

CORPORATE SUPPORT REPORTS

C1 PLANNING PROPOSAL FOR LAND ON MURRAY ROAD, WINGHAM (671/2010/PP & S321)

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Applicant: King and Campbell Pty Ltd

SUMMARY

A new planning proposal has been lodged to rezone land bounded by Murray Road and Richardson, Mortimer and Lambert Streets at Wingham from a combination of RU1 - Primary Production and B1 - Neighbourhood Centre, to R1 - General Residential and RE1 - Public Recreation through an amendment to Greater Taree Local Environmental Plan 2010.

The assessment of the planning proposal has determined that it is appropriate to rezone the land to R1 - General Residential, though inappropriate to rezone the centre portion of the land to RE1 - Public Recreation as it serves no public recreation function but instead acts as a drainage line. This drainage line should be included within the proposed R1 - General Residential zone.

RECOMMENDATION

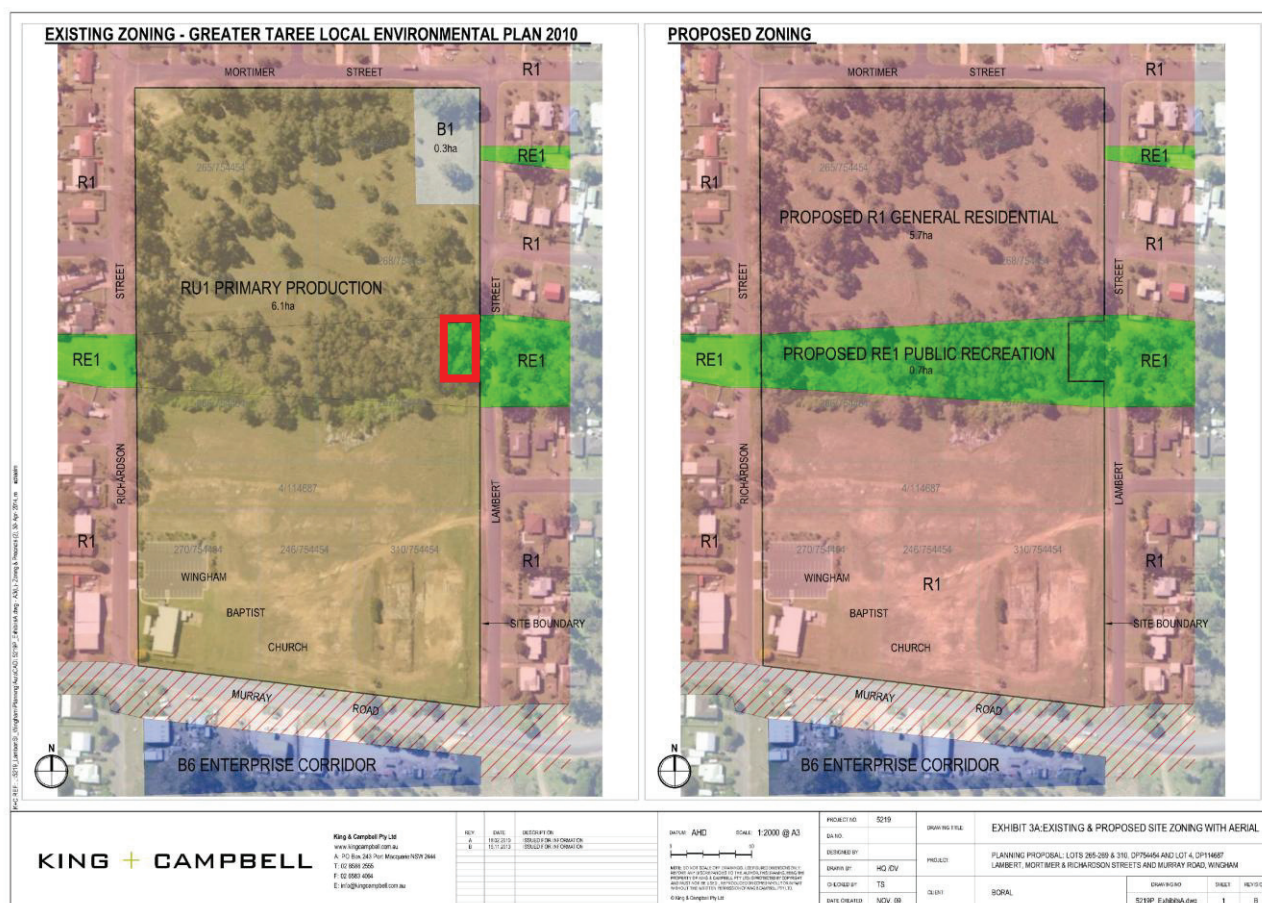
- (i) That Council support the rezoning of the site to R1 - General Residential, and that the planning proposal be amended accordingly.
- (ii) That the amended planning proposal for land bounded by Murray Road and Richardson, Mortimer and Lambert Streets at Wingham (excluding Lot 7301 in DP 1142407) be forwarded to the Department of Planning and Environment for a Gateway Determination from the Minister for Planning to support the proposal and undertake community consultation.
- (iii) That, should a successful Gateway Determination be provided, that:
 - (a) community consultation for the planning proposal be undertaken in accordance with the requirements determined by the Minister for Planning.
 - (b) the planning proposal be referred to the Office of Environment and Heritage within the Department of Planning and Environment for advice on the adjacent Aboriginal site of significance located on Lot 7301 in DP 1142407 to determine the level of any investigation required by the applicant.

BACKGROUND

A Report to Council dated 16 February 2011 was prepared in respect of a planning proposal Council had received by Boral Pty Ltd in 2010, requesting the rezoning of land on the corner of Murray Road and Lambert Street, Wingham.

Council resolved to progress the rezoning but that formal processing not occur until after Council's Local Growth Management Strategy was completed. The applicant was also encouraged to undertake outstanding contamination and ecological studies. Furthermore, Council resolved to liaise with the Baptist Church and the Land and Property Management Authority (LPMA) to seek consent to include those sites in the subject rezoning. The LPMA land is now owned by the Purfleet-Taree Local Aboriginal Land Council.

A new Planning Proposal has been lodged by King and Campbell Pty Ltd for the site which includes a new zoning plan for the site that widened the original proposed footprint of the RE1 - Public Recreation zone on the subject land (as shown below).

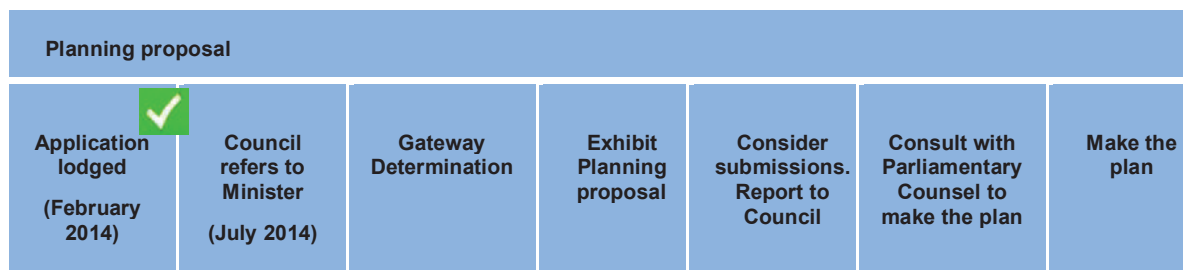


The above plan contains a minor inaccuracy in as it shows the Aboriginal site of significance outlined in red as currently zoned RE1 – Public Recreation when in fact it is currently zoned RU1 - Primary Production. This will be rectified in the version forwarded to the Department of Planning and Environment should Council support this planning proposal.

DISCUSSION

The Process

The process involved in this application is shown below. This application is currently in the initial stages of the process.



The key issues for this application are the:

- extent of the planning proposal;
- loss of commercial land;
- Aboriginal archaeology;
- proposed zoning;
- traffic impacts;
- environmental impacts; and
- contamination.

Extent of the Planning Proposal

In accordance with the resolution of Council on 16 February 2001, the planning proposal includes the Wingham Baptist Church which is located in the south-west corner of the site. The land containing the Aboriginal site of significance remains excluded from this planning proposal.

The applicant submitted a letter from the Purfleet Taree Local Aboriginal Land Council indicating no objection. The Wingham Baptist Church has also advised the Strategic Planning Consultant of the local church's support for the rezoning, though Council and the consultant are still awaiting formal advice to be issued in respect of the rezoning from Wingham Baptist Church's Sydney based church property arm. Whilst owners consent is not required to undertake a planning proposal, we will continue to seek formal support from the Baptist Church.

Loss of Commercial Land

There will be a loss of commercial land due to the rezoning of the north-east portion (part of Lot 269 DP 754454) from B1 - Neighbourhood Centre to R1 - General Residential. The area is in close proximity (approximately 700 metres) to the town centre of Wingham, is not currently utilised for business purposes and is a vacant parcel of land. The rezoning is not considered to be a loss of a local service or commercial function and Wingham remains well catered for in terms of retail and commercial services.

Aboriginal Archaeology

Lot 7301 DP 1142407 was excluded from the boundaries of the previous planning proposal and remains excluded in this new version. No archaeological assessment or ground truthing of the site has been undertaken. It is recommended that the planning proposal is referred to the Office of Environment and Heritage within the Department of Planning and Environment for advice on the adjacent Aboriginal site of significance (whilst the specifics of this site are known to staff, it is not appropriate to include them in this report) and to establish the level of investigation required by the applicant to minimise any potential impact of residential development on its significance. Any Development Application (DA) on the land following rezoning will need to consider this issue.

Proposed Zoning

The site contains a drainage swale through the central portion. The proposal includes a portion of land to be rezoned RE1 - Public Recreation zone, joining up with similarly zoned land on either side of the site. It is instead considered appropriate that the entire site to be rezoned for residential purposes as this portion of the site serves no public recreation function. Rather, it acts as a drainage line and should be incorporated into the future residential development of the site.

The site is considered to be appropriate for rezoning for residential purposes, given its siting with residential land on three sides. The applicant has noted that the rezoning will contribute to the urban consolidation of the Wingham footprint, it is a logical development given the surrounding residential uses and that the allotment is not large enough to maintain a sustainable primary industry compatible with the zone.

A Church is defined as a 'Place of Public Worship' within the Greater Taree Local Environmental Plan 2010 (LEP 2010) and is permissible with consent in the proposed R1 - General Residential zone. However the use is not permissible in the current RU1 - Primary Production zone. This is likely to be an historical anomaly which is not likely to result in any issues or restrictions on the continued presence and operation of the church on the subject site, though rezoning to a residential zone provides them with more scope for possible future complimentary uses.

Traffic Impacts

The applicant has indicated that the site could potentially accommodate 52-78 allotments and has noted that the site has frontage to four roads, all with a suitable road surface and capable of accommodating additional flows or being widened. Furthermore the applicant has noted that development of the site would result in an increase of road usage of approximately 7.4%.

It is agreed that the roads are capable of withstanding an increase in traffic and that the exact treatment required for any upgrading of the existing roads can only be determined at the Development Application stage when the density is known.

Environmental Impacts

The applicant investigated the ecological impact of the planning proposal and identified that:

- two terrestrial plant communities have been recorded within the drainage corridor;
- the site provides limited potential habitat for some species of fauna based on the field survey and land disturbance; and
- no threatened species were recorded during the field survey.

As the vegetation on the site is within the drainage swale, this is not an impediment to rezoning. Further assessment on this area will be required at the development application stage as to its performance as a drainage swale for the increased density in its current state which is likely to lead removal of any weeds present in the drainage line, and either restoration and rehabilitated as a natural drainage line or modification for increased performance.

Contamination

The south eastern corner of the site has previously been identified as potentially contaminated due to a previous saw milling operation. The site has since been remediated and a site audit report issued confirming that the site is now suitable for use as residential, as well as other urban uses such as schools. Appendix E of the planning proposal contains these reports.

Summary of Issues

The main issues relevant to this planning proposal relate to the extent of the area included in the rezoning, loss of commercial land, vegetation on the site, Aboriginal archaeology and the proposed zoning.

It is recommended that the Aboriginal site of significance remain excluded from this planning proposal and retain its RU1 - Primary Production zone.

A zoning of R1 - General Residential for the whole site is the most appropriate zone and future use of this land. It is recommended that the drainage line be included within the R1 – General Residential zone as it serves no public recreation function.

The design of future residential allotments will need to give consideration to the drainage swale and vegetation in the centre of the site, along with the Aboriginal site of significance on the neighbouring allotment.

CONSULTATION

Consultation has been undertaken in respect of the subject planning proposal with:

- Wingham Baptist Church
- Purfleet Taree Local Aboriginal Land Council

The Wingham Baptist Church has advised of local church support for the rezoning but that they are waiting on formal advice to be issued in respect of the rezoning from their Sydney based church property arm.

Council has advised the Baptist Church that they would not incur any cost associated with the preparation, submission or processing of the subject planning proposal, with all costs being incurred wholly by the applicant.

The Purfleet-Taree Local Aboriginal Land Council's Chief Executive Officer has advised in an email to the applicant that they have no objection to the proposed rezoning to residential from rural, but that they request to be notified of any future development of the site (at development application stage), which would require subsequent further consultation.

COMMUNITY IMPACTS

The planning proposal will have an overall positive impact on Wingham and the wider community in terms of increased housing availability and positive economic impacts.

Currently no adverse community impacts have been identified. Any issues of concern identified during the community consultation will be reported to Council following exhibition.

TIMEFRAME

As this matter has been on-going since 2010 and the matters identified within Council's resolution of 16 February 2011 have been addressed in this new planning proposal, there is a reasonable expectation that this matter be determined.

The Gateway Determination, if successful, will provide a timeframe for community consultation and completing the planning proposal.

If Council has not determined a planning proposal within 90 days of lodgement by the applicant of full documentation and payment of fees to Council (which occurred for this application on 7 May 2014 [this date was not able to be met as additional information had been requested from the applicant]), the proponent can lodge a Pre-Gateway Review with the Department of Planning and Environment at any time after the 90 days has lapsed. Pre-Gateway Reviews are undertaken by a regional panel which will then forward a recommendation to the Minister for Planning and Environment.

BUDGET IMPLICATIONS

All required studies and fees in association with the planning proposal have been, and will continue to be, incurred wholly by the applicant. The application is assessed on a user-pays basis in accordance with Council's Fees and Charges.

STATUTORY OR LEGISLATIVE REQUIREMENTS

The planning proposal has been prepared in accordance with *A guide to preparing planning proposals* as required under Section 55(3) of the *Environmental Planning and Assessment Act 1979*.

ATTACHMENTS

- (i) [Planning Proposal - February 2014](#)
(Due to the size of this document it is only available electronically)
- (ii) [Additional Information provided by the applicant - 5 May 2014](#)
(Due to the size of this document it is only available electronically)