



DUNGOG SHIRE COUNCIL

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Our Ref: 171/82/24, EF08/68 - mdb/

27 January 2010

Mr Gary Oakley

Department of Planning

PO Box 1226

NEWCASTLE NSW 2300

Dear Gary,

RE: PLANNING PROPOSAL (PP) FOR THE ERECTION OF A RURAL WORKERS DWELLING ON LOT 1 DP 67312, NO. 1590 FOSTERTON ROAD, DUNGOG

Reference is made to the above and the gateway determination made on 5 November 2009 regarding the same. This response is in addition to recent meetings and email correspondence with the regional Department of Planning (DOP) office and requests that the PPs be reconsidered by the Gateway as a matter of urgency.

The original gateway determination stated;

1. There is insufficient strategic justification for the planning proposal. The planning proposal will potentially establish the basis for new shire-wide provisions for the Dungog LGA in terms of the ability to establish rural worker's dwellings and minimum lot sizes in rural zones.

Council is of the opinion this determination shows a lack of understanding of the local issues, Council's strategic planning documents (the Rural Strategy and the Draft Situation Analysis (SA) and Land Use Strategy (LUS)) and the PP itself.

Despite there being some inconsistencies with the gateway determination and initial DOP advice, further consultation with the DOP regional office has subsequently clarified this and in the interest of resolving the issues, Council will strategically elaborate on the relevant issues. As suggested, the PPs have now been split to relate to each respective property only. Please find the amended PPs attached known as proposed LEP Amendment numbers 9 and 10. Council is still of the opinion however, both PPs are still deemed 'minor' in nature and should be completed within the 3 month time frame.

There is a strong case why these proposals needs to be addressed now and not via the SI LEP process. Firstly, the SI LEP is a number of years from completion. This is an unreasonable delay and one that is unjust/in equitable to be worn by the Applicant/Property owner. In particular, as Dungog Shire Council is not on the DOP planning priority list for SI LEPs, there is a considerable degree of uncertainty as to when the SI LEP will be gazetted. Secondly, there is strategic merit in the proposal as both the current Rural Strategy and Draft SA and LUS

Dungog Shire
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COUNCIL'S VISION:

A vibrant, united community, with a sustainable economy. An area where rural character, community safety, and lifestyle are preserved.

support the concept of rural worker's dwellings.

The scale of the business is to the extent where onsite employees are critical to the successful operations of the enterprise. Currently the staff employed (Groom & Farm manager) by Hunter Valley Warmblood Stud cannot stay on site as no additional accommodation is available. Therefore, they must travel to the Stud on a daily basis. The Groom is currently accommodated at the Carriageway Resort which is located 12 kilometres from the stud. This presents numerous challenges particularly during breeding season (Oct - Mar) where foaling down & insemination processes can occur at anytime during a 24 hour period. In addition to this, if a horse has an injury or illness that requires 24 hour care or regular medication outside standard working hours this can involve regular round trips between the Carriageway resort & the stud and risk of further illness or death. The nature of the equine industry demands 24 hour care in many instances.

The PP is consistent with Council's strategic approach to support rural worker's dwellings. Whilst Council understands that the Muswellbrook 2009 SI LEP might not necessarily be the best practice example of the utilisation of the worker's dwelling provisions, Council supports the concept and need for this housing type.

Council has previously carried out a range of strategic planning studies encompassing the consideration of rural worker's dwellings in particular the SA and LUS.

Council supports rural worker's dwellings where there is a genuine and well qualified need. This Council approach will be reflected in the future SI LEP. In particular with the popularity of the equine industry as it continues to develop through the Hunter region, Council is of the opinion there will be an increasing demand for rural worker's dwellings. This is a distinct and important housing type from that of the current provisions that allow an attached dual occupancy in rural areas.

The *Dungog Rural Strategy 2003*, recognised some of the difficulties associated with rural worker's dwellings. Council concurs with some of DOPs issues in regards to the previous abuse/misuse of worker's dwelling provisions in some areas of the state. However, in Council's experience this is typically associated with properties where there is no existing dwelling entitlement and the Applicant/Owner is seeking a dwelling house where there was previously none. This is a completely different scenario from an active and dynamic rural industry seeking to construct an additional dwelling to provide accommodation for their employees.

The *Rural Strategy 2003* shares these concerns, hence establishes criteria for rural worker's dwellings to be considered against. However, in the formulation of the *Dungog Local Environmental Plan 2006*, rural workers dwellings were not separately defined.

Refer to an extract from the *Dungog Rural Strategy 2003*,

13.2. Rural Workers Dwelling

A rural workers dwelling as defined as "a second or subsequent dwelling required for a person whose principal occupation is working on the farm on which the dwelling is situated, and on which all the other dwellings are occupied by at least one person whose principal occupation is working on that farm."

In the past, there has been a tendency for rural workers dwellings to become rental property or dual occupancies when there is no longer the need to have workers on the property. This often leads to pressure for agricultural land to be subdivided and the consequent rural population increase. This is contrary to the aims of the Rural Strategy. Rural Workers Dwellings will only be permitted where it can be demonstrated that the applicant meets the following criteria:

- The property is located within General Rural zone 1(a)
- The owner is recognised by the Australian Taxation Office as a primary producer
- The farm cannot operate without the employee's labour and onsite accommodation is essential for the enterprise. It must be shown that the employee will assist in the management of the farm
- The dwelling must be on the same legal title as the principal farm dwelling
- The dwelling must have the same road access as the principal farm dwelling
- The dwelling must be located so that it minimises conflict with adjoining land users
- The farm must generate enough income to support the employee who is to be housed in the dwelling
- The applicant must demonstrate that no alternative local labour or housing is available
- A report in relation to labour requirements must include:
 - a) what jobs the employee will do,
 - b) when the employee is required (eg daily, seasonally), and
 - c) what are the critical components of the employment that require an onsite residence.

It is to be noted the proposal complies with all of the above mentioned criteria, except for the second access road.

More recently as part of the shire wide, SA and LUS in which the regional DOP office have been involved in and provided comment; rural worker's dwellings were again considered in the rural lands chapter.

The relevant sections of this strategy are included below;

Dungog Shire Council has received a number of requests for the development of rural Workers dwellings in rural areas, yet Dungog LEP 2006 does not provide for this use. Zone Rural 1 (a) of Dungog LEP 2006 only permits one dwelling house or a dual occupancy on a single lot, where the provisions of Clause 28 Subdivision (4) are satisfied.

The Standard LEP Template defines 'rural worker's dwelling' as:
a dwelling, ancillary to a dwelling house on the same landholding, used as the principal place of residence by persons employed for the purpose of agriculture or a rural industry on that land.

Clause 9 Rural Subdivision for Agricultural Purposes (refer to Section 3.4.3 above) provides that subdivision of rural land below the minimum rural subdivision size can occur where the purpose of the land is primary production, and not to provide a new dwelling on the lot whether one exists or not. The implication this has for rural worker's dwellings is that there exists no provision in the Rural Lands SEPP or the Standard LEP template that would prohibit a rural worker's dwelling from being permitted on a rural lot, as long as any subdivision would result in lots in excess of 60 ha to permit the rural worker's dwelling. Nor is there any provision in these statutory

documents that would prevent the development and co-existence of a rural worker's dwelling with a dwelling house on the same lot, unless Council sought to prohibit this.

The definition of rural worker's dwelling, above, while permitting a dwelling house and rural worker's dwelling on the same landholding, precludes the two dwelling types on the same lot where subdivision would result in a lot less than the minimum subdivision size permitted by the plan.

Muswellbrook LEP-2009, gazetted on 17 April 2009, is based on the Standard LEP Template. It sets out controls for verifying that development proposals for rural workers dwellings are legitimate and are appropriate to the surrounding land uses. The objectives of Clause 7.3 of the Muswellbrook LEP are:

- (a) to ensure that rural workers' dwellings permitted on land in rural zones are erected only because of a genuine long-term need for the dwellings,
- (b) to ensure that the erection of rural workers' dwellings is relevant to the nature of the land uses occurring on the land.

Clause 7.3 prescribes that development consent must not be granted for rural workers dwellings unless the following provisions are satisfied:

- (a) that the existing or future uses of the land are of a nature and scale that will require the ongoing employment of additional rural workers on a permanent or seasonal basis,
- (b) that the nature of the existing or future uses of the land is such that, if workers would be required to live off-site, there would be a significant adverse impact to the relevant agricultural or rural industry,
- (c) that the number of proposed rural workers' dwellings is compatible with the nature and scale of existing or future uses of the land,
- (d) that the proposed dwelling will be located on the same lot as the principal residence and share existing access.

There is potential for Dungog LEP 2011 to adopt similar controls to those set out in Clause 7.3 of Muswellbrook LEP 2009 in respect of rural workers' dwellings.

The Strategy makes the following recommendation with regard to the above:

- The Dungog Standard LEP 2011 should provide for one rural worker's dwelling to be permissible on a lot where it is in excess of 60 ha, or as per the minimum subdivision standard adopted by the new LEP, in the equivalent of Zone 1 (a) Rural, or other primary production zones.
- Should 'rural worker's dwelling' be supported for application in Dungog Standard LEP 2011, it should be supported by appropriate controls that would efficiently regulate its use to ensure the dwelling is being used in accordance with the prescribed use set out above. These may include the criteria set out in the 2003 Rural Strategy, or similar provisions to the controls set out in the Muswellbrook LEP 2009, and may, for example, be supplemented by annual reporting and monitoring requirements undertaken by Council.

With development control to ensure constructed rural worker's dwellings can not be subdivided from the parent property, Council perceives rural workers dwellings as a legitimate capital investment into the primary production occurring on the property.

The merits of the site specific PP is consistent with that of the wider strategic direction of the LGA and indeed the future SI LEP. With the support of elected Council and justification within the strategic planning documents (that are the documents that will inform the SI LEP), it is an unreasonable impost to expect rural worker's dwelling issues to be delayed until the SI LEP.

In summary, the PP has a clear strategic basis and is supported by the Council's recent and relevant strategic planning documents. These documents provide the basis for the future SI LEP hence the site specific PP is consistent with the shire wide direction.

If you have any further questions please don't hesitate to contact the undersigned on 4995 7777.

Yours faithfully,



Matthew Brown

MANAGER PLANNING

PLANNING PROPOSAL

Dungog Local Environmental Plan 2006 (Amendment No. 9)

Proposed Amendment to Schedule 4 - Additional Development to allow:
a) erection of a Rural Workers Dwelling on Lot 1 DP 67312, No. 1590
Fosteron Road, Dungog; and

Introduction

This planning proposal concerns one parcel of land within the Dungog Local Government Area, known as

- a) Lot 1 DP 67312, No. 1590 Fosteron Road, Dungog; and

A plan showing the location of the subject land is attached as Appendix A. Aerial photos are attached as Appendix B.

Lot 1 DP 67312, No. 1590 Fosteron Road, Dungog

Lot 1 DP 67312 is approximately 50 hectares in area and is located approximately 1.2 kilometres north of the intersection of Fosteron Road and Stroud Hill Road.

The Rockhill Pastoral Co. purchased the property in 2005 and established the Hunter Valley Warmblood Stud (HVWS), which specialises in breeding equestrian horses for the national and international market, including the Asia Pacific region and Northern Europe. Since purchasing the property, the owners have invested significantly in capital improvements including new horse paddocks, a stables complex, pasture improvement and a new watering system specifically designed to cater for horse breeding. In addition, the existing cottage has been renovated and a new training arena and round yard have been constructed.

The property is zoned Rural 1(a) under the *Dungog Local Environmental Plan 2006* (Dungog LEP 2006) and the erection of a rural worker's dwelling on the property is prohibited under the current LEP provisions. An amendment to the LEP is therefore required to enable Council to consider a development application for the proposed dwelling.

Part 1 - Objectives or Intended Outcomes

The objective of the planning proposal is to specify additional development that may be carried out on the subject land, with development consent, under the Dungog LEP 2006. In particular:

- b) the erection of a rural worker's dwelling on Lot 1 DP 67312, No. 1590 Fosteron Road, Dungog, and

The proposed amendment, in conjunction with Clause 34 of Dungog LEP 2006, will enable development, which is currently prohibited, to be carried out on the subject land, with development consent. It should be noted that the zoning of the subject land is not proposed to change.

Part 2 - Explanation of Provisions

The planning proposal seeks to amend Schedule 4 of Dungog LEP 2006 by inserting in alphabetical order of locality in Columns 1, 2 and 3, respectively:

Dungog

1590 Fosterton Road, being Lot 1 DP 67312	Rural Workers Dwelling	Nil
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It is also proposed to amend the Dictionary by inserting in alphabetical order:

rural worker's dwelling means a dwelling, ancillary to a dwelling house on the same landholding, used as the principal place of residence by persons employed for the purpose of agriculture or a rural industry on that land.

Part 3 - Justification

Section A - Need for the Planning Proposal

1. Is the planning proposal a result of any strategic study or report?

The planning proposal is not the result of any strategic study or report. The need for the planning proposal is discussed below.

Lot 1 DP 67312, No 1590 Fosterston Road, Dungog

Rocky Hill Pastoral Co. has plans to expand their horse breeding program, requiring additional investment in infrastructure and resources. The investment in infrastructure would include a covered arena for all year round training and an expansion of the stable complex. Currently HVWS employs a full-time Groom, who has to be accommodated off-site. This poses considerable difficulties given her duties involve 24 hour surveillance, particularly through the breeding season, which runs from September through to January. In addition, to support the proposed expansion program, the company intends to employ a professional Rider/Trainer, probably from Germany, who would most likely have a family and require on-site accommodation.

The scale of the business is to the extent where onsite employees are critical to the successful operations of the enterprise. Currently the staff employed (Groom & Farm manager) by Hunter Valley Warmblood Stud cannot stay on site as no additional accommodation is available. Therefore, they must travel to the Stud on a daily basis. The Groom is currently accommodated at the Carriageway Resort which is located 12 kilometres from the stud. This presents numerous challenges particularly during breeding season (Oct - Mar) where foaling down & insemination processes can occur at anytime during a 24 hour period. In addition to this, if a horse has an injury or illness that requires 24 hour care or regular medication outside standard working hours this can involve regular round trips between the Carriageway resort & the stud and risk of further illness or death. The nature of the equine industry demands 24 hour care in many instances.

The existing three (3) bedroom cottage on the site is currently occupied by the owners. The owners have received advice from a valuer that given the proximity of the existing dwelling to the road, it is not feasible to expand the cottage. A second dwelling is therefore required to accommodate additional staff. It is proposed to construct the second dwelling some distance to the south of the existing dwelling, as indicated on the plan submitted with the application and attached as Appendix C.

The current provisions in the Dungog LEP that will allow an attached dual occupancy are not practical, nor suitable in this instance.

2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

Amending Schedule 4 of Dungog LEP 2006 to specify additional development that may be carried out on the subject land with consent is considered to be the most effective means of achieving the intended outcomes. An alternative would be to rezone the subject land from Rural 1(a) to another zone, in which the proposed development would be permissible. However, this alternative is not considered appropriate given that, the surrounding land is zoned Rural 1(a) and adjoining properties are predominantly used for grazing/agricultural purposes.

3. Is there a net community benefit?

Lot 1 DP 67312, No 1590 Fosterton Road, Dungog

The proposed amendment will result in the erection of a second dwelling-house on a rural property of less than 60 hectares. However, the dwelling will be occupied by person/s employed to work on the existing farm and the dwelling will not be able to be subdivided off at a later date. Therefore, rather than reducing the agricultural potential of the land, the proposed erection of a rural worker's dwelling will enhance the agricultural potential of the land by facilitating the proposed expansion of the horse breeding program at HVSWS. This, in turn, will have positive flow-on effects for the local economy. The proposal is therefore considered justifiable and will not create an undesirable precedent in terms of other rezoning requests.

Section B - Relationship to Strategic Planning Framework

4. Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metro Strategy or exhibited draft strategies)?

The Dungog local government area is not included within the Sydney Metro Strategy or the Lower Hunter Regional Strategy and therefore the objectives and actions do not apply.

5. Is the planning proposal consistent with the local council's Community Strategic Plan, or other local strategic plans?

Dungog LEP 2006 is the principal environmental planning instrument governing land use within the LGA. The proposal's consistency with the provisions of LEP 2006 is discussed below.

Lot 1 DP 67312; No 1590 Fosterton Road, Dungog

The subject land is zoned Rural 1(a) under Dungog LEP 2006. Whilst dwelling-houses and dual occupancies are permissible in the 1(a) zone with consent, rural worker's dwellings are prohibited. In fact the LEP makes no provision for rural workers dwellings in any zone. Further, rural workers dwellings are not specifically defined in the LEP.

Notwithstanding the above, it was clearly Council's original intention that LEP 2006 make provision for rural worker's dwellings. Section 13.2 of the Dungog Rural Strategy 2003 refers specifically to rural worker's dwellings and defines a rural worker's dwelling as "...a second or subsequent dwelling required for a person whose principal occupation is working on the farm on which the dwelling is situated and on which all the other dwellings are occupied by at least one person whose principal occupation is working on that farm".

According to the Strategy, rural worker's dwellings will be permitted where it can be demonstrated that the applicant meets the following criteria:

- The property is located within General Rural zone 1(a);
- The owner is recognised by the Australian Taxation Office as a primary producer
- The farm cannot operate without the employee's labour and on-site accommodation is essential for the enterprise. It must be shown that the employee will assist in the management of the farm
- The dwelling must be on the same legal title as the principal farm dwelling
- The dwelling must have the same road access as the principal farm dwelling
- The dwelling must be located so that it minimises conflict with adjoining land users
- The farm must generate enough income to support the employee who is to be housed in the dwelling
- The applicant must demonstrate that no alternative local labour or housing is available
- A report in relation to labour requirements must include:-
 - b) what jobs the employee will do,
 - c) when the employee is required (eg daily, seasonally), and
 - d) what are the critical components of the employment that require an onsite residence.

This intention, however, was not reflected in the final wording of the LEP instrument.

It is to be noted that the proposal complies with all but one of the rural worker's dwelling criteria in the Rural Strategy.

The information submitted with the rezoning application demonstrates compliance with the above criteria.

It should be noted that when Council prepares its comprehensive shire-side LEP in accordance with the *Standard Instrument – Principal Local Environmental Plan*, rural worker's dwellings will be permissible in the RUI zone with development consent. The Standard Instrument defines rural worker's dwelling as "... a dwelling ancillary to a dwelling-house on the same landholding, used as the principal place of residence by persons employed for the purpose of agriculture or a rural industry on that land". However, the comprehensive shire-wide LEP is not expected to be finalised/adopted before the end of 2012, at best. This is further reinforced by the fact that Dungog Shire Council is not on the DOP SI LEP priority list. The planning proposal will therefore facilitate the erection of a rural worker's dwelling on the property, ahead of the implementation of a new comprehensive shire-wide LEP, which will permit rural worker's dwellings in the RUI zone with consent. The Land Use Strategy (LUS) that will underpin the SI LEP supports the concept of rural workers dwellings.

Clause 11 - Rural 1(a) Zone Objectives

Clause 11 of Dungog LEP 2006 sets out the objectives of the Rural 1(a) zone.

The objectives of the zone are to:

- (a) reinforce the agricultural character and landscape attributes of the area of Dungog, and
- (b) promote agriculture, protect high productivity land and prevent the fragmentation of farm holdings, and
- (c) ensure development is compatible with agricultural operations and does not adversely affect the environment or amenity of the locality, and
- (d) prevent development which could compromise the efficient extraction of valuable deposits of minerals or extractive materials, and
- (e) maintain and enhance environmentally sensitive land, particularly wetlands, riparian ecosystems, forests, woodlands and linkages between them, and
- (f) allow for the natural flooding of rivers and for the temporary storage of floodwaters, and

- (g) maintain and enhance local biodiversity, and
 (h) provide for recreational and tourist activities that are compatible with the agricultural, environmental and conservation value of the land.

The proposal will result in the erection of a second dwelling on the subject land, the dwelling will be occupied by person/s employed to work on the farm and the dwelling will not be able to be subdivided off at a later date. Therefore, rather than reducing the agricultural potential of the land, the proposed erection of a dwelling will enhance the agricultural potential of the land by facilitating the proposed expansion of the horse breeding program at HVWS. Therefore, the proposal is consistent with the Rural 1(a) zone objectives

Clause 26 – Environmental Protection

The applicant will need to demonstrate, at development application stage, the proposal's compliance with the matters set out in clause 26(1), (2) and (3) of Dungog LEP 2006 i.e. that the construction of the proposed dwelling can be carried out with minimal disturbance to the environment.

6. Is the planning proposal consistent with applicable state environmental planning policies?

The planning proposal's consistency with relevant State Environmental Planning Policies (SEPPs) is summarised in the following table.

SEPP	Relevance	Consistency	Comment
SEPP (Rural Lands) 2008	The SEPP identifies Rural Planning Principles and Rural Subdivision Principles to assist in the proper management, development and protection of rural lands for the purpose of promoting the social, economic and environmental welfare of the State. Clause 10 of the SEPP lists a number of matters which must be considered in determining development applications for rural subdivisions or rural dwellings.	Yes	The planning proposal is generally consistent with the Rural Planning Principles and Rural Subdivision Principles. These matters generally relate to the potential for land use conflict. The proposed rural worker's dwelling is considered to be compatible with existing or approved uses in the vicinity, which are predominantly rural in nature.
Williams River Catchment REP 1997	The REP aims to protect and improve the environmental quality of the Williams River catchment through the management and use of the catchment's resources in an ecologically sustainable manner.	Yes	The planning proposal will not result in any impacts on the Williams River or the quality of the catchment's water resources.

7. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

The proposal's consistency with applicable section 117 directions is summarized in the following table.

Ministerial Direction	Relevance	Consistency	Implications
1.2 Rural Zones	The direction applies when a relevant planning authority prepares a planning proposal that will affect land within a rural zone.	Yes	It is not proposed to rezone the subject land to a residential, business, industrial, village or tourist zone, nor increase the permissible density of land within a rural zone. The proposal is therefore consistent with the terms of Direction 1.2.
1.5 Rural Lands	According to the direction, a planning proposal that affects land within a rural zone, or changes the existing minimum lot size on land within a rural zone must be consistent with the Rural Planning Principles and Rural Subdivision Principles listed in SEPP (Rural Lands) 2008 and is therefore consistent with the terms of Direction 1.5.	Yes	The planning proposal is generally consistent with the Rural Planning Principles and Rural Subdivision Principles listed in SEPP (Rural Lands) 2008 and is therefore consistent with the terms of Direction 1.5.
4.4 Planning for Bushfire Protection	The direction applies when a relevant planning authority prepares a planning proposal that will affect, or is in proximity to land mapped as bushfire prone land. In preparing the planning proposal, Council is required to consult with the NSW Rural Fire Service, following receipt of a gateway determination and prior to undertaking community consultation, and take into account any comments so made.	Yes	Parts of the subject land are mapped as bushfire prone. Bushfire Risk Assessments have been prepared in respect of the property, demonstrating compliance with the provisions of <i>Planning for Bushfire Protection 2006</i> . These will be referred to the RFS for comment during the consultation phase.

Section C - Environmental, Social and Economic Impact

6.3 Site Specific Provisions	The direction applies when a relevant planning authority prepares a planning proposal that will allow a particular development to be carried out.	It is proposed to amend schedule 4 of Dungog LEP 2006 to permit the erection of a rural worker's dwelling on Lot 1 DP 67312. It is not proposed to impose any development standards or requirements in addition to those already contained in the principal LEP. The planning proposal will not contain or refer to drawings that show details of the development proposal.
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8. 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?

It is unlikely that any native vegetation will need to be cleared to facilitate the proposed subdivision or the erection of the proposed rural worker's dwelling. The proposal is therefore unlikely to adversely impact on any threatened species, populations or ecological communities, or their habitats.

The property is predominantly cleared, with native vegetation primarily confined to the banks of the Williams River and associated creeks. Should it be necessary to remove any vegetation to facilitate the construction of an access road, installation of an on-site sewerage management system or provision of required asset protection zones around the proposed dwelling, a flora and fauna assessment will be required to be submitted with the development application.

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

Any development arising from this planning proposal will need to be assessed under section 79C of the *Environmental Planning and Assessment Act 1979*. Issues such as bushfire hazard, water management and effluent disposal are not considered to be significant constraints to development in this instance and can be dealt with, in detail, at the development application stage.

Further, the applicant will need to demonstrate, at the development application stage, the proposal's compliance with the matters set out in clause 26(1), (2) and (3) of Dungog LEP 2006 i.e. that the proposal can be carried out with minimal disturbance to the environment.

10. How has the planning proposal adequately addressed any social and economic effects?

The proposal is not expected to generate any significant adverse social or economic effects.

The proposed erection of a rural worker's dwelling on Lot 1 DP 67312, No. 1590 Fosteron Road, Dungog will provide necessary on-site accommodation for staff associated with the existing horse-breeding establishment and facilitate a proposed expansion to the company's breeding program. This, in turn, will have positive flow-on effects for the local economy, as well as the national and international equestrian markets.

Section D- State and Commonwealth Interests

11. Is there adequate public infrastructure for the planning proposal?

Lot 1 DP 67312 has direct access to Fosteron Road, which is a sealed Council maintained public road.

The property has access to reticulated electricity and telecommunication services. The property relies on on-site effluent disposal.

Development arising from this planning proposal will not significantly increase the demand for public infrastructure.

12. What are the views of State and Commonwealth Public Authorities consulted in accordance with the gateway determination, and have they resulted in any variations to the planning proposal? (To be completed after consultation but prior to gateway)

Council will undertake formal consultation with the relevant State and Commonwealth public authorities, as directed by the Minister for Planning, following gateway determination.

Part 4 - Community Consultation

The planning proposal is considered to be consistent with Council's strategic planning framework and is unlikely to result in any significant environmental, social or economic impacts. It is therefore considered to be a "low impact" planning proposal requiring a 14 day exhibition period only.

Council will undertake the required community consultation in accordance with the Department of Planning's document 'A guide to preparing local environmental plans'.

APPENDIX A – LOCALITY PLAN

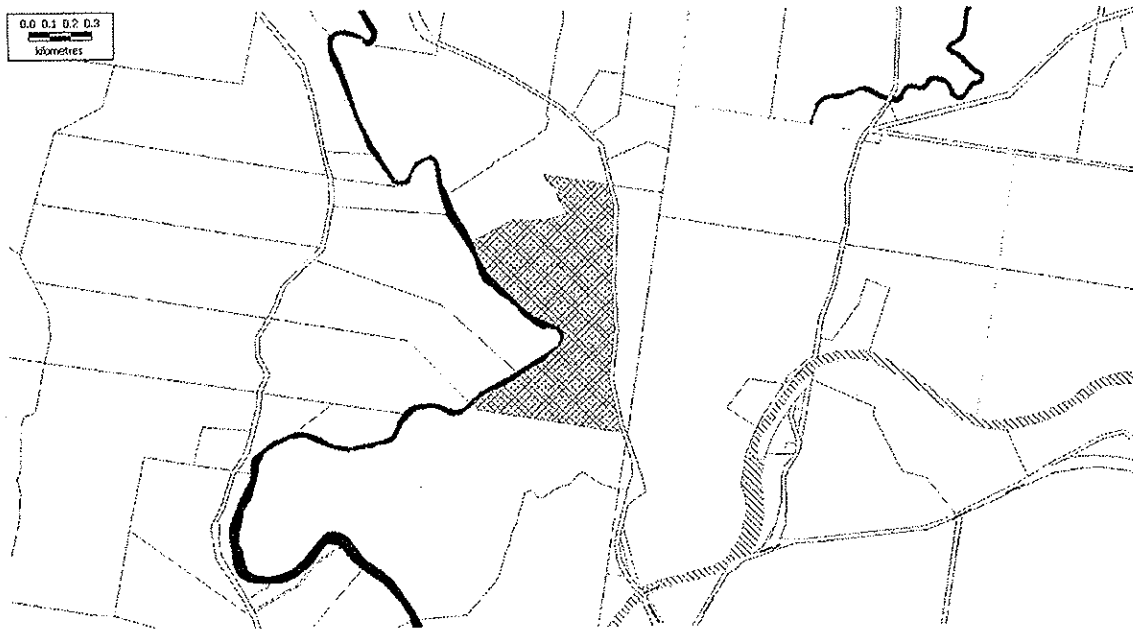


Figure 1: Lot 1 DP 67312, 1590 Fosterton Road, DUNGOG

APPENDIX B – AERIAL PHOTOS



Lot 1 DP 67312, No 1590 Fosterton Road, Dungog

APPENDIX C – SITE PLAN

APPENDIX D – COUNCIL REPORTS AND RESOLUTIONS