



Dungog Shire Council

PLANNING PROPOSAL

Amendment to the Dungog Local Environmental Plan 2014

Lot 1 DP 867951

1177 Fosterton Road, Fosterton

Version 1

August 2021

Planning Proposal

Lot 1 DP 867951

File Number: RA/171/82/46

Dungog Shire Council
198 Dowling Street, Dungog

Contact – Strategic Planning

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Introduction

Council has received a planning proposal to amend the Dungog Local Environmental Plan 2014 (Dungog LEP) for the purpose of including Lot 1 DP 867951, 1177 Fosterton Road, Fosterton in Schedule 1 of the Dungog Local Environmental Plan 2014 provide a dwelling entitlement.

This planning Proposal has been prepared in accordance with Section 3.33 of the *Environmental Planning and Assessment Act 1979* and the Department of Planning, Industry and Environments *Guide to preparing planning proposals*. A Gateway Determination under Section 3.34 of the *Environmental Planning and Assessment Act 1979* is being sought.

Background

The subject site is the result of development application DA 171/93/54 for a one (1) into five (5) lot subdivision. The subdivision for the subject site was permissible under *Clause 22 Subdivision for the purpose other than agriculture or a dwelling house* of the Dungog Local Environmental Plan 1990 and was registered on 20 April 1994.

The subject site was identified as being for the purpose of a private quarry and was not afforded a dwelling entitlement.

Dwelling Entitlements in the Fosterton locality

Generally, the Fosterton area is fragmented into lots below 60Ha which are developed with a dwelling and/or are utilised for agriculture. Many landholders own multiple lots that comprise one holding, wherein agriculture is spread across these multiple lots. Some of these holdings have the dwelling located on the larger lot and have adjoining smaller lots under the same address. The subject site, given the topography, heavy vegetation and small land area the site is not suitable for agriculture or any other use, other than a dwelling house. In the image below, councils' records indicate eight (8) lots in the immediate locality that may not have dwelling entitlement. Those highlighted have a dwelling entitlement and/or are under the same residential address as a lot that has entitlement. Of these, two (2) lots could be amalgamated to meet the minimum lot size requirements for a dwelling, whilst six (6) are in separate ownership. As evident in the aerial image these lots, are generally clear of vegetation and could accommodate some form of agriculture, unlike the constrained subject site. Given the characteristics of the subject site in comparison to those in the locality possibly without entitlement, it is not considered that there this proposal would set a precedent for additional dwelling entitlements in the area.



Figure 1: Aerial Image – lots highlight have a dwelling entitlement.
Lots with blue dot do potentially not have dwelling entitlement

Site and Locality

The subject site has an area of 6.5ha and is located in Fosterton, on the Fosterton loop north of Dungog. The subject site is an elongated allotment that affronts Fosterton Road, with the western boundary following the road. The topography of the site is undulating with the site rising from the western boundary towards the eastern boundary. The site is predominately covered in dense vegetation with two (2) cleared areas at either end of the site. To the north east of the site is the Killarney Nature Reserve and Fosterton State Forest. The site is zoned RU1 Primary Production and has a minimum lot size of 60ha under the Dungog LEP.



Figure 2: Aerial Image showing subject site in the Fosterton locality.



Figure 3 – Zoning Map with subject site – RU1 Primary Production

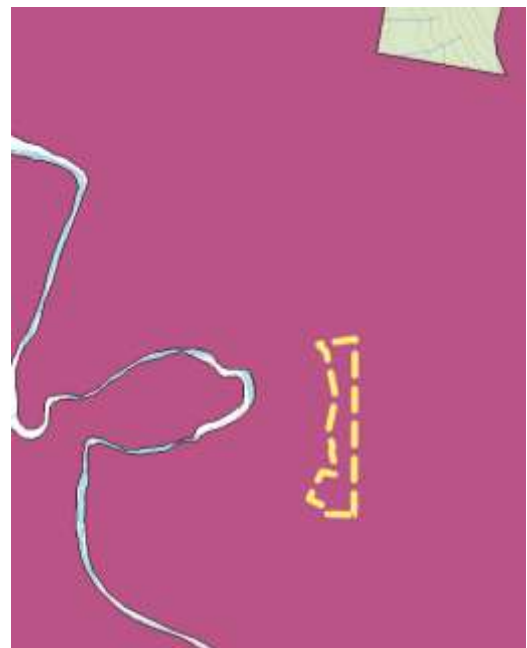


Figure 4 – Minimum lot size map – subject site mapped as AC – 60ha

Part 1 – Objectives and Intended Outcomes

The intended outcome of the Planning Proposal (PP) is to enable a dwelling or dual occupancy on land identified as Lot 1 DP 867951.

The subject site is zoned RU1 Primary Production under the Dungog LEP is mapped as having a minimum lot size of 60ha. Under the provision of Clause 4.2A Erection of dwelling houses and dual occupancies in certain rural and environment protection zones, in order to have a dwelling entitlement a lot must meet the minimum lot size or other provisions as specified by the clause.

4.2A Erection of dwelling houses and dual occupancies on land in certain rural and environment protection zones

- (1) The objectives of this clause are as follows—*
 - (a) to minimise unplanned rural residential development,*
 - (b) to enable the replacement of lawfully erected dwelling houses and dual occupancies in rural and environment protection zones.*
- (2) This clause applies to land in the following zones—*
 - (a) Zone RU1 Primary Production,*
 - (b) Zone E3 Environmental Management,*
 - (c) Zone E4 Environmental Living.*
- (3) Development consent must not be granted for the erection of a dwelling house or a dual occupancy on land to which this clause applies, and on which no dwelling house or dual occupancy has been erected, unless the lot on which the dwelling is to be erected—*
 - (a) is a lot that is at least the minimum lot size shown on the Lot Size Map in relation to that land on which the dwelling house or dual occupancy is proposed, or*
 - (b) is a lot created under this Plan (other than under clause 4.1B or clause 4.2(3)), or*
 - (c) is a lot created before this Plan commenced and—*
 - (i) the erection of a dwelling house was permissible on that lot, and*
 - (ii) no development standards limiting the power to grant development consent for the erection of a dwelling house applied to that lot,*
 - before that commencement, or*
 - (d) is a lot resulting from a subdivision for which development consent (or equivalent) was granted before this Plan commenced and on which the erection of a dwelling house or a dual occupancy would have been permissible if the plan of subdivision had been registered before that commencement, or*
 - (e) is an existing holding, or*
 - (f) would have been a lot or a holding referred to in paragraph (a), (b), (c), (d) or (e) had it not been affected by—*
 - (i) a minor realignment of its boundaries that did not create an additional lot, or*
 - (ii) a subdivision creating or widening a public road or public reserve or for another public purpose, or*

- (iii) *a consolidation with an adjoining public road or public reserve or for another public purpose.*

Note—

A dwelling cannot be erected on a lot created under clause 9 of State Environmental Planning Policy (Rural Lands) 2008 or clause 4.2.

- (4) *Development consent may be granted for the erection of a dwelling house or a dual occupancy on land to which this clause applies if there is a lawfully erected dwelling house or dual occupancy on the land and the dwelling house or dual occupancy to be erected is intended only to replace the existing dwelling house or dual occupancy.*

- (5) *In this clause—*

existing holding *means land that—*

- (a) *was a holding on 1 July 2003, and*

- (b) *is the same holding at the time of lodging a development application under this clause,*

whether or not there has been a change in the ownership of the holding since 1 July 2003.

holding *means all adjoining land, even if separated by a road, river or railway, held by the same person or persons.*

The subject site does not meet any of the above provisions and therefore is not afforded a dwelling entitlement under the Dungog LEP. The intended outcomes of the proposal will provide a dwelling entitlement by permitting with consent a dwelling house or dual occupancy.

Zone RU1 Primary Production objectives

The intended outcome of this proposal can be considered consistent with the objectives of Zone RU1 Primary Production. The subject site is an existing undersized lot, wherein the subject proposal does not seek to further fragment the site. The subject site like some across the Dungog Local Government Area is not conducive to primary production given the topography, small lot size and extent of dense vegetation across the site. With regard to land use conflict, the Fosterton locality is already a significant fragmented area with many properties comprising agricultural activities and existing dwellings. In the instance a dwelling house is permissible on this lot, the dwelling will be sited away from the adjoining lands on the western side of Fosterton road that are utilised for agriculture and will be bound by dense vegetation on other boundaries.

Part 2 – Explanation of Provisions

The intended outcomes of the planning proposal are to be achieved by amending the Dungog Local Environmental Plan 2014 (Dungog LEP) to include a new local provision as follows;

- (1) New Additional Permitted Use – Schedule 1 (Item 6)

Proposed Item in Schedule 1

Schedule 1

6 Use of certain land at Fosterton Road, Fosterton

- (1) This clause applies land at Fosterton Road, Fosterton, being Lot 1 DP 52340.
- (2) Development for the purpose of a dual occupancy or dwelling house is permitted with development consent.

Section A – Need for the Planning Proposal

Q1. Is the planning proposal the result of an endorsed strategic study or report?

No. The planning proposal is not the result of an endorsed strategic study or report. The subject proposal is a site-specific localised matter.

Q2 Is the planning proposal the best means of achieving the objectives or intended outcomes?

Yes, amending the Dungog LEP is the best means of enabling a dwelling house on the subject site. This is a more reasonable approach than consideration of a development application for a dwelling house which seeks to contravene the development standards under Clause 4.2A Erection of dwelling houses and dual occupancies on certain rural and environment protect zones. Utilising Clause 4.6 Exceptions to development standards to achieve the objectives of this proposal is not considered reasonable and lacks sufficient environmental planning justification.

Clause 4.6 Exceptions to development standards

The minimum lot size for land in Zone RU1 Primary Production, is 60ha under the Dungog LEP, the proposal for a dwelling house would represent a 90% variation to this development standard. An assessment against Clause 4.6 would be required to support the application.

4.6 Exceptions to development standards

(1) The objectives of this clause are as follows—

(a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,

(b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.

(2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any

other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.

(3) Development consent must not be granted for development that contravenes a development standard unless the consent authority has considered a written request from the applicant that seeks to justify the contravention of the development standard by demonstrating—

(a) that compliance with the development standard is unreasonable or unnecessary in the circumstances of the case, and

(b) that there are sufficient environmental planning grounds to justify contravening the development standard.

A development application proposing a 90% variation to Clause 4.2A could not be considered consistent with the objectives of Clause 4.6 and would be unable to demonstrate that in this instance compliance with the development standards is unreasonable or unnecessary under sub clause 3(a). A non – compliance of this extent could not be considered a suitable degree of flexibility in applying the development standard and lack sufficient justification and environmental planning grounds to support the contravention. Such a contravention to a critical development standard is not considered in the public interest and is contrary to the objectives of Clause 4.2, Clause 4.2A and Clause 4.6.

Section B – Relationships to strategic planning framework

Q3. Will the planning proposal give effect to an applicable regional, sub-regional or district plan or strategy (including any exhibited draft plans or strategies?)

Hunter Regional Plan 2036

The subject site is not specifically identified in the Hunter Regional Plan 2036. Relevant directions of the HRP 2036 for this proposal are;

Directions	Applicable	Comment
Goal 1 – The leading regional economy in Australia		
1. Transform the productivity of the Upper Hunter	Applicable	The proposal is for the purpose of permitting a dwelling entitlement on the site and is not contributory to the productivity of the Upper Hunter.
2. Grow Tourism in the region	Applicable	The proposal does not contribute to promoting tourism in the area
3. Protect and enhance agricultural productivity	Applicable	The subject site is zoned RU1 Primary Production though is not currently being utilised for agricultural purposes as it is not suitable. The proposal would not impact on the viability of adjoining agricultural lands.

4. Manage the ongoing use of natural resources	Applicable	The site is not identified for extractive resources in any plan or strategy. The proposal would inhibit any resource activities however this would not affect any adjoining sites.
5. Diversify and grow the energy sector	Applicable	The proposal for the purpose of a dwelling entitlement does not contribute to the energy sector of the Hunter Region
6. Plan for greater land use compatibility	Applicable	Enabling a dwelling house on the site would not contribute to land use conflict in the area given the existing fragmented nature of the Fosterton locality and the frequency of dwellings in the area.
Goal 2 – A Biodiversity –rich natural environment		
14. Protect and connect natural areas	Applicable	The subject site does not appear on the Biodiversity Values Map, however is located adjacent to the Killarney Nature Reserve and is located within an area identified as Regional Biodiversity Corridor 5 – Barrington to Port Stephens Link. The proposal of a dwelling house can be accommodated without compromise to vegetation on site and the use would not impact upon adjoining lands. If a dwelling is present on the site, this could lead to better land management and control of weeds which would aid in preserving native vegetation and connectivity.
15. Sustain water quality and security	Applicable	The subject site is located on land that falls within the Williams River special area drinking water catchment. Issues affecting water quality and security from future development would be addressed at the development application stage
16. Increase resilience to hazards and climate change	Applicable	The subject site is not identified as flood prone land but is identified as bushfire prone land. The APZ required for a dwelling house could be accommodated on site without the removal of vegetation and a dwelling could be constructed to BAL – 29.
Goal 3 – Thriving Communities		
17. Create healthy built environments through good design	Applicable	The subject site is located in a Rural area outside of the village of Dungog.
18. Enhance access to recreational facilities and connect open spaces	Applicable	The proposal is located in a rural area and would not require access to recreation facilities.
19. Identify and protect the regions heritage	Applicable	The site is consistent with this direction as there is no impact to the Heritage Item 'Figtree" which is located on the adjacent

		lot. No items of aboriginal heritage significance were identified on the site.
20. Revitalise existing communities	Applicable	The subject site is located outside the existing community of Dungog.
21. Create a compact settlement	Applicable	The subject site is outside the village of Dungog, located on rural land and is for the provision of a single dwelling or dual occupancy development.
22. Promote housing diversity	Applicable	The proposal would provide a diversity in rural living opportunities surrounding Dungog.
24. Protect the economic functions of employment land	Applicable	The subject site is not currently zoned for employment outside of agricultural uses and has not been identified for future employment use.
25. Monitor housing and employment supply and demand	Applicable	The subject site is not identified as land for future residential development or employment lands. Enabling a dwelling house on the subject site will provide additional supply surrounding Dungog.
26. Deliver infrastructure to support growth and communities	Applicable	The subject site is not serviced by infrastructure and does not propose the addition of any infrastructure.

Dungog Land Use Strategy 2010

The Dungog Land Use Strategy 2010 is applicable to the Dungog Local Government Area and provides a land use framework for the Dungog LGA. The Dungog Land Use Strategy does not specifically identify the site; however, the proposal can be considered consistent with the objectives of the plan.

Upper Hunter Strategic Regional Land Use Plan (2012)

The Upper Hunter Strategic Land Uses Plan is a sub-regional strategic plan providing a framework for key regional priorities over a 20-year span. As the plan is high level with a focus on significant regional priorities there is limited relevance to this planning proposal, however the proposal is considered consistent with Chapter 6 Housing settlement which addresses the typology and location of future housing to meet the demands and trends of the Upper Hunter Region.

Q4. Will the planning proposal give effect to council's endorsed local strategy or strategic plan?

Dungog Shire Community Strategic Plan

Theme 4 – Rural and urban Development

The proposal is consistent with this theme of the Dungog Shire Community Strategic Plan, aligning with the priorities for the future and the strategies outlined under this theme. The proposal will contribute to the supply of land for housing in proximity to a local centre whilst providing a diversity in rural living without impact to agricultural, ecological or scenic values.

The Dungog Local Strategic Planning Statement – Moving Toward 2040

Theme:	A Place to Grow
Planning Priority 3	Sustainable and diverse housing choice
Planning principle 1	Balance development and promote sustainability to maintain rural amenity
Planning principle 2	Focus developments in proximity to existing infrastructure and services
Planning principle 3	Provide a variety of housing choice through infill development

The subject proposal is consistent with the above planning principles of the Dungog Local Strategic Planning Statement by providing diversity in housing choice on an existing lot in proximity to the local centre of Dungog by providing for a dwelling house on a cleared area of land on the site without impact to ecological values or impact on neighbouring agricultural production.

Q5. Is the planning proposal consistent with applicable State Environmental Planning Policies?

The proposal has been considered against the relevant State Environmental Planning Policies (SEPP) and is considered to be consistent with the below.

Relevant SEPP	Consistency
State Environmental Planning Policy (Primary Production and Rural Development) 2019	Consistent. The proposal is consistent with the objectives and provision of this SEPP.
State Environmental Planning Policy (Koala Habitat Protection) 2020	Consistent. The proposal is consistent with the objectives and provision of this SEPP.

Q6. Is the planning proposal consistent with the applicable Ministerial Directions?

The proposal has been considered against the relevant Section 9.1 Ministerial Directions; an assessment is provided below. The subject proposal is inconsistent with some directions; however, it is considered that given the localised and low impact nature of the proposal these inconsistent are of minor significance and justified.

Direction	Comment
Employment & Resources	
1.2 Rural Zones	
Aims to protect the agricultural production value of rural land.	Inconsistent – Justified – Minor significance

Direction	Comment
<p>Applies when a planning proposal affects land within an existing or proposed rural zone.</p>	<p>The subject site has limited agricultural production value due to the site characteristics and being well below the minimum lot size. The subject proposal for the purpose of enabling a dwelling house will increase the density of the residential development, given the lot size of 6.5ha is well below the prescribed 60ha, however this can be achieved without impact to adjoining agricultural production. The subject proposal is considered to be low impact and of minor significance as the provision of a dwelling house will allow the site to be managed and maintained which can reduce the risk of poor land management affecting adjoining agriculture.</p>
<p>1.5 Rural Lands</p>	
<p>Aims to protect the agricultural production value of rural land; and facilitate the orderly and economic development of rural lands for rural and related purposes.</p> <p>Applies to local government areas to which State Environmental Planning Policy (Rural Lands) 2008 applies and prepares a planning proposal that affects land within an existing or proposed rural or environment protection zone.</p>	<p>Inconsistent – Justified – Minor significance</p> <p>The proposal does not promote or facilitate primary production based on the topography, lot size and extent of dense vegetation across the site. Practically the site does not provide opportunity for agriculture, however provision of a dwelling house could be accommodated on the site in an area cleared of vegetation so to not impact on any environmental values. As the subject site was the product of an earlier subdivision there will be no further fragmentation of land as a result of this proposal. The subject site is in proximity to the local centre of Dungog which provides all relevant local services and is accessed via Fosterton Road, a public road. The subject site has access to telecommunications infrastructure and can be connected to electricity. Sewer and water infrastructure would be provided on site with onsite water retention and onsite sewer management system. There is limited land available surrounding Dungog that provides a rural living opportunity of this nature. A dwelling entitlement on the subject site would provide supply of a rural living opportunity unique to Dungog wherein there is limited supply of rural housing available. The Fosterton locality is already significantly fragmented with most</p>

Direction	Comment
	lots under 60ha with a dwelling house. Land use conflict would be reduced through the location of any future dwelling, which would be set back on the site, away from adjoining agricultural land use.
Environment & Heritage	
2.1 Environmental Protection Zones	
Aims to protect and conserve environmentally sensitive areas. Applies when the relevant planning authority prepares a planning proposal.	Consistent.
2.3 Heritage Conservation	
Aims to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance. Applies when the relevant planning authority prepares a planning proposal.	Consistent. An AHIMS search supports this proposal, indicating there are no areas of Indigenous heritage significance on or in proximity to the site.
2.6 Remediation of Contaminated Land	
Aims to reduce the risk of harm to human health and the environment by ensuring that contamination and remediation are considered.	Consistent This direction applies as the site is zoned RU1 primary production wherein uses listed in Table 1 of the contaminated land planning guidelines, could be lawfully carried out. As there is evidence that the site was utilised as a private quarry, a Phase 1 Preliminary Site Investigation was undertaken, as quarry is identified as mining and extractive industries in Table 1. The preliminary site investigation identified areas of the site that could have been utilised as a quarry and concluded that there are not in the location where a dwelling house would be located and there is no contamination present that would prevent a residential use.
Housing, Infrastructure and Urban Development	
3.2 Caravan Parks and Manufactured Home Estates	
Aims to provide for a variety of housing types and provide opportunities for caravan parks and manufactured home estates. Applies when the relevant planning authority prepares a planning proposal.	Consistent.
3.3 Home Occupations	
Aims to encourage the carrying out of low impact small business in dwelling houses.	Consistent.

Direction	Comment
Applies when the relevant planning authority prepares a planning proposal.	
Hazard & Risk	
4.4 Planning for Bushfire Protection	
<p>Aims to protect life, property and the environment from bushfire hazards, and encourage sound management of bushfire prone areas.</p> <p>Applies when a planning proposal affects or is in proximity to land mapped as bushfire prone land.</p>	<p>Consistent.</p> <p>The subject site is identified as bushfire prone land. A Bushfire Assessment Report support this proposal, detailing that the site can accommodate a dwelling constructed to Bal -29. The subject site can locate a dwelling on an existing cleared area setback from vegetation on neighbouring allotments and on the site. Any development application for a dwelling house would be referred to RFS under section 100B of the Rural Fires Act 1997. The BAR also details that the required APZ can be accommodated within the existing cleared area of the site, without the need to remove vegetation.</p>
Regional Planning	
5.10 Implementation of Regional Plans	
<p>Aims to give legal effect to the vision, land use strategy, goals, directions and actions contained in Regional Plans.</p> <p>Applies when the relevant planning authority prepares a planning proposal.</p>	<p>Consistent.</p> <p>The subject proposal is generally consistent with the actions and directions of the Hunter Regional Plan 2036.</p>
Local Plan Making	
6.1 Approval and Referral Requirements	
<p>Aims to ensure that LEP provisions encourage the efficient and appropriate assessment of development.</p> <p>Applies when the relevant planning authority prepares a planning proposal.</p>	Applicable
6.3 Site Specific Provisions	
<p>Aims to discourage unnecessarily restrictive site-specific planning controls.</p> <p>Applies when the relevant planning authority prepares a planning proposal to allow particular development to be carried out.</p>	<p>Inconsistent – Justified – Minor Significance</p> <p>The proposed insertion of the subject site into Schedule 1 Additional Permitted uses, in to the Dungog LEP is inconsistent with clause 4(c) of this direction. The proposal to enable a dwelling house is considered low impact and the provision of the subject site in schedule 1 will allow a development that would be permissible in the instance the subject site met the minimum lot size provision.</p>

Direction	Comment
	Notwithstanding the implication of further development standards to enable a dwelling house, this is considered minor and is justified.

Section C – Environmental and Social Impact

Q7. 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 subject site does not appear on the Biodiversity Values Map indicating there are no areas high biodiversity on the site. The provision of a dwelling house can be accommodated without the removal of vegetation on the site, therefore there will be no impacts to the existing ecological values on the site. The subject site is in proximity to the Killarney Nature Reserve and lies within the area identified as Regional Biodiversity Corridor 5 - Barrington to Port Stephens Link in the Hunter Regional Plan. There are areas in proximity to the site that are identified on the Biodiversity Values Map and areas that are contributory to maintaining connectivity in the regional corridor. The subject proposal will not adversely impact upon the ecological values present, and in the instance that this may occur, this can be addressed at the development application stage.

Q8. Are there any other likely environmental effects as a result of the planning proposal and how are they being proposed to be managed?

Drinking Water catchment

The subject site is located in the Williams River Drinking Water Catchment, identified as Special Area Williams. Clause 6.5 Drinking water catchments and Clause 6.10 Williams River catchment will need to be addressed in any future development application. It is considered that the proposal for a dwelling house will meet the requirements of these provisions.

Bushfire

The subject site is identified as Bushfire Prone Land. Vegetation Category 1, vegetation Category 2 and Vegetation Buffer as indicated in Figure 5 below.

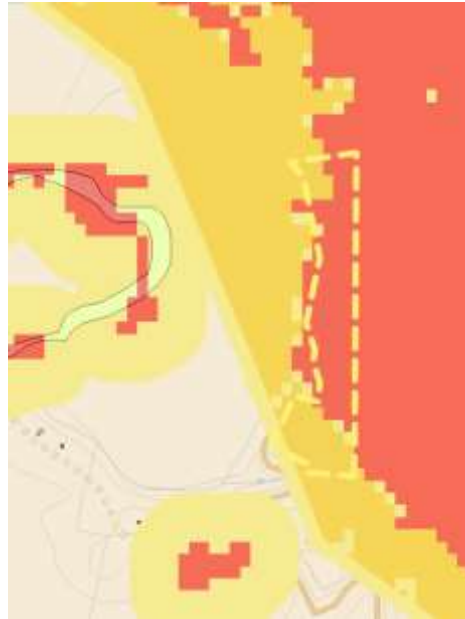


Figure 5 – Bushfire mapping indicating the subject site is bushfire prone land

A bushfire assessment report prepared by Perception Planning dated February 2020 supports the proposal. The bushfire assessment report (BAR) specifies that site is capable of accommodated a dwelling house constructed to BAL-29. The BAR specifies that the site is able to accommodate the appropriate APZ without the need to remove native vegetation. It is also specified that a dwelling on the site would be able to comply with the provisions of Planning for Bushfire Protection 2019.

Aboriginal and European Cultural Heritage Items

An AHIMS search concluded that there are no items of Aboriginal Cultural Heritage located on the subject site or in proximity.

An item of European cultural significance is located on an adjacent lot, being Lot 54 DP 837849, known as 1222 Fosterton Road, Fosterton. The "Figtree" Homestead, is identified as item I85 in Schedule 5 Environmental Heritage of the Dungog LEP as having local heritage significance. The proposal for enabling a dwelling house or dual occupancy on the adjoining subject site will not adversely impact on the existing heritage item or its curtilage.

Contaminated Land and Acid Sulfate Soils

The subject site is not identified on the Acid Sulfate Soils Map of the Dungog LEP.

A background review of the subject site including previous uses, indicated the use of the site as an informal quarry by a previous landowner. Some areas of the site reflect this history. A Phase 1 preliminary site investigation was requested as the subject site is zoned RU1 Primary Production under the Dungog LEP and land uses listed in Table 1 of the contaminated land planning guidelines are legally permissible. Evidence of use as a quarry also required the Phase 1 assessment as this use is classed as mining and extractive industries under Table 1.

The Phase 1 – Preliminary Site (contamination) assessment prepared by RCA Australia dated September 2020 concludes that the subject site is suitable for a dwelling house as no contaminants were registered in the cleared area of the site that would potentially accommodate a dwelling house.

Flooding and Drainage

The subject site is not identified as flood prone land. In the instance a dwelling house is permitted, onsite storm water management will be addressed during the Development Application.

Q9 Has the planning proposal adequately addresses at social or economic effects?

Social Impacts

Given the minor nature of the proposal it is considered that the social effects of the proposal are minor. The provision of a dwelling house will allow additional residents to the area who can contribute to and engage in the local Dungog community, which can have a positive social effect.

Economic Impacts

The subject site has limited agricultural capacity given the dense vegetation on site, the topography and the limited land area. The provision of a dwelling house or dual occupancy would not impact on the economic capability of the land. Additional residents in the Fosterton locality can have a positive economic effect for the nearby town of Dungog, which would be the service centre for future residents on this allotment.

Section D – State and Commonwealth Interests

Q10. Is there adequate public infrastructure for the planning proposal?

Vehicular access to the site is via the public road, being Fosterton Road. The subject site is not connected to reticulated water or sewer and would require onsite retention for water and an on-site sewer management system. Telecommunications services are available to the site.

The provision of electrical infrastructure is in proximity to the site, given connection to adjoining lots. Requirements for further infrastructure and connection to existing networks will be addressed as part of the Development Application.

Q11. What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway Determination?

Formal Consultation with State and Commonwealth agencies will be undertaken in accordance with the conditions of the Gateway Determination. Council recommends consultation with the following agencies:

- NSW Rural Fire Service

Part 4 Mapping

Not applicable. No mapping amendments are required as part of this planning proposal.

Part 5 Community Consultation

Community consultation will be undertaken in accordance with the Gateway Determination. An exhibition period of 28 days is recommended, inline with Councils Community Participation Plan. Notice of the public exhibition will be available on the NSW Planning Portal, Councils Website and in the Dungog Chronicle Newspaper.

Part 6 Project Timeline

Below is an indicative timeframe for the progression of the planning proposal.

	July 2021	Aug 2021	Sep 2021	Oct 2021	Nov 2021	Dec 2021	Jan 2021	Feb 2022	March 2022	April 2022	May 2022
Submit PP to DPIE with request for Gateway Determination											
Gateway determination issued											
Public Exhibition of PP and Agency Consultation											
Review of Submissions											

Report to Council to progress											
Forward PP to DPIE with request to make the LEP amendment											
Parliamentary Council and LEP made											

Part 7 Supporting Documentation

Documents
Council Report
Council Meeting Minutes
Bushfire Assessment Report – prepared by Perception Planning – dated 12 March 2020
Preliminary Assessment – Contaminated Lands prepared by RCA Australia Dated September 2020