

Planning Proposal to amend the Dungog LEP 2014

**Lot 1 DP 860372, Webbers Creek Road,
Paterson**

Proponent Details:

Ben and Sally Burgmann

A: 132 Boulton Drive, Paterson NSW 2421

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PART 1 – OBJECTIVES OR INTENDED OUTCOMES

The intent of the Planning Proposal is to amend the Dungog LEP 2014 by rezoning the property identified as, 1 Webbers Creek Road (Lot 1 DP 860372), Paterson NSW (the Site) currently zoned SP2 Infrastructure, to a more appropriate zoning of RU5 Village. This will correct the current zoning anomaly and enable the Site to contribute positively to the future economic and social development of the Paterson Village.

PART 2 – EXPLANATION OF PROVISIONS

The proposal will address the current zoning anomaly which exists on the Site, currently zoned SP2 Infrastructure.

This Planning Proposal document details all relevant planning considerations – land use, environment, social and economic impacts.

As mentioned previously, the Site is currently zoned SP2 Infrastructure, and was historically owned by the Australian Rail Track Corporation (ARTC) and its predecessor instrumentalities namely, the State Rail Authority of NSW. It was sold to a private buyer on 03 February 1999 and remained in this same ownership until sold on 27 November 2015 to the current Proponents and Owners.

During its period of Public ownership, the Site was used for storage of rail materials and equipment, and as a workshop. It is understood that up to three concrete block and steel structures were originally on site, and one (steel clad) of those survives in good order (see **Appendix D**). Two (2) concrete footings mark the location of the other structures.

Since the sale of the land by the ARTC, Dungog Shire Council has twice revised its Local Environment Plan – in 2006 and most recently in 2014. Both occasions offered an opportunity to the Council and the property's then owner to remedy this zoning anomaly. Unfortunately, in the totality of the task these opportunities were missed.

It is considered that rezoning of the Site to RU5 Village is appropriate and is consistent with, and complementary to, the surrounding land uses.

PART 3 – JUSTIFICATION

A Need for the Planning Proposal

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

Not Applicable to this Planning Proposal

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 addressing and correcting the current zoning anomaly that exists on the Site and enabling the Site to contribute positively to the future economic and social development of the Paterson Village.

The Planning Proposal is the only means of rezoning the Site.

B Relationship to the Strategic Planning Framework

3. *Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and 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 in this case.

4. *Is the planning proposal consistent with council's local strategy or other local strategic plan?*

The Planning Proposal is consistent with the Shire Wide DCP and the Paterson Local Area Plan.

It is noted that the Shire Wide DCP (DCP) and Part D of the "Paterson Local Area Plan" (LAP) were creatures of the Dungog Shire Council LEP 2006 – a document which was made redundant by the gazettal of the DSC LEP 2014 (LEP). It is also noted that the DCP and LAP are guides for Council and the Community in interpreting the "law" contained in the LEP. Nonetheless, the DCP and LAP have been considered as part of this Planning Proposal, and it is considered that the current proposal is entirely consistent with the objectives of these documents.

The Site falls within the "E2" precinct of the LAP and is located on an existing collector road. Of significance, the LAP notes difficulty in accessing village and commercial facilities via public transport. The Site however, is easily accessed from Paterson Railway Station via overhead footbridge – the same footbridge providing convenient pedestrian access for most of the residents of Paterson.

The land is neither flood prone, or within a bush-fire risk area according to the LAP. It is noteworthy that Council identifies a parcel of land to the South West of the Site for possible future Paterson Village expansion. A walking distance RU5 Village site will be advantageous to any new residents in this area.

5. *Is the planning proposal consistent with applicable State Environmental Planning Policies?*

The Planning Proposal is consistent with the applicable State Environmental Planning Policies (see **Appendix A**).

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

The Planning Proposal is consistent with the applicable Ministerial Directions (see **Appendix B**).

C Environmental, Social and Economic Impact

7. *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 unlikely to have any impacts on critical habitat or threatened species, populations or ecological communities, or their habitats.

8. *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 unlikely to have any environmental effects.

Nonetheless, a brief summary addressing environmental topics is provided below;

Bushfire

By reference to Council's Paterson Local Area Plan and mapping system, the Site falls outside of the identified bush-fire risk area. See **Appendix F.2**.

Drainage

The Site is flat and drains to all points of the compass. The longest boundaries are to Webbers Creek Road to the west and the rail corridor to the east. There is some suggestion of a previous acknowledgment by Dungog Shire Council (**DSC**) that the profile of Webbers Creek Road was causing water entry onto the Site and minor work was carried out by DSC to remedy this. Because of the topography there is no build-up of water on site.

Flora and Fauna

The site is flat and grassed and contains only three (3) trees. This is somewhat typical of the surrounding area – all relatively fully developed. Accordingly and as noted above at question no.07, there is no threat to any species of flora or fauna which might result from this rezoning.

The majority of potential uses of the site in the future will require a specific development application and further consideration of any disturbance to or alteration of the site.

Flooding

By reference to Councils now obsolete Paterson Local Area Plan, this site is not flood prone. It is not in proximity to the Paterson River nor to any creek or watercourse.

Heritage Conservation

There are no items of historical or heritage significance on the site.

Waste Water Management

The site is serviced by a pre-existing on site waste water treatment system. This was recently inspected by the relevant Dungog Shire Council Officer (25 September 2015).

The report is attached at **Appendix C** and notes that no follow up work is required and the next inspection is due in two (2) years.

9. *Has the planning proposal adequately addressed any social and economic effects?*

The Site is surrounded by a number of rural residential and community service style facilities, and is easily accessible from Paterson Railway Station.

It is situated within the confines of the Paterson village and is in close proximity to numerous large lot residential blocks. The type of development contemplated by the Planning Proposal for RU5 Village zoning includes a number of facilities which Paterson residents already find in the specific locale including but not limited to, education, recreational and community facilities immediately surrounding it, some of which are zoned RU5 Village.

Permitted uses found within the RU5 Village zoning are present in the immediate and nearby vicinity of the Site. These take diverse forms and include Paterson Pre-school, Paterson Public school (infants and primary education) and the headquarters for Paterson Rural Fire Brigade.

The site is in close proximity to growing numbers of “lifestyle” large lot rural dwellings, and is one of the few parcels available within the Paterson village capable of being developed for a variety of development uses. The site is easily accessible to the bulk of Paterson Village by way of the pedestrian footbridge over the Main Northern Rail Line.

The addition of this site as zone RU5 Village will complement the existing land uses surrounding it.

Privacy, Views, Overshadowing, Impacts on Surrounding Land Uses

The Site and any potential future uses as contemplated by RU5 Village Zone will not adversely impact any adjoining land use. Rather, the uses contemplated for the RU5 Village Zone are complementary to all surrounding uses.

The area is already a significant hub for community activity – recreational, educational, social and cultural. There are no residences immediately adjoining the site – the nearest being to the East of the Site and separated by the Main Northern Rail Line. Opposite (to the West) are the Pre-school, Rural Fire Services Brigade Station, Public School and Golf Course – all “people intensive” uses. Any future development proposed for the Site will be the subject of a specific Development Application and thereby subject to more detailed scrutiny.

Refer Photos attached at **Appendix D**.

Site Access and Traffic

The property fronts Webbers Creek Road and is accessed from there via large gates, approximately opposite the entrance to the Golf Course. The area is speed limited to 50km/hr. Sight lines both North and South along Webbers Creek Road are good and any vehicle leaving the site is able to exit the gates and come to a standstill in the driveway without needing to enter onto the public road. A school speed zone operates in the vicinity during normal school days, and traffic “peaks” occur as would be expected – school and pre-school drop offs and pick-ups, as well as residents leaving for work and returning home.

D State and Commonwealth Interests

10. *Is there adequate public infrastructure for the planning proposal?*

The Site is surrounded by a number of rural residential and community service style facilities, and is easily accessible from Paterson Railway Station (over the Main Northern Rail Line) via overhead footbridge – the same pedestrian footbridge providing convenient pedestrian access for most of the residents of Paterson.

The above public infrastructure is adequate for the Planning Proposal.

11. *What are the views of state and Commonwealth public authorities consulted in accordance with the Gateway determination?*

Consultation with Australian Rail Track Corporation (ARTC)

The site was historically owned by the ARTC and its predecessor instrumentalities. It was sold to a **private buyer** on 03 February 1999 and remained under this ownership until sold on 27 November 2015 to the current Proponents and Owners. (Emphasis added)

The Site has been zoned SP2 Infrastructure (formally ‘Special Uses’ rail infrastructure) for 17 years beyond its public ownership and usage.

By means of formal correspondence dated 17 March 2015, ARTC has expressly stated no future interest in the Site and advises that if consulted by Council in regards to any future rezoning of the Site that it would “...advise Council to rezone the land in accordance with Department of Planning’s LEP Practice Note Zoning for infrastructure in LEP’s Ref. no PN 10-001 dated 14 December 2010...” and further adds “...There are no current proposed or planned works by ARTC that would impact on the properties listed above...”. (See **Appendix E**)

Any further State or Commonwealth Public Authorities consultation required for the Planning Proposal shall be carried out in accordance with the Gateway Determination.

PART 4 – MAPPING

The Planning Proposal seeks to rezone the Site currently zoned as SP2 Infrastructure to a zoning of RU5 Village.

Below is a summary of the current and proposed zoning.

Current Zone:

SP2 Infrastructure

1 Objectives of zone

- To provide for infrastructure and related uses.
- To prevent development that is not compatible with or that may detract from the provision of infrastructure.

2 Permitted without consent

Roads

3 Permitted with consent

The purpose shown on the Land Zoning Map, including any development that is ordinarily incidental or ancillary to development for that purpose

4 Prohibited

Any development not specified in item 2 or 3

RESPONSE;

The site is currently zoned SP2 Infrastructure and was historically owned by the Australian Rail Track Corporation (ARTC) and its predecessor instrumentalities. It was sold to a **private buyer** on 03 February 1999 and remained under this ownership until sold on 27 November 2015 to the current Applicants and Owners. (Emphasis added)

During its period of public ownership, the site was used for storage of rail materials and equipment, and as a workshop. It is understood that up to three (3) concrete block and steel structures were originally on site, and one (steel clad) of those survives in good order (photos enclosed). Two (2) concrete footings mark the location of the other structures. During its private ownership, the site has been used solely for storage – both within the shed structure and on the grounds.

As discussed earlier, the ARTC has advised that if contacted by Council, it would advise that the land be rezoned in accordance with the NSW Department of Planning guidelines for the zoning of former public infrastructure and adjoining lands. A copy of this correspondence dated 17 March 2015 is attached at **Appendix E**. This site has been zoned for special uses (rail infrastructure) for almost 17 years beyond its public ownership and usage and the ARTC has no future interest in it. Since the sale of the land by the ARTC, Dungog Shire Council has twice revised its Local Environment Plan – in 2006 and most recently in 2014.

Both occasions offered an opportunity to the Council and the property's then owner to remedy this zoning anomaly. Unfortunately, in the totality of the task these opportunities were missed.

A meeting was held between the Applicants and Dungog Shire Council Planning staff on the 11 February 2016. Within this meeting Council acknowledged that the current SP2 Infrastructure zoning was no longer an appropriate zoning for the Site and advised any Planning Proposal for future rezoning include for zones RU5 Village and IN1 Industrial. See **Appendix G.4.**

Proposed Zone:

Zone RU5 Village

1 Objectives of zone

- To provide for a range of land uses, services and facilities that are associated with a rural village.
- To promote the growth of individual settlements as local service centres.
- To **encourage a variety of mixed-use development.**(Emphasis added)
- To enhance the character, including the cultural and built heritage, of each village.

2 Permitted without consent

Extensive agriculture; Home occupations; Markets; Roads; Roadside stalls

3 Permitted with consent

Child care centres; Community facilities; Dwelling houses; Neighbourhood shops; Places of public worship; **Recreation areas;** Recreation facilities (indoor); **Recreation facilities (outdoor);** Respite day care centres; **Schools;** Any other development not specified in item 2 or 4 (Emphasis added)

4 Prohibited

Air transport facilities; Airstrips; Animal boarding or training establishments; Aquaculture; Dairies (pasture-based); Farm buildings; Farm stay accommodation; Forestry; Heavy industrial storage establishments; Heavy industries; Industrial training facilities; Intensive livestock agriculture; Intensive plant agriculture; Open cut mining; Rural workers' dwellings; Secondary dwellings

RESPONSE;

The site is surrounded by a number of rural residential and community service style facilities, and is easily accessible from Paterson Railway Station.

It is situated within the confines of the Paterson village and is in close proximity to numerous large lot residential blocks. The type of development contemplated by RU5 Village zoning include a number of facilities which Paterson residents already find in the specific locale

including but not limited to, education, recreational and community facilities immediately surrounding it, those highlighted within the above.

Attached at **Appendix F** is further Mapping documentation including;

F.1 - Site Plans showing boundary Dimensions

F.2 - 2014 Zoning Plan showing extent of bush-fire hazard

F.3 - 2014 Zoning Plan showing adjoining land zoning

F.4 - Land subject to the planning proposal (Aerial Photograph – subject site and surrounds)

PART 5 – COMMUNITY CONSULTATION

The Planning Proposal is considered to be low impact and as such should be advertised for a period of 14 days in accordance with the Department of Planning's guidelines "A guide to preparing local environmental plans".

The recommended advertising to be undertaken should include;

- Notice in the Local newspaper;
- Exhibition of maps and relevant consultation documents at the Councils Administration Building;
- Maps and consultation documents to be made available; and
- Letters to property owners within the immediate area to advise them of the rezoning that is proposed.

PART 6 – PROJECT TIMELINE

The Project timeline for completing the Planning Proposal is as follows;

Item	Estimated Date for Completion
Commencement Date – Gateway Determination	July 2016
Timeframe for Completion of Technical Information	October 2016
Government Agency Consultation (as required by the Gateway)	November 2016
Commencement and Completion Dates for Public Exhibition Period	November 2016/December 2016
Dates for Public Hearing	N/A
Timeframe for consideration of submissions	January 2016
RPA Assessment of Planning Proposal and exhibition outcomes	March 2017
Submission of endorsed LEP to the Department for finalisation	April 2017
Anticipated Date RPA will make the Plan (if delegated)	N/A
Anticipated Date RPA will forward to Department for Notification (if delegated)	N/A

APPENDIX A

<i>INSTRUMENT</i>	<i>APPLICABLE</i>	<i>CONSISTENT</i>
SEPP No. 1 Development Standards	No	Nothing in this planning proposal affects the aims and provisions of this SEPP.
SEPP No. 21 Caravan Parks	No	Nothing in this planning proposal affects the aims and provisions of this SEPP.
SEPP No. 30 Intensive Agriculture	No	Nothing in this planning proposal affects the aims and provisions of this SEPP.
SEPP No. 32 Urban Consolidation	No	Nothing in this planning proposal affects the aims and provisions of this SEPP.
SEPP No. 33 Hazardous and Offensive Development	No	Nothing in this planning proposal affects the aims and provisions of this SEPP.
SEPP No. 36 Manufactured Home Estates	No	Nothing in this planning proposal affects the aims and provisions of this SEPP.
SEPP No. 44 Koala Habitat Protection	No	Nothing in this planning proposal affects the aims and provisions of this SEPP.
SEPP No. 50 Canal Estate Development	No	Nothing in this planning proposal affects the aims and provisions of this SEPP.
SEPP No. 55 Remediation of Land	Yes	Preliminary investigation required to determine potential contamination and whether Phase 2 report required.
SEPP No. 62 Sustainable Aquaculture	No	Nothing in this planning proposal affects the aims and provisions of this SEPP.
SEPP No. 64 Advertising and Signage	No	Nothing in this planning proposal affects the aims and provisions of this SEPP.
SEPP No.65 Design Quality of Residential Flat Development	No	Nothing in this planning proposal affects the aims and provisions of this SEPP.
SEPP (Affordable Rental Housing) 2009	No	Nothing in this planning proposal affects the aims and provisions of this SEPP.
SEPP (Building Sustainability Index: BASIX) 2004	No	Nothing in this planning proposal affects the aims and provisions of this SEPP.
SEPP (Exempt & Complying Development Codes) 2008	No	Nothing in this planning proposal affects the aims and provisions of this SEPP.

<i>INSTRUMENT</i>	<i>APPLICABLE</i>	<i>CONSISTENT</i>
SEPP (Housing for Seniors or People with a Disability) 2004	No	Nothing in this planning proposal affects the aims and provisions of this SEPP.
SEPP (Infrastructure) 2007	YES	Due to proximity of railway line the provisions of the SEPP will need to be addressed in future DA's.
SEPP (Major Development) 2005	No	Nothing in this planning proposal affects the aims and provisions of this SEPP.
SEPP (Mining, Petroleum Production and Extractive Industries) 2007	No	Nothing in this planning proposal affects the aims and provisions of this SEPP.
SEPP (Rural Lands) 2008	No	Nothing in this planning proposal affects the aims and provisions of this SEPP.

APPENDIX B

Ministerial Direction	Applicable/Relevant	Consistency & Implications
1. Employment and Resources		
1.1 Business and Industrial Zones	N/A	
1.2 Rural Zones	N/A	
1.3 Mining, Petroleum and Extractive Industries	No	Open cut mining prohibited in the RU5 Village zone, although is not currently permitted in SP2 zone.
1.4 Oyster Aquaculture	N/A	
1.5 Rural Lands	N/A	
2. Environment and Heritage		
2.1 Environmental Protection Zones	No	The proposal does not impact environmental protection zones. The site does not contain environmentally sensitive land.
2.2 Coastal Protection	N/A	
2.3 Heritage Conservation	No	The proposal does not impact any heritage items or heritage conservation areas.
2.4 Recreation Vehicle Areas	No	The proposal does not incorporate a recreation vehicle area.
2.5 Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs	N/A	
3. Housing, Infrastructure and Urban Development		
3.1 Residential Zones	N/A	
3.2 Caravan Parks and Manufactured Home Estates	No	Caravan park or manufactured home estate not proposed.
3.3 Home Occupations	No	Consistent. Home occupations are permitted without consent in the RU5 Village zone.
3.4 Integrating Land Use and Transport	No	Consistent. The site is located within close proximity to the existing
3.5 Development Near Licensed Aerodromes	N/A	
3.6 Shooting Ranges	N/A	

4. Hazard and Risk		
4.1 Acid Sulphate Soils	No	Consistent. Mapped as Class 5 - no changes are proposed to existing LEP provisions for ASS.
4.2 Mine Subsidence and Unstable Land	N/A	
4.3 Flood Prone Land	N/A	
4.4 Planning for Bushfire Protection	N/A	
5. Regional Planning		
5.1 Implementation of Regional Strategies	N/A	
5.2 Sydney Drinking Water Catchments	N/A	
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	N/A	
5.4 Commercial and Retail Development along the Pacific Highway, North Coast	N/A	
5.8 Second Sydney Airport: Badgerys Creek	N/A	
5.9 North West Rail Link Corridor Strategy	N/A	
5.10 Implementation of Regional Plans	No	Consistent with Upper Hunter Strategic Regional Land Use Plan and draft Hunter Regional Plan.
6. Local Plan Making		
6.1 Approval and Referral Requirements	No	The planning proposal is consistent with this Direction in that it does not contain any provisions that require concurrence, consultation or referral to the Minister or public authority.
6.2 Reserving Land for Public Purposes	No	The proposal does not alter any land for public purposes.
6.3 Site Specific Provisions	No	Consistent. No site specific planning controls are proposed.
7. Metropolitan Planning		
7.1 Implementation of a Plan for Growing Sydney	N/A	
7.2 Implementation of Greater Macarthur Land Release Investigation	N/A	

APPENDIX C

Dungog Shire On-site Sewage Management Report



198 Dowling Street
PO Box 95
DUNGOG NSW 2420

Ph: (02) 4995 7777
Fax: (02) 4995 7750

Email: shirecouncil@dungog.nsw.gov.au

DUNGOG SHIRE ON-SITE SEWAGE MANAGEMENT REPORT

Waste Water No: 46/46/2015 Date of Audit: 23 September 2015 P/File: 1215/13 EF07/42

Owners Name: Wallaby Fabrication Pty Ltd
Postal Address: 73 Railway Street
PATERSON NSW 2421

Address of System: LOT: 1 DP: 860372, Webbers Creek Road PATERSON.
Property Type: RESIDENTIAL

WASTEWATER TREATMENT SYSTEM:

Type: Septic Tank and Trench
On-site Disposal of Effluent: On-Site Subsurface

REPORT ON STORAGE & TREATMENT SYSTEM:

Tank Condition: FAIR AT TIME OF INSPECTION

Sludge Levels: Crust: 0 mm Effluent: 600 mm Sludge: 150 mm

Action Required by Owner/Operator

- The septic tank requires lids for the inspection holes to correctly seal the tank to prevent rainwater, vermin and insect entry. This will lower the risk of vector borne diseases.
- The lid on your septic tank has been damaged and needs to be repaired or replaced then sealed to prevent rain intrusion and vermin and insect entry.

REPORT ON DISPOSAL FIELD:

Disposal Area/Irrigation: FAIR AT TIME OF INSPECTION

Action Required by Owner/Operator

NIL

CONDITIONS:

Conditions attached to Approval as a result of audit. NIL

Follow-up inspection required NO.

RISK ASSESSMENT:

Risk assessment: MEDIUM: NEXT INSPECTION IN 2 YEARS

INSPECTION CARRIED OUT BY: DAMIEN REEVES

For any enquiries regarding this report please contact Council's Environmental Health Department on 4995 7777. For a further review contact Council's Manager Environmental Services, Paul Minnett, or your local Councillor.



DUNGOG SHIRE COUNCIL

All Communications to be addressed to:

The General Manager
Dungog Shire Council
PO Box 95
DUNGOG NSW 2420

Telephone: (02) 4995 7777
Facsimile: (02) 4995 7750
Email: shirecouncil@dungog.nsw.gov.au
Website: www.dungog.nsw.gov.au
ABN 62 610 350 056

Wallaby Fabrication Pty Ltd
73 Railway Street
PATERSON NSW 2421

25th September 2015

APPROVAL TO OPERATE AN ON-SITE SEWAGE MANAGEMENT SYSTEM

An operating approval for on-site wastewater disposal systems is an ongoing requirement under the Local Government Act 1993.

Recent amendments to this Act (Sec 107 & 107A) allow for an operating approval to be renewed annually on payment of the On-site Sewage Management Special Rate. The fee of \$65.00 is now included on your property rates notice.

Please note that no payment is required at this time. Please retain for your records.

Assessment No.: 61226

APPROVAL TO OPERATE IS RENEWED ANNUALLY ON PAYMENT OF THE ON-SITE SEWAGE MANAGEMENT RATE WHICH IS INCLUDED IN YOUR PROPERTY RATES NOTICE.

Approval granted to Wallaby Fabrication Pty Ltd as owner/manager of the property subject of the approval.

ADDRESS OF PROPERTY SUBJECT OF THE APPROVAL P FILE 1215/13

LOT 1, DP 860372, WEBBERS CREEK ROAD PATERSON NSW

PROPERTY DESCRIPTION

INDUSTRIAL SHED/WORKSHOP

DESCRIPTION OF WASTEWATER MANAGEMENT SYSTEM APPROVED

SEPTIC TANK & TRANSPIRATION AREA

CONDITIONS (SITE SPECIFIC):

AS PER ORIGINAL APPROVAL

NB: This Approval to Operate does not certify that the subject septic system is operating in accordance with Council or manufacturer's requirements. Council recommends that prospective buyers seek professional advice as to the operation of individual systems prior to purchase.

NO PAYMENT REQUIRED

ATTACH COPY OF APPLICABLE SYSTEM CONDITIONS

Dungog Shire
Life is a Journey

COUNCIL'S VISION:

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

APPENDIX D

Photographs of the Site



Paterson Railway Station looking North from pedestrian footbridge connecting eastern and western portions of Paterson village



Subject Site - Note, fencing and minimal vegetation



Site from Paterson overhead pedestrian foot-bridge (looking south)



Hard-stand area inside gates and looking East towards Paterson residential area



Hard stand area inside gates and to the immediate north. Location of former structure. Note - fencing to the left of the photo. The Site is surrounded by this fence – all of which is in reasonable and serviceable condition.



Corrugated steel shed on slab – the only remaining structure on site. Note - power pole adjacent to south west corner of shed.



Webbers Creek Road looking North from property gates



Webbers Creek Road looking South from property gates



Entrance to Paterson Golf Course opposite gates to subject property. Note - pre-school building in the right of the photo



Paterson pre-school looking north-west from subject Site

Paterson RFS station and Paterson Public School are located on adjoint lots to the immediate north of the Pre-school



Paterson Public School – north-west from subject property on opposite side of Webbers Creek Road



Paterson Rural fire Brigade Station – north-west of the subject property and nestled between Pre-School and Public School



Informal car-parking to the north of the subject site and directly east of Paterson Public School across Webbers Creek Road

APPENDIX E

ARTC Correspondence

Mr William Cummins

73 Railway Street
Paterson NSW 2420

17 March 2015

Dear William

Lot 1 in Deposited Plan 860372 – Webbers Creek Road Paterson

Thank you for your correspondence dated 1 December 2014 regarding the current zoning for the abovementioned land in the Dungog Shire Council LEP 2014.

I advise that the sale of the land supersedes ARTC's take up of the Hunter Valley and Interstate Network in 2004, however, our records show that the land was disposed of on 3 February 1999.

Accordingly, if the land was to be identified in an amendment to the Council's LEP ARTC would advise Council to rezone the land in accordance with Department of Planning's LEP Practice Note Zoning for infrastructure in LEP's Ref. no PN 10-001 dated 14 December 2010 as it provides guidance to councils on zoning public infrastructure and adjoining land.

There are no current proposed or planned works by ARTC that would impact on the properties listed above.

However, increases in rail freight may lead to changes in strategies that may or may not impact on the land in the future.

Should this occur, there would be full consultation with any affected property owners.

Should you have any further enquiries with regard to this matter please do not hesitate to contact me.

Yours sincerely,



Teena Renès
Property Manager - Hunter Valley

APPENDIX F

Mapping

F.1 - Site Plans showing boundary Dimensions

F.2 - 2014 Zoning Plan showing extent of bush-fire hazard

F.3 - 2014 Zoning Plan showing adjoining and surrounding land zoning

F.4 - Land subject to the Planning Proposal (Aerial Photograph – subject site and surrounds)

APPENDIX F.1A



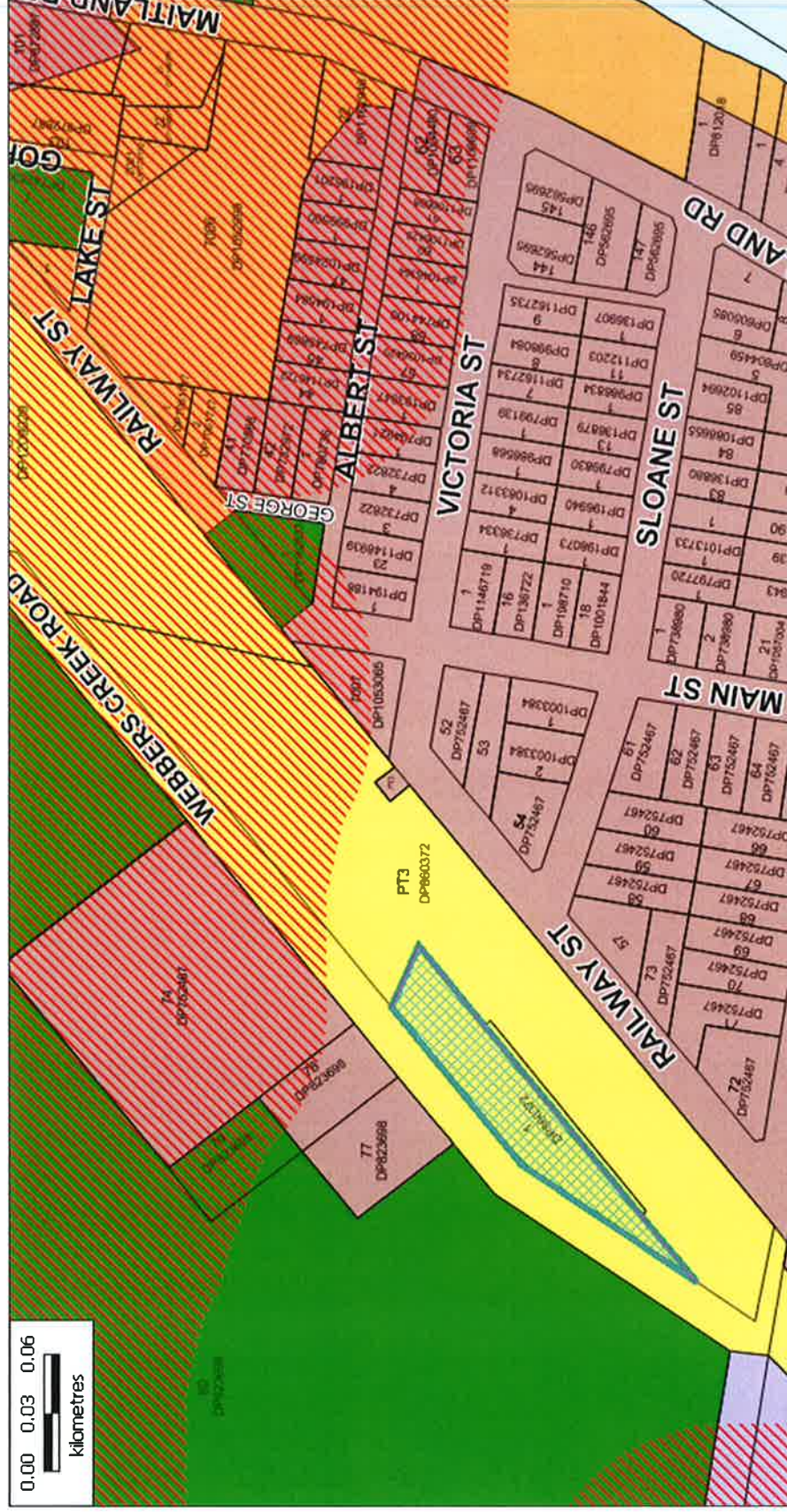
Site Plan

APPENDIX F.1B

[illegible]

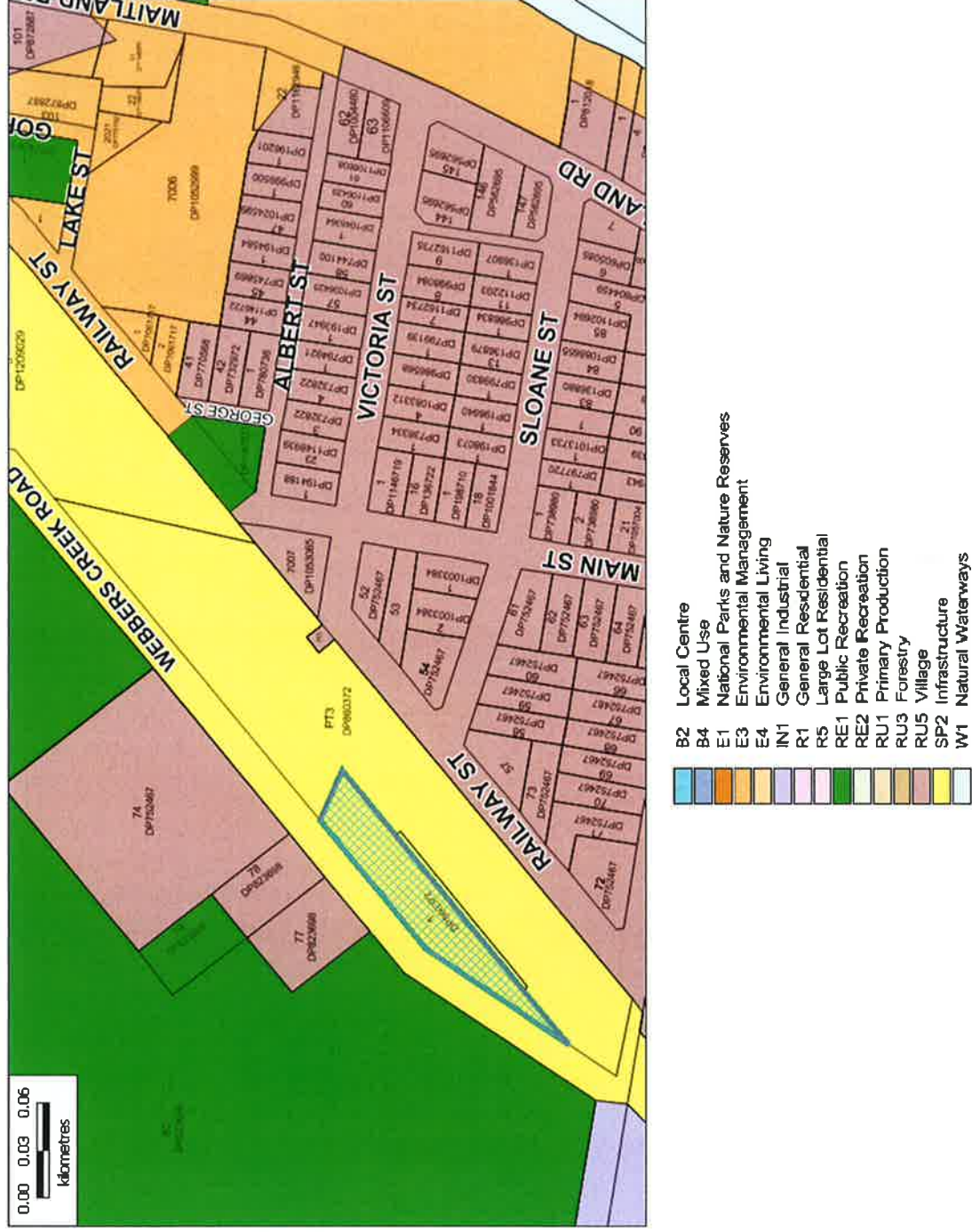
Site Plan showing boundary dimensions

APPENDIX F.2



Zoning Plan showing extent of Bushfire Mapping

APPENDIX F.3



APPENDIX F.4



Aerial Photograph

APPENDIX G

Further Supporting Documentation

G.1 – Section 149 Planning Certificate

G.2 – Transfer Documentation of Sale from State to Private Ownership

G.3 – Title Search dated 16 February 2016

G.4 – Dungog Shire Council Correspondence dated 16 February 2016

APPENDIX G.1

Section 149 Certificate



S149 PLANNING CERTIFICATE

Environmental Planning & Assessment Act, 1979 (as amended)

PO Box 95
DUNGOG NSW 2420
Phone: (02) 4995 7777
Fax: (02) 4995 7750

Date: 24 February 2015

Certificate : 49/2015

Fee: \$53.00

Receipt : 320341

Your Ref: DHA:150134

DESCRIPTION OF LAND

User Assessment: 012151300000

Parish: Houghton

County: Durham

Assessment: 61226

Address: LOT: 1 DP: 860372, Webbers Creek Road PATERSON 2421

Owner: Wallaby Fabrication Pty Ltd

This certificate provides information on how the relevant parcel of land may be developed, including the planning restrictions that apply to development of the land, as at the date the certificate is issued. The certificate contains information Council is aware of through its records and environmental plans, along with data supplied by the State Government. The details contained in this certificate are limited to that required by Section 149 of the Environmental Planning and Assessment Act, 1979.

1. NAMES OF RELEVANT PLANNING INSTRUMENTS AND DCPS

- 1.1 Which Environmental Planning Instrument/s apply to the carrying out of development on the land?**

Dungog Local Environmental Plan 2014 – Operational 1 June 2014.

State Environmental Planning Policies – Refer to Attachment 1.

- 1.2 Which proposed Environmental Planning Instruments apply to the carrying out of development on the land that is or has been the subject of community consultation or public exhibition?**

Nil

- 1.3 Which Development Control Plan/s apply to the carrying out of development on the land?**

Dungog Shire Wide Development Control Plan No. 1 – Refer to Attachment 2

2. ZONING AND LAND USE UNDER RELEVANT LEPs

FOR EACH ENVIRONMENTAL PLANNING INSTRUMENT OR PROPOSED INSTRUMENT REFERRED TO IN CLAUSE 1 ABOVE (OTHER THAN A SEPP OR PROPOSED SEPP) THAT APPLIES TO THE LAND:

- 2.1 What is the identity of the zoning for the land?**

Under the Dungog Local Environmental Plan 2014 the zoning is: SP2 Infrastructure

- 2.2 For what purposes may development be carried out within the zone without the need for development consent?**

Under the Dungog Local Environmental Plan 2014 – Refer to Attachment 3

- 2.3 For what purposes may development not be carried out within the zone except with development consent?**

Under the Dungog Local Environmental Plan 2014 - Refer to Attachment 3

- 2.4 For what purposes is development prohibited within the zone?**

Under the Dungog Local Environmental Plan 2014 - Refer to Attachment 3

- 2.5 Are there any development standards applying to the land which fix minimum land dimensions for the erection of a dwelling house on the land?**

Under the Dungog Local Environmental Plan 2014
No

- 2.6 Does the land include or comprise a critical habitat?**

Under the Dungog Local Environmental Plan 2014
No

- 2.7 Is the land in a conservation area?**

Under the Dungog Local Environmental Plan 2014
No

- 2.8 Is an item of environmental heritage situated on the land?**

Under the Dungog Local Environmental Plan 2014
No

2A ZONING AND LAND USE UNDER STATE ENVIRONMENTAL PLANNING POLICY (SYDNEY REGION GROWTH CENTRES) 2006

This clause is not applicable to the Dungog Local Government Area.

3. COMPLYING DEVELOPMENT

3.1 --- Whether or not the land is land on which complying development may be carried out under each of the codes for complying development because of the provisions of clauses 1.17A (1)(c) to (e), (2), (3) and (4), 1.18(1)(c3) and 1.19 of the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 ("the SEPP").

The extent to which complying development may not be carried out on the land because of the provisions of clauses 1.17A (1) (c) to (e), (2), (3) and (4), 1.18 (1)(c3) and 1.19 of the SEPP and the reasons why it may not be carried out under those clauses.

Note: This Clause identifies only the land based exclusions listed in clauses 1.17A(1) (c) to (e), (2), (3) and (4), 1.18 (1) (c3) and 1.19 of the SEPP. To be complying development, the development must be complying development that meets the standards specified for that development as required by the SEPP.

GENERAL HOUSING CODE

Complying Development under the General Housing Code may not be carried out on the land as the land is not within an applicable zone.

RURAL HOUSING CODE

Complying Development under the Rural Housing Code may not be carried out on the land as the land is not within an applicable zone.

HOUSING ALTERATIONS CODE

Complying Development may be carried out on the land under the Housing Alteration Code, subject to the development complying with the general and specific standards of the Code.

GENERAL DEVELOPMENT CODE

Complying Development may be carried out on the land under the General Development Code, subject to complying with the general and specific standards of the Code.

COMMERCIAL AND INDUSTRIAL (NEW BUILDINGS & ADDITIONS) CODE

Complying Development under the Commercial and Industrial (New Buildings & Additions) Code may not be carried out on the land as the land is not within an applicable zone.

COMMERCIAL AND INDUSTRIAL ALTERATIONS CODE

Complying Development may be carried out on the land under the Commercial and Industrial Alterations Code, subject to complying with the general and specific standards of the Code.

SUBDIVISIONS CODE

Complying Development may be carried out on the land under the Subdivision Code, subject to complying with the general and specific standards of the Code.

DEMOLITION CODE

Complying Development may be carried out on the land under the Demolition Code, subject to complying with the general and specific standards of the Code.

FIRE SAFETY CODE

Complying Development may be carried out on the land under the Fire Safety Code, subject to complying with the general and specific standards of the Code.

4. COASTAL PROTECTION

4.1 Is the land affected by the operation of section 38 or 39 of the *Coastal Protection Act 1979*, but only to the extent that the Council has been notified by the Department of Services, Technology & Administration?

No

4A. CERTAIN INFORMATION RELATING TO BEACHES AND COASTS

This clause is not applicable to the Dungog Local Government Area because Dungog Shire Council is not a "coastal council".

4B. ANNUAL CHARGES UNDER THE LOCAL GOVERNMENT ACT 1993 FOR PROTECTION SERVICES THAT RELATE TO EXISTING COASTAL PROTECTION WORKS

This clause is not applicable to the Dungog Local Government Area because Dungog Shire Council is not a "coastal council".

5. MINE SUBSIDENCE

5.1 Is the land proclaimed to be a Mine Subsidence District within the meaning of section 15 of the Mine Subsidence Compensation Act 1961?

No

6. ROAD WIDENING AND ROAD REALIGNMENT

6.1 Is the land affected by any road widening or road realignment under:

- (a) Division 2 of Part 3 of the Roads Act 1993?
- (b) Any Environmental Planning Instrument?
- (c) Any Resolution of the Council?

No

7. HAZARD RISK RESTRICTIONS

Is the land affected by a policy either adopted by Council or adopted by any other public authority and notified to the Council (for the express purposes of its adoption by that authority being referred to in Planning Certificates issued by the Council) that restricts the development of the land because of the likelihood of:

7.1 Landslip
No

7.2 Bush Fire
No

7.3 Tidal Inundation
No

7.4 Subsidence
No

7.5 Acid Sulphate Soils
Yes – Class 5

7.6 Any other risk (other than flooding)
No

7A. FLOOD RELATED DEVELOPMENT CONTROLS INFORMATION

7A.1 Is development on the land or part of the land for the purposes of dwelling houses, dual occupancies, multi dwelling housing or residential flat buildings (not including development for the purposes of group home or seniors housing) subject to flood related development controls?

No

- 7A.2 Is development on the land or part of the land for any other purpose subject to flood related development controls?

No

- 7A.3 Note: Words and expressions in this clause have the same meanings as in the instrument set out in the Schedule to the Standard Instrument (Local Environmental Plans) Order 2006.

8. **LAND RESERVED FOR ACQUISITION**

- 8.1 Does any Environmental Planning Instrument or proposed Environmental Planning Instrument referred to in item 1 above make provision in relation to acquisition of the land by a public authority, as referred to in section 27 of the Environmental Planning & Assessment Act 1979?

No

9. **CONTRIBUTIONS PLAN**

- 9.1 Which contributions plan/s apply to the land?

Dungog Section 94 Contributions Plan No 1, 2004 (as amended)

9A. **BIODIVERSITY CERTIFIED LAND**

- 9A.1 Is the land (within the meaning of Part 7AA of the *Threatened Species Conservation Act 1995*)

No

10. **BIOBANKING AGREEMENTS**

- 10.1 Whether or not the land is land to which a Biobanking Agreement under Part 7A of the *Threatened Species Conservation Act 1995* relates, but only if the Council has been notified of the existence of the agreement by the Director-General of the Department of Environment, Climate Change & Water.

No

11. **BUSH FIRE PRONE LAND**

- 11.1 Is any of the land bushfire prone land as defined in the Environmental Planning & Assessment Act 1979?

No

Note: Council's current mapping for bushfire prone land within the Dungog Local Government Area, as certified by the Commissioner of NSW Rural Fire Service pursuant to Section 149(2) of the *Environmental Planning & Assessment Act 1979*, does not include land identified as predominantly grasslands. As of 1 May 2011, AS 3959-2009 *Construction of buildings in bush-fire prone areas* will include "grasslands" as a new vegetation classification in Table 2.4.2 AS 3959-2009 applies to land within bushfire prone areas and specifies construction standards applicable to buildings within those areas. Advice should be sought as to whether the land is likely to be affected by AS 3959-2009.

12. **PROPERTY VEGETATION PLANS**

- 12.1 Does a Property Vegetation Plan under the *Native Vegetation Act 2003* apply to the land, being a plan to which the Council has been notified of its existence by the person or body that approved the plan under that Act?

No

13. ORDERS UNDER TREES (DISPUTES BETWEEN NEIGHBOURS) ACT 2006

- 13.1 Has an order been made under the Trees (Disputes Between Neighbours) Act 2006 to carry out work in relation to a tree on the land, being an order to which the Council has been notified?

No

14. DIRECTIONS UNDER PART 3A

- 14.1 Is there a direction by the Minister in force under Section 75P (2) (c1) of the Environmental Planning & Assessment Act 1979 that a provision of an Environmental Planning Instrument prohibiting or restricting the carrying out of a project or a stage of a project on the land under Part 3 of that Act does not have effect?

No

15. SITE COMPATIBILITY CERTIFICATES AND CONDITIONS FOR SENIORS HOUSING

- 15.1 If the land is land to which State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 applies, is there a current site compatibility certificate (seniors housing), of which the Council is aware, in respect of proposed development on the land?

No

- 15.2 If the land is land to which State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004 applies, have any terms of a kind referred to in Clause 18(2) of that SEPP been imposed as a condition of consent to a development application granted after 11 October 2007 in respect of the land?

No

16. SITE COMPATIBILITY CERTIFICATES FOR INFRASTRUCTURE

- 16.1 Is there a valid site compatibility certificate (infrastructure), of which the Council is aware in respect of proposed development on the land?

No

17. SITE COMPATIBILITY CERTIFICATES AND CONDITIONS FOR AFFORDABLE RENTAL HOUSING

- 17.1 Is there a current site compatibility statement (affordable rental housing), of which the Council is aware, in respect of proposed development on the land?

No

- 17.2 Have any terms of a kind referred to in Clause 17(1) or 38(1) of the State Environmental Planning Policy (Affordable Rental Housing) 2009 been imposed as a condition of sent to a development application in respect of the land?

No

NOTE: MATTERS PRESCRIBED BY SECTION 59(2) OF THE CONTAMINATED LAND MANAGEMENT ACT 1997 (CLM Act)

- (a) Is the land significantly contaminated land within the meaning of the CLM Act at the date of this certificate?

No

- (b) Is the land subject to a management order within the meaning of the CLM Act at the date of this certificate?

No

- (c) Is the land the subject of an approved voluntary management proposed within the meaning of the CLM Act at the date of this certificate?
No
- (d) Is the land the subject to an ongoing maintenance order within the meaning of the CLM Act at the date of this certificate?
No
- (e) Is the land the subject of a site audit statement within the meaning of the CLM Act (such a statement having been provided to Council at any time)?
No

K Cousins

Kristy Cousins
TOWN PLANNER

Date: 24 February 2015

Applicant: Hills Solicitors
PO Box 44
MAITLAND NSW 2320

Access to this land is by a Public Maintained Road. Council's maintained roads vary from time to time and there is no guarantee that this road will remain on the maintained list indefinitely.

STATE ENVIRONMENTAL PLANNING POLICIES

State Environmental Planning Policy No 1 - Development Standards

This Policy makes development standards more flexible. It allows councils to approve a development proposal that does not comply with a set standard where this can be shown to be unreasonable or unnecessary.

State Environmental Planning Policy No 21 - Caravan Parks

Ensures that where caravan parks or camping grounds are permitted under an environmental planning instrument, movable dwellings, as defined in the *Local Government Act 1993*, are also permitted. The specific kinds of movable dwellings allowed under the Local Government Act in caravan parks and camping grounds are subject to the provisions of the Caravan Parks Regulation. The policy ensures that development consent is required for new caravan parks and camping grounds and for additional long-term sites in existing caravan parks. It also enables, with the council's consent, long-term sites in caravan parks to be subdivided by leases of up to 20 years.

State Environmental Planning Policy No 30 – Intensive Agriculture

Requires development consent for cattle feedlots having a capacity of 50 or more cattle or piggeries having a capacity of 200 or more pigs. The policy sets out information and public notification requirements to ensure there are effective planning control over this export-driven rural industry. The policy does not alter if, and where, such development is permitted, or the functions of the consent authority.

State Environmental Planning Policy No 32 - Urban Consolidation

States the Government's intention to ensure that urban consolidation objectives are met in all urban areas throughout the State. The policy focuses on the redevelopment of urban land that is no longer required for the purpose it is currently zoned or used, and encourages local councils to pursue their own urban consolidation strategies to help implement the aims and objectives of the policy. Councils will continue to be responsible for the majority of rezonings.

State Environmental Planning Policy No 33 - Hazardous and Offensive Development

Provides new definitions for 'hazardous industry', 'hazardous storage establishment', 'offensive industry' and 'offensive storage establishment'. The definitions apply to all planning instruments, existing and future. The new definitions enable decisions to approve or refuse a development to be based on the merit of proposal. The policy also requires specified matters to be considered for proposals that are 'potentially hazardous' or 'potentially offensive' as defined in the policy. The policy does not change the role of councils as consent authorities, land zoning, or the designated development provisions of the Environmental Planning and Assessment Act 1979.

State Environmental Planning Policy No 36 - Manufactured Home Estates

Helps establish well-designed and properly serviced manufactured home estates (MHEs) in suitable locations. Affordability and security of tenure for residents are important aspects. To enable the immediate development of estates, the policy allows MHEs to be located on certain land where caravan parks are permitted. There are however, criteria that a proposal must satisfy before the local council can approved development. The policy also permits, with consent, the subdivision of estates either by community title or by leases of up to 20 years.

State Environmental Planning Policy No 44 - Koala Habitat Protection

Encourages the conservation and management of natural vegetation areas that provide habitat for koalas to ensure permanent free-living populations will be maintained over their present range. Local councils cannot approve development in an area affected by the policy without an investigation of core koala habitat. The policy provides the state-wide approach needed to enable appropriate development to continue, while ensuring there is ongoing protection of koalas and their habitat.

State Environmental Planning Policy No 50 - Canal Estate Development

Bans new canal estates from the date of gazettal, to ensure coastal and aquatic environments are not affected by these developments.

State Environmental Planning Policy No 55 - Remediation of Land

Introduces state-wide planning controls for the remediation of contaminated land. The policy states that land must not be developed if it is unsuitable for a proposed use because it is contaminated. If the land is unsuitable, remediation must take place before the land is developed. The policy makes remediation permissible across the State, defines when consent is required, requires all remediation to comply with standards, ensures land is investigated if contamination is suspected, and requires councils to be notified of all remediation proposals.

State Environmental Planning Policy No 62 - Sustainable Aquaculture

Encourages the sustainable expansion of the industry in NSW. The policy implements the regional strategies already developed by creating a simple approach to identify and categorise aquaculture development on the basis of its potential environmental impact. The SEPP also identifies aquaculture development as a designated development only where there are potential environmental risks.

State Environmental Planning Policy No 64 - Advertising & Signage

Aims to ensure that outdoor advertising is compatible with the desired amenity and visual character of an area, provides effective communication in suitable locations and is of high quality design and finish. The SEPP also aims to ensure that public benefits may be derived from advertising along and adjacent to transport corridors.

State Environmental Planning Policy No 65 - Design Quality of Residential Flat Development

Raises the design quality of residential flat development across the state through the application of a series of design principles. Provides for the establishment of Design Review Panels to provide independent expert advice to councils on the merit of residential flat development. The accompanying regulation requires the involvement of a qualified designer throughout the design, approval and construction stages.

State Environmental Planning Policy (Affordable Rental Housing) 2009

Establishes a consistent planning regime for the provision of affordable rental housing. The policy provides incentives for new affordable rental housing, facilitates the retention of existing affordable rentals, and expands the role of not-for-profit providers. It also aims to support local centres by providing housing for workers close to places of work, and facilitate development of housing for the homeless and other disadvantaged people.

State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004.

This SEPP operates in conjunction with Environmental Planning and Assessment Amendment (Building Sustainability Index: BASIX) Regulation 2004 to ensure the effective introduction of BASIX in NSW. The SEPP ensures consistency in the implementation of BASIX throughout the State by overriding competing provisions in other environmental planning instruments and development control plans, and specifying that SEPP 1 does not apply in relation to any development standard arising under BASIX.

State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

Provides a more efficient and effective approval process for certain classes of development. The policy is an essential part of the reforms introduced to the development assessment system in July 1998. It applies to areas of the State where there are no such provisions in the council's local plans.

State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004

Encourage the development of high quality accommodation for our ageing population and for people who have disabilities - housing that is in keeping with the local neighbourhood.

State Environmental Planning Policy (Infrastructure) 2007

Provides a consistent planning regime for infrastructure and the provision of services across NSW, along with providing for consultation with relevant public authorities during the assessment process. The SEPP supports greater flexibility in the location of infrastructure and service facilities along with improved regulatory certainty and efficiency.

State Environmental Planning Policy (Major Development) 2005

Defines certain developments that are major projects to be assessed under Part 3A of the Environmental Planning and Assessment Act 1979 and determined by the Minister for Planning. It also provides planning provisions for State significant sites.

State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industry) 2007

This Policy aims to provide for the proper management and development of mineral, petroleum and extractive material resources for the social and economic welfare of the State. The Policy establishes appropriate planning controls to encourage ecologically sustainable development.

State Environmental Planning Policy (Miscellaneous Consent Provisions) 2007

This Policy aims to provide that the erection of temporary structures are permissible with consent across the State, whilst ensuring that they are safe, encourage the protection of the environment at the location of the temporary structure.

State Environmental Planning Policy (Rural Lands) 2008

The aim of this policy is to facilitate the orderly and economic use and development of rural lands for rural and related purposes.

State Environmental Planning Policy (State and Regional Development) 2011

This Policy aims to identify development to which State significant development assessment and approval process under Part 4 of the Act applies; development that is State significant infrastructure and critical State significant; and to confer functions on joint regional planning panels to determine development applications.

SHIRE WIDE DEVELOPMENT CONTROL PLAN No.1

Shire Wide Development Plan No. 1 affects all land in the Shire. The document compliments Councils Planning Instruments and presents a package of design controls and guidelines intended to assist in the achievement of the Councils Aims and Objectives with regard to development in the Shire

Dungog Shire has become one of the most desirable locations in the Hunter Valley, as much for it's unique natural environment as for its lifestyle and climate attractions.

This Development Control Plan represents the policies of the Dungog Shire Council with regard to certain types of development within the Shire, together with guidelines designed to assist developers in achieving the adopted aims and objectives. It should be read in conjunction with the Dungog Local Environmental Plan 1990 and Draft Dungog Local Environment Plan 2004, to which it relates closely, and, where appropriate, in conjunction with any Development Control Plan which relates to a specific site or area of land.

The Shire Wide Development Control Plan 1 contains the following parts:

Chapter	Adoption Date
PART A	
1. Introduction	18/5/2004
2. Development Application Requirements	18/5/2004
PART B	
1. Complying Development	17/2/2004
2. Exempt Development	17/2/2004
PART C	
1. Residential Development	18/5/2004
2. Rezoning & Development in Rural Zones	18/5/2004
3. Building Line Setbacks	18/5/2004
4. Erection of Rural Sheds	18/5/2004
5. Bushfire	18/5/2004
6. Energy Efficiency	18/5/2004
7. Buffer Zones	18/5/2004
8. Managing Our Floodplains	18/5/2004
9. Industrial Development	18/5/2004
10. Farm Gate Sales	18/5/2004
11. Tourist Development	18/5/2004
12. Keeping of Dogs for Commercial purposes	19/2/2002
13. Acid Sulfate Soils	18/5/2004
14. Building Over or Near Sewer	20/3/2001
15. Contaminated Land	17/4/2001
16. Biodiversity	20/5/2003
17. Heritage	21/10/2003
18. Water Efficient Building	17/2/2004
19. Wind Energy Generation Facilities	15/8/2006
20. Off Street Parking	9/7/2005
21. Draft Tourism Development	
PART D	
1. South Vacy Village	18/2/2003
2. Clarence Town Local Area Plan	17/5/2005
3. Vacy Local Area Plan	16/8/2005
4. Draft Martins Creek Local Area Plan	
5. Paterson Local Area Plan	15/11/2005
6. Gresford Local Area Plan	16/5/2006
7. Count Street Paterson	21/8/2007
8. Boatfalls Rural Residential Estate	19/2/2013

DUNGOG LOCAL ENVIRONMENTAL PLAN 2014

PART 2

Zone SP2 Infrastructure

1 Objectives of zone

- To provide for infrastructure and related uses.
- To prevent development that is not compatible with or that may detract from the provision of infrastructure.

2 Permitted without consent

Roads

3 Permitted with consent

The purpose shown on the Land Zoning Map, including any development that is ordinarily incidental or ancillary to development for that purpose

4 Prohibited

Any development not specified in item 2 or 3

APPENDIX G.2

Transfer Documentation of Sale

LAND AND PROPERTY INFORMATION NEW SOUTH WALES - TITLE SEARCH

FOLIO: 1/860372

SEARCH DATE	TIME	EDITION NO	DATE
12/2/2015	10:31 AM	3	6/10/2011

LAND

LOT 1 IN DEPOSITED PLAN 860372
AT PATERSON
LOCAL GOVERNMENT AREA DUNGO
PARISH OF HOUGHTON COUNTY OF DURHAM
TITLE DIAGRAM DP860372

FIRST SCHEDULE

WALLABY FABRICATION PTY LIMITED

(T 5590048)

SECOND SCHEDULE (5 NOTIFICATIONS)

- 1 RESERVATIONS AND CONDITIONS IN THE CROWN GRANT(S)
- 2 QUALIFIED TITLE. CAUTION PURSUANT TO SECTION 28J OF THE REAL PROPERTY ACT, 1900. ENTERED 22.7.1996.GAZ.20/05/1908 FOL2760.GAZ.08/07/1908 FOL3646.
- 3 5590048 EASEMENT FOR NOISE OR VIBRATION AND ELECTROLYSIS AFFECTING THE LAND ABOVE DESCRIBED
- 4 5590048 RESTRICTION(S) ON THE USE OF LAND
- 5 AG540340 MORTGAGE TO MAITLAND MUTUAL BUILDING SOCIETY LIMITED

NOTATIONS

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

PRINTED ON 12/2/2015

DP 850372

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— 6 —

File System: OLD SYSTEM

Product: SUBDIVISION

P. ATERSON 14

Just Plain;

PLAN OF FORMER CROWN LAND REQUIRED
FOR PART OF HANTLAND - DUNGGO RWAY
BY NOTICES OF PROCLAMATION AND
NOTIFICATION IN G.G.'s No. 50 of 20/5/1906
AND No. 79 of 2/7/1908.

anytime after 10 minutes. Reduction Ratio 1:20000

SHIRE DUNGO
PATERSON
HOUGHTON
DURHAM

This is sheet 1 of my plan in sheets.
(Delete if inapplicable).

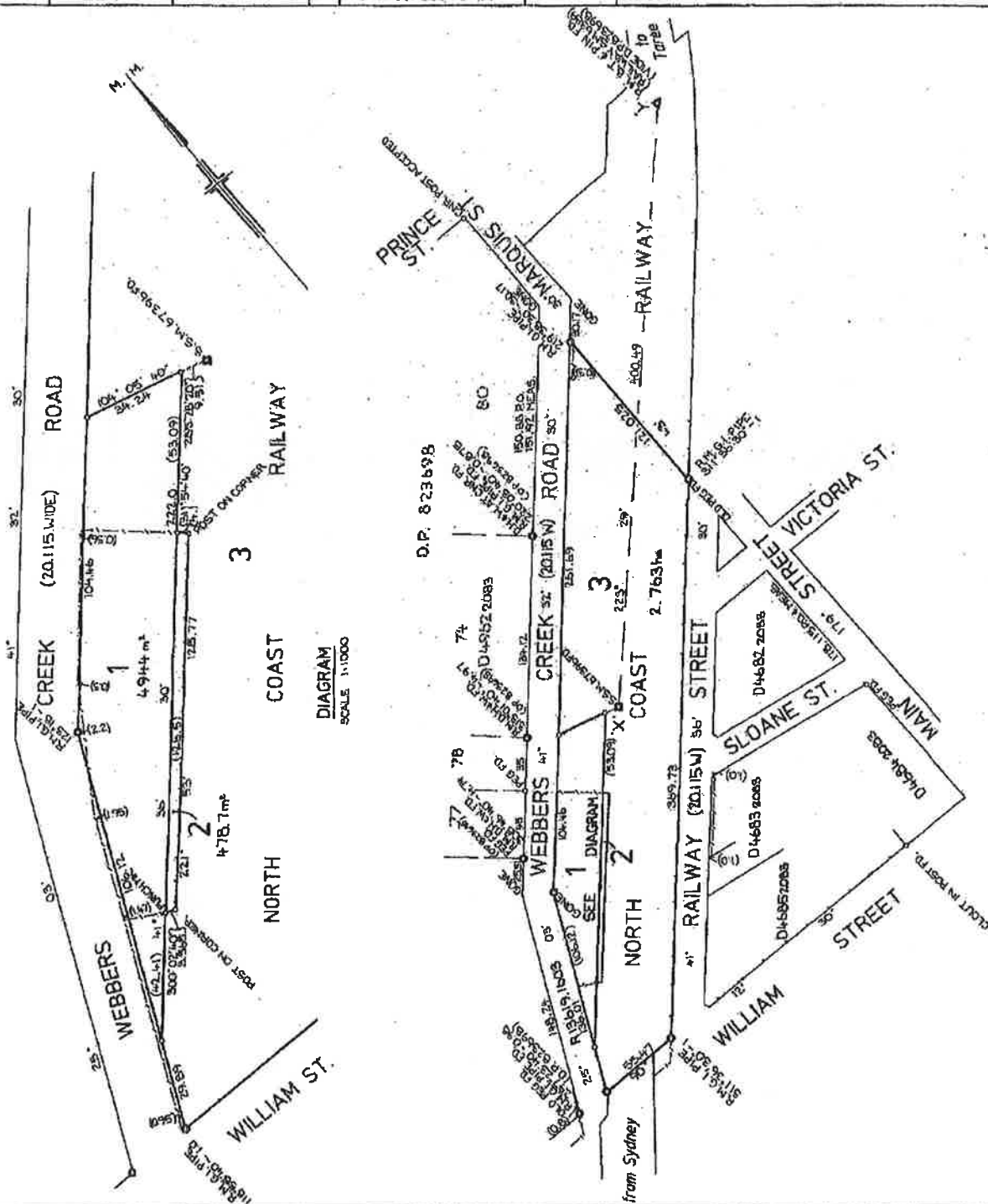
BRUCE K. BAKER

appeared under the Surrogate Act, 1898, as being granted custody of the said child.

0-2-96
Sgt. R. M. S. -
Superintendent under Attorney Act, 1870, at Birmingham.
Crown Life of Birmingham.

Plans used in preparation of survey/compilation:
D.P. 733012
D.P. 813698
D4683-2083
D4684-2083
D4685-2083
D4687-2083

PANEL FOR USE ONLY for statements of intention to dedicate public lands to create public reserves, manage reserves, assess, reevaluate on the use of land by local governments



WARNING: CREATING OR FOLDING WILL LEAD TO REJECTION

WHAT'S HEARING? 11 EG

1166

6: / Src: U 97-01TR

Licence: 026CN/0617/96

TRANSFER
including easement

5590048W

New South Wales
Real Property Act 1900

Office



00*2

E0/640ZZ8008 40 50ZZ 6610ZZ

(A) LAND TRANSFERRED

If appropriate, specify the share transferred.

(B) TENEMENTS

Certificate of Title Folio Identifier 1/860372

Servient (land burdened)

1/860372

Dominant (land benefited)

(C) LODGED BY

LTO Box <i>1089x</i>	name, address L. J. & W. RALPH CITY LEGAL SEARCHING SERVICES Level 2, Suite 3 195 Macquarie St, SYDNEY 2000 Ph: 9223 9488 DX882 SYDNEY
REFERENCE <i>SB/Wallaby Fab.</i>	

(D) TRANSFEROR**STATE RAIL AUTHORITY OF NSW****(E)** acknowledges receipt of the consideration of **THIRTY SEVEN THOUSAND DOLLARS (\$37,000.00)** transfers to the transferee**(F)** an estate in fee simple and the transferor - ~~grants an easement as set out in Schedule One hereto~~**(G)** - reserves an easement ~~as set out in Schedule Two hereto~~ **in gross****(H)** Encumbrances (if applicable) 1. 2. 3. 4.**(I) TRANSFEREE**

T	WALLABY FABRICATION PTY LIMITED ACN 064 639 274
TENANCY:	

(J)**(K)** We certify this dealing correct for the purposes of the Real Property Act 1900. DATE _____
Signed in my presence by the transferor who is personally known to me.

The Common Seal of STATE RAIL AUTHORITY

of NEW SOUTH WALES was hereunto affixed

in the presence of:-

Name of Witness (BLOCK LETTERS) *NOTARISED OFFICER*

Address of Witness

D. SIMON 2.2.99
GENERAL MANAGER
CORPORATE SERVICES

Signed in my presence by the transferee who is personally known to me.

THE COMMON SEAL of WALLABY FABRICATION**PTY LIMITED ACN 064 639 274** was hereuntoaffixed in the presence of the Sole
Director thereof:-

Name of Witness (BLOCK LETTERS)

Address of Witness

Signature of Transferor

Signature of Transferee

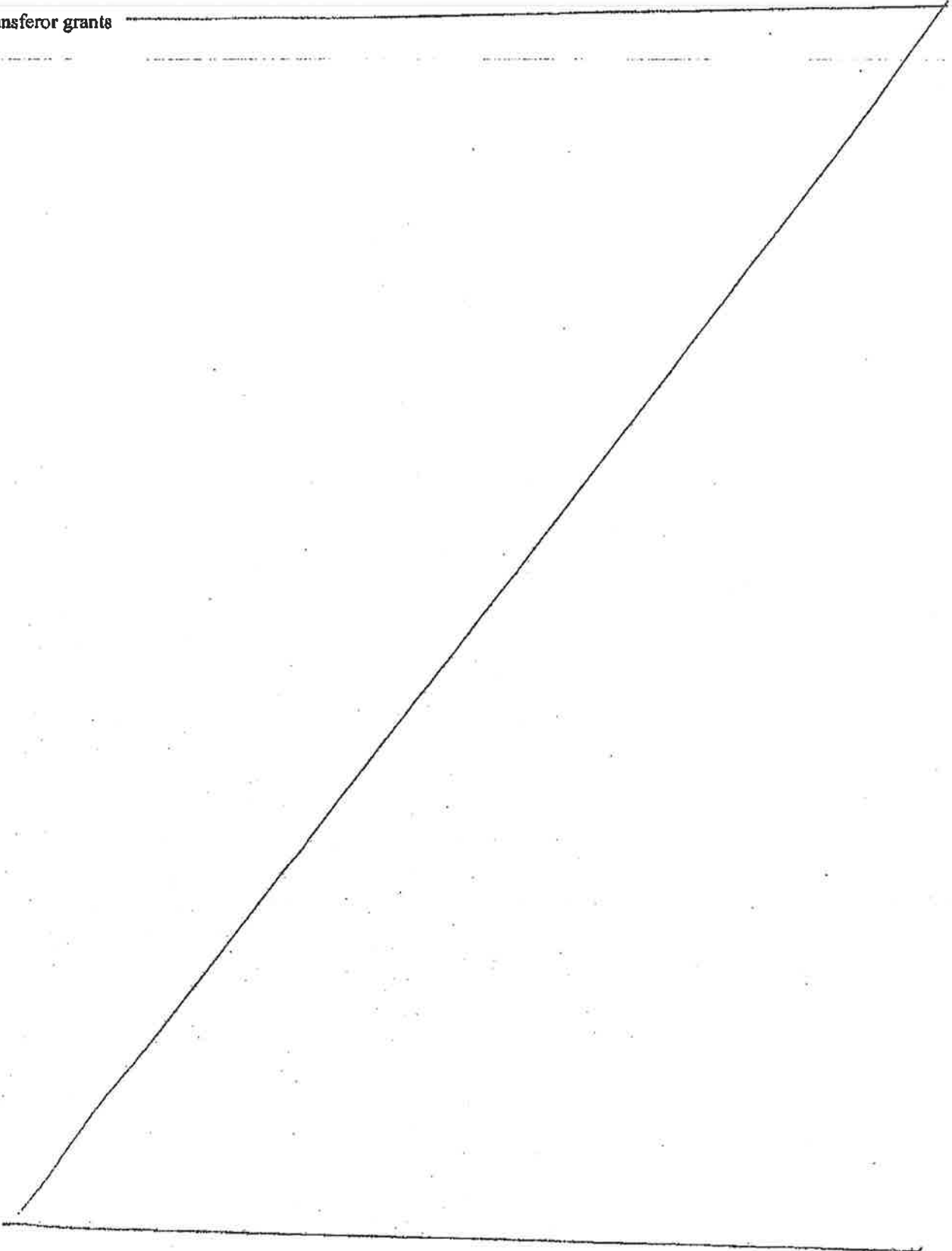


(L)

SCHEDULE ONE
grant of easement

Complete the Tenement's panel on the front

The transferor grants



(M)

SCHEDULE TWO
reservation of easement

Complete the Tenements panel on the front

1.

The transferor reserves for itself, its successors and assigns and all persons authorised by it or them the right to cause such noise or vibration and electrolysis as may arise from its Operations to be transmitted into and across the land burdened.

AND

The Transferee as owner of the land burdened covenants with the Transferor its successors and assigns as follows:-

- (a) to waive all rights and remedies which it might otherwise have had against the Transferor arising out of the exercise of rights in this easement; and
- (b) to indemnify the Transferor against any demand, claim, suit or proceeding which might be made against the Transferor arising from its exercising its rights under this easement.

For the purpose of this clause, "Operations" includes all activities, infrastructure and works related to the operation of railway passenger services and railway passenger services and railway freight services and any such transport service which is additional to or in substitution for any railway service.

2.

The Transferee for itself, its successors and assigns covenants with the Transferor for the benefit of the Transferor its successors and assigns that the Transferee will not without the prior written approval of the Transferor (all costs and expenses of the Transferor in connection therewith to be met by the Transferee):-

- (a) permit, allow or cause any water to be discharged from the land burdened onto, in, under or through any land owned by the Transferor.
- (b) erect or allow any drainage works to be erected on the land burdened unless they are also approved by the Council in the local Government area in which the land burdened is situate and/or by Sydney Water.

The prescribed Authority pursuant to Section 88E of the Conveyancing Act 1919 that is imposing this restriction in the State Rail Authority of New South Wales.

This land burdened by this restriction on use is the land hereby transferred.

THE COMMON SEAL OF WALLABY FABRICATION
PTY LIMITED ACN 064 639 274 was hereunto
affixed in the presence of the Sole
Director thereof:-



[Signature]
Sole Director.

[Signature]

APPENDIX G.3

Title Search

TITLE SEARCH

Title Reference: 1/860372

LAND AND PROPERTY INFORMATION NEW SOUTH WALES - TITLE SEARCH

FOLIO: 1/860372

SEARCH DATE	TIME	EDITION NO	DATE
16/2/2016	2:46 PM	4	28/1/2016

LAND

LOT 1 IN DEPOSITED PLAN 860372
AT PATERSON
LOCAL GOVERNMENT AREA DUNGOG
PARISH OF HOUGHTON COUNTY OF DURHAM
TITLE DIAGRAM DP860372

FIRST SCHEDULE

BENJAMIN MARK BURGMANN
SALLY MAY BURGMANN
AS JOINT TENANTS

(T AK58156)

SECOND SCHEDULE (4 NOTIFICATIONS)

- 1 RESERVATIONS AND CONDITIONS IN THE CROWN GRANT(S)
- 2 5590048 EASEMENT FOR NOISE OR VIBRATION AND ELECTROLYSIS
AFFECTING THE LAND ABOVE DESCRIBED
- 3 5590048 RESTRICTION(S) ON THE USE OF LAND
- 4 AK58157 MORTGAGE TO COMMONWEALTH BANK OF AUSTRALIA

NOTATIONS

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

PRINTED ON 16/2/2016

* ANY ENTRIES PRECEDED BY AN ASTERISK DO NOT APPEAR ON THE CURRENT EDITION OF THE CERTIFICATE OF TITLE.
WARNING: THE INFORMATION APPEARING UNDER NOTATIONS HAS NOT BEEN FORMALLY RECORDED IN THE REGISTER.

APPENDIX G.4

Dungog Council correspondence dated 16/02/16

Please note that this advice is general in nature as Council has not reviewed the proposed zonings in accordance with the relevant State Environmental Planning Policies and s117 Directions. It is recommended that you also consider these requirements when determining your preferred zoning and whilst completing the Planning Proposal document as detailed below.

For Council to formally accept your application you will need to lodge the following information:

1. Amended rezoning application form;
 2. Application fee of \$6,000 upon lodgement. A further \$6,000 is required after a Gateway Determination is issued by the Department of Planning & Environment and prior to any exhibition.
 3. A Planning Proposal prepared in accordance with the Department of Planning & Environment – Guide to preparing planning proposals which can be found at the following link - <http://www.planning.nsw.gov.au/~media/Files/DPE/Manuals-and-guides/a-guide-to-preparing-planning-proposals-2012-10.ashx>
 4. Relevant supporting information and studies.
- (Four hardcopies and one electronic copy)

Once Council has received the application the proposal will be reported to an Ordinary Meeting of Council for a resolution to support the proposal prior to referral to the Department of Planning and Environment for a Gateway Determination.

Once the planning proposal is submitted to the Department it is assessed before being considered by the LEP Review Panel. The Panel will make a recommendation as to whether there is merit in the proposal proceeding and if so, whether any conditions should be attached to the proposal or studies undertaken to ensure it progresses.

As previously advised the *Environmental Planning and Assessment Act 1979* permits a Development Application to be lodged concurrently. Please see the attached guide to assist you in the preparation of information for a vehicle repairs development application. <http://www.dungog.nsw.gov.au/sites/dungog/files/public/images/documents/dungog/mig/2433-Vehicle.pdf>

For further information on this matter, please do not hesitate to contact Council's Planning Department on 4995 7777 between 9am and 12 noon weekdays.

Yours faithfully,



Kristy Cousins
TOWN PLANNER