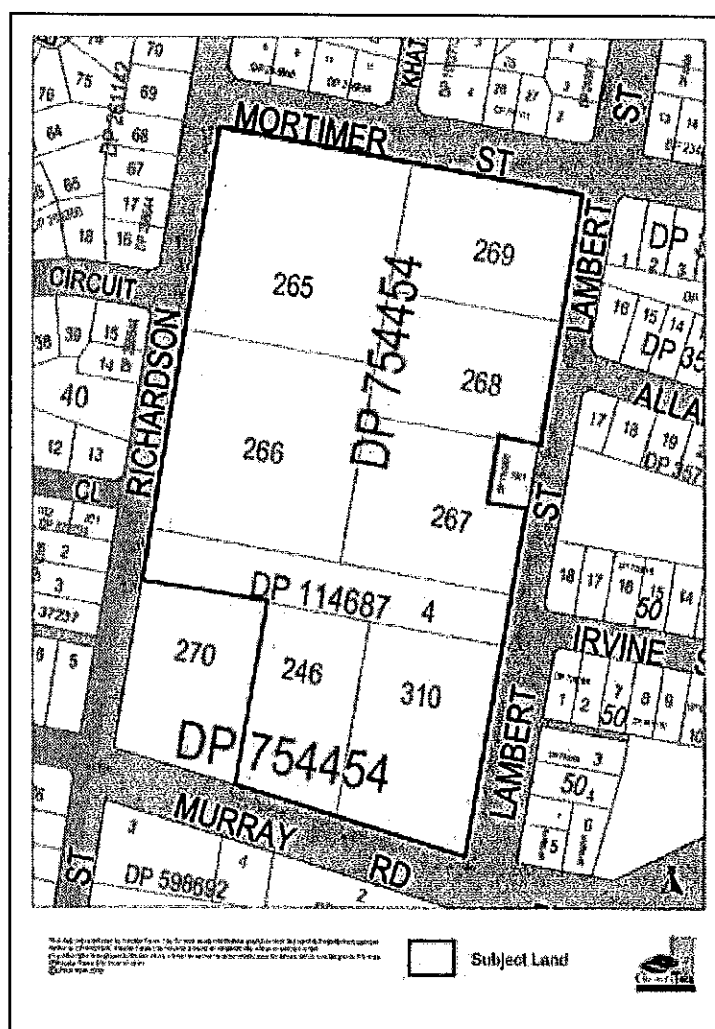


F2 GREATER TAREE LOCAL ENVIRONMENTAL PLAN 2010 – PLANNING PROPOSAL (671/2010/PP)

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**SUMMARY:** The purpose of this report is to seek a resolution of Council to support the subject proposal as a future amendment to the Greater Taree LEP 2010 following the finalisation of Council's Local Growth Management Strategy.

Applicant/Proponent : Boral Pty Ltd  
Land Owner : Duncans Holdings Ltd



## BACKGROUND

On 8 March 2010, planning consultants King and Campbell forwarded a Planning Proposal with Booral Pty Ltd as applicant pursuant to Part 3 of the *Environmental Planning and Assessment Act 1979* to Council on behalf of Boral Pty Ltd requesting

to rezone land at the corner of Murray Road and Lambert Street, Wingham from the existing rural zoning to a residential zoning.

In correspondence sent to King and Campbell dated 4 June 2010, Council acknowledged receipt of the Proposal. However, Council advised that it would be unable to assess the Proposal until resources became available (anticipated to be early 2011).

The subject site is located within the existing Wingham urban footprint and, following preliminary assessment by Council's Strategic Planning Department, is determined to be relatively unconstrained pending the findings of required contamination and ecological assessments.

Historically the majority of the site has been utilised for rural purposes. However, the site has also been utilised for timber processing on Lot 310 between the 1940's and 1997 and Lots 266 and 267 were periodically used for the storage of timber but have predominately been used for grazing purposes.

Lot 310, which is located in the south-eastern corner of the subject site, has previously contained a Timber Mill and evidence of the demolished structure is still evident on the subject site.

Lots 4, 265, 268 and 269 have only been utilised for grazing purposes. King and Campbell Consultants advise that the site was purchased by Boral Pty Ltd in 1992.

#### KEY ISSUES

- Boral Pty Ltd has lodged a Planning Proposal with Council under Part 3 of the *Environmental Planning and Assessment Act 1979* in pursuance of residential and public open space zoning upon rural zoned land at the corner of Murray and Lambert Streets, Wingham.
- Council staff have undertaken a preliminary assessment of the Proposal and recommend that the Proposal should be supported.
- Should the subject Proposal be progressed, Council staff also recommend the inclusion of two additional lots, incorporating Lot 7301 DP1142407 and Lot 270 DP754454, given the strategic relevance of the inclusion of these lots as part of the Proposal.
- The NSW Department of Planning has advised that Council should complete its Local Growth Management Strategy (LGMS), formerly known as Council's Conservation and Development Strategy, prior to processing any additional Planning Proposals in pursuance of the release of residential land. As such, it is unlikely that the subject Proposal would be supported by the Department of Planning prior to the finalisation of Council's LGMS.

## DISCUSSION

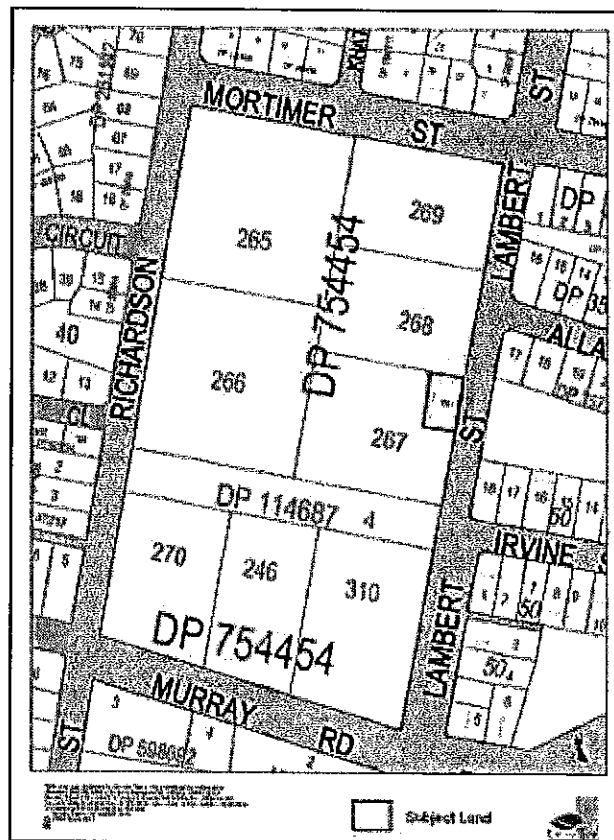
### Planning Proposal

On 8 March 2010, planning consultants King and Campbell forwarded a Planning Proposal to Council on behalf of Boral Pty Ltd incorporating a request to rezone the subject land from the existing rural zoning to a combination of residential and public open space zoning. This rezoning is generally supported by Council staff as the subject site is within the existing Wingham urban footprint and has been identified as being relatively unconstrained subject to the findings of recommended contamination and ecological assessments.

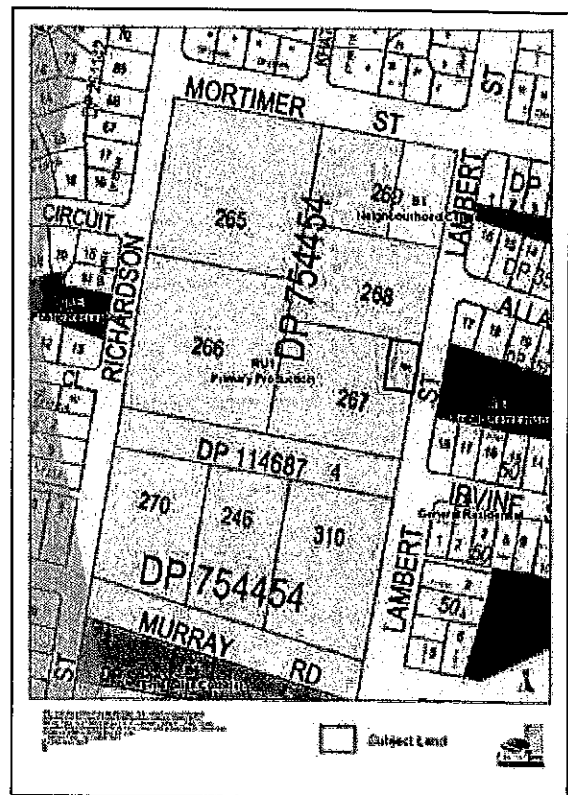
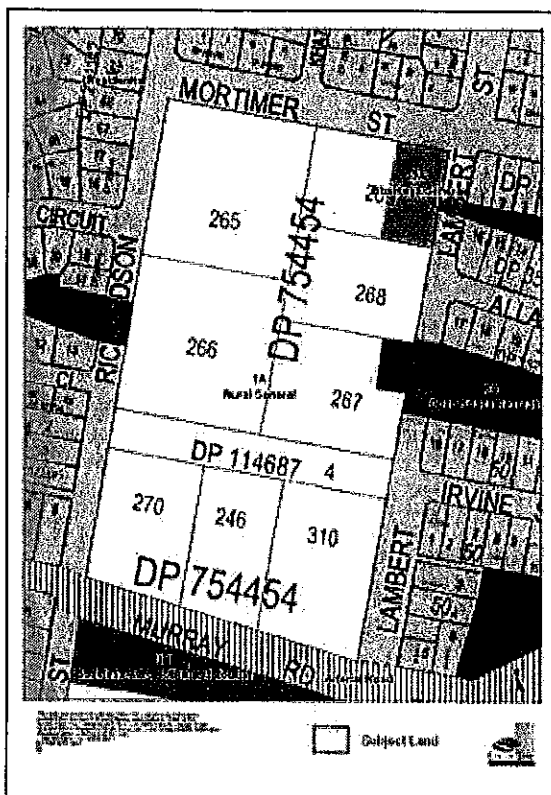
The Planning Proposal has recommended that as a minimum both a contamination and an ecological report be undertaken in order to determine the extent of constraints relating to contamination, and environmental constraints relating to existing vegetation and the environmental attributes of the site.

### Lot 7301 DP1142407

The above lot is located to the east of the site of the subject Planning Proposal and is encapsulated by the land subject to the Planning Proposal and Lambert Street on its eastern interface as depicted within the map below. The site is Crown Land and under ownership of the NSW Governments Land and Property Management Authority (LPMA).



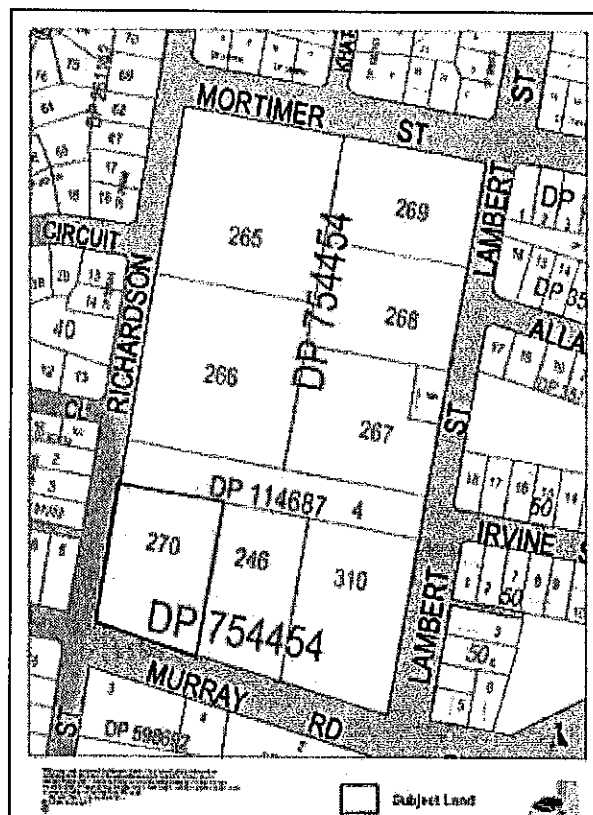
Under Greater Taree Local Environmental Plan 1995, the site was zoned 6A Open Space Recreation as depicted within the map below on the left. This land use zone reflected the drainage reserve function of the land parcel. However, as part of the transition of Greater Taree Local Environmental Plan 1995 into the land use zones prescribed by the Standard Instrument through the Greater Taree Local Environmental Plan 2010, the site was erroneously rezoned to RU1 Rural General as depicted within the map below on the right.



Subsequently, with the assessment of the subject Planning Proposal comes the opportunity to amend the zoning of Lot 7301 DP1142407 from RU1 Rural General to RE1 Public Recreation to reflect the sites function as a public drainage reserve.

#### Lot 270 DP754454

Lot 270 DP754454 is located to the immediate south west of the site of the subject Planning Proposal on the corner of Murray Road and Richardson Street as depicted within the map below. The land is owned by the Baptist Church and currently accommodates uses by the Wingham Baptist Church.



As Lot 270 DP754454 is encapsulated by the site of the subject Planning Proposal and existing urban land uses, in order to ensure the orderly and practical layout of land use zones within the township of Wingham, it would be reasonable to include the site as part of the subject Proposal in pursuance of residential land use zoning. The rezoning of this site would then reflect the existing and intended surrounding land uses.

It can be noted that from initial assessment, it has been identified that neither Lot 270 DP754454 or Lot 7301 DP1142407 contain significant constraints to the rezoning of the land from RU1 Rural General to R1 General Residential and RE1 Public Recreation respectively.

Under the provisions of the *Environmental Planning and Assessment Act 1979*, Council has delegated authority through the NSW Minister for Planning to pursue the rezoning of any land through amendment to Council's local planning instrument without the consent of the relevant landowners. However, Council staff would recommend that consultation be undertaken with the landholders of both Lot 7301 DP1142407 and Lot 7301 DP1142407 should Council resolve to include these properties as part of a future consolidated Planning Proposal.

NSW Department of Planning Restrictions on Future LEP Amendments within the Greater Taree Local Government Area

In correspondence dated 2 December 2010, the NSW Department of Planning recommended that Council should complete its LGMS prior to processing any additional Planning Proposals in pursuance of the release of residential land.

While the undertaking of the subject strategy is within the Strategic Planning Department's future work program, limited resources have resulted in the abeyance of the development of the strategy until such time as higher priority major LEP amendments, for example Precincts 2B and 3 Old Bar and FIGTREES on the Manning, and other core business activities can be finalised. Notwithstanding the subject resource constraints, it is anticipated that the drafting of the strategy may take place over the next 18 months to 2 years subject to resource availability.

Greater Taree Local Environmental Plan 2010 – Stage 2 Amendment

Following the achievement of Council's Strategic Planning Department's operational priorities (such as the development of Council's LGMS), as per Council's 2010/2011 Operational Plan, there is a need to review the Greater Taree LEP 2010 in order to amend various items within the Plan. As the subject Planning Proposal is representative of infill urban rezoning and is relatively minor in extent, there is the potential to progress the proposal as a component of a wider Stage 2 amendment to the LEP. The suitability of the subject Planning Proposal in relation to this type of LEP Amendment should be assessed following the development of Council's LGMS.

CONSULTATION

During the progression of the subject Planning Proposal, governmental consultation has been undertaken between Council staff and the NSW Department of Planning.

Ongoing stakeholder consultation has taken place between Council and consultative representatives of Boral Pty Ltd. Informal consultation has also taken place between Council staff and representatives of the Wingham Baptist Church.

TIMEFRAME

As the subject Planning Proposal was lodged with Council in early 2010, there is an expectation that this matter is determined in regard to whether Council is in support of the application.

Scoping of Council's Local Growth Management Strategy in the 2010/2011 Operational Plan

The scoping of Council's LGMS is an item within Council's Operational Plan for 2010/2011 (as well as its commencement) under the Integrated Planning and Reporting Framework through the provisions of the *Local Government Act 1993*. As such, the development of this Strategy is a priority for Council. Conversely, individual

amendments to the Greater Taree LEP 2010 are not identified within Council's current Operational Plan.

The development of Council's LGMS is likely to take some 12 – 18 months to complete prior to the commencement of individual or Stage 2 LEP amendments being able to be undertaken (as per DoP advice).

#### BUDGET IMPLICATIONS

The assessment of the subject planning proposal has an implication on staff time. As such, resources dedicated to the progression of the subject and other Planning Proposals may detract resources from the undertaking of required strategic plans within the Strategic Planning Departments work program, such as Council's LGMS.

The costs associated with the undertaking of future required technical studies and assessments will be incurred wholly by the applicant.

A Stage 2 LEP fee would be applicable following formal resolution to complete the Planning Proposal following completion of Council's LGMS.

#### STATUTORY OR LEGISLATIVE REQUIREMENTS

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

#### ATTACHMENTS

- (i) Planning Proposal – Residential Rezoning of Various Lots Lambert, Murray, Richardson and Mortimer Streets, Wingham.
- (ii) Correspondence from the NSW Department of Planning dated 2 December 2010 regarding future LEP Amendments.

#### RECOMMENDATION

- (i) That Council support the request to rezone the subject land, but that the applicant be advised that formal processing cannot occur until after Council's Local Growth Management Strategy is completed.
- (ii) That the applicant be encouraged to undertake the outstanding contamination and ecological studies to ensure timely processing of the subject Planning Proposal upon completion of Council's Local Growth Management Strategy.
- (iii) That Council liaise with the Baptist Church and the Land and Property Management Authority to seek consent for the inclusion of Lot 270 DP754454 and Lot 7301 DP1142407 respectively as part of the subject Planning Proposal.

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