

Planning Proposal to Amend Dungog Local Environmental Plan 2014

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

Proponent Details:

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PART 1 – OBJECTIVES OR INTENDED OUTCOMES

The intent of the Planning Proposal is to amend the Dungog LEP 2016 by rezoning the property identified as, Lot 1 DP 860372 Webbers Creek Road, Paterson (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.

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 adopted Lower Hunter Regional Strategy and therefore the objectives and actions do not apply in this case.

The recently adopted Hunter Regional Plan 2036 provides the strategic framework for Dungog LGA and identifies four key goals. Goal 1 – The leading regional economy in Australia, Goal 2 – A biodiversity-rich natural environment and Goal 3 – Thriving Communities have limited relevance to the proposal due to the minor nature of rezoning and the lack of biodiversity on and in the vicinity of the site. The directions and actions associated with Goal 4 – Greater housing choice and jobs are more applicable to the proposal, which seeks to rezone former infrastructure land to a village zone that permits a range of land uses, services and facilities. The planning proposal is consistent with the following actions:

Action 21.1 – Promote development that respects the landscape attributes and the character of the metropolitan areas, towns and villages

Comment: The proposal respects the landscape attributes and character of the Paterson village with minimal changes to the site.

Action 21.2 – Focus development to create compact settlements in locations with established services and infrastructure.

Comment: The site is located within the existing village of Paterson, being located across the road from the primary school and preschool and located to the north of existing industrial zoned land. There is existing road access and pedestrian access to the railway station and electricity and reticulated water are connected to the site. Paterson does not benefit from

a reticulated sewerage system and there is an existing on-site sewage management system on the site.

Action 21.4 – Create a well-planned, functional and compact settlement pattern that responds to settlement planning principles and does not encroach on sensitive land uses, including land subject to hazards, drinking water catchments or on areas with high environmental values.

Comment: The site is not subject to any identified hazard, is not within a drinking water catchment and does not have high environmental values. A primary school and preschool are located on the opposite side of Webbers Creek Road in close proximity to the site. The location of these land uses was the primary reason why a zoning of RU5 Village is proposed rather than a zoning of IN1 General Industrial, both of which permit the intended land use of a vehicle repair station.

Action 21.5 – Promote small-scale renewal in existing urban areas, in consultation with the community and industry to ensure that this occurs in the right locations.

Comment: The planning proposal was publically exhibited and no objections/submissions were received. The planning proposal would rezone approximately 4000 m² of currently unused, former infrastructure land to provide additional services and facilities to the village of Paterson.

Action 22.5 – Include guidance in local land use strategies for expanding rural villages and rural-residential development so that such developments will:

- Not impact on strategic or important agricultural land, energy, mineral or extractive resource viability or biodiversity values;
- Not impact on drinking water catchments;
- Not result in greater natural hazard risk;
- Occur on land that is unlikely to be needed for urban development;
- Contribute to the conservation of important biodiversity values or the establishment of important corridor linkages
- Facilitate expansion of existing and new tourism development activities in agriculture or resource lands and related industries across the region.

Comment: The site is located within the existing village of Paterson and will not result in any of the above impacts.

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

Dungog LGA does not have an endorsed local planning strategy. However, the Planning Proposal is consistent with the Hunter Regional plan 2036 as detailed in Part 3 Section B (3) of the Planning Proposal as well as the Dungog 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**).

The Gateway Determination required SEPP 55 – Remediation of Land to be addressed. Clause 6(2) of SEPP 5 states that:

“Before including land of a class identified in subclause (4) in a particular zone, the planning authority is to obtain and have regard to a report specifying the findings of a preliminary investigation of the land carried out in accordance with the contaminated land planning guidelines”.

A Preliminary Site Investigation has been undertaken by Valley Civilab Pty Ltd to develop an understanding of potential risks to human health and/or the environment relating to potential site contamination as may exist within the general context of site use under the proposed RU5 – Village zoning and within the more specific context of the proposed development of a vehicle repair station. The scope of works completed to address these objectives comprised the following core elements:

- Definition of current site conditions through review of available online resources;
- Development of a site history summary including review of historical land ownership, historical aerial/satellite imagery and relevant regulatory databases;
- Development of a site setting summary including review of available information pertaining to regional topography, geology, hydrogeology, heritage and contamination;
- Consolidation of the summaries described above through site inspection and interview of key personnel; and
- Preparation of a preliminary Conceptual Site Model (CSM).

The Conceptual Site Model prepared does not identify potentially complete exposure pathways between contaminants and receptors and while it is difficult to conclusively exclude the potential presence of contaminant sources the presence of concentrated or large scale contaminant impacts at the site is considered unlikely.

Within the context of the scope of works executed under the PSI and the associated Conceptual Site Model Valley Civilab consider the site likely to be suitable for both the proposed RU5 – Village zoning and the proposed vehicle repair station.

A copy of the Preliminary Site Investigation required by SEPP 55 – Remediation of Land is included in **Appendix H**.

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

The Planning Proposal is generally 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.

Contamination

A Preliminary Site Investigation (PSI) has been undertaken by Valley Civilab Pty Ltd for the subject site, being Lot 1 DP 860372 Webbers Creek Road, Paterson NSW (see **Appendix H**). The report has been prepared to develop an understanding of potential risk to human health and/or the environment relating to potential site contamination as may exist within the general context of site use under proposed RU5 Village zoning and within the more specific context of proposed development of a vehicle repair station. The report concluded that:

“The Conceptual Site Model prepared does not identify potentially complete exposure pathways between contaminants and receptors and while it is difficult to conclusively exclude the potential presence of contaminant sources the presence of concentrated or large scale contaminant impacts at the site is considered unlikely.

Within the context of the scope of works executed under this PSI and the associated Conceptual Site Model, Valley Civilab consider the site likely to be suitable for both the proposed RU5 - Village zoning and the proposed vehicle repair station”.

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 Gateway Determination required consultation with the Australian Rail Track Corporation (ARTC) under Section 56(2)(d) of the Act. The ARTC was provided with a copy of the planning proposal and supporting information and given 21 days to provide comments.

A response was received from ARTC on 6 December 2016, who advised that they have no objection to Council rezoning the land and that there are no current proposed or planned works by ARTC that would impact on the property. A copy of the correspondence from ARTC is included in **Appendix E**.

No other consultation with State or Commonwealth Public Authorities was required by 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.

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 was considered to be low impact and as such was publicly exhibited for a minimum period of 14 days in accordance with the Department of Planning's guidelines "A guide to preparing local environmental plans" and the Gateway Determination. The public exhibition period extended from Wednesday 9th November 2016 to Thursday 24th November 2016 and included:

- Notice in the Local newspaper;
- Exhibition at the Councils Administration Building;
- Exhibition at Dungog Public Library;
- Exhibition at Paterson Country Café and Store;
- Exhibition on Dungog Shire Council's Website; and
- Letters to property owners within the immediate area, including Paterson Pre-school Kindergarten, Paterson Public School and Australian Rail Track Corporation (ARTC)

There were no submissions received, other than a response from ARTC stating that there was no objection to the proposed rezoning (see Appendix E).

PART 6 – PROJECT TIMELINE

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

Item	Estimated Date for Completion	Actual Date for Completion
Commencement Date – Gateway Determination	July 2016	6 July 2016
Timeframe for Completion of Technical Information	October 2016	15 September 2016
Government Agency Consultation (as required by the Gateway)	November 2016	4 November 2016 – 30 November 2016
Commencement and Completion Dates for Public Exhibition Period	November/December 2016	9 November 2016 – 24 November 2016
Dates for Public Hearing	N/A	N/A
Timeframe for consideration of submissions	January 2016	N/A
RPA Assessment of Planning Proposal and exhibition outcomes	March 2017	December 2016
Submission of endorsed LEP to the Department for finalisation	April 2017	December 2016
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

INSTRUMENT	APPLICABLE	CONSISTENT
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 undertaken in accordance with SEPP 55. Phase 2 report not 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.
SEPP (Housing for Seniors or People with a Disability) 2004	No	Nothing in this planning proposal affects the aims and provisions of this SEPP.

<i>INSTRUMENT</i>	<i>APPLICABLE</i>	<i>CONSISTENT</i>
SEPP (Infrastructure) 2007	YES	Due to proximity of railway line the provisions of the SEPP will need to be addressed in future DA's. ARTC raised no objection to planning proposal during agency consultation.
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	Yes	DoPE has advised that inconsistency is of minor significance and no further approval required.
3.2 Caravan Parks and Manufactured Home Estates	No	Caravan park or manufactured home estate not proposed.
3.3 Home Occupations	Yes	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 railway station.

Ministerial Direction	Applicable/Relevant	Consistency & Implications
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	Lower Hunter Regional Strategy does not apply to Dungog LGA.
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	Yes	Consistent with Hunter Regional Plan 2036. See Part 3 Section B for details.
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 Minett, 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
Council

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 adjoining 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



Unit 5, 33 Newton Street
Broadmeadow NSW 2292
Locked Bag 1
Broadmeadow NSW 2292

P. 02 4941 9500
F. 02 4941 9739
E. info@artc.com.au
W. artc.com.au

Mr William Cummins

73 Railway Street
Paterson NSW 2420

17 March 2015

Dear William

Lot 1 in Deposited Plan 880372 – 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



Unit 5, 54 Newton Street
Broadmeadow NSW 2292
Locked Bag 1
Broadmeadow NSW 2282

P: 02 4941 9800
F: 02 4941 9738
E: info@arts.com.au
W: arts.com.au

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

6 December 2016

Dear Sir/Madam

Draft Amendment to Dungog LEP 2014 – Planning Proposal – Lot 1 DP 860372, Webbers Creek Road, Paterson

Thank you for your correspondence dated 4 November 2016 regarding the Draft Amendment to the Dungog LEP 2014 for the abovementioned land.

Further to correspondence attentioned to William Cummins in March 2015 provided in your correspondence ARTC advise:

The land was disposed of on 3 February 1999 by the previous rail entity.

We have no objection to Council rezoning 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 property 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,

Nicole Spear

Nicole Spear
Property Officer - Newcastle

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

PLAN FORM 2

Signature and Seal Only

OFFICE USE ONLY

DP 860372

Registered 22.7.1996

C.A.

Title System OLD SYSTEM

Purpose SUBDIVISION

Ref No. PATERSON 14

Lot Plan

PLAN OF FORMER DUNLOP LAND REQUIRED FOR PART OF MANTLAND - DAMOON FWAY BY NOTICES OF PROCLAMATION AND AND No. 78 of 1/7/2008

Location Map 1: 25000

L.O.A. SHIRE DUNLOP

Locality PATERSON

Public HOUGHTON

County DURHAM

This is Sheet 1 of 10 sheets.

Surveyor S.A. HENDON

Survey Date 1/7/2008

Survey No. 14

Project used in preparation of survey compliance

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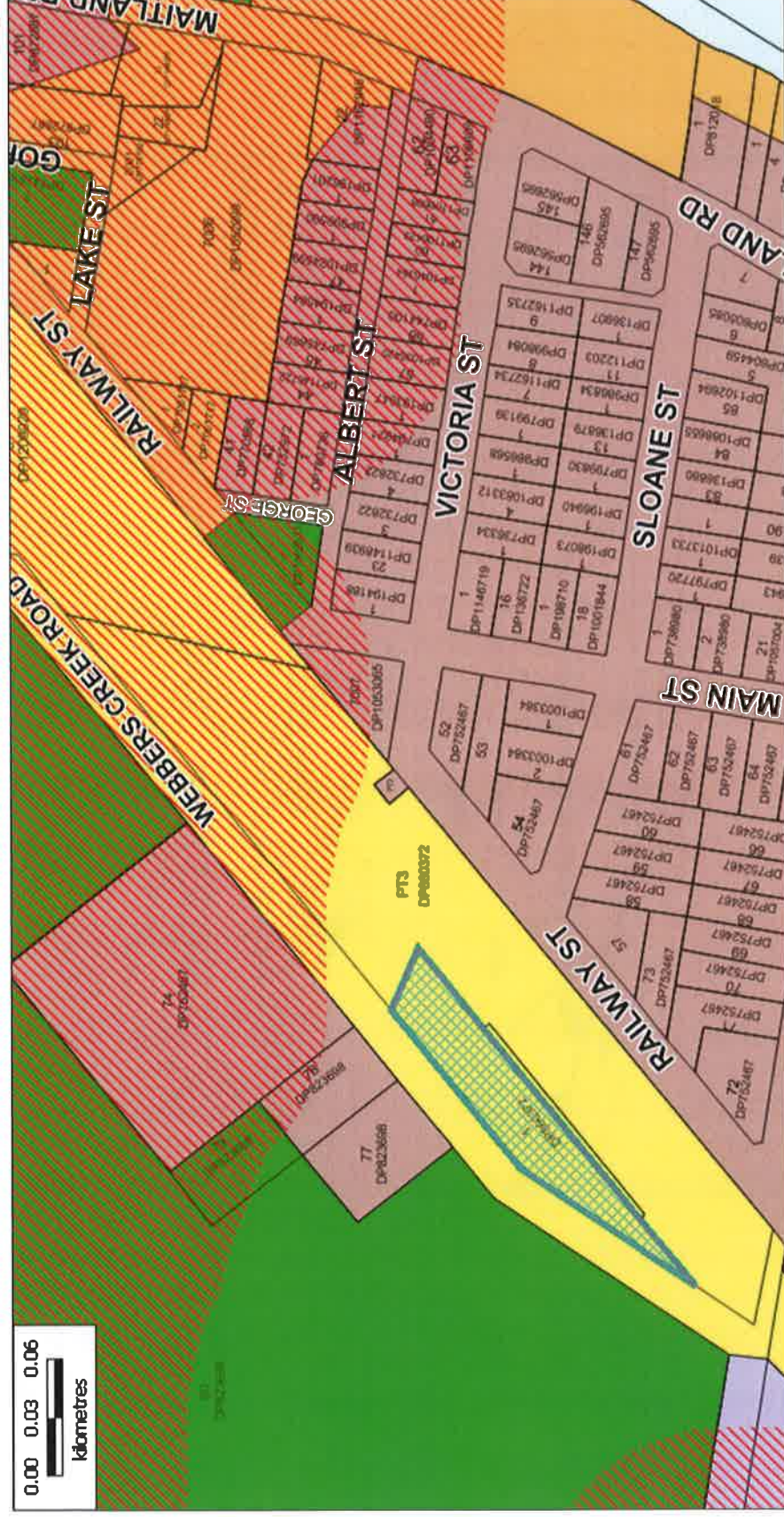
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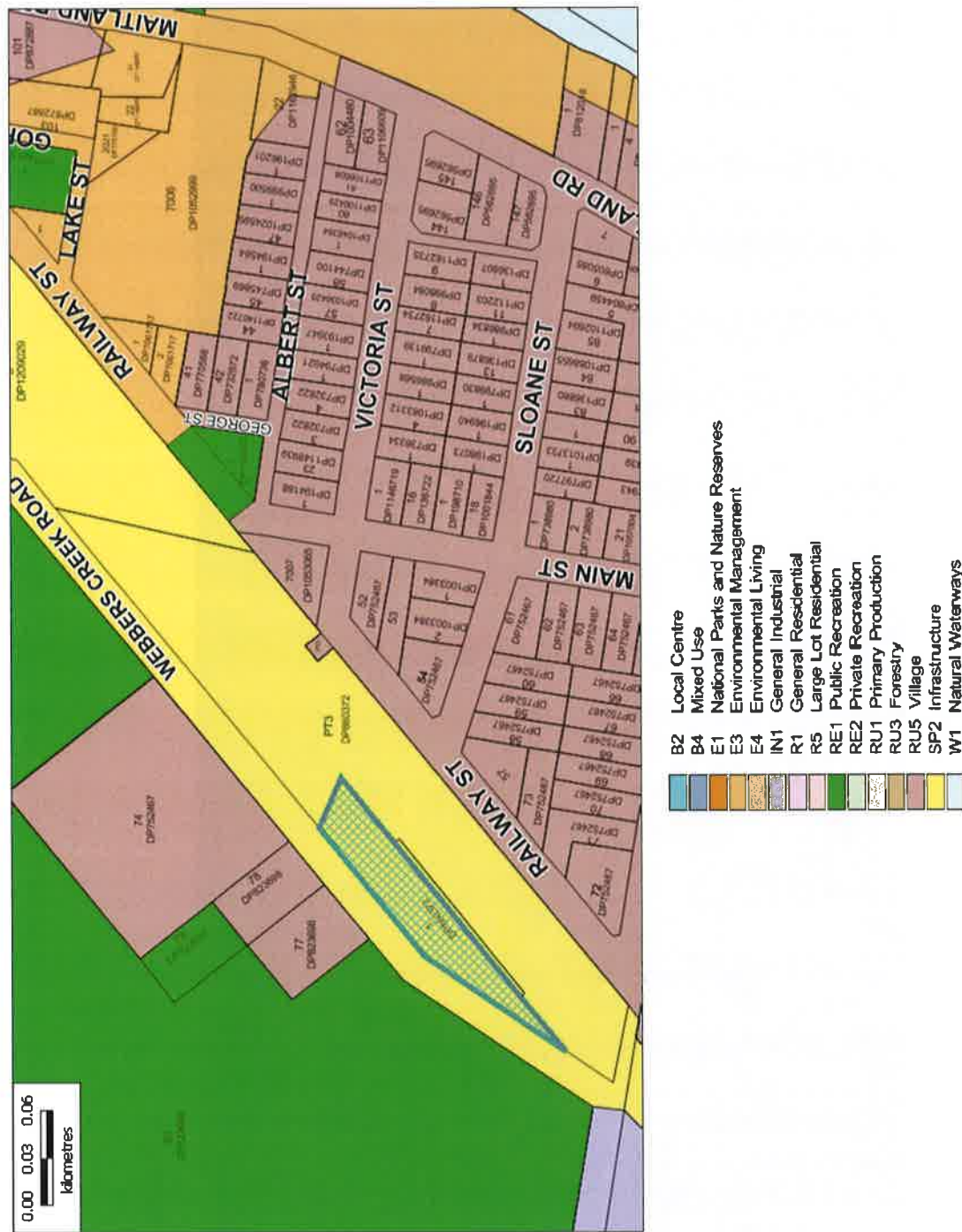
Site Plan showing boundary dimensions

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