

Dungog LEP 2014 – reclassification Durham Road Gresford

Proposal Title : **Dungog LEP 2014 – reclassification Durham Road Gresford**

Proposal Summary : **The planning proposal seeks to reclassify Council-owned land at Durham Rd Gresford from community to operational land.**

PP Number : **PP_2014_DUNGO_001_00** Dop File No : **10/09551**

Proposal Details

Date Proposal Lodged with DOP : **09-Oct-2014** Date Proposal Uploaded to Public Website : **10-Oct-2014**

Proposal Assessment

Is Public Hearing Required by PAC? **No**

Agencies Requested to Consult : **None**

Gateway Determination

Decision Date : **10-Oct-2014** Gateway Determination : **Passed with Conditions**

Due Date of LEP : **17-Oct-2015**

Implementation

Implementation Start Date : **17-Oct-2014** Exhibition Duration : **16**

Agency consultation consistent with recommendation : **Yes**

If No, comment : **No consultation with agencies was required by the Gateway.**

Agency Objections : **No**

If Yes, comment : **N/A**

Documentation consistent with Gateway : **Yes**

If No, comment : **PUBLIC PARTICIPATION**

The Planning Proposal was exhibited for a total of 14 days in accordance with the Gateway Determination from 6 to 21 November and 62 submissions were received.

The main concern raised in the submissions was based on potential conflicts between general industrial land uses and future residential development. Dwellings exist along Durham Road, the closest of which is approximately 100 metres from the site.

The site adjoins undeveloped RU5 Village zoned land which is estimated to yield

75 lots. The adjoining RU5 land was identified in the Dungog Land Use Strategy 2010 (DLUS) and zoned through Dungog Comprehensive LEP 2014.

The subject site was previously zoned Special Use 5(a) under LEP 2006 then zoned IN1 General Industrial zone through Dungog Comprehensive LEP 2014.

Other issues raised in submissions related to; demand for residential land exceeding employment land in Gresford, desire for the land to remain in community ownership to benefit the community and improved financial return to Council as residential land.

In terms of local demand for residential lots, there are large areas of undeveloped RU5 Village and R5 Large Lot Residential zoned land in Gresford and East Gresford that will cater for extensive growth should it occur in this area. Housing development in this area is projected to increase by approximately 2 dwellings per 5 year as indicated by the Dungog Land Use Strategy 2010. Therefore it is unlikely that the subject site will directly adjoin residential development for some time.

In terms of the subject site, Council states that as community land it is surplus to Council's requirements. Council also states that it will deliver minimal community benefit due to its previous use as a council depot and within the context of Gresford village which adequately caters for community demand. There is sufficient active and passive recreation land in East Gresford at the Showground Crown Reserve including a sporting oval, amenities and public access to the Allyn River. There is also public parkland access to the Paterson River within 1 km from the site at Church Park which caters for passive recreation.

Any potential impacts on adjacent residential land and future residential development as a result of industrial uses such as freight transport facilities will be assessed as part of any future development application. Concerns regarding stock and sale yards, which were raised in submissions, are prohibited in the IN1 General Industrial zone, however, permitted in the RU1 Primary Production land which surrounds the village.

PUBLIC HEARING

A Public Hearing occurred on 11 March 2015, 13 residents and 1 councillor attended.

The Public Hearing clarified for attendees that the sole purpose of the hearing was to give consideration to issues raised by attendees regarding the reclassification of the land from community to operational. The rezoning to IN1 General Industrial occurred via Dungog Comprehensive LEP 2014 and the industrial zoning was not part of the purpose of the hearing.

Concerns were raised about the impacts of zoning the land industrial. These concerns were;

- Contamination as a result of Council depot usage
- Financial benefit to Council
- Permitted land uses in the IN1 General Industrial zone

The suggestion that the land be reserved as a public park was raised once. The remainder of attendees did not object to the land being sold. Most concerns were focused on potential industrial uses and potential adverse impacts. It is considered that any potential adverse impacts of a future industrial use would be considered as part of a future DA.

S117 DIRECTIONS AND STATE POLICIES

The Secretary's delegate agreed with the Planning Proposal's inconsistency with S117 Direction 6.2 Reserving Land for Public Purposes through the Gateway.

PARLIAMENTARY COUNSEL OPINION

Legal drafting of the instrument was requested on 16 June 2015 and the PC Opinion was issued on 15 July 2015. There has been no change to the draft instrument since the PC Opinion was issued.

Council was formally consulted on the draft LEP pursuant to s59(1) of the EP&A Act on 16 July 2015. Council agreed with the instrument on 16 July 2015.

It is recommended that the Plan be made.

LEP Assessment

Date Received from RPA : **05-Jun-2015**

LEP Determination

DatePublishNotification

Date sent to Parliamentary Council to Draft LEP : **18-Jun-2015**

Determination Date :

Determination Decision :

Notification Date :