

PLANNING PROPOSAL

To permit the erection of a single dwelling house
on the following allotments:

1. Portion 14 DP 29270, No. 637 Bingleburra Road, SUGARLOAF;
2. Lot 73 DP 619217, No. 86 Marshdale Road, ALISON; and
3. Lot 14 DP 246524, No 637 Wallarobba Brookfield Road, WALLAROBBA

Prepared by Dungog Council

Draft LEP
No 13? 14-
Schedule 1
Vacant Holdings

Part 1 Objectives or Intended Outcomes

To enable the construction of a single dwelling house on the following three parcels of land.

Property One - Portion 14 DP 29270, No. 637 Bingleburra Road, SUGARLOAF;
Property Two - Lot 73 DP 619217, No. 86 Marshdale Road, ALISON; and
Property Three - Lot 14 DP 246524, No 637 Wallarobba Brookfield Road, WALLAROBBA

Part 2 Explanation of Provisions

Amendment of Dungog Local Environmental Plan 2006 Schedule 1 Vacant Holdings to include Portion 14 DP 29270, No. 637 Bingleburra Road, Sugarloaf, Lot 73 DP 619217, No. 86 Marshdale Road, Alison and Lot 14 DP 246524, No 637 Wallarobba Brookfield Road, Wallarobba.

Part 3 Justification

A Need for the Planning Proposal

(1) *Is the planning proposal a result of any strategic study or report?*

The planning proposal is not a result of any study or report, it is however consistent with the Dungog LEP 2006 and the Dungog Rural Strategy 2003. Both Council and the Department of Planning (DoP) have agreed that a strategic approach to Vacant Holdings is required. Council has received Planning Reform Funding from the DoP to undertake this assessment. Council is in the process of preparing the MOU and the consultant's brief.

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

Under the Dungog LEP this is the only opportunity to permit a single dwelling house on the subject properties.

Council is commencing a study to establish a more efficient and strategic way to deal with vacant holdings. One alternative is to wait until this vacant holding study is complete, however it is more expedient to progress these vacant holdings now. Council will forward vacant holding applications grouped together where possible to minimize the number of Planning Proposals referred to the DoP in the interim.

- (3) *Is there a net community benefit?*
- The planning proposal is intended to restore a dwelling entitlement that existed prior to the Dungog LEP 2006 on the subject properties. This planning proposal enables a dwelling on existing land that is suitable, which alleviates the pressure for development on land that is more constrained. This planning proposal therefore may provide a net community benefit through the potential environmental benefit.

B Relationship to Strategic Planning Framework

- (1) *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.
- (2) *Is the planning proposal consistent with the local council's Community Strategic Plan, or other local strategic plans?*

The three properties are less than 60 hectares in area, which is the minimum area for a dwelling house in the Rural 1(a) zone. The Dungog LEP 2006 established the Vacant Holding provision which allows for properties smaller than 60 hectares to demonstrate that they are capable and suitable for a dwelling house. All three of these properties have demonstrated that they comply with the Vacant Holding definition as follows:

- (a) comprises one lot (which may be a consolidated lot) with an area of less than 60 hectares on which no dwelling is currently located, and
- (b) was the total area of all adjoining or adjacent land held on one ownership on 1 July 2003.

The three properties have also demonstrated that they can comply with Clause 26 – Environmental Protection of the Dungog LEP 2006. This clause ensures that they are capable and suitable for a single dwelling house and will not have an adverse impact on the environment. This assessment can be seen in the attached reports to Council (Appendix 4).

(3) *Is the planning proposal consistent with applicable state environmental planning policies?*

The Planning Proposal is consistent with the applicable State Environmental Planning Policies (refer to Appendix 2). Of particular relevance are the following SEPPs:

SEPP 44 Koala Habitat Protection

This Policy aims to encourage the proper conservation and management of areas of natural vegetation that provide habitat for koalas to ensure a permanent free-living population over their present range and reverse the current trend of koala population decline:

The subject properties have not been identified as having core koala habitat or potential koala habitat.

SEPP 55 – Remediation of Land

This Policy provides a Statewide planning approach to the remediation of contaminated land.

There is no evidence of contamination on the subject properties.

SEPP (Basix) 2004

The aim of this Policy is to ensure consistency in the implementation of the BASIX scheme throughout the State.

The applicants will need to comply with the energy efficiency requirements of the BASIX scheme prior to construction.

SEPP (Rural Lands) 2009.

The Principles of the Rural Lands SEPP are as follows:

- (a) *the minimization of rural land fragmentation*
- (b) *the minimisation of rural land use conflict, particularly between residential land uses and other rural land uses.*
- (c) *The consideration of the nature of existing agricultural holdings and the existing and planning future supply of rural residential land when considering lot sizes for rural lands*
- (d) *The consideration of the natural and physical constraints and opportunities of land*
- (e) *Ensuring that planning for dwelling opportunities takes account of those constraints.*

The planning proposal is consistent with these principles. The proposal is to utilize existing vacant rural land for dwelling houses where it is consistent with the surrounding land. The natural and physical constraints of the site have been taken into account.

The matters for consideration in determining applications for rural subdivisions or rural dwellings in a rural zone:

- (a) existing uses and approved uses in the vicinity
- (b) whether the development is likely to have a significant impact on land uses that are likely to be preferred and the predominant land uses in the vicinity of the development
- (c) whether or not the development is likely to be incompatible with the use referred to in (a) and (b) above.
- (d) if the land is not within a rural residential zone, whether the development is likely to be incompatible with use on land within an adjoining rural residential zone
- (e) any measures proposed to avoid or minimize incompatibility referred to in (c) or (d).

Property one is a large rural holding which is 0.41 hectares short of the 60 hectare minimum lot size required for a dwelling house in the Rural 1(a) zone. The surrounding properties are steep and heavily vegetated, with limited agricultural production possible. Therefore a dwelling house on the property located on a relatively level and cleared section will not create any conflicting or incompatible land uses with the surrounding area.

Property two and three are all located near other small to medium sized rural holdings with dwelling houses. A dwelling house on these properties would not create incompatible or conflicting land use with the surrounding area.

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

Consistency with applicable s117 Directions:

Table 1.

1.2 Rural Zones	4(a) The planning proposal will not rezone Rural land. It will continue to be zone 1(a) 4(b) The planning proposal will not increase the permissible density. The planning proposal is consistent with this direction.
1.5 Rural Lands	The planning proposal is consistent with the principles of the SEPP (Rural Lands) 2008. The planning proposal is consistent with this direction.

The subject properties require no native vegetation removal to enable the construction of a dwelling and associated works. This planning proposal will not have a significant

- (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?

C Environment, Social and Economic Impacts

2.1 Environmental Protection Zones	The subject sites do not contain environmentally sensitive areas. The Dungog LEP 2006 which is the principle planning instrument governing land use contain specific provisions in relation to environmental protection. <i>The planning proposal is consistent with this direction.</i>
3.3 Home Occupation	The Dungog LEP 2006 contains provisions which are consistent with this direction. <i>The planning proposal is consistent with this direction.</i>
4.4 Planning for Bushfire Protection	A bushfire hazard assessment report has been submitted with each of the applications. Council will consult with the NSW Rural Fire Service. The proposal will be consistent with this direction. <i>The planning proposal is consistent with this direction.</i>
6.1 Approval and Referral Requirements	<i>The planning proposal is consistent with this direction.</i>
6.2 Reserving Land for Public Purposes	<i>The planning proposal is consistent with this direction.</i>
6.3 Site Specific Provisions.	The LEP is consistent with clause 4(c) as the planning proposal does not impose any development standards or requirements in addition to those already contained in the Dungog LEP 2006. It is also consistent with clause 5 of this direction, as the planning proposal does not contain or refer to any drawings that show detail of the development proposal. <i>The planning proposal is consistent with this direction.</i>

Council will undertake a formal consultation with the relevant Government Agencies as identified and advised by the gateway determination.

(2) *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)*

- Public maintained road;
- Electricity;
- Telecommunication services,
- Garbage service,
- Emergency services; and
- Adequate area for waste water disposal.

All three properties have access to existing infrastructure which is able to manage the additional demand. In particular the following:

(1) *Is there adequate public infrastructure for the planning proposal?*

D State and Commonwealth Interests

The proposal will not create any adverse social or economic effects.

(3) *How has the planning proposal adequately addressed any social and economic effects?*

The proposed dwelling houses will need to be assessed under Section 79C of the *Environmental Planning & Assessment Act 1979*. Issues such as bushfire hazard, water management and effluent disposal will be managed during the Development Application process.

A site inspection and a preliminary assessment have been undertaken on the three properties against Clause 26 – *Environmental Protection of the Dungog Local Environmental Plan 2006*. It has been determined that there will be no significant environmental effects as a result of the planning proposal.

(2) *Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?*

adverse effect on the threatened species, populations or ecological communities, or their habitats.

The planning proposal is considered to be consistent with the strategic planning framework and with the surrounding development. The planning proposal is intended to restore a dwelling entitlement from prior to the Dungog LEP 2006 on both of the subject properties. It is therefore considered to be a low impact planning proposal requiring a 14 day exhibition period.

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

Appendix 1	Location Maps
Appendix 2	Checklist for consideration of State Environmental Planning Policies
Appendix 3	Section 117 Ministerial Directions Checklist
Appendix 4	Council Reports including Council resolution