

ORDINARY MEETING TO BE HELD ON WEDNESDAY 10 DECEMBER 2008

Notice is hereby given that an Ordinary Meeting of the Council is to be held in the Council Chambers, 2 Pulteney Street, Taree on the above date at 5.00 pm.

GERARD JOSÉ
GENERAL MANAGER

***** A G E N D A *****

The proceedings of this Meeting will be tape recorded by Council to assist in ensuring the accuracy of the Minutes of the Meeting.

Persons in the gallery are advised that under the Local Government Act, 1993 a person may **NOT** tape record the proceedings of a meeting of a Council or Committee **WITHOUT** the authority of the Council or Committee. Tape record includes a video camera and any electronic device capable of recording speech.

It would also be appreciated if mobile phones could be switched off so as not to disrupt the meeting.

Copies of attachments are available for persons attending the meeting. For persons not attending the meeting attachments can be accessed at www.gtcc.nsw.gov.au - Your Council, Meetings, Business Papers.

- 1 Prayer
- 2 Apologies
- 3 Confirmation of the following Minutes:
Ordinary Meeting held on 12 November 2008
- 4 Public Speakers - Order of Agenda
- 5 Disclosures of Interest
- 6 Notice of Motion

Councillor Tickle has given notice of his intention to move the following motion:

1. That the Mayor and council officers delegated by the General Manager invite the local Police Area Commander to meet with them regularly with a view to discussing policing and community safety issues, with the objective of providing community support and leadership in dealing with crime and anti- social behaviour.
2. After consultation with the Local Area Commander, that the Mayor and General Manager be delegated the authority of Council to write to local State Members, with a copy to the Premier of NSW, asking that the present legislation that deals with juvenile offenders and in particular relating to matters of petty crime such as malicious damage and anti-social behaviour, be reviewed, with the intent of increasing Police powers and judicial penalties in dealing with juvenile offenders.

7 Late Correspondence

*(If Council so resolves).*8 Reports Page NoPlanning

- | | | |
|---|--|---------|
| 1 | Development Application 449/2008D – Subdivision – 44 lots & Dwelling x 43 - Lot 1 DP 808421 – Lot 1 Potoroo Drive, Taree | 1 - 10 |
| 2 | Development Application 692/2008D – Caravan Park Extension - Long Term sites x 8 – Lot 1 DP 34304 – 716 Harrington Road, Harrington | 11 - 22 |
| 3 | Development Application 466/2008D – Proposed Hard Rock Extraction - Lot 1 DP 811000 – 134 Fords Road, Moorland | 23 - 28 |
| 4 | Development Application 21/2009/DA – Caravan Park Extension - Lot 6 DP 575876 – 21 Main Street, Manning Point | 29 - 38 |
| 5 | Development Application 243/2009/DA – Multi Unit Development - Lot 177 DP 566960 – 64 Combined Street, Wingham | 39 - 42 |
| 6 | Development Application 689/2007D – Caravan Park extension (staged) - Lot 12 DP 801808 & Lot 13 DP 801808 – 362 Godfrey Hill Road & 23 Begonia Place, Rainbow Flat | 43 - 54 |
| 7 | Rezoning Application 6/2007R | 55 - 66 |
| 8 | Rezoning Application 7/2005R – Brimbin New Town | 67 – 74 |
| 9 | Development Application 415/2007D – Dwelling relocation & additions - Lot 1 DP 181946 – 4641 The Bucketts Way, Kundibakh | 75 - 82 |

Governance

- | | | |
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| 10 | Council Funds Report | 83 - 84 |
| 11 | 2008/09 Budget Review (as at 26 November 2008) | 85 - 88 |
| 12 | Event Management – Sponsorship Requests 2008 | 89 - 92 |
| 13 | Management of Unreasonable Complainant Conduct Policy | 93 - 94 |

Community Development

- | | | |
|----|--|----------|
| 14 | NSW Rural Fire Fighting Fund Allocations 2008/09 | 95 - 100 |
|----|--|----------|

Works

- | | | |
|----|---|-----------|
| 15 | Prohibition of Alcohol and Anti-Social Behaviour in Manning Waters Reserve and Andrews Reserve, Taree | 101 - 105 |
| 16 | Coastal Erosion - Old Bar | 105 - 107 |
| 17 | Estuary & Coastline Management Committee - Amended Minutes Tuesday 21 October 2008 | 107 - 109 |

9 Urgent Business & Urgent Questions

10 Meeting of Closed Council

The following matter has been included in a Confidential Business Paper as in the opinion of the General Manager it is of a kind as referred to in Section 10A(2) of the Local Government Act.

CLOSED COUNCIL

Staff Reports

Governance

- 1 Jet A1 Fuel – Taree Airport 1 - 4

Section 10A(2)(d) permits the meeting to be closed to the public for:

Commercial information of a confidential nature that would, if disclosed:

(iii) reveal a trade secret.

It is not in the public interest to reveal the details contained in the reports as:

The report contains information that is “commercial in confidence”.

Community Development

- 1 Evaluation of Tenders for Waste Management Services for MidCoast
Waste Services Comprising Gloucester, Great Lakes & Greater Taree
City Councils 5 - 17

Section 10A(2)(d) permits the meeting to be closed to the public for:

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It is not in the public interest to reveal the details contained in the reports as:

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SUMMARY: *The purpose of the report is to seek a resolution from Council to exhibit the draft LEP and DCP (Masterplan / Local Area Plan) for the FIGTREES on the Manning Rezoning.*

Land Owner : Chase Taree Properties P/L, Hocana P/L, W&S
Spychalla (plus other individual landowners within
the precinct boundary)



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In addition to the Dairy Cooperative site, Council 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. At its meeting on 6 December 2006 Council resolved to:

- Rezone the land shown above for consideration of zonings that enable a mixed use outcome for the precinct;
- Adopt the Terms of Reference for the Rezoning Planning Group;
- Delegate to the General Manager the function of engaging consultants to carry out studies and project management; and
- Invite the Department of Planning to have a presence on the Rezoning Planning Group.

A Section 54 Notification was submitted to the Department of Planning (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 Council on 30 October 2007 to extend the Precinct boundary, and approval to proceed with the LEP preparation for the amended area was granted by the DoP on 21 November 2007.

In the letter from the DoP issued on 8 March 2007, the DoP issued Council with authorisation to exercise delegation pursuant to Sections:

- 65(1) [public exhibition of the plan]; and
- 69(1) [report to the Minister] of the Environmental Planning & Assessment Act 1979 (EP&A Act).

Council submitted an application to the DoP to submit a Concept Plan under Section 75M of the EP&A Act. On 13 March 2008, the Minister for Planning formed the opinion that Part 3A of the EP&A Act applies to the project, and authorised the submission of a Concept Plan for which the DoP would be the consent authority. The Concept Plan has been based on a draft Masterplan. The Masterplan forms a component of the DCP prepared for the precinct, which will be inserted into the Local Area Plan section of the consolidated draft DCP 2008.

Council engaged the services of the Suters Architects Group to prepare the Masterplan/LAP for the site to ensure that development is innovative, exciting and sustainable, sitting within a unique combination of natural attributes and heritage built form, following a design competition.

The rezoning and Masterplan preparation has progressed through a transparent process led by a Rezoning Consultation Group (RCG), which is heavily dependent on the involvement of the landowners, Council, Government agencies and the community. The RCG is run by an independent Project Planner (Sinclair Knight

Merz) engaged directly by Council and provides a direct feedback loop to the rezoning applicants (and DoP) of issues arising from the rezoning.

DISCUSSION

The Precinct is approximately 22 hectares in size, and is located approximately 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
- Commercial
- Open space (public and private)
- Light industrial
- Marina and associated boating infrastructure
- Recreation
- Tourism
- Walkways/cycleways
- Entertainment

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 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 Council, the DoP and the community, will achieve public access to the foreshore and increased boating opportunities.

The redevelopment of the Precinct has the potential to both reinforce the major Regional 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. Maintenance of the local character of the area is also important. The close proximity to Taree CBD provides an opportunity to enhance and support existing urban services and to provide significant benefits to Taree City through urban renewal. This has been recognised in the Masterplan.

This site represents a very significant opportunity for comprehensive redevelopment, particularly to capitalise on the deep-water frontage 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 some of the existing structures will form part of the broader considerations for the development, to ensure that local character and heritage are retained.

Background Studies:

While the Director-General of the DoP determined that an LES was not required for this amendment to the LEP, background studies were undertaken to support the

rezoning and Masterplanning processes. These studies addressed those issues required to be considered, as listed in the DoP's letter of 8th March 2007. Studies undertaken included:

- Urban Context Report.
- Ecological Constraints Assessment.
- Acid Sulphate Soils and Contamination Assessment and Review.
- Transport Review.
- Aboriginal and Historic Heritage Assessment.
- Preliminary Economic and Social Assessment.
- Mangrove and Bank Stability Assessment.
- Geotechnical Assessment.
- Flood Study.
- Masterplan / Local Area Plan

LEP

As the land comprising the 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.

The draft *Greater Taree Local Environmental Plan 2008* went on exhibition on 17 November 2008. The draft LEP has been constructed to comply with the Standard Instrument (Local Environmental Plans) Order 2006, known as the Standard Template. Although the project began as an amendment to LEP 1995, the DoP have advised that the LEP for the rezoning should now be an amendment to LEP 2008 so that gazettal of this rezoning can be sought at the same time as gazettal of LEP 2008. This would be likely to save time and ensure the rezoning is considered for gazettal, by the Minister, in a timely fashion. If gazettal for the amendment was to be sought separately (i.e. external to LEP 2008), the rezoning would be unlikely to be given priority over the Department's program of gazettals for the Standard Instrument LEPs.

The following zones have been included in the rezoning (refer to Attachment A):

Zone B4 (Mixed Use). The objectives of this zone are:

- *To provide a mixture of compatible land uses.*
- *To integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling.*

Zone RE1 (Public Recreation). Of note is the application of Zone RE1 to the open space and Crown Land areas, providing defined areas for public outcomes. The objectives of this zone are:

- *To enable land to be used for public open space or recreational purposes.*
- *To provide a range of recreational settings and activities and compatible land uses.*
- *To protect and enhance the natural environment for recreational purposes.*
- *To provide for a range of educational, environmental, community and cultural uses for the benefit of the community.*

On the advice of the DoP, the number of zones to be used has been deliberately minimised so as to not restrict the permissible uses within the precinct, whilst still providing a mixture of compatible land uses. This has been made possible through the level of detail provided in the Masterplan.

Local Planning Directions (S.117)

Under Section 117(2) of the Environmental Planning and Assessment Act 1979, the Minister for Planning issues Local Planning Directions (LPDs) for the preparation of new LEPs. An assessment of the proposed rezoning against the relevant LPDs is provided in the Urban Context Report (attached). 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. Also, it is considered, by the DoP that a Flood Study is required to demonstrate that the rezoning meets Direction 4.3 (Flood Prone Land). ***It should be noted that at the time of writing this report, the flood study has not been completed and minor changes to the Masterplan may need to be undertaken as a result of the findings of the flood study.*** If that is the case, the rezoning will again be reported to Council for consideration for exhibition. It should also be noted that for the rezoning to proceed, the flood study must find that the proposed development will not have any adverse effects on flood behaviour at upstream and/or downstream properties.

Part 3A Major Project Application

Council's vision for the site involves development that triggers Part 3A of the EP&A Act. A Concept Plan (i.e. the Masterplan) is to be submitted under Section 75M of the

EP&A Act prior to development occurring. In order to achieve development approval in a timely fashion, Council is undertaking the rezoning and the landowners are undertaking the major project application 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 Developers (and wholly at their expense). 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.

Development Control Plan

Development Control Plans 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. The Masterplan / DCP for the site, addresses the public outcomes that are crucial to the vision for the project.

A draft DCP, which consolidates all of Council's 18 DCPs into one single plan, is currently being exhibited with draft LEP 2008. This approach is consistent with the requirements of the DoP that all NSW Councils have a single DCP applying to any parcel of land at the time of gazettal of their comprehensive LEP (draft LEP 2008). The Masterplan for FIGTREES on the Manning has been constructed in a format so that it can be inserted into DCP 2008, Part L – Local Area Plans, and hence will be exhibited as an amendment to draft DCP 2008.

VPA / S.94

Development contributions for the precinct will be made through a combination of a Voluntary Planning Agreement (VPA) and the Greater Taree S.94 plans already in place. The details of the VPA are still being worked through with the applicants, and Council will be seeking specialised legal advice on how to implement the VPA. This will be reported to Council at a future meeting, when the details are known, and the VPA itself will need to be exhibited and adopted by Council prior to gazettal of the rezoning.

STRATEGIC ALIGNMENT (2020 VISION)

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. 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.

CONSULTATION

Steps were taken throughout the duration of the project to ensure a high level of transparency and communication. Platforms for consultation were developed among Council, 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:

a) Rezoning Consultation Group

A Rezoning Consultation Group (RCG) was established on 9 August 2007 to provide a mechanism to facilitate resolution of rezoning issues and establish dialogue between landowners and Council. Membership of the RCG is as follows:

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

Additional assistance has been provided by John Drake of Newcastle University (Chair of the Selection Committee for the Design Competition) and Brian Murphy of the DoP (Regional Office – Newcastle). These affiliates have provided assistance and recommendations in terms of the strategic context, rezoning and Masterplanning of the Precinct.

The RCG generally meets at Council every fortnight to discuss matters and make recommendations for the rezoning and Masterplanning processes to Council's Director of Planning and Building.

b) Agency Consultation

Department of Planning

In addition to the participation of the DoP at RCG meetings, formal consultation was undertaken with the DOP in relation to providing a Section 54 Notification of the intent to rezone the land and a Part 3A Major Project Application and Clause 6 Concept Plan Submission. Additional meetings were also held with the DOP in both their Sydney and Newcastle offices.

Other Agencies

Under Section 62 of the EP&A Act, 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 comment on the proposed rezoning and Masterplan development for the Precinct 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 Environment and Climate Change
- Department of Lands
- Department of Planning (DOP)
- NSW Rural Fire Service
- Department of Water and Energy
- Hunter New England Area Health Service
- Department of Primary Industry, including Fisheries, Agriculture, Minerals and Soil Conservation Services;
- Midcoast Water
- 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)
- Telstra
- Purfleet Taree Local Aboriginal Land Council
- Soul Communications
- Hunter – Central Rivers Catchment Management Authority (CMA)

No objections to the rezoning were received from any of the agencies. Furthermore, Council is continuing to work closely with MidCoast Water, on a Water Balance Study to determine the requirements for water and sewerage infrastructure for the site. A meeting was held with MidCoast Water in October 2008 to determine the information required to be included in that study. It should be noted that the outcome of that study will not change the Masterplan. Attachment C summarises the responses from S.62 consultees.

A Planning Focus meeting was held on site on 16 May 2007. The purpose of the meeting was to discuss potential issues associated with the rezoning and Masterplanning of the Precinct. 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.

The following lists the attendees:

Agency	Representative
Government	
Department of Planning	Brian Murphy
Department of Lands	Bob Birse
	Gary Dowse
Department of Water and Energy	Jeff Hunt
NSW Maritime	Bret 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 (Stacks)	Matt Hardyman
MidCoast Ford	John Florent
	Julie Florent
Sinclair Knight Merz	Brian Watson

Other Stakeholders

Landowners

An initial meeting with landowners of 13 additional lots included in the Pitt Street Waterfront rezoning was held on 6 March 2007 at Council. 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. An additional meeting with the additional landowners at the western end of the precinct was held on 19 July 2007, plus an additional full landowner meeting on 12 August 2008.

Councillor Briefings

A Councillor Workshop was held on 12th November 2008. A presentation to the Councillors was made by the Suters architects, Masterplanners for the rezoning, and also by the acting Director Planning and Building, Richard Pamplin. A media briefing was held before that meeting to view the draft Masterplan and interview staff, Masterplanner and the landowners.

Public Consultation

Three community meetings were held as part of the community consultation process:

- 5 June 2007 – attended by up to 150 community members;
- 23 October 2007 in order to explain the Pitt Street Waterfront Precinct winning competition 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 Council's administration building 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, and the DoP. Feedback received was primarily focused on the details of the project. Community Feedback Forms on the draft Masterplan were delivered to 250 households in the vicinity of the Pitt Street Waterfront site, and were made available at the static display at the Greater Taree City Council, the public meeting on 29 April and at the site open day on 30 April. Feedback forms were also available for completion online at Council's webpage. A total of 10 feedback forms were completed and returned to the project team in the two weeks made available for comment. In addition, three lengthy written

submissions were made, two from local residents and one from a local business including an annotated Masterplan diagram. Responses to the sections of the distributed feedback form are summarised in Attachment C.

TIMEFRAME

It is intended that the exhibition of the FIGTREES on the Manning rezoning will take place around the time that draft LEP 2008 comes off exhibition (mid February 2009). Provided that the rezoning proceeds without any major delays (due to either internal or external factors) it is likely that Council will seek gazettal of the draft LEP in mid 2009.

Following a resolution from Council for exhibition and completion of the flood study, staff will seek authorization for exhibition from DoP as a result of minor discrepancies in meeting the S.117 Directions outlined in this report.

BUDGET IMPLICATIONS

The rezoning has an implication on staff time. Any required studies, fees etc will be incurred wholly by the applicant. There are future cost implications in regard to Council taking over the management of the proposed public areas following development. These cost implications are yet to be determined but will be reported to Council with the draft VPA, with Council needing to agree to this prior to gazettal of this rezoning being sought.

STATUTORY OR LEGISLATIVE REQUIREMENTS

Local Environmental Plans are prepared under Part 3 of the *Environmental Planning and Assessment Act 1979*.

ATTACHMENTS

- (i) Attachment A - Draft LEP (to be distributed separately)
- (ii) [Attachment B – Draft Masterplan / Local Area Plan](#)
- (iii) [Attachment C – Summary of Responses received from S.62 consultees](#)
- (iv) [Attachment D - Written Authorisation from DoP regarding Council's delegations \(8 March 2007 and 21 November 2007\)](#)

RECOMMENDATION

- (i) That Council resolve to place the attached draft Local Environmental Plan and draft Development Control Plan amendment (Local Area Plan) on exhibition for a period of six weeks.
- (ii) That should the flood study require an alteration to the Masterplan, the draft LEP and DCP/LAP be reported back to Council prior to exhibition.