

PLANNING PROPOSAL FOR A

**LAND REZONING from SP2 to R1** AT 2 Chapman Street, Dungog, 2420, NSW,  
(LOT: 2, DP: 810011)

Prepared by Perception Planning Pty Ltd on behalf of Marian Ison



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## EXECUTIVE SUMMARY

This Planning Proposal (PP) has been prepared to support the rezoning of 2 Chapman Street, (Lot: 2 DP: 810011), Dungog, NSW, 2420 (the subject site) from SP2 – Special Infrastructure to R1 General Residential.

This proposal is intended to rectify a zoning anomaly, which will ensure the appropriate zoning is given to best reflect the overall land-use. Further, this Planning Proposal will ensure future development on the site can be controlled by a more practical land zone, which in turn will reflect the most logical use of land and character of the area. This is considered the highest and best use of the site given its location and surrounding development.

The zoning anomaly was identified when the current owner went to sell the property recently. It was assumed the property was a normal residential zoned property, as the dwelling has been in existence for many years as a normal dwelling. It was at this point of sale stage the owner realised the property was zoned Infrastructure, which accordingly caused issues with the permissibility of the existing dwelling despite existing use rights. As the property was once used as a manager's residence for the railway, it is assumed this is why the site has the same special infrastructure zoning as the rail corridor. Given the dwelling is used independently to the railway nowadays and on a separate title, it makes sense that it is no longer zoned infrastructure.

The site will benefit from this proposal as it will enable a clear distinction between the residential use of the site and the boundary for special infrastructure, as clearly meant for the Dungog Station rail tracks to the east of the site. The proposal can be carried out without any adverse impacts on the locality or environment. It should be clarified that this proposal is only for the rezoning of the site.

This Proposal follows discussions with Dungog Shire Council Staff who advised that this proposed Planning Proposal is justifiable given the appropriate reports are provided to enable the rezoning process. This Proposal will be accompanied by the following report as suggested by Council:

- Noise and Vibration Report (**ATTACHMENT 1**)

This PP describes the subject site and outlines the proposed amendment of the *Dungog Local Environmental Plan 2014* to rezone the subject site - Lot: 2 DP: 1176357 from SP2 – Special Infrastructure to R1 – General Residential.

Overall, this PP is consistent with the Department of Planning & Environment, August 2016, 'A Guide to Preparing Planning Proposals', Dungog Shire Council Community Strategic Plan 2012-2030 and Dungog Shire Council Land Use Strategy 2010.

This PP will reflect and adhere to the relevant strategic goals set out in the Community Strategic Plan for Rural and Urban development – which have links to State and Regional Plans. Allowing the subject site to be rezoned to R1 – General Residential will ensure that land is used appropriately to accommodate the overall intended use of a residential dwelling on site and any other future residential uses that may be associated with the existing dwelling on site. This rezoning will further promote the village atmosphere as characterised by the surrounding existing streetscapes and low-density development. This rezoning will reinforce effective strategic use of land which will



improve the liveability of the Dungog community. The PP will acknowledge the importance of maintaining the amenity of the residential character of the site and wider community within the Dungog LGA which is to be achieved by amending the land zone anomaly to a zone (R1) that best reflects the overall exiting land-use. This will also prevent future conflicts and uses of the land for future development purposes.

The Proposal has the potential to deliver improved social economic and environmental outcomes for the Dungog Local Government Area (LGA).

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## 1.0 INTRODUCTION

This Planning Proposal (PP) has been prepared on behalf of the client, Marian Ison, in relation to the proposed rezoning at 2 Chapman Street, (Lot: 2 DP: 810011), Dungog, NSW, 2420 (the subject site).

This proposal is intended to rezone the current land zone of SP2 – Special Infrastructure to R1 – General Residential to rectify a zoning anomaly, which will ensure the appropriate zoning is given to best reflect the overall land-use. The proposal is also reflective of the strategic goals as stated in the Dungog Community Strategic Plan 2012-2030 which promotes the use of appropriate land supply for the accommodation of future expected population growth in the LGA. In addition, this Planning Proposal will ensure future development on the site can be controlled by a more practical land zone, which in turn will reflect the most logical use of land and character of the area. This is considered the highest and best use of the site given its location and surrounding development. The site will benefit from this proposal as it will enable a clear distinction between the residential use of the site and the boundary for special infrastructure, as clearly meant for the Dungog Station rail tracks to the east of the site. The proposal can be carried out without any adverse impacts on the locality or environment. It should be clarified that this proposal is only for the rezoning of the site.

This proposal has been guided by the Department of Planning & Environment, August 2016, 'A Guide to Preparing Planning Proposals'.

### 1.1 CONTEXT

The site and surrounding land are currently utilised for residential accommodation. East of the site is the Dungog Station rail system, in which the zoning has encroached and covered the subject site.

The rezoning will combine with the existing neighbouring land use of R1 and will transition and reflect the appropriate land zone used for residential land-uses. This will not be out of character nor adversely impact on the existing residential character of the land.

The proposal offers a rezoning that is not unreasonable given the sites existing land use and surrounding development. A minor rezoning for the subject lot will not conflict with the overall objectives of the R1 – General Residential Land Zone.

In fact, it is considered that this planning proposal is well within reason and in context of the overall objectives of the R1 – General Residential Land Zone in the Dungog LGA. This will be explored later in this report.

Correspondence with Dungog Council Officer's indicated that a formal DAP was not necessary given the small-scale nature of the Planning Proposal. Correspondence however, confirmed the collection and presentation of the prerequisite reports (**ATTACHMENT 1**) and the preparation of the subject Planning Proposal report.

### 1.2 SITE DESCRIPTION

The subject site is known as 2 Chapman Street, Dungog, NSW, 2420 and can be legally identified as Lot: 2 DP: 810011.



The site is approximately 1006m<sup>2</sup> in size, and is located in the Dungog Local Government Area (LGA).

The subject site contains a residential dwelling and ancillary carport.

The majority of the subject site is cleared managed land, and is relatively flat. The site is located within close proximity to the Dungog Station rail system (east of the site) and is located in an existing residentially built area of the Dungog District. Further context is shown in **Figure 1** below.

Figure 1 – Locality Map



A summary of the key site particulars and characteristics are as follows:

<b>Address:</b>	2 Chapman Street, Dungog, NSW, 2420
<b>Lot &amp; DP:</b>	Lot: 2, DP: 810011
<b>LEP:</b>	Dungog Local Environmental Plan 2014
<b>Zoning:</b>	SP2 Special Infrastructure
<b>Minimum Lot Size:</b>	N/A
<b>Bushfire Prone:</b>	No (Dungog LEP2014)
<b>Flooding:</b>	No (Dungog LEP2014)
<b>Heritage:</b>	Yes (Dungog LEP2014)
<b>Drinking Water Catchment</b>	Yes (Dungog LEP2014)
<b>Acid Sulfate Soils:</b>	No (Dungog LEP2014)
<b>Environmentally Sensitive:</b>	No (Dungog LEP2014)
<b>Sensitive Aboriginal Landscape:</b>	No (Dungog LEP2014)



<b>Terrestrial Biodiversity:</b>	No (Dungog LEP2014)
<b>Land Acquisition:</b>	No (Dungog LEP2014)
<b>Urban Release Area:</b>	No (Dungog LEP2014)
<b>Relevant Strategies:</b>	Hunter Regional Plan 2036, Upper Hunter Strategic Regional Land Use Plan, Dungog Shire Council Community Strategic Plan 2012 - 2030, & Dungog Land Use Strategy 2010.

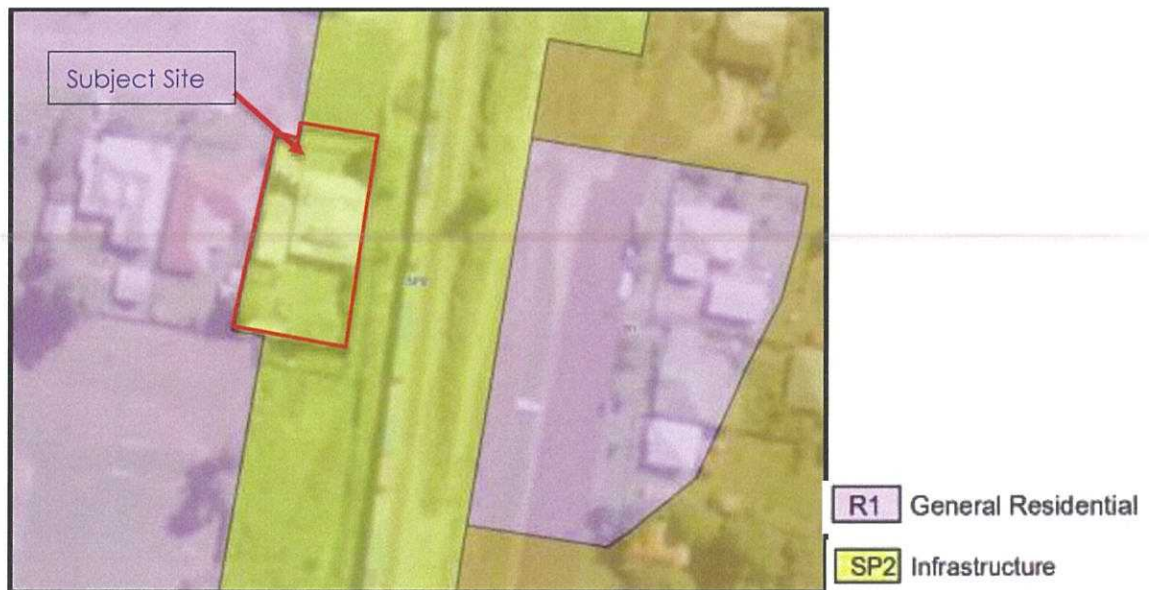
### Surrounding Development

The subject site is located in Chapman Street, Dungog, NSW, 2420. The site is located within an established residential area of Dungog and is in proximity to the Dungog Station rail system to the east. Directly to the west of the site are residential properties ranging in similar sized lots. The proposal would be consistent with the development pattern and zoning of the area.

### **1.3 EXISTING ZONING**

The subject site is currently zoned SP2 – Special Infrastructure under the Dungog Local Environmental Plan 2014 (See **Figure 2** below).

Figure 2 - Land Use Zoning Map



### **1.4 MINIMUM LOT SIZE PROVISIONS**

The subject site is not identified to have a minimum lot size.

### ***1.5 LAND USE HISTORY***

The subject site is currently being used for residential living purposes, similar to surrounding development.

## 2.0 THE PROPOSAL

The proposal consists of:

- Rezoning the subject site from SP2 – Special Infrastructure to R1 – General Residential.

### 2.1 THE NEED FOR THE REZONING

The Proposal is not the result of any strategic study or report.

The Site is zoned as SP2 – Special Infrastructure under the Dungog LEP 2014. This Proposal identifies that this zoning is inappropriate for this locality given the surrounding residential zoning and existing land-use.

The Site is not used for Special Infrastructure purposes, nor would Special Infrastructure purposes be appropriate given the proximity of residential premises and the consideration that the lot has a current existing use for residential purposes. Furthermore, a 1006m<sup>2</sup> site is not considered viable for development permitted with consent in the SP2 Zone due to its close proximity to neighbouring residential development. As such, it is considered the current use of the land does not reflect the current zoning of the land, and therefore this anomaly should be rectified.

Precautions have been taken which has resulted in the preliminary studies on noise and vibration from the rail system in proximity to the site (**ATTACHMENT 1**). It should also be noted that the site is classified as being located within a Heritage Conservation Area. The Dungog Shire Council Community Strategic Plan 2012-2030 has identified that one of its goals is to ensure the heritage and streetscape of Dungog's villages are preserved and enhanced. It is considered the rezoning of this site will allow for the preservation and maintenance of the site for heritage purposes more likely due to its appropriate zoning.

This proposal is most viable to the client given the low physical impact created by the proposal while ensuring clarification on the overall use of the site. This is considered the highest and best use of the site given its location and surrounding development.

### 2.2 LAND USE CONFLICT CONSIDERATIONS

The proposal is not anticipated to create conflict with the current land uses on the adjacent land(s), with the planning proposal intended to incorporate and continue the existing residential land zone into the subject site. This will not change the function or character of any development in proximity to the subject site. Rezoning the site to R1 will not impact the existing land zone or land-use of the present land zoned SP2. It is clearly identified that the land zoned for SP2 is to distinguish the rail system/ rail infrastructure from the residential zone. The proposed rezoning for the subject site is considered to rectify this anomaly and 'tidy' the land-use map of the Dungog LEP 2014, while also ensuring appropriate clarification and development options for residential activity for the subject site.



### 3.0 MATTERS TO BE ADDRESSED IN A PLANNING PROPOSAL

The NSW Department of Planning and Environment (DoPE) have prepared a guideline for the submission of planning proposals. The guideline identifies four overarching matters that must be addressed in a Planning Proposal. These include:

1. A statement of the objectives or intended outcomes of the proposed instrument.
2. An explanation of the provisions that are to be included in the proposed instrument.
3. Justification for those objectives, outcomes and provisions and the process for their implementation, including:
  - a) Need for the Planning Proposal
  - b) Relationship to strategic planning framework
  - c) Environmental, social and economic impact
  - d) State and Commonwealth interests.
4. Maps, where relevant, to identify the intent of the planning proposal and the area to which it applies.
5. Details of the community consultation that is to be undertaken on the Planning Proposal.

Section 55 (3) of the Act allows the Secretary to issue requirements with respect to the preparation of a planning proposal. The Secretary's requirements include:

- Specific matters that must be addressed in the justification (Part 3) of the planning proposal; and
- A project timeline to detail the anticipated timeframe for the plan making process for each planning proposal.

The project timeline forms Part 6 of a planning proposal.

These matters are addressed below.

#### 3.1 PART 1 – OBJECTIVES AND INTENDED OUTCOMES

##### THE PRIMARY OBJECTIVE OF THE PLANNING PROPOSAL

This Planning Proposal describes the subject site and outlines the proposed amendment to the *Dungog Local Environmental Plan 2014* to rezone Lot: 2 DP: 1176357 from SP2 Special Infrastructure to R1 General Residential.

This will facilitate and encourage residential living development opportunities in the area which is currently limited. The proposed planning proposal will facilitate and reflect the objectives of the R1 Land Zone through the appropriate use of the existing residential dwelling.

The objectives of the R1 – General Residential zone are:

- To provide for the housing needs of the community.
- To provide for a variety of housing types and densities.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To allow a mix of community, service and employment activities that are compatible in scale and impact with a residential environment.

If approved, this proposal will be compatible with these objectives by providing the opportunity to reflect the current existing land use of a dwelling with a land zone that supports residential living. Specifically, this PP will meet the R1 objectives as follows:

- The rezoning to R1 will support future development(s) which may provide a variety of housing types and densities.
- The rezoning will reflect and support the existing land use for residential purposes. This land-use already utilises other services that are required to meet the day to day needs of the existing resident.

#### THE INTENDED OUTCOMES OF THE PLANNING PROPOSAL

The intended outcome of the Planning Proposal is to facilitate and gain consent of a rezoning to ensure consistency with the existing land use (residential). The rezoning will ensure future uses of the land can be facilitated by a land zone that will serve the purpose of residential owners.

### **3.2 PART 2 – EXPLANATION OF THE PROVISIONS**

#### SUMMARY OF PROPOSED CHANGES TO THE LEP

In order for the site to be developed in the manner currently conceptualised, the rezoning needs to provide for an amendment to the Dungog LEP 2014 by:

- Amending the *Dungog Local Environmental Plan 2014* by rezoning the subject site, Lot: 2 DP: 810011 – from SP2 – Special Infrastructure to R1 – General Residential.

### **3.3 PART 3A – NEED FOR THE PLANNING PROPOSAL**

#### IS THE PLANNING PROPOSAL A RESULT OF ANY STRATEGIC STUDY OR REPORT?

##### *HUNTER REGIONAL PLAN 2036*

The Hunter Regional Plan 2036 was gazetted 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 not specifically identified within this Plan, it is considered that the proposed development meets the vision of the Plan by providing an opportunity to protect and enhance the sites identified as having heritage value. Maintaining and protecting the existing use with a residential related zoning will further enhance and protect the existing dwelling, which will in turn protect the identified heritage conservation of the site. Further, the introduction of this rezoning will contribute to the preservation of a residential use. This is equally as important to the Hunter Regional Plan 2036 as the Plan encourages for future housing opportunities. While the existing dwelling will not contribute to the projected requirement to produce the needed 70,000 dwellings for the region by 2036 – rezoning the land to a zone that is residential friendly will support and maintain the existing numbers for residential living.

#### *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.

The proposed rezoning will give certainty and preserve the residential nature of the existing land use. At present, future development is limited and restricted under the current land zoning of the SP2 land zone. The proposed rezoning will encourage and preserve the existing low-impact residential development in an area of aesthetic and heritage value. As such, it is proposed that the rezoning will compliment and encourage the identified heritage conservation of the area. Future development revolving around the SP2 zone will undoubtedly undermine this heritage significance. This proposed rezoning is considered to be consistent with the UHSRLUP, which identifies the need to support, encourage and protect residential development and heritage related areas.

#### *DUNGOG SHIRE COUNCIL – LAND USE STRATEGY (MARCH 2010)*

The subject site is located within the area to which the Dungog District – Land Use Strategy Plan applies.

Dungog is the major town of the LGA and was traditionally developed around the supply of services to the large agricultural community. It maintains some beautiful historical architecture and a strong rural ambience characterised by wide streets, historic rural landscaping and open spaces. Traditional meeting places such as the show ground, school of arts, churches and church halls remain intact. Historic 'country town' features such as wide footpaths, on-street parking, wide overhang verandas and glass shopfronts add to the historical ambience. The existing use of the site is reflective of this, and contributes to what makes Dungog a historic 'country town'.

Based on calculations provided in Appendix 1 Dungog LGA Dwelling Analysis, it is projected that by the year 2031 Clarence Town will have a population of approximately 3,815 people; 679 more



than the 2006 population. Accordingly, Table 27 estimates the number of dwellings required to house that population increase.

**Table 27: Number of Dwellings Required in Dungog District to 2031 due to projected population increase, per 5 year period**

Year	2011	2016	2021	2026	2031	TOTAL
Projected Population Increase	125	130	136	141	147	679
No. of dwellings required	50	56	64	72	81	324

Source: Dungog Shire Council Land Use Strategy 2010, P.83.

In line with regional and state projections it is expected there will be a decrease in the dwelling occupancy rate from the current 2.6 to 2.1 by 2031. This means that more dwellings will be required to house the existing population due to fewer people living in each dwelling, regardless of any population increase. In Dungog this equates to a need for an additional 287 dwellings to cater for the existing population by 2031.

Supporting this rezoning will preserve and protect the residential nature associated with the subject lot. While the rezoning will not create any new residential dwellings, it will, as mentioned, support and preserve the exiting lot and current land use. This is important to note as the existing land zone (SP2) does put the existing land use at risk and restricts future residential development options in the future for this site.

It is considered that the proposed rezoning will benefit and preserve the existing residential dwelling within the Dungog District.

#### *DUNGOG SHIRE COUNCIL COMMUNITY STRATEGIC PLAN 2012-2030*

The Dungog Shire Council Community Strategic Plan 2017-2027 applies to the Dungog LGA, and thus applies to the subject site. The Strategic Plan indicates the need to provide for different housing options and opportunities to accommodate the increasing population.

This PP will reflect and adhere to the relevant strategic goals set out in the Community Strategic Plan for Rural and Urban development. Allowing the subject site to be rezoned to a land zone that supports residential development will ensure that land is used appropriately to accommodate future expected population growth in the LGA. The PP acknowledges the importance of the residential character and heritage significance associated within the Dungog LGA. The Proposal has the potential to deliver an improved social and economic outcome for the Dungog Local Government Area (LGA).

#### *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 rezone the site from SP2 – Special Infrastructure to R1 – General Residential to allow appropriate development controls on the site. The proposed rezoning will

have limited conflicts (if any) with the existing development on the surrounding land. While the site is zoned SP2, it is not anticipated that the proposal will impact on the rail system that was the catalyst for the existing SP2 Land Zone.

The proposed Amendment to the *Dungog Local Environmental Plan 2014* to rezone Lot: 2 DP: 810011 is the most appropriate way to achieve the objectives outlined in this PP and desired outcome for the subject site.

### **3.4 PART 3B – RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK**

#### **IS THE PLANNING PROPOSAL CONSISTENT WITH THE OBJECTIVES AND ACTIONS CONTAINED WITHIN THE APPLICABLE REGIONAL OR SUB-REGIONAL STRATEGY?**

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.

The proposed amendments to the Dungog LEP 2014 will provide for the rezoning of the subject lot that will facilitate residential accommodation and development to the site within an area of heritage and aesthetic value. This outcome is considered consistent with the both the Upper Hunter Strategic Land Use Plan, and Dungog Shire Council – Land Use Strategy.

#### **IS THE PLANNING PROPOSAL CONSISTENT WITH THE LOCAL COUNCIL 'S COMMUNITY STRATEGIC PLAN, OR OTHER LOCAL STRATEGIC PLAN?**

The proposed rezoning will provide for the preservation and continued use of a residential land use within the Dungog District. The rezoning of the site to a residential land zone will ensure the continued preservation and protection of the site and surrounding areas heritage conservation status. This is considered consistent with the Dungog Land Use Strategy 2010 and Dungog Shire Council Community Strategic Plan 2012 – 2030.

#### **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 the proposed dwelling entitlement include:

- *State Environmental Planning Policy No 44—Koala Habitat Protection*
- *State Environmental Planning Policy 55 – Remediation of Land.*

In addition, it is a requirement under the EP&A Act, that directions prepared under Section 117 are considered when rezoning a site.

#### **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 minimal vegetation and no vegetation that would support koala habitat. Regardless of the limited vegetation on site, a rezoning will not impact any habitat or life within this site. No changes will occur after the rezoning process is completed.

It is anticipated that the no further assessment is required. It can be proposed that the rezoning will in fact preserve any potential habitat, as a rezoning to residential would allow far less offensive development than that zoned in the SP2 land zone.

#### STATE ENVIRONMENTAL PLANNING POLICY 55 – REMEDIATION OF LAND

Clause 6 of the *State Environmental Planning Policy 55 – Remediation of Land* (SEPP 55) requires Councils to consider the likely contamination of land before the development of land.

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.

#### IS THE PLANNING PROPOSAL CONSISTENT WITH APPLICABLE MINISTERIAL DIRECTIONS (S. 117 DIRECTIONS)?

The relevant and applicable Section 117 Ministerial Directions are identified below.

SECTION 117 MINISTERIAL DIRECTION	CONSISTENCY
<b>1.1 – Employment and Resources</b>	As the site is zoned SP2 – Special Infrastructure, this direction will apply.  This direction is considered inconsistent as justification is believed to be found under (5)(d), as it is of minor significance given the proposal is for the rezoning of a single lot for the purpose of promoting consistency with the existing land use of the site. This inconsistency is minor in nature.
<b>1.2 – Rural Zones</b>	As the site is zoned SP2 – Special Infrastructure, this direction will not apply.
<b>1.3 – Mining, Petroleum Production and Extractive Industries</b>	Under the current zone of the site, mining is not permissible with consent.  As such, this direction will not apply.



SECTION 117 MINISTERIAL DIRECTION	CONSISTENCY
<b>2.3 – Heritage Conservation</b>	<p>The Proposal is inconsistent with the terms of this direction as the site is known for its the environmental or indigenous heritage significance of the item, area, object or place is conserved by existing or draft environmental planning instruments, legislation, or regulations that apply to the land.</p> <p>However, the inconsistency is minor and the proposed rezoning will further support the preservation of the heritage value of the site and surrounding developments due to the low impact and protective nature of residential zonings.</p> <p>The rezoning will support the dwelling to be continue to be lived in and the building preserved and maintained.</p>
<b>3.1 – Housing, Infrastructure and Urban Development</b>	<p>This direction applies to this Planning Proposal as it will involve a proposed residential zone to the subject site.</p> <p>Given that the site has an existing land use for a residential development – the proposed Planning Proposal will ensure efficient use of the existing use, infrastructure and services that site already contains.</p> <p>It is considered that the proposed Planning Proposal is considered inconsistent as justification is believed to be found under (6)(d), as it of minor significance given that proposal is for the rezoning of a single lot for the purpose of promoting consistency with the existing land use of the site.</p> <p>The inconsistency with the s117 is minor and the PP will allow the existing dwelling to be used lawfully for residential purposes.</p>
<b>3.3 – Home Occupations</b>	<p>The proposed rezoning would allow home occupations without development consent under the Dungog LEP 2014. The proposal is therefore consistent with Direction 3.3.</p>
<b>4.1 – Acid Sulfate Soils</b>	<p>As per the Dungog LEP 2014 the subject site is not identified as prone to acid sulfate soils.</p> <p>Therefore, it is considered this Direction is not applicable.</p>

SECTION 117 MINISTERIAL DIRECTION	CONSISTENCY
<b>4.3 Flood Prone Land</b>	<p>This provision is not applicable given that the Site is not identified as flood prone land.</p> <p>Therefore, it is considered this Direction is not applicable.</p>
<b>4.4 – Planning for Bushfire Protection</b>	<p>This provision is not applicable given that the Site is not identified as Bushfire Prone.</p> <p>Therefore, it is considered this Direction is not applicable.</p>
<b>5.10 – Implementation of Regional Plans</b>	<p>The Hunter Regional Plan 2036 applies to the Dungog LGA.</p> <p>While the subject site is not specifically identified within this Plan, it is considered that the proposed development meets the vision of the Plan by providing an opportunity to protect and enhance residential development and the management of land. Further, the introduction of this rezoning will compliment and support residential development – which will indirectly support the needed 70,000 dwellings for the region by 2036.</p> <p>Overall, it is considered that the proposed rezoning is consistent with Direction 5.10.</p>
<b>6.1 – Approval and Referral Requirements</b>	<p>It is considered that the proposal is substantially consistent with this Direction. The proposal seeks a rezoning that is likely to contain minimal, if any, concurrence provisions. Further, the proposal does not seek to identify development as designated development.</p>

### **3.5 PART 3C – ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACT**

#### **IS THERE A LIKELIHOOD THAT CRITICAL HABITAT OR THREATENED SPECIES, POPULATION 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 managed should the planning proposal be approved. Due to the existing use/uses of the site, it is considered ecologically significant flora and fauna is not likely to be present within the site. Nonetheless, the proposed rezoning will not physically change the site. The rezoning has merely been proposed to ensure consistency and reflect the existing land use as a residential dwelling.

ARE THERE ANY OTHER LIKELY ENVIRONMENTAL EFFECTS AS A RESULT OF THE PLANNING PROPOSAL AND HOW ARE THEY PROPOSED TO BE MANAGED?

**BUSHFIRE**

The site is not identified to be Bushfire Prone.

**FLOODING**

The subject site is not identified as being flood prone as per Dungog LEP 2014.

**ACID SULFATE SOIL**

The subject site is not identified as to containing acid sulfate soils or the potential for acid sulfate soils as per the Dungog LEP 2014.

**HERITAGE**

An AHIMS search undertaken on 13 February 2018 identified that no Aboriginal heritage site are recorded in or near the subject site.

However, under the *Dungog Local Environmental Plan 2014* the site is located in a Heritage Conservation Area. The proposed development provides an opportunity to protect and enhance the sites identified heritage. Maintaining and protecting the existing use with a residential related zoning will further enhance and protect the existing dwelling – which will protect the identified heritage conservation of the site.

Nonetheless, the proposed rezoning is purely to ensure consistency for the existing use of the land. No physical works will be conducted post determination of this planning proposal. No further environmental effects are anticipated.

HOW HAS THE PLANNING PROPOSAL ADEQUATELY ADDRESSED ANY SOCIAL AND ECONOMIC EFFECTS?

There are a number of identified social and economic needs which the proposal seeks to address. These needs arise primarily from well documented issues facing the region, as well as the changing demographic for Australia as a whole. These issues relate primarily to the following:

1. Provision of rural living opportunities in the Dungog LGA and Dungog District.
2. Provision of employment opportunities in the Dungog LGA and Hunter Region from potential home occupation provisions from the proposed rezoning.
3. Achievement of strategic planning outcomes through the provision of protecting and enhancing the residential characteristics and heritage value of the area.
4. Increased land control and management from a consistent land zone that reflects the land use of the site.



### **3.6 PART 3D – STATE AND COMMONWEALTH INTERESTS**

#### **IS THERE ADEQUATE PUBLIC INFRASTRUCTURE FOR THE PLANNING PROPOSAL?**

It is considered that there is sufficient access to the main road (being Chapman Street), and access to essential infrastructure to provide for future residential development within the subject site as a result of the planning proposal – this can be supported by the existing dwelling on site and the existence of other dwellings nearby which shows connection to essential services is feasible.

Further, the region and subregion of Dungog are in proximity to other regions that are well serviced by transport services, health centres, education facilities, religious facilities, shopping centres etc.

#### **WHAT ARE THE VIEWS OF STATE AND COMMONWEALTH PUBLIC AUTHORITIES CONSULTED IN ACCORDANCE WITH THE GATEWAY DETERMINATION?**

The Planning Proposal has not been formally publicly 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.

### **3.7 PART 4 – MAPPING**

As this proposal is in the early stages of development, and discussions with Council are ongoing, proposed maps have not yet been drafted. It is proposed that a preliminary land zone map will be drafted once the proposal has gained gateway support.

### **3.8 PART 5 - COMMUNITY CONSULTATION**

The Planning Proposal has not yet been exhibited, however it is anticipated that it will be in accordance with the requirements of the EP&A Act.

The Planning Proposal has not been formally discussed with the surrounding community exhibited at this time.

### **3.9 PART 6 - PROJECT TIMELINE**

The timeline of this planning proposal is unknown at this stage. However, it is expected the rezoning will commence effectively immediately pending the gateway determination.

## **4.0 PRE GATEWAY-INVESTIGATIONS/PLANS**

This preliminary analysis has uncovered the need for the following investigations/plans Pre-Gateway:

- Noise and Vibration Report (**ATTACHMENT 1**) which was conducted to ensure the site was feasible to support due to the identified noise hazard of the rail system.

## 5.0 CONCLUSION

This Planning Proposal has been prepared on behalf of the client, Marian Ison, in relation to the rezoning of land at 2 Chapman Street, Dungog, in the Dungog LGA.

This proposal is intended to rectify a zoning anomaly, which will ensure the appropriate zoning is given to best reflect the overall land-use. Further, this Planning Proposal will ensure future development on the site can be controlled by a more practical land zone, which in turn will reflect the most logical use of land and character of the area. This is considered the highest and best use of the site given its location and surrounding development. The site will benefit from this proposal as it will enable a clear distinction between the residential use of the site and the boundary for special infrastructure, as clearly meant for the Dungog Station rail tracks to the east of the site. The proposal can be carried out without any adverse impacts on the locality or environment.

The PP will allow an existing dwelling to be correctly recognised with a residential zone rather than an infrastructure zoning.

Overall, this PP is consistent with the Department of Planning & Environment, August 2016, 'A Guide to Preparing Planning Proposals'. The Proposal has the potential to deliver improved social, economic and environmental outcomes for the Dungog and Hunter Region.