

**MAJOR PROJECT ASSESSMENT:
PITT STREET, CHATHAM, TAREE
(FIGTREES ON THE MANNING) TOURIST,
RESIDENTIAL, COMMERCIAL & MARINA
DEVELOPMENT CONCEPT**



Director-General's
Environmental Assessment Report
Section 75I of the
Environmental Planning and Assessment Act 1979

April 2011

ABBREVIATIONS

CIV	Capital Investment Value
Department	Department of Planning
DGRs	Director-General's Requirements
Director-General	Director-General of the Department of Planning
EA	Environmental Assessment
EP&A Act	<i>Environmental Planning and Assessment Act 1979</i>
EP&A Regulation	Environmental Planning and Assessment Regulation 2000
EPI	Environmental Planning Instrument
MD SEPP	State Environmental Planning Policy (Major Development) 2005
Minister	Minister for Planning and Infrastructure
PAC	Planning Assessment Commission
Part 3A	Part 3A of the <i>Environmental Planning and Assessment Act 1979</i>
PEA	Preliminary Environmental Assessment
PFM	Planning Focus Meeting
PPR	Preferred Project Report
Proponent	Chase Taree Developments Pty Ltd, Hocana Property Pty Ltd, and Spsychalla Pty Ltd
RtS	Response to Submissions

Cover Photograph: Looking west to Manning River and Taree from the site.

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*NSW Government
Department of Planning*

EXECUTIVE SUMMARY

This report relates to a concept plan application for a mixed use residential, commercial, tourist, open space, and marina development at Pitt Street, Chatham, Taree ("the proposal") submitted by Chase Taree Developments Pty Ltd, Hocana Property Pty Ltd, and Spychalla Pty Ltd ("the proponent").

The concept plan will guide future development of the site over 15 to 25 years by setting parameters for:

- Building envelopes (indicating height in storeys);
- Floor areas and floor space ratios;
- Land uses (residential, commercial, tourist, open space, and marina);
- Indicative street alignments and pedestrian networks;
- Location of open space, landscaping and "restored" wetland and riparian areas;
- Location of a commercial marina and berth capacity;
- Heritage items to be retained and adaptively reused; and
- Location of recreational facilities and public domain elements.

The proposal's estimated project cost is \$310 million. The proposal will create 250 full time equivalent construction and 500 full time equivalent operational jobs.

During the exhibition period, the Department received 11 agencies' submissions and 17 public submissions, including one in support. Key issues considered in the Department's assessment included:

- Urban design;
- Marina development and potential impacts;
- Flora and fauna;
- Water cycle management; and
- Flooding.

An approved concept plan provides a strategic development framework: broad parameters and requirements for future applications. In this instance the concept plan follows rezoning of the subject land. Future applications are required for various uses, buildings, and subdivision.

The Department has assessed the merits of the project. It is satisfied that the proposal's impacts have been addressed via the proponent's statement of commitments and the Department's recommended modifications and terms of approval, and can be suitably mitigated and/or managed to ensure a satisfactory level of environmental performance. The Department is satisfied that the site is suitable for the proposal which will provide environmental, social and economic benefits to the region. All statutory requirements have been met.

The Department recommends the application be approved subject to terms of approval, including further assessment requirements as specified in the Instrument of Approval.

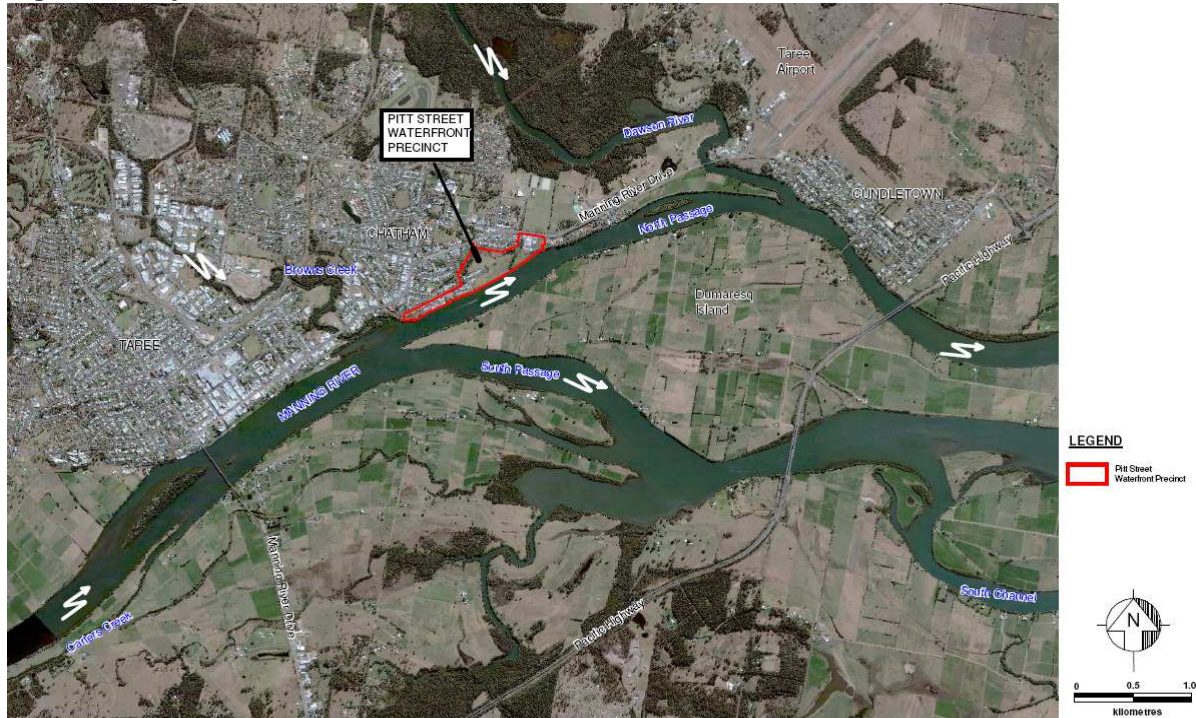
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1. BACKGROUND

Chase Taree Developments Pty Ltd, Hocana Property Pty Ltd, and Spychalla Pty Ltd propose a mixed residential, commercial, tourist, marina and open space development at Lots 1 and 2 DP804829, Lot 1 DP243828, Lots A and 1 DP343913, Lots 1 and 2 DP555702, Lots 27 to 32 DP20200, Lots 33 and 35 to 39 DP24505, Lots 12 and 14 to 16 DP703272, Lots 1 and 2 DP215485, Lots 1 to 4 SP22701, Crown Reserve 037-3070 and Reserve 1011448, Pitt Street, Chatham, Taree. The project location is shown in Figure 1.

Figure 1: Project Location



Existing on-site uses comprise single dwelling houses on Pitt Street in the south and centre of the site; an obsolete dairy co-operative, concrete batching plant and fuel depot on the eastern side; and a car sales yard and tourist attraction, The Big Oyster, on the northern end of the site adjacent to Manning River Drive/Old Pacific Highway. Refer to Figure 2 for the existing site layout.

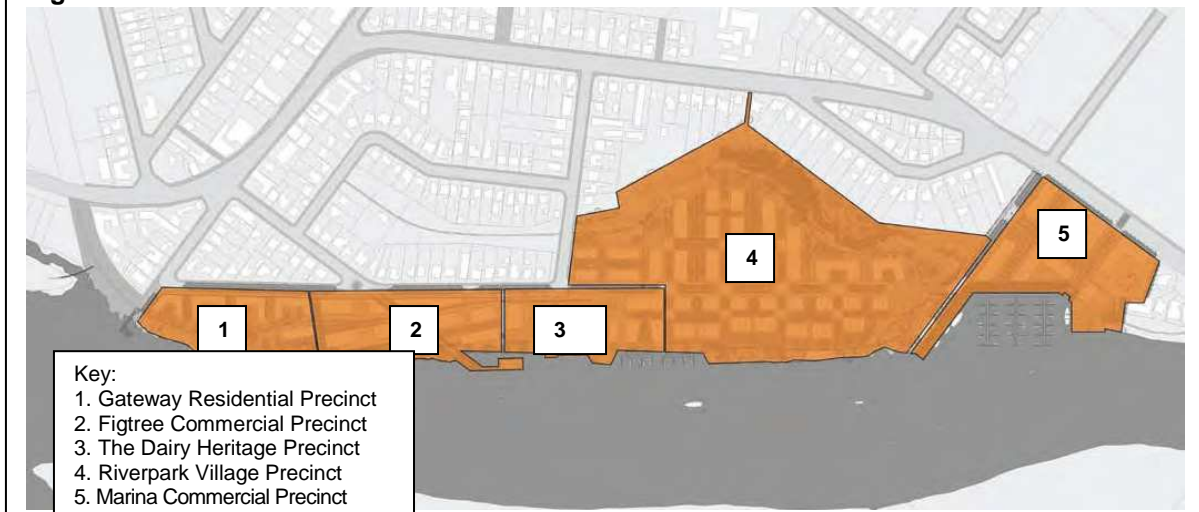
To the north of the site on Pitt Street are single dwelling houses, and mixed development on the Old Pacific Highway. Beyond that is the urban area of Taree. To the east are single dwelling houses on Gregory Close. To the south is the Manning River and agricultural land. To the west is Nelson Street and a jetty.

Figure 2: Existing Site Layout

2. PROPOSED PROJECT

2.1. Project Description

The proposal will establish objectives and development parameters to guide future mixed use development of the site across 5 precincts (Figure 3) with a specific mix of uses, heights and densities. It comprises 57 building envelopes and adaptive re-use of 4 heritage buildings. The mixed uses will comprise residential and commercial uses. Commercial components will comprise general office and retail, entertainment facilities, cafes and restaurants. Residential components will comprise permanent dwellings, serviced apartments, and short to medium term accommodation. The project layout is shown in Figures 4 and 5, and the key components are listed in Table 1.

Figure 3: Precincts

Figures 4 and 5: Project Layout

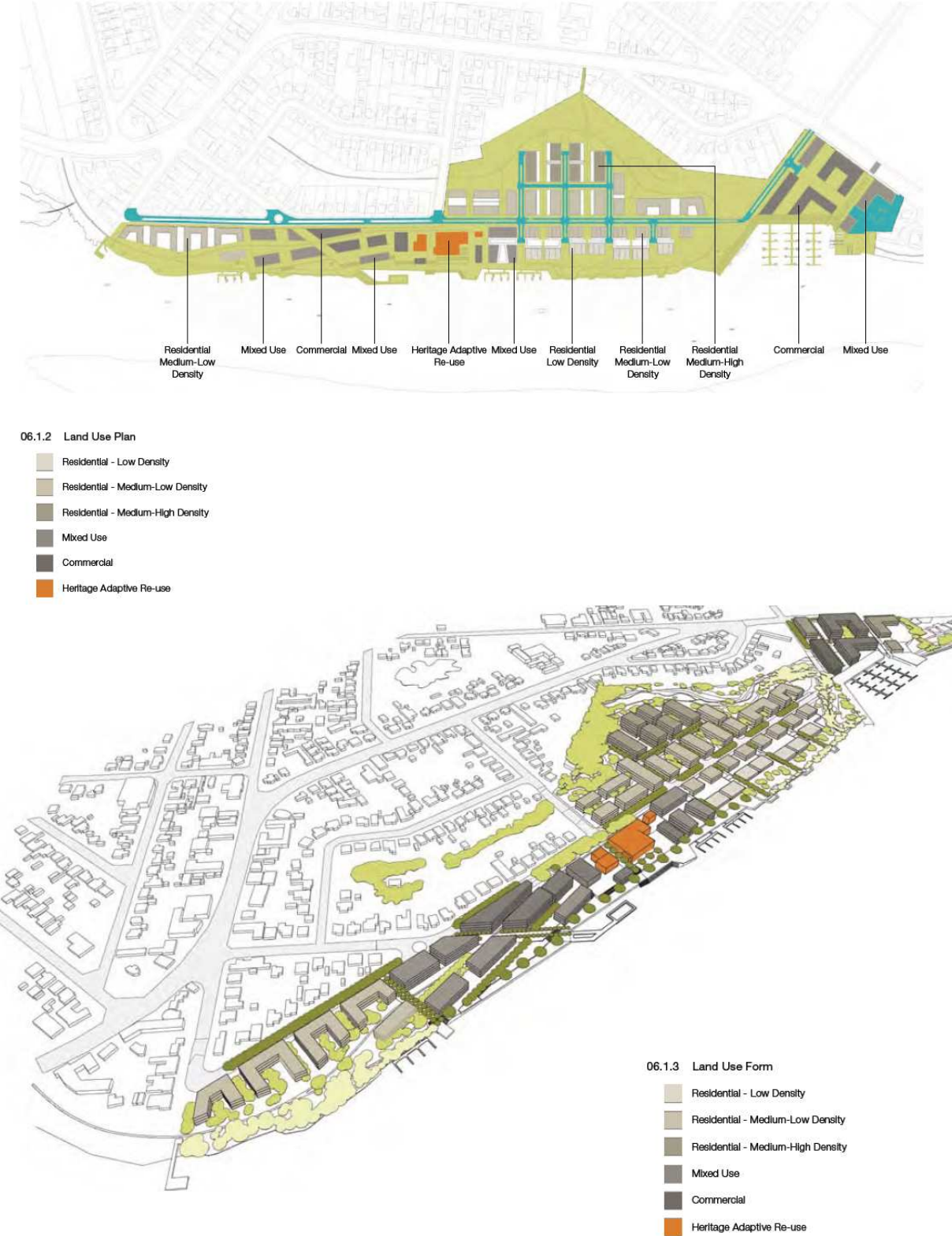


Table 1: Key Project Components

Aspect	Description
Project Summary	<ul style="list-style-type: none"> Residential, commercial, tourist, mixed use, open space, and marina land uses. 84,200m² of residential floor space; 23,970m² of mixed use floor space; 11,410m² of mixed use commercial floor space; 30,960 m² of commercial floor space; and 6,825m² of commercial adaptive re-use floor space. Building envelopes (up to 17.5m in height). Indicative street alignments and pedestrian networks. Location of open space, landscaping and "restored" wetland and riparian areas. Location of commercial and private marinas and berth capacity. Heritage items to be retained and adaptively reused. Location of recreational facilities and public domain elements.
<i>Building envelopes</i>	57
<i>Precincts</i>	5
<i>Western Gateway Residential Precinct</i>	<ul style="list-style-type: none"> Modest scale stepping down to adjoining residences. 5 medium density residential buildings, total maximum floor area 13,655m². 4 x 3 storey residential buildings (10m) fronting Pitt Street. 1 x 2 storey residential building (8.5m) closer to the waterfront. 2:1 floor space ratio (FSR). Public and private jetty for 10 vessels. River viewing platform.
<i>Figtree Commercial Precinct</i>	<ul style="list-style-type: none"> Proposal's business hub. 5 x 3 - 4 storey (11m – 15.6m) mixed use buildings, total maximum floor area 12,960m², FSR 2:1 to 4:1. 3 x 4 storey (15.6m) mixed use commercial buildings, total maximum floor area 11,410 m². 4:1 FSR. Floating river pool/stage.
<i>Dairy Heritage Precinct</i>	<ul style="list-style-type: none"> Cultural and educational facilities, public pontoon and floating river pool/stage. Commercial adaptive re-use of 6,825m² co-operative dairy group of buildings x 2-3 storey height (6.6m to 8.5m), FSR 0.75:1. 3 new commercial buildings, maximum floor area 6,720m², FSR 2:1. 10 marina berths.
<i>Riverpark Village</i>	<ul style="list-style-type: none"> Widest, central part of the site. 34 residential buildings within 20 development lots, total maximum floor area 70, 545m². 2/3 storeys (waterfront) to 5 storeys (10m to 17.5m) (northern boundary). Restoration of creek and riparian area along northern boundary. Public beach and 10 marina berths.
<i>Marina Commercial Precinct</i>	<ul style="list-style-type: none"> Working waterfront, eastern gateway to Taree. 3 x 3 – 4 storey (12m to 15.6m) new commercial buildings, total maximum floor area 24,240m², FSR 3:1. 2 x 2 – 3 storey (12m) mixed use buildings, total maximum floor area 11,010m², FSR 3:1. Commercial marina of 80 berths only.

2.2. Project Need and Justification

The Mid North Coast Regional Strategy identifies Taree as a Major Regional Centre. The proposal promotes the strategy's relevant key elements and will have long term social and economic benefits for the area. It will increase housing supply and diversity, provide

retail and commercial floor space and employment, green breaks, public infrastructure, and boating and tourism facilities.

The proposal will renew disused riverfront land close to Taree. It incorporates water sensitive urban design principles and other environmentally sustainable outcomes, including water and energy efficiency measures.

The Department is satisfied that the proposal's impacts have been addressed via the statement of commitments and the recommended terms of approval, and can be suitably mitigated and managed to ensure a satisfactory level of environmental performance.

3. STATUTORY CONTEXT

3.1. Major Project

The proposal was declared a major project under Part 3A of the *Environmental Planning and Assessment Act 1979* (EP&A Act) being development for the purpose of *State Environmental Planning Policy (Major Projects) 2005 (MP SEPP)* namely Schedule 2 clauses 1(1)(d) and 1(1)(f)(i) - development within the coastal zone for marinas that are designated development and that are wholly or partly in a sensitive coastal location; and recreational or tourist facilities wholly or partly in a sensitive coastal location outside the metropolitan coastal zone providing accommodation for any number of persons. Therefore the Minister for Planning is the approval authority.

Chase Taree Developments Pty Ltd, Hocana Property Pty Ltd, and Spychalla Pty Ltd have applied for approval of a concept plan under section 75M of the EP&A Act. The concept plan sits within a broader strategic development framework, which began with rezoning. It establishes broad parameters and requirements for future applications for various uses, buildings, and subdivision.

3.2. Permissibility

Greater Taree Local Environmental Plan 2010 (LEP) (Amendment No. 1) ('the LEP') was gazetted on 24 December 2010. The LEP zones the site B4 Mixed Use and RE1 Public Recreation which permits the proposal with consent.

3.3. Environmental Planning Instruments

The Department's consideration of relevant SEPPs and EPIs is at Appendix 4.

3.4. Objects of the EP&A Act

Decisions made under the EP&A Act must have regard to the objects of the Act, as set out in Section 5 of the Act. The relevant objects are:

- (a) *to encourage:*
 - (i) *the proper management, development and conservation of natural and artificial resources, including agricultural land, natural areas, forests, minerals, water, cities, towns and villages for the purpose of promoting the social and economic welfare of the community and a better environment,*
 - (ii) *the promotion and co-ordination of the orderly and economic use and development of land,*
 - (iii) *the protection, provision and co-ordination of communication and utility services,*
 - (iv) *the provision of land for public purposes,*

- (v) *the provision and co-ordination of community services and facilities, and*
- (vi) *the protection of the environment, including the protection and conservation of native animals and plants, including threatened species, populations and ecological communities, and their habitats, and*
- (vii) *ecologically sustainable development, and*
- (viii) *the provision and maintenance of affordable housing, and*
- (b) *to promote the sharing of the responsibility for environmental planning between the different levels of government in the State, and*
- (c) *to provide increased opportunity for public involvement and participation in environmental planning and assessment.*

The Objects stipulated under s 5(a) (i), (ii), (iv), (vi) and (vii) are significant factors informing the determination of the application. The concept plan will function as the development control plan for the site establishing height and floor space controls and promoting orderly development. Relevant environmental constraints are addressed through management and mitigation measures. Significant public open space and recreational facilities will be provided in a waterfront setting close to the CBD. The proposal reinstates riparian values within the site; and promotes water and energy efficient development.

3.5. Ecologically Sustainable Development

The EP&A Act adopts the definition of Ecologically Sustainable Development (ESD) found in the *Protection of the Environment Administration Act 1991*. Section 6(2) of that Act states that ESD requires the effective integration of economic and environmental considerations in decision-making processes and that ESD can be achieved through the implementation of:

- (a) *the precautionary principle,*
- (b) *inter-generational equity,*
- (c) *conservation of biological diversity and ecological integrity,*
- (d) *improved valuation, pricing and incentive mechanisms.*

The proposal involves the remediation of a site used for agricultural, industrial and commercial uses. The development will have broad long term social and economic benefits through increased housing supply and choice, additional retail and commercial floor space, increased facilities for the boating and tourism sectors, public domain and open space facilities, and employment opportunities during construction and operation. Mitigation measures will minimise any environmental impacts. The biodiversity of the site has been considered particularly for the *SEPP 14* wetland endangered ecological community to the south-west of the site. The proposal incorporates principles of water sensitive urban design and other environmentally sustainable outcomes, including water and energy efficiency measures.

3.6. Statement of Compliance

In accordance with section 75I of the EP&A Act, the Department is satisfied that the Director-General's environmental assessment requirements have been complied with.

4. CONSULTATION AND SUBMISSIONS

4.1. Exhibition

Under section 75H(3) of the EP&A Act, the Director-General is required to make the proponent's environmental assessment (EA) publicly available for at least 30 days. After accepting the EA, the Department publicly exhibited it from 4 December 2009 until 6 January 2010 (33 days) on the Department's website, and at the Department of Planning Head Office, Bridge Street, Sydney; Department of Planning Hunter Regional Office, Newcastle; Nature Conservation Council, Kent Street, Sydney; and Greater Taree City Council, Pulteney Street, Taree. The Department also advertised the public exhibition in the Taree Manning River Times, and Taree Manning Great Lakes Extra on 2 and 3 December 2009, and notified landholders, and relevant State and local government authorities in writing.

The Department received 28 submissions during the exhibition of the EA – 11 submissions from public authorities and 17 submissions from the general public and special interest groups.

A summary of the issues raised in submissions is provided below.

4.2. Public Authority Submissions

Eleven submissions were received from public authorities, namely:

1. Greater Taree City Council:
Council supported the proposal.
2. Mid Coast Water:
The agency supported the proposal but required the proponent submit a water supply and sewerage servicing strategy before concept approval.
3. Hunter-Central Rivers Catchment Management Authority (CMA):
The CMA raised no objections and recommended natural resource management principles be included in any approval.
4. Roads and Traffic Authority:
The RTA raised no objections as the proposal would be unlikely to have a significant impact upon the State road network. The RTA recommended terms of approval concerning traffic signals, developer funding of road and transport infrastructure improvements, and access to public transport, pedestrian and cycle connections.
5. Land and Property Management Authority:
The LPMA recommended terms of approval concerning use of Crown reserves.
6. Office of Water:
The OoW recommended compliance with relevant principles and policies and terms of approval concerning stormwater, riparian buffers and groundwater.
7. State Emergency Service:
The SES recommended terms of approval concerning flood risk assessment and evacuation.

No objections were raised by:

8. Industry and Investment;
9. Rural Fire Service;
10. Department of Environment, Climate Change and Water; and
11. Civil Aviation Safety Authority.

The agencies' comments have been addressed in section 5 below and in the recommended terms of approval.

4.3. Public Submissions

Seventeen submissions were received from the public. Of those, 16 (94%) objected to the project, and 1 (6%) supported the project. The key issues raised in public submissions are listed in Table 2 (below).

Table 2: Summary of Issues Raised in Public Submissions

Issue	Proportion of submissions (%)
<i>Amenity, noise & air quality</i>	5 (29%)
<i>Accuracy of plans</i>	1 (6%)
<i>Consultation</i>	3 (18%)
<i>Economic impacts</i>	4 (26%)
<i>Erosion</i>	1 (6%)
<i>Flooding</i>	14 (82%)
<i>Flora and fauna</i>	2 (12%)
<i>Marina</i>	4 (26%)
<i>Recreational impacts/safety</i>	4 (26%)
<i>Site planning/ Site suitability</i>	4 (26%)
<i>Traffic, parking and access</i>	14 (82%)
<i>Urban design</i>	3 (18%)
<i>Visual impacts</i>	3 (18%)

The Department has considered the issues raised in submissions in its assessment of the project.

4.4. Proponent's Response to Submissions

Chase Taree Developments Pty Ltd, Hocana Property Pty Ltd, and Spychalla Pty Ltd provided a response to the issues raised in submissions (see Appendix C). No changes were made to the proposal but the proponent provided detailed justification and clarification of all issues.

Three modifications to the concept plan are recommended in the approval. The modifications require relocation of a viewing platform and pathway adjacent to the Gateway Residential Precinct so as not to impinge on an Aboriginal site; realignment of the central road in the Riverpark Village Precinct at its eastern end to maximise the conservation and protection of mangroves adjacent to the unnamed tributary; and excision of six lots for which owners' consent has not been received.

The six lots are relatively small and if outstanding owners' consents are not obtained in the future, the layouts of the two affected precincts (Gateway Residential and Riverpark Village), can be amended in subsequent applications. If the owners' consents are obtained in the future, the affected lots can be added via a Section 75W application. The lots are zoned to permit the proposed development and future applications affecting the lots would be subject to the applicable controls in the recommended terms of approval.

5. ASSESSMENT

The Department considers the key environmental issues for the project to be:

- Urban design;
- Marina development and potential impacts;
- Flora and fauna;
- Water cycle management; and
- Flooding.

5.1. Urban design

The Department raised issues regarding setbacks of proposed building envelopes within the site and from adjoining development, particularly the Marina Commercial Precinct and Gregory Close dwellings (**Figure 5**). Public submissions raised issues regarding setbacks and buffers; urban design and materials; and the impacts of minimum habitable floor heights.

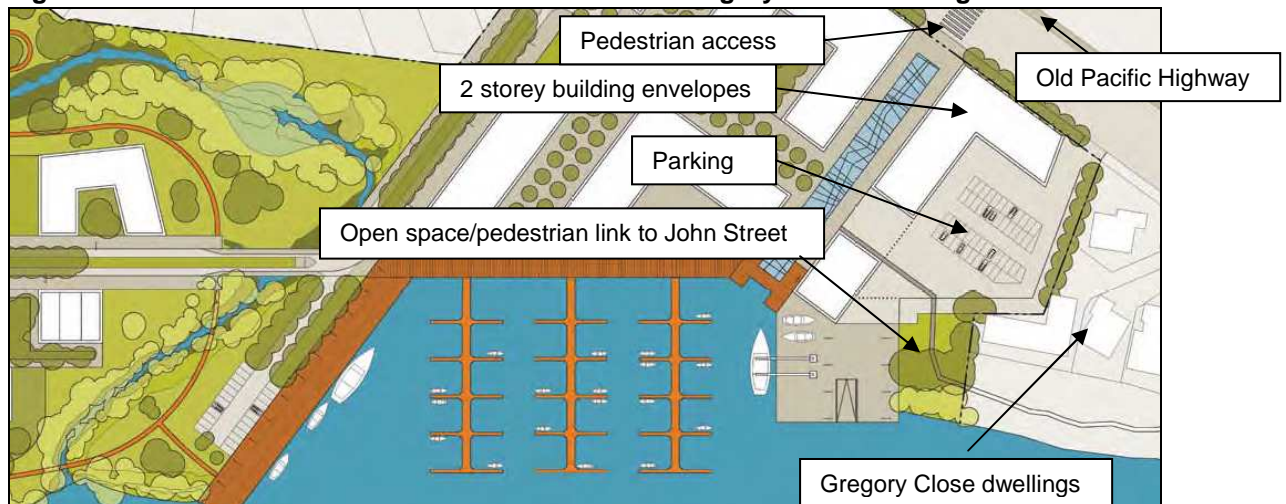
Building envelopes and setbacks

Building envelopes represent the 3-dimensional space within which a variety of building forms can potentially be accommodated. Buildings do not occupy the entire envelope but are modified by setbacks and architectural articulation.

The proposal provides for building envelopes, setbacks, floor space ratio (FSR) and maximum building heights across the five precincts. Those controls will guide future development on the site (subject to future applications) in the same way as a Council development control plan: the Concept Plan will be incorporated into the Taree Comprehensive DCP. Building envelopes will be set back from property boundaries and adjacent land uses. The controls vary according to precinct function: Figtree Commercial Precinct will have the highest density (4:1 FSR); whilst the Riverpark Village Precinct will have the highest buildings (5 storeys) (see precinct controls in **Section 2.1** above).

The placement of building envelopes and their separation by open space, roads and pedestrian/cycle ways will afford axial vistas to the Manning River and foreshore. The stepping of heights and varied densities across the site will add visual interest and be compatible with the surrounding urban form, and that of Taree CBD.

Future buildings within the Marina Commercial Precinct will range from 2 to 4 storeys high. This is compatible with nearby commercial/retail uses on the Old Pacific Highway. Building envelopes (for mixed uses) in this precinct will be separated from the Gregory Close dwellings by at-grade car parking, landscaping, fencing, and an open space/pedestrian link to John Street (**Figure 5**).

Figure 5: Marina Commercial Precinct interface with Gregory Close dwellings

The Response to Submissions satisfactorily addressed issues regarding setbacks and urban design. Further assessment requirements (see recommended terms of approval) will ensure that urban design details, including building orientation and layouts, setbacks, architectural treatments, landscaping and buffers, as well as compliance with *SEPP 65*, are addressed in future applications.

The Department raised an issue with building envelope setbacks from the watercourse in the Riverpark Village Precinct. This is discussed in Section 5.2 Riparian buffers below.

5.2. Flora and fauna

Threatened species

The relevant key threatening processes are degradation of native, riparian vegetation along watercourses and the removal of large, woody debris from rivers and streams. No threatened fauna species were detected on the site. One specimen of the Threatened flora species, *Eucalyptus nicholii* was detected but it is not native to the North Coast bioregion and was most likely planted. The EA does not identify it for removal. The proposal will require the removal of up to nine hollow-bearing trees; however, the hollow resources are negligible and will be offset by the proposed nest boxes.

Endangered Ecological Communities

The site contains three EECs listed pursuant to the *Threatened Species Conservation Act 1995* (NSW):

- Lowland Rainforest on Floodplain;
- Freshwater Wetland on Coastal Floodplain; and
- Swamp Oak Floodplain Forest.

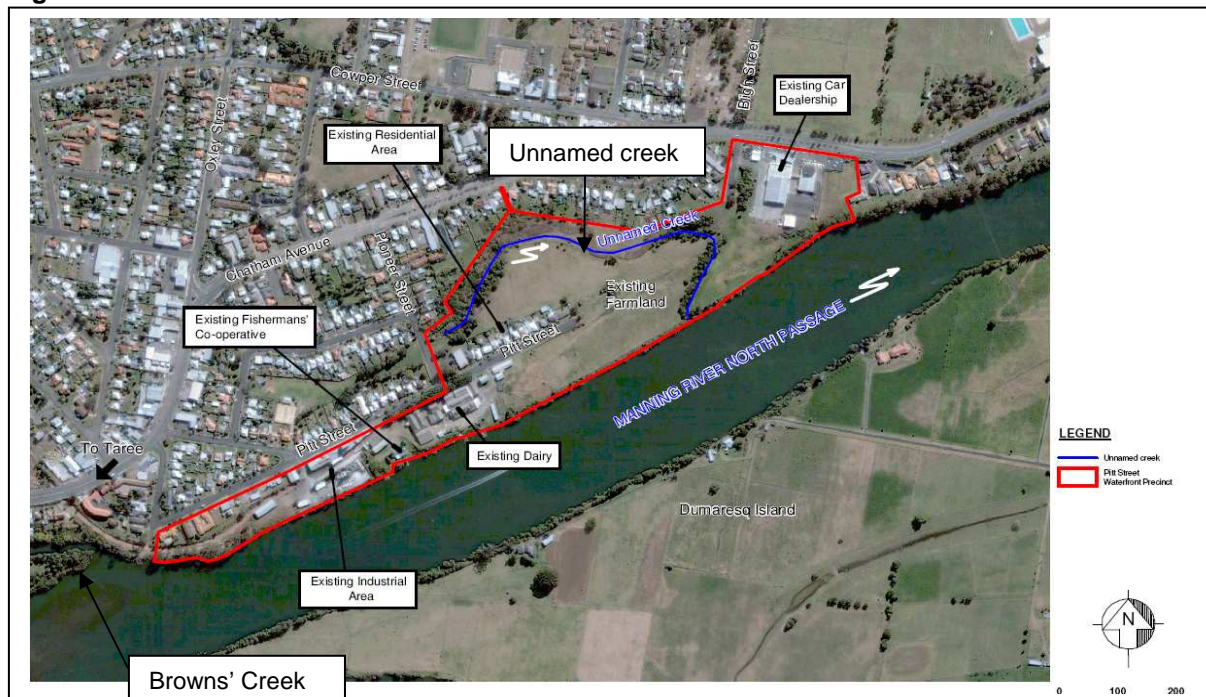
The EECs are highly degraded and occur as small, isolated patches within a highly modified landscape. The proposal will result in modification to the composition of the EECs by clearing and/or use for bio-filtration and/or revegetation techniques. The EA concluded that the proposal is unlikely to adversely impact upon threatened species, populations or EECs. No critical habitat occurs within the study locality.

The Department required additional details about the remnant conservation values of the EECs and conservation measures for the connective importance of remnant vegetation. This has been addressed in the Response to Submissions, Statement of Commitments, and the recommended terms of approval. The Department is satisfied with the proponent's response that the proposal will result in no adverse impacts on any EECs or threatened species.

Riparian Buffers and Mangroves

Vegetated remnants on the site comprise primarily riparian habitat along the banks of the Manning River and the unnamed creek in the northern part of the site (**Figure 6**). Mangroves provide important habitat for breeding fish, other aquatic organisms and migratory shorebirds. The associated riparian habitat provides important shelter and foraging habitat for birds. Seagrasses occur in shallow water near Brown's Creek and further to the west, and as two small patches on the southern bank of the Manning River at the western end of the study area. Mangroves and seagrasses are protected under the *Fisheries Management Act 1994*.

Figure 6: Unnamed creek and Brown's Creek

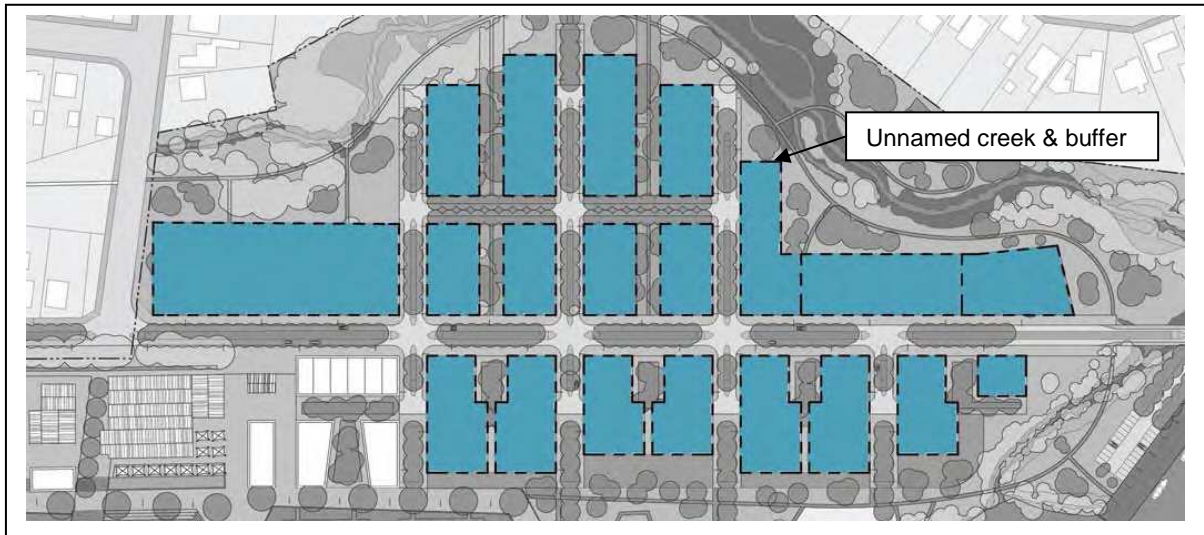


Relevant potential impacts include water pollution, dredging and loss of riparian/marine vegetation. Some of the areas of highest mangrove quality and abundance and areas of best bank stability occur in the Commercial Marina Precinct and will be removed. However, the proposal will retain approximately 36% of the site's river shoreline in an unmodified condition, and most of the mangroves and riparian vegetation along the unnamed creek. The Department is generally satisfied with management of the impacts on riparian habitat (see Section 5.3 below).

The Department raised issues about the adequacy of riparian buffer widths to the unnamed creek (**Figure 7**). This has been addressed in the Response to Submissions, and recommended modifications to the concept plan to cater for bank stability and a riparian corridor management plan specifying buffer zones in

accordance with the Office of Water's requirements. The recommended modification of the approval requires relocation of the central road in the Riverpark Village Precinct further north at its eastern end or demonstration that its proposed position maximises the conservation and protection of mangroves adjacent to the unnamed tributary through the northern part of the site.

Figure 7: Riparian setbacks, Riverpark Village precinct



The Department raised issues regarding the level of assessment for flora and fauna, EECs and riparian buffers but accepted the proponent's justification that further assessment requirements for future applications would satisfactorily address those issues. The requirements included in the recommended terms of approval require a weed management plan, further flora and fauna surveys and impact assessments, and a riparian corridor management plan.

5.3 Marina development and potential impacts

The proposal seeks concept approval for an 80 berth commercial marina at the north-west end of the site (Commercial Marina Precinct, **Figures 3 - 5**). The precinct will include parking for 50 vehicles, two marina-related buildings, hardstand for temporary dry storage and travel lift, (and a potential breakwater should the marina expand in the future but which is not part of the proposal). The marina would be used largely by river-based (slow moving, power-based) vessels.

Public submissions raised issues concerning amenity (noise, air quality and lighting), setbacks, river bank erosion, impacts on the rowing course, traffic and access, feasibility, site suitability, and public cost. The Department expressed concern about potential impacts of the marina location on mangroves and requested additional justification.

Site suitability

The proponent justified the marina location given optimum water depth, underlying bedrock ridge with potential for an artificial marina basin, natural river indent providing shelter, minimal need for dredging, and avoidance of the rowing course. The proponent's technical studies concluded that flooding will not prevent development of a marina given detailed recommendations including foundations,

piling and filling. The location permits potential marina expansion by excavation (if feasible) and a breakwater.

The Department is satisfied with the proposed marina location. Whilst some mangroves will require removal, mangroves occur along the site's entire river frontage and the unnamed creek. Moreover, future applications will require geotechnical details demonstrating the excavation potential of the marina location sub-surface.

Amenity

The marina's land-based components will be set back from the Gregory Close dwellings (**Figure 5**). Landscaping and fenced buffers will reduce visual and noise amenity impacts on those properties. A landscaped pedestrian link will provide public access to the riverfront for Gregory Close properties and those further to the north-east (**Figure 5**).

The marina location and potential future breakwater is based upon mapping provided by the Manning River Rowing Club so that use of the rowing course will not be adversely affected. Vessel movements will be subject to 'No wash' and speed restrictions.

The marina location within a natural river indent and not on the main channel will ameliorate any potential visual impacts of marina structures and vessels. The marina will be viewed against a backdrop of 2 – 4 storey buildings in the Commercial Marina Precinct and up to 4 storeys generally across the site and development fringing the site's foreshore. Those buildings will be the dominant visual elements within the generally flat landscape character with the marina a relatively insignificant component. Any potential visual impacts of the marina on existing view corridors across the site will be assessed on merit with future applications.

Amenity issues were satisfactorily addressed by the proponent and will be subject to assessment in future applications of details, including landscape plans, fencing treatments, noise and lighting management plans, and design details for jetties and other water-based structures.

Traffic and access

Separate vehicular and pedestrian access to the Commercial Marina Precinct is proposed from Manning River Drive (Old Pacific Highway) (**Figure 5**). The proponent's traffic analysis found that the surrounding road network could accommodate the proposal, and the RTA had no objection to the proposal. Future applications will require detailed traffic impact assessments in accordance with RTA's requirements.

Other issues raised in submissions concerning amenity, setbacks, river bank stability, and marina economic feasibility have been satisfactorily addressed by the proponent, and the terms of approval require assessment details for future applications.

5.4 Water cycle management

The proposal includes Water Sensitive Urban Design principles for future development, comprising: street stormwater to roadside swales; stormwater capture within restored wetland; filtration in detention ponds; matching of pre-development flows for water quality and quantity; storage and reuse of roof runoff; water harvesting and grey water usage to reduce potable water demand. Excavations in soil are unlikely to encounter the groundwater table.

The Office of Water and the Department raised issues regarding stormwater and groundwater. Further assessment requirements, including a stormwater management plan and strategy, and construction management plan address those issues.

Water Quality

The proponent's Mangrove and Bank Stability Assessment states that construction of the proposal would involve considerable foreshore excavation and dredging. It recommends measures be implemented during the proposal's construction and operational phases to protect water quality. Such measures would include sediment and erosion controls, and marina sewer pump-out facilities, and will be required to be included with future applications.

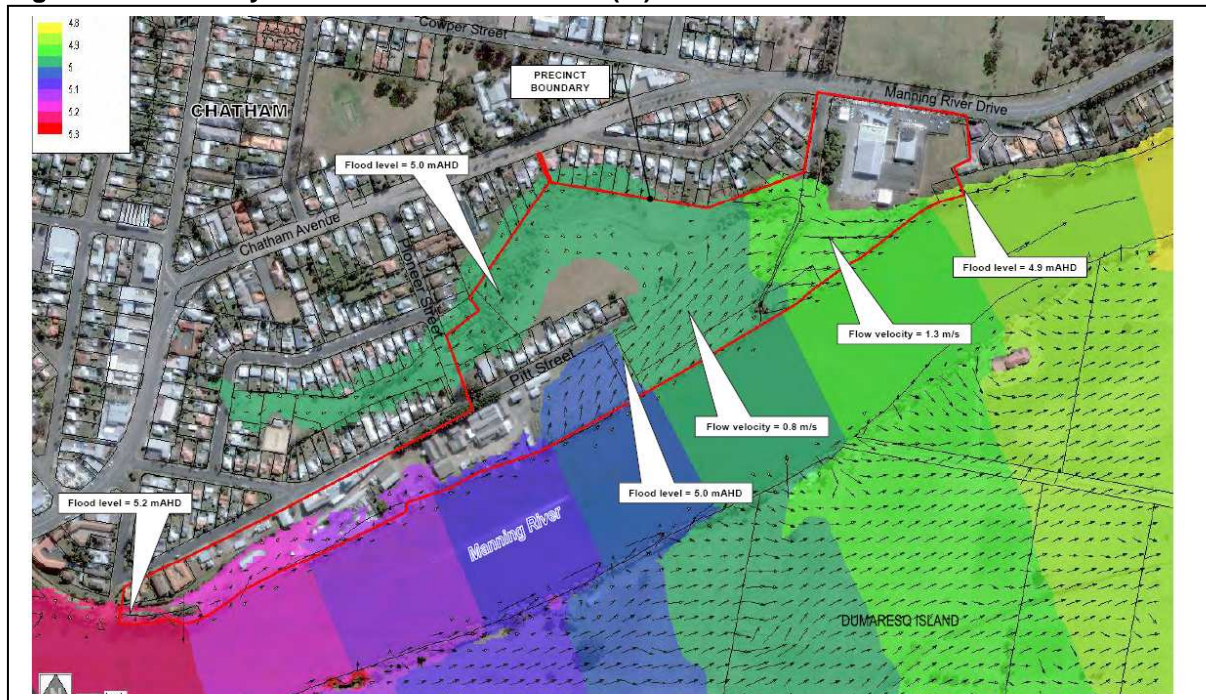
Water re-use

Future development on the site will have capacity for 50% reduced potable water consumption compared with existing dwellings in the region. This will be achieved through rainwater and grey-water harvesting measures, with other measures including solar hot water systems.

Further assessment requirements for future applications require compliance with energy efficiency and consumption targets in the *BASIX SEPP* and more detailed analysis in accordance with the recommendations of the proponent's Water Balance Assessment.

5.5 Flooding

The proponent's Flood Impact Assessment stated that a significant portion of the site is subject to inundation during major flooding of the Manning River (**Figure 9**). The peak flood level for the 1:100 year flood event is 5.2mAHD, expected to occur at the site's western boundary. The proponent's assessment determined that sea level rise would not impact upon the design 100 year floods at the site.

Figure 9: Peak 100 year recurrence flood levels (m) and flow velocities

Future development of the site will involve earthworks and filling to allow the construction of buildings and a marina. Additional filling will be undertaken across the entire site at proposed hardstand areas, roads between buildings and adjacent to the Manning River foreshore. Significant earthworks will also be required to construct the marina (see **Figure 10** for extent of proposed filling).

The proponent's flood assessment stated that increases in flood level as a result of lost flood capacity from filling will be typically confined to the site's unnamed creek and are expected to be less than 30mm. The peak increase in flood level for properties adjacent to the site is expected to be no greater than 20mm and is not expected to result in any measurable increase in flood damages to any adjacent dwellings or properties along McRae or Chatham Avenues (**Figure 10**). The proposal is expected to lead to decreases in peak flow velocity generally.

Figure 10: Change in peak 1:20 year flood levels and extent of proposed filling (black hatching and pink building envelopes)



The proponent's technical studies and Council's rezoning of the site addressed potential flooding impacts on the proposed marina. They concluded that flooding will not be an impediment to use of the site as a marina subject to further geotechnical investigations and technical measures regarding excavation, foundations, piling and filling with future applications. The recommended terms of approval include a requirement that construction of marina structures be of a standard to withstand increased storm intensity and maximum sea level rise to the year 2100.

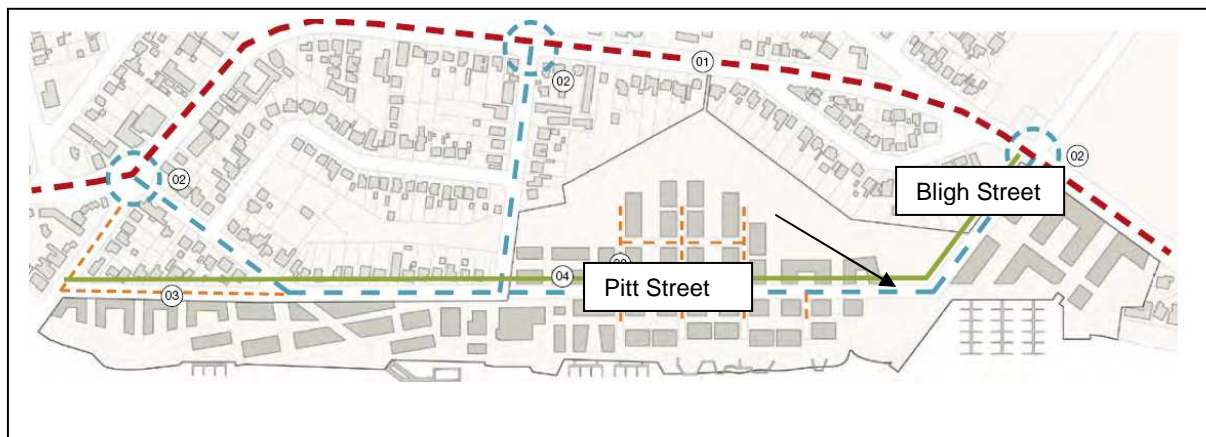
Minimum habitable floor levels

Proposed habitable ground floor levels will be 6.5m AHD or higher with a 1m freeboard, a minimum of 1.3m above the 1:100 year flood.

Proposed buildings will be constructed on platforms generally created by filling. Many sections of the site will not require filling, enabling buildings to be constructed on platforms above basement car areas with finished floor levels of 3.5m AHD.

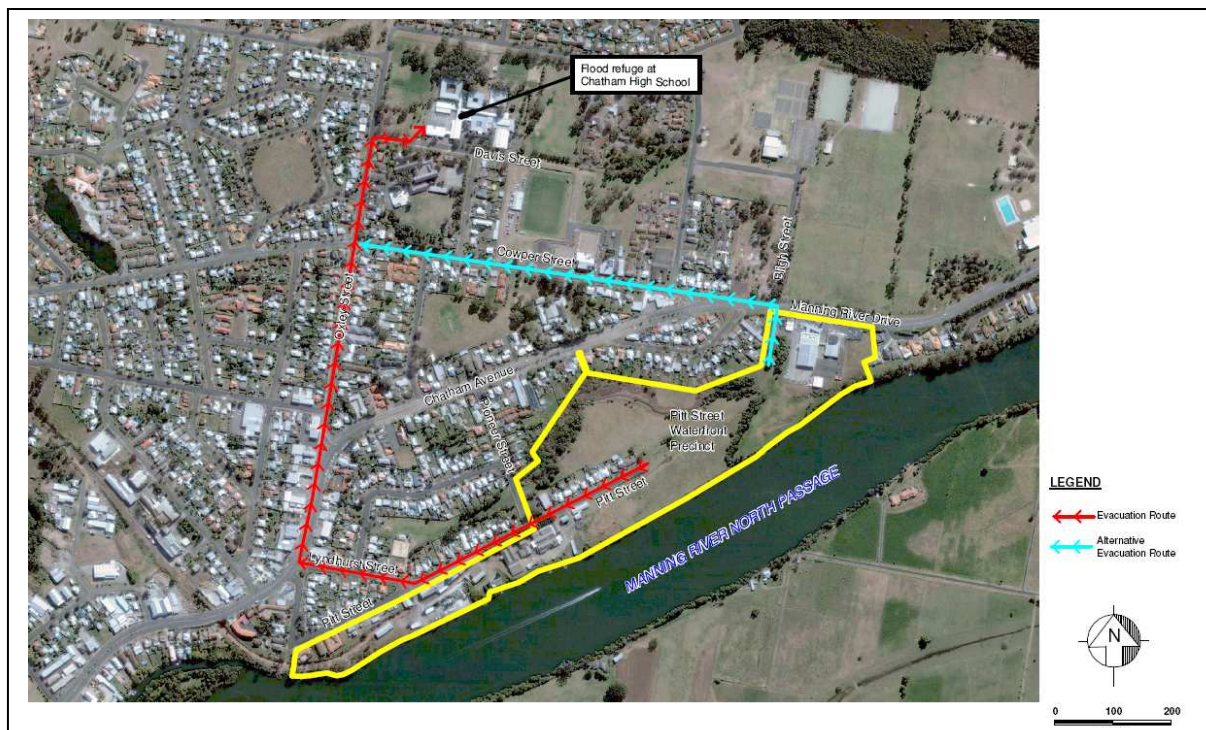
The ground floors of residential and commercial buildings are expected to be inundated during a Probable Maximum Flood (to 9.1m AHD). This will allow floodwaters of the Probable Maximum Flood to pass beneath the buildings. The upper floor levels will be above that flood level.

Enclosure of basement car parking areas by walls will prevent flood waters freely entering those areas during 1:20 or 1:50 year floods. The proposed extension of Pitt Street to Bligh Street (**Figure 11**) by bridging and piers will allow floodwaters to pass relatively unimpeded along the unnamed creek.

Figure 11: Proposed extension of Pitt Street to Bligh Street (arrowed)

Flood evacuation plan

Evacuation would be required only during flooding greater than 1:200 year events and the proposal includes flood evacuation measures. Those measures include evacuation routes (**Figure 12**) and protocols for residents and visitors during major flooding (larger than 1:200 year), and are consistent with the Greater Taree Local Flood Plan and State agencies' requirements. The proposal demonstrates that safe evacuation of future residents can occur in accordance with flood warnings issued by relevant agencies.

Figure 12: Flood Evacuation Plan – evacuation routes

Climate Change

The site may be susceptible to increased frequency of tidal inundation due to the impacts of climate change. The maximum effects of climate change - a sea level rise to 0.91m – could increase still water levels at the site from 1.9m to 2.1m AHD. This

would generally limit inundation to the areas along the site's unnamed creek. Proposed finished surfaces and minimum floor levels, including basement parking, will be at least 3.5mAHD, which is at least 1.4m above the maximum tide level expected under the high level impact scenario for sea level rise.

The proponent's flood assessment concluded that sea level rise is unlikely to affect peak level of flooding at the site during the 1:100 year flood event given the site's distance from the mouth of the Manning River.

In conclusion, the proponent's flood assessment stated that the proposal will not have a significant impact on local flood behaviour even under a climate change scenario. DECCW and the CMA did not raise any issues regarding flooding or climate change.

Council supported the site rezoning (LEP Amendment No. 1) to permit the development, and concluded that the rezoning was consistent with Ministerial Direction 4.3 Flood Prone Land. Council concluded that all existing and proposed buildings will have floor levels higher than the 1:100 year flood, including a 100 year sea level rise planning figure component. Council also concluded that the proposal would not adversely affect neighbouring properties.

The proposal adequately addresses flooding, and will not have a significant impact on local flood behaviour. Further assessment requirements for future applications require details of finished surface and floor levels and flood evacuation. The department is satisfied that the site is suitable for the proposal.

5.6 Other issues

Matters concerning acid sulfate soils, contamination, Aboriginal and European cultural heritage, and foreshore management have been adequately addressed by the proponent and will also be subject to assessment with future applications. DECCW was satisfied with this approach.

The proponent's Aboriginal and European Heritage Assessment and Review identified the Railway Cutting Aboriginal site in the south west of the site as having high archaeological significance. The proposal will incorporate the Cutting site into the landscape design of the Gateway Residential Precinct in consultation with the Aboriginal community.

The proponent's assessment also recommended retention of the fabric of two LEP heritage items, the former Dairy Farmers factory and the Manning Valley Dairy Co-operative. The proposal incorporates the adaptive re-use of those buildings into development of the Dairy Heritage Precinct. Council supports this approach and recommended the site rezoning to enable the proposal to proceed.

The statement of commitments and terms of approval require further investigations and details, including plans of management for future applications, and the Department is satisfied those issues have been adequately addressed as part of this assessment. A voluntary planning agreement between Council and the proponent (as part of the site rezoning) addresses the timely and orderly provision of public services and infrastructure associated with the proposal.

6. RECOMMENDATION

The Department has assessed the key issues concerning the proposal, and recommends modifications to the concept plan and further assessment requirements for future applications to ensure minimal impacts. Key terms of approval address:

- flora and fauna,
- marina operation and management,
- urban design, and
- energy efficiency

The proposed development will provide various benefits, including:

- urban renewal,
- increased housing supply and choice,
- increased employment opportunities,
- improved tourism and recreational facilities, and
- enhanced public foreshore access.

The concept plan has largely demonstrated compliance with relevant environmental planning instruments. The Department considers the proposal is in the public interest and is suitable for the site. The Department recommends the concept plan be approved.



J Flanagan
Senior Planner
Metropolitan and
Regional Projects South



5.4.2011

Chris Wilson
Executive Director
Major Projects Assessment



Richard Pearson
Deputy Director-General
Development Assessment and
Systems Performance

APPENDIX A ENVIRONMENTAL ASSESSMENT

See the Department's website at <http://majorprojects.planning.nsw.gov.au>

APPENDIX B SUMMARY OF PUBLIC SUBMISSIONS

OBJECTIONS TO PROPOSAL (16)		
Topic	Number of references in submissions	Details / Comment
Accessibility	1	<ul style="list-style-type: none"> Re-design Gateway Residential and Riverpark Village Precincts to provide greater road access for non-residents to the waterfront park.
Amenity	1 1	<ul style="list-style-type: none"> Impacts of potential night-lighting of floating river pool/stage on residence on Dumaresq Island. Marina's potential security risk for neighbouring dwellings.
Accuracy of plans	1	<ul style="list-style-type: none"> Figure S2 in Maritime Assessment contrary to Masterplan - more intense uses and less buffer to residents.
Consultation	2	<ul style="list-style-type: none"> Public exhibition inadequate/unfair over Christmas period.
Economic impacts	2 3 1 4	<ul style="list-style-type: none"> Impacts on viability of Taree CBD. Spread of uses will reduce potential vibrancy. Livelihood and property. Expectation that area would remain residential.
Erosion	1 1	<ul style="list-style-type: none"> Boat movements and jetties will exacerbate existing erosion problem on south eastern (Dumaresq Island) river bank. No consideration/mitigation strategies regarding impact on south eastern river bank.
Flooding	11 1 1 1 2 1	<ul style="list-style-type: none"> Pitt Street unsuitable flood evacuation route with proposed narrowing from median strip. Inconsistent with Direction 4.3 Flood Prone Land. High risk to have basement parking subject to flooding. Potential legal liability for Council/ratepayers' risk. Design impacts of habitable floor levels. Considerable existing flooding impacts on Dumaresq Island.
Flora and fauna	1	<ul style="list-style-type: none"> Existing vegetation significant. More analysis needed of removal of significant spotted gum/stringy bark forest; used by nesting Blue Cranes.
Marina	3 3 3	<ul style="list-style-type: none"> Working waterfront inappropriate; no explanation for change from previous. Proposed location better suited to residential uses. Inconsistent concept plans – break-wall not shown.

OBJECTIONS TO PROPOSAL (16)

Topic	Number of references in submissions	Details / Comment
Marina , cont'd	3 2	<ul style="list-style-type: none"> ▪ Impacts on Gregory Close residences. ▪ Conflicts with specialist reports which refer to inappropriate location.
Noise & air quality	3 1 3 1	<ul style="list-style-type: none"> ▪ Proximity of precinct 5 to residences especially on Gregory Close. ▪ More attention needed to buffers and acoustic solutions. ▪ Noise impacts, e.g. from taverns, not identified or addressed. ▪ Acoustic fencing unsuitable due to flooding and prominent location.
Parking	11	<ul style="list-style-type: none"> ▪ Pitt Street width unsuitable for on-street parking & cannot be widened.
Public access	1 1	<ul style="list-style-type: none"> ▪ Limited community facilities. ▪ Need good public accessibility to waterfront and open space especially because public transport limited.
Rowing course	1	<ul style="list-style-type: none"> ▪ Water based development may encroach upon rowing course setback.
Safety	1	<ul style="list-style-type: none"> ▪ Risks to recreational water users from marina and boat ramp.
Traffic and access	1 11	<ul style="list-style-type: none"> ▪ Access to Marina Commercial Precinct car park from Manning River Drive unsafe - not addressed in traffic report. ▪ Pitt Street unsuitable for vegetated median strip.
Urban design	1 2 1	<ul style="list-style-type: none"> ▪ Inadequate setbacks and landscape buffers in precinct 5. ▪ Building design should be high quality, materials non-reflective and respect adjoining residences. ▪ Design impacts of habitable floor heights.
Visual	3 3	<ul style="list-style-type: none"> ▪ Working waterfront will replace natural landscape with inappropriate hard-stand areas. ▪ Impacts on upstream views (watershed not recognised in Masterplan) and inadequate landscaped buffers.

Letter of Support (with reservations)

SUPPORT OF PROPOSAL (WITH RESERVATIONS) (1)		
Topic	Number of references in submission	Details / Comment
Community access	1	<ul style="list-style-type: none"> Limited provision for aged care, community/indigenous or educational facilities.
Consultation	1 1	<ul style="list-style-type: none"> Public exhibition inadequate/unfair poor example of community engagement. No evidence of consultation with rowing club.
Economic impacts	1 1	<ul style="list-style-type: none"> Impacts on viability of Taree CBD. Economic impacts inadequately addressed.
Flooding	1 1 1 1	<ul style="list-style-type: none"> Inconsistent with Direction 4.3 Flood Prone Land. Extensive filling will set precedent for Manning River. High risk to have basement parking subject to flooding. Potential legal liability for Council/ratepayers' risk.
Marina	1 1 1 1 1	<ul style="list-style-type: none"> Ongoing maintenance costs for Council. Financial feasibility and need not demonstrated. Conflicts with specialist reports which refer to inappropriate location. Close to houses, potential noise impacts. Impacts on environment and river amenity.
Recreational impacts	1	<ul style="list-style-type: none"> Inadequate assessment of impacts on river users, e.g. impact of break-wall on skiers, sailors, fishers, rowers.
Noise & air quality	1 1	<ul style="list-style-type: none"> More attention needed to buffers and acoustic solutions. Noise will not be ameliorated by acoustic fencing.
Rowing course/ Accuracy of plans	1	<ul style="list-style-type: none"> Incorrectly shows start of rowing course which starts further north.
Safety	1	<ul style="list-style-type: none"> Risks to recreational water users from marina and boat ramp.
Site planning	1	<ul style="list-style-type: none"> Bad planning to spread commercial uses across site. Should be concentrated in heritage area with residential close to Gregory Close.
Traffic & access	1	<ul style="list-style-type: none"> Access to Marina Commercial Precinct car park from Manning River Drive unsafe - not addressed in traffic report

Urban design	1 1	<ul style="list-style-type: none"> ▪ Inadequate setbacks and landscape buffers in Marina Commercial Precinct. ▪ Design impacts of habitable floor heights.
Working waterfront	1 1 1	<ul style="list-style-type: none"> ▪ Poorly designed/sited, and inappropriate uses will conflict with existing adjoining residential uses. ▪ Contradicts proposal's objectives. ▪ Contradictory plans for marina location.

APPENDIX C PROPONENT'S RESPONSE TO SUBMISSIONS

See the Department's website at <http://majorprojects.planning.nsw.gov.au>

APPENDIX D CONSIDERATION OF ENVIRONMENTAL PLANNING INSTRUMENTS & OTHER POLICIES

State Environmental Planning Policy (Major Development) 2005

See section 3.1 above.

State Environmental Planning Policy (Infrastructure) 2007

The project falls under Schedule 3 of the ISEPP and requires referral to the NSW Roads and Traffic Authority (RTA). The application was referred to the RTA (see Section 4.3) which had no objections to the proposal.

State Environmental Planning Policy No. 26 – Littoral Rainforests

Orogen's Ecological Overview (Appendix I of the EA), concluded that the mapped Littoral Rainforest should be Lowland Rainforest on Floodplain EEC, and that the mapped Littoral Rainforest on the Manning River bank did not constitute a rainforest community as it comprised scattered trees. The Department concurred with this approach.

State Environmental Planning Policy No. 44 – Koala Habitat Protection

SEPP 44 applies to Greater Taree LGA pursuant to Schedule 1 of the SEPP. One Schedule 2 feed tree species occurs on the site: two individuals of Forest Red Gum (*Eucalyptus tereticornis*), probably planted, are located at the rear of the concrete batching plant, in the west of the site. The EA states that it is unlikely that the remnants of this species would represent 'potential koala habitat' as defined in the SEPP, particularly given the site's isolation and disturbance. The habitats available do not represent 'core koala habitat' as defined in the SEPP because it is unlikely that any resident koala population occurs within the site.

State Environmental Planning Policy No. 50 – Canal Estate Development

The SEPP does not apply as the water body extending into the proposed Commercial Marina Precinct is an above-ground treatment pond, not physically connected to the river system and not associated with any proposed dwellings on the site. Further, the SEPP does not apply to minor modification of the shoreline as in the proposal nor was it designed to relate to this type of development.

State Environmental Planning Policy No. 55 – Remediation of Land

The object of the SEPP is to provide for a State-wide planning approach to the remediation of contaminated land. Clause 7(1) of the SEPP requires relevantly, consideration of whether the land is contaminated; and whether it is suitable in its contaminated state for the development.

Parts of the site have been identified as potentially contaminated due to past activities. The proponent's contamination and acid sulfate soil (ASS) assessment undertaken for the EA identified potential contaminants, including petroleum hydrocarbons, metals, pesticides, asbestos, and Tributyl tin, and potential ASS on the site. The assessment concluded that the site is suitable for the proposed uses, subject to site audit statements, further assessment of some areas, including additional sampling and analysis; and further detailed investigation of ASS, including an Acid Sulfate Soil Management Plan. Those requirements are included as terms of approval. The proposal, including the additional work required is considered consistent with the SEPP provisions.

State Environmental Planning Policy No. 65 – Design Quality of Residential Flat Development

Future DAs for residential flat buildings on the site will be subject to design verification statements pursuant to the SEPP. Preliminary assessment indicates that the proposal satisfies the SEPP's principles.

State Environmental Planning Policy No. 71 – Coastal Protection

SEPP 71 applies as the site is located within the coastal zone. The proposal is consistent with the relevant controls in that it will introduce new opportunities for public foreshore access to the river; provide open space and recreational facilities; protect Aboriginal and European heritage; and provide built form controls to protect visual amenity.

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004

The SEPP's principles, against which future DAs will be assessed, have been incorporated into the proposal.

State Environmental Planning Policy (Infrastructure) 2007

The proposal meets the traffic generating criteria in Schedule 3 of the SEPP. The RTA's requirements are satisfactorily addressed in the EA and terms of approval.

Greater Taree Comprehensive Local Environmental Plan 2010 - Amendment No. 1

The proposal is permissible pursuant to the *Greater Taree Comprehensive LEP 2010 - Amendment No. 1*. See discussion in section 3.2 of this report.

Threatened Species Conservation Act 1995 (NSW)

The proposal is considered consistent with the Act's objects. The EA concluded it was unlikely that the proposal would significantly impact upon any local population of threatened flora or fauna species or EECs. Relevant matters are discussed in section 5.2 of this report.

Mid North Coast Regional Strategy

The strategy is the land use planning framework guiding the sustainable growth of the region to the year 2031, and identifies Taree as a Major Regional Centre.

The strategy's relevant key elements of are: capacity for 48,500 jobs; supply new residential land for 59,600 new homes for a 94,000 population increase; increased opportunities for medium density housing for an ageing population; green breaks between urban areas and protect estuaries; and link new growth to infrastructure. The proposal promotes those elements.

Greater Taree Council Twenty-Two Vision

The strategy provides Council's direction and framework to the year 2020, and the proposal fulfils the strategy's objectives.

Greater Taree Draft Conservation and Development Strategy

The strategy provides for estimated population growth to the year 2025. The proposal is consistent with the strategy as it will provide new, river-side recreational and tourist facilities and public access.

Local Growth Management Strategy

The strategy informed the Mid North Coast Regional Strategy and projects housing demand and supply over 25 years. It aims to balance conservation and development by focussing growth in identified centres. Whilst the site is not one of those centres, the proposal fulfils several of the strategy's principles: housing choice, specialist retail, adaptive re-use of heritage buildings, and diversity of local employment opportunities.

Taree CBD Foreshore Management Plan

The proposal is consistent with the plan's objective to establish a marina adjacent to Taree city centre. The proposed Commercial Marina Precinct will have direct road access from the CBD.

Taree CBD Town Centre Study

The proposal is consistent with the study's goals to promote connectivity within the site and promote Taree as a tourist destination.

Greater Taree City Bike Plan

The proposal provides gateways and cycleways through the site, and is consistent with the plan's objectives for a network of routes and the integration of cycling into Taree's transport system.

Brown's Creek Estuary and Catchment Management Plan

The south-western part of the site is located within the Brown's Creek catchment. The proposal addresses the plan's management options and actions regarding commercial use and land use, and will enhance commercial and recreational usage of riverfront land whilst balancing environmental considerations and protection of natural assets.

NSW Coastal Design Guidelines

The guidelines provide a structure for consideration of NSW coastal development. They identify a broad hierarchy: coastal cities, coastal towns, coastal villages, new coastal neighbourhoods (hamlets and villages) and isolated coastal dwellings, to assist in achieving appropriate development outcomes.

The guidelines for coastal towns include recommendations to protect and enhance the relationship to the coast; visual sensitivity; water and natural edges; buildings and height. The proposal is consistent with the guidelines' relevant principles.

NSW Coastal Policy 1997

The policy aims to better co-ordinate the management of the coast, and predominantly identifies issues and assigns responsibility for their management or resolution. It does not provide specific advice about individual development sites

hence, no detailed assessment has been undertaken of the proposal against the policy.