determined for any proposed marina excavation area and for any proposed channel dredging. Drilling to -3.0m AHD would require a further feasibility assessment. ■ A flood study report is required for the assessment of flow velocities. ■ Staged development must be considered, while allowing space for expansion in the longer term. ■ The depth of the marina should account for low water levels and should be further investigated as part of the detailed design. ■ Associated residential, commercial offices and retail development is important to the development of the marina. ■ The marina should be accompanied by a Manning River Tourist Strategy and Implementation Plan. ■ Tour operator facilities and tourist accommodation should also be provided.



■ **Figure 6-7 Possible Marina Concept**

6.7. Urban Context Study

The aim of the Urban Context Study was to investigate how the proposed mixed use rezoning of the Precinct would fit in with the context of both the Taree CBD and the Greater Taree Area. The statutory planning framework, current strategic planning context and role of the Precinct in the context of the Greater Taree Region were identified

The Precinct is located within the Taree LGA and is comprised of three vastly different areas of land including:

- The narrow, former industrial land, between the southern side of Pitt Street and the Manning River;
- The rural zoned land in the central part of the Precinct; and
- The large, more elevated part of the land in the eastern end of the Precinct which is currently occupied by a car yard.

The existing land use zones are shown in **Figure 1-2**.

The study provided the following recommendations to assist the rezoning to satisfy the aims and objectives of the relevant Government strategies, including limiting the possibility of any direct competition with other commercial areas. These recommendations (refer to **Table 6-10**) draw on relevant planning principles and provide the basis and direction of the Masterplan.

■ Table 6-10 Urban Context Recommendations

Development	Recommendations
Desired future character & maintaining relationship to adjacent uses	<ul style="list-style-type: none"> ■ The desired future character of the Precinct is a mixed use zone and should strengthen links with the Manning River. ■ Development of the Precinct should preserve the residential amenity of the adjoining lands. ■ Mixed use development within the precinct should be formulated in a manner as not to directly compete with commercial and retail services within the Taree CBD. ■ Non-residential uses in the Precincts should support both residents and users of the Precinct, with an emphasis on uses that are associated with the waterfront setting. ■ The introduction of uses accompanied by high traffic volumes should be avoided to create an attractive area for low intensity public and private uses. ■ The eastern end of the precinct would benefit from the provision of tourist accommodation given its proximity to sporting and entertainment precincts within Taree. ■ The redevelopment should avoid the emergence of the Precinct as an out-of-town retailing and commercial centre to ensure retail and service functions of the Taree CBD are maintained.

Development	Recommendations
	<ul style="list-style-type: none"> ■ Opportunities should be explored for the Precinct to develop a specialised retail function, such as markets or tourism orientated businesses that complement retail functions served by the CBD and neighbourhood shopping centre. ■ Gated developments should be avoided in favour of neighbourhood orientated development.
Heritage & adaptive re-use	<ul style="list-style-type: none"> ■ Maintenance and development of the Historical characteristics of the Precinct should be promoted to encourage tourism. ■ The former Dairy Factory should be maintained and any redevelopment must not diminish its landmark character. Adaptive reuse should provide a link between past and future uses of the Precinct. ■ New buildings should be designed with respect to the existing character of the former Dairy Factory to maintain its heritage significance as a prominent building form along the land between the southern side of Pitt Street and the waterfront.
Public domain	<ul style="list-style-type: none"> ■ The land along the waterfront, particularly the former industrial zone, should provide a connection between existing open space to the east and west to enhance public accessibility and use of the foreshore. Where possible the river frontage should remain in public ownership. ■ The Masterplan and rezoning process should provide access between the existing residentially zoned land and the waterfront. ■ Public access to the entire foreshore length and other public domain outcomes should be provided. ■ Public streets or pedestrian pathways should be emphasised to mark the boundary between urban development, open spaces and the foreshore. ■ The redevelopment should build upon the original historic street pattern. ■ Marina facilities must be designed to limit the adverse effects on aquatic vegetation and discourage anchorage of vessels in these areas. ■ Water sensitive design principles should be taken into account during the masterplanning process.
Pedestrian & bicycle access	<ul style="list-style-type: none"> ■ A pedestrian link to and from the area east and west of the Precinct should be provided, as well as through the site and to the Manning River Foreshore; ■ Pedestrian and cycle networks between the town centre of Taree and the main sporting and entertainment precinct to the north-east should be developed. Maximum pedestrian and cycling activity through the area should also be encouraged. ■ The inclusion of bus services into the Precinct should be investigated. ■ Footpaths and cycle ways should be well lit and located where there is natural surveillance from adjacent uses. ■ Pedestrian amenity should be enhanced by the provision of attractive, coordinated street furniture, lighting and signage.
Tourism opportunities	<ul style="list-style-type: none"> ■ Ecological, social and heritage conservation values and features of the site should be utilised to provide a basis for tourism opportunities and activity;

Development	Recommendations
Flood prone land	<ul style="list-style-type: none"> ■ Flood prone land within the Precinct should be investigated for its suitability for residential development, including the accompanying effect of raising the land to a level above the 1 in 100 year flood level.
Building design	<ul style="list-style-type: none"> ■ Buildings close to the foreshore edge should be no higher than 3 stories in height. ■ The masterplanning process should take into consideration any overshadowing impacts of any new buildings on the foreshore and proposed new open spaces. In general, overshadowing should be avoided before 3 pm mid-winter and 6.30 pm in the summer. ■ Buildings erected between Pitt Street and the waterfront should facilitate public access to the foreshore. Access should be provided along the waterfront and the design of buildings should also make provision for regular access points extending from Pitt Street to the riverfront. ■ View corridors should extend from Pitt Street to the waterfront. ■ Buildings should be oriented towards the street front with clear pedestrian entries.
Gateway to the township	<ul style="list-style-type: none"> ■ The eastern part of the Precinct should be utilised as a gateway into the overall township of Taree. The incorporation of the eastern part of the site as a gateway should include: <ul style="list-style-type: none"> ■ Planting of larger scale trees in areas associated as gateways to the precinct to emphasise these locations; ■ The formation of an architectural point of view that sets the scene for the development to be located in the eastern side of the precinct; and ■ Avoid the use of advertising commercial structure or facilities.

7. Detailed Studies

Following the completion of the background studies detailed in **Section 6**, the need for further investigations was identified. The outcomes of the additional studies are summarised in the following section. The constraints and opportunities identified in these studies are provided in Error! Reference source not found. to Error! Reference source not found..

7.1. Mangrove and Bank Stability Assessment

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 the Masterplanner 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 full report is contained in **Error! Reference source not found..**

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.

A large portion of the existing shoreline would be removed or modified to accommodate the proposed development. The current proposed location of the marina within the Masterplan would require the removal of the area of mangroves considered to be of the greatest ecological value and result in the greatest amount of fragmentation. Construction would require excavation and dredging of the foreshore, which may result in bank erosion. Both the construction and operation of facilities may affect water quality in the Manning River, which may in turn affect the mangroves.

Table 7-1 details the recommendations made in the Mangrove and Bank Stability Assessment.

■ **Table 7-1 Mangrove and Bank Stability Recommendations**

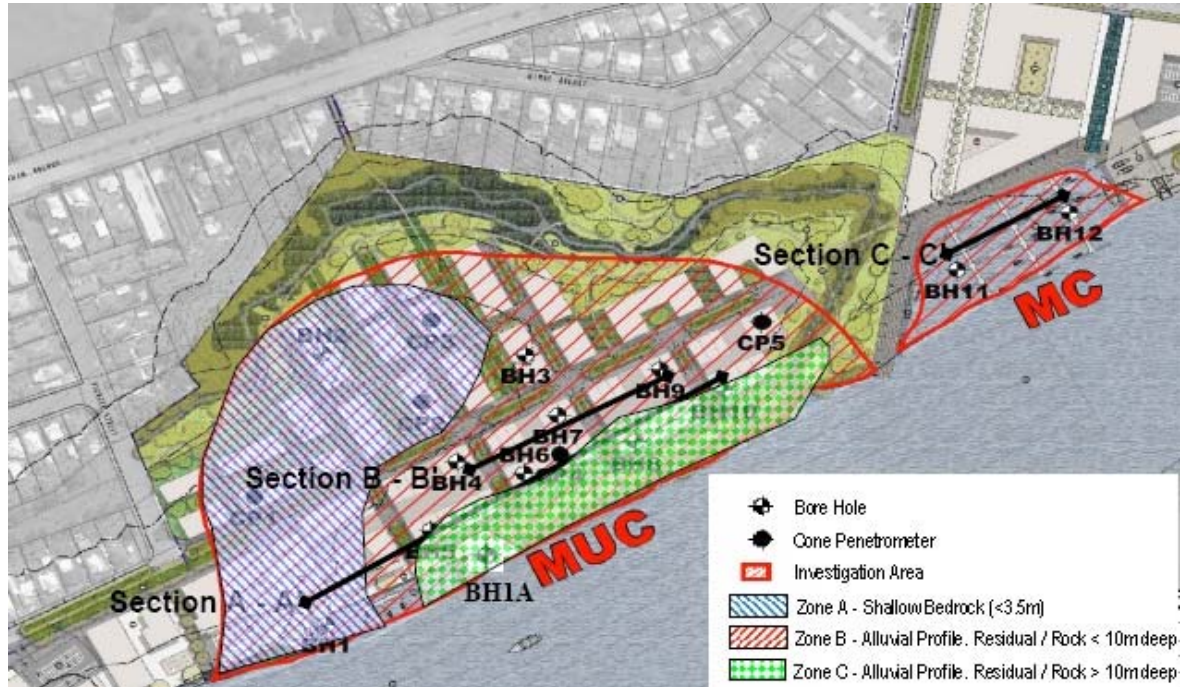
Element	Recommendation
Marina location	The marina should be situated west of the mouth of the unnamed tributary to avoid the highest quality area of mangroves and the best bank stability. Linking this marina with the second central marina would also reduce the fragmentation of mangroves.
Waterfront development	Development along the length of the waterfront should be minimised wherever possible, particularly in areas identified as supporting higher quality patches of mangroves or of better bank stability.
Road alignment	The central road on the proposed concept design should be shifted northward at the

Element	Recommendation
	eastern end so that it crosses the tributary at the location of the existing bridge in order to retain mangroves.
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. The plan should aim to progressively control weeds and promote native plant regeneration without creating bare soil and initiating further erosion.
Fluvial flow analysis	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 marinas.

7.2. Geotechnical Investigation

Following review of the Maritime Assessment to investigate the feasibility of establishing a marina at the Precinct, further investigations regarding the geotechnical conditions of the site were required. A detailed geotechnical study was conducted to investigate the feasibility of two of the proposed development areas off the northern end of Pitt Street and to assist the Masterplan preparation and design of structures. The areas investigated included a proposed Marina Complex (MC), and a Mixed Use Complex (MUC) that will include residential and commercial buildings and an additional small marina.

The geotechnical study examined the stratigraphy of the potential sites noting the depth to bedrock, and investigated the depth and fluctuations in groundwater levels in the flood-prone area adjacent to the Manning River. The findings are shown in **Figure 7-1**.



■ **Figure 7-1 Geotechnical Terrains**

The recommendations of the Geotechnical Assessment are provided in **Table 7-2**. The full report is provided in **Error! Reference source not found.**

■ **Table 7-2 Geotechnical Recommendations**

Location	Item of Concern	Recommendation
North-western part of the MUC area	Footings	Ensure that footings in the north-western part of the MUC area are founded on natural ground below existing fill which will require: <ul style="list-style-type: none"> ■ Removal of fill; ■ Removal and replacement in layers as Controlled Fill; or ■ Piering of structures to natural ground.
	Excavation	If deep bulk excavations are required within the north western part of the MUC area, a rip ability assessment should be conducted. Confined and detailed excavations may require the use of rock breakers.
	Batters	Batters should be protected against erosion. Batters steeper than 1V:2H would require temporary or permanent support, and would require further assessment.
	Foundation Conditions	Foundation conditions at each building site should be investigated in more detail once the location and layout of buildings are known.
Remaining MUC	Settlement	To minimise the effect of settlement on future development,

Location	Item of Concern	Recommendation
and MC areas		feasible means of ground improvement for the site including surcharge preloading and ground reinforcement should be implemented.
	Seismic Activity	Analysis of the effect of seismic activity on piled foundations should be carried out at the design phase considering: <ul style="list-style-type: none"> ■ Additional lateral load on the pile head due to ground surface acceleration; and ■ Interaction effects on the pile shaft due to lateral movement of the ground profile.
	Excavation	The extent of rock around the perimeter of the proposed marina excavation site should be further investigated. Sheet piles should be socketed into medium dense alluvium and residual clays below the proposed excavation site. For a 3 m deep excavation, additional socket depths of the order to 3 - 5 m would be required.
	Piles	Where the founding stratum is underlain by a weaker layer, the pile toe should be located at least three pile diameters above the top of the weaker layer as previously discussed. The effects of earthquakes on lateral capacity and structural capacity of piles foundations must also be taken into account. Piles should be no closer than 2.5 pile diameters apart. If closer than this, interaction effects between piles should be taken into account and pile group assessed. Pile design should be in accordance with Australian Standard AS 2159-1995, Piling –Design and Installation. Appropriate geotechnical reduction factors should be applied to the ultimate parameters provided. More accurate ultimate bearing capacities and settlement estimates can be obtained by undertaking additional investigations and/or static load tests on trial piles. Where uplift is critical, it is recommended that uplift load tests be conducted. Additional investigations should be undertaken at each building location to allow detailed pile design and refinement of strength parameters outlined above.
	ASS	Excavated ASS should be treated with lime or the ASS area should be over-excavated, removing non-ASS soil from beneath the ASS layer, and the potential ASS should be buried below the water table. It is recommended that more detailed investigations be undertaken to define the extent and concentrations of ASS prior to developing a management plan once more details of the proposed development are known.

7.3. Pitt Street Waterfront Precinct Arts and Heritage Grant Funding Report

The Manning Valley Dairy Cooperative is listed on the State Heritage Register and the Greater Taree LEP 1995. Memorabilia, documents and photographs from commercial activities of the Dairy Factory over 100 years of operation require preservation while the buildings create an opportunity for adaptive re-use development. This report looks at opportunities for preservation of such memorabilia, possibly incorporated into the adaptive re-use of the site, and funding opportunities from Government, the Arts, Heritage and Indigenous programmes. The report also makes recommendations on the approach that should be undertaken before grant applications are made.

It is considered that the existing collection of Dairy memorabilia does not form enough content to warrant the provision of a stand-alone museum building or space. The space allowed should be flexible and integrated with other activities and public spaces. It is recommended that the site warrants an Interpretive Management Plan, with a Feasibility Study.

The report recommends group activities that trade off each other as a collective effort would give best effective use of the spaces and viability to those activities. General potential uses for the heritage buildings and the site provided are:

- Marine
- Dairy and Fresh Produce
- Cultural activities

The local Film and Sound Archive group have also expressed an interest in being accommodated on the site.

The full report is provided in **Error! Reference source not found.**

7.4. Flood Impact Assessment

A detailed flood study was conducted to assess the effect of the proposed development on flood characteristics associated with the Manning River, including flooding of the proposed development and the effect of the development on flood levels on adjoining land. The report also includes:

- Potential impacts of climate change on the proposed development;
- Flood Evacuation Plan consideration; and
- Assessment of the proposed development against Section 117 Direction 4.3 (Flood Prone Land) of the Environmental Planning and Assessment Act 1979.

The full report is provided in **Error! Reference source not found..**

Modelling for the report involved investigation of both existing and post-development flood levels and velocities using TUFLOW for the 20 and 100 year events. Outcomes from the modelling exercise are outlined in **Table 7-3**.

■ **Table 7-3 Flood modelling outcomes**

Event	Location	Maximum Increase in Flood Level	Maximum Decrease in Flow Velocity
100 Year	Precinct	<ul style="list-style-type: none"> 120mm adjacent to Manning River 50mm within marina footprint 	<ul style="list-style-type: none"> greater than 1m/s
	Off-Site	<ul style="list-style-type: none"> 20mm at Pioneer Street and rear of McRae Avenue properties 	<ul style="list-style-type: none"> greater than 1m/s
20 Year	Precinct	<ul style="list-style-type: none"> <30mm along unnamed creek 	<ul style="list-style-type: none"> about 1m/s
	Off-Site	<ul style="list-style-type: none"> <20mm at properties adjacent to the Precinct 	<ul style="list-style-type: none"> about 1m/s

The report concludes that:

- Flood level increases are considered to be relatively insignificant and are not expected to affect dwellings or traffic routes within or outside of the Precinct;
- The development would generally lead to decreases in peak flow velocity;
- The development would not impact on the distribution of flood discharges along the Manning River;
- The development is not expected to affect peak discharges downstream from the Precinct;
- The proposed development will be inconsistent with the requirements of Section 117 Direction 4.3 (Flood Prone Land). However, DoP will accept this inconsistency based on the results of TUFLOW modelling and the difference mapping documented in the Flood Impact Assessment (**Error! Reference source not found.**) which demonstrate that the potential impact of the proposed development on flooding is of minor significance;
- 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;
- Evacuation of residents and their personal belongings from the Precinct (if required) can be undertaken safely in accordance with flood warnings issued by the SES and BOM.

7.5. Water Balance

The proposed Figtrees on the Manning development has an opportunity to reduce potable water demand by more than 40% using water sensitive urban design elements. The water balance

assessment provides an overall strategy to maximise this opportunity and assess the potential outcomes for each precinct.

The water balance assessment identifies the quality and quantity of water sources available within the proposed development and the quantities potentially used within or disposed of from the development area. Development of the water balance assessment also provided the following:

- Local long term rainfall patterns;
- Review of soil profiles;
- Analysis of stormwater run off;
- Review of proposed urbanisation; and
- Review of water harvesting and grey water reuse initiatives for the buildings, hardstand and landscape areas.

Due to the concentration of residential and commercial premises proposed, increased volumes of runoff and significant water demands can be expected, therefore a scheme that maximises the use of harvested or recycled water would be most desirable for the Figtrees development. The full Water Balance Assessment is provided in **Error! Reference source not found..**

8. Rezoning Process

8.1. Determination Process

The determination process for rezoning of the Precinct is outlined in **Figure 8-1**, and involves:

- Section 54 notification;
- Permission to prepare draft LEP granted by DOP;
- Preparation of draft LEP (by GTCC) and LAP/Masterplan (by Suters);
- Exhibition, submissions and review;
- Approval of the draft LEP and LAP by the Minister and delegation for determination of future DAs within the rezoned area to GTCC; and
- Gazettal of the new LEP.

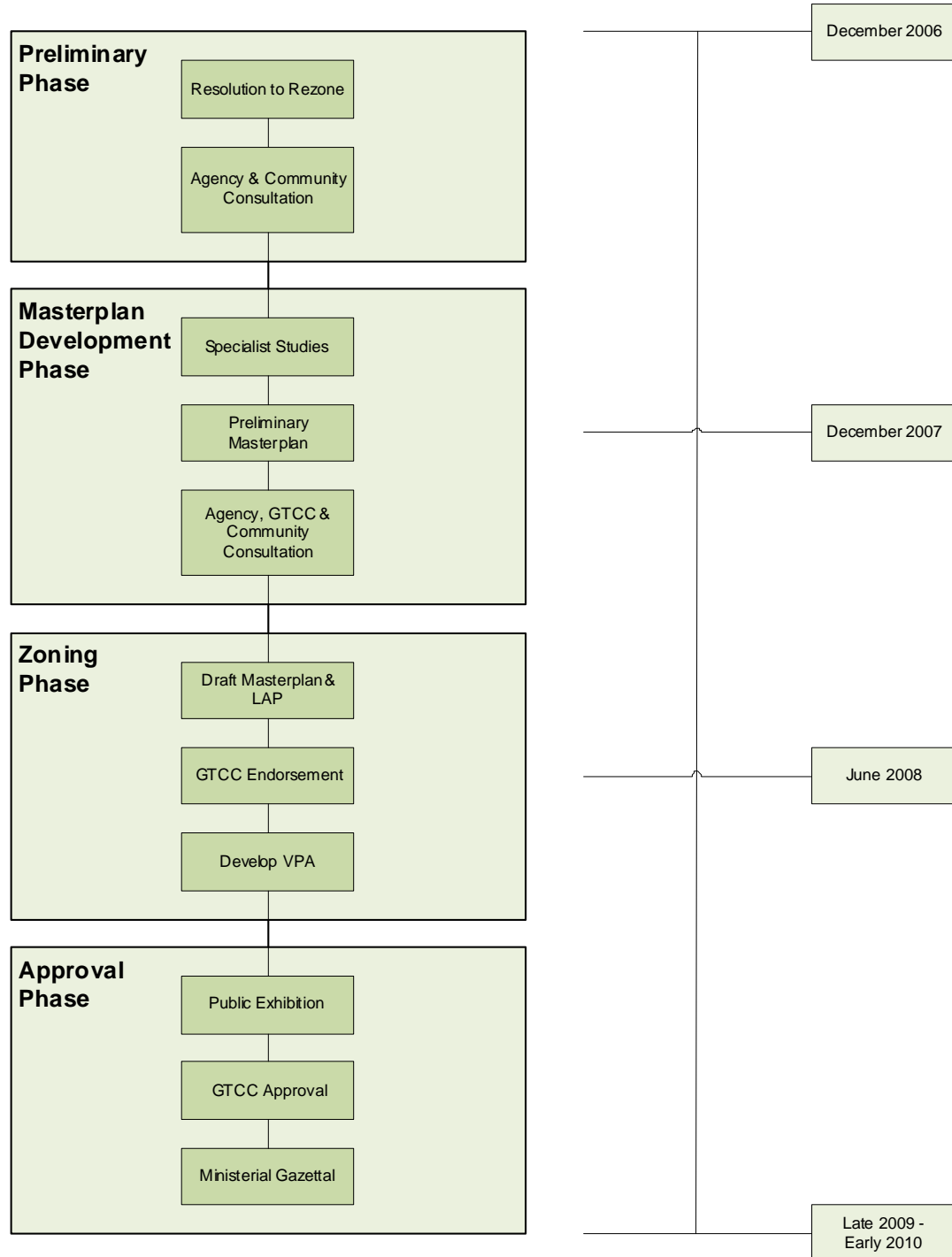
8.2. DOP Consultation

Consultation with the DOP regarding the rezoning has taken the form of Section 54 notifications and several meetings with DOP representatives Brian Murphy, Heather Wharton and Evelyn Iverson to discuss issues such as appropriate zones, public domain issues, and development contribution requirements. The DOP also attended the RCG meetings on occasion.

8.3. Voluntary Planning Agreement

Sparke Helmore has been commissioned by Council to prepare a Voluntary Planning Agreement (VPA) in conjunction with GTCC and the developers. The DOP has agreed that the VPA may be publicly displayed concurrently with the rezoning exhibition documents if necessary or separately if not advanced through at the time the draft LEP is exhibited.

REZONING PROCESS



■ **Figure 8-1 Rezoning Process**

9. Masterplan Preparation and Part 3A Process

9.1. Masterplan

A draft Masterplan was developed by the Suters team for the site based on their initial concept design and information provided in the background studies (refer to **Sections 6 and 7**). The draft Masterplan/LAP was reviewed by the RCG, landowners, the DOP and the public. Following public display of the draft Masterplan, the LAP was developed and is included as **Error! Reference source not found.**

9.2. Site Analysis – Constraints and Opportunities

Ownership of the Precinct is fragmented, with seventeen individual landowners. The majority of the site is under three ownerships. This concentration of ownership is an opportunity as the planning and design of larger land parcels is more certain and allows for the ready creation of individual precincts reflecting location, past ownership and historical use.

The Precinct is dominated by waterfront. Waterfronts are both an opportunity and a constraint. Appropriate setbacks are required to address waterfront constraints such as flooding and to provide for opportunities such as public open space, visual amenity, natural corridors and tourism. A setback that links the built and natural elements of the site and provides for a mix of waterfront uses is sought.

The rowing course is a major sporting and tourism asset, and the physical integrity of the course must be maintained. Development along the rowing course waterfront must not encroach on the rowing lanes and should complement and enhance the experience for rowers and spectators.

Major flooding is a very infrequent but significant hazard. Development can occur in flood-prone areas provided people and property are not subjected to unnecessary or unacceptable risks. Setbacks from the river can ensure that buildings are placed out of high hazard areas.

9.3. Urban Design and Planning Principles

Site-specific urban design and planning principles were developed to ensure that the desired urban, environmental, economic and social outcomes for the Precinct were achieved. These principles provided a basis for development of the Masterplan, and are outlined below:

- Provide development that complements and allows for increased connectivity to Taree Town Centre and the Entertainment/Recreation area;
- Provide a mixed use, mixed density zone that maximises the interface with the Manning River, Chatham Avenue (Old Pacific Highway) and existing surrounding residential areas including:

- commercial and retail premises and other appropriate employment generating developments;
- residential premises;
- public foreshore open space and promenade;
- water-based activities including, if possible, 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.

9.4. Masterplan/Local Area Plan Features

The Masterplan is comprised of five precincts that each offer a different but complementary use, demonstrating the diversity of development potential for the Project. The first precinct forms the gateway to the site, utilising the existing spotted gum reserve, rail corridor and modestly sized residential buildings to create a place that is inviting and encourages people to enter and explore the site. The second precinct is proposed as a business hub comprised of high-quality mixed-use development that breaks out onto public domain areas and the waterfront. The unique character of the third precinct is based on reusing the existing heritage buildings and opening up the waterfront for people to live, work, play and interact together. The aim for the fourth precinct is to create a residential village within scenic existing landscape elements of the creek and the river. The fifth precinct will gain its unique character with the creation of a commercial marina – the working waterfront.

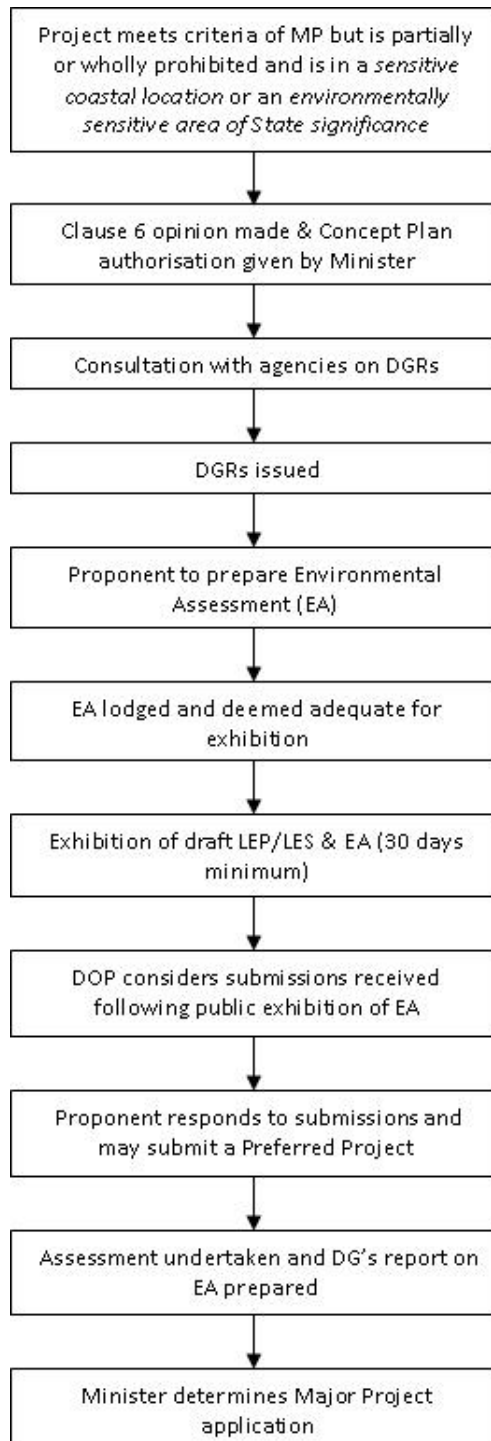
The LAP establishes and gives legal weight to achieving the desired character of the Precinct. As the Precinct will be developed over a 15 - 25 year timeframe, the LAP requires flexibility to enable adjustments to be made as trends change, but also requires sufficient rigidity to ensure the desired character of the Precinct is achieved.

The draft LEP 2008 (LEP 2008) has already been placed on exhibition (November 2008 – February 2009). The draft LEP for this rezoning will be exhibited separately, utilising zonings based on draft LEP 2008, and will either be gazetted as part of LEP 2008 or be an amendment to it.

9.5. Determination Process

The landowners lodged an Application to submit a Concept Plan under the EP&A Act 1979 with the DOP on 14 February 2008. The Minister determined that the Masterplan had Major Project status and that he would be the consent authority under Part 3A of the EP&A Act 1979 on 20 May 2008. This correspondence also provided approval to proceed with preparation of a Concept Plan. The Director-General's Requirements (DGRs) for the Concept Plan and accompanying Environmental Assessment (EA) document were issued on 12 June 2008.

The Concept Plan (as developed to inform the rezoning) and EA will be exhibited to the public for at least 28 days and will be introduced to the Councillors prior to review and submission to DOP. GTCC requested delegated authority to determine subsequent Development Applications following approval of the Concept Plan under Part 4 of the EP&A Act 1979. The Minister provided an Authorisation to allow Council to exercise functions relating to the draft LEP in relation to certification of the draft LEP and the Director General report on 21 November 2007. It should be noted, however, that the Minister will be the consent authority for any future development at the site that is covered by the Major Projects SEPP 2005, such as the marina.



■ **Figure 9-1 Part 3A Approval Process**

10. Conclusion

The masterplan and rezoning of the FIGTREES on the Manning Precinct has been subject to numerous requirements. This report documents the planning process undertaken and the response of the project to each of these requirements. Major requirements of the project are as follows:

- Compliance with the Environmental Planning and Assessment Act (1979) including Part 3A, Section 62 and Section 117 Directions;
- Compliance with other relevant legislation;
- Undertaking of transparent consultation with the Department of Planning, other agencies, landowners and the community;
- Undertaking 11 background studies to inform physical and legislative constraints and requirements of the masterplan; and
- Preparation of a Voluntary Planning Agreement.

The proposed mixed use rezoning of the FIGTREES on the Manning Precinct has had ongoing support from the community and elected representatives. The findings and summaries presented in this report are provided to inform the rezoning and Masterplan applications and support approval of the proposal.