



COUNCIL'S VISION

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

Planning Proposal

**To allow the subdivision of split zoned properties –
Rural Lifestyle 1(l) & Rural 1(a), or
Rural Enterprise 1(e) & Rural 1(a).**



Dungog Shire
Life as it should be...

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Part 1

Objectives or Intended Outcomes

To permit the subdivision of properties that are split zoned – Rural Lifestyle 1(l) & Rural 1(a), or Rural Enterprise 1(e) & Rural 1(a). In the Dungog Local Government Area (LGA) this applies to areas in close proximity to the existing towns and villages of Clarence Town, Paterson, Vacy, Martins Creek and Gresford.

Part 2

Explanation of Provisions

The creation of an amendment to Clause 28(4) of the Dungog LEP 2006 to permit the subdivision of the Rural 1(a) lot less than 60 hectares when the property is affected by a split zoning with Rural Lifestyle 1(l) or Rural Enterprise 1(e) subject to the following requirements:

1. The applicant has demonstrated that the Rural Lifestyle 1(l) or Rural Enterprise 1(e) portion of the property is suitable for subdivision; and
2. Only one (1) lot to be created within the Rural 1(a) zone smaller than 60 hectares with one (1) existing dwelling house; or
3. In the event that the Rural 1(a) portion of the property is vacant, a building envelope is to be located in the Rural Lifestyle 1(l) or Rural Enterprise 1(e) zone so no additional dwellings entitlements are created on Rural 1(a) lot below the required minimum lot size.

Part 3

Justification

A Need for the Planning Proposal

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

The Dungog Local Environmental Plan 2006, Dungog Rural Strategy 2003 and the Dungog Land Use Strategy all identify the suitable land in the vicinity of the towns and villages for closer rural settlement. As a result of these strategies land was zoned Rural Lifestyle 1(l) or Rural Enterprise 1(e) to permit further subdivision.

Currently the provisions of the Dungog LEP 2006 do not permit the primary intention of subdivision in the Rural Lifestyle 1(l) or Rural Enterprise 1(e) zone when the property is subject to a split zoning with the Rural 1(a) zone. This is contrary to Council's adopted strategies and therefore the PP has been prepared to resolve this anomaly in the Dungog LEP 2006.

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

The PP is the best means of achieving the rural residential objective and intended outcomes of the strategic studies. The planning proposal is the result of a particular property applying for development consent where it was determined that the LEP provisions did not permit the subdivision to occur. With this property the western portion of the land was considered suitable for future development and was zoned accordingly. The alternative of not amending the LEP will not permit the desired outcome of closer rural settlement to occur, on a number of properties in the LGA.

Is there a net community benefit?

Yes there will be a net community benefit by the development of land to provide additional opportunities to live in within a rural lifestyle area in accordance with Council's strategic policies.

It is considered that the additional population that will result from the proposed development is likely to result in positive impacts for the local community in the form of additional patronage of local businesses, schools, and other community services.

B Relationship to Strategic Planning Framework

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.

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

The planning proposal is consistent with the Dungog Local Environmental Plan 2006, Dungog Rural Strategy 2003 and the Dungog Land Use Strategy. All these strategic documents identify the suitable land in the vicinity of the towns and villages for closer rural settlement.

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 table 1 below)

INSTRUMENT	APPLIES	CONSISTENT
SEPP No. 1 Development Standards	Provides flexibility in the application of planning controls operating by virtue of development standards.	Nothing in this planning proposal affects the aims and provisions of this SEPP.
SEPP No. 44 Koala Habitat Protection	Encourages the proper conservation of vegetation that provides habitat for Koalas	Nothing in this planning proposal affects the aims and provisions of this SEPP.
SEPP No. 55 Remediation of Land	Promotes the remediation of contaminated land for the purpose of reducing the risk of harm to human health.	Nothing in this planning proposal that is inconsistent with the aims and provisions of this SEPP
SEPP No. 62 Sustainable Aquaculture	Encourages sustainable aquaculture	Nothing in this planning proposal affects the aims and provisions of this SEPP.
SEPP No. 64 Advertising and Signage	Ensures that signage is compatible with the desired amenity and character of an area	Nothing in this planning proposal affects the aims and provisions of this SEPP.
SEPP No.65 Design Quality of Residential Flat Development	Improves the design quality of residential flat development in NSW	Nothing in this planning proposal affects the aims and provisions of this SEPP.
SEPP (Building Sustainability Index: BASIX) 2004	Encourages sustainable residential development	Nothing in this planning proposal affects the aims and provisions of this SEPP.
SEPP (Infrastructure) 2007	Provides a consistent approach for infrastructure and the provision of services across NSW.	Nothing in this planning proposal affects the aims and provisions of this SEPP.
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	Aims to recognize the importance of mining, petroleum production and extractive industries to NSW	Nothing in this planning proposal affects the aims and provisions of this SEPP.
SEPP (Rural Lands) 2008	Aims to recognize the importance of agriculture to NSW	The planning proposal is consistent with this SEPP. See additional comments below.
SEPP (Affordable Rental Housing) 2009	Provides a consistent planning regime for the provision of affordable rental housing	Nothing in this planning proposal affects the aims and provisions of this SEPP.

Table 1 – Applicable SEPPs

State Environmental Planning Policy (Rural Lands) 2008.

7 Rural Planning Principles

The Rural Planning Principles are as follows:

The Rural Planning Principles are reproduced below. Comments regarding the consistency of the draft LEP with the principles are also provided:

- (a) the promotion and protection of opportunities for current and potential productive and sustainable economic activities in rural areas,

Comment: *The Dungog LEP 2006 recognises the importance of productive agricultural land and zoned significant amounts of land rural 1(a).*

- (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,

Comment: *Refer to above comment.*

- (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,

Comment: *The draft LEP provides for additional rural housing, in close proximity to the towns and villages with the Rural Lifestyle and Rural Enterprise zone. This contributes to the social and economic welfare of the community.*

- (d) in planning for rural lands, to balance the social, economic and environmental interests of the community,

Comment: *Council is of the opinion that a delicate balance between land uses has been achieved with the Dungog LEP. This amendment does not alter this balance, but instead allows the intention to be achieved.*

- (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,

Comment: *It is believed that the Dungog LEP has a positive impact on biodiversity, native vegetation and water resources. Sensitive or constrained land has been appropriately mapped and zoned an Environment 7(a) zone. The areas identified as constraint free were zoned for further development. Any further development of the Rural Lifestyle or Rural Enterprise zoned land will be assessed as part of the development application process.*

- (f) the provision of opportunities for rural lifestyle, settlement and housing that contribute to the social and economic welfare of rural communities,

Comment: *The draft LEP provides for extensive rural lifestyle housing, which will contribute to the social and economic welfare of the community.*

- (g) the consideration of impacts on services and infrastructure and appropriate location when providing for rural housing, and

Comment: *The proposed rural lifestyle zonings have been situated as such that they are as close as possible to existing village centres to increase development efficiency. Therefore the proposed development will not significantly impact on existing services or infrastructure. When Development Applications are lodged DA's will be conditioned to provide the appropriate services and Council will collect section 94 monies to contribute to the provision of community services and facilities.*

(h) ensuring consistency with any applicable regional strategy of the Department of Planning or any applicable local strategy endorsed by the Director-General.

Comment: *The Dungog LGA is not included in any regional strategy of the Department of Planning. The draft LEP is consistent with the Dungog Rural Strategy 2003.*

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

Consistency with applicable s117 Directions – refer to Appendix 3.

Ministerial Direction	Aim of direction	Consistency & Implications
1.2 Rural Zones	The objective of this direction is to protect the agricultural production value of rural land. The draft shall : (a) not rezone land from a rural zone to a residential, business, industrial, village or tourist zone (b) not contain provisions that will increase the permissible density of land within a rural zone (other than land within an existing town or village).	Consistent This planning proposal does not rezone land nor does it proposed to increase the permissible density within a rural zone.
1.5 Rural Lands	To protect agricultural production value of rural land and facilitate the orderly and economic development of rural lands for rural and related purposes.	Consistent This planning proposal relates to land within an existing rural zone, therefore needs to be consistent within the Rural Planning Principles listed in SEPP (Rural Lands) 2008. This is addressed in this report within the SEPP compliance section. The planning proposal was found to be consistent.
2.1 Environmental Protection Zones	To protect and conserve environmentally sensitive areas.	Consistent The Dungog LEP 2006 which is the principle planning instrument governing land use; contains specific provisions in relation to environmental protection. This planning proposal does not seek to alter the existing provisions of the Dungog LEP 2006.
2.3 Heritage Conservation	To conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance	Consistent This planning proposal does not seek to alter the existing provisions of the Dungog LEP 2006 which are consistent with this direction.

2.4 Recreation Vehicle Areas	To protect sensitive land or land with significant conservation values from adverse impacts from recreation vehicles	Consistent This planning proposal does not enable a recreation vehicle area.
3.3 Home Occupation	To encourage the carrying out of low impact small businesses in dwelling houses.	Consistent This planning proposal does not seek to alter the provisions of the Dungog LEP 2006 which are consistent with this direction.
6.1 Approval & Referral Requirements	To encourage the efficient and appropriate assessment of development	Consistent Nothing in this planning proposal is inconsistent with this direction
6.2 Reserving land for Public purposes	To facilitate the provision of public services and facilities by reserving land for public purposes, and to facilitate the removal where the land is no longer required.	Consistent Nothing in this planning proposal is inconsistent with this direction

C Environment, Social and Economic Impacts

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?

The planning proposal is an administrative LEP amendment enabling Council to consider an application for subdivision of land zoned Rural Lifestyle 1(l) or Rural Enterprise 1(e).

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

The planning proposal is an administrative LEP amendment enabling Council to consider an application for subdivision of land zoned Rural Lifestyle 1(l) or Rural Enterprise 1(e). Any environmental issues will be considered at the DA stage, however the areas identified for development were considered to have minimal constraints.

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

The social and economic impacts for future Rural Lifestyle and Rural Enterprise development was considered prior to LEP Amendment No 6 which zoned the appropriate land. This planning proposal is to facilitate the intention

of the zoning and permit subdivision, therefore providing forextensive rural lifestyle housing, which will contribute to the social and economic welfare of the community.

D State and Commonwealth Interests

Is there adequate public infrastructure for the planning proposal?

The proposed rural lifestyle zonings have been situated as such that they are as close as possible to existing village centres to increase development efficiency. Therefore the proposed development will not significantly impact on existing services or infrastructure. When Development Applications are lodged DA's will be conditioned to provide the appropriate services and Council will collect section 94 monies to contribute to the provision of community services and facilities.

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

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

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*'.