



Dungog Shire Council

**Contact Details:**

Dungog Shire Council  
198 Dowling Street  
DUNGOG

File No: PP2/2020

T: 02 4995 7777

E: [shirecouncil@dungog.nsw.gov.au](mailto:shirecouncil@dungog.nsw.gov.au)

*Attention: Strategic Planning*

# PLANNING PROPOSAL

## Amendment to the *Dungog Local Environmental Plan 2014*

Two new local provision clauses - new item under Clause 2.6 – Schedule 1 – Additional Permitted Uses relating to *Dungog Common Recreation Reserve* and new clause for temporary events on Council land.

| <b><i>Document Control</i></b> | <b><i>Date</i></b> | <b><i>Status</i></b> |
|--------------------------------|--------------------|----------------------|
| Version 1.0                    | 21/10/2020         | Council Report       |
| Version 2.0                    | 27/10/2020         | Gateway Request      |
| Version 3.0                    | 10/02/2021         | Public Consultation  |

## Contents

|   |    |
|---|----|
| Section A – Need for the Planning Proposal .....  | 4  |
| 1. Is the planning proposal part of any strategic study or report? .....  | 4  |
| 2. Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way? .....  | 7  |
| Section B – Relationship to Strategic Planning Framework.....   | 8  |
| 3. Is the planning proposal consistent with the objectives and actions of the applicable regional and sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?..... | 8  |
| 4. Is the planning proposal consistent with Council’s local strategy or other local strategic plans? .....  | 9  |
| 5. Is the planning proposal consistent with applicable State Environmental Planning Policies? ..  | 10 |
| 6. Is the planning proposal consistent with applicable Ministerial Directions (s 9.1 Directions)? ..  | 11 |
| Section C – Environmental, Social and Economic Impact .....   | 13 |
| 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? .....               | 13 |
| 8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?.....  | 13 |
| 9. How has the planning proposal adequately addressed any social and economic effects? .....  | 13 |
| Section D – State and Commonwealth Interests .....  | 14 |
| 10. Is there adequate public infrastructure for the planning proposal? .....  | 14 |
| 11. What are the views of State and Commonwealth authorities consulted in accordance with the Gateway Determination? .....  | 15 |
| Attachment 1: Correspondence from Crown Lands .....   | 16 |
| Attachment 2: Land Use Zone Map .....   | 16 |
| Attachment 3: Ride Dungog MTB map .....   | 16 |

# Part 1 – Objectives or Intended Outcomes

The intended outcomes of the Planning Proposal (PP) are to:

- (1) permit a mountain bike park within the Dungog Common Recreation Reserve; and
- (2) As a companion process, action a Planning Priority in the Dungog Local Strategic Planning Statement (LSPS) to simplify approval requirements for temporary events within the Dungog Shire on Council land to support tourism and community culture by removing the need for development consent.

## Part 2 – Explanation of the Provisions

The intended outcomes will be achieved by including new local provisions in the Dungog Local Environmental Plan 2014 (DLEP) as follows:

- (1) New Additional Permitted Use – Schedule 1 (Item 4)

As an interim measure, insert a new Additional Permitted Use in Schedule 1.

### Proposed Item in Schedule 1

#### **Schedule 1**

4 *Use of all land in Zone E3 Environmental Management, Common Road, Dungog (Dungog Common Recreation Reserve).*

- (1) *This clause applies to land described as Lots 162, 163, 167, 168, 169, 170, 236 and 301 DP752457; Part Lot 337 DP729762 and Lot 7302 DP1162438.*
- (2) *Development for the purposes of recreation facilities (outdoor), being a mountain bike park is permitted with consent.*

- (2) New local provision clause – Clause 6.13 – Events permitted without development consent

Insert a new local provision clause in Part 6 that permits certain temporary events without consent on Council's public reserves and road reserves, subject to any necessary other approvals being in place. This clause will allow events on Council's land to be undertaken without the need for a development consent under clause 2.8 – Temporary Use of Land in the DLEP.

The clause is proposed to replicate clause 6.6 in the *Newcastle Local Environmental Plan 2012* and clause 7.17 in the *Port Stephens Local Environmental Plan 2013*, omitting the reference to the now repealed *State Environmental Planning Policy (Temporary Structures) 2007*.

### Proposed Clause

#### **6.13 Events permitted without development consent**

- (1) *The objective of this clause is to provide for the temporary use of public reserves and public roads for exhibitions, meetings, concerts or events.*
- (2) *Despite any other provision of this Plan, development for the purpose of a temporary event may be carried out on a public reserve or public road without development consent.*

*Note—*

*Other approvals may be required, and must be obtained, under other Acts, including the Local Government Act 1993, the Roads Act 1993 and the Crown Land Management Act 2016.*

- (3) *In this clause—*

**public reserve** *has the same meaning as in the Local Government Act 1993.*

**temporary event** *means an exhibition, meeting, concert or other event that is open to the public for which land is used for a period of not more than 52 days (whether or not consecutive) in any period of 12 months.*

## Part 3 – Justification

### Section A – Need for the Planning Proposal

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

No. Both amendments seek to address a specific matter relating to existing planning controls.

- (1) **Dungog Common**

#### Background

**21 February 2014:** The Dungog Common Recreation Reserve (Reserve No. 1038088) was created by notification in the NSW Government Gazette and the Dungog Common Recreation Reserve Trust established. The Common was reserved for public purposes: *public recreation, tourist facilities and services, environmental protection, heritage purposes and rural services.*

The Dungog Common Recreation Reserve (Dungog Common) is Crown Land managed by the Reserve Land Managers under the Trust and comprises an area of approximately 262.8 hectares.

The Dungog Common is subject to an Aboriginal Land Claim under the Aboriginal Land Rights Act 1983 by Karuah Local Aboriginal Land Council. The matter remains under assessment.

A Crown road reserve (unformed) traverses the eastern portion of the site and is contained within, but does not form part of, the Dungog Common. Common Road is a Council road reserve and provides vehicular access to the site from the north and access to a number of neighbouring lots.

**01 June 2014:** Publication of the *Dungog Local Environmental Plan 2014*. Existing land use zones applying to the Dungog Common under the Dungog Local Environmental Plan 2006 were translated across to the Standard Instrument LEP template that was then published as the Dungog LEP 2014 (DLEP). No review of the land use zones or controls relating to the Dungog Common was undertaken at this time.

**Table 1: Land Use Zones – Dungog Common**

| <i>Dungog LEP 2006</i> | <i>Dungog LEP 2014</i>      |
|------------------------|-----------------------------|
| 1(a) Rural             | RU1 Primary Production      |
| 1(1) Lifestyle         | R5 Large Lot Residential    |
| 2(a) Residential       | R1 General Residential      |
| 4(a) Employment        | IN1 General Industrial      |
| 7(a) Environment       | E3 Environmental Management |

#### Use of Crown Reserve for gazetted public purposes

**17 July 2020:** Council received correspondence from Crown Lands requesting Council review the zoning and land use permissibility applying to the Reserve. The correspondence is in response to an approach from the Dungog Common Recreation Reserve Land Manager to Crown Lands about the use of the Reserve for a mountain bike park.

Specifically, Crown Lands notes that the Crown Reserve has five (5) land use zones under the Dungog LEP 2014, of which Crown Lands:

- considers the R1, R5 and IN1 zones to be incompatible with the gazetted purpose of the Crown reserve, and
- is concerned that the land use table in the E3 zone does not permit recreational uses other than **recreation areas**, which is inconsistent with the gazetted purposes of the Crown reserve.

#### **Attachment 1: Correspondence from Crown Lands**

#### **Attachment 2: Land Use Zone map (Dungog Common)**

#### Land Use Definitions

The Dungog LEP 2014 defines recreational uses in accordance with the Standard LEP Template Dictionary. Of relevance to this Planning Proposal is the definitions of **recreation area** and **recreation facility (outdoor)**.

**Recreation area** means a place used for outdoor recreation that is normally open to the public, and includes –

- (a) a children's playground, or
- (b) an area used for community sporting activities, or
- (c) a public park, reserve or garden or the like.

**Recreation facility (outdoor)** means a building or place (other than a recreation area) used predominantly for outdoor recreation, whether or not operated for the purposes of gain, including a golf course, golf driving range, mini-golf centre, tennis court, paint-ball centre, lawn bowling green, outdoor swimming pool, equestrian centre, skate board ramp, go-kart track, rifle range, water-ski centre or any other building or place of a like character used for outdoor recreation (including any ancillary buildings), but does not include an entertainment facility or a recreation facility (major).

**Table 2: Comparison of Land Use Zones/Land Use Tables – Recreational Uses**

|   | RU1 Primary Production | E3 Environmental Management | R1 General Residential | R5 Large Lot Residential | IN1 General Industrial |
|---|------------------------|-----------------------------|------------------------|--------------------------|------------------------|
| <b>Land Use Matrix (recreational land uses)</b> |                        |                             |                        |                          |                        |
| Recreation areas                                |                        |                             |                        |                          |                        |
| Recreational facilities (outdoor)               |                        |                             |                        |                          |                        |
| Recreational facilities (indoor)                |                        |                             |                        |                          |                        |
| Recreational facilities (major)                 |                        |                             |                        |                          |                        |

*Recreation facilities (outdoor)* are currently permissible in all zones applying to the Dungog Common, other than Zone E3 Environmental Management. *Recreation areas* are permissible with consent in all zones.

#### Recreational uses - Dungog Common

*Ride Dungog* identifies that the Dungog Common has over 22 kms of single track, 2.2km of groomed flow track (with more to be developed) and a constructed fun track (pump track) for use as a mountain bike park. The network of tracks and trails extend across all current land use zones within the Dungog Common, and range from the use of historic cattle tracks and walking trails to purpose - built constructed 'return to top' trails, flow tracks and the fun park (pump track).

The mountain bike park as an overall complex is appropriately defined as a *recreation facility (outdoor)* notwithstanding that some components of the park may be used by other community groups and are not purpose-built. Capturing the entire network of tracks and trails under one land use definition provides greater certainty over the permissibility of this land use within Dungog Common, and greater flexibility in the design of the overall bike park, without the current constraints of the land use zone boundaries.

#### **Attachment 3: Ride Dungog Map**

## Land Titles – Dungog Common

The Dungog Common includes the following land titles. The relevant land use zone is included for information purposes. The Planning Proposal relates only to the lots identified in Zone E3 Environmental Management. The land use controls relating to the other land use zones remain unchanged.

**Table 3: Land Titles and related Land Use Zone**

| Deposited Plan (DP) | Lots     | Land Use Zone |
|---------------------|----------|---------------|
| DP 752457           | Lot 162  | E3            |
|                     | Lot 163  | E3            |
|                     | Lot 167  | E3            |
|                     | Lot 168  | E3            |
|                     | Lot 169  | E3            |
|                     | Lot 170  | E3            |
|                     | Lot 173  | RU1           |
|                     | Lot 174  | RU1           |
|                     | Lot 176  | R1            |
|                     | Lot 236  | E3            |
|                     | Lot 301  | E3            |
| DP 704790           | Lot 328  | IN1 (road)    |
| DP 729762           | Lot 337  | RU1/IN1/E3    |
| DP 1162438          | Lot 7302 | E3            |
| DP 1146880          | Lot 7301 | R5            |
|                     | Lot 7302 | R5/RU1        |
|                     | Lot 7303 | RU1           |
| DP 1057161          | Lot 7008 | R5            |
|                     | Lot 7009 | R5            |
|                     | Lot 7010 | R5            |
|                     | Lot 7011 | R5/RU1        |
| DP 96440            | Lot 7012 | RU1           |
|                     | Lot 7013 | R5/RU1        |

## 2. Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

### (1) Dungog Common

Yes, as an interim measure. The Planning Proposal is considered the best means of achieving the intended outcomes until such time as a comprehensive review of the land use zones applicable to the Dungog Common can be completed to address the concerns raised by Crown Lands in its correspondence to Council dated 17/07/2020. This amendment will be the first stage in the review of land use zones across the Dungog Common to align the land uses with the gazetted public purposes.

Stage 1: As an interim measure, insert an Additional Permitted Use to permit *recreation facilities (outdoor)* within consent on land in Zone E3 Environmental Management within the Dungog Common.

- Stage 2: Council accept and consider a Development Application for the overall mountain bike park within the Dungog Common.
- Stage 3: Council review the current Land Use Zones applying to the Dungog Common.

The Additional Permitted Use will allow the development of a mountain bike park on the Dungog Common to be considered and determined under the one overarching land use definition of **recreation facility (outdoor)**, rather than interpret differences between the definition of **recreation area** and **recreation facility (outdoor)**. Capturing the footprint of the mountain bike park under one land use will also assist to streamline the administrative process associated with the issuing of any lease/licence approvals with Crown Lands and associated insurance policies.

Further, the use of Schedule 1 – Additional Permitted Uses is an appropriate interim response to the concerns raised by Crown Lands. Conversely, it is not considered appropriate to permit the land use generally in Zone E3 Environmental Management without support from an adopted Strategy.

## (2) Events Clause

Yes. The proposed clause actions a Planning Priority from the Dungog LSPS.

## Section B – Relationship to Strategic Planning Framework

3. Is the planning proposal consistent with the objectives and actions of the applicable regional and sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

### Hunter Regional Plan 2036 (HRP)

The Hunter Regional Plan provides the overarching framework to guide development, investment and planning within the Hunter Region to 2036.

The narrative within this Plan for Dungog notes that the Shire's future lies in *strengthening its tourist connection to Barrington Tops, diversifying its already strong agricultural base and capitalising on its potential for large-scale music festivals*.

One of the regional priorities identified for Dungog Shire that is relevant to this Planning Proposal is identified as:

- Expand the tourism sector by leveraging its strengths, including growing of fresh produce and nature tourism.

Both clauses within the Planning Proposal are considered to be consistent with the objectives of the HRP and its relevance to Dungog Shire, in that the proposed amendment will support land uses and activities associated with tourism in Dungog.

### Upper Hunter Strategic Regional Land Use Plan (2012)

The Upper Hunter Region includes the five local government areas of Singleton, Muswellbrook, Dungog, Upper Hunter and Gloucester. The purpose of this Land Use Plan is to provide a framework



to support growth, protect the environment and respond to competing land uses, whilst preserving key regional values over the 20 year planning horizon of this Plan.

While there is nothing specifically related to this Planning Proposal, the Plan does reference the importance of promoting tourism within Dungog, to broaden and diversify the local economy. The Planning Proposal supports this objective.

#### 4. Is the planning proposal consistent with Council's local strategy or other local strategic plans?

### **Dungog Shire Council Community Strategic Plan 2030 (as amended 19 December 2018)**

#### (1) Dungog Common

##### *Section 5 – Recreation and Open Space*

This section identifies that Dungog Shire provides a good lifestyle setting for active recreational pursuits including trail and mountain biking and encourages and supports the diversity of sporting and recreational activities throughout the Shire.

The Planning Proposal supports the ongoing use of the Dungog Common for mountain bike riding through the streamlining of the approval pathway proposed in the Additional Permitted Use clause.

#### (2) Events Clause

##### *Section 3 – Community and Culture*

This section identifies that the community values the range of local events and activities that contribute to a strong community identity and spirit and recognises that Council provides good support for local community events.

The Planning Proposal further supports the local community by reducing the number of Council approvals required for temporary events on Council's public reserves and roads.

### **Dungog Local Strategic Planning Statement (LSPS)**

Yes. The LSPS identifies a number of Planning Priorities that are relevant to the Planning Proposal.

|  |  |
|--|--|
| <b>A Thriving New Economy</b>  |  |
| <i>Planning Priority 4: Growth in Tourism</i>  | <i>Timeframe</i>   |
| <ul style="list-style-type: none"> <li>Insert clause in DLEP for temporary events.</li> </ul>  | Immediate. The Events Clause in the PP actions this Priority.  |
| <b>Infrastructure Supporting Growth</b>  |  |
| <i>Planning Priority 2: Improve Tourism Infrastructure</i>   |  |
| <ul style="list-style-type: none"> <li>Investigate opportunities for walking trails, mountain bike trails and cycling routes across the LGA while preserving and leveraging off those already established by working with local stakeholder groups.</li> </ul> | Short. The PP seeks to streamline the planning approval pathway for mountain bike trails within the Dungog Common. |
| <ul style="list-style-type: none"> <li>Work with Dungog Regional Tourism and local stakeholders, to investigate</li> </ul>   | Short-Medium. The Events Clause in the PP complements this Priority by minimising the                              |

|  |   |
|--|---|
| opportunities for events, routes and tracks for visitor activities such as 4WD and motorbike touring to promote the LGA. | number of approvals necessary to hold temporary events on Council reserves and roads. |
|--|---|

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

All SEPPs applicable to the Dungog Local Government Area are considered in the following Table. No Policies are considered relevant to the Planning Proposal.

| SEPP   | Comment   |
|--|---|
| SEPP 21 – Caravan Parks  | Not relevant.   |
| SEPP 33 – Hazardous & Offensive Development                        | Not relevant.   |
| SEPP 36 – Manufactured Home Estates                                | Not relevant.   |
| SEPP 50 – Canal Estate Development                                 | Not relevant.   |
| SEPP 55 – Remediation of Land                                      | Not relevant.   |
| SEPP 64 – Advertising and Signage                                  | Not relevant.   |
| SEPP 65 – Design Quality of Residential Development                | Not relevant.   |
| SEPP 70 – Affordable Rental Housing (Revised Schemes)              | Not relevant.   |
| SEPP (Affordable Rental Housing) 2009                              | Not relevant.   |
| SEPP (Building Sustainability Index: BASIX) 2004                   | Not relevant.   |
| SEPP (Coastal Management) 2018                                     | Not relevant.   |
| SEPP (Concurrence and Consents) 2018                               | Not relevant.   |
| SEPP (Educational Establishments and Child Care Facilities) 2017   | Not relevant.   |
| SEPP (Exempt and Complying Development Codes) 2008                 | Not relevant.   |
| SEPP (Housing for Seniors or People with a Disability) 2004        | Not relevant.   |
| SEPP (Infrastructure) 2007   | Not relevant. Division 12 – Parks and other Public Reserves not applicable. |
| SEPP (Koala Habitat Protection) 2019                               | Not relevant.   |
| SEPP (Mining, Petroleum Production and Extractive Industries) 2007 | Not relevant.   |
| SEPP (Primary Production and Rural Lands) 2019                     | Not relevant.   |
| SEPP (State and Regional Development) 2011                         | Not relevant.   |
| SEPP (State Significant Precincts) 2005                            | Not relevant.   |
| SEPP (Vegetation in Non-Rural Areas) 2017                          | Not relevant.   |

6. Is the planning proposal consistent with applicable Ministerial Directions (s 9.1 Directions)?

Ministerial Directions are considered in the following Table.

(1) Dungog Common

| <b><i>Direction</i></b>   | <b><i>Objective</i></b> | <b><i>Comment</i></b> |
|---|-------------------------|-----------------------|
| <b>1. Employment and Resources</b>  |                         |                       |
| 1.1 Business and Industrial Zones   |                         | Not relevant.         |
| 1.2 Rural Zones   |                         |                       |
| 1.3 Mining, Petroleum Production and Extractive Industries                            |                         | Not relevant.         |
| 1.4 Oyster Aquaculture  |                         | Not relevant.         |
| 1.5 Rural Lands   |                         |                       |
| <b>2. Environment and Heritage</b>  |                         |                       |
| 2.1 Environment Protection Zones  |                         | Not relevant.         |
| 2.2 Coastal Protection  |                         | N/A.                  |
| 2.3 Heritage Conservation   |                         | Not relevant.         |
| 2.4 Recreation Vehicle Areas  |                         | Not relevant.         |
| 2.5 Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs |                         | N/A.                  |
| <b>3. Housing, Infrastructure and Urban Development</b>                               |                         |                       |
| 3.1 Residential Zones   |                         | Not relevant.         |
| 3.2 Caravan Parks and Manufactured Home Estates                                       |                         | Not relevant.         |
| 3.3 Home occupations  |                         | Not relevant.         |
| 3.4 Integrating Land Use and Transport  |                         | Not relevant.         |
| 3.5 Development near Licensed Aerodromes  |                         | Not relevant.         |
| <b>4. Hazard and Risk</b>   |                         |                       |
| 4.1 Acid sulfate soils  |                         | Not relevant.         |
| 4.2 Mine Subsidence and Unstable Land   |                         | Not relevant.         |
| 4.3 Flood Prone Land  | 1 July 2009             | Not relevant.         |

|  |   |  |
|--|---|--|
| 4.4 Planning for Bushfire Protection   |   | Not relevant.  |
| <b>5. Regional Planning</b>  |   |  |
| 5.1 Revoked 17 October 2017  |   | N/A.   |
| 5.2 Sydney Drinking Water Catchments   |   | N/A.   |
| 5.3 Farmland of State and Regional Significance on the NSW Far North Coast   |   | N/A.   |
| 5.4 Commercial and Retail Development along the Pacific Highway, North Coast |   | N/A.   |
| 5.5 Revoked 18 June 2010   |   | N/A.   |
| 5.6 Revoked 10 July 2008   |   | N/A.   |
| 5.7 Revoked 10 July 2008   |   | N/A.   |
| 5.8 Revoked 20 August 2018   |   | N/A.   |
| 5.9 North West Rail Link Corridor Strategy                                   |   | N/A.   |
| 5.10 Implementation of Regional Plans  | Planning proposals must be consistent with a Regional Plan released by the Minister for Planning.                                   | Consistent. The PP promotes the growth of tourism with Dungog Shire.   |
| 5.11 Development of Aboriginal Land Council land                             |   | N/A.   |
| <b>6. Local Plan Making</b>  |   |  |
| 6.1 Approval and Referral Requirements                                       | The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development. | Consistent. The PP does not include any concurrence, consultation or referral requirements, or identify development as designated development.   |
| 6.2 Reserving Land for Public Purposes                                       |   | Not relevant.  |
| 6.3 Site Specific Provisions   | The objective of this direction is to discourage unnecessarily restrictive site specific planning controls.                         | Consistent. The PP permits recreation facility (outdoor) within consent on lands in Zone E3 Environmental Management on Dungog Common as an interim measure, but does not include site-specific planning controls. |
| <b>7. Metropolitan Planning</b>  |   | <b>This section is not applicable to Dungog Shire.</b>   |

(2) Events Clause

No Ministerial Directions are considered relevant.

## Section 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?

(1) Dungog Common

Assessment of a Development Application for the mountain bike park complex will be required to address this consideration, in determining appropriate locations for the track and trail network and ancillary structures, that minimise impacts on the biodiversity values of the site. Cross-country trails and flow tracks that follow the contour of the land may be appropriate in Zone E3 Environmental Management, while pump tracks and ancillary structures are likely to be more appropriately located on the flatter slopes on the site currently in Zone RU1 Primary Production and Zone R5 Large Lot Residential.

(2) Events Clause

Not relevant.

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

(1) Dungog Common

Assessment and determination of a Development Application will address all relevant environmental matters.

(2) Events Clause

Necessary approvals under related legislation will adequately address any environmental impacts associated with events on Council's reserves and roads.

9. How has the planning proposal adequately addressed any social and economic effects?

The Planning Proposal supports tourism as a growth industry. Dungog Shire is touted as "the camping and outdoor recreation capital of NSW". The regional attraction of outdoor recreation locations and activities supports the local economy and provides business confidence and employment opportunities.

(1) Dungog Common

The Dungog Common is reported as having the potential to be an iconic location for outdoor recreation and *Dungog Regional Tourism* (DRT) has been successful in securing grant funding under regional programs to support development of mountain biking on Dungog Common.

**10 July 2020:** *ABC News Newcastle* reported on the success of the mountain bike trails on the Dungog Common. The venue was described as leading a surprise economic revival for Dungog, due to the tourism boom associated with the mountain bike park, including business patronage in the town centre and new business opportunities.

The Additional Permitted Use clause will assist the Crown Land Managers of Dungog Common to promote and develop the site for the gazetted public purposes of the Reserve. In this instance, *public recreation* and *tourism* are related public purposes and have related benefits to the Common and the community.

(2) Events clause

A number of community and tourist related events are regularly held on Council land, whether on public roads or public reserves. Any public event is of benefit to the local community and assists to stimulate the tourism and commercial sectors by providing additional incentives to visit the Dungog Shire. Events that will benefit from the removal of the need for planning approval for a temporary event on Council land include:

- Dungog Festival (Dowling Street, Dungog). An annual event requiring the road closure of Dowling Street and associated other food licences
- Relay for Life
- Markets
- Sporting events (fun runs)

## Section D – State and Commonwealth Interests

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

(1) Dungog Common

Vehicular access to the site is currently available from Common Road, Dungog into an unformed carparking area. Water and sewer are available to the site adjoining Common Road and Council has recently approved an amenities building on the site with connection to both reticulated water and sewer. This building is currently under construction. Any further infrastructure needs will be identified with a Development Application and provided by the developer if required to service the proposed development.

(2) Events Clause

Not relevant.

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

Formal consultation with selected statutory agencies will be undertaken in accordance with the Gateway Determination. Consultation is recommended with the following statutory authorities and agencies:

- (1) Dungog Common
  - Crown Lands
  - Karuah Local Aboriginal Land Council
- (2) Events Clause
  - Not relevant.

## Part 4 – Mapping

Not relevant. No new map is required for this Planning Proposal and no amendments are required to the existing map layers.

## Part 5 – Initial Community Consultation

Community consultation will be undertaken in accordance with the conditions of the Gateway Determination. Council recommends the exhibition of the Planning Proposal for a period of 28 days in accordance with Council's Community Participation Plan unless the Gateway provides otherwise.

The proposed consultation strategy for this Planning Proposal includes:

- Web based notification on the Department's LEP Online Tracker;
- Web-based notification on Council's website
- Notification in the Dungog Chronicle (online)
- Notification on the Dungog Common Website (to be provided by the Crown Land Managers of the Common)

## Part 6 – Project Timeline

It is estimated that the proposed amendment to the DLEP will be completed by March 2021 and then submitted to the NSW Department of Planning, Industry and Environment (DPIE) for the amendment to be made and published on the NSW Legislation website.

Technical studies have not been identified as a component of the Planning Proposal. If the DPIE Gateway Determination requires technical studies to be prepared, the Project Timeline will require amendment.

|   | Oct<br>2020 | Feb<br>2021 | Mar<br>2021 | Apr<br>2021 | May<br>2021 | June<br>2021 |
|---|-------------|-------------|-------------|-------------|-------------|--------------|
| Stage 1: Report to Council seeking endorsement to proceed with PP and request Gateway Determination |             |             |             |             |             |              |
| Stage 1: Submit PP to DPIE with request for Gateway Determination.                                  |             |             |             |             |             |              |
| Stage 2: Gateway Determination received.  |             |             |             |             |             |              |
| Stage 3: Preparation of Public Exhibition documentation and Agency Consultation                     |             |             |             |             |             |              |
| Stage 4: Public Exhibition  |             |             |             |             |             |              |
| Stage 5: Review submissions   |             |             |             |             |             |              |
| Stage 6: Report to Council  |             |             |             |             |             |              |
| Stage 7: Forward PP to DPIE with request to make the LEP Amendment.                                 |             |             |             |             |             |              |

*Green = completed*

*Orange = current stage*

*Blue = to be completed*

## Supporting Documentation

Attachment 1: Correspondence from Crown Lands

Attachment 2: Land Use Zone Map

Attachment 3: Ride Dungog MTB map