

Greater Taree LEP 2010: Residential Rezoning- Murray Road, Lambert, Richardson & Mortimer Streets, Wingham

Proposal Title :	Greater Taree LEP 2010: Residential Rezoning- Murray Road, Lambert, Richardson & Mortimer Streets, Wingham		
Proposal Summary :	Rezoning of Various Lots (7.97ha) from RU1 Primary Production and B1 Neighbourhood Centre to R1 General Residential		
PP Number :	PP_2014_GTARE_002_00	Dop File No :	14/13833

Proposal Details

Date Planning Proposal Received :	05-Sep-2014	LGA covered :	Greater Taree
Region :	Hunter	RPA :	Greater Taree City Council
State Electorate :	MYALL LAKES	Section of the Act :	55 - Planning Proposal
LEP Type :	Spot Rezoning		

Location Details

Street :	Various		
Suburb :	Wingham	City :	Taree
Land Parcel :	See Lot/ area details below		
		Postcode :	2430

DoP Planning Officer Contact Details

Contact Name :	Ken Phelan
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RPA Contact Details

Contact Name :	Michael Griffith
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DoP Project Manager Contact Details

Contact Name :	
Contact Number :	
Contact Email :	

Land Release Data

Growth Centre :	N/A	Release Area Name :	
Regional / Sub Regional Strategy :	Mid North Coast Regional Strategy	Consistent with Strategy :	Yes

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MDP Number :		Date of Release :	
Area of Release (Ha) :	8.00	Type of Release (eg Residential / Employment land) :	Residential
No. of Lots :	0	No. of Dwellings (where relevant) :	55
Gross Floor Area :	0	No of Jobs Created :	0
The NSW Government Lobbyists Code of Conduct has been complied with : Yes			
If No, comment :			
Have there been meetings or communications with registered lobbyists? : No			
If Yes, comment :			

Supporting notes

Internal Supporting Notes :

- ☐ Lot 246 DP754454 (0.66 hectares or 6,599m2);
- ☐ Lot 265 DP754454 (1.30 hectares or 13,303m2);
- ☐ Lot 266 DP754454 (1.53 hectares or 15,270m2);
- ☐ Lot 267 DP754454 (0.79 hectares or 7,866m2);
- ☐ Lot 268 DP754454 (0.73 hectares or 7,284m2);
- ☐ Lot 269 DP754454 (0.73 hectares or 7,284m2);
- ☐ Lot 270 DP754454 (0.73 hectares or 7,334m2);
- ☐ Lot 310 DP754454 (0.84 hectares or 8,397m2); and
- ☐ Lot 4 DP114687 (0.63 hectares or 6,323m2)

Total precinct area: 7.97 hectares (79,660m2)

These lots are west of Wingham town centre and bounded by:

N: Mortimer Street (opposite side currently zoned residential)
S: Murray Road (opposite side currently zoned- B6 Enterprise Corridor and used for automotive businesses)
E: Lambert Street (opposite side currently zoned residential)
W: Richardson Street (opposite side currently zoned residential)

The land is 1.6km from Wingham town centre and 1.5km from Wingham Public School.

The proponent's estimated lot-yield is between 52 and 78 lots at an average area of 500m2 per lot.

External Supporting Notes : **The current planning proposal was originally lodged with the Department on 12 August 2014, additional information was requested and received 5 September 2014. It is this date at which the PP was considered adequate.**

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? **Yes**

Comment : **To enable the development of the land bounded by Lambert, Richardson and Mortimer Streets and Murray Road, Wingham for residential and compatible land uses**

in a manner consistent with the surrounding landscape.

While the submitted PP refers to an open space zone, Council has subsequently resolved to rezone the whole site residential. This is addressed in the assessment.

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? **Yes**

Comment : **Amend the components of Greater Taree Local Environmental Plan 2010:**

- ☐ **Zoning Map (LZN_010C) as per the proposed zoning map shown at Exhibit 3;**
- ☐ **Height of Building Map (HOB_010C) as per proposed height map shown at Exhibit 4, to a maximum permissible height of 8.5m;**
- ☐ **Lot Size Map (LSZ_010C) from the current 40ha minimum to 450sqm minimum as per the proposed lot size map shown at Exhibit 5; and**
- ☐ **Floor Space Ratio Map (FSR_010C) as per the proposed Floor Space Ratio map shown at Exhibit 6, to a maximum Floor Space Ratio of 0.6:1.**

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **No**

b) S.117 directions identified by RPA :

1.1 Business and Industrial Zones

1.2 Rural Zones

1.5 Rural Lands

3.1 Residential Zones

3.3 Home Occupations

3.4 Integrating Land Use and Transport

5.1 Implementation of Regional Strategies

6.2 Reserving Land for Public Purposes

* May need the Director General's agreement

Is the Director General's agreement required? **No**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified?

SEPP No 44—Koala Habitat Protection

SEPP No 55—Remediation of Land

SEPP (Rural Lands) 2008

e) List any other matters that need to be considered :

Section 117 Direction 2.3 Heritage Conservation

The objective of this Direction is to conserve items or places of Aboriginal heritage significance. Council has identified a site of indigenous heritage significance on the adjoining Lot 7301 DP 1142407. The Purfleet-Taree Local Aboriginal Land Council, the lot owner, has confirmed significance of this site.

Have inconsistencies with items a), b) and d) being adequately justified? **No**

If No, explain :

Further information regarding the mechanism to manage the potential impacts on the heritage item is required before consistency or otherwise with the s117 direction 2.3 can be determined.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment :

- ☐ **Current and proposed zones maps**
- ☐ **Floorspace ratio map**
- ☐ **Height of buildings map**
- ☐ **Minimum lot size map**

While a listed Aboriginal heritage site exists within the same street-block, it has been

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excluded from the proposal and so no heritage map has been submitted.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **The planning proposal is considered to be of low impact and anticipates exhibition for a minimum period of 14 days.**

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment :

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation to Principal LEP : **The Taree Local Environmental Plan was notified in 2010**

Assessment Criteria

Need for planning proposal : **Cessation of industrial use of this site presents a residential development opportunity in close proximity to Wingham centre and school in an established residential area.**

Consistency with strategic planning framework :

Mid-North Coast Regional Strategy

This land is not identified as an Urban Release Area in the Mid-North Coast Regional Strategy. The 7.9ha site has about 7ha of developable land outside of the riparian zone along the line of an intermittent creek. While not identified in the strategy for release, this site represents an infill development opportunity, consistent with the objectives of the Strategy. In addition some sites identified for release in the Mid-North Coast Regional Strategy have encountered constraints unforeseen at the regional planning level, delaying their delivery of dwellings to meet regional targets.

State Environmental Planning Policies

SEPP 44- Koala Habitat Protection

Council has accepted ecological consultant advice that while Koala feed tree species exist on the site, the distribution of Koala sightings and lack of 'scat and scratch' evidence, suggest that the land is not core Koala habitat. Accordingly the proposal is considered to be consistent with this state policy.

SEPP 55—Remediation of Land

Lot 310 on the (SE) corner of Murray and Lambert Streets is a former Boral timber sawmill/ treatment site having minor hydrocarbon contamination for which a remediation action plan has been submitted. Contaminated material was considered to be treatable on-site in a 2002 review report. Council should determine whether this advice remains compliant with current regulations. Council should determine whether this advice remains compliant with current regulations. Consistency or otherwise with this SEPP will be determined after this consideration.

SEPP (Rural Lands) 2008

The SEPP aims to protect productive land by managing land uses and development in agricultural areas and reduce land use conflicts. Housing is emphasised as being that needed for the functioning of rural communities. The proposal does not sterilise any productive farmland.

Directions Under Section 117 of the Environmental Planning and Assessment Act

S.117 Direction 1.1- Business and Industrial Zones

This Direction aims to maintain the employment-generating potential of existing business zones by restricting the circumstances under which they may be rezoned to other uses. The land has a business zone, B1 Neighbourhood Centre, in its north-east corner at the intersection of Mortimer and Lambert Streets.

Inconsistency with the Direction may be justified where a strategy or a study addresses the objective of this Direction or the loss is of minor significance. The B1 zone in this case is 3,000m².

The potential for loss of employment, to the LGA, as a result of the proposed rezoning is considered insignificant in this case. Population generated by housing on the current B1 zone will spend at Wingham and Taree shopping centres thereby supporting retail and business jobs.

It is therefore recommended that the Delegate accept the inconsistency of the proposal with this Direction as being of minor significance under clause 5(d) of the Direction.

S.117 Direction 1.2- Rural Zones

Under clause 4(a) land must not be rezoned from a rural zone for residential use, as in this case unless it is justified by reference to:

a strategy or a study identifying the land and addressing the objective of the Direction, or because the inconsistency is minor.

There is no endorsed strategy in this case which identifies the land and considers the Direction's objective, however the scale and nature of the holding would result in its retention in rural use having little prospect of making a viable contribution to agriculture.

It is recommended that the Delegate accept the degree of inconsistency of the proposal with the Direction as being of minor significance.

S.117 Direction 1.5- Rural Lands

This Direction aims to conserve productive agricultural land.

In the absence of a study addressing the objective of the Direction and clearly identifying the land, as in this case, the proposal's inconsistency with the Direction may only be justified if it is minor.

It is noted that the site has not been in agricultural use for many years and that part of it has been a timber milling and treatment site with another lot more recently developed for church and car park uses. As an isolated holding bounded by urban uses, this land is clearly unviable for farming and would require major investment for any intensive horticulture.

It is recommended that the Delegate accept the inconsistency with this Direction as being minor under clause 6(b) of the Direction.

S.117 Direction 2.3- Heritage Conservation

This Direction requires that plans make provision for the conservation of cultural heritage located on or near the subject land.

The proposal excludes but encapsulates Lot 7301 DP 1142407 (about 810m²), owned by the Purfleet-Taree Local Aboriginal Land Council and containing the listed Aboriginal heritage place. Land is proposed to be rezoned to general residential on three sides of the conservation lot but no assessment is made of its sensitivity, potential impacts or conservation needs. The Local Aboriginal Land Council's correspondence does not object to the rezoning (proposed at the time to include the open space zone), it raises some concern about the long-term management of the cultural site.

Additional information from Council was sought on this matter and Council identified guidance in Council's Development Control Plan (Part C subdivision requirements), which recommends that any subdivision proposal on land which is adjacent to an item of Aboriginal heritage illustrates the means proposed to preserve and protect such items and is accompanied by a heritage impact statement. It is noted that the heritage item is not listed within the Greater Taree LEP 2010 however it is understood that the DCP provision are not limited to listed items.

Further consultation with the LALC, based on the modified proposal, will enable their further consideration of the proposal's impacts on this heritage site. Early input from the LALC will ensure they remain satisfied with the revised proposal and assist to provide clear direction on the required mechanism.

Consistency or otherwise with this direction cannot yet be determined.

S.117 Direction 3.1- Residential Zones

The three objectives of this Direction relate to housing choice, efficient use of infrastructure and services, and minimising residential development impacts on the environment.

Residential lots developed in this part of Wingham in recent years have been in the size-range 700m² to 900m². The proposed lots at 500m² will widen residential choice, and perhaps improve affordability. Being located within the urban envelope and about 1.6km from both Wingham Public School to the west and the town centre to the east, the development offers cost-effective utilisation of existing infrastructure, facilities, services and transport.

The proposal is considered to be consistent with this Direction.

S.117 Direction 3.4 Integrating Land Use and Transport

This Direction aims to improve accessibility and transport choice while reducing trips overall and supporting public transport.

From the mid-point of the Murray Street frontage of the site to Wingham railway station is about 500m along existing roads. Given the location of the school to the west and town centre to the east, an east-west riparian corridor wide enough to offer flood-free travel could be defined and appropriately zoned. However Council has considered this and advised that it is not their intention. Location of the site, in proximity to existing services and infrastructure demonstrates consistency with this direction.

S.117 Direction 5.1 Implementation of Regional Strategies

This Direction aims to ensure that proposals are consistent with the vision, land use strategy, policies and outcomes of the Mid-North Coast Regional Strategy.

While the proposal does not relate specifically to land identified for release in the regional strategy it is located within the developed footprint of Wingham.

The Settlement Planning Guidelines August 2007 for the Mid and Far North Coast Regional Strategies state:

'A local growth management strategy may be prepared'- a non-endorsed strategy has been prepared for Wingham (1999) in this case.

S.117 Direction 6.2 Reserving Land for Public Purposes

The PP identifies that this direction applies because it proposes to zone the corridor for recreational purposes. Council has subsequently determined not to do this therefore the direction does not apply.

Environmental social
economic impacts :

Social/ Cultural Impacts

The proposal will encapsulate an Aboriginal Cultural Site. Investigation into the potential impacts on this site should be required prior to public exhibition such that Aboriginal people may be assured that the heritage site will be adequately protected from the impacts of nearby residential development. It is noted that the Purfleet-Taree Local Aboriginal Land Council (PTLALC) considered the original proposal (including the open space zoning adjacent to their site) and advised that it has no objection to the rezoning as proposed at the time.

Further consultation with PTLALC, based on the modified proposal, will enable their further consideration of the proposal's impacts on this heritage site. Guidance in Council's Development Control Plan (Part C subdivision requirements) recommends any subdivision proposal on land which is adjacent to an item of Aboriginal heritage to illustrate the means proposed to preserve and protect such items. Early input from the LALC will ensure clear direction on the required mechanism.

Economic Impacts

This infill precinct, if developed for housing, would support the commercial area of Wingham as well as its community institutions. Spending on services and comparison goods is likely to benefit Taree town centre.

Environmental Impacts

The site has good access to local services and facilities.

Development will ensure that the site's decontamination after earlier timber processing activities.

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Assessment Process

Proposal type : **Precinct** Community Consultation Period : **14 Days**

Timeframe to make LEP : **12 months** Delegation : **RPA**

Public Authority Consultation - s56(2)(d) : **NSW Aboriginal Land Council Office of Environment and Heritage**

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons :

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
Appendix A_Mid North Coast Regional Strategy Extract - Wingham.pdf	Proposal	Yes
Appendix B_Section 177 Direction_Table_V2.pdf	Proposal	Yes
Appendix C_GTCC Council Report_16Feb11.pdf	Proposal	Yes
Appendix D_AHIMS Searches.pdf	Proposal	Yes
Appendix E_Contamination & Site Audit Reports(1).pdf	Study	Yes
Appendix F_LALC Correspondence 12Dec13.pdf	Proposal	Yes
Appendix G_Ecological Assessment.pdf	Study	Yes
Referral Letter for Gateway 07082014.pdf	Proposal Covering Letter	Yes
King& Camp Add Info 050514.pdf	Proposal Covering Letter	Yes
K&C Planning Proposal_v2.pdf	Proposal	Yes
Exhibit 1_Site Location Map.pdf	Map	Yes
Exhibit 2_Site photos from streets.pdf	Proposal	Yes
Exhibit 3_Zoning Precincts Map.pdf	Map	Yes
Exhibit 4_Floorspace Ratio Map (FSR).pdf	Map	Yes
Exhibit 5_Height Of Building Map (HOB).pdf	Map	Yes
Exhibit 6_Lot Size Map (LSZ).pdf	Map	Yes
GTCC Meeting Minutes 160714.pdf	Proposal Covering Letter	Yes
GTCC Report on PP 160714.pdf	Proposal	Yes
GTCC Add Informationpdf.pdf	Proposal	Yes

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions: **1.1 Business and Industrial Zones**
 1.2 Rural Zones
 1.5 Rural Lands
 3.1 Residential Zones
 3.3 Home Occupations
 3.4 Integrating Land Use and Transport
 5.1 Implementation of Regional Strategies
 6.2 Reserving Land for Public Purposes

Additional Information : **1) Council review the assessment of the remediation of contaminated land to ensure it is consistent with the current requirements of State Environmental Planning Policy 55.**
 2) The Mininster's Delegate accept that the proposal's inconsistency with Section 117 Direction 1.1- Business and Industrial zones is of minor significance.
 3) The Mininster's Delegate accept that the proposal's inconsistency with Section 117 Direction 1.2- Rural Zones is of minor significance.
 4) The Mininster's Delegate accept that the proposal's inconsistency with Section 117 Direction 1.5- Rural Lands is of minor significance.

Supporting Reasons : **The site is bounded by urban uses and well located for residential development town centre and school facilities.**

Signature:



Printed Name:

KOFLAHERTY Date: 17/9/14

