

# Planning Proposal for Residential Rezoning of Various Lots: Lambert, Murray, Richardson & Mortimer Streets Wingham

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Boral Property Group

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May 2015

Job.No.: 5219



## Disclaimer

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# Preliminaries

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## Introduction

This Planning Proposal has been compiled in accordance with the Department of Planning's '*A Guide to Preparing Planning Proposals*' (October 2012).

The planning proposal was originally lodged in February 2010 and was heard at the Council meeting of 16 February 2011 (refer Appendix C). The Council report supported the proposal but recommended that the application was placed on hold until completion of the Council's Local Growth Management Strategy (LGMS). Council advised in August 2013 that completion of the LGMS was no longer required and Council could continue to assess the planning proposal.

The planning proposal was forwarded by Council, under Section 56 of the *Environmental Planning & Assessment Act 1979*, to the *Department of Planning & Environment* in August 2014, requesting a Gateway determination. The Gateway determination was granted by the Department on 18 September 2014, subject to 5 conditions. A copy of the determination is attached as Appendix H.

The conditions outlined by the Gateway determination have been addressed in the body of this report.

As a part of the Gateway Determination and the correspondence received from the NSW Office of Environment & Heritage, the central drainage corridor running east-west through the site has been amended to include an E2 Environmental Conservation zoning to ensure that the improve or maintain biodiversity outcome is achieved. As a part of this amendment an offer to enter a Planning Agreement pursuant to the provisions of Section 93F of the *Environmental Planning & Assessment Act 1979* has been made by the landowner. This agreement aims to ensure that any future development of the land undertakes the necessary management works to achieve the biodiversity outcome.

## Subject Site

This planning proposal applies to the following allotments, the subject site:

- Lot 246 DP754454 (0.65 hectares or 6,599m<sup>2</sup>);
- Lot 265 DP754454 (1.30 hectares or 12,963m<sup>2</sup>);
- Lot 266 DP754454 (1.28 hectares or 12,810m<sup>2</sup>);
- Lot 267 DP754454 (0.79 hectares or 7,889m<sup>2</sup>);

- Lot 268 DP754454 (0.73 hectares or 7,254m<sup>2</sup>);
- Lot 269 DP754454 (0.73 hectares or 7,305m<sup>2</sup>);
- Lot 270 DP754454 (0.73 hectares or 7,334m<sup>2</sup>);
- Lot 310 DP754454 (0.91 hectares or 9,140m<sup>2</sup>); and
- Lot 4 DP114687 (0.63 hectares or 6,280m<sup>2</sup>).

These allotments are bound by Mortimer Street in the north, Lambert Street in the east, Murray Road in the south and Richardson Street in the west.

The site contains a total site area of 79,660m<sup>2</sup> or 7.96 hectares and is located west of the Wingham town centre. The sites are surrounded by existing residential development to the north, east and west and adjoin commercial developments to the south.

The sites location is detailed in Exhibit 1.

## Site Analysis

The site and the physical attributes it exhibits and surrounding land uses are identified on Exhibits 1, 2 and 3. These features are as follows;

- The majority of the subject site is zoned RU1 Primary Production under the provisions of the Greater Taree Local Environmental Plan 2010 with a small portion of land (approximately 2,900m<sup>2</sup>) within Lot 269 zoned B1 Neighbourhood Centre;
- The site is surrounded to the north, east and west by established residential development and small commercial development (service station and mechanical repairs) to the south (refer to the attached aerial image);
- The site contains a vegetated drainage channel running east-west across Lots 266 and 267 (refer to the photographic plate);
- The site is not identified as being bushfire prone land due to its urban surroundings;
- The site is not identified as containing Acid Sulphate Soils;
- The site is not identified as a regionally significant (vegetative) corridor according to the NSW National Parks and Wildlife Service's website;
- The site adjoins land (Lot 7301 DP1142407) identified as

containing an Aboriginal archaeological site known as the 'Wingham Burial Ground' (refer to the Aboriginal Heritage Due Diligence Assessment included as Appendix D);

- The site is located within close proximity to the Wingham town centre, Wingham train station and golf course and Country Club;
- The Wingham Baptist Church is located on the corner of Richardson Street and Murray Road; and
- Lot 310, south-east corner, is understood to have contained a timber mill. Timber footings and a concrete slab and retaining wall still exist within the site (refer to the photographic plate).

The site is currently connected to the following physical infrastructure:

- Electricity: overhead power lines currently exist on the subject sites eastern boundary, on the northern side of Mortimer Street and the western side of Richardson Street. Pole mounted sub stations currently exist on the corner of Murray Road and Lambert Street, south of 13 Mortimer Street and within Richardson Street south of the existing drainage reserve;
- Sewer: The southern precinct (that which falls south of the existing vegetated drainage reserve) includes an (internal main) sewer line running east-west from Irvine Street to the western edge of Richardson Street;
- Water: Lot 310 currently contains a meter within its eastern boundary (Lambert Street). A water line currently runs north-south along the eastern edge of Richardson Street.
- Telecommunications: direct buried cables are located on the northern side of Murray Road (subject sites southern boundary).

## Zoning

The *Greater Taree Local Environmental Plan 2010* (GTLEP 2010) is the principal planning control for development and land use in the Greater Taree local government area.

The subject site is currently zoned RU1 Primary Production and B1 Neighbourhood Centre under the provisions of the GTLEP 2010.

The current zoning of the site is detailed in Exhibit 3.

The subject site is adjoined by land zoned R1 General Residential to the north, east and west. Land directly south of the site is zoned B6 Enterprise Corridor and contains a service station and mechanical

repairs centre.

## Background / History

### The Subject Site

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. 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-east corner of the subject site has previously contained a Timber Mill and evidence of the demolished structure is still evident on the subject site (refer to the photographic plate attached as Exhibit 2).

Lots 265, 268 and 269 in the northern portion of the site have only been utilised for grazing purposes. The site was purchased by Boral in 1992.

As a result of Council's request, land located on the corner of Richardson Street and Murray Road, which contains the Baptist Church, has also been included as a part of this planning proposal. The additional lots are identified as Lots 246 and 270 DP754454.

The Baptist Church is located on Lot 270 and contains a large car park consisting of 55 spaces. Lot 246 is currently vacant with no built structures existing on-site.

### The Planning Proposal

The planning proposal was originally lodged in February 2010 and was heard at the Council meeting of 16 February 2011 (refer Appendix C). The Council supported the proposal but recommended that the application be placed on hold until completion of the Council's Local Growth Management Strategy (LGMS). Council advised in August 2013 that completion of the LGMS was no longer required and Council could continue to process the proposal.

A meeting was held with Council staff in September 2013 to determine the requirements of updating the proposal. This assessment report addresses the matters outlined at the meeting including completion of the following assessments:

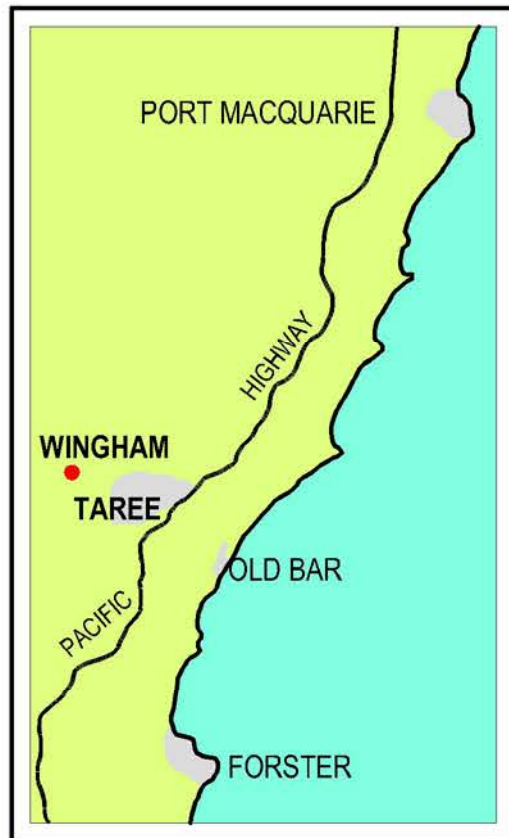
- Contamination – refer to Section 3.2.3 and Appendix E;
- Heritage – refer to Section 3.3.3 and Appendix D; and
- Ecological – refer to Section 3.3.2 and Appendix G.



A copy of the 16 February 2011 Council report and meeting minutes are attached as Appendix C.

The planning proposal was forwarded by Council, under Section 56 of the *Environmental Planning & Assessment Act 1979*, to the *Department of Planning & Environment* in August 2014, requesting a Gateway determination. The Gateway determination was granted by the Department on 18 September 2014, subject to 5 conditions. A copy of the determination is attached as Appendix H.

The conditions outlined by the Gateway determination have been addressed in the body of this report.



**LEGEND**

- SUBJECT SITE
- INTERMITTENT DRAINAGE LINES (SIX MAPS)
- 40 CONTOURS (10m INTERVALS - SIX MAPS)
- ABORIGINAL ARCHAEOLOGICAL SITE "WINGHAM BURIAL GROUND"
- 40m BUFFER TO DRAINAGE LINE
- EXISTING SEWER LINE APPROXIMATE LOCATION (MIDCOAST WATER 9/11/09)
- TO CONTAIN BIO-FILTRATION / DETENTION BASINS & PERIMETER ROADS

**EXISTING ZONING - GREATER TAREE LOCAL ENVIRONMENTAL PLAN 2010**

- R1 - GENERAL RESIDENTIAL
- RE1 - PUBLIC RECREATION
- B6 - ENTERPRISE CORRIDOR
- RU1 - PRIMARY PRODUCTION



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DA NO.:		PROJECT:	PLANNING PROPOSAL: LOTS 265-269 & 310, DP754454 AND LOT 4, DP114687 LAMBERT, MORTIMER & RICHARDSON STREETS AND MURRAY ROAD, WINGHAM		
DESIGNED BY:		CLIENT:	BORAL	DRAWING NO:	5219P_Zoning.dwg
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1. THE NORTH WEST CORNER OF THE SITE, LOOKING SOUTH FROM MORTIMER STREET.



2. NORTH-EASTERN EXTENT OF SITE LOOKING SOUTH DOWN THE NATURAL OVERLAND DRAINAGE PATH FROM MORTIMER STREET.



3. NORTH EAST, 3(b) ZONED CORNER OF THE SITE, LOOKING SOUTH WEST FROM LAMBERT STREET



4. LOOKING SOUTH DOWN LAMBERT STREET



5. LOOKING SOUTH ACROSS THE REMAINING TIMBER MILL REMAINS FROM LOT 4



6. LOOKING NORTH ALONG RICHARDSON STREET TOWARDS THE EXISTING VEGETATED DRAINAGE RESERVE.



7. LOOKING WEST ALONG THE ADJOINING RESIDENTIAL DRAINAGE RESERVE FROM RICHARDSON STREET.



8. LOOKING NORTH ACROSS THE EXISTING VEGETATED DRAINAGE RESERVE FROM LOT 4/266



9. LOOKING EAST ACROSS THE SITE'S SOUTH-EASTERN CORNER TOWARDS WINGHAM TOWN CENTRE.

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DA NO:	-	PROJECT:	PLANNING PROPOSAL CNR. MURRAY AND LAMBERT STREETS, WINGHAM		
DESIGNED BY:	TS	CLIENT:	BORAL	DRAWING NO:	5219_Phographic_Plate.psd
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# Part 1

## Statement of Objectives

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### 1.1 Objectives & Intended Outcomes

To enable the development of the land bound by Lambert, Richardson and Mortimer Streets and Murray Road, Wingham and described as Lots 246, 265, 266, 267, 268, 269, 270 and 310 DP754454 and Lot 4 DP114687 for residential and compatible land uses in a manner consistent with the surrounding landscape.

# Part 2

## Explanation of Provisions

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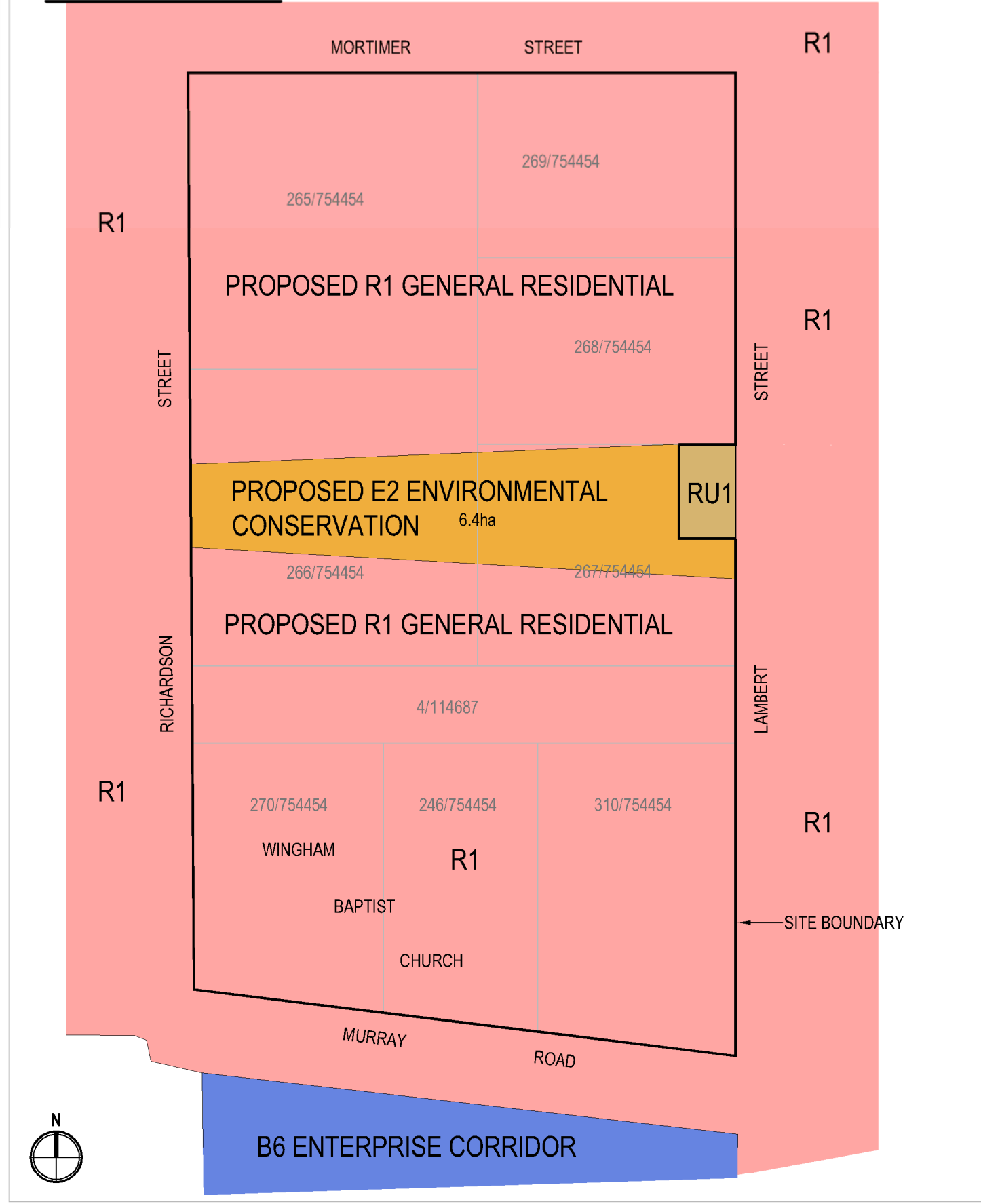
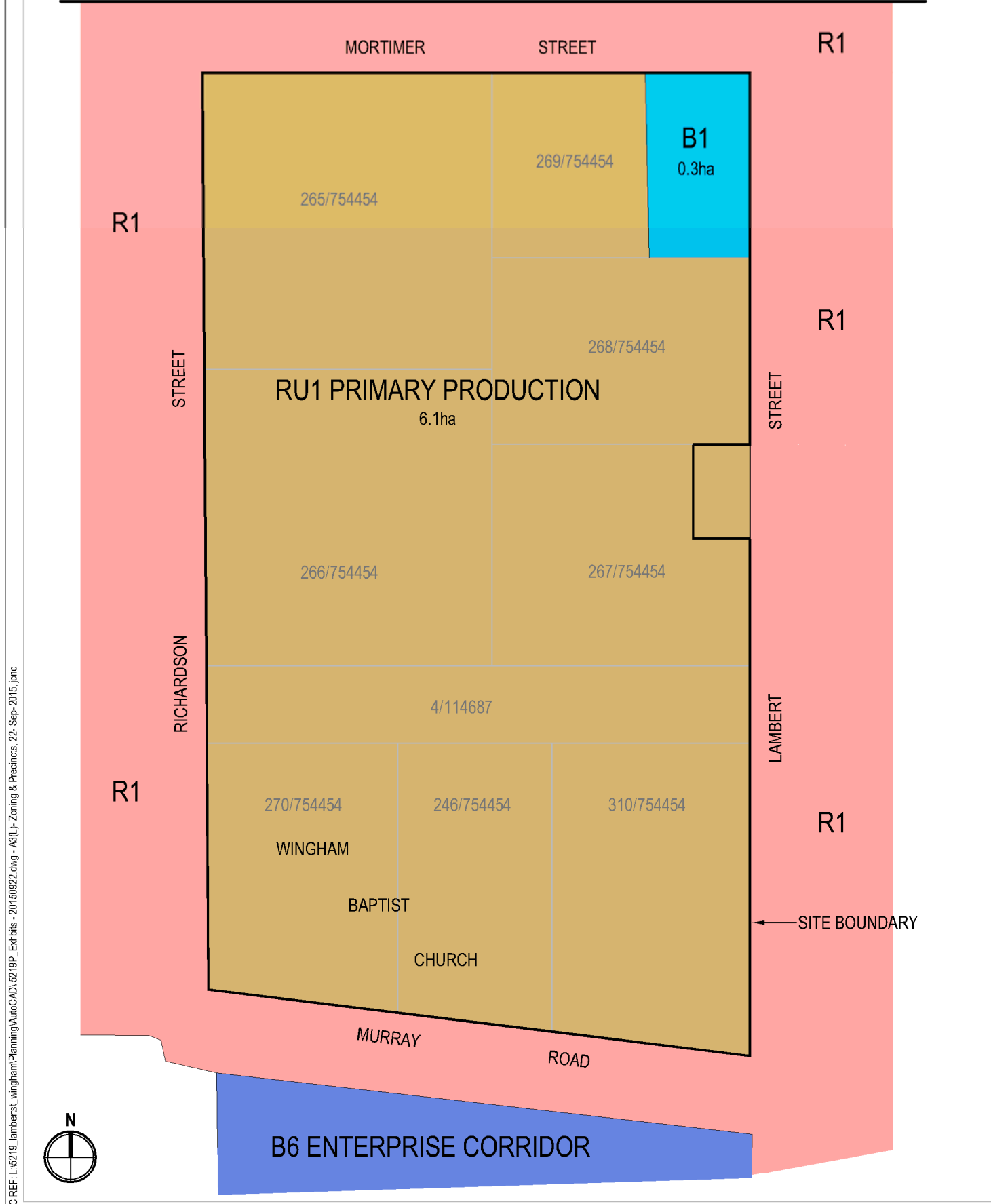
### 2.1 The Proposal

The proposed outcome will be achieved by:

- Amending the Greater Taree Local Environmental Plan 2010 Land Zoning Map (LZN\_010C) on the former Boral Timber Mill site and existing Baptist Church including the land bound by Lambert, Richardson and Mortimer Streets and Murray Road, Wingham in accordance with the proposed zoning map shown at Exhibit 3;
- Amending the Greater Taree Local Environmental Plan 2010 Height of Building Map (HOB\_010C) in accordance with the proposed height map shown at Exhibit 4 which indicates a maximum permissible height of 8.5m onsite;
- Amending the Greater Taree Local Environmental Plan 2010 Lot Size Map (LSZ\_010C) from the current 40ha minimum to 450sqm minimum in accordance with the proposed lot size map shown at Exhibit 5; and
- Amending the Greater Taree Local Environmental Plan 2010 Floor Space Ratio Map (FSR\_010C) in accordance with the proposed Floor Space Ratio map shown at Exhibit 6 which indicates a maximum Floor Space Ratio of 0.6:1 onsite.

**EXISTING ZONING - GREATER TAREE LOCAL ENVIRONMENTAL PLAN 2010**

**PROPOSED ZONING**



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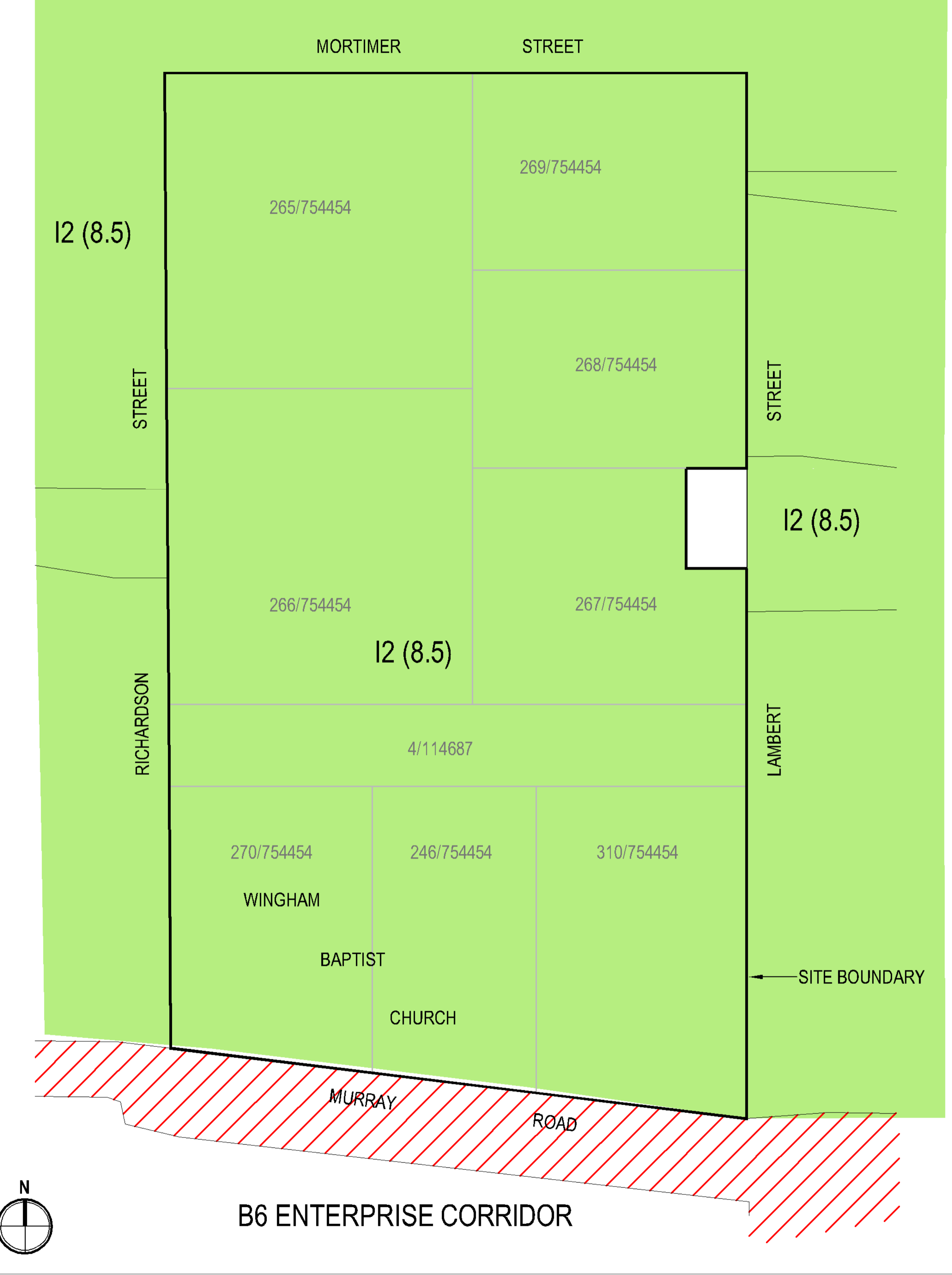
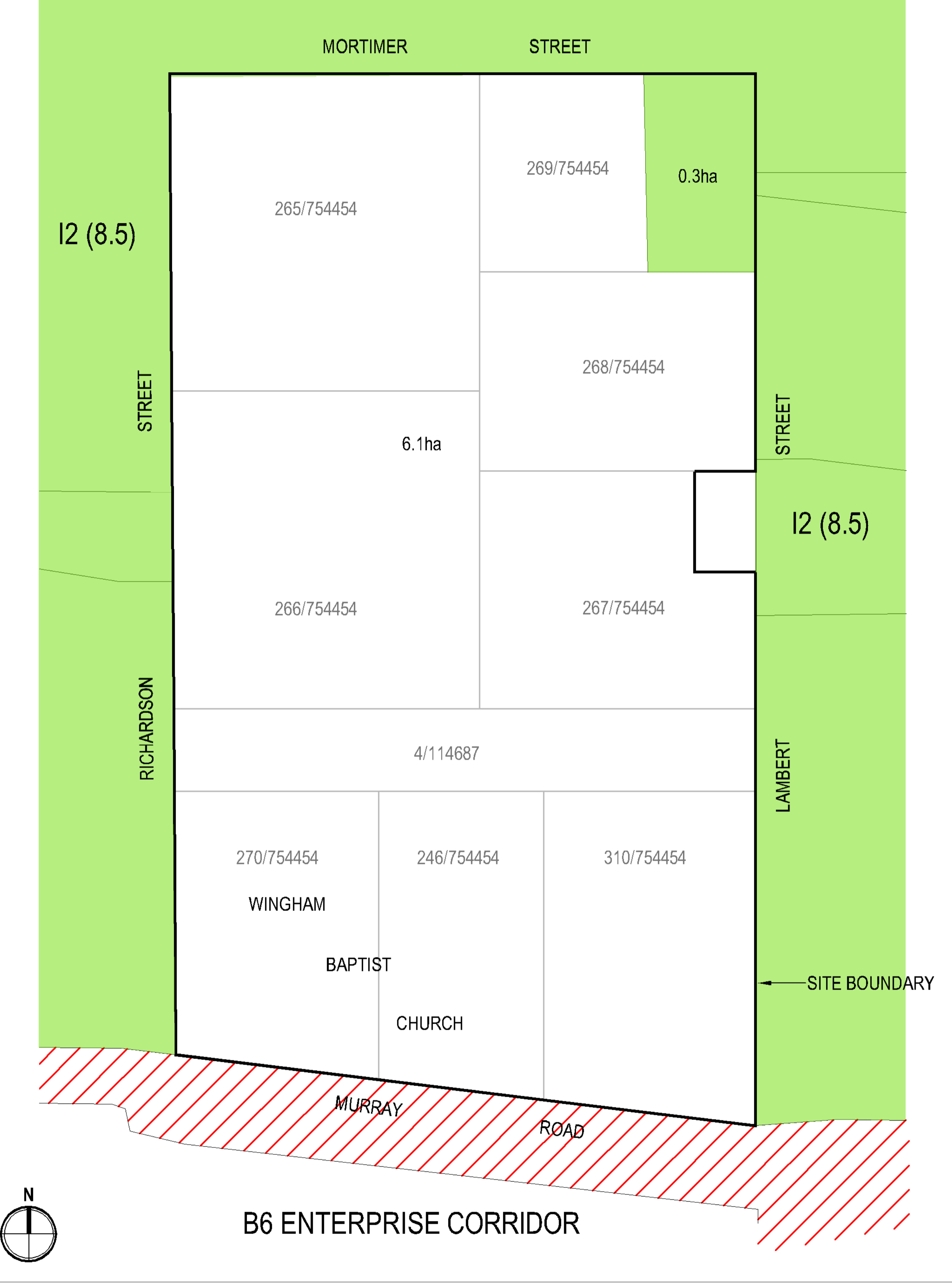
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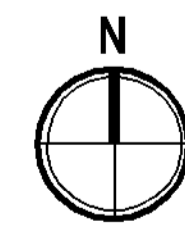
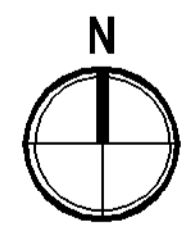
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**EXISTING HEIGHT OF BUILDINGS MAP - GREATER TAREE LOCAL ENVIRONMENTAL PLAN 2010**

**PROPOSED HEIGHT OF BUILDINGS MAP**



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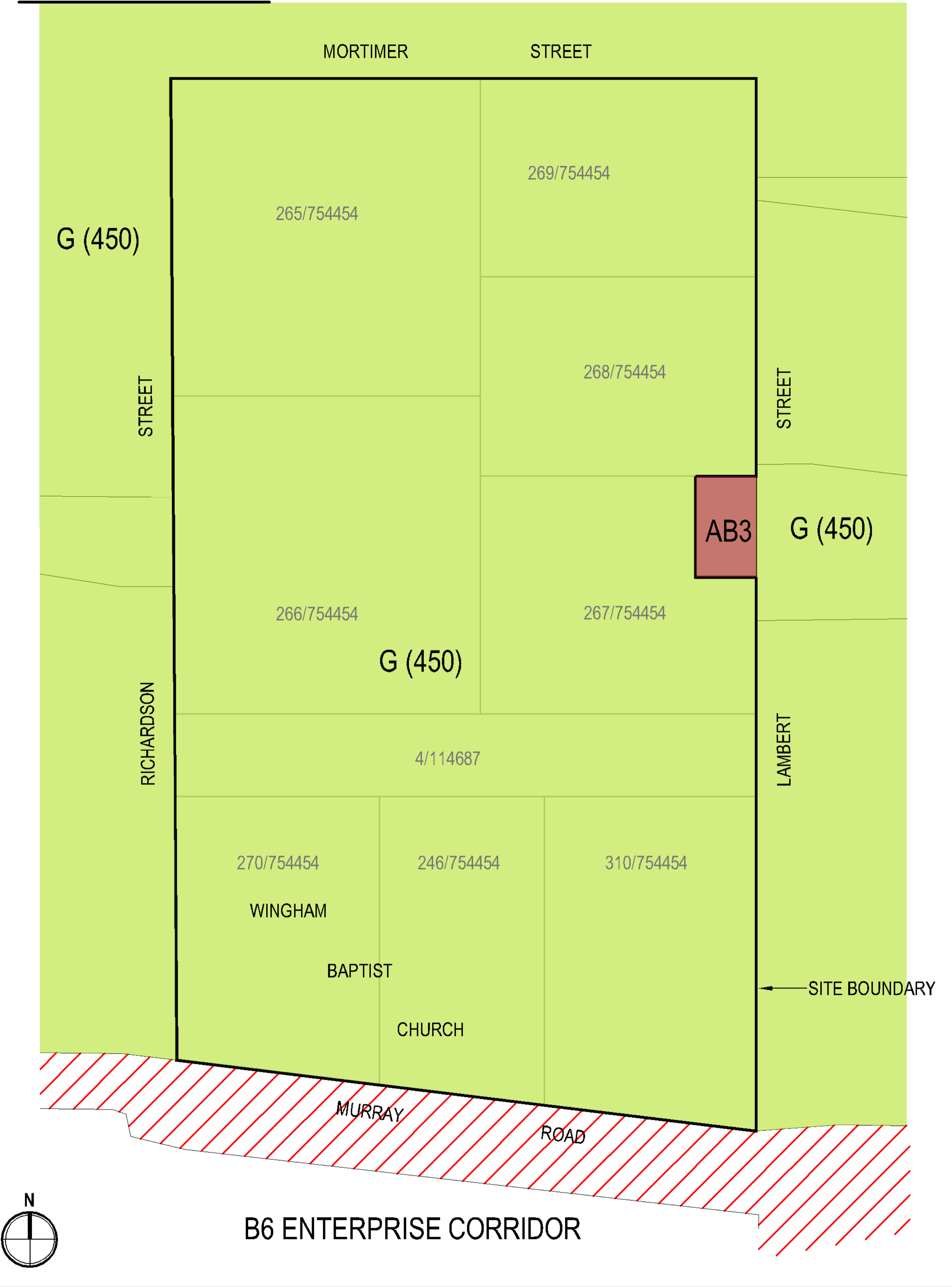
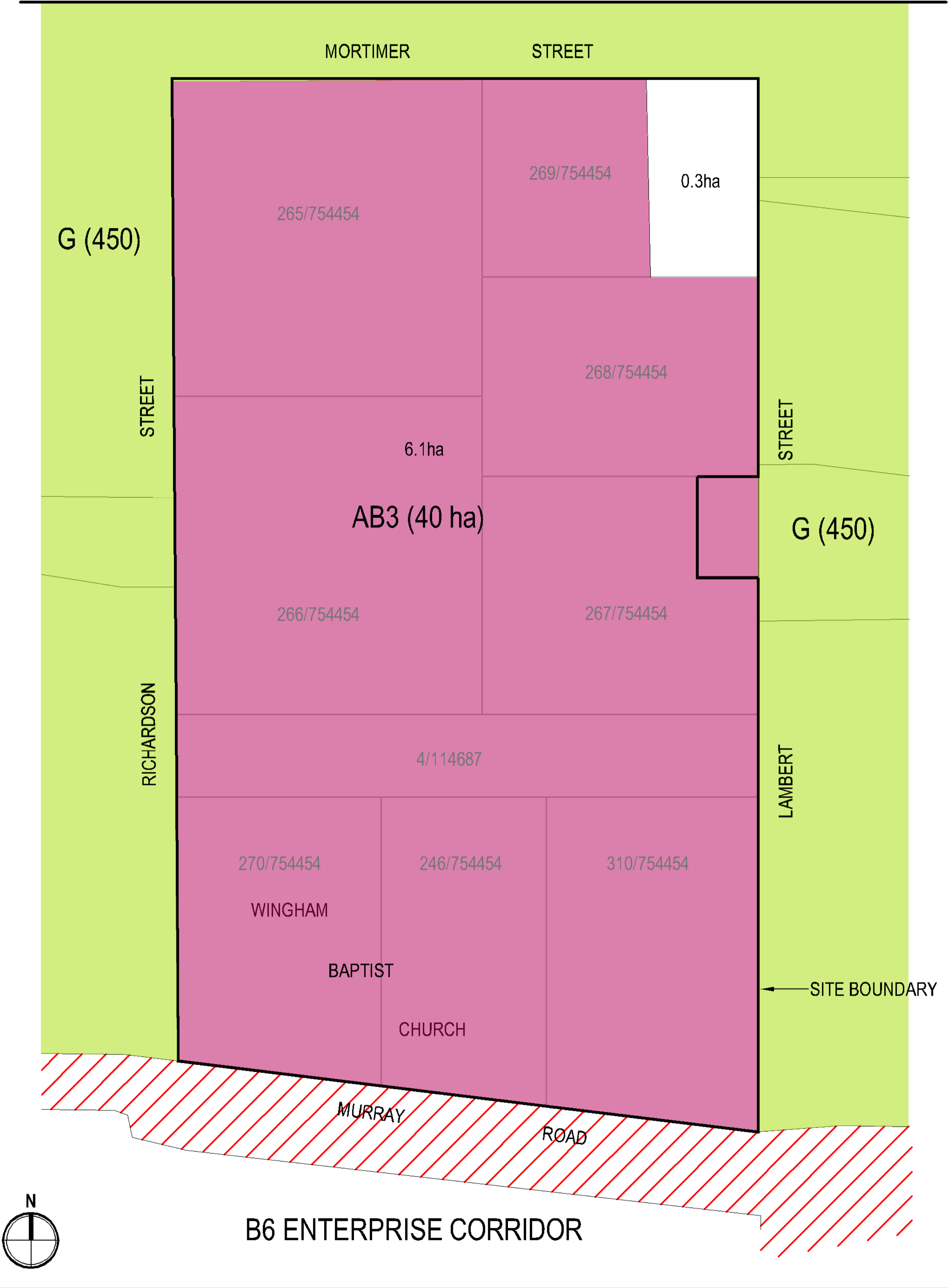
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**EXISTING LOT SIZE MAP - GREATER TAREE LOCAL ENVIRONMENTAL PLAN 2010**

**PROPOSED LOT SIZE MAP**



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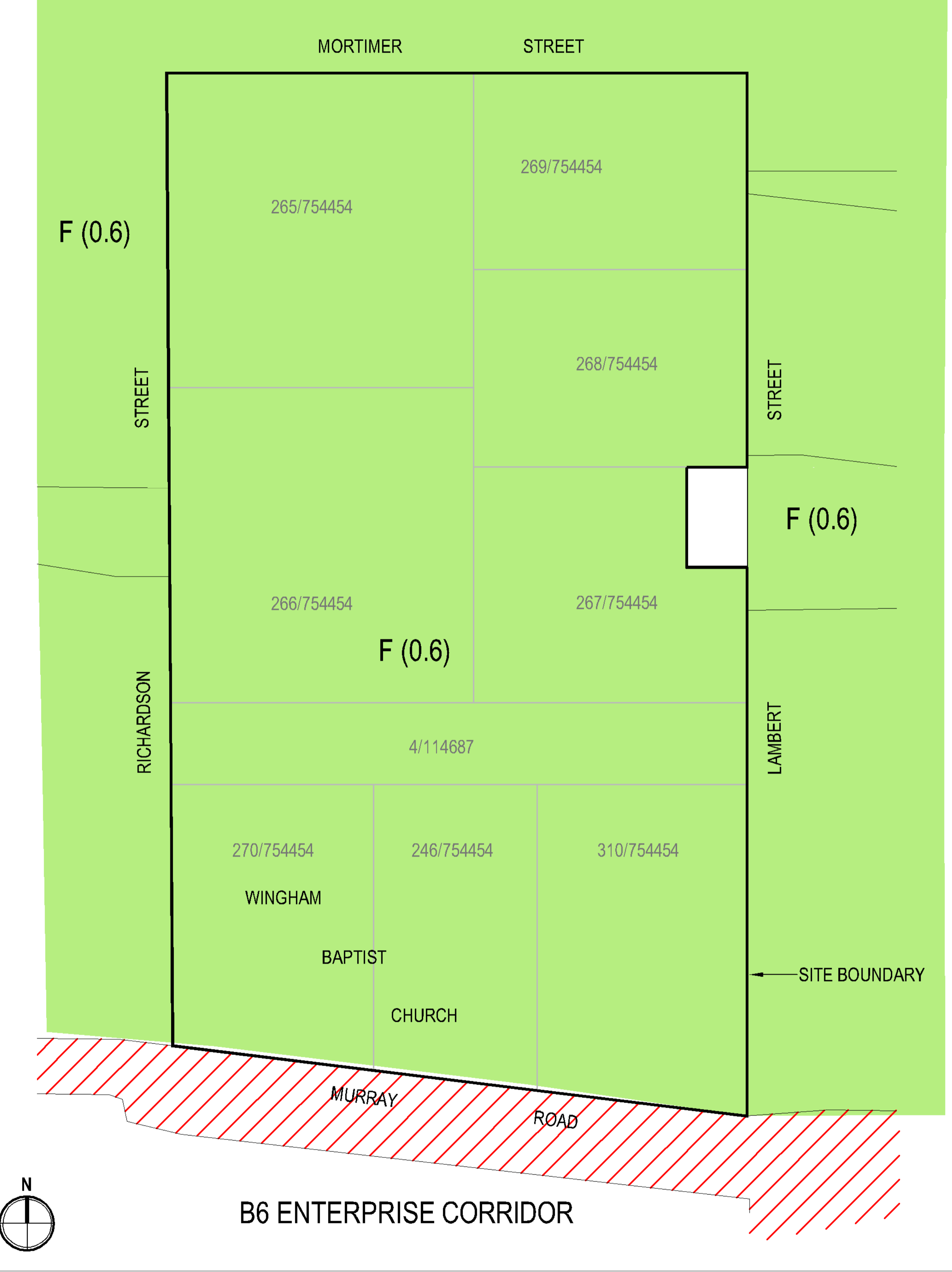
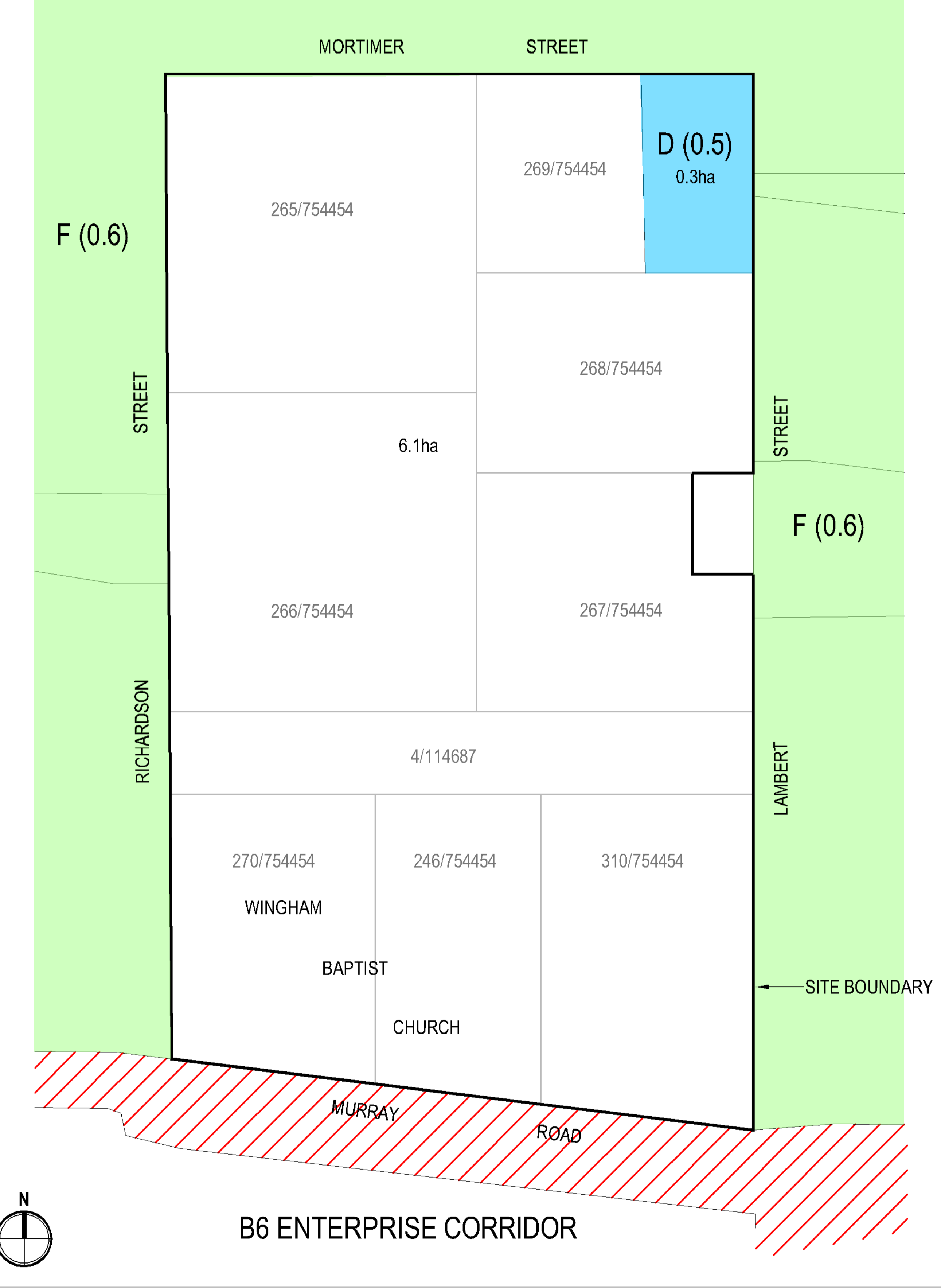
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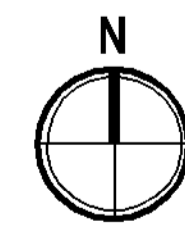
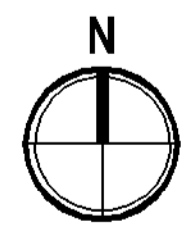


**EXISTING FSR MAP - GREATER TAREE LOCAL ENVIRONMENTAL PLAN 2010**

**PROPOSED FSR MAP**



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PROJECT NO:	5219	DRAWING TITLE:	EXHIBIT 6: EXISTING & PROPOSED FLOOR SPACE RATIO MAP
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# Part 3

## Justification

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*The following information sets out the case for the proposed LEP Amendment with regard to the subject site(s) and addresses those questions listed in the Department of Planning & Infrastructures 'A Guide to Preparing Planning Proposals' (October 2012).*

### 3.1 Need for the Planning Proposal

The Planning Proposal to rezone the subject site from Rural (RU1 Primary Production) and B1 Neighbourhood Centre to Residential (R1 General Residential) and E2 Environmental Conservation is largely considered suitable as it is considered to constitute the urban consolidation of the Wingham urban footprint and is considered to be a logical development of the locality given its surrounding residential land uses.

In addition, the current RU1 Primary Production zoning is not considered suitable for the site for the following reasons:

- The subject site is not of a size large enough to maintain a sustainable primary industry and is further prohibited from containing a sustainable industry for the following reasons:
  - The subject site consists of nine (9) individual allotments of varying sizes and shape; and
  - The subject site is divided into two portions by a central drainage channel, reducing the usable land area.
- The subject site is surrounded on three (3) sides by residential development and the conduction of a primary industry enterprise from the site, as is permissible in the current zoning, would not be appropriate for the residential area or consistent with the aspirations of the surrounding residential neighbours.

#### 3.1.1 Is the Planning Proposal a result of any Strategic Study or Report?

The subject site is not identified within the Mid North Coast Regional Strategy (MNCRS) as a 'proposed urban release area' (refer to Appendix A) however, the site is identified as part of the *Existing Urban (Residential)* footprint in the *Wingham Development Strategy* (May 1999, refer to Figure 1).

Urban consolidation and infill development within the existing urban

footprint of growth areas, including Wingham, are however, recognised in the MNCRS as a contributory mechanism to meeting the expected housing demand of the Mid North Coast Region.

It is also noted that Greater Taree City Council supported the planning proposal in their report of 16 February 2011 (Appendix C).

### 3.1.2 Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The planning proposal is considered to represent the most logical residential development for the Wingham locality for the following reasons:

- The site is surrounded by residential and commercial development and currently maintains access to the necessary physical infrastructure and is therefore not considered to stretch the existing infrastructure services;
- The site is largely free from constraints as it is not identified as bushfire prone land, does not contain acid sulphate soils and is not identified as a regionally significant (vegetative) corridor according to the NSW National Parks and Wildlife Service's website;
- The subject site is not burdened by any identified items of archaeological or heritage significance. It is noted that adjoining Lot 7301 DP1142407 contains an identified item of heritage significance and this is discussed further under Section 3.3.3 and within the Aboriginal Heritage Due Diligence Assessment attached as Appendix D;
- The subject site is heavily infested with invasive weeds and there are no significant ecological impacts considered likely to occur as a result of the proposed rezoning and future development of the land; and
- Numerous environmental site assessments have been undertaken by IT Environmental (Australia) Pty Ltd (12 November 1998, 17 April 2001 and 18 December 2001). All of the assessments considered the site suitable for residential development. However, given the previous use of the land (timber processing plant) a non-Statutory Site Audit was carried out by Zoic Environmental Pty Ltd under the provisions of Part 4, Section 47 of the *Contaminated Land Management Act 1997*.

The non-Statutory Site Audit reviewed each of the environmental site assessments as well as the recent investigation, remediation and validation works carried out on site by JBS&G in 2014/15. Zoic Environmental concurred with

the findings of JBS&G that the contaminants of potential concern have been treated, remediated or removed and the 'site is suitable to be rezoned for residential land use'. Refer to Section 3.2.3 for further information regarding site remediation.

Investigations into alternative approaches for the development of the land were undertaken in late 2008. The land owner wrote to Council in December 2008 to discuss the potential erection of a dwelling on each of the subject allotments. Council advised that whilst it was not strictly permissible under the provisions of the then in-force *Greater Taree Local Environmental Plan 1995*, Council would support an application containing a SEPP 1 Objection (repealed by Clause 4.6 of the *Greater Taree Local Environmental Plan 2010*). Council advised that the applications should demonstrate how the proposed dwellings would fit within a future residential subdivision pattern and suggested that a submission be made to have the land rezoned to residential.

### 3.2 Relationship to Strategic Planning Framework

#### 3.2.1 Is the Planning Proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

##### Sydney Metropolitan Strategy

The *Sydney Metropolitan Strategy* does not apply to the subject site.

##### Regional Strategies

The *Mid North Coast Regional Strategy* (MNCRS) is the applicable Regional strategy applying to the subject site.

The subject site is not identified as a 'proposed urban area' within the MNCRS although it is noted that the Strategies growth areas are predominately located on the urban fringes of the existing urban residential footprint of Wingham (refer to Appendix A). It is therefore considered that the development of the site for the purposes of Residential development is consistent with the overall strategy and intent of the MNCRS.

Urban consolidation and infill development are considered a contributory mechanism towards meeting the expected housing demand of the Mid North Coast Region.

##### Sub-Regional Strategies

The *Wingham Development Strategy – A Strategy for a Changing*

*Environment* (May 1999) and the *Taree/Wingham Urban Growth Plan* (October 1990) are the applicable sub-regional strategies applying to the subject site.

The subject site is identified within the Wingham Development Strategy as a part of the existing 'urban residential footprint' (see Figure 1).

The primary objective of the Taree/Wingham Urban Growth Plan is to create a '*...framework for environmentally sound, orderly, progressive and efficient urban expansion of Taree, Wingham and environs, catering for forecast growth*'. This planning proposal is considered consistent with this objective for the following reasons:

- The proposal is not considered likely to have a detrimental impact on the natural environment or affect any natural ecosystems occurring within the locality;
- The site is surrounded by residential development on three (3) sides and is flanked by commercial businesses to the south. Expansion of the residential zoning into the site is considered to maintain a logical growth pattern for the locality;
- The site currently maintains access to the necessary physical infrastructure and is therefore not considered likely to stretch the existing infrastructure services; and
- The site is not considered to be of a size suitable to maintain a sustainable primary industry and any intention to utilise the land for such a purpose is considered to be inconsistent with the surrounding residential land use.

### 3.2.2 Is the Planning Proposal consistent with the local Council's Community Strategic Plan, or other local strategic plan?

The Taree/Wingham Urban Growth Plan is noted as the regions 'strategic plan' as it was prepared by Council, outlining the broad development structure for future expansion and development of both Taree and Wingham.

The objectives for the Growth Plan are detailed and addressed in the following Table:

Table 3.2.2 – Taree/Wingham Urban Growth Plan	
Objective	Comment
Primary	
The primary objective for this growth plan is a framework for environmentally sound, orderly, progressive and efficient urban expansion of Taree, Wingham and environs, catering for forecast growth.	The proposal is not considered likely to have a detrimental impact on the natural environment or affect any natural ecosystems occurring within the locality; Flora Fauna Consulting has completed an ecological assessment of the site (Appendix G) and noted that the site is environmentally ' <i>...degraded and heavily</i>

	<i>infested with invasive weeds. Overall, it appears that there are no significant impediments to the proposed rezoning. In relation to further development of the subject site, it is considered that additional ecological investigation would not be warranted given the extent of the disturbance and modification of the habitat that exists'.</i>
Secondary	
Recognition of the natural environmental ecosystems within the study area.	<p>The ecological assessment identified two terrestrial plant communities on site, those being a Spotted Gum – Grey Ironbark dry open forest community and a derived riparian community that could not be assigned a formal classification due to the extent of modification and degradation of the plant community. Whilst some threatened species could potentially utilise the habitat within the site the potential impacts can be mitigated by the measures outlined in the ecological assessment.</p> <p>An Aboriginal site was identified as occurring on an adjoining allotment, that being Lot 7301 DP1142407. The site is identified as the 'Wingham Burial Ground' and is protected by the existing allotment within which it exists. An Aboriginal Heritage Due Diligence Assessment has also been undertaken by Kelleher Nightingale Consulting Pty Ltd (refer Section 3.3.3 and Appendix D). Their assessment concluded that the study area '<i>...was moderately to severely disturbed with minimal to low archaeological potential. According to the OEH Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales, the proposed rezoning can proceed with caution as it will not impact any Aboriginal objects or Aboriginal places'.</i></p> <p>The Local Aboriginal Land Council have also confirmed that they have no objection to the proposed rezoning (refer Appendix F). For these reasons, it is considered that the proposed rezoning has considered the natural environmental ecosystems and is not considered likely to have any detrimental impacts.</p>
Recognition of the potential effects of urban growth on the natural ecosystems.	<p>The site is considered to be isolated from the natural ecosystems occurring within the broader Wingham area due to the adjoining urban development occurring to the north, east and west. The site is physically surrounded by formed roads and residential and commercial development. This, as well as the degraded quality of the existing terrestrial communities and invasive weeds present on-site, particularly within the ephemeral drainage gully, suggest that the proposed rezoning is not likely to have a detrimental impact on the growth or connection of any natural ecosystems.</p>
Documentation of the natural and cultural constraints which effect the growth area.	<p>The natural constraints have been considered as a part of the ecological impact assessment undertaken by Flora Fauna Consulting (refer Appendix G). The natural constraints are not considered to inhibit the</p>

	<p>proposed development of the site.</p> <p>The LALC have advised that they have no objection to the rezoning occurring within proximity of the identified Aboriginal site and the Aboriginal Heritage Due Diligence assessment carried out did not identify any constraints to the rezoning of the subject land. Further assessment of any future development of the land would however, be required.</p>
Documentation of the sewerage potential for efficient servicing capacity within the study area.	The southern precinct (that which falls south of the existing vegetated drainage reserve includes an (internal main) sewer line running east-west from Irvine Street to the western edge of Richardson Street.
Assessment of population growth needs in the future.	The rural locations of the Manning region, including Wingham, are noted for attracting families. As a result Wingham is expected to grow by an average annual growth rate of 0.54% with the majority of households within the locality consisting of 'one person households' and 'couple families with dependents'. This planning proposal is considered to contribute to the moderate rural growth anticipated within the Manning region.
Assessment of business and community facilities required for future populations.	No business or commercial zonings are proposed as a part of this application. It is considered that the sites close proximity to the Wingham town centre negates the need for any business or commercial zonings to be provided. It is however, noted that child care centres, home businesses, neighbourhood shops, restaurants or cafes and shop top housing are permissible within the R1 General Residential zone and could potentially provide for any business or community needs within the area.
Assessment of primary access requirements for future growth areas, ensuring efficient road networks with avoidance of ribbon development.	The subject site is flanked on all sides by the existing local road network and no additional access to the site is considered necessary. It is considered that the site can be accessed from a number of different roads and locations and it is therefore considered that access is unlikely to be an issue for any future development of the site.
Identification of orderly and progressive release areas for all categories of urban development, providing for periodic stages of expansion within the study area, based on a 5 yearly review providing for ten years supply of land, including an additional reserve of vacant land.	The site is surrounded by urban development and as such is considered 'in-fill' development. Development of the site for residential purposes as proposed is considered a consolidation of the Wingham urban footprint and is considered to be a logical development of the locality given its surrounding residential land uses without adversely impacting infrastructure or service provision.

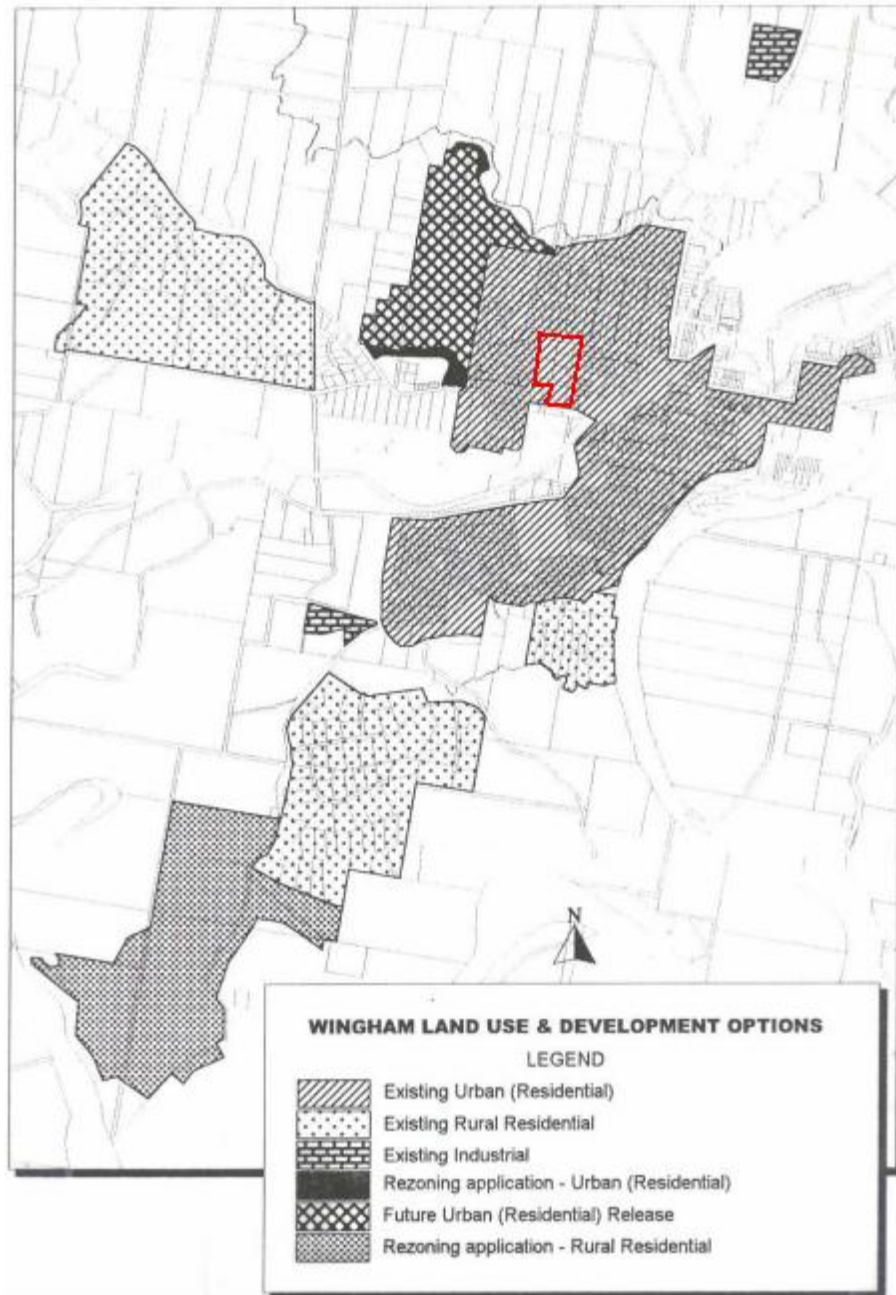


Figure 1: Extract from the Wingham Development Strategy (Page 35) detailing the site as 'Existing Urban (Residential)'. The site is bound in red.



### 3.2.3 Is the Planning Proposal consistent with the applicable State Environmental Planning Policies?

The following State Environmental Planning Policies (SEPP's) apply to the subject site and planning proposal:

#### SEPP Rural Lands

Clause 7 of this SEPP sets out 8 rural planning principles that must be considered in the preparation of any LEP Amendments affecting rurally zoned land. The rural planning principles read as follows:

- (a) the promotion and protection of opportunities for current and potential productive and sustainable economic activities in rural areas,
- (b) recognition of the importance of rural lands and agriculture and the changing nature of agriculture and of trends, demands and issues in agriculture in the area, region or State,
- (c) recognition of the significance of rural land uses to the State and rural communities, including the social and economic benefits of rural land use and development,
- (d) in planning for rural lands, to balance the social, economic and environmental interests of the community,
- (e) the identification and protection of natural resources, having regard to maintaining biodiversity, the protection of native vegetation, the importance of water resources and avoiding constrained land,
- (f) the provision of opportunities for rural lifestyle, settlement and housing that contribute to the social and economic welfare of rural communities,
- (g) the consideration of impacts on services and infrastructure and appropriate location when providing for rural housing,
- (h) ensuring consistency with any applicable regional strategy of the Department of Planning or any applicable local strategy endorsed by the Director-General.

The proposed rezoning is considered consistent with these planning principles for the following reasons:

- The site is not considered suitable to sustain a productive and economic rural activity due to its small size (total area of 6.4ha) and close proximity to residential development;

- The site is largely cleared of vegetation containing predominately managed grass lands and development of the site for urban purposes is unlikely to significantly detrimentally affect the biodiversity of the locality (the inclusion of the E2 Environmental Conservation zoning over the central drainage channel is considered to ensure satisfaction of the biodiversity maintain or improve principle);
- The site is capable of being connected to the necessary physical infrastructure with only minor extensions to the existing infrastructure; and
- The development of the site for the purposes of residential development is considered a logical development of the existing Wingham urban footprint and is consistent with the overall local strategy and intent of the MNCRS.

#### SEPP 44 – Koala Habitat Protection

The provisions of this SEPP apply to the Greater Taree LGA and the requirement for consideration is triggered due to the combined Lot area exceeding 1 hectare in size.

The northern portion of the site contains scattered vegetation described by Flora Fauna consulting as Spotted Gum – Grey Ironbark dry open forest, the canopy of which is identified as containing *Eucalyptus tereticornis* (Forest Red Gum), which is listed as a Schedule 2 Feed tree species under SEPP 44.

Flora Fauna (Appendix G) noted that the Forest Red Gum constituted more than 15% of the total number of trees in the upper and lower strata of the tree component and therefore satisfied the criteria as potential Koala habitat.

Flora Fauna states that there is a local Koala population present. The Atlas of NSW Wildlife database search revealed a total of 32 records, all but one occurred outside the urban environment with concentrations to the north in an area of remnant forest. The site cannot however, be regarded as core koala habitat according to Flora Fauna for the following reasons:

- The field survey did not reveal any evidence of the (koala) species utilising the habitat; and
- The site is surrounded by existing urban development and does not contain habitat corridors suitable to provide linkages to non-urbanised areas

On the basis of the above, Flora Fauna states that '*...the habitat within*

*the survey area cannot be regarded as core Koala habitat for the purposes of SEPP 44'.*

#### SEPP 55 – Remediation of Land

Clause 7 of this SEPP requires consideration to be given to all planning applications in relation to land contamination. The relevant consent authority is therefore required to consider the sites history and whether or not the site is suitable for the proposed development, in this case the rezoning of the land from a predominately rural zoning to residential and partly E2 Environmental Conservation.

Lot 310 formerly contained a Timber Processing Plant from the 1940's through to 1997 with land surrounding the plant utilised for the storage of timber. The plant was demolished in 2001.

Various environmental studies have been completed over the site by Fluor Daniel GTI and IT Environmental (Australia) Pty Ltd between 1998 and 2001. Each of the reports completed have concluded that the site is suitable for residential land use.

The reports did note the presence of contamination on-site, primarily within Lot 310, relating to the former Timber Mill. Contamination Management Pty Ltd completed a Site Audit Report over Lot 310 in March 2002 and suggested that the findings of hydrocarbons (TPH) in the soil is believed to be related to vehicles parked in that area within a former shed.

Remediation works were undertaken and monitored by IT Environmental in 2001 and Contamination Management Pty Ltd concluded that the site was suitable for residential development.

*'Based on the results presented in the environmental investigations and validation reports, and their substantial compliance with guidelines made by NSW EPA, it is my opinion that it is safe to conclude that the site is suitable for the proposed residential development and that no conditions are required to be noted on Site Audit Statement WRR98/1, which relates to the site'.*

In addition, Zoic Environmental Pty Ltd, a New South Wales Environment Protection Authority (NSW EPA) accredited Site Auditor (accreditation number 0302), completed a non-Statutory Site Audit under Part 4, Section 47 of the Contaminated Land Management Act, 1997. The audit was completed in accordance with NSW DEC (2006) *Contaminated Sites: Guidelines for the NSW Site Auditor Scheme – Second Edition*. A copy of the non-statutory Site Audit is included in full as Appendix E.

Whilst there are no statutory requirements for the site audit under the *Environmental Planning & Assessment Act, 1979*, the *Contaminated*

*Land Management Act, 1997 or the Protection of the Environment Operations Act, 1997*, the audit was carried out to ensure an independent review of the appropriateness of environmental works completed on-site and to assist in determining the suitability of the site for residential use.

The auditor (Zoic Environmental) considers that the reviewed works have been undertaken in accordance with the requirements of the NSW DEC (2006), other relevant guidelines endorsed under s.105 of the CLM Act and that '*...based on the results of the validation works and soil analytical results from previous investigations it is considered that the site is suitable to be rezoned for residential land use. On this basis a Site Audit Statement will be issued certifying that, in the opinion of the Auditor, the site is suitable for residential land use (with accessible soils)*'.

### 3.2.4 Is the Planning Proposal consistent with applicable Ministerial Directions (s.117 Directions)?

The Ministerial Directions issued on 1 July 2009 are addressed in the table attached at Appendix B.

It is noted that the planning proposal is inconsistent with S117 Directions 1.1 Business and industrial Zones, 1.2 Rural Zones and 1.5 Rural Lands. The Department of Planning and Environment however, determined that these inconsistencies were of minor significance. Refer to the Gateway determination is included as Appendix H.

## 3.3 Environmental, Social & Economic Impact

### 3.3.1 Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

Flora Fauna Consulting (Appendix G) undertook a detailed ecological assessment of the site including the potential impacts of the proposal on critical habitat, threatened species, populations or ecological communities, and their habitats.

Flora Fauna's assessment noted that there is one threatened ecological community identified (using the Department of Sustainability, Environment, Water, Population and Communities (DSEWPC) web site) as occurring within a 10km radius of the subject site, that being the critically endangered *Lowland Rainforest of Sub Tropical Australia*. This plant community was not observed within the subject site.

Using the DSEWPC website search Flora Fauna identified 45 Threatened Species and 34 Migratory Species as likely to be occurring within the 10km area surrounding the site. Only two (2) of the migratory species, the *Hirundapus caudacutus* (White Throated Needletail) and *Ardea ibis* (Cattle Egret) are considered to have potential to utilise the habitat within the subject site.

27 of the Threatened Species are aquatic or marine species and are therefore not considered likely to occur on or utilise the subject site. The findings of Flora Fauna's assessment are included within Appendix C of Appendix G.

It is noted however, that no endangered ecological community or critical habitat was recorded within the subject site and given the significant disturbance history, the proposed rezoning is not considered likely to fragment any habitat areas or detrimentally impact the long-term survival of any threatened species, including the Koala.

The central drainage channel running east-west across the site is proposed to be zoned E2 Environmental Conservation. The zoning of this land to E2 is considered to contribute towards the achievement of the maintain and improve principle required by the NSW Office of Environment & Heritage. Negotiations to apply a restriction on the title of the land have been entered into between Council and the landowner. It is intended that the negotiations will result in the requirement for improvement and management works to be undertaken as a part of any future development of the subject site. Ultimately leading to the dedication of the E2 zoned land to Council.

### 3.3.2 Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

It is not anticipated that there would be any significant environmental effects from the planning proposal. The site is considered to form part of the existing Wingham urban footprint and is surrounded by residential and commercial development.

The site is not identified as bushfire prone land, does not contain acid sulphate soils and is located within close proximity to the Wingham town centre and existing employment features.

The ecological implications of the proposal have been investigated by Flora Fauna Consulting and the findings of the ecological assessment are summarised below:

- Two terrestrial plant communities were recorded within the survey area, those being:
  - Spotted Gum – Grey Ironbark dry open forest. This community was identified as occurring within that part of the site north of the central drainage reserve; and
  - Derived riparian community (note that this community could not be assigned a formal Vegetation Information System (VIS) classification due to the extent of modification and degradation of the plant community). This community was identified as occurring within the drainage corridor running centrally through the survey area.

That part of the site, south of the central drainage reserve, adjacent the existing church and former timber mill site, is identified as containing managed grass which is subject to regular slashing.

The managed areas were identified as being dominated by exotic/weed species including *Paspalum urvillei* (Vasey Grass), *Setaria sphacelota* (South African Pigeon Grass), *Andropogon virginicus* (Whisky Grass) and *Cynodon dactylon* (Common Couch).

- Based upon the information gathered during the field survey, and with respect to the survey areas disturbance and modification history (cattle grazing and timber mill), it was determined that the subject site provides limited potential habitat for some species of fauna;
- No threatened species or populations were recorded within the survey area during the field survey;
- Three (3) weeds of national significance were recorded within the survey area, those being *Asparagus aethiopicus* (Asparagus Fern), *Lantana camara* (Lantana) and *Senecio madagascariensis* (Fireweed);
- The northern portion of the site containing the Spotted Gum – Grey Ironbark dry open forest is considered to constitute more than 15% of the upper and lower strata of the tree component and on this basis is considered to satisfy the criteria as potential Koala habitat;
- The Atlas of NSW Wildlife database indicates that Koala's have a presence in and around the subject site however, Flora Fauna state that this is not necessarily an indication of a population that is presently on, or utilising the subject site. Flora Fauna note that the extent of urbanisation around the site and the lack of suitable habitat corridors to provide linkages to non-urban vegetated areas suggest that the site is unlikely to be regarded as core Koala habitat; and
- No vegetation will be removed from within the subject site in relation to the planning proposal and it is likely that any future vegetation removal associated with future urban development would be limited to the northern portion of the site.

To ensure that the environmental impacts are minimised Flora Fauna include a number of mitigation measures which should be included in a Vegetation Management Plan completed as a part of any future planning application, these include:

- Protection of the existing remnant native vegetation;

- Encourage regeneration of existing vegetation;
- Control invasive weeds;
- To minimise the impact of proposed development on the native vegetation; and
- To perform monitoring and maintenance activities to ensure that implementation of the mitigation measures are adequate and a satisfactory restoration outcome is achieved.

Secondary recommendations associated with vegetation removal likely to occur within the northern portion of the site as a part of the future development are also recommended by Flora Fauna and include:

- Retention of Koala food tree species where possible;
- A replacement ratio of 1:1;
- Replacement trees to be of the same species as those they are replacing;
- The re-planting should be undertaken in the proposed public recreation land. If there is not sufficient land area within the public recreation land to accommodate all of the re-planting some may be provided as street trees within the subject site;
- Plantings should be placed irregularly within the proposed public recreation land to simulate a natural plant community; and
- Removal of the trees should be undertaken selectively with preference given to retaining trees of good growth form, Koala tree species and trees with potential to form hollows.

To ensure that these recommendations are satisfied the landowner has entered into negotiations with Council under Section 93F of the Environmental Planning & Assessment Act 1979. The purpose of the negotiations is to ensure that any future development of the subject site carries out the works identified above before ultimately dedicating the E2 zoned portion of the site to Council.

### 3.3.3 Has the planning proposal adequately addressed any social and economic effects?

#### The Social Impacts

The planning proposal is considered to constitute a logical development of an existing urban resource within the Wingham urban footprint catering for the continued growth of the locality and surrounding Manning region.

The surrounding existing residential development to the west, north and east and further residential development to the south currently being undertaken are considered to justify that the development of this site for the purposes of residential dwellings and associated structures is consistent with the social and economic development of Wingham.

It is considered that the interface between the site and the surrounding residential and commercial development significantly hamper the use of the site for viable rural agricultural or pastoral purposes.

In this regard, it is considered that the use of the site by a viable agricultural or pastoral practice would be inconsistent and incompatible with the views, expectations and values of the people living in the surrounding residential area.

In addition, the site not considered of a size suitable to accommodate a viable agricultural or pastoral practice and the rezoning of the site to a residential and environmental protection zoning is considered to ensure the use of the land in a manner commensurate with the expectations of the surrounding residents.

The rural locations of the Manning region, including Wingham, are noted for attracting families. As a result Wingham is expected to grow by an average annual growth rate of 0.54% with the majority of households within the locality consisting of 'one person households' and 'couple families with dependents'. This planning proposal is considered to contribute to the moderate residential growth anticipated within the Manning region.

#### *Heritage/Archaeology*

The subject site is not identified as containing any items or sites of Aboriginal or European heritage significance. It is noted that Lot 7301 DP1142407 which adjoins the site and is located within the existing vegetated drainage channel, is identified as containing an Aboriginal site. The Aboriginal Heritage Information Management System (AHIMS) identifies this site as the 'Wingham Burial Ground'. This site is not listed under Schedule 5 Environmental Heritage of the *Greater Taree Local Environmental Plan 2010*.

Lot 7301 does not form part of the proposed planning proposal and no works are sought on this site. To confirm that the proposed rezoning shall not have a detrimental impact on the identified archaeological item an Aboriginal Heritage Due Diligence Assessment was undertaken by Kelleher Nightingale Consulting Pty Ltd (KNC). The assessment included consultation with the *NSW Office of Environment & Heritage* (NSW OEH) the completion of background research and an archaeological field inspection. A copy of the KNC due diligence assessment is included in full at Appendix D.

KNC noted that no Aboriginal archaeological objects or areas of archaeological potential were identified within the proposed study area.



The study area was also moderately to severely disturbed with minimal to low archaeological potential. Therefore, '*...according to the OEH Due Diligence Code of practice for the Protection of Aboriginal Objects in New South Wales, the proposed rezoning can proceed with caution as it will not impact any Aboriginal objects or Aboriginal places.*

It is also noted that the Purfleet/Taree Local Aboriginal Land Council (PTLALC) considered the proposal and has advised that they have no objection to the proposed rezoning. Development on the site for residential purposes would however, require further consultation.

#### The Economic Impacts

As noted above, the site is not considered to be of a size suitable to cater for a viable agricultural or pastoral practice and is therefore currently being underutilised from a rural or agricultural perspective.

The proximity of the existing urban (residential) development surrounding the site is also considered to result in a limited development capacity. In this regard, it is considered that the conduction of the land uses currently permissible under the RU1 Primary Production zoning, such as extractive industry, intensive livestock agriculture, open cut mining or rural industries (livestock processing, composting facilities, stock and sale yards) would be inconsistent with the views, expectations and values of the people living in the surrounding residential area.

Economically, the site is therefore considered to be underutilised and not contributing to the economic potential of Wingham.

Development of the site for the purposes of Residential development is however, considered to provide a significant economic impact to Wingham. The development will contribute to jobs during the construction phase and will contribute to the available housing choice within the existing urban footprint.

### 3.4 State & Commonwealth Interests

#### 3.4.1 Is there adequate public infrastructure for the planning proposal?

The site is currently connected to the following physical infrastructure:

- Electricity: overhead power lines currently exist on the subject sites eastern boundary, on the northern side of Mortimer Street and the western side of Richardson Street. Pole mounted sub stations currently exist on the corner of Murray Road and Lambert Street, south of 13 Mortimer Street and within Richardson Street south of the existing drainage reserve;
- Sewer: The southern precinct (that which falls south of the existing vegetated drainage reserve) includes an (internal

main) sewer line running east-west from Irvine Street to the western edge of Richardson Street;

- Water: Lot 310 currently contains a meter within its eastern boundary (Lambert Street). A water line currently runs north-south along the eastern edge of Richardson Street;
- Telecommunications: direct buried cables are located on the northern side of Murray Road (subject sites southern boundary); and
- Roads: The site is bound by sealed roads on all four sides. None of the road frontages however maintain kerb and guttering.

It is considered that this planning proposal provides a logical development of an existing urban resource without generating any additional demand on public transport, roads, utilities, waste management or recycling and other essential services such as health, education or emergency services. These matters are expanded upon below:

- Public Transport: Wingham Bus Services provide public transport in the area surrounding the site and there are currently two bus stops adjoining the subject site. These are located in the sites south-western corner adjacent the Baptist Church (Richardson Street) and adjacent the sites north-eastern corner (corner of Mortimer and Lambert Streets).

The Wingham train station is also located approximately 350m east of the site.

- Roads: The site is surrounded by an existing road network on all sides and any future road network associated with the sites development is not considered likely to generate any significant impact on traffic movements or maintenance costs;
- Utilities: Refer to the comments above relating to infrastructure provision;
- Waste Management: The site is surrounded by residential development which is provided with waste management services. The planning proposal is not considered likely to result in a demand which is unlikely to be catered for by a moderate expansion of the existing services provided;
- Essential Services:
  - Schools: A number of schools are located within Wingham. St Josephs is located approximately 1.1km east of the site and the Wingham Public School is

located approximately 1.2km west of the site.  
Wingham High School is located approximately 1.6km east of the site;

- Health: The Wingham Hospital is located approximately 1km south of the site;
- Emergency Services: The site is not identified as bushfire prone and is surrounded by urban development. The development of the site is therefore not considered likely to detrimentally impact the service provision of the local fire authority.

Due to the sites in-fill nature the use of the site for urban purposes is not considered likely to stretch emergency services by manner of distance to travel or creating any difficulties in relation to access.

No shortfall in service provision is considered likely as a result of the planning proposal.

### 3.4.2 What are the views of the State & Commonwealth Public Authorities consulted in accordance with the Gateway Determination?

The Gateway Determination requires consultation with the Purfleet-Taree Local Aboriginal Land Council and the Office of Environment & Heritage (National Parks & Wildlife, hereafter referred to as OEH). This consultation has been undertaken by Council as a part of the finalisation of the LEP Amendment. A copy of the correspondence received from the OEH is included in Appendix I.

The OEH questioned the '...suitability of the residential zoning within the drainage line that runs through the site'. As a result, negotiations with Council were undertaken and the E2 Environmental Conservation zoning was added to the drainage line as detailed within Exhibit 3 – Existing and Proposed Zoning. The inclusion of the E2 zone and the implementation of the recommendations identified by Flora Fauna Consulting (Appendix G) is considered to provide appropriate mechanisms to ensure that the 'improve or maintain' outcome can be achieved.

It is noted that correspondence was exchanged with the Purfleet-Taree Local Aboriginal Land Council as a part of the preparation of the planning proposal. No concerns were raised with the proposed LEP Amendment although it was recommended that any future development applications for the development of the site be referred to the LALC for review and comment.

No consultation with other State or Commonwealth Public Authorities has been undertaken as a part of the preparation of this planning proposal.

# Part 4

## Maps

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The attached Exhibits are considered to clearly identify the relevant aspects of the planning proposal and include:

- Exhibit 1 – Aerial Photograph & Site Locality: This Exhibit identifies the subject site and surrounding locality and provides context as to the sites position from the regional centre of Taree;
- Exhibit 2 – Photographic Plate; This Exhibit provides a snapshot of the site and surrounding areas;
- Exhibit 3 – Current & Proposed Site Zoning: This Exhibit details the sites current zoning pursuant to the provisions of the *Greater Taree Local Environmental Plan 2010* and identifies the R1 General Residential and E2 Environmental Conservation zoning sought under this proposal;
- Exhibit 4 – Existing & Proposed Height of Buildings Map: This Exhibit details the sites current Height of Building (no height limit currently specified) pursuant to the provisions of the *Greater Taree Local Environmental Plan 2010* and identifies an 8.5m maximum Height of Building sought under this proposal. It is noted that this is consistent with the adjoining residential areas;
- Exhibit 5 – Existing & Proposed Lot Size Map: This Exhibit details the sites current minimum Lot Size provisions (AB3 or 40ha) pursuant to the provisions of the *Greater Taree Local Environmental Plan 2010* and identifies a 450m<sup>2</sup> minimum Lot Size provision sought under this proposal. It is noted that this is consistent with the adjoining residential areas;
- Exhibit 6 – Existing & Proposed Floor Space Ratio Map: This Exhibit details the sites current maximum Floor Space provisions (none specified) pursuant to the provisions of the *Greater Taree Local Environmental Plan 2010* and identifies a 0.6:1 minimum floor space provision sought under this proposal. It is noted that this is consistent with the adjoining residential areas;

# Part 5

## Community Consultation

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No community consultation has been undertaken as a part of the process associated with preparing this Planning Proposal.

The original planning proposal was considered at the public Council meeting of 16 February 2011. It is noted that the Council agenda was available for public review and no submissions were received in response to the planning proposal.

It is understood that the community consultation requirements will be undertaken in accordance with the Departmental publication "*A Guide to Preparing Local Environmental Plans*" and Clause 56(2)(c) and Clause 57 of the *Environmental Planning & Assessment Act, 1979*. The Gateway Determination (Appendix H) requires the application to be made publicly available for a period of fourteen (14) days.

Consultation with the Purfleet-Taree Local Aboriginal Land Council and the Office of Environment & Heritage (National Parks & Wildlife Service) has been undertaken in accordance with the Gateway Determination and a copy of the OEH correspondence is included within Appendix I.

# Part 6

## Project Timeline

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The table below outlines a broad timeline anticipated to occur upon completion of Council's preparation and forwarding to the Director-General (DG) for Gateway Determination. It is considered that this planning proposal will be heard at the 19 February 2014 Council meeting and forwarded to the DG shortly thereafter.

Anticipated Project Timeline	Proposed Date(s)
Anticipated commencement date (date of gateway determination)	18 September 2014
Anticipated timeframe for the completion of required technical information	18 September 2015.
Timeframe for government agency consultation (pre and post exhibition as required by Gateway determination)	21 Days.
Commencement and completion dates for public exhibition	To be determined
Dates for public hearing (if required)	Not required, refer Gateway Determination
Timeframe for consideration of submissions	To be determined
Timeframe for the consideration of proposal post exhibition	To be determined
Date of submission to the department to finalise the LEP	To be determined
Anticipated date RPA will make the plan (if delegated)	To be determined
Anticipated date RPA will forward to the department for notification.	To be determined

# Part 7

## Conclusion

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This planning proposal seeks to enable the development of the land bound by Lambert, Richardson and Mortimer Streets and Murray Road, Wingham and described as Lots 246, 265, 266, 267, 268, 269, 270 and 310 DP754454 and Lot 4 DP114687 for residential and compatible land uses in a manner consistent with the surrounding landscape.

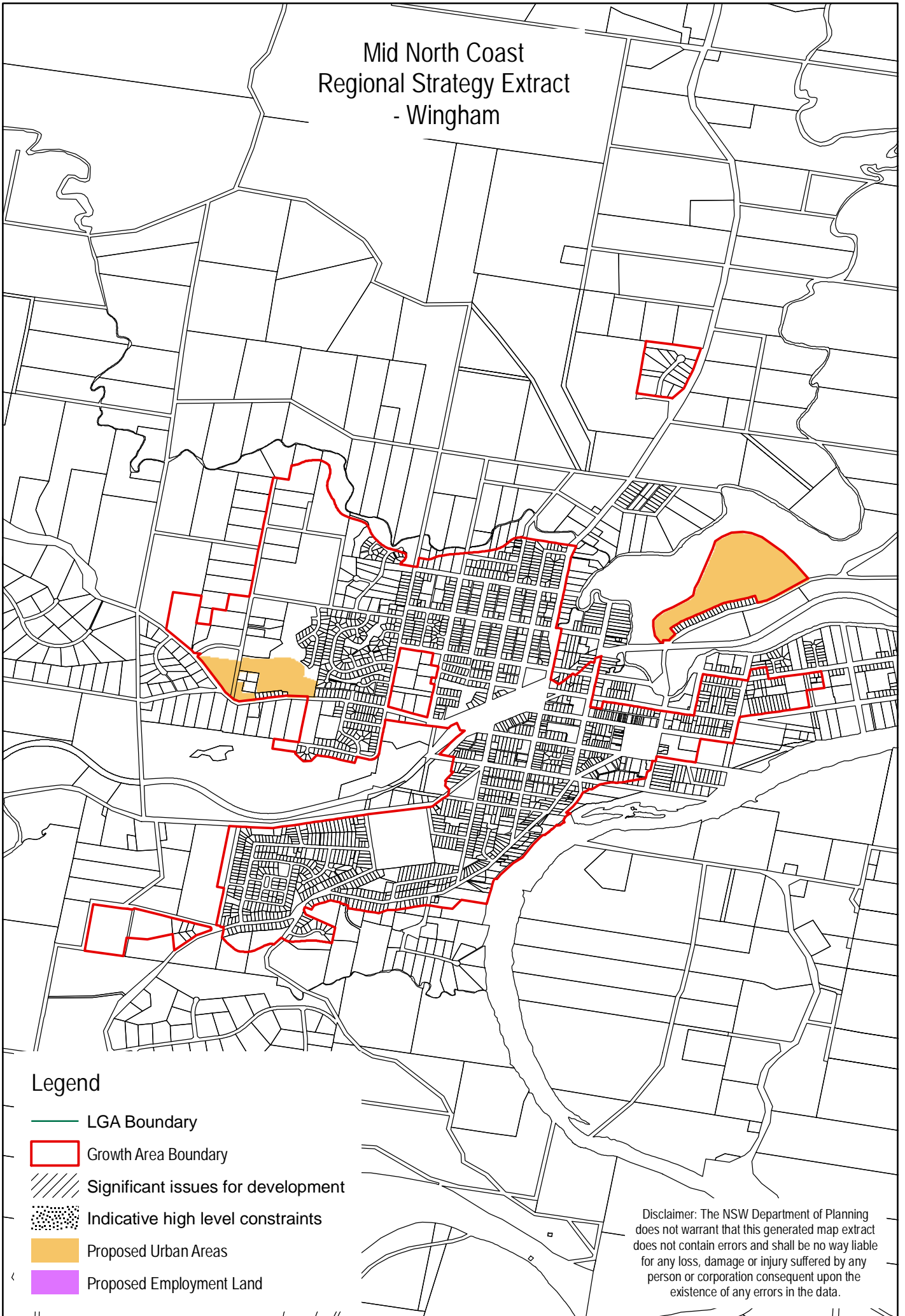
To achieve this, the planning proposal seeks to amend the existing zoning and planning controls contained within the Greater Taree Local Environmental Plan 2010 and as detailed within this report.

Overall, the LEP amendment sought by this planning proposal is considered to have a positive impact within the Wingham locality by utilising an existing urban resource in a manner consistent with the values and expectations of the surrounding residential neighbourhood.











# Mid North Coast Regional Strategy Extract - Wingham



## Legend

-  LGA Boundary
-  Growth Area Boundary
-  Significant issues for development
-  Indicative high level constraints
-  Proposed Urban Areas
-  Proposed Employment Land

Disclaimer: The NSW Department of Planning does not warrant that this generated map extract does not contain errors and shall be no way liable for any loss, damage or injury suffered by any person or corporation consequent upon the existence of any errors in the data.



Section 117 Direction	Applicable to Proposal	Comment
Employment & Resources 1.1 Business & Industrial Zones	Yes	The site contains an area of land (2,900m <sup>2</sup> ) currently zoned 3(a) General Business. This area is proposed to be rezoned R1 Residential as a part of this planning proposal and therefore a reduction in the amount of Wingham General Business zone will result. This is not considered detrimental to the locality as the sites location outside of the Wingham CBD is not considered suitable to support commercial development of a significant nature. It is noted however, that the site is currently surrounded by residential development and would be suitable for a neighbourhood shop. The Draft GTLEP 2008 permits neighbourhood shops in the R1 zone.
1.2 Rural Zones	Yes	<p>The site is currently zoned 1(a) Rural General under the provisions of the Greater Taree LEP 1995 and is identified to be zoned RU1 Primary Production under the provisions of the Draft Greater Taree LEP 2008.</p> <p>The surrounding existing residential development to the west, north and east and further residential development to the south currently being undertaken are considered to justify that the development of this site for the purposes of residential dwellings and associated structures is consistent with the social and economic development of Wingham.</p> <p>It is considered that the interface between the site and the surrounding residential and commercial development significantly hamper the use of the site for viable rural agricultural or pastoral purposes.</p> <p>In this regard, it is considered that the use of the site by a viable agricultural or pastoral practice would be inconsistent and incompatible with the views, expectations and values of the people living in the surrounding residential area.</p> <p>In addition, the site is not considered of a size suitable to accommodate a viable agricultural or pastoral practice.</p>
1.3 Mining, Petroleum Production & Extractive Industries	No	The development of the site for residential purposes would inhibit the extraction of coal, petroleum and other minerals and extractive materials. The site is however, not believed to contain any significant or substantial mineral resources and is therefore considered consistent with the objective of this direction.
1.4 Oyster Aquaculture	No	The site does not adjoin the coastal foreshore or a river suitable for the growth of oysters.
1.5 Rural Lands	Yes	<p>The site is zoned rural and is earmarked to be zoned rural pursuant to the provisions of the Draft GTLEP 2008. The site is however, surrounded by residential development and as stated above use of the site by a viable agricultural or pastoral pursuit would likely cause detrimental social effects on the adjacent and surrounding residential community.</p> <p>Furthermore, the site is considered to form part of the urban footprint of the Wingham locality and is considered an orderly and logical expansion of the surrounding residential community to</p>

Section 117 Direction	Applicable to Proposal	Comment
		accommodate the future growth of the Wingham and Greater Taree region.
Environment & Heritage 2.1 Environment protection Zones	No	The site is not considered to contain environmentally sensitive lands however, a threatened species assessment would be completed should Greater Taree Council and the Department of Planning chose to proceed the proposal through the Gateway Process. The site does not currently contain any land zoned or identified as environmentally sensitive or environmentally protected.
2.2 Coastal Protection	No	The site does not adjoin the coastal foreshore and is located greater than 1km from the Pacific Ocean and Manning River
2.3 Heritage Conservation	No	The site does not contain any items of heritage significance and is not located adjacent any items of heritage significance.
2.4 Recreation Vehicle Areas	No	-
Housing Infrastructure & Urban Development 3.1 Residential Zones	Yes	<p>This proposal is considered to cater for the future housing needs of the Wingham locality by providing an orderly development of the available land resources within the existing Urban footprint.</p> <p>The development of this land for the purposes of residential development would also encourage a variety of housing types to be developed in a location which is considered to make efficient use of the existing infrastructure and services within close proximity to the Wingham CBD.</p> <p>The subject site is also considered suitable for residential development as it would minimise the impact of urban expansion by developing a land parcel located within the existing Wingham footprint and this is considered to be positive in relation to the maintenance of the regions natural resources and existing rural land on the regions outskirts.</p>
3.2 Caravan Parks & Manufactured Housing Estates	No	This Direction only applies to Crown Land or land dedicated or reserved under the National Parks and Wildlife Act 1974.
3.3 Home Occupations	Yes	Should the land be rezoned residential and developed for residential purposes the carrying out of small businesses in dwelling houses would be possible. The site does not currently contain a residential dwelling.
3.4 Integrating Land Use Transport	Yes	It is considered that the development of the site could follow a similar grid pattern to the surrounding residential development and integrate in a suitable manner. Given the site is located within the existing urban footprint it is considered that development of the site would ensure minimal expansion of the local road network and services, reduce travel demand and maintain an acceptable level of public transport operation.
3.5 Development Near Licensed Aerodromes	No	The subject site is not located within close proximity to a licensed aerodrome.
Hazard & Risk 4.1 Acid Sulfate Soils	No	The site is not identified as containing Acid Sulphate Soils.

Section 117 Direction	Applicable to Proposal	Comment
4.2 Mine Subsidence and Unstable Land	No	The site is not identified as being located within a Mine Subsidence district.
4.3 Flood Prone Land	No	The subject site is not identified as flood prone land. However, the site does contain an existing stormwater drainage channel which is likely to be inundated during peak rainfall events. This drainage channel is proposed to be dedicated to 6(b) Open Space Private (RE1 Public Recreation) zoning in consistency with the adjoining residential estates.
4.4 Planning for Bushfire Protection	No	The site is not identified as bushfire prone land.
Regional Planning		
5.1 Implementation of Regional Strategies	Yes	The Mid North Coast Regional Strategy applies to the Wingham locality. The site is considered to form part of the existing urban footprint of Wingham and is therefore considered consistent with the overall intent of the MNCRS and does not undermine the strategy.
5.2 Sydney Drinking Water Catchments	No	The site is not located within any of the hydrological catchments listed in 5.2(2).
5.3 Farmland of State & Regional Significance	No	The site is not identified as farmland of state or regional significance and is not located within an area to which this direction applies (5.3(2)).
5.4 Commercial & Retail Development along the Pacific Highway, North Coast	No	This Direction applies to the Greater Taree LGA. However, it is noted that the site itself is not located within close proximity to the Pacific Highway.
5.5 Development in the vicinity of Ellalong, Paxton and Millfield	No	The site is not located within the Cessnock LGA.
5.6 Sydney to Canberra Corridor	No	Revoked 10 July 2008
5.7 Central Coast	No	Revoked 10 July 2008
5.8 Second Sydney Airport: Badgerys Creek	No	The site is not located in close proximity to Badgerys Creek.
Local Plan Making		
6.1 Approval & Referral Requirements	No	-
6.2 Reserving land for public purposes	Yes	A section of the site is proposed to be rezoned 6(b) Open Space Private for the purposes of a drainage reserve and to protect the existing vegetation located on-site.
6.3 Site Specific Provisions	No	-

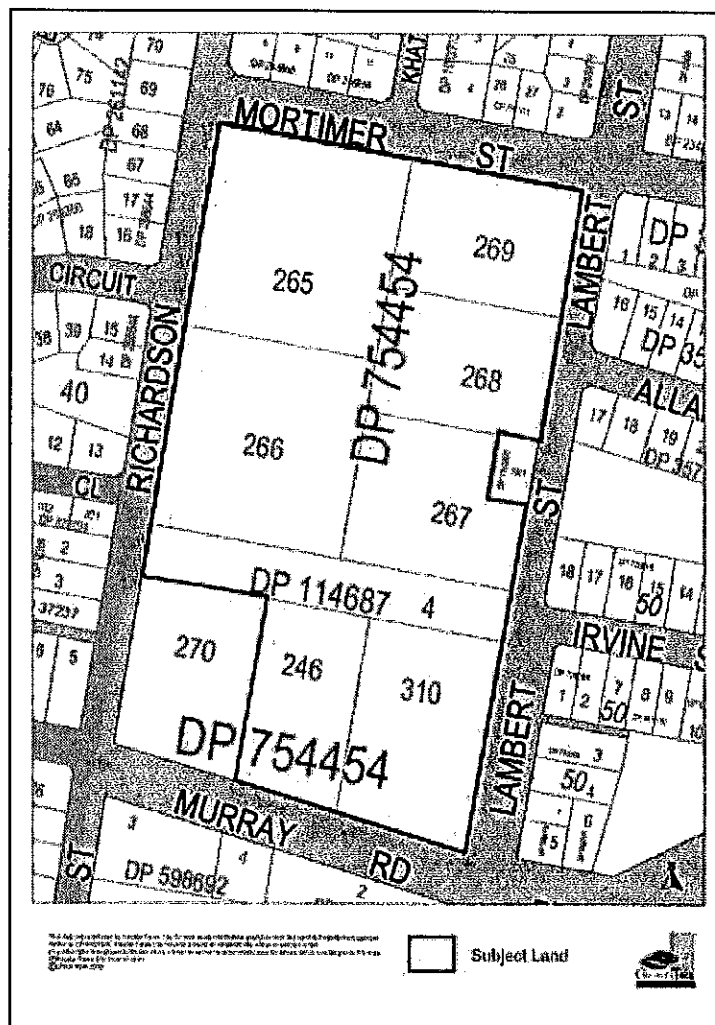


F2 GREATER TAREE LOCAL ENVIRONMENTAL PLAN 2010 – PLANNING PROPOSAL (671/2010/PP)

Report Author: Kieran Metcalfe Strategic Planner  
Authorised: Richard Pamplin Senior Leader Strategic Planning

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 Boral 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

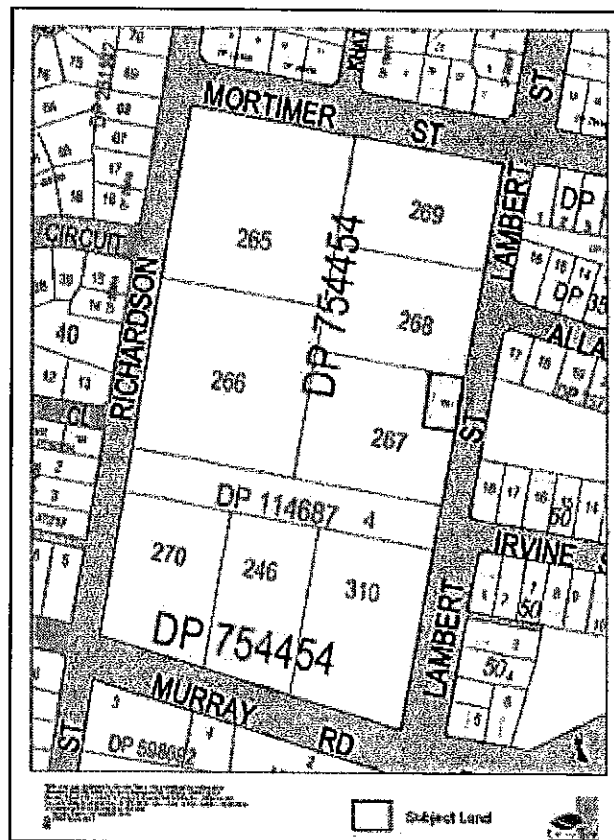
Planning Proposal

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.

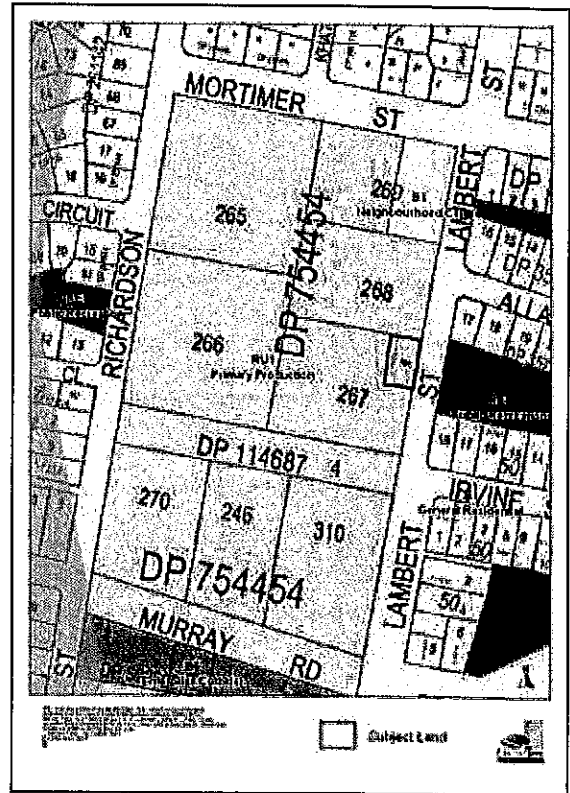
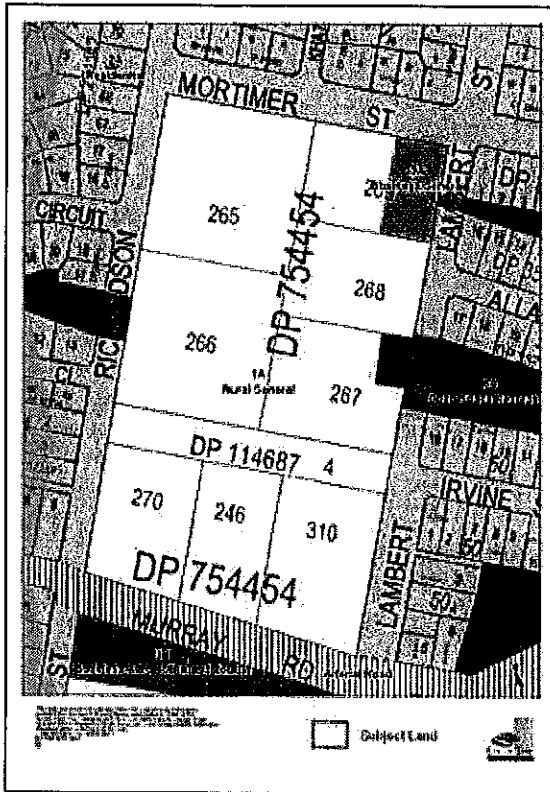
The Planning Proposal has recommended that as a minimum both a contamination and an ecological report be undertaken in order to determine the extent of constraints relating to contamination, and environmental constraints relating to existing vegetation and the environmental attributes of the site.

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).



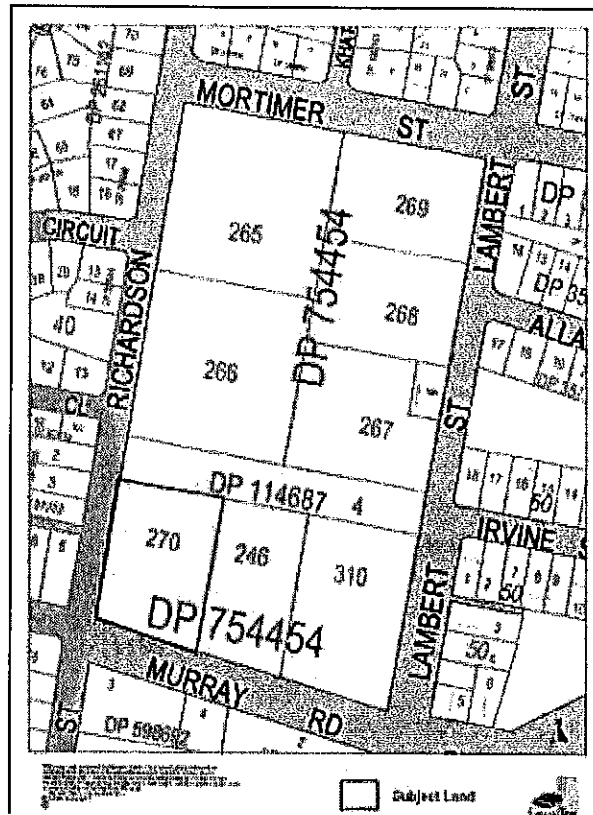
Under Greater Taree Local Environmental Plan 1995, the site was zoned 6A Open Space Recreation as depicted within the map below on the left. This land use zone reflected the drainage reserve function of the land parcel. However, as part of the transition of Greater Taree Local Environmental Plan 1995 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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**PROPOSED RESIDENTIAL REZONING OF VARIOUS LOTS  
LAMBERT, RICHARDSON & MORTIMER STREETS AND MURRAY ROAD  
WINGHAM, NSW**

**Aboriginal Heritage Due Diligence Assessment**

Prepared for Boral Limited

Greater Taree Local Government Area

May 2015

Ref. 1442

**KELLEHER NIGHTINGALE CONSULTING PTY LTD**  
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## Document Information

Project Name	Proposed Residential Rezoning of Various Lots Lambert, Richardson & Mortimer Streets and Murray Road, Wingham NSW Aboriginal Heritage Due Diligence Assessment
Project Number	1442
Status	Final
Revision	0.2
Client Name	Boral Limited
Recipient	Kate Jackson, Planning and Development Manager BPG (Southern Region)
Issue Date	12 May 2015
Prepared by	Dr Matthew Kelleher; Cristany Milicich; Ben Anderson
Approved by	Dr Matthew Kelleher; Alison Nightingale

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## 1 Introduction

### 1.1 Project background

Boral Limited ('Boral') is applying to rezone lands at Wingham, NSW, within the Greater Taree Local Government Area (LGA). In total, the area of proposed rezoning comprises 7.96 hectares and is located west of the Wingham town centre (Figure 1). The study area is surrounded by existing residential development to the north, east and west and adjoins commercial development to the south. The lands comprise the following allotments (the 'study area', Figure 2) and are bounded by Lambert, Richardson & Mortimer Streets and Murray Road:

- Lot 246 DP754454 (0.65 hectares or 6,599m<sup>2</sup>)
- Lot 265 DP754454 (1.30 hectares or 13,303m<sup>2</sup>)
- Lot 266 DP754454 (1.53 hectares or 15,270m<sup>2</sup>)
- Lot 267 DP754454 (0.79 hectares or 7,866m<sup>2</sup>)
- Lot 268 DP754454 (0.73 hectares or 7,284m<sup>2</sup>)
- Lot 269 DP754454 (0.73 hectares or 7,284m<sup>2</sup>)
- Lot 270 DP754454 (0.73 hectares or 7,334m<sup>2</sup>)
- Lot 310 DP754454 (0.84 hectares or 8,397m<sup>2</sup>) and
- Lot 4 DP114687 (0.63 hectares or 6,323m<sup>2</sup>).

The study area is currently zoned RU1 (Primary Production) and B6 (Enterprise Corridor) under the Greater Taree Local Environmental Plan (LEP) 2010 and is proposed to be rezoned as R1 (General Residential) and RE1 (Public Recreation). A Planning Proposal for the lands has been completed and was submitted to the Greater Taree City Council (GTCC) and subsequently to the Hunter NSW Planning & Environment (NSW P&E) Gateway Review Panel.

As part of the Gateway determination process, consultation with the NSW Office of Environment and Heritage (OEH) indicated that additional assessment of Aboriginal heritage on the subject lots would be required to inform the Planning Proposal and determination process.

Boral engaged Kelleher Nightingale Consulting Pty Ltd (KNC) to carry out a due diligence Aboriginal heritage archaeological assessment of the lands to inform the rezoning proposal. The assessment includes background research and an archaeological field inspection conducted in accordance with the OEH requirements of the *Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales* (OEH 2010).

### 1.2 Assessment process

A due diligence Aboriginal archaeological assessment of the study area was undertaken in accordance with the Office of Environment and Heritage (OEH) *Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales*. The due diligence assessment process is a step by step method designed to give proponents a baseline level of information outlining opportunities and constraints related to Aboriginal heritage. The relevant steps are:

- Determining if the activity will disturb the ground surface or any culturally modified trees (Step 1)
- Database search: Aboriginal heritage information management system (AHIMS) and known information sources (Step 2a)
- Landscape assessment (Step 2b)
- Impact avoidance assessment (Step 3)
- Desktop assessment and visual inspection (Step 4).

The Code of Practice specifies that if the initial assessment process identifies that Aboriginal objects will or are likely to be harmed, then further investigation and impact assessment is required (Step 5).

### 1.3 Summary of findings

Results of the due diligence assessment found no Aboriginal archaeological objects or areas of archaeological potential within the proposed rezoning study area. The study area was moderately to severely disturbed with minimal to low archaeological potential. According to the OEH *Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales*, the proposed rezoning can proceed with caution as it will not impact any Aboriginal objects or Aboriginal places. One Aboriginal archaeological site, Wingham Burial Ground (AHIMS 30-5-0031) is located in a neighbouring Lot. The site is not within the study area and rezoning is not proposed for the Lot containing the site. Post-rezoning, it is recommended that further investigation and Aboriginal community consultation be undertaken prior to development to ensure that subsequent residential use of the lands would not impact on the neighbouring Wingham Burial Ground archaeological site and would appropriately recognise the site's sensitive nature.



Figure 1. Location of study area



Figure 2. Local context of the study area and cadastre

## 2 Assessment

### 2.1 Identify if the proposed activity will disturb the ground surface

The proposal involves rezoning the study area from rural to residential. While the rezoning process does not involve any activities which may impact the ground surface, the application of a residential zoning will alter the future land use of the site. If the rezoning is approved, future residential development (subject to additional approval processes) will be enabled and is likely to include:

- Earthworks (including cut/fill works)
- Construction of houses and other structures
- Installation of associated utilities
- Stabilisation and drainage works along the creek line
- Possible new local roads and access ways

Although the scale and extent of these activities will differ based on the eventual future layout plan developed for the site, these activities would impact the ground surface and have the potential to impact on Aboriginal heritage. In order to inform future site planning, the due diligence process progressed to the next step.

### 2.2 Database search (AHIMS) and known information sources

#### 2.2.1 AHIMS web services

The Aboriginal Heritage Information Management System (AHIMS) is a database operated by OEH, regulated under section 90Q of the *National Parks and Wildlife Act 1974*. AHIMS contains information and records related to registered Aboriginal archaeological sites (Aboriginal objects, as defined under the Act) and declared Aboriginal places (as defined under the Act) in NSW.

A search of AHIMS was conducted on 18 March 2015 (AHIMS Client Service ID 166291) to identify any registered (known) Aboriginal sites or declared Aboriginal places within or adjacent to the study area.

#

The AHIMS Web Service database search was conducted within the following coordinates (GDA, Zone 56):

Eastings: 438800 - 440550  
 Northings: 6473500 - 6474800  
 Buffer: 0m (search coordinates included an extensive buffer around the study area)

The AHIMS search results showed:

1	Aboriginal sites are recorded in or near the above location
0	Aboriginal places have been declared in or near the above location

The location of the registered Aboriginal site, recorded as a burial in an open context, within these coordinates is shown on Figure 3.

#### 2.2.2 Other heritage registers and databases

Other sources of information including heritage registers and lists were also searched for known Aboriginal heritage in the vicinity of the study area. These included:

- Greater Taree Local Environmental Plan 2010
- State Heritage Register
- State Heritage Inventory
- Commonwealth Heritage List
- National Heritage List
- Register of the National Estate
- Australian Heritage Places Inventory.

No items of Aboriginal heritage were listed or registered on these databases within the study area.



Figure 3. Registered Aboriginal site near study area (AHIMS search results)

### 2.2.3 Known Aboriginal heritage around the study area

The AHIMS search results indicated a single Aboriginal heritage site recorded in the vicinity of the study area. The site is named 'Wingham Burial Ground' and registered on the AHIMS database as Site ID # 30-5-0031. AHIMS records indicate the site contains a burial on a gentle open hillslope approximately 5m from an ephemeral water course. At the time of the site's registration on AHIMS the area was described as generally cleared of vegetation, with some Eucalypt cover and an understorey of native grasses. The site is located within Lot 7301 DP 1142407, adjacent to the eastern study area boundary.

Records indicate that the burial(s) within the Lot are historic i.e. dating from the post-contact period (Byrne and Nugent 2004:46). It is believed the burial ground was used by Aboriginal people living in fringe camps on the Wingham town Common from some time in the 1860s through to 1915. The Common was located south of the current study area between Glenyarra Road and the Manning River. A local historian recorded that "Aboriginal warriors and elders were buried in a sitting position with the chin resting on the knees. These graves can be identified years later by the short sunken indentation in the earth... a good example can be seen behind the saw mill in Lambert Street, Wingham. This plot next to a small gully among a few gum trees should be fenced and reserved for posterity" (Connors 1985, in Byrne and Nugent 2004).

The plot the author refers to is Lot 7301 DP 1142407, which was subdivided from the larger Lot 267 DP 754454 in 1908. Early parish maps show the delineation of the Lot and the notation 'Res: 42761 for Preservation of Graves, notd. 13<sup>th</sup> May 1908' (Figure 4). The Wingham Burial Ground site is not located within the study but adjoins its eastern boundary. Rezoning is not proposed for the Lot containing the identified heritage site.

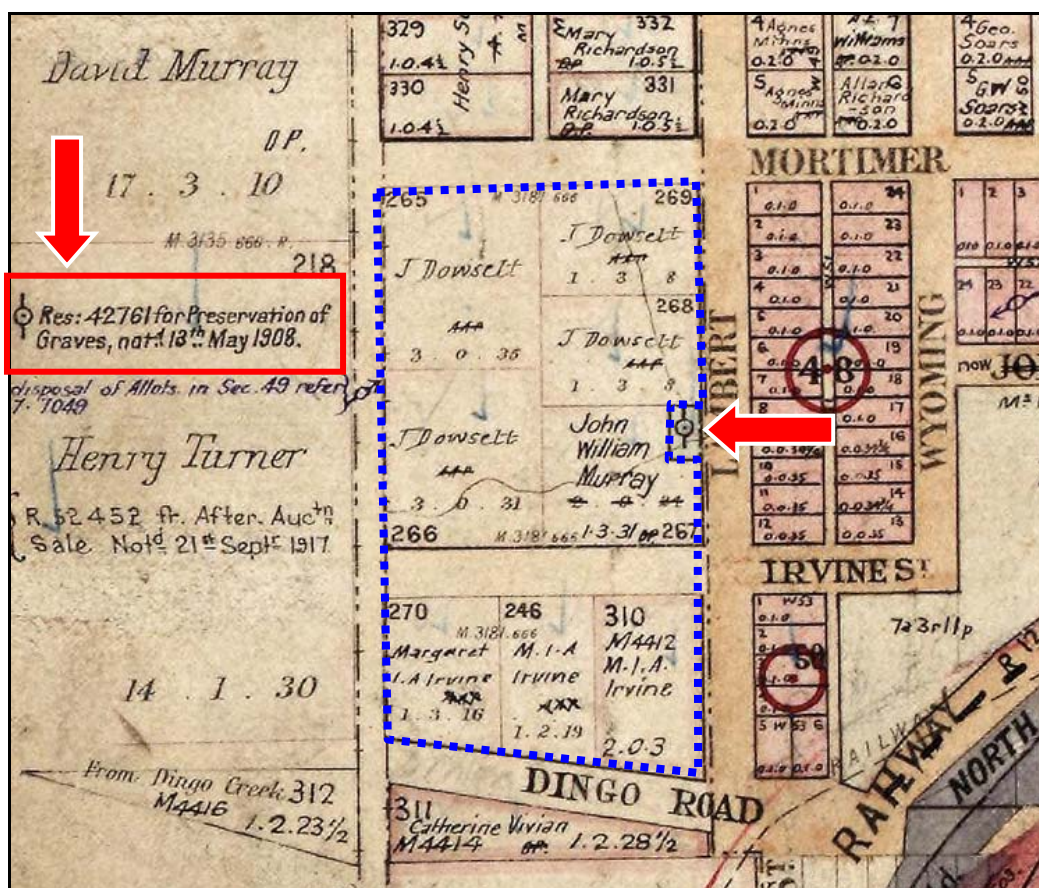


Figure 4. Location of Lot 7301 DP 1142407 - excerpt from "Map of the Town of Wingham and Suburban Lands, Parish of Wingham". 1893 map edition. Dashed blue line indicates the current study area. Image from National Library of Australia (digital collection, accessed April 2015)



While the existence of the Wingham Burial Ground and Aboriginal settlements around Wingham have been noted in various documents from the last century, information about pre-contact Aboriginal archaeological sites is scarce. Very little archaeological survey or assessment has been conducted in the region and there are significant knowledge gaps regarding the nature and distribution of Aboriginal archaeological sites across the Manning River valley foothills away from the coast.

An Aboriginal Heritage Study conducted across the wider Greater Taree LGA (Klaver and Heffernan 1990) identified a number of previously unrecorded Aboriginal archaeological sites, and registered on AHIMS those that were known but not officially listed anywhere (including the Wingham Burial Ground). The Aboriginal Heritage study aimed to characterise the nature and distribution of Aboriginal heritage items across the LGA, in order to serve as a baseline for future planning in the district.

At the time of the study, 42 sites had been registered on the AHIMS database within the Greater Taree area. Site types included bora rings, carved trees, rock engravings, cultural (story) sites, numerous midden sites along the mouth of the Manning River and along the coast, stone circles, various historic Aboriginal burial grounds, rock shelters and open artefact scatter sites (open camp sites). The study included a limited field survey component, during which a further 59 previously unrecorded sites were identified. In many cases the sites were known to the community but had not been previously registered on the AHIMS database. The study noted that the relative proportion of archaeological site types was similar to that recorded for other areas along the NSW North Coast but that the Greater Taree LGA appeared to possess a higher proportion of ceremonial and sacred sites, partially explicable by the fact that these sites were often preferentially targeted for recording (Klaver and Heffernan 1990:13).

In terms of site distribution, sites were more commonly recorded along the coastal strip and the lower Manning River, gradually decreasing in density towards the more elevated and rugged western region of the LGA. It is likely this site distribution reflects areas of more intensive post-contact settlement (and consequently archaeological investigation) rather than reflecting a true depiction of Aboriginal landscape use. Archaeological field survey identified sites in almost all sampled landscape contexts, ranging from flat agricultural land adjacent to waterways through to rugged, heavily forested hinterland. Sites recorded in the area around Wingham included a carved tree and bora ground south of the town on the opposite side of the Manning River, a stone arrangement and open artefact scatter to the east of the township, the burial ground discussed above and an earth feature/bora ground to the north west. Apart from the burial ground, these sites are not located near the current study area.

The study considered that urban areas displayed less potential for intact Aboriginal archaeological sites, particularly in areas of ground disturbance or existing development. In relatively undisturbed areas, several landform/landscape contexts were identified as archaeologically sensitive. These included flats and low ridges near waterways (occupation sites), coastal dunes and estuarine river margins (occupation sites), outcrops of siliceous rock (quarry sites), unlogged forest (carved/scarred trees), streams with sandstone beds (grinding grooves) and other sandstone outcrops (shelters, engravings and rock art). While it is acknowledged that Aboriginal objects and sites may occur anywhere in the landscape, the current study area is not located in a landscape context considered particularly archaeologically sensitive for the Greater Taree LGA.

### Summary

The review of background information indicates that there are no known Aboriginal archaeological sites or heritage items within the study area. One AHIMS registered site, Wingham Burial Ground (30-5-0031), is located within Lot 7301 DP 1142407 adjacent to the eastern study area boundary. Historical records indicate this Lot was subdivided and gazetted as a reserve in order to preserve Aboriginal graves in this location, likely consisting of historical burials. The site is not located within the study area and rezoning is not proposed for this property.

Within the wider Greater Taree LGA, a number of Aboriginal archaeological site types have been recorded. The variety of site types recorded around the study area demonstrates that the local landscape retains archaeological evidence of varied Aboriginal activities and landscape uses. The proximity of a number of these sites to the Manning River and the coast also highlights the importance of these major landscape features. While archaeological data for large parts of the LGA is lacking, sites have been identified in a variety of landscape contexts, indicating that archaeological materials remain distributed across the landscape, especially in areas of low disturbance.

## 2.3 Landscape assessment

The study area is located on the Lower North Coast of NSW, within the undulating Manning River valley foothills. Underlying basal geology in the vicinity of the study area consists of Carboniferous and Permian sedimentary rock (including coal measures), minor volcanic and Devonian to Carboniferous sedimentary rocks of the Tamworth Belt (Hashimoto and Troedson 2008). Several deposits of Tertiary volcanic rocks also occur around the study area including basalt, rhyolite, trachyte, gabbro and syenite. Overlying the basal geology are more recent Quaternary units forming the valleys and terraces of the alluvial plain system, formed and deposited by the development of the Manning River valley and channels. These Quaternary deposits include silts, clays, fluvial sands and gravels. Infilled palaeochannels of the Manning River also contain organic muds and peat. The study area itself is underlain primarily by quartz-rich sedimentary rock with a small amount of Quaternary valley fill deposited in association with the creekline which bisects the Lots. Raw materials suitable for lithic tool manufacture would have been available from surrounding geologies, as well as from a greater distance via water transport down the Manning River valley from the tablelands and escarpment to the west. Underlying geology of the study area is shown in Figure 5.

Soils within the study area are influenced by the underlying geology. Within the wider region, on granites and the majority of the quartz rich sedimentary rocks, shallow yellow earths are found on hillcrests, while slopes commonly display yellow and brown texture contrast (podzolic) soil profiles. Soils developed on underlying Quaternary alluvial deposits across the river valley and plains consist of sandy loams and organic loams (NPWS 2003:172). Erosion and soil movement processes are generally governed by slope gradient, removal of vegetation, flooding and anthropogenic ground disturbance.

Hydrology around the study area is dominated by the presence of the Manning River, a major regional landscape feature located approximately one kilometre to the south east. Numerous lower order left bank tributary streams and creeks dissect the wider valley floor and drain the higher ground to the west. An unnamed 1<sup>st</sup> order creekline runs from west to east through the centre of the study area and runs north east to join Cedar Party Creek approximately 800 metres north east of the study area. The majority of the study area is located across gentle to moderate gradient hillslope, with more elevated crest landforms in the north west and south west. From these elevated crests, the slopes run down to meet in an open drainage depression surrounding the unnamed creekline which bisects the study area. A smaller secondary drainage depression also exists in the northern part of the study area.

The Lots comprising the study area have predominantly been cleared of native vegetation and maintained with introduced pasture grasses. An ecological study conducted as part of the planning proposal investigation described a highly modified and disturbed remnant Spotted Gum – Grey Ironbark dry open forest across the majority of the site (FloraFauna Consulting 2013) with the intervening grasslands managed by slashing. The slashing regime has generally restricted the presence of understorey vegetation to the area adjacent to the watercourse, which is heavily vegetated with weeds. Land use in the study area is varied but generally rural in nature. The study area has been variously used for grazing and timber storage related to the operations of a saw mill in the south east corner of the site. Timber processing at the saw mill site was ongoing between the 1940s and the late 1990s. The demolished saw mill structures are still visible in the south east corner of the study area and ground disturbance related to the mill operations is evident. A Baptist church is present in the south western corner of the study area with a large carpark to the north of the church buildings.

### Implications for archaeology

Environmental factors contribute directly to the type and survivability of archaeological sites within the landscape. The study area is located across gentle to moderate gradient slopes surrounding a low order drainage line. Higher slope gradients contribute to erosion/deflation of soils and excavation, vegetation removal and development all accelerate the erosion that these soils are prone to. Where these disturbances have occurred, the soils are no longer conducive to the preservation of surface sites, being generally shallow, prone to down slope movement and particularly vulnerable to destabilisation and erosion during flood events.

Aboriginal objects may be present in the deeper alluvial soils of the lower slopes and drainage line but these are not always representative of in situ archaeological deposit as they are likely to have been disturbed by flood events. Additionally, the low-order drainage line in the study area does not retain permanent water and is unlikely to have been a focus for Aboriginal landscape use considering the proximity of the more varied and permanent resource zone of the Manning River.

Despite the low levels of archaeological sensitivity identified for the study area, several of the landscape features within the study area (within 200m of water) are associated with Aboriginal occupation/activity as determined by the *Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales*. The occurrence of these landscape features in an undeveloped area necessitated a visual inspection and as such the due diligence process progressed to the next step.

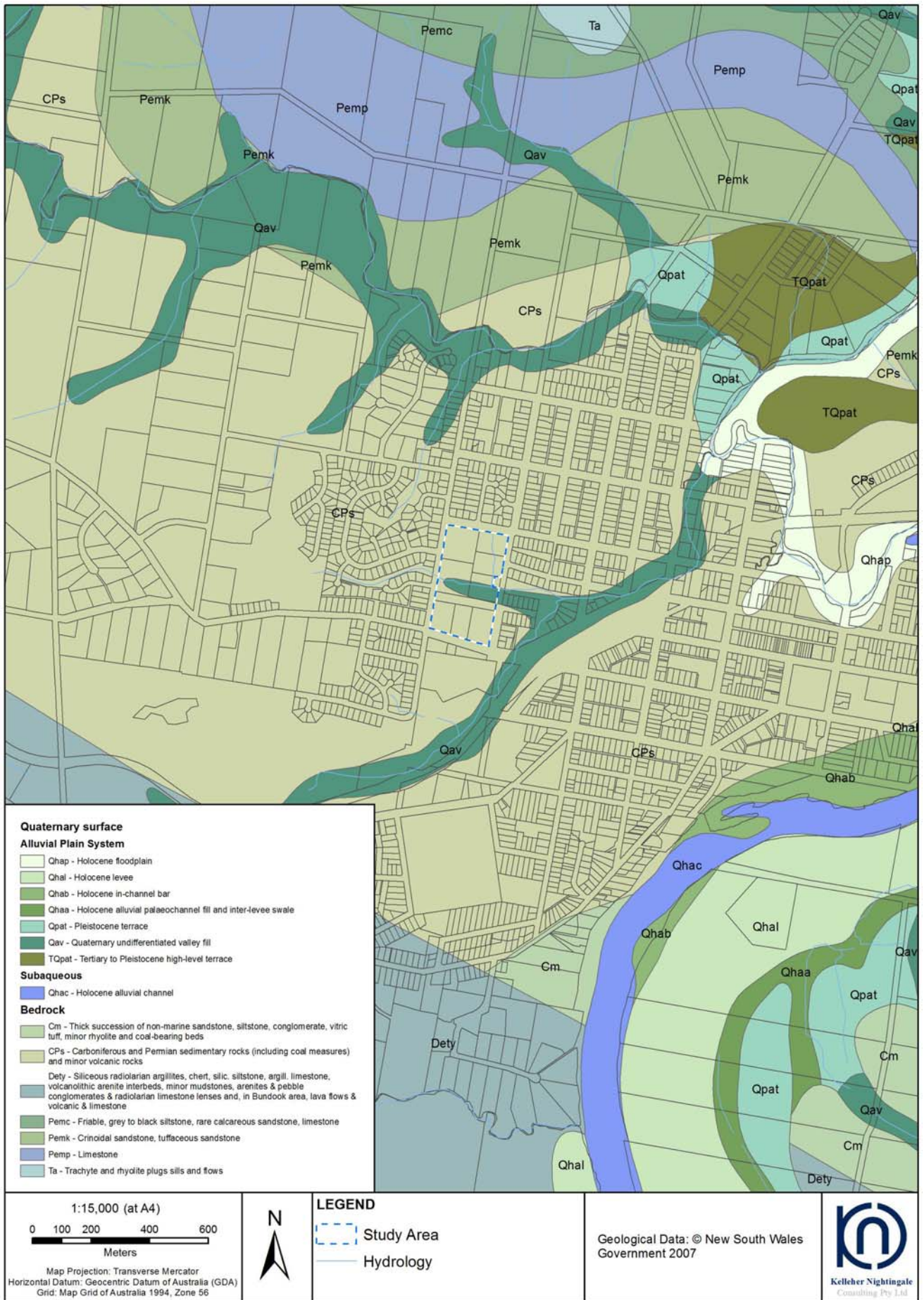


Figure 5. Geology of the study area

## 2.4 Impact Avoidance

Background research identified one registered Aboriginal site adjacent to the study area. The site is not located within the Lots where rezoning is proposed and will not be affected by the rezoning proposal.

While the rezoning process does not involve any activities which may impact the ground surface, the application of a residential zoning will alter the future land use of the site. Future residential development (subject to additional approval processes) would impact the ground surface within the study area and therefore the potential to harm Aboriginal objects exists. Considering the potential future residential development options are unknown at this stage, it is prudent to assume that some degree of impact will be unavoidable for the study area. It can be reasonably determined however, that based on the assessment of landform and visual inspection of the study area, no Aboriginal objects would be harmed by the proposed rezoning (see Chapter 4).

The study area is located in a landscape context identified as sensitive by OEH (within 200m of waterways). As rezoning is proposed for the entirety of the study area, this landscape feature cannot be avoided by the proposal. Eventual residential development may impact on the landscape feature.

## 2.5 Desktop review summary

The desktop review and assessment combined the results of heritage register searches, previous investigations and landscape assessment. No previously recorded Aboriginal archaeological sites are located within the boundaries of the proposed rezoning study area. The recorded site closest to the study area is a historic Aboriginal burial ground (AHIMS # 30-5-0031 located within an adjoining Lot. This Lot was gazetted as a reserve in 1908 to ensure preservation of the graves, indicating the extent of the burial ground was historically known and considered to be contained within the reserve Lot boundaries. Within the wider Greater Taree LGA, a wide variety of site types have been recorded, demonstrating the local landscape retains archaeological evidence of varied Aboriginal activities and landscape uses.

Landscape assessment identified the potential for Aboriginal sites in the form of open artefact scatters to occur on the underlying sedimentary bedrock and Quaternary alluvial deposits along the creekline. The preservation of open context archaeological sites in the study area would be differentially affected by environmental factors including flooding and erosion and sites are more likely to occur in areas of low disturbance. Conversely, ground disturbance often increases the visibility and subsequent identification of sites. Ground disturbance has occurred across the study area, particularly in the south east associated with sawmill operations. Regarding other site types, outcropping sandstone suitable for grinding grooves, rock engravings or rock shelters does not occur within the study area. Culturally modified trees are unlikely to occur due to vegetation clearance but may be present in areas of remnant old-growth vegetation along the creekline.

OEH identifies particular landscape features that are often linked with the presence of Aboriginal objects, including waterways. The study area contains a lower-order creekline and is located approximately one kilometre from the major landscape feature of the Manning River.

Visual inspection of the study area was therefore the next step of the due diligence assessment process.

## 2.6 Visual inspection

The study area was inspected and assessed on 31 March 2015. The visual inspection included a pedestrian walk-over covering the entirety of the study area. Visual inspection aimed to assess the extent of previously identified disturbance and integrity of the landforms within the study area.

No Aboriginal objects or areas of archaeological potential were identified within the study area.

Inspection commenced in the Lots south of the creekline, in the vicinity of the former sawmill. Disturbance was evident in this part of the study area, with the remains of several demolished buildings and footings still visible. Ground disturbance during the construction, sawmill operation and subsequent demolition of buildings has severely limited the archaeological potential of this Lot. The other Lots in the southern part of the study area showed evidence of earthmoving and landscaping activities, with artificial drainage berms constructed to the north of the Baptist Church carpark and stripped areas along the lower slopes.

Soils on the slopes were thin and displayed evidence of erosion where grass cover was lacking. Occasional large scale vegetation clearance has left a few remnant larger regrowth trees along the roadways but the remainder of the Lots have been totally cleared and are covered with introduced pasture grasses. Exposures were checked for Aboriginal objects but none were observed. The combination of thin eroded soils and ground disturbance indicate this area displays minimal archaeological potential.



Plate 1. Looking west to Richardson Street – drainage berm at left



Plate 2. Looking south to Murray Road showing thin eroded soils and exposed bedrock



Plate 3. Stripped ground surface east of Richardson Street

Lots to the north of the creek channel also displayed evidence of downslope soil movement and erosion. In the north western corner of the study area, the crest landform displayed thin sandy soils indicative of surface erosion. Introduced fill materials were visible on the ground surface. A series of informal dirt bike tracks have been established in the northern half of the study area, further contributing to erosion and soil movement. Exposures along the tracks were inspected for Aboriginal objects but none were identified. Large parts of the northern slopes have been scraped/ploughed. The upper slopes were found to display low archaeological potential.

Soil depth within the northern half of the study area generally increased with proximity to the drainage channel, with alluvial loam visible in bare sections towards the base of slope. A smaller north-south drainage channel runs through the eastern part of the study area, roughly parallel to Lambert Street. This channel appears to have had artificial drainage modifications made to it at some point and the vicinity was disturbed with low archaeological potential.

The drainage channel running through the centre of the study area was broad and shallow and displayed evidence of repeated washing with a wide band of alluvial deposition visible in exposed sections. Thick understorey vegetation and introduced weed species reduced visibility of the ground surface across the majority of this landform but recent alluvial wash was visible throughout the channel. It is likely vegetation clearance and modification of surrounding landforms through erosion and soil displacement has significantly altered the drainage characteristics of this waterway within the last century. The drainage channel and adjoining lower slopes are considered to display low archaeological potential.



**Plate 4. Looking south west across upper slopes, northern portion of study area. Bike tracks visible at base of trees on left**



**Plate 5. Looking east across eroded northern slopes. Secondary drainage channel marked by red reed species in background**



**Plate 6. Looking north across drainage channel. Note width and shallow definition of the landform**

### 3 Legislative Considerations

The *National Parks and Wildlife Act 1974* is the primary statutory control dealing with Aboriginal heritage in New South Wales. Items of Aboriginal heritage (Aboriginal objects) or declared Aboriginal places are protected and regulated under the Act.

An “Aboriginal object” is defined under the Act as “any deposit, object or material evidence (not being a handicraft made for sale) relating to the Aboriginal habitation of the area that comprises New South Wales, being habitation before or concurrent with (or both) the occupation of that area by persons of non-Aboriginal extraction and includes Aboriginal remains”. As such, Aboriginal objects are confined to physical evidence and are commonly referred to as Aboriginal sites.

It is an offence to harm or desecrate an Aboriginal object, either knowingly [section 86 (1)] or unknowingly [section 86 (2)]. Harm includes to destroy, deface, damage or move. An Aboriginal heritage impact permit (AHIP) issued under section 90 (1) of the Act is required for any activity which will harm an Aboriginal object or declared Aboriginal place.

Section 87 (2) of the Act provides a defence against prosecution under section 86 (2) if “the defendant exercised due diligence to determine whether the act or omission constituting the alleged offence would harm an Aboriginal object and reasonably determined that no Aboriginal object would be harmed”. This defence appears to specifically relate to Aboriginal objects.

Under section 87 (1) it is also a defence if “(a) the harm or desecration concerned was authorised by an Aboriginal heritage impact permit and (b) the conditions to which that Aboriginal heritage impact permit was subject were not contravened”.

Section 89A of the Act relates to the notification of sites of Aboriginal objects, under which it is an offence if the location of an Aboriginal object is not notified to the Director-General in the prescribed manner within a reasonable time.

Under section 90 (1) of the Act “the Director-General may issue an Aboriginal heritage impact permit”. The regulation of Aboriginal heritage impact permits is provided in Part 6 Division 2 of the Act, including regulations relating to consultation (section 90N).

An Aboriginal Heritage Impact Permit (AHIP) is required for an activity which will harm an Aboriginal object. Rezoning is not considered an activity which would require an AHIP.

## 4 Discussion

This due diligence assessment report was commissioned to:

- exercise due diligence in relation to Aboriginal objects;
- comply with the requirements of the *Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales*;
- identify if the proposal would harm an Aboriginal object and, if so, what measures can be taken to avoid that harm; and
- reasonably determine that no Aboriginal object would be harmed.

There are no previously recorded Aboriginal archaeological sites within the study area and no Aboriginal objects or areas of archaeological potential were identified within the study area during the course of the due diligence assessment. It can be reasonably determined, based on the assessment of landform and visual inspection of the study area, that no Aboriginal objects would be harmed by the proposal.

Crest landforms in the north and south of the study area were found to be highly disturbed and subject to erosion, displaying thin sandy soils with low potential for the conservation of Aboriginal objects in situ. In the southern part of the study area, gross ground disturbance was found associated with sawmill operations and the remainder of the slopes were badly eroded with visible bedrock outcropping. The northern slopes displayed slightly more developed soils but were moderately disturbed. The drainage channel was wide and shallow with indications of repeated alluvial washing. Recent alluvial deposition and soil disturbance was evident. No Aboriginal objects were identified in the study area.

Previously recorded site 'Wingham Burial Ground' (AHIMS 30-5-0031) is located in an adjoining Lot to the east of the study area. The site will not be impacted by the proposal, which does not involve rezoning of this Lot.

Previous consultation with the Purfleet Taree Local Aboriginal Land Council (PTLALC) was undertaken regarding the planning proposal for the study area (King and Campbell 2014). PTLALC considered the proposal and advised they had no objection to the proposed rezoning, however requested further consultation regarding subsequent development within the study area.

While the due diligence assessment did not identify the potential for any harm to occur to Aboriginal objects within the study area as a result of the rezoning proposal, given the significance of the neighbouring Wingham Burial Ground site, future detailed development planning should include a program of further assessment and Aboriginal community consultation to ensure the study area is developed in a manner sensitive to the site's nature and location. This additional assessment and consultation should be undertaken in accordance with OEH guidelines and would constitute Step 5 of the *Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales*.

## 5 Summary and Recommendations

- Results of the due diligence assessment indicate that there are no Aboriginal objects or areas of archaeological potential within the study area. The proposed activity (rezoning of the lands from rural to residential) will have no impact on Aboriginal objects. According to the OEH *Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales*, the proposed rezoning can proceed with caution.
- One Aboriginal site, Wingham Burial Ground (AHIMS 30-5-0031) is located in a neighbouring Lot. The site is not within the study area and rezoning is not proposed for the Lot containing the site.
- Post-rezoning, further investigation and impact assessment is recommended prior to development of the property to ensure that subsequent residential use of the lands would not impact on the neighbouring Wingham Burial Ground site.
- Future residential planning should take into account the sensitive nature of the Wingham Burial Ground site and ensure appropriate development of the neighbouring lands.
- It is recommended that the further investigation and impact assessment include Aboriginal community consultation with the Purfleet Taree Local Aboriginal Land Council.



## References

- Byrne, D. and M. Nugent, 2004. *Mapping Attachment: A Spatial Approach to Aboriginal Post-Contact Heritage*. Department of Environment and Conservation, NSW: Hurstville NSW.
- FloraFauna Consulting, 2013. Ecological Assessment EA-2013-1810 In relation to: Proposed Land Rezoning Lot 246, Lots 265-270 & Lot 310 in DP 754454 and Lot 4 in DP 114687, Wingham. Report to Boral Pty Ltd.
- Hashimoto T.R & Troedson A.L. 2008. Taree 1:100 000 and 1:25 000, Coastal Quaternary Geology Map Series. Geological Survey of New South Wales, Maitland.
- King and Campbell Pty Ltd, 2014. Planning Proposal for Residential Rezoning of Various Lots: Lambert, Murray, Richardson & Mortimer Streets, Wingham. Prepared for Boral Property Group.
- Klaver, J and K.J. Heffernan, 1990. Greater Taree Aboriginal Heritage Study. Report to Greater Taree City Council.
- National Parks and Wildlife Service NSW (NPWS), 2003. *The Bioregions of New South Wales: Their Biodiversity, Conservation and History*. National Parks and Wildlife Service NSW, Hurstville NSW.
- Office of Environment and Heritage (OEH), 2010. *Due Diligence Code of Practice for the Protection of Aboriginal Objects in New South Wales*. Department of Environment, Climate Change and Water, Sydney.

**Appendix A AHIMS Search Results**



**AHIMS Web Services (AWS)  
Extensive search - Site list report**

Purchase Order/Reference : 1442  
Client Service ID : 166291

<u>SiteID</u>	<u>SiteName</u>	<u>Datum</u>	<u>Zone</u>	<u>Easting</u>	<u>Northing</u>	<u>Context</u>	<u>Site Status</u>	<u>SiteFeatures</u>	<u>SiteTypes</u>	<u>Reports</u>
30-5-0031	Wingham Burial Ground: <u>Contact</u>	AGD	56	439700	6473975	Open site	Valid	Burial : -	Burial/s	2103
		<u>Recorders</u>	Mr. K Heffernan, Jan Klaver					<u>Permits</u>		

Report generated by AHIMS Web Service on 18/03/2015 for Cristany Milicich for the following area at Datum :GDA, Zone : 56, Eastings : 438800 - 440550, Northings : 6473500 - 6474800 with a Buffer of 0 meters. Additional Info : Aboriginal archaeological due diligence. Number of Aboriginal sites and Aboriginal objects found is 1

This information is not guaranteed to be free from error omission. Office of Environment and Heritage (NSW) and its employees disclaim liability for any act done or omission made on the information and consequences of such acts or omission.



## AHIMS Web Services (AWS) Search Result

Purchase Order/Reference : 1442

Client Service ID : 166291

Kelleher Nightingale Consulting Pty Ltd

Date: 18 March 2015

Level 10 25 Bligh Street  
Sydney New South Wales 2000

Attention: Cristany Milicich

Email: cristany.milicich@knconsult.com.au

Dear Sir or Madam:

**AHIMS Web Service search for the following area at Datum :GDA, Zone : 56, Eastings : 438800 - 440550, Northings : 6473500 - 6474800 with a Buffer of 0 meters, conducted by Cristany Milicich on 18 March 2015.**

**The context area of your search is shown in the map below. Please note that the map does not accurately display the exact boundaries of the search as defined in the paragraph above. The map is to be used for general reference purposes only.**



A search of the Office of the Environment and Heritage AHIMS Web Services (Aboriginal Heritage Information Management System) has shown that:

<b>1</b>	<b>Aboriginal sites are recorded in or near the above location.</b>
<b>0</b>	<b>Aboriginal places have been declared in or near the above location.*</b>

**If your search shows Aboriginal sites or places what should you do?**

- You must do an extensive search if AHIMS has shown that there are Aboriginal sites or places recorded in the search area.
- If you are checking AHIMS as a part of your due diligence, refer to the next steps of the Due Diligence Code of practice.
- You can get further information about Aboriginal places by looking at the gazettal notice that declared it. Aboriginal places gazetted after 2001 are available on the [NSW Government Gazette](http://www.nsw.gov.au/gazette) (<http://www.nsw.gov.au/gazette>) website. Gazettal notices published prior to 2001 can be obtained from Office of Environment and Heritage's Aboriginal Heritage Information Unit upon request

**Important information about your AHIMS search**

- The information derived from the AHIMS search is only to be used for the purpose for which it was requested. It is not be made available to the public.
- AHIMS records information about Aboriginal sites that have been provided to Office of Environment and Heritage and Aboriginal places that have been declared by the Minister;
- Information recorded on AHIMS may vary in its accuracy and may not be up to date. Location details are recorded as grid references and it is important to note that there may be errors or omissions in these recordings,
- Some parts of New South Wales have not been investigated in detail and there may be fewer records of Aboriginal sites in those areas. These areas may contain Aboriginal sites which are not recorded on AHIMS.
- Aboriginal objects are protected under the National Parks and Wildlife Act 1974 even if they are not recorded as a site on AHIMS.
- This search can form part of your due diligence and remains valid for 12 months.

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3 Marist Place, Parramatta NSW 2150  
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Tel: (02) 9585 6380 Fax: (02) 9873 8599

ABN 30 841 387 271  
Email: [ahims@environment.nsw.gov.au](mailto:ahims@environment.nsw.gov.au)  
Web: [www.environment.nsw.gov.au](http://www.environment.nsw.gov.au)





## **Site Audit Report**

**Wingham Timber,  
Murray Road, Wingham NSW**

Boral Recycling Pty Ltd  
May 2015  
13077

# NSW Site Auditor Scheme SITE AUDIT STATEMENT



**A site audit statement summarises the findings of a site audit. For full details of the site auditor's findings, evaluations and conclusions, refer to the associated site audit report.**

**This form was approved under the Contaminated Land Management Act 1997 on 31<sup>st</sup> October 2012. For more information about completing this form, go to Part IV.**

## PART I: Site audit identification

**Site audit statement no.** ..... KJL092.....

This site audit is a ~~statutory audit~~/**non-statutory audit** \* within the meaning of the *Contaminated Land Management Act 1997*.

**Site auditor details** (as accredited under the *Contaminated Land Management Act 1997*)

Name .....Kylie Lloyd..... Company .....Zoic Environmental Pty Ltd.....

Address .....Suite 4, Level 3, 105 Pitt Street.....

.....Sydney..... Postcode .....2000.....

Phone .....9231 1045..... Fax .....N/A.....

### Site details

Address ...Murray Road, Wingham, NSW .....Postcode ...2429.....

Property description (*attach a list if several properties are included in the site audit*)

Lot 266 in DP 754454; Lot 267 in DP 754454; Lot 310 in DP 754454; Lot 4 in DP 114687

Local Government Area ... Greater Taree City Council.....

Area of site (e.g. hectares) ...3.6 ha Current zoning: RU1- Rural Zone (Primary Production)

To the best of my knowledge, the site **is/is not**\* the subject of a declaration, order, agreement, proposal or notice under the *Contaminated Land Management Act 1997* or the *Environmentally Hazardous Chemicals Act 1985*.

**~~Declaration/Order/Agreement/Proposal/Notice~~\* no(s)**

.....

**Site audit commissioned by**

Name: Mr Cameron McArthur..... Company: Boral Recycling Pty Ltd

Address: Greystanes House, Level 4 South,

Lot 107, Clunies Ross Street, Prospect ..... Postcode: 2148

Phone (02) 9033 4404..... Fax (02) 9033 5305

Name and phone number of contact person (if different from above)

Mr James Belford; Bel Group ..... 0407 704 013 .....

**Purpose of site audit**

- A. To determine land use suitability (please specify intended use[s])  
..... low density residential with accessible soils .....

**OR**

- ~~B(i) To determine the nature and extent of contamination, and/or~~
- ~~B(ii) To determine the appropriateness of an investigation/remedial action/management plan\*, and/or~~
- ~~B(iii) To determine if the land can be made suitable for a particular use or uses by implementation of a specified remedial action plan/management plan\*~~

**Information sources for site audit**

Consultancy (ies) which conducted the site investigation(s) and/or remediation

- Current investigation and remediation:... JBS&G (NSW & WA) Pty Ltd (JBS&G)
- Former Audit: .....Fluor Daniel GTI. / IT Environmental (Australia) Pty Ltd (IT).

Title(s) of report(s) reviewed .....

1. JBS&G (January 2014) Additional Environmental Site Assessment Sampling Analysis & Quality Plan, Murray Road, Wingham, NSW (Ref: 43177-56369 Rev.A).
2. JBS&G (February 2014) Additional Environmental Site Assessment, Murray Road, Wingham, NSW (Ref: 43177-57343 Rev.1).
3. JBS&G (May 2014) Remedial Action Plan, Murray Road, Wingham, NSW (Ref: 43177-57632 Rev.1).
4. JBS&G (14 May 2015) Validation Report, Murray Road, Wingham, NSW (Ref:43534/60677 Rev.2).

From former Audit:

5. FD (November 1998) Environmental Site Assessment, Boral Wingham Former Timber Site, Murray Road, Wingham. Ref. S9209.
6. FD (February 1999) Additional Validation Sampling for Arsenic and Hydrocarbons, Former Boral Timber Site, Wingham, NSW Addendum Report to S9209. Ref. J-10-09264AL03.doc.
7. IT (June 1999) Validation of Lot 270, Addendum to Report S9209, Former Boral Timber Site, Wingham, NSW. Ref. J-10-09264A.
8. IT (November 1999) Additional Environmental Site Assessment, Boral Timber. Ref. J109264A.
9. IT (February 2001) Remedial Action Plan Former Boral Timber Site Lot 310, Murray Road, Wingham, NSW. Ref. J109264B.

***\*Strike out as appropriate***



10. IT (April 2001) Environmental Site Assessment Former Boral Timber Site Lots 266 and 267, Murray Road, Wingham, NSW. Ref. J109264B.
11. IT (December 2001) Excavation and Validation of Hydrocarbon 'Hotspot' Lot 310, Former Boral Timber Site Murray Road, Wingham, NSW. Ref. J109264B.

Other information reviewed (including previous site audit reports and statements relating to the site) .....

- Dr. William Ryall: Site Audit Statement No. WRR59 (November 1999) for Lots 246 and 270
- Dr. William Ryall: Site Audit Statement No. WRR98 (June 2001) for Lots 266 and 267
- Dr. William Ryall: Site Audit Statement No.98/1 (March 2002) for Lot 310

**Site audit report**

Title: Site Audit Report, Wingham Timber, Murray Road, Wingham

Report no. ....13077 SAR final..... Date ..... 15 May 2015.....

## PART II: Auditor's findings

Please complete either Section A or Section B, **not** both. (*Strike out the irrelevant section.*)

Use Section A where site investigation and/or remediation has been completed and a conclusion can be drawn on the suitability of land use(s).

Use Section B where the audit is to determine the nature and extent of contamination and/or the appropriateness of an investigation or remedial action or management plan and/or whether the site can be made suitable for a specified land use or uses subject to the successful implementation of a remedial action or management plan.

### Section A

I certify that, in my opinion, the site is **SUITABLE** for the following use(s) (tick all appropriate uses and strike out those not applicable):

- ~~Residential, including substantial vegetable garden and poultry~~
- ~~Residential, including substantial vegetable garden, excluding poultry~~
- Residential with accessible soil, including garden (minimal home-grown produce contributing less than 10% fruit and vegetable intake), excluding poultry
- ~~Day care centre, preschool, primary school~~
- ~~Residential with minimal opportunity for soil access, including units~~
- ~~Secondary school~~
- ~~Park, recreational open space, playing field~~
- ~~Commercial/industrial~~
- Other (please specify) .....

~~subject to compliance with the following environmental management plan (insert title, date and author of plan) in light of contamination remaining on the site:~~

OR

~~I certify that, in my opinion, the site is NOT SUITABLE for any use due to the risk of harm from contamination.~~

Overall comments

.....

.....

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.....

.....

**Section B**

Purpose of the plan<sup>1</sup> which is the subject of the audit .....

.....

.....

**I certify that, in my opinion:**

~~the nature and extent of the contamination HAS/HAS NOT\* been appropriately determined~~

**AND/OR**

~~the investigation/remedial action plan/management plan\* IS/IS NOT\* appropriate for the purpose stated above~~

**AND/OR**

~~the site CAN BE MADE SUITABLE for the following uses (tick all appropriate uses and strike out those not applicable):~~

- ~~Residential, including substantial vegetable garden and poultry~~
- ~~Residential, including substantial vegetable garden, excluding poultry~~
- ~~Residential with accessible soil, including garden (minimal home-grown produce contributing less than 10% fruit and vegetable intake), excluding poultry~~
- ~~Day care centre, preschool, primary school~~
- ~~Residential with minimal opportunity for soil access, including units~~
- ~~Secondary school~~
- ~~Park, recreational open space, playing field~~
- ~~Commercial/industrial~~
- ~~Other (please specify)~~

~~if the site is remediated/managed\* in accordance with the following remedial action plan/management plan(s)\* (insert title, date and author of plan)~~

.....

.....

~~subject to compliance with the following condition(s):~~

.....

.....

<sup>1</sup> For simplicity, this statement uses the term 'plan' to refer to both plans and reports.

**Overall comments**

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**PART III: Auditor's declaration**

I am accredited as a site auditor by the NSW Environment Protection Authority under the *Contaminated Land Management Act 1997* (**Accreditation No. ....0302.....**).

I certify that:

- I have completed the site audit free of any conflicts of interest as defined in the *Contaminated Land Management Act 1997*, and
- with due regard to relevant laws and guidelines, I have examined and am familiar with the reports and information referred to in Part I of this site audit, and
- on the basis of inquiries I have made of those individuals immediately responsible for making those reports and obtaining the information referred to in this statement, those reports and that information are, to the best of my knowledge, true, accurate and complete, and
- this statement is, to the best of my knowledge, true, accurate and complete.

I am aware that there are penalties under the *Contaminated Land Management Act 1997* for wilfully making false or misleading statements.

Signed .....  ..... Date .....15 May 2015.....

## PART IV: Explanatory notes

*To be complete, a site audit statement form must be issued with all four parts.*

### How to complete this form

**Part I** identifies the auditor, the site, the purpose of the audit and the information used by the auditor in making the site audit findings.

**Part II** contains the auditor's opinion of the suitability of the site for specified uses or of the appropriateness of an investigation, or remedial action or management plan which may enable a particular use. It sets out succinct and definitive information to assist decision-making about the use(s) of the site or a plan or proposal to manage or remediate the site.

The auditor is to complete either Section A or Section B of Part II, **not** both.

In **Section A** the auditor may conclude that the land is *suitable* for a specified use(s) OR *not suitable* for any beneficial use due to the risk of harm from contamination.

By certifying that the site is *suitable*, an auditor declares that, at the time of completion of the site audit, no further remediation or investigation of the site was needed to render the site fit for the specified use(s). Any **condition** imposed should be limited to implementation of an environmental management plan to help ensure the site remains safe for the specified use(s). The plan should be legally enforceable: for example a requirement of a notice under the *Contaminated Land Management Act 1997* (CLM Act) or a development consent condition issued by a planning authority. There should also be appropriate public notification of the plan, e.g. on a certificate issued under s.149 of the *Environmental Planning and Assessment Act 1979*.

Auditors may also include **comments** which are key observations in light of the audit which are not directly related to the suitability of the site for the use(s). These observations may cover aspects relating to the broader environmental context to aid decision-making in relation to the site.

In **Section B** the auditor draws conclusions on the nature and extent of contamination, and/or suitability of plans relating to the investigation, remediation or management of the land, and/or whether land can be made suitable for a particular land use or uses upon implementation of a remedial action or management plan.

By certifying that a site *can be made suitable* for a use or uses if remediated or managed in accordance with a specified plan, the auditor declares that, at the time the audit was completed, there was sufficient information satisfying guidelines made or approved under the CLM Act to determine that implementation of the plan was feasible and would enable the specified use(s) of the site in the future.

For a site that *can be made suitable*, any **conditions** specified by the auditor in Section B should be limited to minor modifications or additions to the specified plan. However, if the auditor considers that further audits of the site (e.g. to validate remediation) are required, the auditor must note this as a condition in the site audit statement.

Auditors may also include **comments** which are observations in light of the audit which provide a more complete understanding of the environmental context to aid decision-making in relation to the site.

In **Part III** the auditor certifies his/her standing as an accredited auditor under the CLM Act and makes other relevant declarations.

### Where to send completed forms

In addition to furnishing a copy of the audit statement to the person(s) who commissioned the site audit, statutory site audit statements must be sent to:

#### EPA (NSW)


Contaminated Sites Section  
PO Box A290, SYDNEY SOUTH NSW 1232  
nswauditors@epa.nsw.gov.au

AND

the **local council** for the land which is the subject of the audit.

## Quality Management

### Document Distribution

Issue / Revision	Issue 1	Revision 2	Revision 3	Final
Remarks	Draft	Draft V2	Draft V3	Final
Date	2 April 2015	21 April 2015	11 May 2015	15 May 2015
Prepared by	Kylie Lloyd Assisted by: Silja Kuerzinger	Kylie Lloyd Assisted by: Silja Kuerzinger	Kylie Lloyd Assisted by: Silja Kuerzinger	Kylie Lloyd Assisted by: Silja Kuerzinger
Signature	Draft	Draft	Draft	
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*This report was prepared in accordance with the scope of services set out in the contract between Zoic Environmental Pty Ltd and ABN 23 154 745 525 and the client.*

## Executive Summary

Boral Recycling Pty Ltd (Boral) commissioned Kylie Lloyd of Zoic Environmental Pty Ltd (Zoic), a New South Wales Environment Protection Authority (NSW EPA) accredited Site Auditor (accreditation number 0302), to conduct a Site Audit of an irregular shaped parcel of land covering approximately 3.6 hectares located north of Murray Road between Richardson and Lambert Street, Wingham. The combined property is legally described as Lot 266 and Lot 267 in DP754454; Lot 310 in DP754454; and Lot 4 in DP114687 and is herein after referred to as “the site”. The site location is shown in the site survey which is reproduced in Appendix A.

The Site Audit **KJL092** was conducted to provide an independent review of the appropriateness of environmental works completed by the environmental consultant as well as to conclude whether the site, is suitable for proposed rezoning for residential land use.

As there are no requirements under the EPA Act, CLM Act or POEO Act to perform this Audit, it is a non-Statutory Site Audit under Part 4, Section 47 of the Contaminated Land Management Act (1997) (CLM Act), as amended July 2009. The Audit has been completed in accordance with NSW DEC (2006) Contaminated Sites; Guidelines for the NSW Site Auditor Scheme – Second Edition.

The southern section of the site fronting Murray Road (Lot 310) was historically used as part of the former Boral timber processing plant from the late 1940’s through to 1997 while the northern portion (Lots 266 and 267) includes an ephemeral drainage gully and was used for occasional storage of timber products and otherwise remained undeveloped.

Following closure of the timber processing plant, various environmental assessments and localised remedial works were completed by Flour Daniel GTI (later became IT Environmental). These were reviewed by the former Auditor (Dr. William Ryall) with three SAS/SAR issued for the five Lots and closed road between 1999 and 2002 (Ref. WRR59; WRR98; and WRR98/1). One SAS was for a portion of the former timber processing plant to the west of the site which has since been sold to the Baptist Church and is no longer part of the current Audit.

Recent investigation, remediation and validation works were conducted by JBS&G in 2014/2015 to account for amendments in the regulatory framework since the completion of the previous Audits and to investigate areas of potential environmental concern associated with identified bonded ACM observed in the southern section of the site and a large waste timber stockpile in the mid-section of the site.

Based on historic use associated with the site and the recently identified areas of potential environmental concern, the Auditor concurred with JBS&G that the contaminants of potential concern included asbestos, heavy metals, TPH, BTEX, PAH, OCP, OPP, PCB, boron, total nitrogen and coliforms.

Remedial works included offsite disposal of friable asbestos impacted soil; excavating, picking and validating of bonded ACM impacted soils; removal of timber and demolition stockpiles and completion of asbestos quantification validation works and validation that surface soils were free of visible ACM in accordance with NEPM 2013 guidelines.

The Auditor considers that the reviewed works were generally in accordance with the requirements of NSW DEC (2006), other relevant guidelines endorsed under s.105 of the CLM Act, and that there is sufficient information to meet the objectives of the Audit. Where the JBS&G work deviated from the guidelines, the Auditor has discussed this within this SAR and was satisfied that these omissions did not affect the conclusions of the Audit.

JBS&G concluded that based on the ‘results of the validation works and soil analytical results from previous investigations it is considered that the site is suitable to be rezoned for residential land use’. On this basis a Site Audit Statement will be issued certifying that, in the opinion of the Auditor, the site is suitable for residential land use (with accessible soils).

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- Appendix A Figures
- Appendix B Auditor Correspondence
- Appendix C Analytical Result Summary Tables



# 1. Introduction

This Audit was requested by Cameron McArthur on behalf of Boral Recycling Pty Ltd.

This Site Audit Report **KJL092** (SAR) and associated Site Audit Statement KJL092 (SAS) have been produced to document the findings of this Audit conducted by Kylie Lloyd (Accreditation No. 0302) who was assisted by Silja Kuerzinger.

The purpose of this Audit was to provide an independent review whether the approximately 3.6 hectare site, is considered to be suitable for the proposed rezoning to residential (low density residential).

This is a Non-Statutory Audit under Part 4, Section 47 of the Contaminated Land Management Act (1997) (CLM Act).

## 1.1. Overview of the Audit Process

The Audit has been conducted in accordance with the requirements of the CLM Act 1997, as amended January 2015, which (in Part 1, Section 4 definitions) states:

Site Audit means a review:

- a) *That relates to management (whether under this Act or otherwise) of the actual or possible contamination of land; and*
- b) *That is conducted for the purpose of determining any one or more of the following matters:*
  - i. *The nature and extent of any contamination of the land,*
  - ii. *The nature and extent of any management of actual or possible contamination of the land,*
  - iii. *Whether the land is suitable for any specified use or range of uses,*
  - iv. *What management remains necessary before the land is suitable for any specified use or range of uses, and*
  - v. *The suitability and appropriateness of a plan of management, long-term management plan or a voluntary management proposal.*

DEC (2006) Contaminated Sites: Guidelines for the NSW Site Auditor Scheme (2<sup>nd</sup> Edition), describes the site assessment and audit process as:

1. The contaminated land consultant, or other relevant party, designs and implements the site assessment and, where required, all remediation and validation activities achieve the stated objectives; and
2. The site auditor independently reviews the works undertaken to ensure that they comply with current regulations, standards and guidelines, and that the site has been assessed, remediated and validated to a standard appropriate to the proposed land use.

Part 4, Section 53B (6) of the CLM Act 1997, as amended January 2015, describes that Audits conducted by EPA accredited Auditors must take the following matters into account:

- ▶ The provisions of the CLM Act and the CLM Regulations;
- ▶ The provisions of any environmental planning instruments applying to the site; and
- ▶ The guidelines made or approved by the EPA.

## 1.2. Guidelines made or approved by OEH under the CLM Act

Relevant guidelines made by EPA under Section 105 of the CLM Act 1997 at the time of this report are:

- ▶ EPA (1995) Contaminated Sites: Sampling Design Guidelines.
- ▶ DEC (2006) Contaminated Sites: Guidelines for the NSW Site Auditor Scheme (2nd Edition).
- ▶ DEC (2007) Guidelines for Assessment and Management of Groundwater Contamination.
- ▶ DECC (2009) Waste Classification Guidelines Part 1: Classifying Waste. NSW DECC Sydney;
- ▶ DECC (2009) Contaminated Sites: Guidelines on the Duty to Report Contamination under the Contaminated Land Management Act 2009.
- ▶ OEH (2011) Contaminated Sites: Guidelines for Consultants Reporting on Contaminated Sites.

Relevant guidelines approved by EPA under Section 105 of the CLM Act 1997 at the time of this report are:

- ▶ NEPC (1999) National Environment Protection (Assessment of Site Contamination) Measure, Schedule A and Schedules B(1)-B(9). National Environment Protection Council, Adelaide (as amended April 2013) (referred to herein as 'NEPM 2013').
- ▶ ANZECC/ARMCANZ (2000) Australian and New Zealand Guidelines for Fresh and Marine Water Quality. Australian and New Zealand Environment and Conservation Council and Agriculture and Resource Management Council of Australia and New Zealand.
- ▶ Department of Health and Ageing and EnHealth Council (2012) Environmental Health Risk Assessment: Guidelines for Assessing Human Health Risks from Environmental Hazards.

In addition to the above, the Auditor has given due regard to the provisions of the NSW Government's framework for managing waste under the Protection of the Environment Operations Act 1997 (NSW) (POEO Act 1997) and Waste Avoidance and Recovery Act 2001 and ANZECC/NHMRC (1992) Australian and New Zealand Guidelines for the Assessment and Management of Contaminated Sites.

Where relevant, consideration has also been given to technical guidance on the assessment of contamination in NSW as presented on the EPA website (<http://www.epa.nsw.gov.au/clm/otherguidance.htm>).

## 1.3. Reports Reviewed

During the course of the Audit, the following reports were provided to the Site Auditor:

- ▶ JBS&G (January 2014) Additional Environmental Site Assessment Sampling Analysis & Quality Plan, Murray Road, Wingham, NSW. Prepared for Boral Property Group (Ref: 43177-56369 Rev.A).
- ▶ JBS&G (February 2014) Additional Environmental Site Assessment, Murray Road, Wingham, NSW. Prepared for Boral Property Group (Ref: 43177-57343 Rev.1).
- ▶ JBS&G (May 2014) Remedial Action Plan, Murray Road, Wingham, NSW. Prepared for Boral Property Group (Ref: 43177-57632 Rev.1).
- ▶ JBS&G (May 2015) Validation Report, Murray Road, Wingham, NSW. Prepared for Boral Property Group (Ref:43534/60677 Rev.2).

In addition to the above, the following reports were prepared following the closure of the former timber processing plant. Where relevant for the current Audit, these documents have been referred to, however these reports were incorporated into the previous SAS/SARs prepared by Dr. William Ryall. It is noted that these reports include Lots 246 and 270 to the west of the current site, which were part of the processing plant and were subsequently sold to the Baptist Church.

- ▶ Fluor Daniel GTI (November 1998) Environmental Site Assessment, Boral Wingham Former Timber Site, Murray Road, Wingham. Ref. S9209.
- ▶ Fluor Daniel GTI (February 1999) Additional Validation Sampling for Arsenic and Hydrocarbons, Former Boral Timber Site, Wingham, NSW Addendum Report to S9209. Ref. J-10-09264AL03.doc.
- ▶ IT Environmental (Australia) Pty Ltd (IT) (June 1999) Validation of Lot 270, Addendum to Report S9209, Former Boral Timber Site, Wingham, NSW. Ref. J-10-09264A.
- ▶ IT (November 1999) Additional Environmental Site Assessment, Boral Timber. Ref. J109264A.
- ▶ IT (February 2001) Remedial Action Plan Former Boral Timber Site Lot 310, Murray Road, Wingham, NSW. Ref. J109264B.
- ▶ IT (April 2001) Environmental Site Assessment Former Boral Timber Site Lots 266 and 267, Murray Road, Wingham, NSW. Ref. J109264B.
- ▶ IT (December 2001) Excavation and Validation of Hydrocarbon 'Hotspot' Lot 310, Former Boral Timber Site Murray Road, Wingham, NSW. Ref. J109264B.

#### 1.4. Previous Site Audit Statements

Three previous SAS/SARs prepared for portions of the former timber processing plant by Dr. William Ryall between 1999 and 2002 which were based on the works completed by Fluor Daniel GTI (later IT Environmental).

- ▶ Site Audit Statement No. WRR59 (November 1999) for Lots 246 and 270 (now belonging to Baptist Church and not part of current site). The Audit concluded that 'Overall, the investigation of the site by IT Environmental was adequate to have identified significant contamination that was present on the site and which would have prevented the safe use of the site for low density residential use or for the use of the site as a retirement village'.
- ▶ Site Audit Statement No. WRR98 (June 2001) for Lots 266 and 267. The Auditor concluded that 'the site is safe to be used for standard residential purposes and that no specific conditions relating to the safe use of the site are required to be placed on the Site Audit Statement'.
- ▶ Site Audit Statement No.98/1 (March 2002) for Lot 310. The Auditor concluded that 'the site is suitable for the proposed residential development and that no conditions are required to be noted on the Site Audit Statement'.

## 2. Site Identification and Description

This section provides detail on land use, surrounding properties and summarises potential sensitive human health and environmental receptors. This information has been sourced from the JBS&G reports provided.

### 2.1. Site Identification

The site location is shown in JBS&G Figure 1, reproduced in Appendix A. The site identification and land use details include:

*Table 2.1: Site Identification*

Title	Details
Street Address:	Murray Road, Wingham, 2429
Property Description:	Lot 266 in DP 754454 Lot 267 in DP 754454 Lot 310 in DP 754454 Lot 4 in DP 114687 (closed road)
Current Site Ownership:	Duncan's Holdings, subsidiary of Boral Timber
Geographical Coordinates (to approximate centre):	E: 439697.10 N: 6474107.03
Property Size:	Approximately 3.6 ha
Local Government Area:	Greater Taree City Council
Zoning – Existing:	RU1 – Rural Zone (Primary Production)
Zoning – Proposed:	Low Density Residential

### 2.2. Surrounding Land Use

The site is located in an area of predominantly residential use with immediate adjoining land uses described as follows:

*Table 2.2: Immediate Site Surrounds*

Title	Details
North:	Vacant land and Mortimer Street beyond which are residential properties.
East:	Aboriginal cemetery and Lambert Street beyond which are predominantly residential lots. There is continuation of natural drainage gully that extends east of the site.
South:	Murray Road beyond which appears to be light industrial, vacant land, rail line and Wingham Abattoir.
West:	Baptist Church and Richardson Street beyond which are residential properties. Wingham Golf Course is approximately 750m southwest of the site.

## 2.3. Site Condition

### 2.3.1. Former

- ▶ The southern portion of the site (Lot 310) was part of the former timber processing operations between the 1940s and 1997 (these activities extended west beyond the current site boundary). Based on a review of the previous SAR for Lot 310 (March 2002) Lot 310 was described as: *The treatment of timber was undertaken on Lot 310 and the operation comprised the dipping of timber into a boron solution, which was contained within the warehouse areas in two above ground rectangular steel tanks. Also preset in this areas was a boiler which provided heating for the timber dipping tanks and drying kilns which were located on the western part of this building. The kilns were demolished in 1997. A bin for containing sawdust was located between the warehouse and the factory. An electrical transformer was located in the south-eastern corner of Lot 310.*
- ▶ Copper chrome arsenate (CCA) was reportedly never used at the processing plant; however the former SAR states that 'approximately 50m<sup>3</sup> of timber treated with CCA was known to have been stored for a short time at Lot 310'.
- ▶ According to the previous SAR, as part of the remediation of adjoining Lot 270 (not part of current site), a 2.2kl diesel UST was removed and associated TPH impacted soils were landfarmed on Lot 310 (approximately 20m<sup>3</sup>) on concrete hardstands. Validation samples collected from the stockpiled materials had non-detectable levels of hydrocarbons.
- ▶ The northern portion of the site (Lots 266 and 267) were predominantly used for grazing purposes with occasional use for the storage of timber.

### 2.3.2. Current

At the time of the Auditor's site inspection the following key features were noted:

- ▶ Demolition rubble within footprints of former buildings within Lot 310.
- ▶ 1m high earthen embankment on Lot 310 which JBS&G consider to be redistributed natural soil associated with former structures.
- ▶ Asbestos fragments across a small area of Lot 310.
- ▶ Large stockpile of waste timber on Lot 267 (covering approximately 300m<sup>2</sup>).
- ▶ Holding pen on Lot 266.
- ▶ Gully across Lot 266 and 267.
- ▶ Remainder of site covered in vegetation and grass.

### 2.3.3. Proposed

It is understood that Boral are in the process of applying to get the site rezoned for residential landuse.

### 3. Site History

As part of preparing the SAQP, JBS&G (January 2014) completed a review of site history based on an interpretation of a review of land title records; historic aerial photographs, Section 149 planning certificate, EPA records, WorkCover Dangerous Goods licenses, and previously issued reports by FD/IT.

The historical information presented by JBS&G is summarised below, outlining the potentially contaminating historical land uses at the site.

- ▶ **Land Titles:** The various Lots that comprise the site were Crown Land till 1908 followed by various private ownerships. Henry Machin & Sons Pty Ltd became the registered proprietors for Lot 310 in 1985 (later Duncans Wingham Timber and Floor Pty Ltd; later Duncans Holdings). The northern portion of the current site (Lots 266 and 267) were transferred to Duncans Wingham Timber and Floor Pty Ltd in 1962.
- ▶ **Aerial Photographs:** JBS&G reviewed photographs from 1969; 1981; 1991; 2003 and 2013. By 1969 the timber treatment plant was established with warehouse and factory building visible on Lot 310 and storage of associated timber on the Lot 310, Lot 4 and the southern portions of Lots 266 and 267. No structures were visible on Lots 266 and 267. No significant changes in the configuration of Lot 310 were identified in the 1981; 1991; or 1997 aerial photographs. By 2003 the factory and warehouse were demolished with only the footprints of the structures evident – this is similar to the present-day layout.
- ▶ **Council records:** JBS&G reportedly obtained copies of the 149 Planning Certificates for Lots 267 and Lot 310 from Greater Taree City Council (Appendix E of the 2014 report only contains the 149 certificate for Lot 267). The Auditor’s review of the certificate indicates that: the land does not contain critical habitat; the land is not in a conservation area; the land does have no restrictions in relation to land slip, bushfire, subsidence, or acid sulfate soils; the land is not considered significantly contaminated; the land is not the subject of a management order and the land is not the subject of a SAS/SAR. **The Auditor notes that three separate non-statutory SAS and associated SAR have been prepared for the various lots.**
- ▶ **NSW EPA databased:** JBS&G completed a search of public records held by the EPA under Environment Operations Act 1997 or under Section 60 of NSW EPA Contaminated Land Management Act 1997. Based on the search, the site has no prevention, clean-up or prohibition notices; no transfer, variation, suspension or revocation of an environment protection license; and the site has not been notified as containing significant contamination.
- ▶ **WorkCover:** JBS&G completed a search of Stored Chemical Information Database (SCIO) held by WorkCover. The search did not locate any records pertaining to Lot 310 (Auditor notes that the search did not include Lot 4; Lot 266 and Lot 267 – given that these lots were only used for occasional storage, this is considered acceptable).
- ▶ **Heritage:** A search of the Australian Heritage Trust database and the NSW Heritage Inventory did not reveal any Heritage listed items at the site. Heritage information covers Aboriginal as well as European heritage items. It is noted that the commentary adjoining the northeastern corner of the site is an aboriginal heritage item.

#### 3.1. Audit Discussion

The information required by OEH (2011), in regard to site identification and condition, was provided, and is consistent with observations made during site inspections conducted as part of this audit. Where the information was not provided, the Auditor consulted with JBS&G to obtain the necessary information.

## 4. Stages of Works

During the Audit, the following JBS&G reports were provided to the Site Auditor documenting the stages and sequencing of works completed. Table 4.1 below provides a summary of the JBS&G works that have taken place at the site:

Table 4.1: JBS&G Investigations Completed

Report Details	Report Objectives and Outcomes
<p>JBS&amp;G (January 2014) Sampling Analysis &amp; Quality Plan</p>	<p>The objective of the SAQP was to address the identified data gaps and to make recommendations of further works required to make the site suitable for rezoning to residential use.</p> <p>The scope completed by JBS&amp;G included:</p> <ul style="list-style-type: none"> <li>▶ Review of previous reports.</li> <li>▶ Desktop review of published maps; registered groundwater monitoring wells; Council 149 Certificate; historic aerial photographs; Land Title records; NSW EPA public registers; WorkCover Dangerous Goods search.</li> <li>▶ Detailed site walkover to identify AECs.</li> <li>▶ Preparation of a Sampling, Analysis and Quality Plan.</li> </ul> <p>Based on the scope of works, the following areas requiring assessment:</p> <ul style="list-style-type: none"> <li>▶ Lots 310: former open storage areas for treated timber; former boron tanks; transformer; storm water inception sump; temporary storage for CCA treated timber; asbestos fragments (also into Lot 4 to a lesser extent).</li> <li>▶ Lot 267: Waste timber stockpile; proximity to adjoining Aboriginal cemetery.</li> </ul> <p>The SAQP was reviewed by the Auditor as part of Interim Audit Advice No. 2 (dated 31 January 2014 provided in <b>Appendix B</b>).</p>
<p>JBS&amp;G (February 2014) Additional Environmental Site Assessment,</p>	<p>The objectives of the Additional ESA were to carry out the works as outlined in the SAQP. The scope of works included:</p> <ul style="list-style-type: none"> <li>▶ <b>Asbestos assessment:</b> 38 test pit locations for asbestos quantification (AQ1 to AQ34; CTP04 and CTP05 and WSP1).</li> <li>▶ <b>Waste stockpile:</b> three samples (WSP1 to WSP3): M8; boron; TPH; PAH; OCP; PCB and asbestos quantification (one only).</li> <li>▶ <b>Chemical Soil sampling</b> (CTP1 toCTP9): nine locations analysed for metals, PAHs, TPH, BTEX, OCP, OPP.</li> <li>▶ <b>Surface water sampling:</b> was proposed for the gully and the sump (Lot 310) but could not be carried out due to the absence of any surface water at these locations.</li> </ul> <p>Based on the proposed residential rezoning of the site, the entire data set (including previous results dating back to 1998) were compared to NEPM 2013 guidelines (HIL-A / HSL-A and EIL/ESL).</p> <p>Based on the analytical results (JBS&amp;G data set and those dating back to 1998):</p> <ul style="list-style-type: none"> <li>▶ <b>Metal</b> concentrations were below the adopted site criteria, with the exception of arsenic at L310-TH10 (0.1) which had an arsenic concentration of 138mg/kg which was above the NEPM 2013 HIL of 100mg/kg. JBS&amp;G used statistical analysis to determine that the exceedance at this location was considered to be suitable to remain onsite.</li> <li>▶ All current and historic <b>TRH</b> results were below the adopted site criteria, with the exception of FD (1998) sample from L310-TH19 which had a TPH C10-C36 concentration of 2062mg/kg. A subsequent chromatograph identified the source to be lipid material rather than from petroleum source; however, the results was still considered to be a potential health risk under a residential landuse scenario. The area was subsequently excavated and disposed offsite to Buckett Way Landfill as Inert Waste. All validation results (collected by IT in 2001) were below laboratory PQL (this was reviewed by the previous Auditor).</li> <li>▶ All current and historic <b>PAH, BTEX, OCP, PCB</b> results were below the adopted</li> </ul>

Report Details	Report Objectives and Outcomes
	<p>NEPM 2013 guidelines.</p> <ul style="list-style-type: none"> <li>▶ <b>Bonded asbestos</b> was observed by JBS&amp;G on the ground surface within the footprint of the former site structures of Lot310. As part of testpitting for the asbestos quantification works, bonded ACM was also identified in fill materials at AQ02 (0.286% w/w); AQ05 (0.2162% w/w) and AQ06 (0.0220% w/w). Which were along the eastern boundary of Lot310 (refer to Figures in Appendix A).</li> <li>▶ <b>FA/AF</b> was identified above the NEPM 2013 guideline value of 0.001% w/w in one AQ sample (AQ02 which had FA/AF at 0.0733% w/w which also had bonded ACM fragment concentration of 0.286% w/w).</li> </ul> <p>JBS&amp;G recommended that a RAP be developed to render the site suitable. The Additional ESA was reviewed by the Auditor in Interim Audit Advice No. 3 (dated 19 March 2014, provided in <b>Appendix B</b>).</p>
<p>JBS&amp;G (May 2014) Remedial Action Plan</p>	<p>The objective of the RAP was to document the procedures and standards to be followed to remove the risks/aesthetics issues posed by bonded fragments of ACM on the ground surface, asbestos fines/fibers (AF/FA) impacted soils, bonded ACM impacted soils and stockpiles timber and demolition waste identified during the previous investigation to make the site suitable for standard residential land use, while ensuring the protection of human health and the surrounding environment.</p> <p>The preferred remedial option outlined in the RAP includes:</p> <ul style="list-style-type: none"> <li>▶ Excavation and offsite disposal of AD/FA impacted materials (AQ02).</li> <li>▶ Excavation of identified ACM exceedances (AQ05 and AQ06) and hand picking of ACM fragments for onsite reuse following validation.</li> <li>▶ Offsite disposal of ACM fragments.</li> <li>▶ Excavation and offsite disposal of the demolition/ACM waste and timber stockpile.</li> <li>▶ Following validation, raking of the top 10cm of Lot 310 to ensure that the surface is free of visible ACM.</li> </ul> <p>The Auditor has provided a formal evaluation of the RAP in Section 9 of the SAR. The Auditor reviewed the draft RAP (27 March 2014) and provided comments in Interim Audit Advice No. 4 (30 April 2014) which is provided in <b>Appendix B</b>.</p>
<p>JBS&amp;G (May 2015) Validation Report</p>	<p>The objective of the validation works were reported as:</p> <ul style="list-style-type: none"> <li>▶ Supervise the remediation of impacts identified in the RAP.</li> <li>▶ Validate soils remaining onsite as being suitable for the proposed use.</li> <li>▶ Document the remedial and validation works in accordance with relevant EPA guidance.</li> </ul> <p>Remedial works were completed between mid-November 2014 and mid-January 2015. Validation works are evaluated by the Auditor in Section 9 of the SAR. The Auditor reviewed the draft Validation Report (January 2015) and provided comments in Interim Audit Advice No. 5 (27 February 2015) which is provided in <b>Appendix B</b>.</p> <p>Following completion of remedial and validation works, JBS&amp;G concluded that <i>'based on the results of the validation works and soil analytical results from previous investigations it is concluded that the site is suitable to be rezoned for residential land use'</i>.</p> <p>This report underwent several rounds of review.</p>

Table 4.2 provides a summary of previous reports for contextual information only. The Auditor notes that while the main focus of the current Audit is to review the environmental works completed by JBS&G in 2014/2015 (as summarised in table 4.1) previous works completed by FD/IT between 1998 and 2001 have been summarised in Table 4.2 for completeness. It is noted that these investigations have previously undergone Auditor scrutiny with three SAS/SARs issued for the five Lots and closed road between 1999 and 2002 (Dr. William Ryall Ref. WRR59; WRR98; and WRR98/1).



Table 4.2: Summary of Investigation Reports Reviewed as Part of Previous Audits

Report Details	Summary of Work
<p>FD (November 1998) Environmental Site Assessment (Lots 246; 270; 310 and closed road)</p>	<p>This ESA was completed on the decommissioned timber treatment operations on Lots 246, 270, 310 and the closed road. Lots 246 and 270 no longer belong to the current site, as they have previously been divested. FD completed the following:</p> <ul style="list-style-type: none"> <li>▶ Desktop investigation included a review of regional geology, hydrogeology and review of Boral provided information.</li> <li>▶ Site inspection (Lot 246, 270, 310 and closed road) – 3.2 hectares.</li> <li>▶ Intrusive works included test pitting at 42 locations to a maximum depth of 1.5m and hand-augering at two locations (six test pits in lot 246/closed road, 16 in lot 270, 18 testpits and 2 hand auger holes in lot 310). Surface water samples were collected from the gully and the sump (Lot 310).</li> <li>▶ Limited laboratory analysis for: <ul style="list-style-type: none"> <li>• TPH C6-C36 and BTEX (eight samples in Lot 270; and two samples in Lot 310);</li> <li>• Metals (six samples in Lot 246; nine samples in Lot 270; and ten samples in Lot 310 including five analysis for boron).</li> <li>• OCPs (three samples in Lot 270; four samples in Lot 310 – not tabulated).</li> <li>• PAH (one sample in Lot 310 – not tabulated).</li> <li>• Surface water samples were analysed for tannins, TSS, oil and grease and phenols.</li> </ul> </li> <li>▶ Results generally complied with NEHF A and NSW EPA Service Station criteria with the exception of the following: <ul style="list-style-type: none"> <li>• TPH C10-C36 above adopted guideline of 1,000mg/kg at two locations in Lot 270 (former UST pit area, maximum concentration of 1825mg/kg) and one location in Lot 310 (2062mg/kg at L310-TH19).</li> <li>• TPH impact at L310-TH19 (0.1m) at 2062mg/kg within Lot 310 was subsequently subjected to chromatographs and shown to be lipids – but still not considered suitable for residential use. Underlying sample at 0.3m only had ‘low hydrocarbon concentrations (according to former SAR).</li> <li>• Arsenic above adopted guideline value of 100mg/kg at one location in Lot 310 (138mg/kg at L310-TH10).</li> <li>• TSS and phenols exceeded the Clean Waters Regulation (1972) in the Lot 310 sump and the drainage gully.</li> </ul> </li> <li>▶ Based on the ESA, the following conclusions were made by FD: <ul style="list-style-type: none"> <li>• Lot 246 and closed road were considered suitable for residential use.</li> <li>• Lot 270 was considered suitable for industrial use, with localised TPH impacted soils in the vicinity of the UST pit requiring remediation if landuse was to change to residential.</li> <li>• Lot 310 was considered suitable for commercial/industrial use. A change to residential use would require further investigation and possible remediation of the arsenic impacted area (L310-TP10).</li> </ul> </li> </ul>
<p>FD (February 1999) Additional Validation Sampling for Arsenic and Hydrocarbons</p>	<p>This letter report is an addendum to the FD (November 1998) ESA and provides details of additional delineation works that were completed around the following:</p> <ul style="list-style-type: none"> <li>▶ Arsenic exceedance of NEHF A residential criteria at L310-TH10 in Lot 310 (138mg/kg vs guideline of 100mg/kg).</li> <li>▶ TPH exceedance in vicinity of the former UST on Lot 270 (not summarised as part of current IA, as Lot 270 is no longer part of the subject site).</li> </ul> <p>Delineation works around L310-TH10 consisted of:</p> <ul style="list-style-type: none"> <li>▶ Test pitting at four step-out locations at approximately 5m radius of L310-TH10 (samples collected at near surface and at 0.5m).</li> <li>▶ Four additional test pits at 10m radius of L310-TH10 (samples collected at near surface and at 0.5m).</li> <li>▶ Near-surface samples from 5m radius sampling locations were laboratory analysed for arsenic, with remaining samples held for potential subsequent analysis if required.</li> <li>▶ Arsenic results from the shallow 5m step-outs were below the adopted guideline</li> </ul>

Report Details	Summary of Work
	<p>(highest concentration was 32mg/kg).</p> <ul style="list-style-type: none"> <li>▶ FD completed statistical analysis to show that 95% UCL around L310-TH10 is below residential guidelines.</li> <li>▶ FD concluded that no further contamination assessment or any remediation for arsenic is required on Lot 310.</li> </ul>
IT (June 1999) Validation of Lot 270	<p>This letter report identifies land-farming associated with the former UST pit on Lot 270. Landfarming works of approximately 20m<sup>3</sup> were carried out on a concrete slab in Lot 310 (within the current subject site).</p>
IT (September 1999) Validation of Land farm Located on Lot 310	<p>This letter report relates to the TPH impacted soils from the vicinity of the former UST (Lot 270) that were placed on a concrete slab in Lot 310 (subject site) for land farming purposes.</p> <p>Relevant information from the letter report is summarised as follows:</p> <ul style="list-style-type: none"> <li>▶ The combined land farm volume on Lot 310 was estimated at approximately 20m<sup>3</sup> (11m long, 6m wide and 0.3m high).</li> <li>▶ Land farm soil consisted of clay and weathered shale.</li> <li>▶ Two samples were collected and laboratory analysed for TPH and BTEX (August 1999) with all results below laboratory PQL.</li> <li>▶ IT concluded that the 'land farm on Lot 310 was validated and that the soil may be used as clean fill at the site'.</li> </ul> <p>Based on the various FD/IT investigations completed on Lots 246, 270 and 310, IT considered that all Lots were satisfactory for sensitive land use.</p>
IT (November 1999) Additional ESA. Lots 246, 270, 310 and closed road.	<p>IT states that 'review of previous work indicated that further assessment was required to enable site validation to sensitive land use criteria'.</p> <p>The scope of fieldworks works included:</p> <ul style="list-style-type: none"> <li>▶ Test pitting at an additional 28 locations with collection on near-surface and sub-surface (0.3-0.5m) samples.</li> <li>▶ Field screening with a PID (maximum 35ppm).</li> <li>▶ Laboratory analysis on selected soil samples for metals including arsenic (18), TPH (8), BTEX (8), PAHs (6), phenols (18), OCPs (5), PCBs (2).</li> <li>▶ Sediment samples were collected from sump (stormwater drain) and from gully with analysis for metals, phenols, TPH, BTEX.</li> <li>▶ Water samples were collected from the gully and analysed for metals, phenols, TPH and BTEX (water samples for metal analysis were filtered in the field).</li> <li>▶ Analytical soil results were compared to Residential with garden accessible soils guidelines (NEHF A) and NSW EPA (1994) Service Station Guidelines. Surface water results were compared to ANZECC (1992) and NSW EPA (1994) Service Station Guidelines. Sediment sample results were compared to ANZECC (1997) Interim Sediment Quality Guidelines.</li> <li>▶ For Lot 310, the following results are noted (from the additional investigation): <ul style="list-style-type: none"> <li>• L310-TH24 (0.0-0.15m) had TPH at 2661mg/kg (underlying sample had TPH below laboratory PQL).</li> <li>• All other soil analytical results below the respective guideline values.</li> <li>• For sediment samples, TPH C29-36 was detected in the downstream gully sample (262mg/kg – no sediment guideline value) and arsenic and zinc were above the nominated sediment guideline (34mg/kg vs guideline of 20mg/kg for arsenic and 293mg/kg vs guideline value of 200mg/kg for zinc).</li> <li>• The sump sediment sample (Lot 310) had boron at 166mg/kg (no guideline available).</li> <li>• The upstream gully water sample had TPH of 660ug/L while the downstream gully water sample had TPH at 61ug/L (no guideline value used by IT). Boron (maximum of 230ug/L), zinc (maximum of 104ug/L vs guideline of 502ug/L) and mercury (0.2ug/L vs guideline of 0.1) were identified in the gully water samples.</li> </ul> </li> </ul> <p>IT concluded that the TPH hotspot (L310-TH24) required remediation (Lots 246 and 270 and the closed road were considered to be satisfactory for low density residential use).</p>

Report Details	Summary of Work
<p>IT (February 2001) Remedial Action Plan for Lot 310</p>	<p>IT produced a RAP that outlined the approach for remedial works associated with L310-TH24 (0.0-0.15m) which had TPH at 2661mg/kg (underlying sample had TPH below laboratory pql). This sample was from beneath the former factory shed.</p> <p>The IT strategy was to excavated the impacted area to 0.3m and validate the area in area in accordance with the NSW EPA (1994) Service Station Guidelines. Excavated soils would be disposed offsite to a licensed landfill in accordance with the NSW EPA (1999) Waste Classification Guidelines.</p> <p>Excavation walls would be validated at a rate of 1 sample per 10m (linear) and the base of the excavation would be validated at a rate of 1 sample per 25m2. IT assumed 4 wall samples and 1 base sample would be sufficient.</p>
<p>IT (April 2001) ESA for Lots 266 and 267</p>	<p>This ESA was completed on the northern portion of the subject site on Lots 266 and 267. The Aboriginal cemetery in the northeast corner of Lot 267, (815m2) was not included in the environmental assessment.</p> <p>IT completed the following:</p> <ul style="list-style-type: none"> <li>▶ Desktop investigation included a review of historic aerial photographs (1956; 1969; 1979; 1981; 1991 and 1996) and information provided by Boral. Aerial photographs show that timber was historically sited on Lots 266 and 267.</li> <li>▶ Intrusive works included: <ul style="list-style-type: none"> <li>• Test pitting at 12 locations (TP1 to TP12) to a maximum depth of 2m. Two samples collected at each location (near-surface and base). Field screening with a PID.</li> <li>• Four boundary surface soil samples (B1 to B4) were collected from around the perimeter of the site for phenoxy acid herbicide analysis.</li> <li>• Nine further surface samples (S1 to S9) were collected and three-part composited (CompA; CompB; CompC) for OCP and metal analysis.</li> </ul> </li> <li>▶ Selected limited laboratory analysis for: <ul style="list-style-type: none"> <li>• Targeted TPH and BTEX analysis on four samples with highest PID readings.</li> <li>• Total of 19 metal analysis (including boron) from all testpits and the surface composite samples.</li> <li>• The four boundary surface samples were analysed for herbicides.</li> <li>• The three composites were analysed for metals and OCPs.</li> </ul> </li> <li>▶ Analytical soil results were compared to Residential with garden accessible soils guidelines (NEHF A) and NSW EPA (1994) Service Station Guidelines.</li> <li>▶ Results were either below the laboratory PQL or below the adopted guidelines.</li> <li>▶ IT concluded that 'it is considered that Lots 266 and 267 at the former Boral Timber property in Wingham are suitable for divestment as low density residential land'.</li> </ul>
<p>IT (December 2001) Excavation and Validation of Hydrocarbon Hotspot Lot 310</p>	<p>The remedial works described in this report relate to the TPH impact identified at L310-TH24 (0.0-0.15) as part of the IT (November 1999) investigation. Works were reportedly completed in accordance with the IT (February 2001) RAP.</p> <p>Remedial works have been summarised as follows:</p> <ul style="list-style-type: none"> <li>▶ Impacted material was excavated based on visual and olfactory identification.</li> <li>▶ Approximately 30m3 were excavated and stockpiled on a concrete pad.</li> <li>▶ Initial validation samples were collected from the base and walls of the excavation pit (20 Feb 2001) however results exceeded the adopted site criteria (NSW EPA (1994) Service Station Guidelines).</li> <li>▶ Additional chase-out excavations and wall and base validation samples were collected on 22 March 2001.</li> <li>▶ The second round of validation sampling rounds were below the adopted site criteria (below laboratory pql).</li> </ul> <p>A total of 57.5 tonnes of impacted soil were disposed offsite as inert waste under the NSW EPA (1999) Waste Classification Guidelines (Bucketts Way Landfill).</p>