



PLANNING PROPOSAL FOR CANGON PARK, DUNGOG

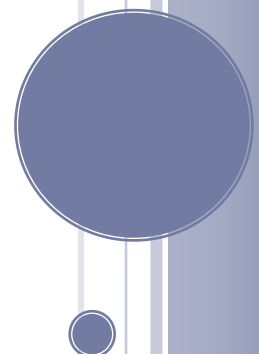
Lot 16, DP 865027

Hanley's Creek Road, Dungog

Proponent - Mildhill Pty Ltd

Environmental Planning Services Pty Ltd

July 2010



PLANNING PROPOSAL

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1 PRELIMINARY

1.1 Context

This planning proposal has been prepared for the rezoning of land from Rural 1a to R5 Large Lot Residential at Hanley's Creek Road, Dungog. The planning proposal has been drafted in accordance with Section 55 of the *Environmental Planning and Assessment Act 1979* and the Department of Planning guidelines including *A guide to preparing planning proposals* (July 2009) and *A guide to preparing local environmental plans* (July 2009). Following a positive gateway determination, further assessments will be undertaken to define the area of the subject site suitable for Large Lot Residential development.

1.2 Subject Land

This planning proposal applies to a single land parcel identified as Lot 16 DP 865027, Hanley's Creek Road, Dungog (*the subject site*). The subject site is illustrated in the Locality Sketch (Figure 1), Aerial Photograph (Figure 2) and Current Zoning Plan (Figure 3).

Appendix 1 contains an overview of the concept for the site and a preliminary Concept Plan subject to the detailed site environmental assessment outcomes and rezoning.

1.3 Current Zoning and Landuse

The subject land is currently zoned 1(a) – Rural Zone pursuant to the *Dungog Local Environmental Plan 2006* and covers an area of approximately 331.7 hectares.

1.4 Planning Proposal Structure

The planning proposal has been prepared in four parts in accordance with the Department of Planning guideline - *A guide to preparing planning proposals* (July 2009). The four parts include:

- Part 1 - A Statement of the Objectives or Intended Outcomes of the proposed LEP;
- Part 2 - An Explanation of the Provisions that are to be included in the proposed LEP;
- Part 3 - The Justification for those objectives, outcomes and provisions and the process for their implementation;
- Part 4 - Details of the Community Consultation that is to be undertaken for the planning proposal.

Figure 1: Locality Sketch

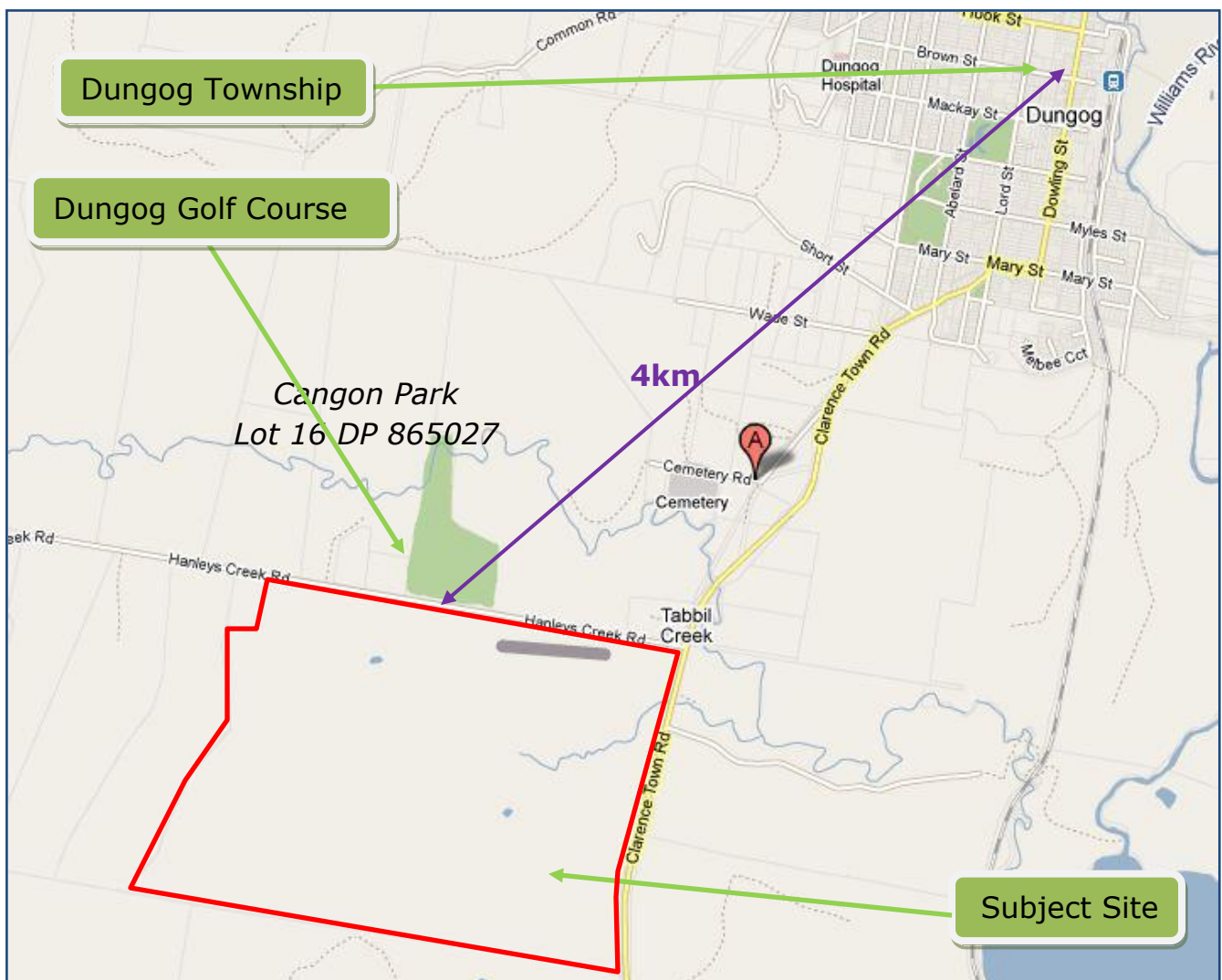


Figure 2: Aerial Photograph

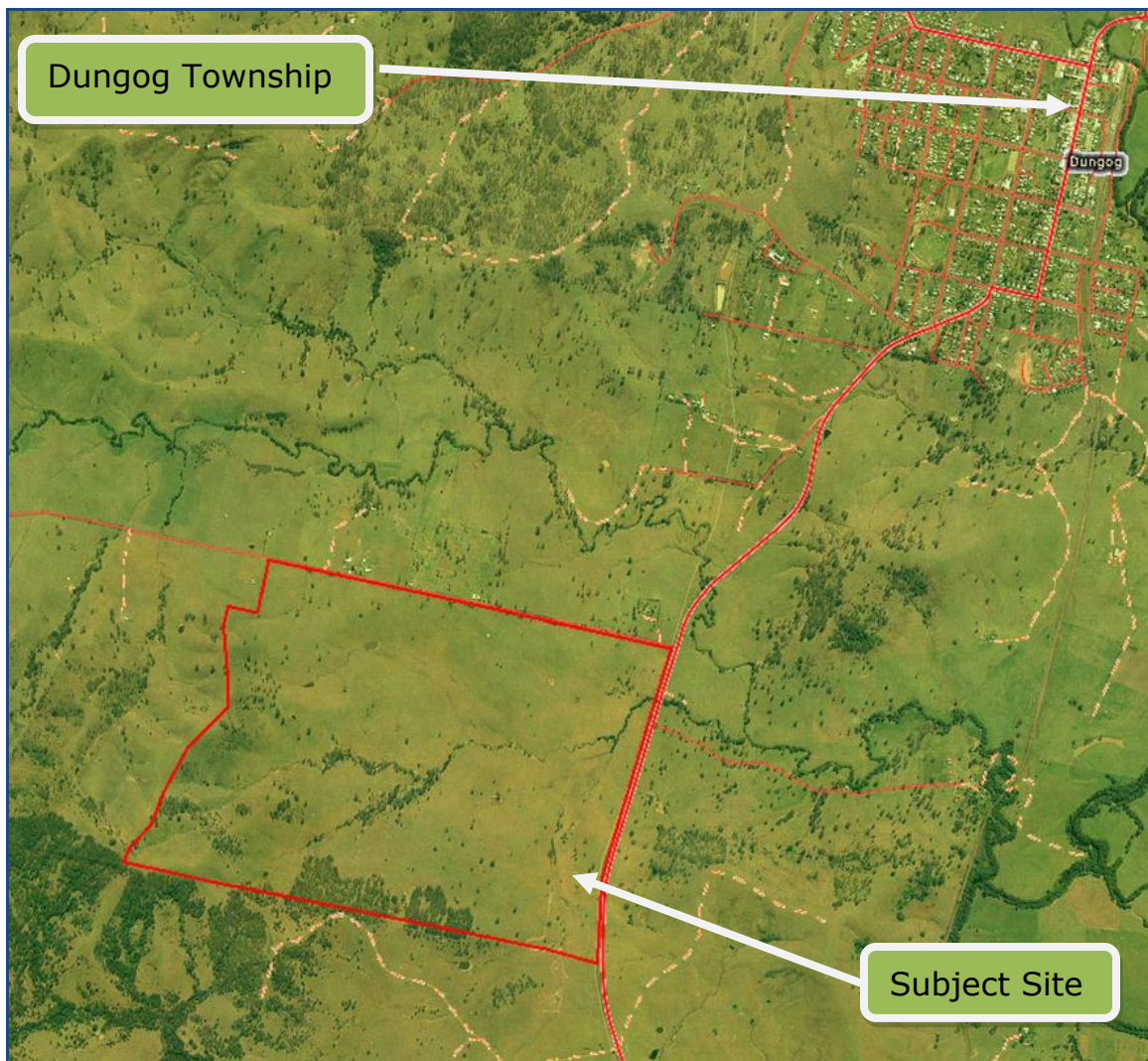
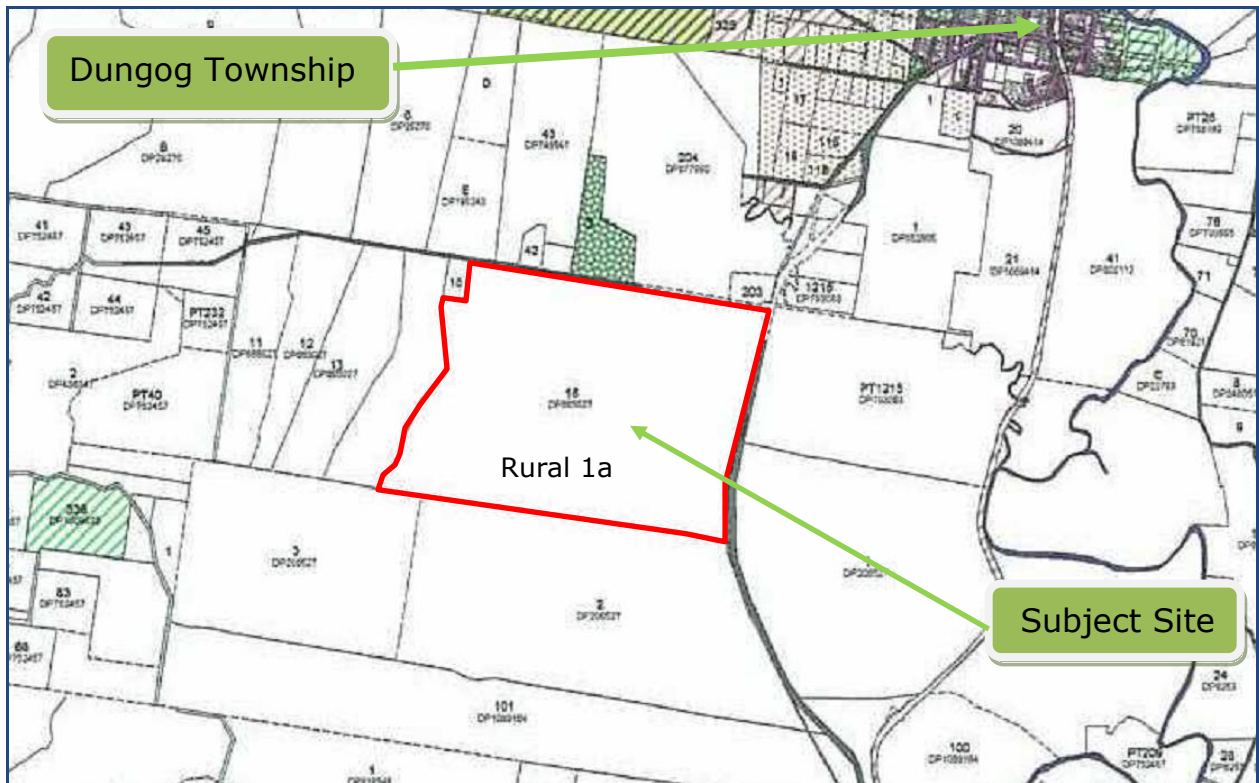


Figure 3: Current Zoning Plan

(Source: Dungog Local Environmental Plan Sheet 8)

PART 1 – OBJECTIVES OR INTENDED OUTCOMES

To rezone the subject site to enable the development of the land, Lot 16 DP 865027, Hanley's Creek Road, Dungog, by way of subdivision for Large Lot Residential land use pursuant to the Dungog Shire Council Land Use Strategy 2007.

PART 2 – EXPLANATION OF PROVISIONS

Amendment of the *Dungog Local Environmental Plan 2006* to zone Lot 16 DP 865027 as R5 Large Lot Residential in accordance with the zoning classifications established by the Standard Instrument – Principal Local Environmental Plan.

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 the result of several recent strategic studies including the Dungog Local Government Area Situation Analysis (Planning Workshop Australia, September 2008), the Dungog Town Rural Residential Environmental Study (Localplan, April 2009) and the Dungog Land Use Strategy (Worley Parsons, March 2010). Dungog Council identified the need in 2007 for a comprehensive review of the Local Government Area's (LGA) land use planning framework in light of the Tillegra Dam proposal. The Dungog Local Government Area Situation Analysis identified emerging trends and issues for the LGA as a basis for the Dungog Land Use Strategy.

The Dungog Town Rural Residential Environmental Study was undertaken as an outcome of the Dungog Rural Strategy (2003), which identified pent up demand for rural residential in the Shire. The Dungog Town Rural Residential Environmental Study states that:

... with relatively slow population growth, and changes to the rural economy, there is an urgent need for additional population with off-farm income to prevent the further loss of services and employment in the Shire's villages and townships.

The Rural Strategy identified some 8,000 hectares of land within which more detailed investigations and studies have identified land suitable for residential development. However, land around Dungog was largely deferred from this investigation. This study proposes to rezone 370 hectares of land for Rural Living in three locations and 25 hectares for Rural Enterprise in two other locations.

The draft Shire Strategy has confirmed the overall scale of demand and this Environmental Study underpinning the proposals has been prepared in consultation with the Dungog Council, some government agencies and community representatives.

*Need has been assessed on the basis of historical data modified by overspill and pent up demand. **Rigorous criteria have been used to identify only the most suitable land for rural residential.*** (page 4)

The Dungog Town Rural Residential Environmental Study specifically identifies the subject site:

East of Clarence Town Road is mainly hill country and an important rural view approach to the township. However, land adjacent to Hanley's Creek Road offers significant opportunities provided the rural aspect of the view from Clarence Town Road is not unduly impaired.

There is also an opportunity to develop a significant property on the south side of the road. This had already been subdivided into 60 hectares parcels but is still all in one ownership. (page 16)

The Environmental Study also outlines the rezoning potential of the subject site:

Most of this land is proposed to be zoned 1(1) for Rural Lifestyle, but with Village zone opposite the golf club. It is on the southern side of Hanley's Creek Road some four kilometres south of the existing urban development. Care needs to be taken to ensure that development is shielded from Clarence Town Road from a landscape perspective. (page 21)

*It (being the potential rural residential investigation area within the subject site) is some 150 hectares in extent **but if further development were to take place, it might expand eastwards depending on how effective the screening is from Clarence Town Road.** The land is still owned as a single parcel but approval had been granted to subdivide it into five parcels limiting its agricultural value.*

The Dungog Town Rural Residential Environmental Study guided, and was included as an appendix in the Dungog Land Use Strategy. Both the Dungog Local Government Area Situation Analysis and the Dungog Land Use Strategy were endorsed by Council on 16th March 2010. However a motion was moved that Area 3, identified in Figure 10 – Rural Lifestyles Recommendations, be excised from the figure. Area 3 identified the subject site in Figure 10. The reasoning behind this motion was explained as a perceived lack of community interest in the rezoning of the site, with no further justification provided. The motion was upheld although the

motion did not call for the removal of the site identified as Area 3 from the text of the Dungog Land Use Strategy. Accordingly, the Dungog Land Use Strategy references the subject site throughout the Strategy as suitable for investigation for rezoning to the new Standard Local Environmental Plan zoning of R5 Large Lot Residential. This Planning Proposal demonstrates the merits of the subject site for further investigation for rezoning and provides additional justification that refutes the perceived lack of community interest in the site.

The Dungog Local Government Area Situation Analysis identified a trend of increasing demand for rural residential development. The Situation Analysis supported the findings of the Dungog Town Rural Residential Environmental Study and suggested that the Dungog Land Use Strategy provide appropriate opportunities for adequate land for large lot residential within Dungog.

The Dungog Land Use Strategy further identified that new residents are a primary consideration for the town's future and the Strategy suggests that it is important to provide land around Dungog township for large lot or rural residential development to meet this demand. The Strategy states that *it is believed that providing sufficient rural residential areas will serve to protect the remaining viable rural land and rural vista* (page 88) around Dungog township.

The criteria identified in the Dungog Rural Strategy and the Dungog Town Rural Residential Environmental Study was used to exclude land not suitable for Rural Residential Development with four areas identified in the Strategy as suitable for further investigation for R5 Large Lot Residential. Table 30 in the Strategy states:

Future Investigation Areas (Recommended to be rezoned as part of 2011 LEP)

Tabbil Creek: two sites adjacent to the golf course on Hanley's Creek Road, 4 km south of Dungog. Landscaping would need to hide the development from Clarence Town Road. Available land is 60 ha and approximate yield would be 45 lots. Upgrade of Hanley's Creek Road would be required, access over the water pipeline and an upgrade of the intersection with Clarence Town Road.

Cangon Creek: opposite the golf course and the Tabbil Creek opportunity above is Cangon Creek, 150 ha in size. Screening would be required from Clarence Town Road. Possible site expansion is available to the east if demand requires. (page 90)

The summary of recommendations in the Dungog Land Use Strategy, with regards to Dungog District includes:

The sites identified in Table 30 and shown on Figure 10 (i.e. Blackboy Creek, Tabbil Creek, Cangon Creek and Fosterton Road) should be investigated and (subject to appropriate environmental assessment) should be rezoned to R5 Large Lot Residential as part of LEP 2011. (page 107 & 108)

The subject site for this planning proposal has been clearly identified in three strategic studies as outlined above and the demand for rural residential style development within close proximity to Dungog township has been clearly

demonstrated. As the land is not currently illustrated in Figure 10 of the Land Use Strategy maps, the planning proposal is presented as a site specific rezoning.

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 the best means of achieving the rural residential objective and intended outcomes of the strategic studies. The site has been identified as one of four potential rural residential sites in the Dungog District with close proximity to Dungog township. The four sites are identified as Blackboy Creek (100 hectares), Tabbil Creek (60 hectares), Cangon Creek (the subject site) (150 hectares) and Fosterton Road (60 hectares). The subject site is the largest site of the four proposals with the greatest single yield potential plus the opportunity for expansion subject to appropriate environmental assessment. The site is the only site of the four in single ownership, which provides a significant advantage for the actual development of the site. Fragmented ownership is often a barrier to the timely and efficient development of land. The Dungog Local Government Area Situation Analysis, the Dungog Town Rural Residential Environmental Study and the Dungog Land Use Strategy all note that historical evidence shows obtainment of dwelling approval for rural residential development does not match the rate of dwelling construction. The Dungog Town Rural Residential Environmental Study states:

It is uncertain why this should be so, but it may be that people are getting their approvals and then building a garage or shed which they live in, or weekend in, until such time as they can or want to build, which may be decades later. If so, presumably it means that the land demand is real. (page 7)

Anecdotal evidence also indicates that the subject site represents a different rural residential development product in comparison to the sites identified in the Strategy to the north of Dungog. The subject site is perceived as the prominent gateway location to Dungog and it is closer to Newcastle and the villages and towns to the south. This perception results in the sites to the north being considered as more isolated and further removed from Newcastle. This perception could have a significant influence on take up rates between the two locations and accordingly influence the actual construction of rural residential dwellings against the dedicated rural residential land supply, which has been identified historically as a concern for the Shire.

The site owner is supported by Hunter Land Pty Ltd in the planning of this development. Hunter Land has a proven track record in the region for developing high quality subdivisions. The environmental/town planning to develop the site is the most advanced of all four identified sites. This is demonstrated through the preparation of this planning proposal and appropriate support to undertake the site specific environmental assessment to confirm the suitability of the site and determine the appropriate area for Large Lot Residential development. The single

ownership plus the support of a well-respected local development company provides the best means of actually zoning and developing rural residential land to meet the intended outcome of the strategic studies, which is to meet an urgent need for additional population with off-farm income to prevent the further loss of services and employment in Dungog township and address the pent up demand for residential development close to Dungog township.

It is considered that factors, such as fragmented ownership and no demonstrated capacity to actually undertake further development of each of the three other potential investigation sites, demonstrates that this proposal forms the best way to progress the development of large lot residential development for Dungog. The site represents the single largest yield to meet the identified market and assist in ameliorating the socio-economic stresses identified for Dungog township.

3. Is there a net community benefit? (Net Community Benefit Test adapted from draft Centres Policy)

The following questions represent the Net Community Benefit Test:

1. Will the LEP be compatible with the agreed State and regional strategic direction for development in the area (eg. Land lease, strategic corridors, development within 800metres of a transit node)?

The Dungog Local Government Area was not included in the Lower Hunter Regional Strategy or the Mid North Coast Regional Strategy, which both include adjacent Local Government Areas. There is no other regional strategic direction applicable for the area.

2. Is the LEP located in a global/regional city, strategic centres or corridor nominated within the Metropolitan Strategy or other regional/subregional strategy?

Not applicable

3. Is the LEP likely to create a precedent or create or change the expectations of the landowner or other landholders?

No, the site has been identified in the strategic studies outlined in this planning proposal and the recommendations of the studies are consistent with the

expectations of the landowner. The potential of the LEP amendment has been publicly identified through the strategic studies and rezoning the site will not create a precedent or change the expectations of other landowners.

4. Have the cumulative effects of other spot rezoning proposals in the locality been considered?

Yes, the strategic studies have identified a pent up demand for rural residential style development around the Dungog Township and have considered the existing land available up to March 2010 for this type of development. The site opposite the subject site known as Tabbil Creek is identified as suitable for rezoning to R5 Large Lot Residential, although no undertaking has been prepared to demonstrate that this rezoning is being pursued at this time by the land owners. No other similar spot rezoning proposals are known at this time for the locality.

5. What is the outcome of these considerations?

The rezoning of the subject site would provide the catalyst for the potential development of the adjacent identified rural residential land known as Tabbil Creek. The rezoning and subsequent development of the subject site would include upgrading of the intersection of Hanley's Creek Road and the water main pipe crossing located adjacent to this intersection. The potential yield of the subject site provides a greater commercial return that offers the opportunity to upgrade the intersection and pipeline crossing. The potential lower yield of the Tabbil Creek site may not provide sufficient return to facilitate this infrastructure work. The rezoning and development of the subject site would provide an opportunity for greater development certainty for the potential to develop Tabbil Creek should the site be rezoned. Therefore, the rezoning of the subject site presents a positive cumulative impact in achieving the desired objectives and outcomes of the strategic studies identified in this planning proposal.

6. Will the LEP facilitate a permanent employment generating activity or result in a loss of employment lands?

The LEP will allow the development of the land for rural residential purposes which will generate employment in the locality, firstly during subdivision construction, and then on an ongoing basis with rural residential dwelling construction. The proposal will not result in the loss of employment lands.

7. Will the LEP impact upon the supply of residential land and therefore housing supply and affordability?

The LEP will have a positive impact on the supply of rural residential demand as identified in the strategic studies outlined in this planning proposal.

Recommendation – Goal 8 for Rural Residential Land Use Goals in the Dungog Land Use strategy is to:

Provide opportunities for rural residential development in two or more ownerships to create a competitive market. (page 85)

The LEP amendment will facilitate the opportunity, in accordance with the Dungog Land Use Strategy to create a competitive market and hence positively impact on affordability.

8. Is the existing public infrastructure (roads, rails, utilities) capable of servicing the proposed site?

The existing road infrastructure will require some additional upgrades to adequately service the proposal. As identified in the Dungog Town Rural Residential Environmental Study, the intersection of Hanley's Creek Road and Clarence Town Road will require upgrading to provide an appropriate level of service to cater for the proposal. Additionally, the water main crossing located adjacent to the intersection in Hanley's Creek Road will also require upgrading to cater for future development in the area. Both of these upgrades could be undertaken with the development of the subject site for Large Lot Residential development.

The rail network is capable of servicing the proposed future development of the site, through the existing train station located at Dungog.

The provision of utility services for reticulated water, telecommunications and electricity are also capable of servicing the proposed site. The water main located adjacent to Clarence Town Road can provide reticulated water. Appropriate connection is also available for telecommunications and electricity transmission lines to service the site.

As outlined throughout the strategic strategies, the provision of sewerage has been a restricting factor for rural residential development around Dungog. Due to the subject site size and potential yield, this proposal provides an opportunity for the incorporation of a sewerage treatment plant that provides a contemporary environmental solution to servicing the rural residential allotments. This contrasts with the existing individual allotment on-site sewerage constraints pertaining to the other identified potential rural residential sites. The preliminary concept plan for the subject site incorporates a sewerage treatment facility. The proposal includes

recycling sewerage through the treatment plant and using the resulting grey water for watering the concept plan golf greens and sporting fields.

9. Is there good pedestrian and cycling access?

The site is located approximately 4km from the centre of Dungog. The road network is sealed and provides opportunities for cycling. The subject site internal road network will also provide opportunities for pedestrian and cycle access.

10. Is public transport currently available or is there infrastructure capacity to support future public transport?

A bus service operates along Clarence Town Road adjacent to the subject site. Sheltons Bus Service operates services twice daily between Dungog and Clarence Town and the Dungog area. The additional residents associated with the development of the subject site would contribute to the supporting future public transport bus service options.

11. Will the proposal result in changes to the car distances travelled by customers, employees and suppliers? If so, what are the likely impacts in terms of greenhouse gas emissions, operating costs and road safety?

The proposal will have minimal impacts as the land is located close to all services and facilities thereby minimising adverse impacts associated with greenhouse gas emissions, operating costs and road safety. The upgrade of the intersection of Hanley's Creek Road and Clarence Town Road will improve road safety for this section of Clarence Town Road.

12. Are there significant Government investments in infrastructure or services in the area whose patronage will be affected by the proposal? If so, what is the expected impact?

There are no known significant Government investments in infrastructure or services in the area whose patronage will be negatively affected by the proposal. As identified in the Dungog Town Rural Residential Environmental Study, due to the relatively slow population growth, and changes to the rural economy, there is an urgent need for additional population with off-farm income to prevent the further

loss of services and employment in the Shire's villages and townships. Therefore, the proposal should have a positive impact to support services and create opportunities for Dungog.

13. Will the proposal impact on the land that the government has identified a need to protect (eg. Land with high biodiversity values) or have other environmental impacts? Is the land constrained by environmental factors such as flooding?

The land is not identified by the Government as an area requiring protection. The subject site was identified in the strategic strategies as outlined in this planning proposal following a review of environmental constraints through the district. After review of potential land around Dungog during the preparation of the strategic studies, any land with any of the following criteria was rejected:

- Containing significant vegetation, including re-growth, either in a large area or adjacent to similar vegetation which could pose a bushfire risk.
- Is subject to floods (interpolated from contours where studies were not available) or is within 100m of a river bank.
- Prominent in the rural landscape or too steep for extensive development.
- Close to existing uses of potential 'nuisance' for residential development.
- If part of a large viable agricultural holding.

As illustrated in Figure 2, the site is predominantly cleared over undulating hills with small patches of vegetated areas on some upper slopes. Future site specific environmental assessments will be undertaken as part of the next stage of the planning proposal to evaluate the areas suitable for future Large Lot Residential development and identify any significant site constraints. It is considered that the land is not significantly constrained by environmental factors and as recommended in the strategic studies, future site specific environmental assessments will guide the development potential of the land.

14. Will the LEP be compatible/ complimentary with the surrounding land uses? What is the impact on amenity in the location and wider community?

The LEP will be compatible with the surrounding land uses. The concept of rural residential development is to provide dwellings within a rural landscape. In this circumstance, the topography of the site provides the opportunity to establish

appropriate vegetated buffers between the rural residential development areas and neighbouring properties. This buffer area ameliorates any concerns regarding the potential for conflict with neighbouring land uses and also provides a vegetated visual framework for the development to mitigate any perceived visual impact.

The LEP will result in a positive economic and social impact for the wider community. As outlined in the project concept drawing, the potential benefits to the community include:

- Extension of the Dungog Golf Course from nine holes to eighteen holes;
- Opportunity for a Conference Centre;
- Opportunity for an Equestrian Centre, with associated facilities and riding trails through the subject site;
- Opportunity for a unique destination motel to service tourism that could also provide specialist equestrian event patrons the ability to stable and yard horses; and
- Rural residential living opportunities that will increase the local population resulting in positive socio-economic multiplier opportunities for Dungog.

15. Will the public domain improve?

Yes, as outlined above, the development of the site would facilitate opportunities for additional community benefits in the public domain such as improved intersection access at Clarence Town Road and Hanley's Creek Road, sporting fields, Equestrian Centre, revegetation of upper slopes and screening from Clarence Town Road.

16. Will the proposal increase choice and competition by increasing the number of retail and commercial premises operating in the area?

The proposal will facilitate increased demand for services which would facilitate the opportunity for increasing retail and commercial development in Dungog.

17. If a stand-alone proposal and not a centre, does the proposal have the potential to develop into a centre in the future?

The proposal is not a centre, but will support the existing township of Dungog.

18. What are the public interest reasons for preparing the draft plan? What are the implications of not proceeding at that time?

Following the exclusion of the subject site from Figure 10 of the Dungog Land Use Strategy based on a Council motion due to a perceived lack of public interest, the land owner and Hunter Land held a public meeting to determine the level of support for the proposal. The public meeting was held on Monday 12th April 2010 at Dungog Golf Club. Over 300 people attended the public meeting in support of the proposal, which represents approximately 10% of the total population of the Dungog District. The public meeting demonstrated strong public support for the proposal in contrast to the assumption behind the Council motion to exclude the subject site from Figure 10.

In addition to the abovementioned benefits for the community, the preparation of the draft plan is also consistent with the objectives and recommendations of the strategic strategies outlined in this planning proposal.

Summary

As demonstrated in the responses to the questions listed above, the preparation of the draft Local Environmental Plan will facilitate a significant positive community benefit for Dungog and the wider Local Government Area.

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?

There is no applicable regional or sub-regional strategy guiding strategic planning for Dungog.

5. Is the planning proposal consistent with Councils Community Strategic Plan, or other local strategic plan?

The planning proposal is the result of the findings and recommendations of four strategic plans undertaken for Dungog, including:

- Dungog Rural Strategy
- Dungog Local Government Area Situation Analysis
- Dungog Town Rural Residential Environmental Study
- Dungog Land Use Strategy

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

The following State Environmental Planning Policies (SEPP) are applicable for the planning proposal:

SEPP (Rural Lands) 2008

Rural Planning Principles

- 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 land in question covers an area of approximately 331.7ha and is located 4km from the centre of Dungog. The land has been intermittently utilised for cattle grazing purposes. As stated in the Dungog Town Rural Residential Environmental Study (page 21), the previous approval for the land to be subdivided into five individual lots has limited the agricultural value of the land.

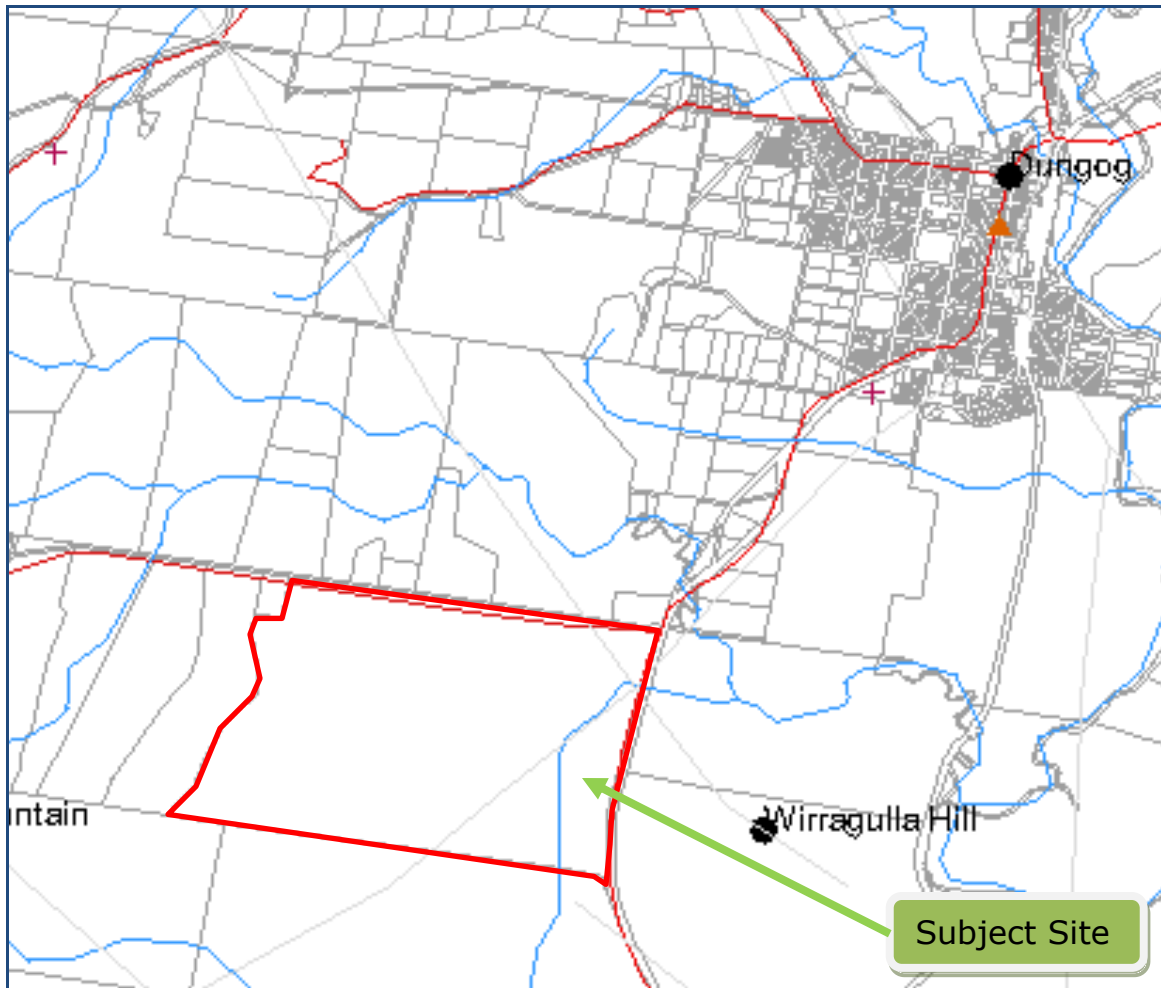
The planning proposal is specifically consistent with principles (f), (g) & (h) of the SEPP through providing opportunity for the provision of rural lifestyle housing to contribute to the social and economic welfare of Dungog; the consideration of services and infrastructure; and consistency with the local strategic strategies.

SEPP No.55 – Remediation of Land

The planning proposal is consistent with the SEPP as the land is not located in an investigation area pursuant to the provisions of the *Contaminated Land Management Act 1997*.

SEPP (Mining, Petroleum Production and Extractive Industries) 2007

The planning proposal is considered to be consistent with the provisions of the SEPP. A review of the MinView resource database (Department of Industry and Investment) as illustrated in Figure 4 below, illustrated that there are no known mineral resources on the land that would be sterilised by the proposal.

Figure 4: Min View map of the subject site

(Source: Department of Industry & Investment Website)

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

The following s117 Directions are applicable to the planning proposal:

1.2 Rural Zones

As listed in the direction, a planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are:

- (a) justified by a strategy which:
 - (i) gives consideration to the objectives of this direction,
 - (ii) identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), and
 - (iii) is approved by the Director-General of the Department of Planning, or
- (b) justified by a study prepared in support of the planning proposal which gives consideration to the objectives of this direction, or
- (c) in accordance with the relevant Regional Strategy or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of this direction, or
- (d) is of minor significance.

The planning proposal is justified by the Dungog Land Use Strategy and Dungog Town Rural Residential Strategy which gives consideration to the direction. As stated in the Dungog Town Rural Residential Strategy:

The overall protection of the agricultural production value of rural land has been addressed in the new overall Dungog Strategy Plan for the Shire. It is to be noted that less than 0.5% of productive land is affected by the proposal (being the four recommended rural residential sites) and, given the equestrian focus of much of it, any loss in productive value is likely to be minimal. (page 27)

1.3 Mining, Petroleum Production and Extractive Industries

The land is not located in an identified resource area. The planning proposal is considered to be consistent with this direction as the proposal will not impact upon the future extraction of State or regional resources. The Dungog Town Rural Residential Strategy states that in relation to this direction that:

The Department of Primary Industry has been consulted in the course of this study and will be formally consulted at the Section 62 stage. No mineral resources have been identified. (page 27)

As stated in the direction, a planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General), that the provisions of the planning proposal that are inconsistent are of minor significance. Further correspondence with the Department of Planning and Department of Industry and Investment (Minerals) would be required with future development of the planning proposal following a positive gateway determination.

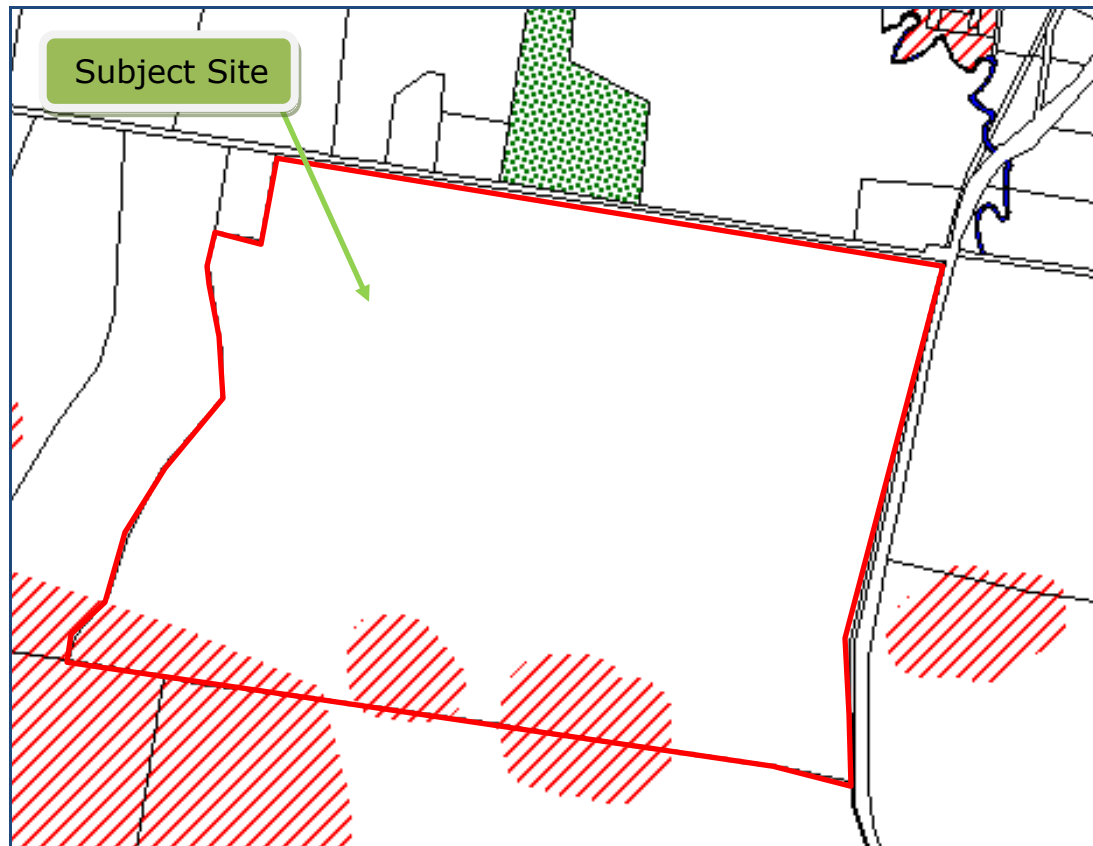
4.4 Planning for Bushfire

The subject site contains a small area of bushfire prone land in the southern portion as illustrated in Figure 5. The planning proposal is considered consistent with the direction objectives:

- (a) *to protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, and*
- (b) *to encourage sound management of bush fire prone areas.*

A site specific bushfire threat assessment would be undertaken as part of the environmental assessment works following a positive gateway determination.

Figure 5: Bushfire Mapping



(Source: Dungog Shire Council online mapping)

6.3 Site Specific Provisions

While the planning proposal is site specific, it has been examined in a holistic strategic review through the various strategies outlined in this proposal. Accordingly, the planning proposal is consistent with the objective of this direction as it does not contain any unnecessarily restrictive site specific planning controls.

Section C – Environmental, Social and Economic Impact

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?

No critical habitat or threatened species, populations or ecological communities, or their habitats have been identified on the site during the preliminary investigations. The majority of the site has been cleared with small areas of existing vegetation remaining on higher elevations that will not be negatively impacted by potential future development. The rezoning and potential future development of the site for large lot residential development will provide opportunities for regenerating some of these areas and also additional vegetation screening along Clarence Town Road, that combined will increase the habitat opportunities for flora and fauna.

A site specific flora and fauna assessment would be undertaken as part of the environmental assessment works following a positive gateway determination. This assessment will incorporate field inspections to identify any critical habitat or threatened species, populations or ecological communities, or their habitats on the site.

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

The identification of the subject site for future Large Lot Residential development through the Dungog Town Rural Residential Environmental Assessment followed an evaluation of the Dungog District environmental constraints. The Assessment provided a constraints and opportunities plan (page 17) that indicates the District constraints and identifies the subject site as clear of District identified constraints. This assessment addresses the suitability of the site from a strategic level although site specific assessments are still required. The additional environmental matters that require consideration and how they are proposed to be managed are outlined below:

Visual Amenity, Rural Views and Vistas

The Dungog Town Rural Residential Environmental Assessment and the Dungog Land Use Strategy both identified the importance of maintaining rural amenity in relation to the potential development of the subject site. The main view location requiring amelioration is recognised as the view from Clarence Town Road across the site, particularly when travelling from the south towards Dungog.

Careful consideration has been given to this vista and following a preliminary scenic assessment, it is considered that the recommendation of the strategic assessments in regards to providing additional vegetation screening along Clarence Town Road is sound. As illustrated in Figures 6 and 7, the existing view from Clarence Town Road already contains medium to mature tree screening within road reserve and adjacent to the road reserve in the subject site. Further amelioration measures will be provided following an appropriate visual impact assessment following a positive gateway determination, however, the preliminary assessment indicates that additional planting in the area along Clarence Town Road within the site would significantly screen the site from the road. Selective planting within some of the existing vegetated areas would also provide an appropriate framework on the higher elevations that will also contribute to enhancing the rural amenity of the site.

Figure 6: View from Clarence Town Road looking south west across the subject site



Figure 7: View from Clarence Town Road north west across the subject site



Figure 8: Additional view from Clarence Town Road west across the subject site



Additional tree plantings will be required adjacent to the road reserve to enhance the screening effect of the site from Clarence Town Road.

Water Management – Stormwater, Hydrology & Flooding

The site topography is undulating with all areas of the site draining to the north east. The undulating topography represents good opportunities to provide appropriate stormwater catchment areas and controls to service any potential future development. The site does not contain any known significant water management constraints. Following a positive gateway determination, a detailed water management assessment will be undertaken to examine stormwater design options, hydrology and flooding. This assessment will assist in identifying areas within the site suitable for residential development and any potential constraints.

Geotechnical Matters, Geology and Soils

Site geology and soil is not considered to present a significant constraint for future development. Following a positive gateway determination, a geotechnical assessment will be undertaken to further examine the site geology and soils.

Cultural Heritage

The subject site has been cleared and disturbed over many years. The site is not known to contain any significant European or Aboriginal cultural heritage that would restrict a gateway determination for the proposal. Following a positive gateway determination, a cultural heritage assessment will be undertaken to further assess if any European and Aboriginal cultural heritage values would restrict the development of the site. This assessment will be undertaken in accordance with the *National Parks and Wildlife Act 1974* and the *Heritage Act 1977*.

Management of Riparian Areas

Several water courses traverse the site and management recommendations will be examined to ensure appropriate protection of the riparian areas within the site. The management outcomes will be incorporated into the overall design proposal for future development to ensure best practice riparian management measures are applied and an integrated environmental management outcome is provided.

Traffic and Connectivity

The site is accessed by Hanley's Creek Road off Clarence Town Road. As outlined previously in this proposal, the intersection of these two roads will require upgrading to facilitate future rural residential development of the site. A traffic impact assessment will be undertaken following a favourable gateway determination to assess the traffic movements associated with future development. The traffic

assessment will examine the existing traffic network and movements plus the impacts of increasing traffic flows along Hanley's Creek Road and Clarence Town Road. The traffic assessment will determine any potential intersection treatment and the upgrade requirements for the crossing over the existing water main.

The site is located approximately 4km from Dungog's main commercial centre. Connectivity opportunities between the site will be examined as part of the additional assessment works following a favourable gateway determination.

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

The strategic studies outlined through this planning proposal adequately justify the socio-economic benefits of the proposed rezoning. Dungog township has an identified need to increase the local population to support the diminishing services and increase local employment opportunities through increased demand and commercial opportunities.

The planning proposal will provide an acceptable supply of suitably zoned land available for Large Lot Residential purposes which will meet an identified demand due to the lack of available land. The rezoning of the land will assist in improving employment opportunities for developers, building and related industries over the construction period of the site and future dwellings. This will result in significant economic multiplier benefits for the Dungog Shire.

In addition to the socio-economic benefits outlined in the strategies, the concept plan for the proposal provides significant additional social and economic opportunities through the provisions of site the benefits as outlined in the Net Community Benefits Test and provided in Appendix 1.

Section D – State and Commonwealth Interests

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

With regard to this planning proposal, Hunter Water is the authority for water and sewer services, while Council is the authority for most other infrastructure including roads, drainage, waste management and recycling services and the like. Services such as health, which includes a hospital, nursing home and doctors surgery as well as education, public transport and emergency services are more than adequate to support the additional population that will be generated by the development of the land.

It should be noted that the land is located close to the town centre and most utility services are located adjacent to the eastern boundaries of the site, with the exception of sewerage which will be managed through a dedicated sewerage treatment plant.

12. What are the views of the State and Commonwealth public authorities consulted in accordance with the gateway determination?

The relevant State Agencies were consulted through the preparation of the various strategic studies. The Dungog Land Use Strategy has been adopted by Dungog Council and is currently with the Department of Planning for approval by the Director General. The Department of Planning in their submission to the draft Dungog Land Use Strategy indicated that they support the broad strategic intent of providing for rural residential development around Dungog. However, the Department indicates that they would like to further jointly review with Council the Strategy assumptions with regard to future economic and employment growth to better understand the implications with regards to the types, location and quantity of new housing opportunities.

It is considered that sufficient strategic justification for the further environmental assessment of the site has been undertaken through the various strategic assessments. This justification clearly articulates the demand for rural residential development around Dungog and identifies a number of areas suitable for further investigation, including the subject site. This justification clearly warrants the progression of this planning proposal.

Upon receipt of a positive gateway determination, further consultation with the Department of Planning and other relevant authorities will be undertaken in a timely manner in accordance with that determination.

PART 4 – COMMUNITY CONSULTATION

The community consultation process has commenced through the exhibition of the Dungog Land Use Strategy and the public meeting convened by the proponents. The Dungog Land Use Strategy community consultation process included three separate meetings at Vacy, Clarence Town and Dungog with approximately 100 people in attendance, plus the Strategy exhibition period received 60 submissions. As stated previously in this proposal, the public meeting convened by the proponents for the rezoning of the subject site resulted in 300 people in attendance. The planning proposal will require additional community consultation following a favourable gateway determination.

In accordance with the guidelines published by the Department of Planning, the consultation will be tailored to specific proposals and in this circumstance it is considered the proposal meets the requirements of a low impact planning proposal. A low impact planning proposal means, in the opinion of the person making the gateway determination; the proposal is consistent with the pattern of surrounding land use zones and/or land uses; is consistent with the strategic framework; presents no issues with regard to infrastructure servicing; is not a principal LEP; and does not reclassify land. Accordingly, the planning proposal exhibition period is proposed as 14 days. Notification will include giving notice:

- In the local newspaper;
- In the library of the town to which the planning proposal applies;
- On the Council website; and
- By notification of adjoining land owners.

APPENDIX 1 – CONCEPT PLAN

CANGON PARK CONCEPT OVERVIEW

The Cangon Park property rezoning provides an opportunity for the enhancement of the approach gateway to Dungog. The development of the site has the potential to provide opportunities for the following benefits for not only Dungog township, but the entire Shire:

- Land availability for the extension of the existing 9 hole Dungog Golf Course to a full 18 hole course, with land dedicated at no cost to the Golf Club.
- Land availability for an Equestrian Centre with undercover and open arenas, stabling, riding trails and potentially polocrosse fields.
- Opportunities for a unique destination motel to service tourism with specialist equestrian event patrons having the ability to stable and yard their horses.
- Potential for a dedicated Conference Centre.
- Potential for Large Lot Residential development in appropriate areas of the site which will meet an existing demand in a beautiful environment ideally identified for this type of development.

The project is considered viable regardless of the future development decision for Tilleggra Dam. The advantage of this site is that it is in single ownership and supported by a development company with an excellent proven track record of quality development in the Hunter region. This provides a greater level of certainty for the actual development of the site compared to the other identified rural residential sites around Dungog.

An additional benefit of this proposal is the development of a sewerage treatment plan that will recycle blackwater for reuse on the proposed golf course extension and potential playing fields. The site has direct access to other services which is another advantage of the location and improves the amenity for future residents.

Future development would be screened from Clarence Town Road through additional planting and the creation of a vegetated buffer adjacent to the road reserve. Further to this is the revegetation of some areas of existing vegetation that will also positively influence the visual amenity of the area.

The rezoning of the site provides a significant opportunity for Dungog to meet an existing rural residential demand and facilitate increasing the local population to strengthen the local service demand and opportunities.

