

Amendment to Dungog LEP 2014 - 1 Webber Creek Road, Paterson

Proposal Title : **Amendment to Dungog LEP 2014 - 1 Webber Creek Road, Paterson**

Proposal Summary : **The Planning Proposal aims to amend Dungog LEP 2014 by rezoning Lot 1, DP 860372, No.1 Webber Creek Road, Paterson from SP2 Infrastructure (Rail Infrastructure Facility) to RU5 Village.**

PP Number : **PP_2016_DUNGO_001_00** Dop File No : **16/08495**

Proposal Details

Date Planning Proposal Received : **23-Jun-2016** LGA covered : **Dungog**

Region : **Hunter** RPA : **Dungog Shire Council**

State Electorate : **UPPER HUNTER** Section of the Act : **55 - Planning Proposal**

LEP Type : **Spot Rezoning**

Location Details

Street : **1 Webber Creek Road**

Suburb : **Paterson** City : **Paterson** Postcode : **2421**

Land Parcel : **Lot 1, DP 860372 being land currently zoned SP2 Infrastructure (Rail Infrastructure Facility)**

DoP Planning Officer Contact Details

Contact Name : **Susan Blake**

Contact Number : **0249042720**

Contact Email : **susan.blake@planning.nsw.gov.au**

RPA Contact Details

Contact Name : **Jenny Webb**

Contact Number : **0249957767**

Contact Email : **shirecouncil@dungog.nsw.gov.au**

DoP Project Manager Contact Details

Contact Name :

Contact Number :

Contact Email :

Land Release Data

Growth Centre : **N/A** Release Area Name : **N/A**

Regional / Sub Regional Strategy : **N/A** Consistent with Strategy : **N/A**

Amendment to Dungog LEP 2014 - 1 Webber Creek Road, Paterson

MDP Number :

Area of Release (Ha) 0.49

:

Date of Release :

Type of Release (eg

Residential

Residential /

Employment land) :

No. of Lots : 0

No. of Dwellings

1

(where relevant) :

Gross Floor Area : 0

No of Jobs Created :

3

The NSW Government Yes

Lobbyists Code of

Conduct has been

complied with :

If No, comment :

Have there been No

meetings or

communications with

registered lobbyists? :

If Yes, comment :

Supporting notesInternal Supporting
Notes :

Historically, the land was owned by the State Rail Authority and sold in February 1999 because it was no longer required.

Delegation Authorisation

The Minister delegated his plan making powers to Council's in October 2012, Dungog Shire Council did not accept this delegation.

External Supporting
Notes :

Council has indicated that the planning proposal will be undertaken concurrently with the assessment of a development application for a vehicle repair station on the site. The Department supports this approach.

Adequacy Assessment**Statement of the objectives - s55(2)(a)**

Is a statement of the objectives provided? Yes

Comment :

The statement of objectives adequately outlines the intent of the planning proposal to rezone the site from SP2 Infrastructure (Rail Infrastructure Facility) to RU5 village.

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? Yes

Comment :

The explanation of provision clarifies that the subject land was zoned SP2 Infrastructure (Rail Infrastructure Facility) under Dungog LEP 2014, as the site was previously owned by Australian Rail Track Corporation (ARTC) and used for the storage of rail materials, equipment and as a workshop. The SP2 zoning is redundant as the site is no longer owned by ARTC and no longer used for rail related activity.

Council supports the rezoning of privately owned land to RU5 Village zone because it is considered consistent and complimentary with the surrounding land uses.

The explanation of provisions is supported.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **No**

b) S.117 directions identified by RPA :

1.3 Mining, Petroleum Production and Extractive Industries

* May need the Director General's agreement

3.1 Residential Zones

3.2 Caravan Parks and Manufactured Home Estates

3.3 Home Occupations

3.4 Integrating Land Use and Transport

4.1 Acid Sulfate Soils

Is the Director General's agreement required? **Yes**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified?

SEPP No 55—Remediation of Land

SEPP (Infrastructure) 2007

e) List any other matters that need to be considered :

Have inconsistencies with items a), b) and d) being adequately justified? **Unknown**

If No, explain :

SEPP 55 - Remediation of Land

Comment: Railway yards are identified as an activity that may cause contamination under the Managing Land Contamination Planning Guidelines.

As the site is being rezoned, a contamination assessment is required to determine whether the land is suitable in its contaminated state (or will be suitable, after remediation) for all the purposes in the RU5 village zone.

Section 117 Directions

The planning proposal is considered consistent with the relevant S.117 Directions. Consultation with the Department of Primary Industries (Resources) under S.117 Direction 1.3 Mining, Petroleum Production and Extractive Industries, is not required because open cut mining remains prohibited in the proposed RU5 Village zoning, and Patterson has not been identified as having coal or coal seam gas resources (discussed later in the report).

S.117 Direction Residential Zones, is inconsistent, however the inconsistency is considered to be of minor significance.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment :

Council has limited GIS resources. The Department advised Council that it is willing to prepare the amending LEP maps, subject to having sufficient GIS resources. The planning proposal only involves an amendment to the zoning map LZN_006AD. No changes are required to the lot size map.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment :

The planning proposal is considered low impact and requires a 14 day consultation period in accordance with Department's Guidelines. Council intends to notify the development application concurrently with the rezoning exhibition, and 14 days also aligns with Council's DCP notification requirements.

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment :

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation to Principal LEP : **The comprehensive Dungog LEP was published in June 2014.**

Assessment Criteria

Need for planning proposal :

The current zoning of the site is redundant, and a planning proposal is the most appropriate mechanism to investigate rezoning the land.

Council considered several zoning options for the site. It supports the proposed RU5 Village zone as it permits a range of land uses, including vehicle repair station, which are considered consistent with surrounding developments. There is a primary school, preschool, rural fire services brigade station, public sports grounds and golf course within close proximity.

Potentially, the subject land could have been rezoned to either B2 Local Centre, B4 Mixed Use or IN1 Industrial zones to accommodate the proposed development. These alternative zones were not considered appropriate because the B2 and B4 zones are only used in the larger commercial areas of Dungog and Clarence Town. Whereas, the IN1 Industrial zone could create a potential land use conflict with surrounding properties.

In this instance, the proposed RU5 Village zone has strategic merit, given the surrounding land uses.

Consistency with strategic planning framework :

Upper Hunter Strategic Regional Land Use Plan (UHSRLUP)

The site is located within Paterson, which is identified as a village in the UHSRLUP. The village is not identified as having coal or coal seam gas resources, other minerals, and the site is not identified as being strategic agricultural land. The proposed rezoning is minor in nature, and considered consistent with the the UPSRLUP.

Draft Hunter Regional Plan (HRP)

The draft HRP supports creating robust regional communities, focusing growth, employment, housing and service delivery within existing towns and villages. The rezoning is located within the boundary of the village, and will contribute to the redevelopment of the land to a use which will support the Paterson village. The proposal is considered consistent with the draft HRP.

Environmental social economic impacts :

Council has considered the environmental, social, and economic outcomes of the site, and is satisfied the proposed rezoning will provide a net community benefit.

As the site was previously used as railway yards, a contaminated land assessment will need to be undertaken, prior to exhibition. The Gateway determination has been conditioned accordingly.

Amendment to Dungog LEP 2014 - 1 Webber Creek Road, Paterson

The land is bounded by the Main Northern Rail Line to the east, and as future development may involve residential or other sensitive developments, consideration of the NSW Planning's 'Development Near Rail Corridor's and Busy Roads - Interim Guidelines and cl.87 of the SEPP (Infrastructure) 2007 is required. An acoustic report will be required, however this issue can be assessed as part of the development application, and made applicable to the use being proposed on the site.

The land is relatively flat, and predominately cleared. It has not been identified as containing critical habitat or threatened species, populations or ecological communities or their habitats.

Utility services can be connected or are available. Paterson has no reticulated sewer. There is a small industrial shed located on the subject land and Council indicated that it should be possible to enlarge the existing onsite sewage management system to accommodate the proposed vehicle repair station. The size of the onsite sewage management system will be resolved as part of the development application process.

The site is not mapped as bushfire prone, nor affected by flooding. The site is located outside the Heritage Conservation Area and not located near a heritage listed item.

Assessment Process

Proposal type :	Minor	Community Consultation Period :	14 Days
Timeframe to make LEP :	9 months	Delegation :	DG
Public Authority Consultation - 56(2)(d) :	Other		

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons :

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

Other - provide details below

If Other, provide reasons :

Contaminated Land Study - SEPP 55

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
Covering_Letter_Dungog_LEP_2014_Rezoning_Paterson.pdf	Proposal Covering Letter	Yes

Amendment to Dungog LEP 2014 - 1 Webber Creek Road, Paterson

Planning_Proposal_1_Webbers_Creek_Rd_Paterson.pdf	Proposal	Yes
Zoning_Maps_DLEP2014_Lot_1_DP_860372.pdf	Map	Yes

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions: **1.3 Mining, Petroleum Production and Extractive Industries**
 3.1 Residential Zones
 3.2 Caravan Parks and Manufactured Home Estates
 3.3 Home Occupations
 3.4 Integrating Land Use and Transport
 4.1 Acid Sulfate Soils

Additional Information : **It is recommended the Planning Proposal proceed subject to the following conditions:**

1. Council is to address the requirements of State Environmental Planning Policy (SEPP) 55 – Remediation of Land. Council is to prepare a contamination assessment to determine whether the land is suitable in its contaminated state (or will be suitable, after remediation) for all the proposed land uses in the RU5 Village zone. The contamination assessment is to be included as part of the public exhibition material.

2. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("the Act") as follows:

**(a)the planning proposal must be made publicly available for a minimum of 14 days; and
(b)the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of A Guide to Preparing LEPs (Department of Planning & Environment 2013).**

3. Consultation is required with the Australian Rail Track Corporation under section 56(2)(d) of the Act. The Australian Rail Track Corporation is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.

4. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

5. The timeframe for completing the LEP is to be 9 months from the week following the date of the Gateway determination.

Supporting Reasons : **Dungog Shire Council has identified the need for this amendment to progress a development application for a vehicle repair station on the subject land.**

Council has considered several options to achieve the development of the site, and Council's preference is to enable the site to be zoned RU5 Village consistent with the surrounding land uses.

Council has requested a 9 month timeframe to finalise the planning proposal as Council is concurrently assessing the development application. This timeframe will enable a contamination assessment, acoustic and other reports to be prepared for the rezoning/development application.

Signature:



Printed Name:

Robert Hodgkins

Date:

6/7/2016

