



DUNGOG SHIRE COUNCIL

Planning Proposal

Amendment to the Dungog Local Environmental Plan 2014

Lot 1 DP 867951

1177 Fosterton Road, Fosterton

Version 1

30 October 201

Introduction

This planning Proposal has been prepared in accordance with section 3.34 of the Environmental Planning and Assessment Act 1979 and the Department of Planning, Industry and Environments Guide to preparing planning proposals. The proposal is in respect of land at 1177 Fosterton Road, Fosterton and proposes an amendment to the DLEP 2014 for the inclusion of the subject site in Schedule 1 Additional permitted uses. The inclusion of the site in this schedule will enable the development of a dwelling house or dual occupancy on the allotment.

Part 1 – Objectives or Intended Outcomes

The objectives of the proposal are to;

- Amend the Dungog Local Environmental Plan 2014 to enable a dwelling on land at 1177 Fosterton Road, Fosterton.

Part 2 –Explanation of Provisions

The proposed outcome will be achieved by amending Schedule 1 Additional Permitted Uses of the Dungog LEP 2014 to include:

Use of certain land at 1177 Fosterton Road, Fosterton

- (1) This clause applies to land at 1177 Fosterton Road, Fosterton, being lot 1 DP 867951
- (2) (2) Development for the purpose of a dual occupancy or dwelling house is permitted with development consent.

Part 3 – Justification

Section A – Need for the planning proposal

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

HUNTER REGIONAL PLAN 2036

The Hunter Regional Plan 2036 was adopted in October 2016, and applies to the Hunter Region which includes the Dungog LGA.

The Vision of this Plan is to create a leading regional economy in Australia, through the use of four goals. These goals being:

- A leading regional economy in Australia
- A biodiversity-rich natural environment
- Thriving communities
- Greater housing choice and jobs.

While the subject site is small in size and not specifically identified within this Plan, it is

considered that the proposed development meets the vision of the Plan by providing a rural /residential dwelling opportunity within an area characterized by environmental integrity and amenity. Given the size and characteristics of the site do not practically allow the site to be utilized for primary production purposes, the proposed dwelling entitlement will allow for the ongoing management and sustainability of the environmental land. This is considered the best use of the site. The proposal is not a result of this Plan.

UPPER HUNTER STRATEGIC REGIONAL LAND USE PLAN

The Upper Hunter Strategic Regional Land Use Plan (UHSRLUP) applies to the Upper Hunter Region, which includes the Dungog LGA.

The UHSRLUP identifies lands and considerations important to the future growth and development of the Upper Hunter. In particular, the UHSRLUP addresses challenges and actions facing the region in relation to infrastructure, economic development and employment, housing and settlement, community health and amenity, natural environment, natural hazards and climate change, and cultural heritage.

Similar to above, while the subject site is small in size and not specifically identified within this Plan, it is considered that the proposed development meets the vision of the Plan by providing a rural /residential dwelling opportunity within an area characterized by environmental value and amenity. As the size and characteristics of the site do not practically allow the site to be utilized for primary production purposes, the proposed dwelling entitlement will allow for the ongoing management of the land and will provide an opportunity for minor residential development in an area of aesthetic and environmental value. This is considered to be consistent with the UHSRLUP, which identifies the need for a range of housing opportunities through various land use zones. The proposal is not a result of this Plan.

DUNGOG LAND USE STRATEGY

The Dungog Land Use Strategy applies to the Dungog LGA, and thus applies to the subject site. The Strategic Plan provides a direction and planning context to guide the preparation/review of planning documents. The Strategy is intended to provide a framework to guide land-use decisions affecting the Dungog LGA through to the year 2031, and is designed to provide Council with a clear land use framework for strategically directing growth and change into the future. The Strategy discusses the various areas of social, economic and environmental growth of the LGA, and identifies that the sustainability of environmental integrity and amenity is of high importance to residents and visitors of the LGA. While the subject site is currently zoned RU 1 Primary Production, the site characteristics and size of the land inhibits the potential for the site to be utilized for primary production purposes as it is zoned. Therefore, the sustainability of the environmental integrity and amenity of the site is a more appropriate use of the land. While the site is not specifically identified within the Strategy for future rezoning or investigation, it is considered that the planning proposal is consistent with the Strategy by providing an additional housing opportunity within the LGA while respecting and supporting the existing environment and values within the immediate and surrounding environment. Given the site cannot feasibly be utilized for primary production purposes as its currently zoned, the proposed use of the site is considered the best possible outcome for the land. The proposal is not a result of this Strategy.

DUNGOG LOCAL GOVERNMENT AREA SITUATION ANALYSIS

The Dungog Local Government Area Situation Analysis was prepared to identify emerging trends and issues for the LGA, and has been undertaken through background research, community consultation, and the preparation of specific issues papers including economic, tourism, social and rural residential availability.

While the Situation Analysis does not specifically identify the subject site within the paper, **it states** that 'Dungog LGA is an area of high environmental integrity and amenity, and its sustainability is of utmost importance'. Similar to above, it is considered that the planning proposal is consistent with the situation analysis by providing an additional housing opportunity within the LGA while respecting the existing environment and values within the immediate and surrounding environment. Given the site cannot feasibly be utilized for primary production purposes as it is currently zoned, the proposed use of the site is considered the best possible outcome for the land. The proposal is not a result of this Analysis.

DUNGOG SHIRE COMMUNITY STRATEGIC PLAN

The Community Strategic Plan forms part of the Dungog Shire Council Integrated Planning and Reporting (IP&R) Framework. The Plan outcomes the community's vision and the other supporting documents assist with achieving that vision. The most relevant priority from the Plan is from Theme 4 - Rural and Urban Development, which aims to 'ensure that there is adequate land supply to accommodate future expected population growth' and 'maintain a long term planning approach that caters for diversity and choice in rural and village living'. This proposal is consistent with this by providing an additional housing opportunity and creating a choice of town or rural living.

Q2. Is the planning proposal the best means of achieving the objectives or intended outcomes or is there a better way?

The Planning Proposal seeks to allow a dwelling entitlement on the site, and will have limited conflicts (if any) with the future development of the surrounding land.

The proposed amendment to the Dungog LEP 2014 is considered the most appropriate way to achieve the objectives outlined in this PP and desired outcome for the subject site.

Section B – Relationships to strategic planning framework.

Q3. Will the planning proposal give effect to the objectives and actions of the applicable regional, or district plan or strategy (including any exhibited draft plans or strategies)?

The subject site is not specifically identified in the Upper Hunter Regional Strategy (LHRS). However, as the subject site is relatively small in comparison, it is unlikely to be specifically identified in a Regional Strategy. Despite not being identified within the Plan, it is considered that the proposed development meets the vision of the Plan by providing a rural/residential dwelling opportunity within an area characterized by environmental value and amenity. As the size and characteristics of the site do not practically allow the site to be utilized for primary production purposes, the proposed dwelling entitlement will allow for the ongoing

management of the land and will provide an opportunity for minor residential development in an area of aesthetic and environmental value. This is considered to be consistent with the UHSRLUP, which identifies the need for a range of housing opportunities through various land use zones.

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

Despite the site not being specifically identified within the Dungog Land Use Strategy for future rezoning or investigation, it is considered that the planning proposal is consistent with the Strategy by providing an additional housing opportunity within the LGA while respecting the existing environment and values within the immediate and surrounding environment. Given the site cannot feasibly be utilized for primary production purposes as its currently zoned, the proposed use of the site is considered the best possible outcome for the land.

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

The relevant State Planning Legislation for NSW is the Environmental Planning *and* Assessment Act 1979 (EP&A Act 1979). The EP&A Act is supplemented by a suite of Environmental Planning Instruments (EPI's), namely State Environmental Planning Policies (SEPP's) and Local Environmental Plans (LEP's). The SEPP's that are potentially relevant to this PP include:

- State Environmental Planning Policy No 44-Koala *Habitat Protection*
- *State Environmental Planning Policy (Rural Lands) 2008*

In addition, it is a requirement under the EP&A Act that directions prepared under Division 9.1, previously known as Section 11.7, are considered when preparing a planning proposal.

STATE ENVIRONMENTAL PLANNING POLICY NO 44 - KOALA HABITAT PROTECTION

This Policy applies to the Dungog LGA. The objectives of this SEPP are to promote the protection of Koala habitat. The subject site contains dense vegetation throughout a large portion of the site, with a cleared area of land located within the southern portion of the site which is where the proposed dwelling entitlement would logically be located. As the proposed dwelling entitlement is not anticipated to impact upon vegetation within the site, a flora and fauna assessment is not considered necessary at this stage. It is anticipated that an assessment of subsequent development applications on the land proposed for the dwelling entitlement will contain a detailed SEPP 44 assessment and will propose mitigation measures should this be required.

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. This policy applies to the Dungog LGA. While the proposal does not promote or facilitate productive and sustainable rural activities on the subject site, the overall size and characteristics of the site do not provide the opportunity for primary production and agricultural activities to be undertaken. The site is well below the minimum lot size and not practical for agricultural purposes given its dense vegetation, thus the site in its current state is not being utilized for agricultural purposes and therefore not meeting the zone objectives or the aims of this Policy.

As such, it is considered that the planning proposal will allow for the ongoing management of the site and subsequently its environmental values and characteristics. By providing a dwelling entitlement on the site, the site will be managed for rural amenity and will provide a use of the land which is sympathetic and compatible with surrounding development and land uses. The proposal is considered the highest and best use of the site given its location, site characteristics and lack of agricultural abilities.

STATE ENVIRONMENTAL PLANNING POLICY 55 - REMEDIATION OF LAND

The objectives of this SEPP are to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment:

- a) By specifying when consent is *required*, and when it is not *required, for* remediation work.
- b) By specifying *certain considerations* that are *relevant in rezoning land and in determining Development Applications in general and Development Applications* for consent to *carry out a remediation work in particular*,
- c) *By requiring* that a remediation work meet certain standards and notification requirements.

Under Clause 6 (1) of SEPP 55 - Remediation of land, a planning authority must consider whether the land is contaminated.

A dwelling house is permissible under the zoning of the site and would be permissible if the subject site was not an undersized lot, therefore the proposal is not seeking to change the permissible uses from those expected of rural lands to those expected from a residential zone. No notices have been issued for the site under the Contaminated Land Management Act, nor have any licences been issued under the Protection of the Environment Operations Act for the site. As the subject site and the surrounding areas are not believed to be contaminated, no further investigations are therefore considered necessary at this stage.

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

An assessment of the proposal against the applicable Ministerial Directions is attached in the Strategic assessment.

Section C – Environmental Social and Economic impact

Q7. Is there any likely hood that critical habitat or threatened species, populations or ecological communities or their habitats, will be adversely affected as a result of the proposal?

It is considered that flora and fauna within the subject site is able to be protected and manage should the planning proposal be approved. It is unknown if the subject site contains any ecologically significant flora and fauna, however, given the proposal and the subsequent development, it is not anticipated that copious amounts of vegetation and subsequent ecological impact, if any, will be removed to support a future dwelling. In addition to this, future development will be subject to its own assessment, with any ecological impact to be assessed during that stage. An indicative building envelope has been shown in Figure 2, which demonstrates the practicality and feasibility of the proposal. It is considered that there is sufficient cleared land on the site for a dwelling and associated supporting infrastructure without the need for extensive vegetation clearing, if any, and thus the site is suitable for the proposal. It is considered that a future dwelling could be designed and constructed with respect to the existing ecological values of the site, including the preservation of existing vegetation and environmental characteristics. Overall it is considered that the proposal and future dwelling will allow for the ongoing management of the site and preservation of these environmental values. Should any impact upon these values be likely, it is suggested that assessments of that kind be undertaken during future development applications.

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

BUSHFIRE

The site is identified as within an area affected by bushfire (**See Figure 5** below). A portion of the subject site is identified as being bushfire prone land on the NSW Planning Portal.

The site has good access to the public road network, which is considered sufficient for emergency services. Given that a portion of the site is predominantly vacant of vegetation, close to access/egress and in the bottom of a valley, it is considered that the proposal is feasible while ensuring the safety of future residents and emergency personnel.

FLOODING

The subject site is not identified as being flood prone as per the NSW Planning Portal.

HERITAGE

An AHIMS search undertaken on 12 February 2019 did not identify any Aboriginal sites or places recorded in or near the subject site. Refer to Appendix A for further detail. No other Aboriginal or European Heritage, State or local heritage items have been identified on or near the subject site.

DRINKING WATER CATCHMENT

As noted in Figure 6 below, the site is located in a Drinking Water Catchment, specifically the Special Area 'Williams'. Despite this, it is considered the PP and future development of the site will not adversely impact the quality and quantity of water entering the drinking water storage. Any future development application on the site will thoroughly address Clause 6.5 of the Dungog LEP 2014 with regard to any impacts anticipated and any appropriate measures proposed to avoid, minimize and mitigate any impacts of the development. At this stage of the development, it is not anticipated that adverse or significant impacts will be created by permitted a dwelling entitlement on the site.

STRATEGIC AGRICULTURAL LAND

As noted within Figure 7 below, the subject site is not identified as containing strategic agricultural land. As such, it is considered the planning proposal does not contradict or contravene this Clause of the Dungog LEP 2014.

Q9. Has the planning proposal adequately addressed any social or economic effects?

Given the minor nature of the PP, it is considered that social and economic effects resulting from

the proposal are minimal.

The site does not contain any registered or identified items of European or Aboriginal significance,

and does not create a significant impact on essential services or infrastructure.

The PP will provide some economic growth in the area during construction and future residents.

It is considered all impacts have been satisfactorily addressed throughout this PP.

Section D – State and Commonwealth interests

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

The site is located within Fosterton, which is 10.4km (15 minutes' drive) to the north of Dungog,

NSW. Dungog is serviced by transport services, health centres, education facilities, religious facilities, and local grocery facilities.

It is considered that there is sufficient access to the main road, being Fosterton Road from the site.

Given the site is a rural lot, the site is not connected to reticulated water, sewer and storm water. However, a single dwelling on a rural lot does not necessarily require connections to reticulated services, and thus it is considered that this will not be of major concern for any future residential development on the site which will incorporate water, storm water and sewerage systems during future applications.

Q11. What are the views of state and commonwealth public authorities consulted in accordance with the gateway determination?

The Planning Proposal has not been formally publically exhibited at this time, and as such there has been no consultation with, or responses from, State or Commonwealth Government Agencies. There is considered few environmental issues to warrant consultation with State Government Agencies at this stage.

Part 4 – Mapping

This proposal does not require any amendments to the LEP mapping, rather an additional permitted use to Schedule 1 of the Dungog LEP 2014.

Part 5 – Community Consultation

Given the minor nature of the PP, no initial community consultation has been undertaken. The Planning Proposal has therefore not yet been exhibited, however will be in accordance with the requirements of the EP&A Act.

Part 6- Project timeline

It is intended that the PP proceed within a reasonable timeframe given any potential impacts of the development have been thoroughly addressed within this PP.

Strategic Assessment for Proposed Amendment to the Dungog Local Environmental Plan 2014

Hunter Regional Plan 2036 Assessment

Directions	Applicable	Comment
Goal 1 – The leading regional economy in Australia		
1. Grow Greater Newcastle as Australia's next metropolitan city	Not Applicable	The site is not located in the Greater Newcastle City
2. Enhance connection to the Asia Pacific global Gateway	Not Applicable	The site is not contributory to Asia Pacific global gateway
3. Revitalise Newcastle City Centre	Not Applicable	The site is not located in the Newcastle City Centre
4. Enhance inter – regional linkages to support economic growth	Not Applicable	The site is not located in proximity to any inter – regional linkages
5. 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.
6. Grow the economy of the MidCoast and Port Stephens	Not Applicable	The site is not located in Port Stephens or the MidCoast region
7. Develop advanced manufacturing, defence and aerospace hubs	Not Applicable	The site is not located in the proximity to the Newcastle airport and Williamstown RAAF Base.
8. Promote innovative small business and growth in the service sectors	Not Applicable	The proposal does not affect business zones or land use for servicing
9. Grow Tourism in the region	Applicable	The proposal does not contribute to promoting tourism in the area
10. Protect and enhance agricultural productivity	Applicable	The subject site is zoned RU1 Primary Production though is not currently being utilised for agricultural purposes. The proposal would not impact on the viability of adjoining agricultural lands.
11. 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.
12. 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
13. Plan for greater land use compatibility	Applicable	Permitting a dwelling on the site not ancillary to an agricultural land use is inconsistent with planning for
Goal 2 – A Biodiversity –rich natural environment		
14. Protect and connect natural areas	Applicable	There are no Ecological Endangered Communities or areas of significant flora or fauna identified on the site. There are no biodiversity corridors present or adjoining

		the site. The proposal does not seek to impact upon area of biodiversity significance.
15. Sustain water quality and security	Applicable	The subject site is located on land that falls within the Williams river 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. Future development on the site would need to be managed through the provision of Asset Protection Zones on the site.
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 items of Aboriginal Heritage Significance or European Cultural Heritage affected by this proposal
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 permit, if supported the erection of a detached dwelling or a dual occupancy. These do not promote housing diversity in the Dungog LGA
23. Grow centres and renewal corridors	Not Applicable	The subject site is not located in an identified centre or urban renewal corridor.
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. Notwithstanding that the proposal is for the provision of an additional dwelling, this subject site is not serviced and will not impact upon the supply and demand of employment and housing lands.
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.
27.Strengthen the economic self determination of Aboriginal Communities	Not Applicable	The proposal does not directly impact on any local Aboriginal communities

State Environmental Planning Policy Assessment

State Environmental Planning Policy	Comment/ Assessment
SEPP No. 44 – Koala Habitat	
<p>Aims to encourage the proper conservation and management of areas of natural vegetation that provide habitat for koalas to ensure a permanent free-living population over their present range and reserve the current trend of koala population decline:</p> <ul style="list-style-type: none"> (a) by requiring the preparation of plans of management before development consent can be granted in relation to areas of core koala habitat, and (b) by encouraging the identification of areas of core koala habitat, and (c) by encouraging the inclusion of areas of core koala habitat in environment protection zones 	<p>A Flora and Fauna assessment has not been provided with the proposal and the site has not been identified as core koala habitat. The proposal does not seek to remove any vegetation on the site or impact upon the existing vegetation.</p> <p>The proposal is considered consistent with SEPP No. 44.</p>
SEPP No. 55 – Remediation of Land	
<p>Aims to promote the remediation of contaminated land for the proposed of reducing the risk of harm to human health or any other aspect of the environment:</p> <ul style="list-style-type: none"> (a) by specifying when consent is required, and when it is not required for the remediation work, and (b) by specifying certain considerations that are relevant in rezoning land and in determining development applications in general and development applications for consent to carry out a remediation work in particular, and (c) by requiring that a remediation work meet criteria standards and notification requirements 	<p>Consistency TBD.</p> <p>A contamination report has not been provided with the proposal. Council's records indicate that this site was utilised as a private quarry prior to subdivision and would therefore be practical to have regard to potential contamination.</p> <p>A contamination report would be required on this site to ensure there has been no contaminated fill placed on the site as a result of its past use as a quarry.</p>
SEPP (Primary Production and Rural Development) 2019	
<p>The aims of this Policy are as follows:</p> <ul style="list-style-type: none"> (a) to facilitate the orderly economic use and development of lands for primary production, (b) to reduce land use conflict and sterilisation of rural land by balancing primary production, residential development and the protection of native vegetation, 	<p>The site is highly constrained for agricultural purposes and the proposal does not seek to facilitate or promote agricultural activities through the provision of a dwelling entitlement.</p> <p>Notwithstanding the site being constrained for the purposes of agricultural activities, enabling the provision of a dwelling entitlement on the site</p>

<p>biodiversity and water resources,</p> <p>(c) to identify State significant agricultural land for the purpose of ensuring the ongoing viability of agriculture on that land, having regard to social, economic and environmental considerations,</p> <p>(d) to simplify the regulatory process for smaller-scale low risk artificial waterbodies, and routine maintenance of artificial water supply or drainage, in irrigation areas and districts, and for routine and emergency work in irrigation areas and districts,</p> <p>(e) to encourage sustainable agriculture, including sustainable aquaculture,</p> <p>(f) to require consideration of the effects of all proposed development in the State on oyster aquaculture,</p> <p>(g) to identify aquaculture that is to be treated as designated development using a well-defined and concise development assessment regime based on environment risks associated with site and operational factors.</p>	<p>through the mechanism of an additional permitted use would promote land use conflict in the area. The provision of a dwelling on undersized rural land does not result in a favourable planning outcome.</p>
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Ministerial Section 9.1 Directions

Direction	Comment
Employment & Resources	
1.2 Rural Zones	
<p>Aims to protect the agricultural production value of rural land.</p> <p>Applies when a planning proposal affects land within an existing or proposed rural zone.</p>	<p>Clause 4 (a) of this direction is applicable to the proposal. The proposal seeks to allow the provision of a dwelling entitlement on land zoned RU1 but does not seek to rezone the land to a residential, business, industrial, village or tourist zone.</p> <p>The proposal is consistent with Ministerial Direction 1.2.</p>
1.5 Rural Lands	
<p>Aims to protect the agricultural production value of rural land; and facilitate the orderly and economic</p>	<p>The proposal affects land zoned RU1 Primary Production which, when considering the</p>

Direction	Comment
<p>development of rural lands for rural and related purposes.</p> <p>Applies to local government areas to which State Environmental Planning Policy (Rural Development and Primary Production) 2019 applies and prepares a planning proposal that affects land within an existing or proposed rural or environment protection zone.</p>	<p>constraints of land, including the lot size, topography and former use as a quarry it is unlikely that the land could be considered prime agricultural land.</p> <p>Notwithstanding this, the land is still zoned for Rural Purposes and Clause 4 of the Direction must be considered.</p> <p>The subject site is not identified specifically in the Hunter Regional Plan 2036, the Upper Hunter Land Use Strategy and is contrary to the Dungog Land Use Strategy 2010 which did not identify the site or adjoining lands for residential development. Based on the above it is not considered that the proposal will have adverse impacts on the agricultural or environmental value of the land. The topography of the site and vegetation is prohibitive to the site being utilised extensively for agricultural purposes. The proposal would not promote opportunities for investment and productivity.</p> <p>Notwithstanding the land not being considered suitable for agricultural purposes, dwellings are generally permissible in the RU1 zone, unless prohibited under Clause 4.2B.</p> <p>Therefore it is considered that the proposal is consistent with Ministerial Direction 1.5.</p>
Environment & Heritage	
2.1 Environmental Protection Zones	
<p>Aims to protect and conserve environmentally sensitive areas.</p> <p>Applies when the relevant planning authority prepares a planning proposal.</p>	<p>There are no environmentally sensitive areas on the site and the proposal does not require the removal of vegetation.</p> <p>The subject proposal is consistent with the Ministerial Direction 2.1</p>
2.3 Heritage Conservation	
<p>Aims to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.</p> <p>Applies when the relevant planning authority</p>	<p>There are no items of environmental heritage significance or Indigenous heritage significance identified on the site.</p>

Direction	Comment
prepares a planning proposal.	<p>An Aboriginal Heritage Information Management System (AHIMS) search of the area provided with the application indicates no aboriginal site or places on or near the site.</p> <p>The subject proposal is consistent with the Ministerial Direction 2.3</p>
2.4 Recreational Vehicle Areas	
<p>Aims to protect sensitive land or land with significant conservation values from adverse impacts from recreation vehicles.</p> <p>Applies when the relevant planning authority prepares a planning proposal.</p>	<p>The proposal does not seek to affect sensitive land or land with conservation values and is proposed for residential use.</p> <p>The subject proposal is consistent with the Ministerial Direction 2.4</p>
Housing, Infrastructure and Urban Development	
3.2 Caravan Parks and Manufactured Home Estates	
<p>Aims to provide for a variety of housing types and provide opportunities for caravan parks and manufactured home estates.</p> <p>Applies when the relevant planning authority prepares a planning proposal.</p>	<p>The existing land zoning does not permit caravan parks and manufactured home estates.</p> <p>The subject proposal is consistent with the Ministerial Direction 3.2</p>
3.3 Home Occupations	
<p>Aims to encourage the carrying out of low impact small business in dwelling houses.</p> <p>Applies when the relevant planning authority prepares a planning proposal.</p>	<p>Though permissible under the RU1 Primary Production zone dwelling houses are prohibited on the site under Clause 4.2B of the Dungog LEP 2014. In the instance the Additional Permitted use is supported, home occupations would become permissible without consent through the provision of a dwelling entitlement.</p> <p>The subject proposal is consistent with the Ministerial Direction 3.3.</p>
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>The site is mapped as bushfire prone land. In the instance that the proposal is issued a gateway determination the proposal may require a referral to the NSW Rural Fire</p>

Direction	Comment
Applies when a planning proposal affects or is in proximity to land mapped as bushfire prone land.	Service and in the instance tat a Development application is lodged on the site the DA will be forwarded to the NSW RFS for a referral under 100B of the Rural Fires Act. The proposal is consistent with Ministerial Direction 4.4.
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>	The Hunter Regional Plan 2036 and the Upper Hunter Strategic Land Use Plan is applicable to the Dungog LGA. The subject site and is not identified in either regional plan. Despite the proposal not being considered suitable, the proposal is not explicitly inconsistent or contrary with the directions of the Hunter Regional Plan or the Upper Hunter Strategic Land Use Plan
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>	<p>The proposal would not trigger the requirement for concurrence from the Minister nor would any future development be considered designated development requiring the approval of a public authority.</p> <p>The proposal is consistent with Ministerial Direction 6.1.</p>
6.2 Reserving Land for Public Purposes	
<p>Aims to facilitate the provision of public services and facilities by reserving land for public purposes, and facilitate the removal of reservations of land for public purposes where land is no longer required for acquisition.</p> <p>Applies when the relevant planning authority prepares a planning proposal.</p>	<p>The proposal does not affect land for public purposes not does it seek to facilitate the provision of public services.</p> <p>The proposal is consistent with Ministerial Direction 6.2.</p>
6.3 Site Specific Provisions	
<p>Aims to discourage unnecessarily restrictive site specific planning controls.</p> <p>Applies when the relevant planning authority</p>	The proposal seeks to utilise the mechanism of Schedule 1 Additional Permitted Uses of the LEP to permit the land use of a dwelling

Direction	Comment
prepares a planning proposal to allow particular development to be carried out.	house which is currently prohibited under Clause 4.2A of the Dungog LEP 2014. As the proposal does not seek to restrict development on the site through the use of specific planning controls and instead permit additional development it is considered that the proposal is consistent with Ministerial Direction 6.3.