



Dungog Shire Rural Strategy

2003



DUNGOG SHIRE A Sustainable Rural Community of Excellence

ADOPTED 9TH October 2003

Forward

The Dungog Rural Strategy is predicated on a resolution of Council to prepare a Local Environmental Plan based on the principles of ecologically and economically sustainable development. This resolution preceded a series of Council workshops and extensive consultation with the public in each of the Shires towns and villages, which in turn resulted in the preparation of this Strategy. I gratefully acknowledge and appreciate the contribution of the Councillors and the Shire Community.

The Dungog Rural Strategy recognises the need to ensure that closer settlement occurs in areas where the land is capable of absorbing increased population densities while maintaining our existing quality of life and promoting ecologically and economically sustainable land use. The Dungog Rural Strategy has not attempted to project past demand for rural settlement into the future and then identify sufficient land to meet that demand in the absence of ecological, social and economic considerations.

Why a new plan?

On 19 July 1999 Department of Urban Affairs & Planning imposed a moratorium on further amendment (rezonings) to the Local Environment Plan 1990.

This action was a result of repeated requests for Local Environmental Plan rezonings which reflected that the Local Environment Plan did not meet the needs of both the Council and the community. Department of Urban Affairs & Planning indicated that a strategic review of Council's planning instruments was required as the Local Environmental Plan 1990 was clearly inadequate to accommodate changing development demand and environmental standards. The Department of Urban Affairs & Planning advised that they were not prepared to facilitate further spot rezoning until an agreed strategic approach to dealing with planning issues facing rural development and the Shire as a whole was prepared.

In 2001 Dungog Shire Council embarked on a program to provide the community with a new plan that delivered certainty, growth options and reflected contemporary environmental benchmarks. As an integral part of this process Dungog Shire Council embraced the concept of public participation to ensure a broad range of options were considered.

Unprecedented public consultation coupled with unprecedented Councillor participation by way of workshops has provided the framework to create this new direction embodied in the Draft Rural Strategy and the Draft Local Environmental Plan 2003.

The implementation of this Rural Strategy will promote collective responsibility for the development, protection and management of our rural lands.

Lisa Schiff
MANAGER PLANNING
July 2003

Disclaimer: This Strategy and its outcomes for rural settlement areas must not be used by anyone as a basis for investment or other private decision making purposes in relation to land purchases or land uses.

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PART A – INTRODUCTION

1.1. Purpose

The primary purpose of this Rural Strategy is to support and give detail to the provisions of the *Draft Dungog Local Environmental Plan 2003*. The Rural Strategy is intended to provide a basis for sustainable and desirable rural growth throughout the Shire, while retaining the area's original character. It provides a strategic approach to planning for rural development. The Rural Strategy examines local opportunities and constraints, within a shire wide context, and provides a basis for assessment of future rural development.

In addition, the Rural Strategy provides a long-term vision for rural settlement and activities within Dungog Shire. It is designed to guide the location of future rural settlement and promote appropriate land use guidelines for rural development. This Rural Strategy will be utilised by Dungog Shire Council and relied upon by the community, as part of its rural planning and development control functions.

1.2. Aims

The aim of the Rural Strategy is to provide guidelines to enable identification of rural development opportunities, which provide a lifestyle choice for the residents within the Shire.

The Rural Strategy aims to protect agricultural land, environmentally sensitive land, and water resources by ensuring that development will not compromise the rural character of the area.

There is also a need to reduce conflict between adjoining land uses, minimise costs of services and infrastructure, and actively encourage environmental rehabilitation. This Rural Strategy attempts to facilitate this.

The Rural Strategy provides the first step in achieving the ultimate aims of the *Draft Dungog Local Environmental Plan 2003*. These aims can be achieved by guiding development by

- minimising environmental impacts by ensuring that development is situated in areas that are not subject to any ecological or physical constraints, and placing restrictions upon developments to achieve this outcome;
- minimising land use conflict between Rural Lifestyle development and other existing land uses, such as agriculture and extractive industries;
- ensuring that economic costs to the proponent and the broader community are minimised, by establishing Rural Lifestyle development and tourism in areas that do not require major upgrading of the road network to manage the increased traffic generation from the development and are located as close as possible to existing services such as schools, general stores and community halls;
- minimising energy costs of travel and maximising the use of future public transport by locating Rural Lifestyle development as close as possible to

existing towns and villages, without compromising the needs of these towns and villages;

- protecting the integrity of prime agricultural land and the right of farmers to farm;
- providing for a range of lifestyle choices for residents in rural areas and therefore providing for a range of needs and community expectations;
- protecting water quality in watercourses within the Shire, with particular emphasis on the Williams River Catchment a major water source for residents in the Shire and Lower Hunter Region;
- providing guidelines for ecologically sustainable development; and
- providing guidelines for the enhancement and maintenance of the Shire's biodiversity, that protect biodiversity throughout the Shire and all of its associated ecosystem services. This will ensure economic and social benefits associated with a healthy ecosystems throughout the Shire, are enhanced for future generations.

1.3. Outcomes

There is a demand for growth within Dungog Shire and therefore, there is a need to ensure that this growth is undertaken in a sustainable and desirable manner. Consideration must therefore be given to the rural issues. This Rural Strategy is predicated on the identification of areas that have adequate services and infrastructure to accommodate an increased population. This will facilitate the proper management of existing and potential land use activities in the Shire, by focusing on areas that are considered suitable for development with regards to the environmental constraints that currently exist.

PART B - BACKGROUND

2. INTRODUCTION TO THE SHIRE

Dungog Shire is located in the Hunter Valley and consists of an area of 2248 square kilometres. State Forests and National Parks & Wildlife Service administrate approximately 22 per cent of the Shire area (see Figure 1). Dungog township is approximately one hour drive from Newcastle, and two and a half hours drive to the Sydney CBD. The 2001 Census states that the Shire has a population of approximately 8000 people, with approximately 3000 in the Dungog township. The area is developing as a tourist destination, and is becoming attractive to urban retirees looking for a rural setting, close to both city services and the coast.

The World Heritage Listed Barrington Tops plateau borders the northern Shire boundary. The Shire's topography includes very rugged to hilly country in the northern area, which becomes less rugged heading south. The Allyn, Paterson and Williams rivers divide the Shire from northwest to southeast.

The Shire's economy has traditionally been based on agriculture and timber, with the alluvial river flats suitable for agricultural production. The balance of the rural land has been traditionally used for grazing. Tourism is also a focus of Dungog Shire's economy with the National Parks, State Forests, river systems as well as the historic and scenic character of the area providing the major focus for attracting visitors.

2.1. Background to Strategic Review

In May 1999 the Department of Urban Affairs and Planning (currently Planning NSW) released *Draft Guidelines for the Preparation of Rural Residential Strategies in the Central West of New South Wales*. While Dungog Shire is not located within the Central Western Region of New South Wales, the basic principles of this document have been used as guidelines in the formulation of this Rural Strategy.

The Department of Urban Affairs and Planning guidelines state that a successful Rural Strategy must take into account

- regional considerations;
- trends and needs;
- land capability and land use impacts;
- services; and
- environmental impacts.

As part of a strategic review of Council's planning instruments, Council decided to prepare a Shire Wide Local Environmental Plan to replace the existing *Dungog Local Environmental Plan 1990*. As a part of this process, workshops for Councillors on planning issues were conducted over a two-year period, to review previous planning initiatives and consider those issues pertinent to a new Dungog Local Environmental Plan. Council's strategic program included measures to ensure that the participation of the community in the pre-plan development process was achieved. This was considered to be a critical factor in ensuring the *Draft Dungog Local Environmental Plan 2003* would genuinely meet community needs and expectations, while recognising Council's responsibilities and statutory obligations.

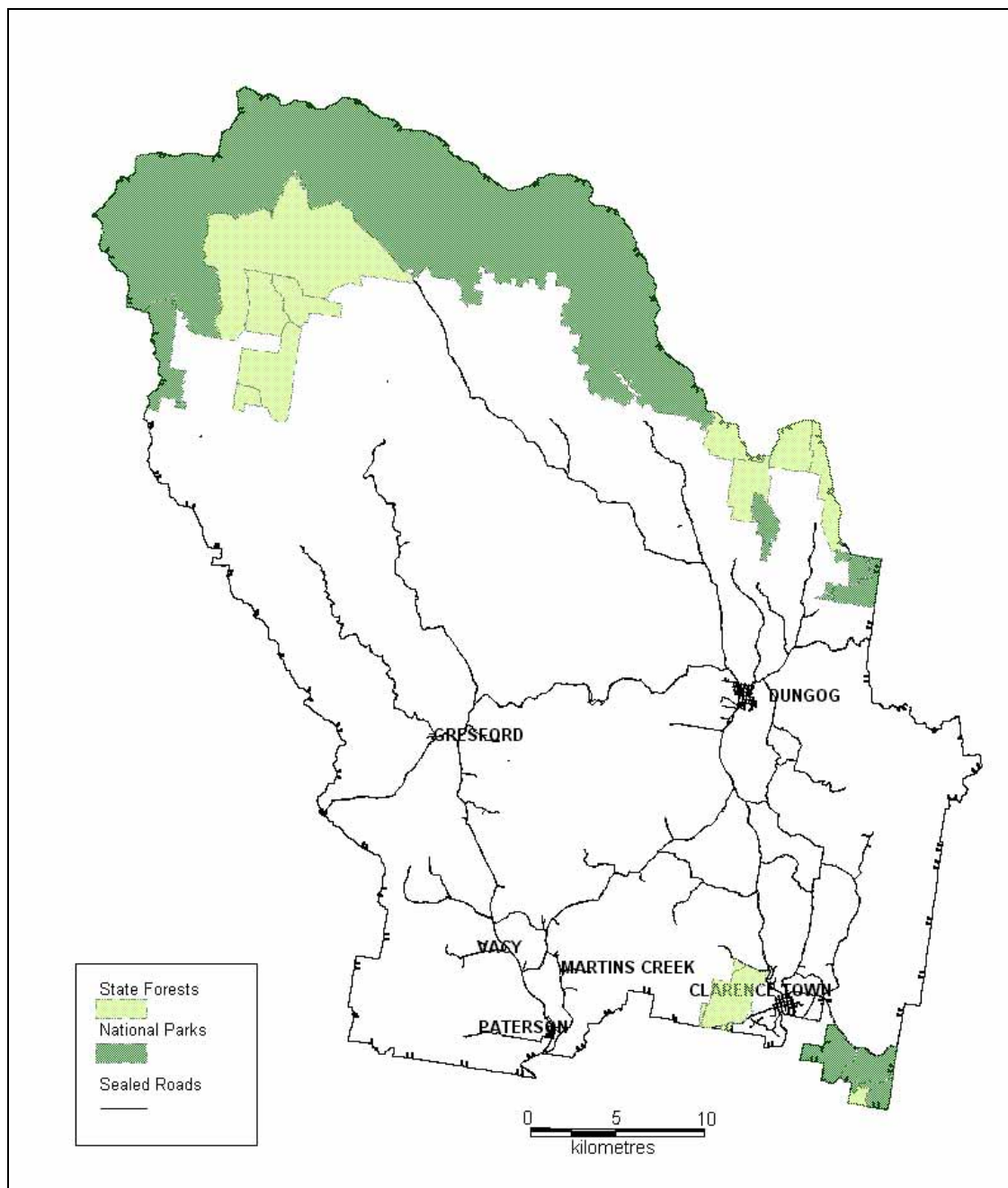


Figure 1 National Parks and State Forests within Dungog Shire.
Source – National Parks and Wildlife Service.

It was evident from the public meetings, during the preparation of the *Dungog Shire Local Environmental Study* and the *Draft Dungog Local Environmental Plan 2003*, that community expectation in relation to rural development in the various settlements throughout the Shire varied. It is therefore important to acknowledge and reflect the views of the local community in this document. This has been reflected in the nomination of Investigation zone and also in the Performance Criteria outlined in Part C.

Rural development has the potential to conflict with other established land uses throughout the Shire, including agricultural and urban residential uses. It is therefore important that rural developments are appropriately sited so that they do not impact upon, and in turn are not impacted upon, by non-compatible land uses.

It should also be noted that the Local Government Areas surrounding Dungog, namely Great Lakes, Maitland, Singleton and Port Stephens, are undertaking the reviews of Strategic Plans for their rural areas.

2.2. Consultation

It was considered essential that the local community take an active part in the preparation of the Strategic Plans, including the identification of areas considered suitable for future rural development. In this regard Council sought public involvement, with the first series of public workshops conducted at

- Gresford Monday 14th May 2001;
- Dungog Thursday 17th May 2001;
- Vacy Monday 21st May 2001;
- Clarence Town Thursday 30th May 2001;
- Paterson Tuesday 5th June 2001.

These workshops, conducted as a SWOT analysis (strengths, weaknesses, opportunities and threats), sought to identify the issues of concern to the local residents and to explore the opportunities and the constraints that affect the future development of their area. It was found that there was a desire to preserve high environmental standards, appropriate servicing levels and the rural character of each area. The issue of encouraging the growth of the villages was raised at every workshop. It was found that there was a strong desire to review development, controls and standards in respect to development, to ensure that the Shire creates additional rural development in a sustainable way. Each community stated that certainty of development control standards was an important issue.

A workshop was also conducted with Government Departments on Thursday 5th July 2001, with government department representatives from:

- Country Energy
- NSW Health
- Department of Mineral Resources
- Roads and Traffic Authority
- NSW Environmental Protection Authority
- NSW National Parks and Wildlife Service
- Waterways Authority
- State Forests of NSW
- Department of Land and Water Conservation
- Department of State and Regional Development
- Rail Infrastructure Corporation
- NSW Agriculture
- Worimi Local Aboriginal Council
- Great Lakes Shire Council
- Port Stephens Council
- Maitland City Council, and
- Hunter Catchment Management Trust.

The second stage in the public consultation process also took the form of public workshops. The workshops were conducted in the six major villages in the Shire, as follows

- Vacy Monday 8th July 2002;
- Gresford Wednesday 10th July 2002;
- Paterson Thursday 18th July 2002;
- Dungog Monday 22nd July 2002;
- Clarence Town Wednesday 24th July 2002;
- Martins Creek Thursday 25th July 2002.

As a result of the initial workshops in 2001, the idea of development rings around the major towns and villages was developed. The development rings were mapped, including development constraints such as flooding, acid sulphate soils and bushfire prone land. These maps were presented to the community in the second round of public consultation in 2002.

Each of the community members in attendance was invited to comment on the maps, as well as to take part in identifying suitable opportunities for development, including rural residential subdivision within the local area. The issues identified at the community meetings are as follows:

Dungog – Participants generally did not support the idea of a 2km or 5km development radius around the township of Dungog, instead preferring the concept of subdividing the Dungog Common (currently owned by the Department of Land and Water) for rural residential development. An emphasis was also placed on increasing the commercial areas to encourage business within the central business district. There was a strong desire to restrict sprawl of the town and consolidate residential growth within identifiable bounds of the existing town or adjacent to it.

Paterson – Participants desired town growth, but wanted the rural and heritage amenity of the area to be preserved. They expressed the need to maintain relatively large rural blocks, to ensure agriculture could be sustained in the area. The idea of a 2km radius for future subdivision around Paterson was supported.

Clarence Town - For the most part Clarence Town participants believed that having a 5km radius around the town was acceptable. They also stated that industry and agriculture should be located outside the 5km radius. There was also the desire expressed to promote a defined commercial zone and central business district area within Clarence Town.

Vacy – Vacy participants spoke against ribbon development along the main road, however they wanted the commercial zone to be expanded. It was recommended that the lot sizes increase proportionally to the distance away from the centre of town. It was agreed that rural development should occur within a 2km radius.

Gresford – Participants agreed with the idea of having a 2km radius around the town, although there were differing views on the larger lot sizes for the outlying rural areas. There was also a strong view that distinction between Gresford and East Gresford should be maintained.

Martins Creek – Participants generally wanted to see residential development within the 2km radius of Martins Creek, however they didn't want any further commercial or industrial zones because of the close proximity to Paterson and Vacy. A number of groups mentioned that a rural residential development could be established on McCloy-owned land in Martins Creek.

3. PLANNING POLICY FRAMEWORK – STATE.

The legislation that applies to land use in the Dungog Local Government Area is the *Environmental Planning and Assessment Act, 1979*. Under this legislation State Environmental Planning Policies, Regional Environmental Plans and Local Environmental Plans are made. These include:

3.1. Relevant State Environmental Planning Policies

The State Environmental Planning Policies that affect Dungog's rural areas are:

SEPP 1 – Development Standards
SEPP 4 – Development without Consent and Miscellaneous Complying Development
SEPP 8 – Surplus Public Land
SEPP 11 – Traffic Generating Developments
SEPP 14 – Coastal Wetlands
SEPP 15 – Rural Landsharing Communities
SEPP 21 – Caravan Parks
SEPP 30 – Intensive Agriculture
SEPP 33 – Hazardous and Offensive Development
SEPP 34 – Major Employment Generating Industrial Development
SEPP 36 – Manufactured Home Estate
SEPP 37 – Continued Mines and Extractive Industries
SEPP 44 – Koala Habitat Protection
SEPP 55 – Remediation of Land
SEPP 60 – Exempt and Complying Development.

3.2. NSW Planning Reforms.

In 2001 Planning NSW introduced major planning reforms to take place in the near future. Plan First aims to deliver a planning system that provides for sustainable resource management, environmental protection, employment and infrastructure, sustainable communities and attractive, liveable neighbourhoods. The following are the main principles of the Plan First initiative:

- Simplification and modernisation of the planning system
- A whole-of-government approach to planning
- Comprehensive local plans incorporating based planning (as distinctive from the use of generic land use zones) and a diversity of 'alternative' planning tool and approaches
- Integrated regional planning and
- State policies relevant to environmental planning in a single document.

(Source: Department of Urban Affairs and Planning, 2001)

The decision to initiated the exercise to prepare a new Shire Wide Local Environmental Plan for Dungog preceded the Plan First initiative, however many of the principles have been applied in the Strategic planning exercise leading to the *Draft Dungog Local Environmental Plan 2003*.

3.3. Rural Fires & Environmental Assessment Legislation Amendment Act 2002

This legislation amends the *Environmental Planning and Assessment Act, 1979* and the *Rural Fires Act* of the 1st August 2002. The legislation aims to simplify and streamline the effective implementation of bushfire hazard reduction, while recognising the need to meet ecological sustainability principles. This legislation requires Council to prepare maps of Bush Fire Prone Areas after consulting with the Commissioner of the Rural Fire Service in relation to the designation of bush fire prone land, by 1st August 2003.

3.4. Other Relevant Legislation

Legislation that also affects the management of land is as follows:

- Environmental Protection Biodiversity Conservation Act 1999
- Protection of the Environmental Operations Act 1998
- Local Government Act
- Fisheries Management Act 1994
- Fisheries Management Amendment Act 1997
- Native Vegetation Conservation Act 1997
- Threatened Species Conservation Act 1995
- National Parks and Wildlife Act 1974
- Heritage Act 1977
- River and Foreshores Improvement Act 1948
- Crown Lands Act 1997
- Water Management Act 2000
- Rural Fires Act 1997
- Contaminated Lands Management Act 1997.

3.5. The “40 Hectare Policy”

Prior to 1964, the specified minimum area for the erection of a dwelling in New South Wales was 5 acres (2 hectares), however during the 1960's the minimum area was increased to 25 acres (10 hectares), with some Councils increasing it to 40 acres (16 hectares) because it was found that the original lot size was not large enough for effective farming. This subdivisional control was designed to limit fragmentation of rural land on the urban fringe.

During the early 1970's the NSW State Government became concerned about the fragmentation of rural land and on 19 April 1973, the State Planning Authority issued Circular Number 67, which introduced a standard minimum of 40 hectares for all subdivisions in rural zones throughout the state.

It was introduced for four basic reasons summarised as follows:

- a) The need to protect Agricultural Land and to prevent the fragmentation of viable rural holdings.
- b) The need to prevent premature and sporadic subdivisions and to make sure that services and facilities were provided economically and efficiently, by consolidating urban areas.
- c) The need to prevent undesirable subdivision on the fringe of urban areas that would inhibit proper layout and expansion in the future.

- d) The need to avoid ribbon development along main roads which link urban areas.

This became known as the “40 hectare Policy”. This was meant to be an interim measure, until each Council produced a policy relevant to individual Local Government Areas, however most Councils adopted the 40-hectare policy.

The NSW Government’s “40 hectare Policy” has resulted in scattered residential development in remote areas that has fragmented previously viable agricultural land. There is potential for further fragmentation within Dungog Shire, with the creation of a further 983 lots, as shown in Table 1.

Table 1 Potential subdivision within Dungog Shire

Size of lots that could be created	Possible lots that could be created		
	1(b) zoned land Rural Residential	1(c) zoned land Rural Farmlets	1(d) zoned land Rural General
2.5ha	n/a	369	n/a
10ha	n/a	n/a	58
60ha	556	0	0

4. PLANNING POLICY FRAMEWORK – REGIONAL.

4.1. Regional Environmental Plans

4.1.1. Hunter Regional Environmental Plan 1989

The Hunter Regional Environmental Plan 1989 sets out requirements and advice for councils on

- preparing and processing local environmental plans and development applications;
- development opportunities and needs; and
- managing the region's growth and development.

The aims of the Hunter Regional Environmental Plan are

- a) to promote the balanced development of the region, the improvement of its urban and rural environments and the orderly and economic development and optimum use of its land and other resources, consistent with conservation of natural and man made features so as to meet the needs and aspirations of the community;
- b) to co-ordinate activities related to development in the region so there is optimum social and economic benefit to the community; and
- c) to continue a regional planning process that will serve as a framework for identifying priorities for further investigations to be carried out by the Department and other agencies;
- d) provide for the development of certain land, the development of which is of regional significance.

4.1.2. Williams River Catchment Regional Environmental Plan 1997

The aims of this plan are

- a) to promote sustainable use of land, water, vegetation and other natural resources within the Williams River catchment;
- b) to promote the protection and improvement of the environmental quality of the catchment;
- c) to establish a co-ordinated and consistent approach to the planning and management of the natural and built environment on a catchment-wide basis by linking the environmental planning system and total catchment management policies, programs and activities within the Williams River catchment through an endorsed catchment-wide regional planning strategy; and
- d) to provide for changes to occur in the use of land in a manner which protects the quality of the catchment's water resources.

This Regional Environmental Plan led to the amendment of the *Dungog Local Environmental Plan 1990* in order to provide consistent planning controls in the catchment.

4.2. Adjoining Council Areas

Dungog Shire is part of the Hunter Region and is bound by Great Lakes Shire to the East, Singleton Shire to the West, Scone Shire to the Northwest, Gloucester Shire to the North, Port Stephens Shire and the City of Maitland to the South. (See figure 2)

The *Maitland Urban Settlement Strategy 2002* sets out to provide on-going opportunities for growth, on a range of development fronts, while retaining the unique character of the Maitland area. Rural residential opportunities are accommodated in locations that are suited to lower density residential development and Maitland City Council is actively seeking to provide local employment opportunities.

Natural limitations to urban development include the floodplains and a growing awareness of the value of the City's remnant vegetation. The need for an additional river crossing to service development to the north of Maitland is an on-going issue for Council and the NSW State Government. Nevertheless, it is acknowledged by Council that the rivers and floodplains are assets for the City, as in the promotion of the City as "Hunter River Country" (Source: Maitland City Council, 2002).

The *Draft Singleton Rural Residential Development Strategy 2002* aims to provide a framework for land use and development decision making. The Strategy has identified seventeen Candidate Areas for potential rural residential development, with three of these identified as future investigation zones. The three development stages in the Strategy are short term (0-10 years), Medium term (10-20 years) and long term (20 years and over). Only one identified long term area is within 20 kilometres of Dungog Shire. Development in these areas would depend on the outcomes of further investigations of suitability and future supply and demand (Source: Environmental Resources Management Australia, 2002).

Great Lakes Council's *Draft Rural Living Strategy 2002* has been prepared to provide a future direction for the towns, villages and rural land within Great Lakes. It does this through the philosophy of growth management, which is about managing the social and economic implications of future growth in a responsible manner while raising awareness of the need to protect and preserve the environmental values of an area. The draft Strategy deals with specific issues such as village zone expansion, rural residential development, re-subdivision of existing rural residential areas, future zones and lot sizes, agriculture, housing and tourism.

The Strategy has taken a service centre approach to the consideration of land for rural residential development. This involves the identification of settlements deemed suitable to support the needs of future surrounding rural residential residents. In order for a township or village to be defined as a service centre it needs to provide a range of basic community services in the form of shops, employment and social facilities. A catchment was developed based on the distance by road from the settlement in which rural residential development could be considered. This catchment was defined as 6km for a town and 15km for a regional centre. Land within this catchment, which was not subject to exclusionary constraints identified in the draft Strategy, could be considered for smaller lot subdivision. A total of approximately 1300 hectares has been recommended for this type of development.

The draft Strategy recommended the adoption of eight landuse designations (future zones), most retaining the 40 hectare minimum lot size, with the creation of two rural

residential designations, one (Rural Living Small Lots) having a 1 hectare minimum, with the second (Rural Lifestyle) having a minimum lot size within the range of 2 to 5 hectares.

Great Lakes Council is currently revising and finalising the draft Strategy after its exhibition before final adoption. (Source: EDGE Land Planning, 2002a).

Port Stephens Council adopted the *Rural West Local Area Plan* in January 2003. The plan considers that rural residential development is not a suitable form of development and should not be further encouraged in Port Stephens. The focus in the Rural West is on protecting agricultural activities and preventing subdivision that compromises options for more intensive urban development in the future.

Port Stephens Local Environmental Plan 2000, gazetted in December 2000 no longer allows concessional lots. This may affect the demand for rural residential lots in adjoining areas, including Dungog Shire. (Source: Port Stephens Council, 2002).

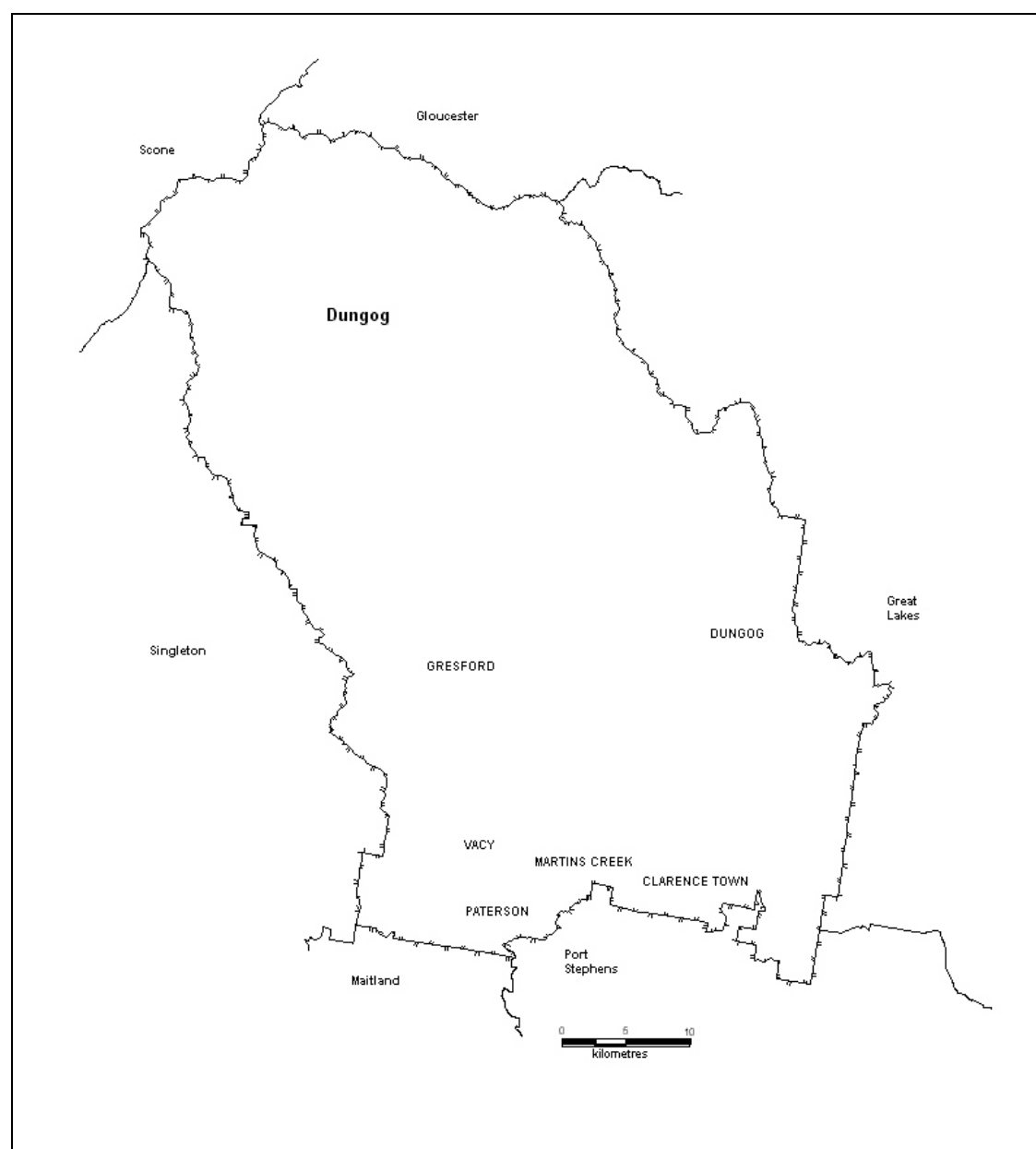


Figure 2 Adjoining Local Government Areas

5. PLANNING POLICY FRAMEWORK – DUNGOG.

5.1. Dungog Local Environmental Plan 1990

The *Dungog Local Environmental Plan 1990* applies to all land within Dungog Shire.

Unlike many Councils that adopted the 40-hectare policy (as discussed in Section 3.5), Dungog Shire established a minimum of 60 hectares upon which a dwelling house could be erected in rural areas. This reflected the 1970 viewpoint of the Department of Agriculture that suggested that this would be the minimum area required for viable agricultural land in the Shire.

The *Dungog Local Environmental Plan 1990* adopted 1(c) Rural Residential and 1(d) Rural Farmlets zones. In addition there was a provision of “Candidate Areas”, which allowed for residential development on smaller allotments. The Candidate Area provisions identify lands that may be suitable for re-subdivision and development as rural dwelling allotments. They are located at

Lennoxton Road, Vacy;
Gresford Road, Paterson;
Webbers Creek Road, Paterson;
Martins Creek;
Summerhill Road, Vacy;
Glen William Road, Clarence Town;
Clarence Town Road, Clarence Town;
Limeburners Creek Road, Clarence Town;
Wallarobba;
Woerdens Road, Clarence Town;
Hilldale;
Dungog; and
Gresford South.

(See Figure 3)

The *Dungog Local Environmental Plan 1990* also allows for Concessional Allotment Entitlements which enable the creation of a maximum of one small holding from an Existing Holding within the General Rural zone enabling the property owner, in certain circumstances, to subdivide a 5 hectare lot. Concessional Allotment subdivisions contribute to fragmentation of agricultural land and ultimately leads to conflict between incompatible uses.

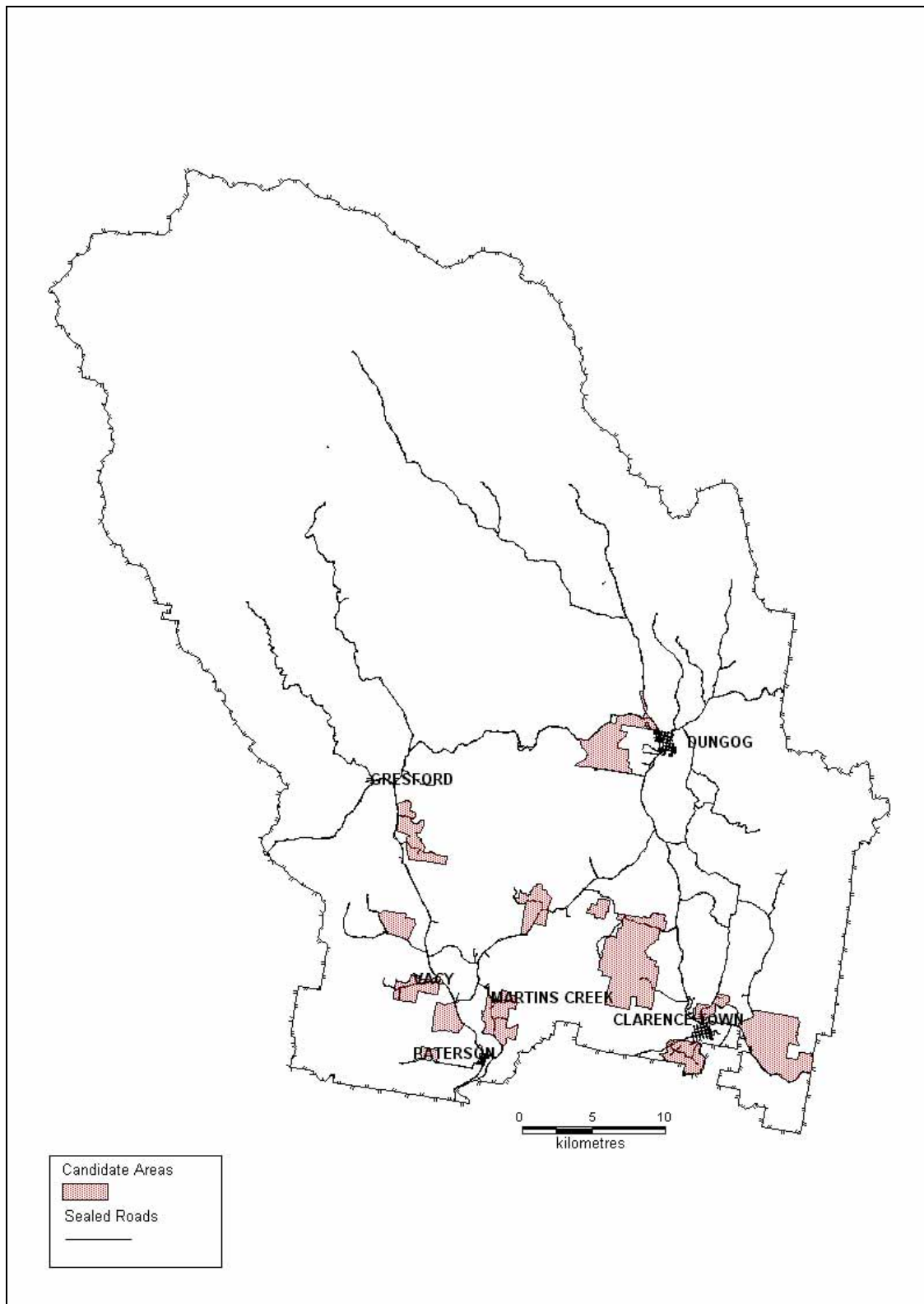


Figure 3 Dungog LGA Candidate Areas.

5.2. Dungog Shire Council Development Control Plans

Dungog Shire Council has numerous Development Control Plans at various stages of adoption and usability. Some documents are obsolete and others are very new. With the review of Part 3 of the *Environmental Planning and Assessment Act 1979*, and the required simplification of local plans, a review of the Dungog Development Control Plans will be undertaken in the near future, to support the *Draft Dungog Local Environmental Plan 2003* and with the aim of producing relevant controls written in plain English.

The following is a list of Dungog Shire Council's current Development Control Plans:

- Dungog Development Control Plan No 6 Holiday Cabins
- Dungog Development Control Plan No 15 Guidelines for Subdivision and Development in Rural Areas
- Dungog Development Control Plan No 18 Siting of Rural Buildings
- Dungog Development Control Plan No 21 Bush Fire Mitigation
- Dungog Development Control Plan No 22 Energy Smart Homes
- Draft Dungog Development Control Plan No 23 Buffer Zones
- Draft Development Control Plan No 24 Acid Sulphate Soils
- Dungog Development Control Plan No 25 Guide for building over or near sewers
- Dungog Development Control Plan No 26 Contaminated Land
- Draft Development Control Plan No 27 Urban Housing
- Dungog Development Control Plan No 28 The Keeping Of Dogs For Commercial Purposes
- Dungog Development Control Plan No 29 Development Pattern for Land to the South of the Village of Vacy
- Draft Dungog Development Control Plan No 30 Heritage
- Dungog Development Control Plan No 31 Biodiversity.

6. DUNGOG DEMOGRAPHICS.

6.1. Demographic Analysis – Dungog Shire

The most recent national population Census was conducted in August 2001; basic statistical information from this Census was made available in September 2002. Further statistical information will be available in June 2003.

It should be noted that Australian Bureau of Statistic population data for Collector Districts are based on where people resided on the night of the census, not where they usually reside. The Australian Bureau of Statistics released information based on the results of the 2001 Census of Population and Housing which suggested that the estimated resident population of Dungog as of June 2001 was 8364 persons. This is 463 more people than the Australian Bureau of Statistics identified as being in Dungog on Census night 2001.

Dungog Shire has been divided into four main areas, based on the four urban centres of Dungog, Clarence Town, Paterson and Gresford. These four planning districts incorporate the collector districts from the Census. The planning districts are useful in determining the areas of growth in the Shire and the different population structures according to location. (See Figure 4)



Figure 4 Dungog LGA Planning Districts

Dungog District includes Salisbury, Chichester, Bandon Grove, Underbank, Wallaringa, Wirragulla, Munni, Main Creek, Fosterton, Bendolba, Sugarloaf, Stroud Hill, Hanleys Creek, Tabbil Creek, Alison, Marshdale, Flat Tops, Cambra and Dungog.

Paterson District includes the areas Fishers Hill, Hilldale, Vacy, Martins Creek, Webbers Creek and Paterson.

Clarence Town District includes Wallarobba, Brookfield, Glen William, Glen Martin, Glen Oak and Clarence Town

Gresford District Upper Allyn, Carrabolla, Eccleston, Halton, Lostock, Mt Rivers, Allynbrook, Bingleburra, Lewinsbrook, Torryburn, Summerhill, East Gresford and Gresford.

6.1.1. Population

The population of Dungog Shire was 7366 in 1991 this number increased to 7901 people by 2001. This amounts to a growth of 6.7% between 1991 and 2001.

Population change is determined by Natural increase (the difference between births and deaths) and migration (the movement of people in and out of an area). Projections at the Local Government area are more difficult to determine as they are influenced by factors such as development in the area, land availability and employment. The Hunter Valley Research Foundation 2002 provides population projections based on the 1996 and 2001 Censuses as well as assumptions relating to:

- Birth rates for each age group
- Death rates for each age group
- The number of deaths in an area before a house becomes vacant and therefore available for new residents
- The proportion of occupied private dwellings in the area
- The number of new houses built in the Local Government Area

The projected population with a medium growth for Dungog Shire and other hunter locations, over the twenty-year period between 2006 and 2026 is detailed in Table 2.

Table 2 Hunter Valley Research Foundation projected population 2006 - 2026

Location	2006	2011	2016	2021	2026
Dungog	7 994	8 083	8 184	8 308	8 443
Maitland	58 466	63 028	67 467	71 856	76 237
Port Stephens	62 600	68 548	74 461	80 398	86 297
Great Lakes	34 788	38 240	41 700	45 100	48 339
Gloucester	4 709	4 722	4 760	4 836	4 928
Lower Hunter	495 464	521 173	546 254	571 405	596 794

(Source: Hunter Valley Research Foundation, 2002)

Table 3 and Figure 5 shows the distribution of population within the planning districts and the change in population between 1991 and 2001.

Dungog and Gresford had overall population decreases from 1991 to 2001, however that decrease occurred over the 1996 to 2001 period. Clarence Town and Paterson have had significant increases in population over the ten year period

Table 3 Rural and urban population changes within collector districts.

	1991	1996	2001	% Increase 1991-1996	% Increase 1996-2001	% Increase 1991-2001
Dungog						
Urban Population	2180	2239	2139	2.71	-4.47	-1.88
Rural Population	1037	984	959	-5.11	-2.54	-7.52
Total	3217	3223	3098	0.19	-3.88	-3.70
Paterson						
Urban Population	307	352	333	14.66	-5.40	8.47
Rural Population	792	1286	1401	62.37	8.94	76.89
Total	1099	1638	1734	49.04	5.86	57.78
Clarence Town						
Urban Population	648	751	817	15.90	8.79	26.08
Rural Population	845	1028	1220	21.66	18.68	44.38
Total	1633	1779	2037	8.94	14.50	24.74
Gresford						
Urban Population	308	294	256	-4.55	-12.93	-16.88
Rural Population	1100	702	783	-36.18	11.54	-28.82
Total	1408	996	1039	-29.26	4.32	-26.21
Total LGA	7357	7636	7908	3.79	3.56	7.49

(Source: Australian Bureau of Statistics, 2001)

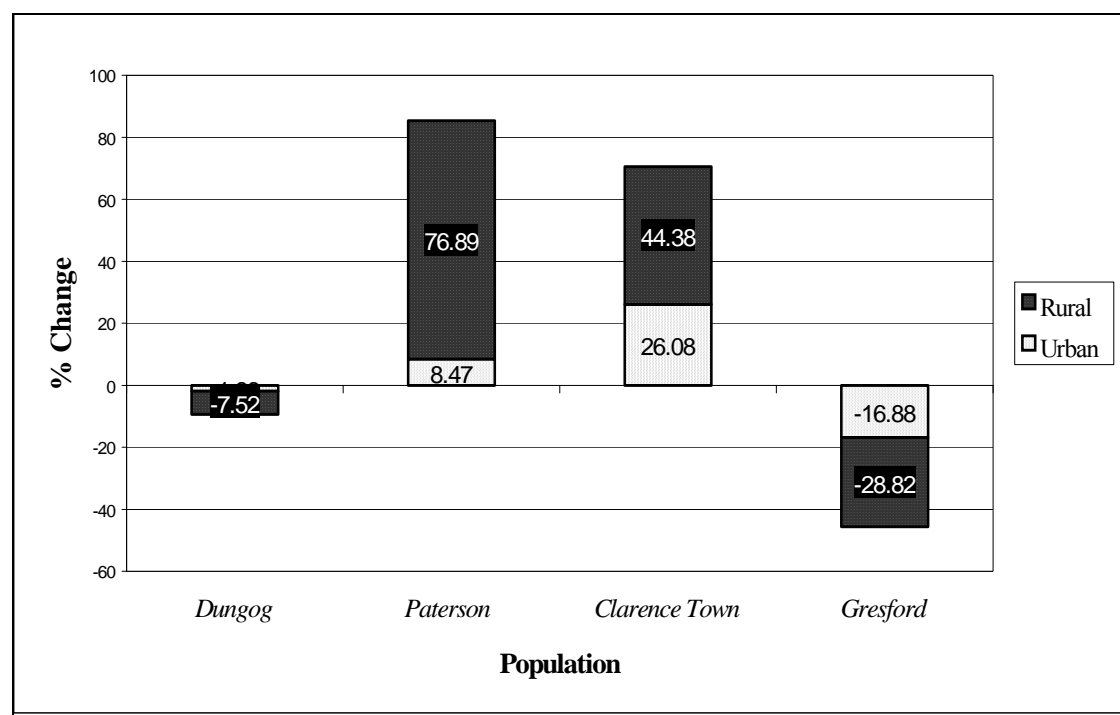


Figure 5 Urban & Rural Population % change within Collector Districts.

(Source: Australian Bureau of Statistics, 2001)

6.1.2. Age Structure

The age structure for the Dungog Shire as recorded in the 2001 census is shown in Table 4 and Figure 6.

Table 4 Dungog Shire – Age structure, 1996 and 2001

	1996	2001	% Total	% Change
0-14	1845	1791	22.7	-2.92
15-24	824	807	10.2	-2.06
25-39	1617	1445	18.3	-10.64
40-54	1550	1820	23	17.42
55+	1800	2012	25.5	11.78
o/s	23	26	3	13.04
Total	7659	7901	100	3.16

(Source: Hunter Valley Research Foundation, 2002)

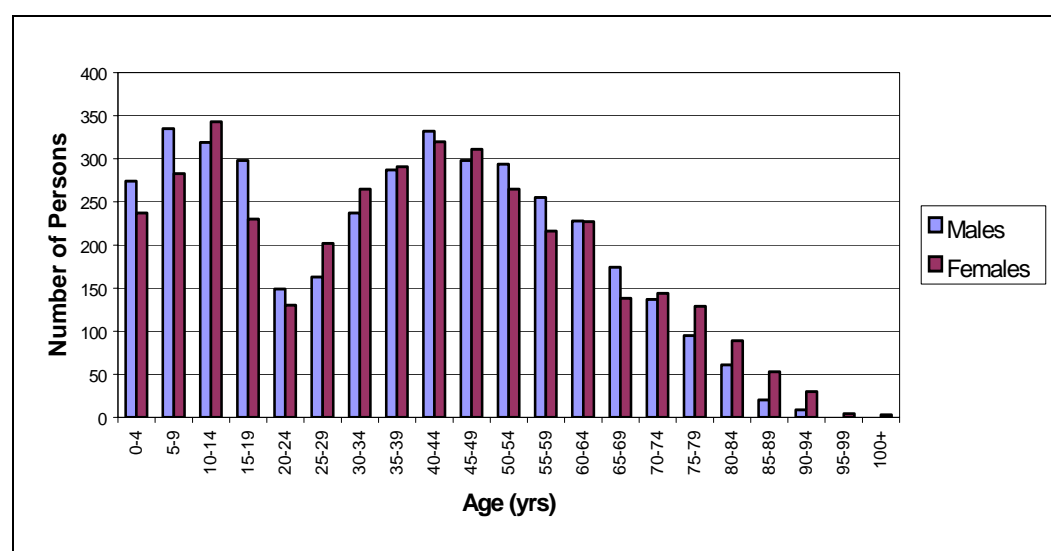


Figure 6 Age structure for Dungog LGA, 2001

(Source: Australian Bureau of Statistics, 2001)

In the Dungog Local Government Area, the largest group of people by age are aged 55+ years (25.5% of total population). The proportion of 15 to 24 year olds in Dungog LGA is relatively low, only 10.2% of the population, suggesting that young adults are choosing not to live in the Shire; this is typical of many rural areas.

Within Dungog Shire there was a decrease in the age groups 0-39 years, and an increase in population within the age groups 40-55+ years. While there was a decrease in population in the 0-14 years age group it still consists of 22.7 percent of the total Dungog population.

6.1.3. Household and Family Structure

The 2001 census recorded 2170 individual families in the Dungog Shire, with most of the families being couples with children (47%) or couples without children (40.5%).

These results for family structure in Dungog are representative of State figures. There are proportionally fewer one-parent families in Dungog (11.7%) than in NSW (15.5%). Around half of the two-parent families in Dungog Shire have dependent children (53.6%). Of all the families in the shire, 41.4% have no dependent children.

As a general trend, the households of Dungog Shire have lower weekly incomes than the NSW average. A greater proportion of households receive weekly incomes of less than \$500 (64.3% Dungog, 54.1% NSW). Only 12.5% of Dungog's households earn more than \$800 per week, compared to 18.7% of NSW households.

(Source: Australian Bureau of Statistics, 2001)

6.1.4. Housing

From Table 5 and Table 6, it can be seen that there was a slight increase in dwellings from 1991–1996 (5.37%), however the number of additional dwelling in the 1996–2001 period doubled that rate (11.27%). This large increase of dwellings during the 1996–2001 period also contributed to an increase in the vacancy rate, from 12.06% to 15.85%. Figure 7 shows the increase in dwellings within the Shire, as well as the steady increase in occupancy and the jump in vacancies from 1996 to 2001.

Table 5 Dwellings and occupancy rate within Dungog Shire.

Dungog	1991	1996	2001
Total Dwellings	3014	3176	3534
Number Occupied	2605	2793	2974
Number Vacant	409	383	560

(Source: Australian Bureau of Statistics, 2001)

Table 6 Change of dwellings & occupancy rates, Dungog Shire 1991-2001

Dungog Dwellings	1991-1996	1996-2001	1991-2001
<i>Absolute Increase</i>	162	358	520
<i>% Increase</i>	5.37	11.27	17.25
<i>% Annual Increase</i>	1.07	2.25	3.45
Occupied Dwellings			
<i>Absolute Increase</i>	188	181	369
<i>% Increase</i>	7.22	6.48	14.17
<i>% Annual Increase</i>	1.44	1.29	2.83
Vacant Dwellings			
<i>Absolute Increase</i>	-26	177	151
<i>% Increase</i>	-6.36	46.21	36.91
<i>% Annual Increase</i>	-1.27	9.24	7.38

(Source: Australian Bureau of Statistics, 2001)

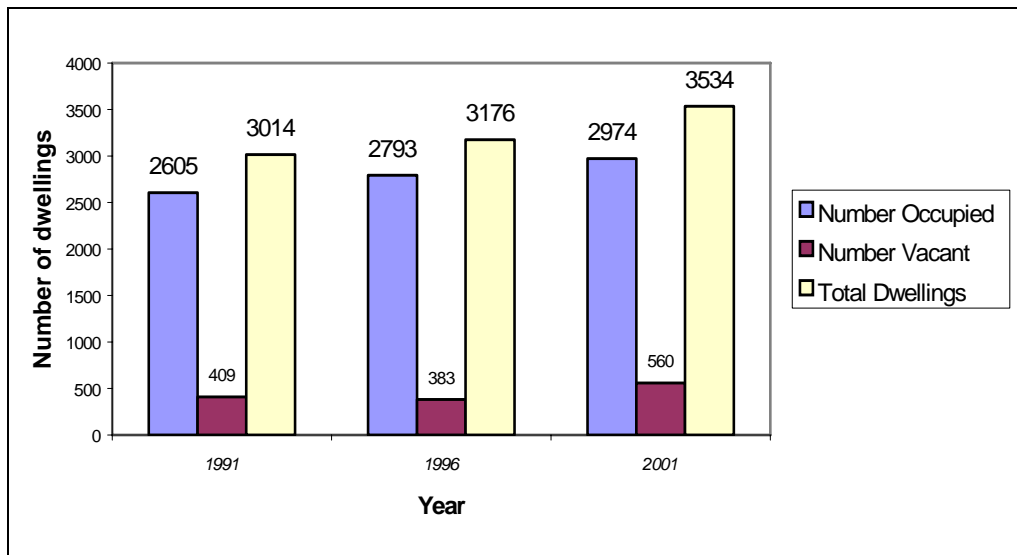


Figure 7 Change in dwellings & occupancy rate, Dungog Shire, 1991-2001
(Source: Australian Bureau of Statistics, 2001)

6.1.5. Dwelling Approvals

It should be noted that when examining the development approvals for new dwellings some approvals have not been proceeded with and in other cases existing dwellings have been demolished. This is illustrated by the fact that 796 dwellings were approved between 1991-2001 however, the Census statistics suggest that the absolute increase is 520 dwellings. Clarence Town had the largest number of dwelling approvals.

Table 7 Summary of new dwelling approvals 1992 – 2002.

Year	Planning District				Total
	Dungog	Clarence Town	Paterson	Gresford	
1992	24	30	19	6	79
1993	33	31	20	9	93
1994	38	22	32	7	99
1995	21	18	18	10	67
1996	18	19	12	8	72
1997	29	21	13	6	79
1998	16	13	15	11	56
1999	26	29	5	14	74
2000	9	20	5	16	50
2001	22	20	6	9	57
2002	8	29	5	10	52
Total	244	252	150	106	778
Average	22	23	14	10	71

(Source: Dungog Shire Council Records)

Table 8 Summary of rural dwelling approvals 1992 – 2002.

Year	Dungog Rural	Clarence Town Rural	Gresford Rural	Paterson Rural	Vacy Rural	Martins Creek Rural	Total
1992	14	16	5	4	8	4	51
1993	17	17	8	4	9	1	56
1994	9	15	6	5	19	3	57
1995	13	9	7	6	8	2	45
1996	10	13	7	4	4	4	42
1997	16	24	5	5	4	3	57
1998	11	11	11	4	4	4	45
1999	17	24	7	4	4	3	59
2000	5	14	6	4	5	3	37
2001	13	18	4	6	3	1	45
2002	5	22	3	5	5	1	52
<i>Total</i>	<i>130</i>	<i>183</i>	<i>69</i>	<i>51</i>	<i>73</i>	<i>29</i>	<i>546</i>
<i>Average</i>	<i>12</i>	<i>17</i>	<i>6</i>	<i>5</i>	<i>7</i>	<i>3</i>	<i>50</i>

(Source: Dungog Shire Council Records)

A comparison of Tables 7 and 8 indicates that, on average, the majority of dwelling approvals occurred in rural areas; with an average of 50 dwellings a year in rural districts compared with an average of 71 dwellings a year total.

6.2. Supply and Demand

The rate of supply and demand for rural development is difficult to predict, as it is influenced by market conditions.

Some of the demand factors are:

- Rate of population growth
- Distance from main points of employment
- Cost/affordability of rural housing relative to urban housing
- Interest rates
- Taxation motives
- The availability of superannuation funds to retirees
- Accessibility of shops, schools and other services
- The limited availability of additional town and village residential housing
- Perceived rural lifestyle
- Perceived clean air and water
- Less crime and greater personal safety.

The availability of land for rural developments is affected by

- the finite amount of suitable rural settlement land in the Shire available for consumption by current and future generations;
- the availability of access to suitable roads;
- the willingness and ability of landowners to release land onto the market;
- the availability of suitable rural settlement lands in the region, and
- Government decisions which impact the viability of agricultural industries.

Ultimately the landowners, land developers and other stakeholders in the private sector, having regard to the relevant policy documents, influence the decisions regarding future development.

6.2.1. Supply Analysis

A survey was conducted within Dungog Shire to identify unsubdivided Candidate Area allotments. It was found that within current Candidate Areas, there are the potential to create a total 191 x 4ha lots from within General Rural 1(b) land. These lots are shown in Table 9.

Table 9 Candidate Area possible lot creation

Area	Potential Allotment Yield
Paterson	22
Fishers Hill	16
Dungog	32
Hilldale	2
Wallarobba/Brookfield	66
Clarence Town	41
Gresford	12

This suggests that there is a large number of potential lots available, that remain unsubdivided. The fact that subdivisions have not been undertaken suggests that these Candidate Areas are not either in a location where there is a demand for subdivision, the land is unsuitable for subdivision, or the property owners do not want to subdivide the land. The areas where the subdivisions have occurred, within these Candidate Areas, are generally located near an existing urban centre, have bitumen road access and where lots created resulted from small-scale existing subdivision rather than large farming properties. Alternative areas for growth must be identified if the Candidate Areas shown in Table 9 were not available in the *Draft Dungog Local Environmental Plan 2003*.

The supply and demand for rural lifestyle lots in the Dungog Local Government Area is further complicated by the moratorium dated 9th November 1993 imposed by the Department of Urban Affairs and Planning (currently Planning NSW) in relation to spot rezoning. The moratorium stated that Department is not prepared to support the making of rural Local Environmental Plans, or further re-zonings, which do not conform to an agreed Rural Lands Settlement Strategy. At the time Council had fifteen proposals involving the approval of an amendments to *Dungog Local Environmental Plan 1990*. Three of these were approved by the Minister, two were withdrawn, and a further ten proposals are still on hold. These ten proposals would potentially create an additional 66 lots and 3 dwelling entitlements on lots that currently do not enjoy development opportunities within the Shire.

6.2.2. Demand Analysis

Dungog Shire is a diverse area with lower population levels in the more rugged northern sections of the Shire, and a higher population density along the south and south-eastern borders. Demand for additional lots is the highest, at the boundary of the Maitland and Port Stephens Local Government Areas, as these Local Government Areas are major employment generating areas, and have a larger population base.

In the series of workshops and in discussions with real estate agents and Government authorities, it became clear that major demands for rural lifestyle lots are located in the proximity of Paterson and Clarence Town.

Paterson is located on the border with Maitland City Council and it is orientated towards Maitland services and facilities. A large majority of the residents commute to Newcastle and Maitland for work and use the facilities of Maitland for their shopping and service needs.

Clarence Town on the other hand, is orientated towards Raymond Terrace and Newcastle. It is within commuting distance of Newcastle and again a high proportion of the residents work in Raymond Terrace or the Newcastle area and rely on Raymond Terrace for their service needs. It would therefore be reasonable to identify the Paterson and Clarence Town areas as dormitory suburbs for the Lower Hunter.

Gresford is situated in the north-western section of the Shire. The forces acting upon this area and the demand for rural lifestyle lots are different to that at Paterson and Clarence Town. There are a number of residential lots still available within the town; however, the general demand seems to be for larger lots that afford a rural lifestyle. There is a degree of absentee ownership within this area, where properties have been purchased as weekend retreats or hobby farms.

Vacy does not have a high demand for rural lifestyle lots at present, as is shown by the amount of zoned but un-subdivided land in the area, although there are some lots developed and approved on the southern side of the village. Vacy also has a history of 25 acre subdivisions within the locality along the Horns Crossing Road. The majority of these owners still travel by vehicle to work outside of the area.

Dungog is the major service centre for the Shire. While there may be a demand for rural lifestyle blocks within the Dungog area, it is not evidenced that this demand is as great as it is in Paterson or Clarence Town areas. Rural lifestyle lots within the Dungog area would provide a choice for future residents.

On average, in Dungog Shire, 50 rural dwellings were approved annually from 1992 – 2001 (Refer to Table 10). Projecting this demand over the next ten years it is estimated that 500 rural dwellings would be required for future settlement.

7. RURAL ISSUES.

7.1. Environmental Issues

Ecologically Sustainable Development

Both Commonwealth and State Government Legislation require that Councils to consider the environment and biodiversity in their plans and operations. Under the *Local Government Act 1993*, it is part of Councils charter to:

“properly manage, develop, protect environment of the area, restore, enhance and conserve the environment of the area for which it is responsible, in a manner that is consistent with and promotes the principles of sustainable development”

The *Environmental Planning and Assessment Act 1979*, requires that Councils consider the environment and biodiversity when determining development applications and assessing Council activities.

Councils are uniquely positioned to play a key role in conserving the environment due to their local knowledge, close community links and responsibilities for regulating land use and development

During the process of planning, assessing and carrying out rural development, landholders must ensure that development does not adversely impact on the local and broader environment

All development must include consideration (from the earliest planning stage) of the potential impact on:

- Soil types and geology
- Slope terrain and natural drainage systems
- Biodiversity
- Water quality
- Recharge areas and ground water movement
- Vegetation and in particular vegetation corridors.

Reference should be made to Council’s planning instruments guidelines, in particular the *Dungog Development Control Plan No.31 – Biodiversity, Habitat Corridors and Tree Preservation* and *Regional Erosion and Sediment Control Policy and Code of Practice*.

Consideration of environmental issues is important to ensure the long-term protection and sustainability of the Shire. If environmental issues are not appropriately addressed, then the ongoing viability of the Shire would be reduced. The environment is a factor that contributes to people’s desire to live in Dungog Shire, if it is not protected and enhanced than future generations will be affected.

Principles that will be used to assess development proposals in rural areas within the shire are that rural development

- shall be ecologically sustainable;

- shall maintain and where possible enhance the Shire's biodiversity;
- shall compliment and enhance the rural and natural scenic character of the location;
- shall not be prominent in the landscape and shall not be silhouetted on the skyline horizon;
- should include native vegetation corridors and linkages to provide for the conservation and management of native vegetation;
- shall not impact on threatened species populations, and regionally significant native vegetation;
- shall blend into the environment and therefore predominately earth tone, non-reflected surfaces should be used on all structures;
- shall be designed to ensure that lot size, lot lay out and soil types are adequate to allow effective on-site effluent disposal;
- shall include proper planning and infrastructure to protect the riparian corridors, aquatic biota and water quality;
- shall not result in the inappropriate clearing of significant remnant vegetation and shall include the revegetation of land and the rehabilitation of land with appropriate native vegetation;
- shall avoid the necessity for the creation of further riparian rights;
- shall avoid the necessity for the creation of further stock or domestic water rights;
- shall minimise sediment movements;
- shall not be located in areas affected by the 1:100 year flood or within areas nominated as exclusion zones in the Paterson River Flood Strategy;
- should require the provision of bushfire hazard reduction such as fuel exclusion and reduction zones. This could ideally be achieved by locating development in already cleared land;
- the protection of threatened species, endangered populations and endangered ecological communities, Candidate Old Growth Forests and key habitats;
- should have prior consideration of the likely impacts of native vegetation removal such as access track construction which can cause considerable damage; and
- that the Shire encourages the development of individual property management plans at the time of subdivision and/or for existing properties

7.1.1. Total Catchment Management

Dungog Shire Council and The Williams River Total Catchment Management Committee have developed a *Best Management Practice Kit* for landholders. The kit contains practical information on a range of natural resource and agricultural issues, that may assist landholders in reducing many of the impacts of rural development.

7.1.2. Rezoning

Applications for rezoning of land to enable creation of Rural Lifestyle and Rural Enterprise allotments must address and satisfy Development Application Criteria and Performance Standards as outlined in Section 12 – Rural Subdivision within Investigation Zones and Section 16 – Performance Standards of this Rural Strategy. All development applications must also comply with Council’s relevant Planning Instruments and Policies.

Figure 8 – Key habitats and Wildlife Corridors within Dungog Shire, is information supplied by National Parks and Wildlife Service based on computer modelling. However ground truthing has not yet been undertaken, so it is not a definitive map and is included as a guideline.

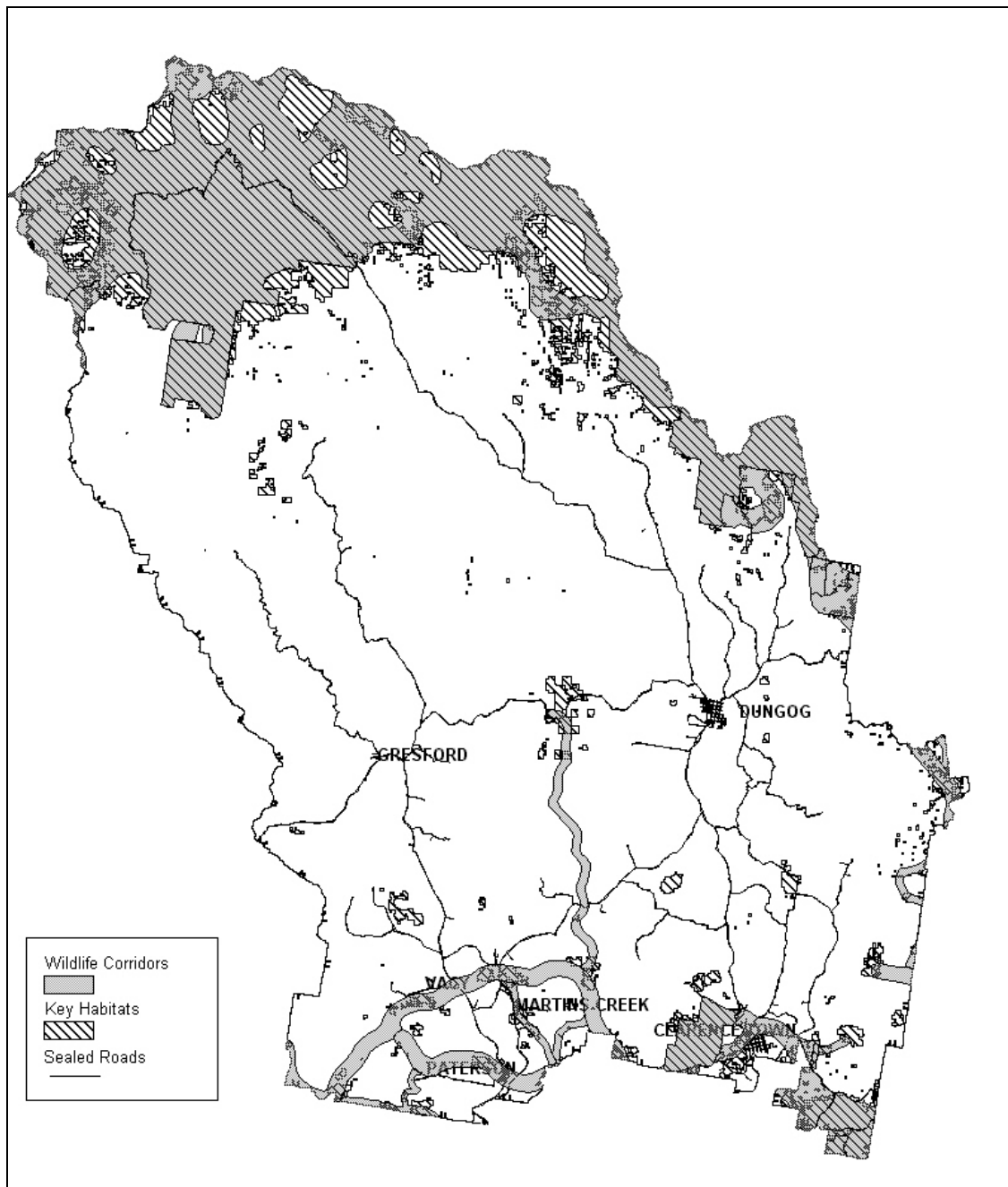


Figure 8 Key Habitats and Wildlife Corridors within Dungog Shire.
Source: National Parks and Wildlife Service.

7.2. Economic Issues.

Numerous studies have examined the costs of rural residential/lifestyle development. These studies were examined during the strategic planning review process and revealed the following.

The Gold Coast Hinterland report states that even though the increase in population increases the rate base, the cost of services for Rural Residential development is significantly higher than in urban areas. The expectations in relation to the provision of a level of service and infrastructure are often in conflict with the rural amenity, and character of the area.

The *Byron Rural Settlement Strategy 1998* found that the Rural Residential Section 94 contributions do not provide for efficient roads to the nearest services centre or school; nor do they provide for ongoing maintenance of services.

Greater Taree City Council, in their *Rural Residential Strategy 1996* state that rural residential development causes an increase in cost for health services, education, recreation and leisure, as well as decreasing the access to employment opportunities, schools and recreational activities. It also found that this isolation adds to social problems within the area.

The American Farmland Trust conducted a study into the costs of rural residential development in Wyoming and found that the costs to county government exceeded the revenues by 25 per cent, on average, in regards to rural residential development. The study also discovered that there was a net loss of 6 per cent from the conversion of agricultural land to a rural residential development. The report suggested that it might be worthwhile purchasing development rights to retain agricultural production.

Of prime importance, particularly in Dungog with its existing dispersed settlement patterns, is the increased costs to State and Local government of providing infrastructure including roads, electricity, sewage, water, telecommunications, mail deliveries, waste disposal etc. It is generally accepted that any future extension of these facilities to service rural residential developments or any new developments should not be subsidised by a reduced service to the wider community or at additional costs to the wider community.

Section 94 of the NSW *Environmental Planning and Assessment Act 1979*, enables a council to require (as a condition of consent) a contribution towards the provision of improved public services, where it can be shown that the purposed development will, or is likely to, create or increase the demand for such services. Section 94 allows councils to collect contributions for future public services, which have been provided in anticipation of the facilitation of development. The contribution can be a dedication of land free of cost, monetary contribution, material public benefit, or a combination of some or all of the aforementioned. The basic principles of Section 94 are that

- a contribution may be required for either the provision of new or additional facilities, or the recoupment of funds already expended in anticipation of development;
- the contribution must be 'reasonable';
- contributions are to be used only for the purpose for which they were collected;

- financial contributions are to be spent and land dedications are to be made available within a 'reasonable' time; and
- there must be a demonstrated connection (nexus) between:
 - (a) The proposed development and the demand for new or additional facility
 - (b) The cost of the facility and the amount of contribution
 - (c) The location of the facility and the amount of contribution
 - (d) The timing of payment of the contribution and the provision of the facility.

Dungog Shire Council's *Section 94 Contributions Plan 2001* sets out the Schedule of Proposed Works in the Paterson and Williams Districts. However it is generally accepted that these contributions are subsidised by Council and the community. Council has resolved to prepare a new Section 94 plan for the Shire, to better reflect needs of the community and the true costs of development to the community.

7.3. Agriculture

NSW Agriculture reviewed the loss of agricultural land in 1997 and concluded that less than 10% of Australia's land is suitable for arable agriculture. There are two main threats to agriculture. They are

- 1) land degradation which affects more than 50% of all agricultural land and costs around \$1 billion each year in lost production; and
- 2) the conversion of agricultural land to other uses, such as rural residential and hobby farms. This can also affect the surrounding farms because of conflict with neighbours.

The New South Wales agricultural study shows that it is essential that agricultural production be protected and maintained and therefore future rural development must not adversely impact on agricultural uses. The potential for further fragmentation of agricultural land within Dungog Shire is high. It is estimated there are 25 properties that are zoned 1(d) that could possibly be subdivided. Possibly 76 x 10ha lots could be created from these properties. The potential for impact exists through the use of land, which is suited for agricultural activities and the introduction of an activity, which in some areas is not compatible with agriculture, therefore placing pressures on agricultural activities.

In order to reduce further fragmentation of agricultural land, Rural Lifestyle and Rural Enterprise subdivisions will not be permitted outside the nominated Investigation Zone. Subdivision outside the Investigation Zone will not be encouraged below the minimum lot size of 60 hectares, as determined by the *Draft Dungog Local Environmental Plan 2003*.

NSW Agriculture produced maps for Dungog Shire that shows the Agriculture Suitability Classes. There are the following five classes:

- **Class 1** – Prime arable land – Land capable of regular cultivation for cropping (cereals, oilseeds, fodder etc) or intensive horticulture (vegetables, orchards). Has a very good capability for agriculture, where there are only minor or no constraints to sustained high levels of production. Will include irrigated areas with high production.

- **Class 2** – High quality arable land; Land suitable for cultivation for cropping but not suited to continuous cropping or intensive horticulture. Has a capability for agriculture but where constraints limit the cropping phase to a rotation with improved pastures and thus reduce the overall level of production.
- **Class 3** – Some cultivation / pastureland; Land suitable for grazing. Well suited to pasture improvement and can be cultivated for an occasional cash crop or forage crop in conjunction with pasture management. Overall level of production is moderate as a result of high environmental costs, which limit the frequency of ground disturbance. Has a moderate capability for agriculture. Pasturelands are capable of sustained highs of production although conservation measures may be required.
- **Class 4** - Unsuitable for cultivation / poor grazing land; Land suitable for grazing and not suitable for cultivation. Agriculture is based on native pasture or improved pastures relying on minimum tillage techniques. Overall level of production is low. Environmental constraints make arable agriculture uneconomic.
- **Class 5** – Unsuitable for agriculture. Land suitable only for rough grazing or land not suitable for agriculture. Agricultural production is very low or zero. Severe or absolute constraints to production imposed by environmental factors.

There is no Class 1 Agricultural Land within Dungog Shire and the relatively small area of Class 2 Agricultural Land is generally flood-affected land. The following is the percentage of each agricultural classes within the Shire:

Class 2 – 17% of Shire area
 Class 3 – 24% of Shire area
 Class 4 – 51% of Shire area
 Class 5 – 8% of Shire area.

There should be adequate buffers created for agricultural usage areas so that this land is not affected by rural development.

There are criteria that illustrate the basis of the issues addressed by this Rural Strategy and explain why this Rural Strategy does not support further subdivision within rural areas of the Shire, that have good agricultural production or potential agricultural production outside the established Investigation Zone. These criteria are:

- Fragmentation of rural lands and loss of rural production
- Conflict between farming and residential uses
- Servicing costs and inefficiency associated with low development densities
- Loss of farming flexibility
- Increased land valuations making costs for farming higher
- Ribbon development along rural roads and constraints on future orderly urban expansion and/or acceleration of urban sprawl
- Detrimental impacts on areas of ecological and scenic value
- Undesirable precedents leading to further fragmented residential subdivision
- Fragmentation of habitat for a range of species essential for maintaining ecological integrity and helping to sustain agricultural production.

(Source: Department of Local Government and Planning, 2000)

8. INFRASTRUCTURE

Increased population and growth within the rural areas of the Shire results in both benefits and problems in respect to social issues. Increased population has the potential to increase the support and the usage of public facilities, and may underpin the justification for retention of services in some areas.

If these services are not available or inadequate, there is the potential to overload the existing service network and create a negative impact. Increased population may also ensure stability and viability of local schools, shopping centres, commercial and industrial uses.

For a township or village to be defined as a “service centre” it needs to provide a range of basic community services in the form of shops, employment and social facilities. As set out in the Department of Urban Affairs and Planning Guidelines for Rural Settlement, a service centre should preferably contain the following:

- Primary School
- Post Office (with banking services)
- Police Station
- Churches
- Hotel
- Community Hall or centre
- Sub-district or local sports complex
- Small business centre
- Reticulated water and connection to sewerage treatment works and
- Regular bus services into the village (especially for school children) and to larger centres.

In addition to this, other desirable basic services for local and passing tourist trade include:

- Shops
 - Mini-market with fresh food and groceries
 - General store/newsagent
 - Takeaway food
 - Pharmacy
- Services
 - Medical centre (doctor/dentist)
 - Petrol station
 - Tourist diner/restaurant

Table 10 shows the result of a survey of the villages to determine the level of services.

Table 10 Village services survey

<i>Service</i>	<i>Dungog</i>	<i>Paterson</i>	<i>Clarence Town</i>	<i>Vacy</i>	<i>Gresford & East Gresford</i>	<i>Martins Creek</i>
Education - Primary	X	X	X	X	X	X
Secondary or TAFE	X					
Bank	X				X	
Post Office	X	X	X	X	X	
Police	X	X	X		X	
Ambulance	X					
Rural Fire Station	X	X	X	X	X	X
Health Services or Doctor	X		X		X	
Pharmacy/ Pharmacy Dispensing	X				X	
Community Hall	X	X	X	X	X	X
Sporting Complex	X	X	X	X	X	X
Showground	X				X	
Mini-market with fresh foods	X	X	X		X	
General Store			X	X	X	
Newsagent	X				X	
Takeaway Food	X	X	X	X	X	
Tourist Diner	X	X				
Petrol Station	X	X	X	X	X	
Hotel	X	X	X	X	X	
Church	X	X	X	X	X	X
On-line Sewerage	X		#			
Reticulated Water	X	X	X	X	X	X
Regular School Bus Service	X	X	X	X	X	X

- To be established.

It is also important to examine the provision of services within the local area. In this regard, Rural Lifestyle development should be located in close proximity to existing settlements, which would assist the social cohesion of the existing village.

Permitting further residential developments in other outlying areas, may create a competing need for social infrastructure, which would fragment the existing pattern of service provision. The growing proportion of younger children and older people in Dungog Shire, whom are major users of the social infrastructure support networks, further emphasises this. The location of schools is considered a focal point for residential development (see figure 9).

Each Investigation Zone for Rural Lifestyle development is linked to a village/town and indicates its potential for growth. Originally a five-kilometre radius around Paterson, Dungog and Clarence Town, and two-kilometre radius around Gresford, Vacy and Martins Creek were considered appropriate (see Figure 10).

These radii sizes were refined in the light of community suggestion, issues raised in the community workshops, existing servicing requirements and infrastructure provisions. A one-kilometre radius around Martins Creek, two-kilometre radius for Gresford, Vacy and Paterson, a five-kilometre radius for Clarence Town and the removal of the five-kilometre radius around Dungog and establishment of an Investigation Zone at Dungog Common were considered to be appropriate (see figure 11).

Both Paterson and Clarence Town are located on the boundaries of the Shire, near to the employment centres Maitland and Raymond Terrace respectively. If Paterson and Clarence Town continue to grow as dormitory suburbs of the Maitland and Raymond Terrace employment centres, issues arise in relation to transport linkages, service provision and residential opportunities. The Belmore Bridge, which provides road access over the Hunter River to Maitland, is currently reaching capacity, in relation to vehicle movements. Further residential growth at Paterson, and the consequent additional traffic movements over the bridge will mean that its capacity will quickly be exceeded.

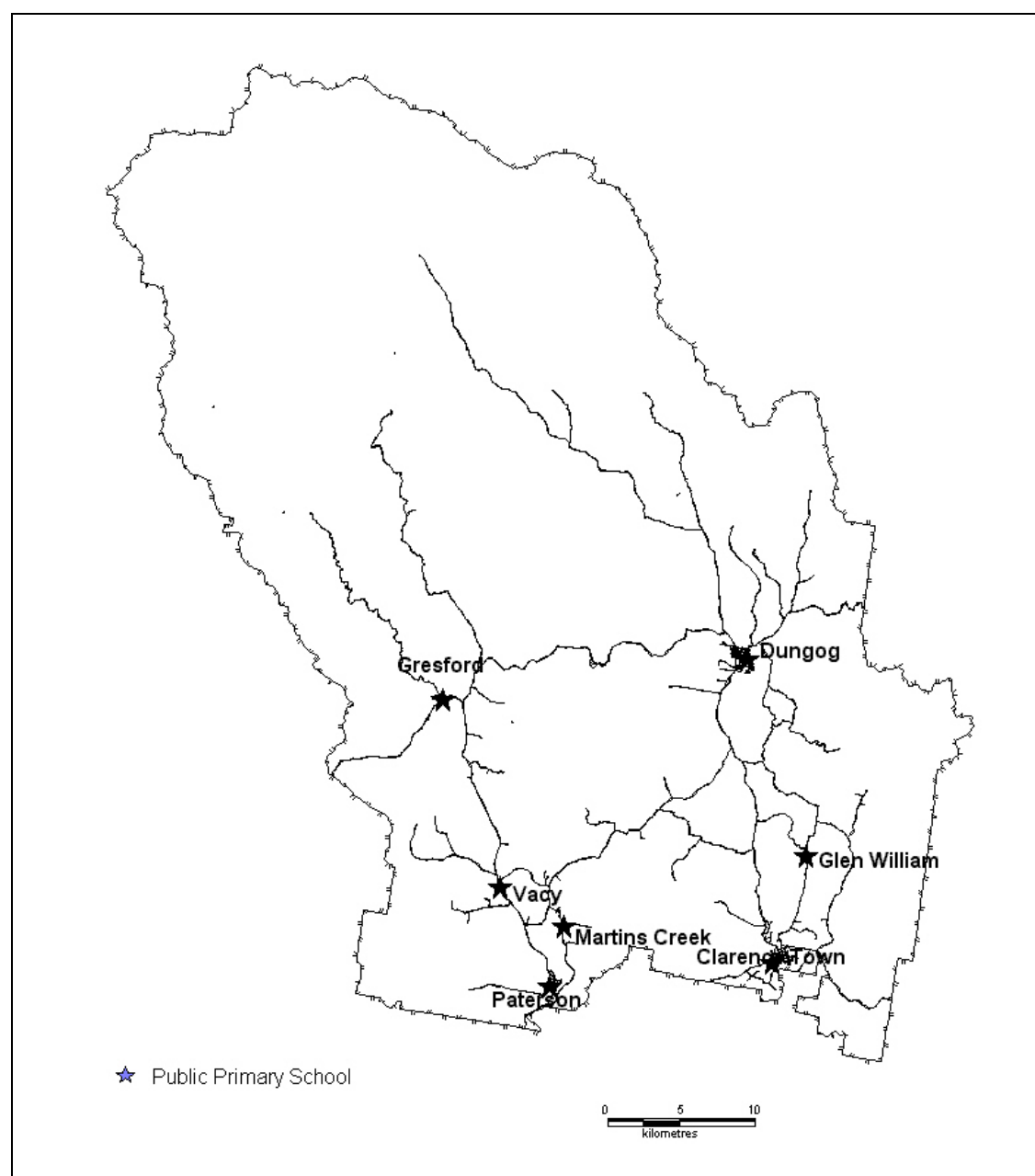


Figure 9 Location of Public Schools

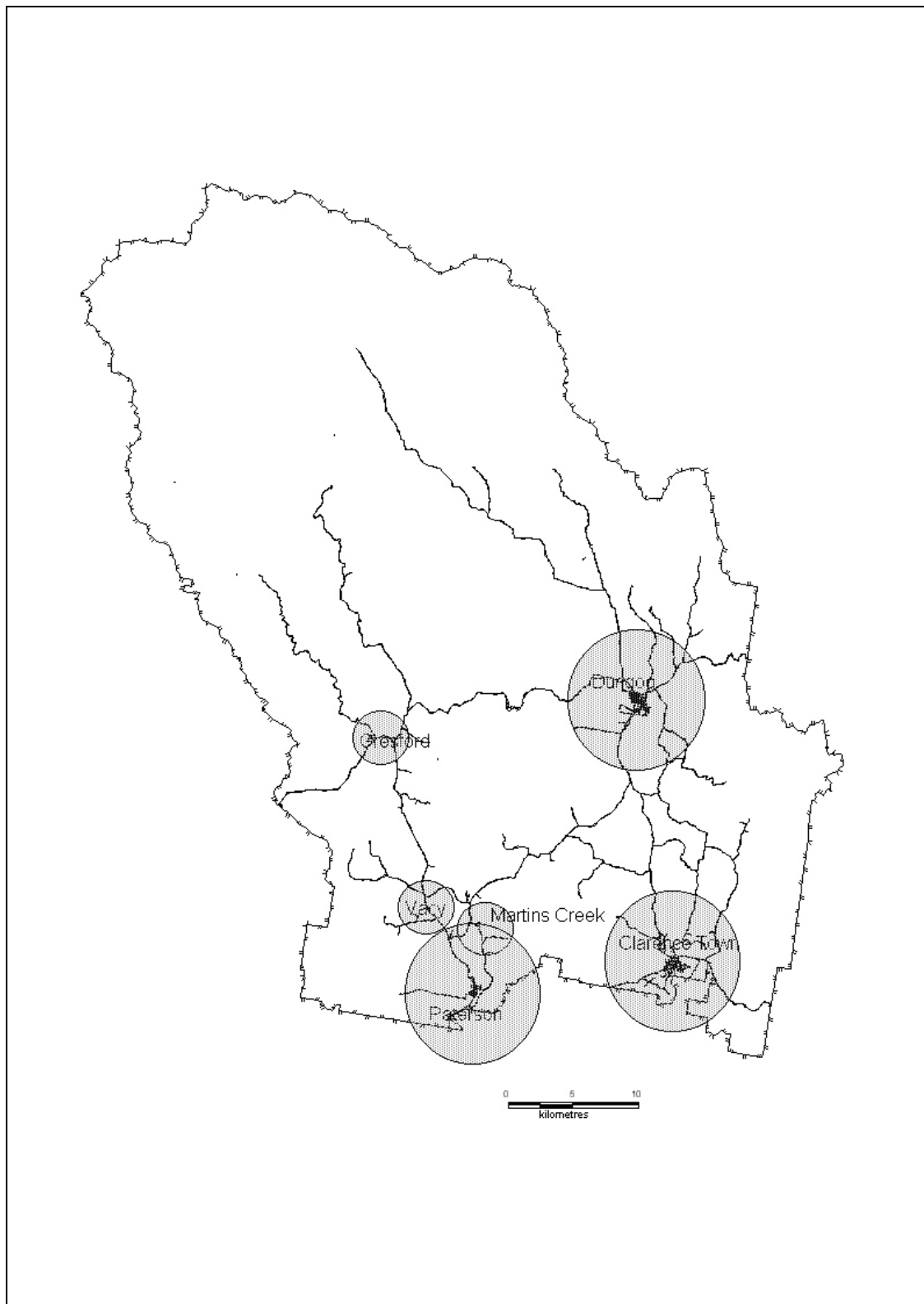


Figure 10 Original 2km and 5km Investigation Zones.

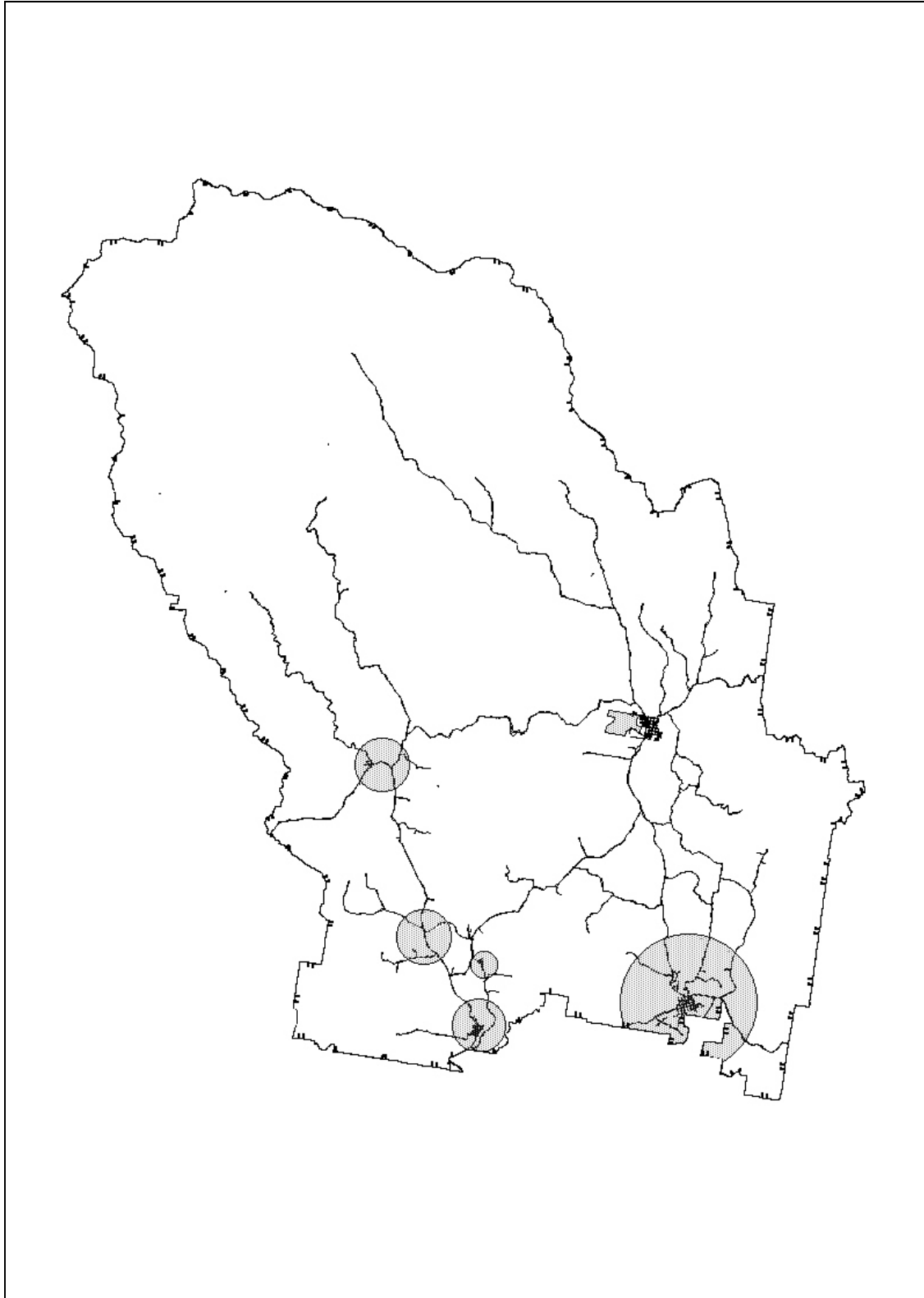


Figure 11 1 km, 2 km and 5 km areas revised.

8.1. Road Infrastructure

Council currently maintains 710.69 kilometres of roads within the Dungog Shire. Over 95% of these roads are currently affected by pavement defects of one kind or another. In recognition of the lack of financial resources available to rectify the situation, Council is presently preparing a new road management plan for all of its maintained roads.

The road management plan includes the establishment of a road hierarchy for the Shires road network. This helps identify road priorities and the levels of services that the roads will receive. Two main categories of roads exist, traffic roads and local roads. Traffic roads are those roads that are designated as being a component of a traffic route. Local roads are “access streets” that provide access to a number of properties along the street/road.

The areas of high population densities in the Shire are connected by traffic roads between them, and to large concentrations of populations that occur outside of the Shire. These traffic roads are extremely important to the economic prosperity of the Shire and receive the majority of Council funding and subsequently are of a higher standard. Local access roads in rural areas are at the other end of the hierarchy in terms of funding and standards.

The level of service typically available for local access roads, relates to a nominal target speed of 40 km/hr, with the road being unsealed and pavement width in the vicinity of five to six metres. Grading of these roads typically occurs once per year and may even occur once every two or three years. This level of service is typically inadequate for rural lifestyle subdivision where small concentrations of people reside, particularly if residents have not been previously exposed to equivalent service levels and desire a higher level of service.

The methodology to overcome the inadequate nature of public roads in rural lifestyle areas is for rural lifestyle areas to be developed adjacent to primary traffic roads, with one access, via a right of carriageway or community title road, servicing each rural lifestyle subdivision. These access ways would be maintained by the beneficiaries of them, relieving the burden upon the local community. The connection of these subdivisions to roads lower in the road hierarchy would see an increase in traffic movements, and consequently more rapid deterioration of road surfaces. Providing funding for road repair, especially roads lower in the road hierarchy is already a problem.

8.2. Public Transport

Public transport moves customers to and from concentrations of population. Dungog Shire currently is not serviced by public transport on the road network, due to the comparatively small population. Several companies are running school bus services that are heavily subsidised by the NSW State Government.

Dungog relies on the railway for public transport, with the railway line running through the lower half of the Shire. This State Rail service provides public transport to Maitland, Newcastle, Central Coast and Sydney daily with the XPT. This is an important service as it provides alternative means of transport for the residents of Dungog Shire as well as bringing tourists to the area.

The concentration of population growth in areas with close proximity to existing high populations may result in the economic possibility of establishing an improved and expanded public transport system in the Shire.

8.3. Water Supply

There are several different components to the Dungog Shire's water supply scheme, not all of which are operated by the Dungog Shire Council. The Hunter Water Corporation has an important presence within the Shire; operating the Chichester Dam, Dungog water treatment plant, and several trunk mains running through the Shire.

Landholders whose properties are in close proximity to the Hunter Water Corporation trunk mains typically have an agreement with Hunter Water Corporation to tap into the trunk main for water. Those properties that connect to trunk mains below the Dungog treatment plant receive potable water, while those above the treatment plant do not.

Dungog Shire Council obtains from the Hunter Water Corporation potable water for the townships of Dungog, Clarence Town, Martins Creek, Vacy, and Paterson. Council trunk mains that service the villages also provide potable water to adjoining rural residential properties. The tapping connections from the trunk mains are maintained by the respective property owners and these connection place additional pressures upon the head works.

The head works associated with the trunk mains servicing the villages is reaching capacity and require capital works to increase capacities that will service the population increases that are likely to occur.

Various pieces of NSW State legislation places restrictions upon rainwater harvesting for rural properties. These restrictions may result in an inadequate supply of water for rural residential properties to meet yard and grey water requirements.

Previous residents of urban areas have typically been exposed to an environment where unlimited quantities of water are available on tap. When these people commence living on rural residential land that is inaccessible to the Hunter Water Corporation or Dungog Shire Council pipelines, the resident's inexperience with limited water supplies may result in difficulties that will place significant stress upon their lives. Many new rural residential residents will adapt to the conditions while others will attempt to continue their old practices, which will place a significant strain upon the local environment.

Drought-proofing Rural Lifestyle properties that are not connected to the trunk mains is impossible to achieve. Those residents relying upon water haulage contractors for their essential water requirements, during periods of drought and low rainfall, will be placing extra stress upon local road infrastructure.

If Rural Lifestyle properties were to have potable water connected via Council mains, this introduces problems regarding potential cross-subsidisation from higher density-living town residents. Other problems that arise include likely increases in water consumption on site and resulting increased infiltration and run-off, causing future environmental problems.

The villages of Gresford and East Gresford are serviced by a small microfiltration water treatment plant operated by Dungog Shire Council. Water for this system is sourced from the Allyn River and Paterson River, with the Paterson River being regulated by the Department of Land and Water Conservation at the Lostock Dam. This water supply system currently has a limited capacity and is close to being fully utilised and will require Section 94 contributions to be expanded to meet this demand.

8.4. Effluent

There is currently no expectation of providing reticulated sewerage services to rural residential properties. Septic systems and small private on-site sewerage treatment systems will need to be installed by individual or collective property owners. However it is essential that such systems are adequately constructed and maintained. Inefficient and under maintained systems are creating significant harm to the environment through run-off into streams and rivers.

8.5. Waste Disposal

An estimated 3855 tonne of solid waste was received at Council landfills in the Shire during 2002 license period. The management and disposal of waste will become an increasingly important issue in light of potential future development. The environmental implications of waste disposal, the costs in developing new sites for disposal and the scarcity of suitable space have increased focus on the reduction of waste as its sources and greater emphasis on re-use and recycling.

Council has constructed a Recycling Facility and second hand shop at the Dungog landfill and installed recycling collection stations in Dungog, Paterson, Clarence Town and Gresford. The recycling stations cater for domestic recyclables including, glass and plastic containers, paper, cardboard and aluminium and steel cans. Larger items including white goods, and ferrous and non-ferrous metals are accepted and recycled at the landfill.

The current collection system services approximately 2900 bins made up of 2500 domestic and 400 commercial and non-rateable properties. It is estimated that about 600 properties, restricted to the southern half of the Shire, do not receive a weekly garbage collection.

A new garbage collection contract began in June 2003. The weekly collection service was extended to most tarred roads in the Local Government Area. Properties on gravel branch roads will also be able to leave bins at an intersection with a serviced road to be collected.

If the service area were to be extended as outlined above there would be a potential increase of 20% in the annual volume to landfill. Allowing for the predicted 20% increase in waste collected from 2003/2004 and a 6% annual increase each subsequent year, there would be a significant increase in the amount of waste requiring disposal. With this increased demand it is estimated that Dungog Landfill has sufficient capacity to service at least seven years.

PART C – THE RURAL STRATEGY

9. INTRODUCTION

Dungog Shire provides a peaceful, rural atmosphere, adjacent to the surrounding National Parks and State Forests that attract many visitors. The Rural Strategy aims to maintain this character, while providing opportunities for sustainable and desirable rural development throughout the Shire. It examines local opportunities and constraints within a shire-wide context, in order to provide a strategic approach to planning. This Rural Strategy does not rezone land; however it will assist with preparation of future Local Environmental Plans and Development Control Plans. Council will be preparing Development Control Plans that cover many issues throughout the Shire and Local Area Plans identifying site specific issues that must be addressed within Investigation catchments. These will over ride the Rural Strategy where inconsistencies occur.

9.1. Growth

While there is a demand for growth within Dungog Shire, there is a need to ensure that this growth is undertaken in a sustainable and desirable manner. This may be achieved by taking into consideration economic, social and environmental issues detailed in the background information within the Strategy (Part B). By identifying the areas that have sufficient services and infrastructure to accommodate an increased population, as well as being suitable for development in the light of existing environmental constraints, the following growth principles can be implemented:

- Land is used sparingly enabling development designed to suit the landscape
- Good farmland (eg. Class 1,2 and 3 agricultural lands and existing viable farm productions) is maintained for agriculture if possible and the operation of existing rural business is not restricted
- There is easy access to nearby towns and villages, supporting local businesses and services
- There are no adverse affects on the environment
- Development takes place on the basis of needs and is located and designed with the community in mind.

(Source: NSW Planning, 2002).

9.2. Potential for expansion within Dungog Shire

The abovementioned growth principles govern the potential of towns and villages to expand sustainably. In order to address these issues, the concept of a development radius for each of the villages was created. The initial radii (Figure 10) were workshopped at the second round of public meetings (held in July 2002) and as a result they were altered (Figure 11). These investigation radii have been converted to an Investigation Zone in the DLEP 2003 (See Appendix I). Properties that are within the 9 (a) Investigation Zone, and that can demonstrate that the benchmarks outlined in this Rural Strategy can be achieved, may be permitted to rezone to create Rural Lifestyle or Rural Enterprise development.

Rural Lifestyle and Rural Enterprise development must be located on appropriate land around existing service centres, that provides a range of basic services such as a primary school, post office, rural fire shed, church, community hall, regular school bus service and local sports centre.

The service centres within Dungog Shire are Dungog, Clarence Town, Paterson, Gresford and East Gresford, Vacy and Martins Creek. The level of services and infrastructure within these existing towns and villages has determined the extent of the Investigation Zones.

9.3. Proposed Changes of the Dungog Local Environmental Plan 1990

The *Draft Dungog Local Environmental Plan 2003* affects all land in the Shire. Some of the major impacts of the new plan are outlined below.

The *Dungog Local Environmental Plan 1990* established a minimum 60 hectare allotment size for the purposes of a dwelling house in a rural zone. The 60 hectare development standard was established to minimise fragmentation of agricultural land. Historically there are differing views held in relation to an appropriate minimum lot size to maintain sustainable agriculture, ranging from 40 hectares to 100 hectares. In this instance it was determined on the basis of public consultation that Council's existing policy of 60 hectares minimum would remain to continue the promotion of sustainable development throughout the rural areas of the Shire. This is reflected in the *Draft Local Environmental Plan 2003*.

The *Dungog Local Environmental Plan 1990* adopted the following rural zones: 1(b) Rural, 1(c) Rural Residential, 1(d) Rural Farmlets, 7(a) Rural Environmental Protection (Flood Liable Land), 7(b) Rural Environmental Protection (Water Catchment Area), 7 (c) Rural Environmental Protection (Habitat) and 8(a) National Parks and Nature Reserve Zone). There is also the provision of "Candidate Areas" that allow for residential development on smaller allotments within the Rural 1(b) zone. The Candidate Area provisions identify lands that may be suitable for re-subdivision and development for the purpose of rural residential allotments. The *Draft Dungog Local Environmental Plan 2003* removes the 1(c) Rural Residential and 1(d) Rural Farmlets zones. In some cases these zones have been encompassed into the new 9 (a) Investigation Zone in the Draft Local Environment Plan 2003 that will permit rezoning to enable Rural Lifestyle and Rural Enterprise subdivision. Environmental Protection zones and National Parks & Nature Reserve zones are also a feature of the Draft Local Environment Plan 2003.

A large number of potential lots remain available for subdivision within the existing Candidate Areas. The areas where the subdivisions have occurred, within these Candidate Areas, are generally located near existing urban centres, have bitumen road access and are located on small-scale subdivision rather than large farming properties. Given the existing potential for future subdivision within the current Candidate Areas, alternative areas for growth need to be identified. *Draft Dungog Local Environmental Plan 2003* proposes to remove the Candidate Areas. The concept of an Investigation Zone around the existing villages and towns replaces the Candidate Area provisions. The Investigation Zone enables future consideration of Rural Lifestyle and Rural Enterprise rezoning and subsequent subdivision applications.

The *Dungog Local Environmental Plan 1990* provides for Concessional Allotment Entitlements which, within some parameters, enable the creation of a maximum of one small holding from an existing holding within the General Rural zone. This system allows, in certain circumstances the property owner to subdivide a 5 hectare lot. The creation of Concessional Allotments contribute to fragmentation of agricultural land

and ultimately leads to conflict between incompatible uses. The notion of Concessional Allotment Entitlements are contrary to the provisions of this Strategy as they encourage dispersed development patterns. The *Draft Dungog Local Environmental Plan 2003* removes the provision for Concessional Allotment Entitlements.

Dungog Shire Council has a register of vacant rural land holdings with areas under 60 hectares that may be considered for dwelling entitlements. These vacant rural holdings must have been in one ownership as at 1 July 2003. This assessment will be made followed by an amendment to the *Local Environmental Plan 2003*, where it can be demonstrated that the allotment satisfies the development criteria expressed in the Rural Strategy.

10. GROWTH MANAGEMENT PRINCIPLES

Planning NSW identifies a series of ten regional planning objectives, which can be used as “benchmark” or “best practice” objectives for strategic planning at a local government level (DUAP, 1995). The *Dungog Shire Council Rural Strategy* adopts these objectives as its Growth Management Principles with adaptations for growth. The Growth Management Principles are being considered as the basis for determining the direction of settlement growth in the Dungog Shire Local Government Areas and its catchments.

1. ***Thresholds to Growth*** manage the supply of rural and rural lifestyle lots in conjunction with urban (town/village) lot development, within identified carrying capacity of catchments, based on physical, servicing and social criteria and on an analysis of genuine demand.
2. ***Natural Environment*** ensures settlement growth protects and where possible enhances, natural features and ecological values of the catchments.
3. ***Diversity of Lifestyle*** provides a range of sustainable options for rural lifestyle as a limited alternative to urban/ village living.
4. ***Character and Identity*** ensures the design of rural and rural lifestyle settlements that retain and enhance the rural character of local areas and do not lead to a blurring of the distinction between village settlement and the surrounding rural landscapes.
5. ***Landuse Sustainability and Compatibility*** identifies preferred areas physically suitable for urban, rural lifestyle and rural settlement which are compatible with surrounding land uses including agriculture, forestry, mining and extractive industries.
6. ***Efficient Servicing and Self-Reliance*** encourages growth of villages, rural lifestyle estates and rural settlements only when they are located and designed to minimise the economic, social and environmental costs of providing and maintaining services such as road systems, solid waste and wastewater disposal within the development envelope.
7. ***Integrated Settlement*** integrates rural settlement, rural lifestyle settlement and urban-village settlement in a distinct hierarchy within the catchment, by focusing new settlement on a preferred areas and adopting a cluster approach to rural and rural lifestyle settlement.
8. ***Enhancing Existing Rural Development*** adapts existing rural lifestyle and rural settlements, where possible, to improve their form and liveability.
9. ***Quality of Life*** encourages urban, rural lifestyle and rural settlement design, that promotes quality of living throughout the various stages of life.
10. ***Awareness and Responsible Action*** educates people and fosters community involvement in sustainable settlement growth; it promotes the use of themes for new rural lifestyle and rural settlement to create a focus for rural residents and achieve greater co-operation in land management issues.

The most critical Growth Management Principle is 1 ***“Thresholds to Growth”***. This principle is the lynchpin of the other nine planning principles, in that it addresses the constraints that limit future settlement growth, analyses the three main categories of Land Suitability Criteria for Rural Subdivision: the environmental, social and economic constraints and their limitations in regards to the availability of the necessary infrastructure eg. roads, transport, waste disposal etc.

(Source: Cessnock City Council, 2003)

11. PROPOSED ZONES – Dungog Draft Local Environmental Plan 2003.

The future zoning of the land will determine the direction and concentration of growth within the Shire. As part of the consultation process the community has strongly indicated the need for the preservation of both the agricultural opportunity's and the rural amenity that supports the economic base of the Shire.

Dungog Shire is unique in the Hunter Valley in that at present it does not support a major employment generating industry such as a coal mine or other heavy industry.

Agriculture has formed the traditional economic base of the Shire and it is the continued preservation of this clean and green environment that attracts new residents and tourists to the Shire.

At the time of presentation of this document there are no known or current plans or proposals to create any large scale employment generating activities that could replace agriculture as an economic base.

The proposed land use zones within the *Draft Dungog Local Environmental Plan 2003* are as follows:

Rural 1(a) aims to utilise land efficiently, while conserving agricultural opportunities and protecting the environment. The objectives of the zone encourage rural activities, and provides for a diverse range of lifestyle choices.

A range of landuses are encouraged within this proposed zone, however controls in relation to separation distances between potentially conflicting uses must put into place to minimise land use conflict. Agricultural use is maintained by retaining the minimum 60 hectares allotment size, which will assist in reducing the fragmentation of agricultural land.

Consideration is given to the location and scale of dwellings and tourist facilities to ensure that development blends in with the surrounding landscape. Development silhouetted on the top of ridgelines is discouraged. Exterior building surfaces are to be earth tone in colour and landscaping used to ensure that the development does not impact upon visual amenity of the area.

Consideration must also be given to the existence of key habitats and wildlife corridors, as mapped by National Parks and Wildlife Services. Clearing will not be permitted in the absence of consent under the *Native Vegetation Conservation Act 1997*, while the preservation areas of known biodiversity habitat, key habitat and vegetation linkages are encouraged. The *Dungog Development Control Plan No. 31-Biodiversity*, has been prepared to support this document.

Rural Lifestyle 1(l) provides opportunities for smaller allotment subdivision in a rural environment located in close proximity to existing settlements that provide access to services and facilities, while minimising the effect on the rural landscape and improving the general environment.

Land within the Investigation Zone as indicated on Council's mapping, will be considered for Rural Lifestyle opportunities. Rural Lifestyle development may be permissible within these areas if the applicant can demonstrate to Council that the land

is suitable for the proposed development. A rezoning and subdivision application, which includes an assessment of the proposed development that satisfies the Rural Strategy guidelines, will be required to achieve this zoning.

Rural Enterprise 1(e) provides opportunities for people to live in a rural environment and undertake small scale commercial, services, agricultural and light industrial activities on their properties.

Land within the Investigation Zone as indicated on Council's mapping, will be considered for Rural Enterprise opportunities. Rural Enterprise development may be permissible within these areas if the applicant can demonstrate that the land is suitable for the proposed development and a demand exists. The Clarence Town district has been identified as a suitable area for this type of development given the lack of suitably zoned industrial land. A rezoning and subdivision application, which includes an assessment of the proposed development that satisfies the Rural Strategy guidelines, may result in this zoning.

Village 2(v) promotes growth of the individual settlements of Martins Creek, Vacy, Gresford/East Gresford and Paterson as local service centres and encourages compatible activities such as cultural and social activities, tourism, local shopping and services and a variety of mixed use development within this zone.

Recreation 6(a) identifies land for open space and recreational purposes and caters for a range of facilities that benefit the community.

Environment 7(a) identifies and protects environmentally sensitive lands, namely

- those having special aesthetic, scenic, ecological or conservational value;
- key ecological habitats and wildlife corridors;
- land within catchment areas used for water supply; and/or
- land liable to flood.

National Parks and Nature Reserves 8(a) identifies lands within a National Park or Nature Reserve.

Investigation 9(a) identifies land from which future Rural Lifestyle or Rural Enterprise development may occur, when rigorous environmental studies have demonstrated the suitability of the land for rezoning.

Land uses that are exempt from consent, require consent or are prohibited within individual zonings, are outlined within the *Draft Dungog Local Environmental Plan 2003*.

12. FUTURE DEVELOPMENT OF INVESTIGATION AREAS

The Rural Strategy directs future growth in a sustainable manner. The concept of fostering future growth in the vicinity of existing villages/towns within the determined Investigation Zones is a key focus of the Rural Strategy. The Investigation Zones are of varying size based on the services available in the existing villages and towns (see figure 11). Land within nominated Investigation Zone may be unsuitable for development given existing constraints, outlined below (section 12.1). If the applicant believes that the land is capable of future development within the terms of the *Draft Dungog Local Environmental Plan 2003*, the Rural Strategy and relevant Development Control Plans, then they will be required to apply to Council for a rezoning of the land to either Rural Lifestyle 1(l) or Rural Enterprise 1(e). If the rezoning application is supported, the applicant may then apply for a subdivision of the land.

Council will not consider rezoning properties for Rural Lifestyle or Rural Enterprise purpose unless they are zoned 9 (a) Investigation by the Dungog Local Environment Plan 2003. All rezoning and subdivision applications must comply with the assessment criteria (12.2 or 12.3) and performance criteria outlined within this Rural Strategy.

Rezoning requests will be site specific and pre-lodgement meetings with Council staff will outline the issues that need to be addressed in any rezoning proposal. Rezoning can only occur where the detailed site assessment and studies provided by the property owner confirm that the land is suitable for closer rural settlement. The assessment of these issues and associated public consultation may result in any request for rezoning being refused. The fact that individual properties are zoned 9(a) Investigation, in no way pre-empts the result of any request for rezoning.

Requests for rezoning will be prioritised within other work programs. Rezoning will have sunset clauses that state that Development Applications must be lodged within 2 years from the date of the Gazettal of the relevant Local Environmental Plan amendment.

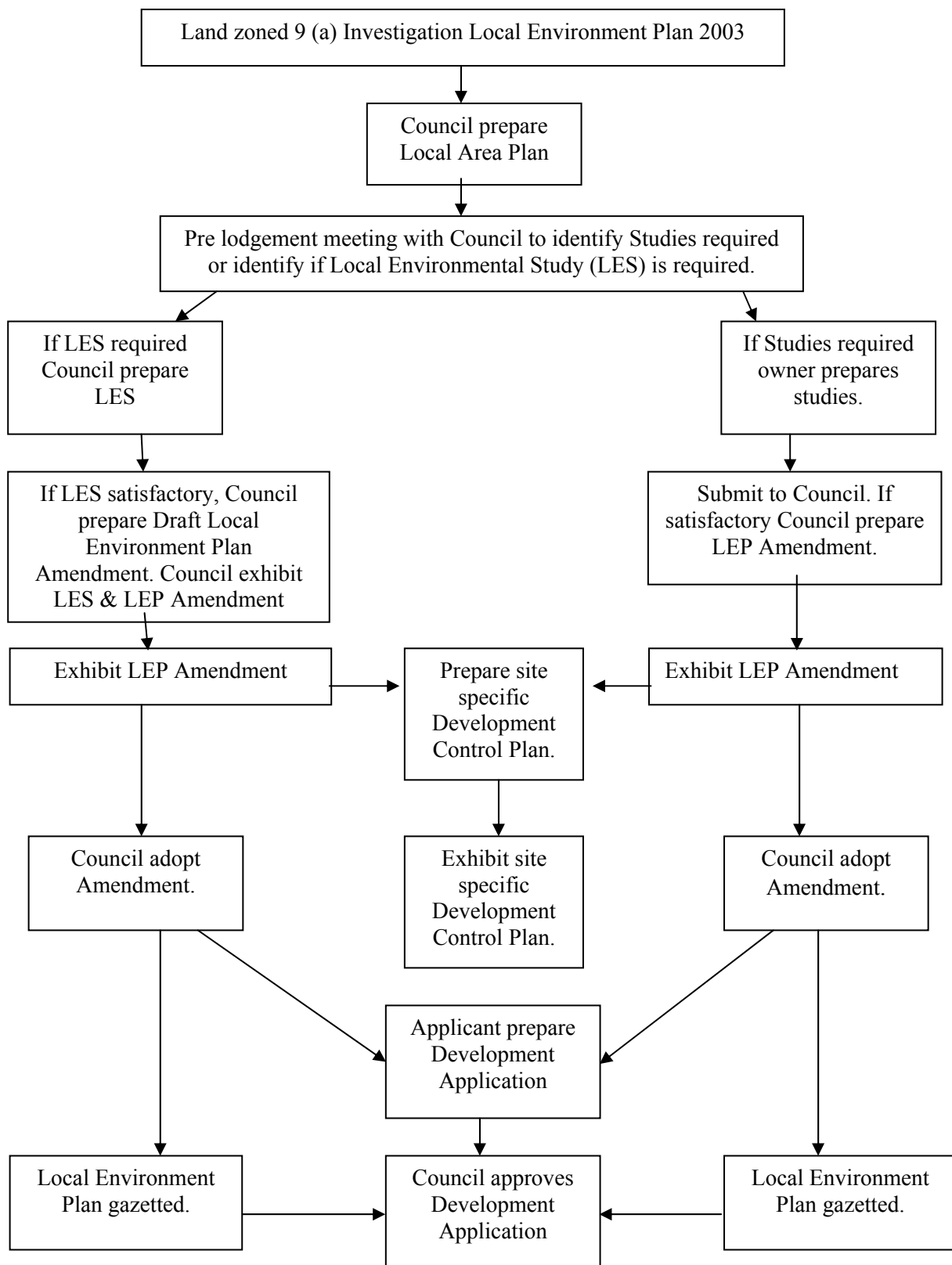
Rezoning requests will include a preliminary subdivision layout that demonstrates the most efficient use of the land and does not sterilise un-subdivided land within the land parcel from possible future subdivision. The co-operation of one or more property owners may be required to achieve this.

12.1. The rezoning process

Opportunities for rezoning to Rural Lifestyle or Rural Enterprise may be available after the land has been zoned 9 (a) Investigation by the Dungog Local Environmental Plan 2003. The timing of these rezonings is expected to be prioritised within available Council resources having regard to both the Councils Corporate Plan and the Annual Management Plan. Councils Corporate Plan encompasses a Five Year period and this Strategy is expected to be compatible with Councils Corporate Planning objectives.

The Rural Strategy is also expected to be compatible with the provisions of Councils annual Management Plan, which gives detail in relation to Councils operations and performance targets and goals.

The following flow diagram illustrates the stages involved in both the information collection and documentation preparation to support a rezoning in the 9 (a) Investigation Zone.



12.2. Shire wide Development Control Plans

Council is in the process of preparing a suite of Development Control Plans to support the provisions of the Local Environmental Plan 2003. These Development Control Plans are intended to apply on a Shire Wide basis.

It is also intended to prepare a series of site specific Development Control Plans that will apply to lands within Investigation Zones that have been accepted for rezoning. These site specific Development Control Plans will be prepared either by the developer/property owner in consultation with Council or by the Council for the fee nominated in the adopted Fees & Charges and are intended to be consistent not only with the principles of both the Shire wide Development Control Plans but also with the provisions of the Local Area Management Plans. Council may, at its discretion, resolve to invite the applicant /owner to prepare these site specific plans or conversely may elect to have these plans prepared at the applicants cost in an effort to achieve a coordinated approach to plan preparation.

12.3. Local Area Plans (L.A.P.'S)

The Rural Strategy provides the framework for development in the Shire, however each community may have a different vision relating to the sustainable settlement within their investigation catchment. The framework to guide development within the investigation catchment will be a Local Area Plan. These plans will reflect the visions, aims and concerns of each particular community regarding the future growth and management of their area. Council recognises that locality specific L.A.P.'s provided in advance of development will ensure the coordinated and efficient development of land. It is recognised that there is need to be a priority listing given to the preparation of these Local Area Plans to reflect the Councils work program.

The Local Area Plan aims to establish a desired local neighbourhood character and take into account investigation catchment boundaries. The Plans will be based on a combination of factors including:

- Community input.
- Existing and desired future neighbourhood character and design principles, such as building form, and location, to guide development,
- Ecological sustainability (ESD) and catchment management principles,
- Defining environmental and cultural features such as vegetation, slope and drainage, biodiversity, roads, recreation areas and Heritage items,
- Environmental Repair – ensure that conservation and biodiversity principles are fostered. Ensure that environment repair, where necessary is identified and undertaken.
- Community Facilities – ensure that the need for walking tracks, cycle ways, community access to riparian zones and community facilities are identified and provided for.

The Local Area Plans will contain place-based Performance Criteria and Acceptable Solutions for development relevant to the specific localities in contrast to the Shire Wide Development Control Plans which are issue-based. All development located within the areas affected by the Local Area Plans will need to consider all the specific principles of development contained in the relevant Local Area Plan.

12.4. Constraints Criteria

The constraints that **exclude** an area for Rural Lifestyle or Rural Enterprise subdivision/development are:

- Not zoned 9 (a) by the Dungog Local Environment Plan 2003
- located in areas affected by the 1:100 year flood or within areas nominated as exclusion zones in the Paterson River Flood Strategy;
- Slope greater than 18 degrees
- Not meeting the minimum service/infrastructure requirements including roads, community halls etc
- Inadequate land for disposing of the on-site effluent
- Land identified on Council's mapping as being bushfire prone land if clearing of key habitat and wildlife corridors are required and the biodiversity objectives are not met
- Ecologically sensitive land
- Areas with high habitat values
- Access via a road complying with Council's Rural Roads Policy cannot be achieved
- Contaminated land
- Prominent positions in the landscape where development would be silhouetted on the skyline horizon
- Not complying with Performance Standards in the Rural Strategy -
 - a) 8.1 Wastewater Treatment and Management of Effluent
 - b) 8.2 New Development and Biodiversity
 - c) 8.3 Aesthetic Design / Scenic Character / Energy Efficiency
 - d) 8.4 Water and Riparian Management
 - e) 8.5 Bushfire Hazard Mitigation.

12.5. 1(l) Rural Lifestyle or 1(e) Rural Enterprise Rezoning/Subdivision Assessment

Applications for rezoning of land to enable creation of allotments for the purpose of 1(l) Rural Lifestyle or 1(e) Rural Enterprise **must** address and satisfy sub-clause 27.1 and 29.2 of *Draft Dungog Local Environmental Plan 2003*:-

27.1 *Council can only grant approval to any development in a Rural 1(a), Rural Lifestyle 1(l), Rural Enterprise 1(e) or Environment 7(a) zone, if it is satisfied that:*

- i. *the development will blend into the landscape to promote rural amenity and character, and not be silhouetted on a ridgeline in rural areas, particularly when seen from a public road;*
- ii. *the design, bulk and colours of any buildings will be compatible with the surrounding landscape, are low buildings, and are suitably screened from a public road;*
- iii. *there is no, or only minimal, clearance of trees or significant areas of native vegetation for the development itself, access to it, drainage from*

it, or for bushfire hazard protection, unless the development is essential and there is no reasonable alternative;

- iv. adequate vehicular access can be provided and maintained;*
- v. adequate provision is made for telecommunication and electricity services;*
- vi. the development will not be adversely affected by flood and will not exacerbate flood conditions elsewhere;*
- vii. the land to be used for development is stable, has a slope of less than 18 degrees, and will not disturb sodic or dispersive soils;*
- viii. the development is not in a high bushfire risk area, and can be protected from bushfire hazard without creating any additional risk to life or property, fire-fighting personnel or equipment;*
- ix. adequate buffers are provided to any existing or foreseeable future agricultural, intensive agricultural or extractive industry activities which could cause noise, smell, fumes, vibration, spray or other objectionable impacts;*
- x. either the development can be connected to a Reticulated Sewerage System, or adequate provision can be made for the disposal of effluent away from drainage lines and shallow or impervious soils;*
- xi. the quality of stormwater run-off from the site will not degrade water quality or the quality of groundwater supplies and complies with any Environmental Management Plan required by Council;*
- xii. stormwater run-off from the site will not contribute to additional flooding downstream;*
- xiii. an assessment of the harvestable water rights has been made;*
- xiv. the development will not lower the water table or disturb the soil so as to result in the creation of acid sulphate soils;*
- xv. an assessment has been made of the impacts of the development on biodiversity and native habitat on and in the vicinity of the land; and*
- xvi. the development is consistent with any recovery or threat abatement plan for threatened species or endangered ecological communities likely to occur on the land.*

29.2 *Council can only approve a subdivision on land within a Rural Lifestyle 1(l) or Rural Enterprise 1(e) zone if:*

- i it is land with a total area of at least 3 hectares;*

- ii *any allotment to be created has an area of not less than 8,000 square metres;*
- iii *the average area of the allotments to be created by the subdivision is not less than 1.5 hectares; and*
- iv *only one allotment is greater than 4 hectares.*

The following criteria also apply:

- Any allotments greater than 4 hectares are not to be counted when calculating the average allotment size
- The residue portion is to be attached to one of the allotments created.
- All lots created must contain an identified building envelope of no more than 18 degrees slope, with an access road of no more than 15 degrees slope with consideration of Council's setback policy. This area must not be in a prominent position in the landscape where the development would be silhouetted on the skyline horizon.
- The property is zoned 9 (a) Investigation as identified by Council's mapping.
- Provision of road access complying with the requirements of Council's policy.
- Access via a road complying with Council's Rural Roads Policy.
- The disposal of effluent must be effectively carried out on site or by connection to a sewer. A geo-technical report shall be submitted to establish that adequate effluent disposal can be achieved when not connected to sewer.
- Existing provision or potential to provide underground electricity and telephone connections.
- Compliance with legislative requirements for bushfire prone land as identified on Council's mapping.
- Compliance with relevant Dungog Development Control Plans.
- Farm dam assessment to calculate the Maximum Harvestable Right Dam Capacity for each property prior to subdivision has been undertaken.
- Adequate drainage and stormwater management as determined by Council.
- The proposed development must not be within flood prone areas as identified on Council mapping, or identified as an exclusion zone within the Paterson River Flood Management Plan.
- Compliance with Performance Standards in the Rural Strategy:-
 - a) 8.1 Wastewater Treatment and Management of Effluent
 - b) 8.2 New Development and Biodiversity
 - c) 8.3 Aesthetic Design / Scenic Character / Energy Efficiency
 - d) 8.4 Water and Riparian Management
 - e) 8.5 Bushfire Hazard Mitigation.

12.6 Vacant Holding

A *Vacant Holding* is defined as:

- Environmental studies show that the requirements of sub-clause 27.1 (see previous) of the Draft Dungog Local Environment Plan 2003 can be met;
- The land was in one ownership as at 1 July, 2003; and
- If the land comprises more than one lot, the land is first consolidated into one lot.

12.7. Community Title Subdivision – Rezoning / Subdivision Assessment for Rural Lifestyle within an Investigation Zone.

Community Title Settlement enables the creation of individual allotments within a development site, while retaining significant areas in communal ownership. This clustered type of subdivision is preferred over traditional Torrens Title development. Combined with a sustainable management structure, cluster community title subdivision can lower infrastructure and maintenance costs, ensure compatible land use among residents and provide for shared resources. This type of subdivision is the preferred option of Council. In an effort to encourage community title subdivision Council is willing to discuss incentives with the applicant.

Development Applications for Community Title subdivision will need to meet the following criteria:

- They must comply with sub-clause 27.1 and 29.2 of *Draft Dungog Local Environmental Plan 2003* (as seen in section 12.5).
- Any allotments greater than 4 hectares are not to be counted when calculating the average allotment size.
- All lots created must contain an identified building envelope of no more than 18 degrees slope, with an access road of no more than 15 degrees slope with consideration of Council's setback policy. This area must not be in a prominent position in the landscape where the development would be silhouetted on the skyline horizon.
- The property is zoned 9 (a) Investigation as identified by Council's mapping.
- The land outside the individual lots is to be dedicated as a communal lot.
- Each individual lot must have at least one boundary with another individual lot as part of a cluster development, unless divided by a road.
- No individual lot shall have direct frontage to a public road.
- There must be road access complying with the requirements of Council's policy.
- Access via a road complying with Council's Rural Roads Policy.
- The disposal of effluent must be effectively carried out on site or by connection to a sewer. A geo-technical report shall be submitted to establish adequate effluent disposal can be achieved when not connected to sewer.
- Existing provision or potential to provide electricity, telephone connections.
- Compliance with legislative requirements for bushfire prone land as identified on Council's mapping.
- Compliance with relevant Dungog Development Control Plans.
- Farm dam assessment to calculate the Maximum Harvestable Right Dam Capacity for each property prior to subdivision.
- Adequate drainage and stormwater management, as determined by Council.
- The development must not be within flood prone areas as identified on Council mapping, or identified as an exclusion zone within the Paterson River Flood Management Plan.
- Compliance with Performance Standards-
 - a) 8.1 Wastewater Treatment and Management of Effluent
 - b) 8.2 New Development and Biodiversity
 - c) 8.3 Aesthetic Design / Scenic Character / Energy Efficiency
 - d) 8.4 Water and Riparian Management

e) 8.5 Bushfire Hazard Mitigation.

13. RURAL HOUSING

13.1. Dual Occupancy

Dual Occupancy means “two dwellings, other than a rural worker’s dwelling, on a single lot”

- A Dual Occupancy may not be erected on land zoned Rural 1(a), Rural Lifestyle 1(l), Rural Enterprise 1(e), Environmental 7(a) or Investigation 9(a) unless the dwellings are attached to one another
- The dwelling must be connected to a reticulated sewerage system on land zoned 2(a), or if the total allotment area is greater than 2 hectares on land zoned Rural 1(a), Rural Lifestyle 1(l), Rural Enterprise 1(e), Environmental 7(a) or Investigation 9(a), an on-site sewerage system will be considered
- Adequate arrangements for water supply and stormwater disposal to Council’s satisfaction
- The proposal shall have the appearance of a single dwelling and be connected by a roof structure with a maximum distance of 15m between dwelling houses
- Dual Occupancy will not be approved on existing 2(v) Village zone lots in the absence of a connection to a reticulated sewage supply
- Compliance with Performance Standards:
 - a) 8.1 Wastewater Treatment and Management of Effluent
 - b) 8.2 New Development and Biodiversity
 - c) 8.3 Aesthetic Design / Scenic Character / Energy Efficiency
 - d) 8.4 Water and Riparian Management
 - e) 8.5 Bushfire Hazard Mitigation.

13.2. Multiple Dwellings

Multiple Dwellings means “three or more dwellings on a lot”.

13.2. Rural Workers Dwelling

A rural workers dwelling as defined as “a second or subsequent dwelling required for a person whose principal occupation is working on the farm on which the dwelling is situated, and on which all the other dwelling are occupied by at least one person whose principal occupation is working on that farm.”

In the past, there has been a tendency for rural workers dwellings to become rental property or dual occupancies when there is no longer the need to have workers on the property. This often leads to pressure for agricultural land to be subdivided and the consequent rural population increase. This is contrary to the aims of the Rural Strategy. Rural Workers Dwellings will only be permitted where it can be demonstrated that the applicant meets the following criteria:

- The property is located within General Rural zone 1(a)

- The owner is recognised by the Australian Taxation Office as a primary producer
- The farm cannot operate without the employee's labour and onsite accommodation is essential for the enterprise. It must be shown that the employee will assist in the management of the farm
- The dwelling must be on the same legal title as the principal farm dwelling
- The dwelling must have the same road access as the principal farm dwelling
- The dwelling must be located so that it minimises conflict with adjoining land users
- The farm must generate enough income to support the employee who is to be housed in the dwelling
- The applicant must demonstrate that no alternative local labour or housing is available
- A report in relation to labour requirements must include:
 - b) what jobs the employee will do,
 - c) when the employee is required (eg daily, seasonally),and
 - d) what are the critical components of the employment that require an onsite residence.

(Source: NSW Agriculture, 1998)

14. AGRICULTURE

Agriculture forms a major part of the Dungog Shire economy and it is important to encourage and maintain sustainable agriculture.

14.1. Agriculture

Agriculture means commercial farming of crops or fodder, or of the grazing of livestock.

14.2. Intensive Agriculture

Intensive Agriculture means a building or place used for:

- (a) cultivating or packaging fruit, vegetables, flower or fungi crops;
- (b) agricultural buildings, or confined areas, used to husband or feed stock, such as cattle, sheep, goats, pigs, poultry, and rabbits, including dairies and aquaculture;
- (c) cultivating plants in a wholesale plant nursery;
- (d) breeding, boarding, training, keeping or caring for domestic animals, including horses;
- (e) turf farming; or
- (f) a vineyard, winery or viticulture;

for commercial purposes.

14.3. Farm-gate Sales.

Council is represented on the Hunter Harvest committee. Hunter Harvest seeks to develop agriculturally based tourism. One of the aims of the project is to promote and develop farm gate marketing initiatives across the Shire, and to provide linkages with regional tourism trails.

There are some potential hazards associated with farm-gate sales, therefore they will only be permissible within the General rural zone, when the following guidelines are complied with:

Farm-gate sales mean a building or place which:

- a) sells only produce from the land, or the products of an approved land use on the land, on which the building or place is situated;
- b) has a gross floor area of less than 75 square metres;
- c) can be provided safe access and appropriate parking; and
- d) can comply with the provisions of clause 27.1 of the *Draft Dungog Local Environmental Plan 2003*.

15. TOURIST DEVELOPMENT.

The Rural Strategy provides for rural tourism that will enhance and maintain the characteristics that make Dungog a desirable tourist destination. In the past all rural tourism was considered under a general definition of “Tourism”. To achieve better outcomes for the future of rural tourism within the shire, a range of definitions and standards have been developed.

Definitions.

Bed and Breakfast means a dwelling with a floor space of less than 300 square metres, that provides not more than five rooms, and which do not have catering facilities, for the temporary or short-term accommodation of people away from their normal place of domicile, and is operated by the permanent residents of the dwelling.

Camp or caravan site means a place used for the purpose of placing movable dwellings for permanent accommodation or for temporary accommodation by tourists, whether or not the site is also used for the erection, assembly or placement of cabins for temporary accommodation by tourists.

Eco-tourism is ecologically sustainable tourism with a primary focus on experiencing natural areas that involves education, understanding and appreciation. Whilst providing for conservation, repair and enhancement on the natural environment.

Eco-tourism facility refers to a tourist establishment for nature-based tourism that is managed in an ecologically sustainable manner. It must include one or more accommodation buildings and one or more buildings where education and interpretation of the natural environment take place.

Farm-stay means accommodation for the temporary or short-term stay of people away from their normal place of domicile, within an existing farm house, or existing farm buildings, associated with a working farm.

Holiday cabin means a building, with or without a kitchen, used for the temporary or short-term accommodation of people away from their normal place of domicile.

Short-term/Temporary accommodation refers to accommodation where a person shall stay up to a maximum of two weeks.

Tourist Facility means a building or buildings used for a motel or holiday cabins, and includes restaurant, conference and recreation or eco-tourism facilities for visitors.

15.1. Bed and Breakfast Accommodation

Criteria

- Contains no more than five bedrooms for tourist accommodation
- No more than twelve persons are to be accommodated at one time, including visitors, residents, friends, family members or the like
- The owner or operator shall be a permanent resident
- The building has a total floor area less than 300m² (excluding separate garages, sheds or the like)
- Adequate effluent disposal can be achieved (see Section 11.1 Wastewater Treatment and Management of Effluent for Performance Standards)
- Provision of meals is to be for guests only
- There are no kitchen facilities within the rooms for the preparation of food
- Provision of off street parking, with two car spaces for the dwelling house and one car space per guest room
- One advertising sign on the property is permitted to indicate that the dwelling house provides bed and breakfast accommodation and the name of the operator. The size of the sign shall not exceed 0.5m² in area
- Health, building and safety standards shall comply with the requirement of the Building Code of Australia and any other relevant legislation
- Fire safety measures shall be to the satisfaction of Council
- A business plan to be provided as defined Section 15.4. of the Rural Strategy.

15.2. Holiday Cabins

Criteria

- No less than four holiday cabins on the site which the development is to be erected
- There are to be twenty or fewer holiday cabins on the land of at least 20 hectares
- No holiday cabin shall be in individual Torrens, Community or Strata Subdivision Title
- The holiday cabins shall be in a clustered pattern
- The floor space of any holiday cabin is less than 60m²
- A maximum of three bedrooms, one bathroom and kitchenette per cabin
- On-site, all weather car parking shall be provided at the rate of one car space per holiday cabin. The car parking and turning areas are to be of a suitable standard of construction to the satisfaction of Council
- At least one cabin shall have sanitary and cooking facilities for people with disabilities
- Adequate separation distances are to be established to minimise land use conflict with adjoining properties
- Health, building and safety standards shall comply with the requirements of the Building Code of Australia and any other relevant legislation
- All effluent is disposed of in a common treatment plant unless there are compelling ecological or economic reasons for not doing so
- No significant vegetation to be removed for any aspect of the development
- A business plan to be provided as defined in section 15.4 of the Rural Strategy.

15.3. Eco-tourism Facilities

Criteria

- There is to be at least one accommodation building or at least one building used for education and interpretation of the natural environment;
- Provision of off street parking, with two car spaces for one car space per guest room;
- Adequate effluent disposal can be achieved (see Section 11.1 Wastewater Treatment and Management of Effluent for Performance Standards);
- A business plan is to be provided as defined in section 15.4 of the Rural Strategy;
- A report showing that the development will
 - a) focus on experiencing natural areas in ways that lead to greater understanding and appreciation;
 - b) integrate opportunities to understand natural areas;
 - c) represent best practice for ecologically sustainable tourism;
 - d) proactively contribute to the conservation of natural areas;
 - e) provide constructive ongoing contributions to local communities;
 - f) be sensitive to, interpret and involve different cultures, particularly indigenous culture;
 - g) consistently meet client expectations; and
 - h) include marketing plans are accurate and lead to realistic expectation.

15.4. Tourist Business Plans.

Holiday Cabins, Eco-tourism facilities and Bed & Breakfast developments must provide a business plan to support a development application. This plan is a written statement of the goals and objectives of a business. It should

- cover the necessary steps to be taken to achieve the goals and objectives;
- include information, which justifies and explains the proposed strategy;
- provide the information needed for others to understand your venture;
- check the viability of the proposed business;
- include alternate strategies;
- combine all elements into a logical format;
- include the various factors that could lead to success or failure;
- be used continuously to monitor actual results and identify problems;
- be regularly updated; and
- be compiled by the developer with reviews by an accountant or business advisor.

Information that could be included is:

1. The first page or cover sheet providing information on the business name, location, contact numbers, management structure, people involved.
2. A vision statement briefly describing how the business will develop.
3. A mission statement describing the role, and the purpose of the business.
4. Goals of the Organisation outlining short term and long-term objectives that will lead to achieving the vision and mission goals. They must be specific, measurable, achievable, realistic and timely (SMART).

5. Organisation and Management as it exists or is expected it to exist, the structure that will be established and how the activities of the business will be managed.
6. SWOT Analysis - List the Strengths, Weaknesses, Opportunities and Threats and strategies for each one.
7. Establishment Costs, that may include license fees, registration of business name, insurance, equipment, Council fees (DA's etc), legal fees.
8. Design Specifications / layout.
9. Time required for setting up the business.
10. Business Development, planned to make the business grow over the next five years;
11. Product / Service Profile showing what the development offers.
12. Market Research, Target Market and Competitors/Peers.

Two websites that can assist are:

www.visitnsw.com.au under the corporate site within business information section
www.lowerhunterbec.com.au under resources.

16. PERFORMANCE STANDARDS

16.1. Wastewater Treatment and Management of Effluent

Wastewater (sewage) disposal from domestic dwellings is one of the major constraints to closer rural settlement in this Shire. While scattered dwellings set on large acreages may have minimal impact individually, the cumulative impact of many dwelling using on-site effluent disposal systems can over time and without proper maintenance be detrimental to an entire catchment.

One of the objectives of rural settlement is that each allotment should be capable of treating all its effluent either within its boundaries or, in the case of common sewage schemes, as part of a functioning community-based sewage management facility. However, many on-site systems fail due to lack of ongoing monitoring, poor maintenance and poor understanding of design and care by the operators of the system. Given the potential public health and environmental risks associated with on-site sewage mismanagement, future rural settlements should be designed to ensure that such risks are minimised. This includes the siting and sizing of all allotments within future subdivisions, or the placing of limits upon the location of dwelling sites, or the location of holiday cabins to prevent pollution of land and water resources.

Set out below are the aim, objectives and guidelines that Council will apply to ensure the protection of public health and our vegetation, soils, creeks, rivers and oceans.

Aim

On-site domestic sewage management facilities operate in a manner, which protect and enhance public health, achieve ecologically sustainable environmental standards for air, land and water, and are acceptable to the community.

Objectives

- To ensure the cumulative impact of sewage transport, treatment and disposal/re-use systems in rural settlement areas is ecologically sustainable;
- To minimise the public health and environmental risks posed by the generation and treatment of effluent in rural settlement areas;
- To ensure rural settlement allotments, not connected to a centralised sewage management system, are capable of treating sewage in a reliable, safe and sustainable manner within their respective boundaries or, in the case of common sewage management facilities, as part of a functioning community-based sewage management system;
- To ensure sewage management facilities are selected to meet site-specific constraints;
- To ensure a detailed site assessment, which includes all relevant site constraints, is provided;

- To ensure sewage management facilities are operated efficiently, adequately monitored and maintained to ensure reliable, safe performance throughout their operating life;
- To facilitate the use of common sewage facilities for rural settlement, where such treatment is effective and ecologically sustainable through an individual management system;
- To facilitate the re-use of sewage of a quality from rural settlement for irrigation of gardens, agroforestry, silviculture, reforestation, environmental repair and the like;

Guidelines

Layout design

1. Subdivision allotment size for dwelling and layout design for holiday cabins must be adequate for sewage management having regard to
 - a) the potential cumulative impacts of the number of dwelling and/or holiday cabins using on-site or common sewage management facilities within the local catchment;
 - b) minimum buffer distances required for maintaining separation between on-site effluent management systems and sensitive environments. Due regard must be given to natural ephemeral drainage lines, slope and topography, and direction of drainage;
 - c) effluent application field(s) and related wet weather storage requirements for each individual allotment or dwelling and/or holiday cabin cluster, including the designation of a duplicate effluent application field with equivalent characteristics;
 - d) the size and number of buildings including dwelling, holiday cabins and structures;
 - e) the social, cultural, agricultural and recreational use of the land (present and future);
 - f) vehicle access areas;
 - g) the nature and design of sewage management facilities including dedicated land application areas and duplicate reserve (replacement) application areas;
 - h) site constraints as determined by a detailed ecological/physical land capability assessment;
 - i) in the case of Community Title Settlement, using of a common packaged treatment plant is the preferred option unless there are compelling ecological and economic reasons for not doing so, and

(Note: The Environmental Planning and Assessment Regulations require that where it is proposed to release or re-use effluent from more than 20 persons

equivalent capacity or 6 kilolitres per day of sewage, effluent or sludge, under certain circumstances, may require the submission of an Environmental Impact Statement with a development application.)

- j) any other requirements as set out in Council's *On-site Sewage Management Strategy (2001)* and *Development Control Plan for On-site Sewage Management*.

Information requirements

- 2. The siting and design of on-site sewage management facilities must be based upon the results of a Site Assessment Report, which includes a detailed geotechnical assessment of the subject site(s). The report must be prepared by a suitably qualified and experienced professional with demonstrated expertise in onsite sewage management issues.
- 3. The Site Assessment Report must address the key issues outlined in the checklist at the end of this section in relation to their effect(s) on the site's capacity for on-site effluent management.

In addition the report shall provide recommendations on the following matters:

- a) the overall capacity of the site(s) for effluent treatment and disposal;
- b) preferred effluent treatment and disposal options, including the advantages and disadvantages of each option, total costs and operating life of the system(s) proposed;
- c) specifications of the sewage management facility proposed to be installed or constructed on the premises concerned;
- d) controls to be applied to dedicated effluent application and re-use areas (i.e. diversion drainage, berms or swales) to prevent excess stormwater run-on into the disposal field and to prevent unnecessary loss of effluent from the disposal field;
- e) strategies to be maintained to minimise the hydraulic loads to be applied to any onsite sewage management facility;
- f) soil conservation measures, including suitable sediment and erosion control, required during the implementation of the proposed effluent management option(s);
- g) most suitable location of sewage management facilities on the subject land;
- h) minimum allotment size or common land area (in the case of common packaged treatment systems) necessary to ensure safe and effective management of effluent within the subject site's respective boundaries;
- i) design specifications for effluent disposal areas according to size and number of households and type of sewage management facility;

- j) details of wet-weather storage if required, based on maximum design hydraulic loading from the development, taking into account evapotranspiration, precipitation, percolation, effluent application rates and water source (reticulated or rainwater tank) as determined in the site assessment;
 - k) the location of an equivalent reserve effluent disposal area to enable the disposal system to be duplicated in the future;
 - l) the risk of seepage and surface water from surrounding areas at higher levels than the proposed disposal area.
4. Council will require a maintenance service contract with all secondary treatment and commercial scale treatment systems, to ensure the long-term viability and performance of the treatment plant or re-use scheme.
5. Where the system is for communal or commercial use, the Site Assessment Report must include an On-site Sewage Management Plan incorporating the results and recommendations of that report. The purpose of the Management Plan is two-fold:
- a) to set out the operational practices (including monitoring regime) and maintenance schedule which are essential to ensuring optimal design performance during the operating life of the system; and
 - b) to identify the roles and responsibilities of the owner(s), body corporate, manufacturer/supplier, etc. in regard to system operation, maintenance and replacement, together with details of contingency procedures to be followed in the event of system failure.

Site constraints and limitations

6. The siting of on-site effluent management systems should
- a) provide a minimum buffer of 100 metres from permanent watercourses including rivers, creeks, wetlands, dams or lakes;
 - b) provide a minimum buffer of 40 metres from ephemeral watercourses (e.g. intermittent waterways, drainage channels and dry gullies);
 - c) provide a minimum buffer of 250 metres to domestic groundwater well;
 - d) be constrained by areas of high watertable, groundwater recharge, poorly drained soils, highly permeable soils and/or containing rock outcrops, shallow bedrock, acid sulphate, sodic or saline soils;
 - e) take into account that minimum buffer(s) from a building or property boundary are as follows:
 - i) for sites with slopes less than 10% (5.7 degrees) :-
 - 3 metres when higher than the disposal system; or

- 6 metres when lower than the disposal system; or
 - 1.5 metres between adjoining trenches; or
 - 6 metres from a swimming pool, driveway, building or property boundary;
- ii) for sites with slopes greater than 10% (5.7 degrees) :-
- 15 metres from nearest building or property boundary;
- f) take into account that slopes greater than 15% (8.5 degrees) are regarded as severely limiting the installation and operation of effluent disposal fields; and
- g) ensure that effluent disposal fields/distribution networks (i.e. pipes, gravel, etc.) are located a minimum of 1200 millimetres above the top of the natural ground water table. This depth may need to be increased to account for highly permeable soils or composites containing rocks, and potential sensitive environmental impacts;

Approval to Install

7. All on-site sewage management facilities must be approved by New South Wales Health Unit and installed in accordance with Council approval under section 68 of the *Local Government Act 1993*. Council has approval responsibility for the installation of on-site sewage management facilities.

Approval to Operate

8. All sewage management systems that store, treat or dispose of effluent require an ongoing approval to operate from Council under sec 68F of the *Local Government Act 1993*. This approval is ongoing and additional to the “one off” approval to install. All applications to install will also include an application for the ongoing approval to operate. Council developed an *On-site Sewage Management Strategy* (2001) that outlines the approval process and a management and monitoring program for existing septic systems in the Shire.

Issues relevant to assessment of capacity for on-site effluent disposal are summarised in the following checklist:

(a) General information

1. A site plan showing location and all features relevant to liquid waste disposal.
2. A detailed site description and location of test sites.
3. The location of groundwater and surface-wastewater resources

(b) Effluent characteristics

1. Details on the proposed disposal system and maintenance scheme.
2. Expected mean and peak hydraulic loads.
3. Expected wastewater contaminant (e.g. nutrients) concentrations and loads per unit land disposal area.

(c) Soils

1. Soil depth to an immediate layer or bedrock.
2. Surface and subsoil (where applicable) permeability.
3. Soil type (geotechnical classification and description)
4. Site wetness including location of waterlogged or poorly drained areas.
5. Presence and abundance of stone, gravels, boulders and rock outcrops.
6. Relevant physiochemical soil characteristics such as pH, colour, texture, structure, P-sorption capacity, cation chemistry (e.g. exchangeable sodium % where possible) and electrical conductivity.
7. Soil erosion potential, including Emersion Aggregate Test.
8. Soil sodicity and sodium absorption ratio (SAR) wastewater.

(d) Climate

1. Precipitation analysis including historical rainfall data for the locality.
2. Consideration of the impact of storm intensity on effluent absorption.
3. Monthly and annual evaporation and evapotranspiration data for the locality.

(e) Topography

1. Location of proposed development/ wastewater disposal systems with respect to topography.
2. Slope assessment and classification into appropriate slope types.
3. Site aspect(s).

(f) Vegetation

1. Existing vegetation on the site (type, structure and floristic) and proposed changes.

2. Sensitivity of local native vegetation to domestic treated wastewater.

(g) Geographic location

1. Assessment of appropriate set-back or buffer distances to nearby sensitive environments, for example, water courses, water supplies and wetlands. These will vary according to the effluent system and environmental constraints.
2. Distances to adjacent liquid waste disposal areas.

(h) Hydrology and water quality

1. Depth to seasonal water tables at location of effluent disposal area.
2. Location of existing wells/bores and current use of groundwater in the vicinity of the development (where applicable).
3. Water balance assessment including effluent load, precipitation, evapotranspiration, percolation and runoff, allowing for higher hydraulic loading where reticulated water is supplied.
4. Risk of runoff/percolation outside the site, based on soil type and rainfall intensity.
5. Flood hazard potential at the site.

(i) Land use

1. Details of the specific nature of land-use change in the proposed development area.
2. Most suitable landscaping in wastewater disposal areas.
3. Details of effluent runoff prevention methods where required.

(Source: Byron Shire Council Rural settlement Strategy, 1998)

For on-site sewage management, an application to Council should incorporate relevant standards and guidelines as follows:

- *Local Government (Approvals) Amendment (Sewage Management) Regulation 1998*. NSW Government (*Gazette* No.46).
- *Environment and Health Protection Guidelines - On-site Waste Water Management Systems for Domestic Households*. NSW Environment Protection Authority, NSW Health Dept, NSW Dept. Land & Water Conservation, Dept. Local Government, (1998).
- *Disposal Systems for Effluent from Domestic Dwellings, Australian Standard AS/NZ 1547 2000*. Standards Australia.

- *Guidelines for Industry: The Utilisation of Treated Effluent by Irrigation*. NSW Environment Protection Authority (1995).
- *Waterless Composting Toilets Approval Guideline (Part 3 - Local Government Approvals Regulation 1993)*. NSW Health Department (1997)
- McDonald, R.C, Isbell, R. F, Speight, J.G, Walker, J. and Hopkins, M.S. (1990). *Australian Soil and Land Survey Field Handbook* (2nd Edition), Inkata Press, Melbourne.
- *NSW State Groundwater Policy Framework Document*. Department of Land and Water Conservation 1997.
- Dungog Shire Council's *On-Site Sewage Management Strategy*

16.2. New Development and Biodiversity

The Dungog Development Control Plan No. 31 –Biodiversity, Habitat Corridors and Tree Preservation, outlines issues affecting biodiversity which are relevant to the consideration and determination of development applications. Relevant issues are grouped as follows:

Settlement structure issues – These are issues relevant when considering the location, appropriateness and feasibility of a development proposal. They are mainly associated with strategic planning, local environmental plan provisions and Dungog Rural Strategy and include preferred land uses, subdivision layout and road and access design.

Biodiversity issues – These are issues relevant to understanding the regional and landscape context of site biodiversity, design, approval and survey and assessment requirements. This plan provides guidelines for bushland, streams, natural wetlands, native fauna, non-native fauna, weeds, threatened species, habitat corridors and koala habitat.

Land and water issues – These are complementary landscape design and management issues directly related to biodiversity, including streams and stormwater, erosion, sediment and dust control, excavation and filling, land rehabilitation, bush fires.

Environmental design issues – These are issues relevant to the design, construction and ongoing management of development and activities. Generally they are relevant at the site specific level and the detailed design and construction stage of development, including paving, construction works, tree preservation, landscape design, waste disposal, cultural and historic sites and roadside vegetation management.

The following table provides a general indication of required information to accompany development applications.

16.2.1. Indicative requirements for development types

Type of development	Biodiversity planning and assessment requirement
Subdivision of land (other than Readjustment of existing boundaries and consolidation)	Requires completion of biodiversity checklist and site plan Design and layout should consider biodiversity. May require field survey and fauna and flora review by ecologist where threatened species are likely.
Dwellings on existing subdivided Allotments	Applicants required to complete checklist
Commercial development (eg industrial, tourist, or intensive agriculture)	Development guidelines for biodiversity to be considered in design of proposal. Checklist to be completed, and a fauna and flora review. Field survey may be required where threatened species are likely.
Major developments (eg mines or large subdivisions)	Development guidelines for biodiversity to be considered in design of proposal. Specialist surveys should be undertaken and species impact statement likely. Plan of management for site should be prepared.
Development including clearing or disturbance to more than 1ha of natural bushland	Development should avoid natural bushland areas. Field survey for threatened species is likely to be required for development proposals.
Roads	Requires completion of biodiversity checklist. Design and layout should consider biodiversity. May require field survey and fauna and flora review by ecologist where threatened species are likely. Forestry Compliance with Native Vegetation Conservation Act 1997 requirements (See Department of Land and Water Conservation). Compliance with fish passage requirements under the Fisheries Management Act 1994 when constructing waterway crossings (Contact NSW Fisheries).
Development of urban or industrial zoned land	No requirements. Threatened species issues must be considered where appropriate.
Development of grazing or cultivated Land	Applicants required to complete checklist. Impacts on riparian areas need to be considered
Development on land adjoining conservation reserves or natural bushland	Development must ensure buffer areas around conservation reserves, and be designed to minimise potential impacts. Applicants required to complete checklist.

New development proposals are required to take into account biodiversity issues. This means that developers make an assessment of the regional biodiversity context of the site and site specific habitat attributes. If important biodiversity values are likely to occur, then site specific survey may be required, and a proposed development may require modification, redesign or relocation.

Dungog Shire Council is required to make an assessment of the adequacy of the proposed development and accompanying information. Applicants may be refused if adequate supporting information is not provided or if the location of a proposed development is not suitable.

16.2.2. Applicant's Development checklist.

This checklist is to be used by applicants to indicate whether a development application may significantly affect biodiversity and would require further information or specialist assessment.

Key questions

- 1 Will native vegetation or bushland on the site be cleared as a consequence of the development? If so, what is the area of clearing (ha)?
- 2 Is there native bushland within 1km of the site? (eg riparian areas, national park, state forest, or private) If so, what is the distance between the site and nearby bushland? (metres)
- 3 Is the proposal within 40 metres of a stream or riparian area, or could it or any associated activities or work impact upon such land or the stream?
- 4 Are there any large or old trees (dead or alive) on the site, or within 500 metres? If so, how many and what species?
- 5 Are you aware of any flora and fauna surveys carried out on the site, on adjoining land, or in the locality? If so, provide details.
- 6 Is there any native grassland on the site?
- 7 Has the land been cultivated or fertilised?
- 8 Will there be earthworks or drainage associated with the proposal? (eg dams or roads)
- 9 Has a check of relevant databases indicated that important native species or listed threatened species are likely to occur on the site, or in the locality? (See Biodiversity Development Control Plan)
- 10 Would the proposed development be, or contribute to a threatening process listed under the Threatened Species Conservation Act 1995? (See Biodiversity Development Control Plan)

Supplementary questions

- 11 How has the development been designed to take into account existing native vegetation and fauna habitat occurring on the land? (Prepare and attach a site plan)
- 12 What do you expect to be the impact of the development on native fauna species and native vegetation?
- 13 What disturbance has occurred on the site in the past? (eg clearing in 1920, followed by cattle grazing; clearing of understorey vegetation, burning and regular mowing)
- 14 What changes to the natural drainage on the site will result from the development as proposed?
- 15 Has a plan for the future management of the land been prepared? If so, please provide a copy
- 16 What bushfire risk management measures are proposed on the site, and how do these affect biodiversity values? (eg clearing, firebreaks, hazard reduction burning)
- 17 Do noxious weeds or other environmental weeds occur on the land? If so, which species
- 18 Is landscaping proposed and is the proposal likely to result in introduction of non-locally indigenous plants?
- 19 Is the site in a visually prominent location?
- 20 Has any application been made to the Department of Land and Water Conservation for clearing of native vegetation on the land under the Native Vegetation Conservation Act 1997? If so, has it been determined?

(Source: Fallding, 2003)

16.3. Aesthetic Design / Scenic Character / Energy Efficiency

Development within rural areas including dwelling houses, water tanks and sheds should not be visually intrusive, or negatively affect the rural amenity of the area. Future development must have regard to the dominant landscape features or scenic character, with applicants meeting the following guidelines:

- The built structures must show that they have been selected to complement the surrounding landscape. Non-reflective, earth tone or textured surfaces are preferred.
- If the development is likely to be visually intrusive then it must be substantially screened from the road and adjoining properties with dense vegetation screens. This must be done with due regard to the provisions of the *Planning for Bushfire Protection 2001*.
- Dwelling houses, holiday cabins, and any other structure shall not be located on prominent positions in the landscape and shall not be silhouetted on the skyline / horizon.
- Energy efficiency analysis must be provided, showing how the proposal will gain optimum energy efficiency. This should consider topography, drainage, views, house design and building materials.

16.4. Water and Riparian Management

The following guidelines ensure that future development does not negatively impact upon water quality or availability:

- A Water Management Plan in support of development applications, addressing the following:
 - a) Location, source and capacity of water supply for domestic, agricultural and fire prevention uses. A potable water supply of 30 kilolitres per annum per holiday cabin, and 80 kilolitres per annum for a dwelling house is the minimum standard.
 - b) How subdivision size, allotment layout, dwelling house and/or holiday cabin location will protect drainage lines and water courses.
 - c) That there is sufficient roof area and tank storage capacity to provide for all domestic water requirements. Water tank storage for domestic use should be a minimum of 44 000 litres storage per 1 or 2 bedroom dwelling house and 66 000 litres for a 3 or 4 bedroom dwelling house and 22 000 litres per holiday cabin.
 - d) Adequate water conservation measures to be implemented as part of the development (dual flush toilets, aerated shower roses and bathroom taps, water reuse etc).
 - e) Rural dwellings will be required to install an additional 22 000 litre static water supply, in a non-combustible tank, with a 38mm stortz nozzle, for fire fighting purposes.
- Future rural settlement must not increase the number of allotments that enjoy 'riparian rights'. In Community Title Development riparian lots must be retained as community land and ensure community access. No easements to provide sole and private access to water sources are to be created.
- The impact on groundwater and surface water is to be assessed according to the NSW State Groundwater Policy and Framework Document 1997.

- All Rural dwelling houses and tourist development must be a minimum of 40 metres from any natural watercourse or wetland, or consent from the Department of Natural Sustainable Resources must be obtained.
- For farm dam the Maximum Harvestable Right Dam Capacity (MHRDC) is to be calculated, according to NSW Department of Land and Water Conservation guidelines. Any allotments created with dams above the MHRDC must either be modified to comply with the MHRDC for the property or be licensed under the provisions of the Water Act.

16.5 Bushfire Hazard Mitigation

Dungog Shire has a large amount of land that is considered to be bushfire prone, due to the existing vegetation and topography of the area. Developments within these areas must adequately manage bushfire risk to minimise the threat to lives and property.

The Rural Fire Service and Planning NSW produced *Planning for Bushfire Protection 2001* as a guide for development within land identified bush fire prone. Development within bushfire prone areas must comply with the provisions of *Planning for Bushfire Protection 2001* and the *Dungog Development Control Plan No 21 Bushfire Mitigation*.

17. CONCLUSION

The Rural Strategy is intended to provide a basis for sustainable and desirable rural growth throughout the Shire, while retaining the area's original character. Through examination of local opportunities and constraints, within a shire wide context and provides the basis for assessment of future rural development.

The long term vision for rural settlement and activities within the Shire is set out in the Rural Strategy. It guides the location for future rural settlement and promotes appropriate land use guidelines for rural development.

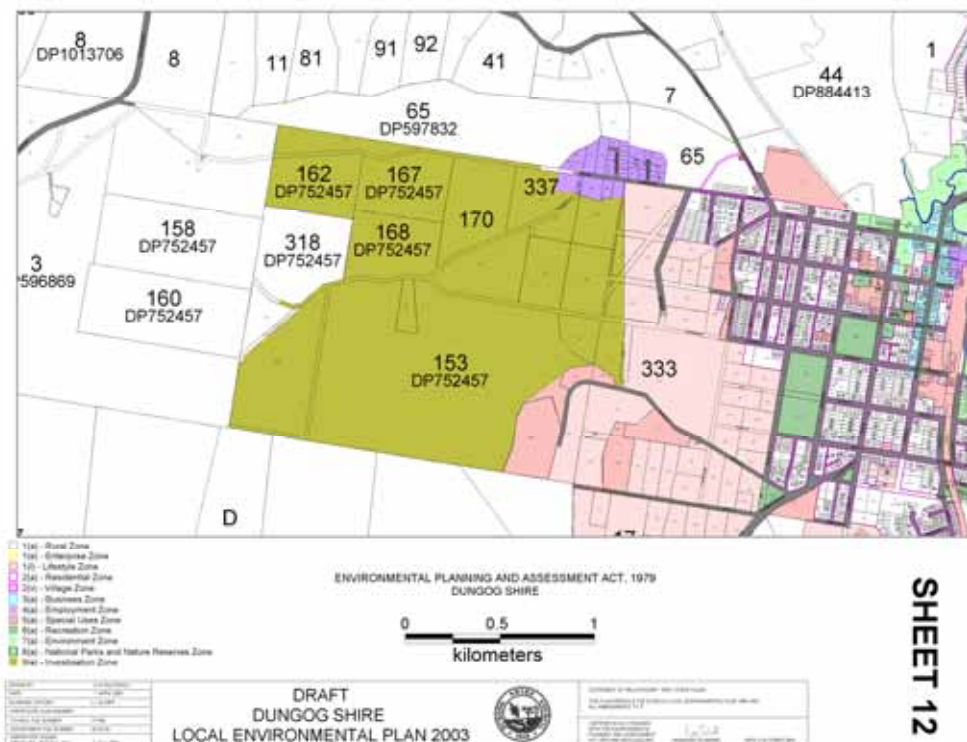
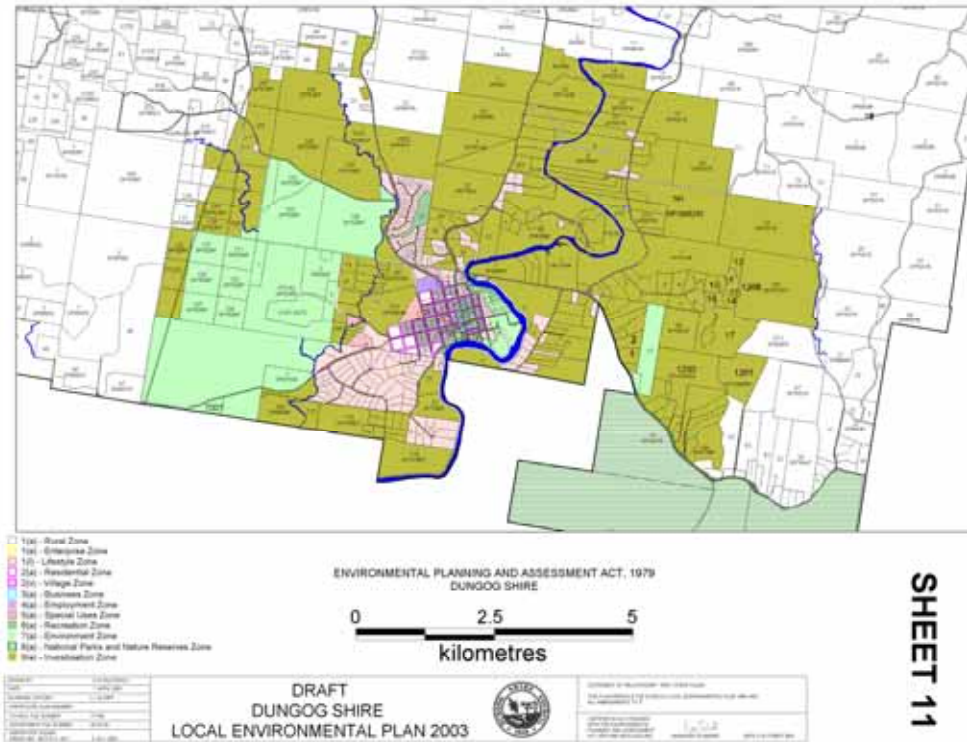
The Rural Strategy provides sound basis for future land use planning by:

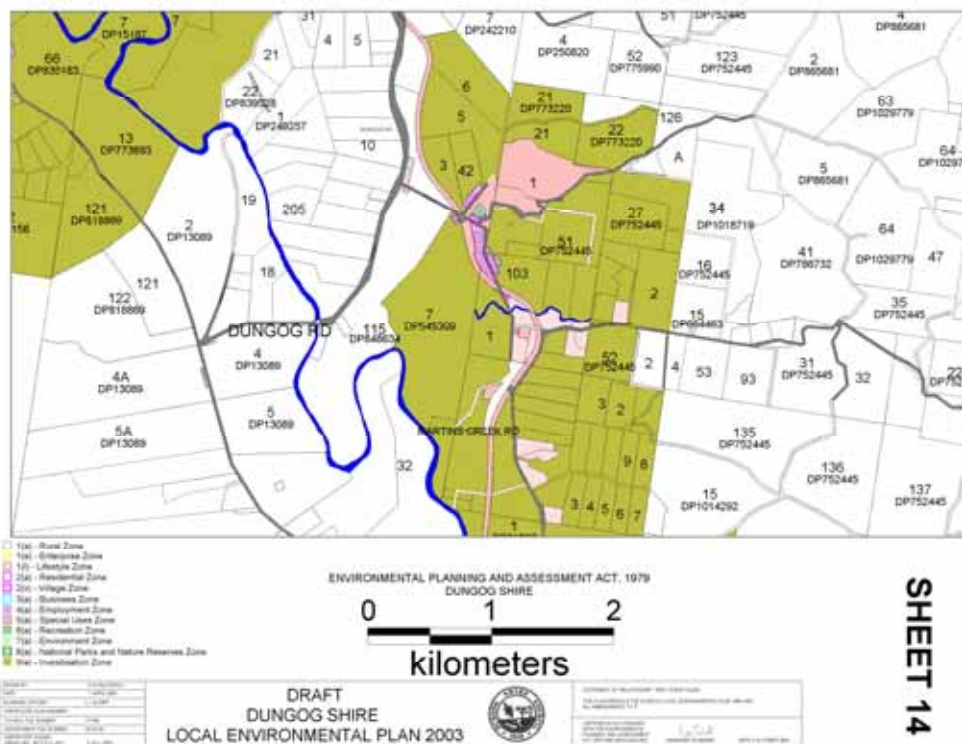
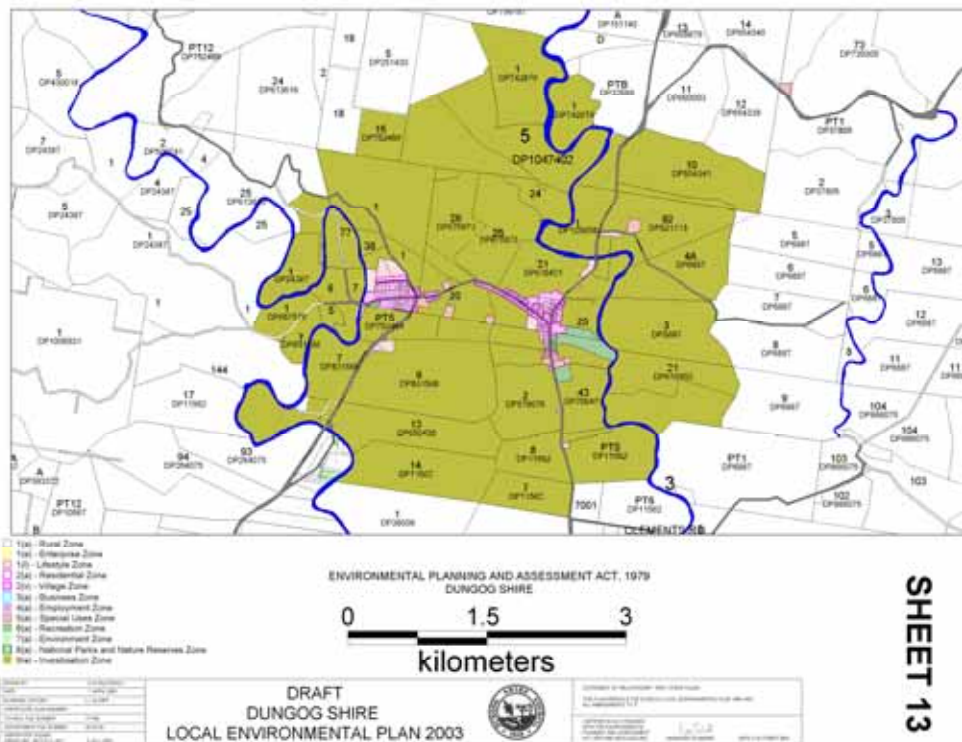
- minimising environmental impacts by ensuring that development is situated in areas that are not subject to any ecological or physical constraints, and placing restrictions upon developments to achieve this outcome;
- minimising land use conflict between Rural Lifestyle development and other existing land uses, such as agriculture and extractive industries;
- ensuring that economic costs to the proponent and the broader community are minimised, by establishing Rural Lifestyle development and tourism in areas that do not require major upgrading of the road network to manage the increased traffic generation from the development and are located as close as possible to existing services such as schools, general stores and community halls;
- minimising energy costs of travel and maximising the use of future public transport by locating Rural Lifestyle development as close as possible to existing towns and villages, without compromising the needs of these towns and villages;
- protecting the integrity of prime agricultural land and the right of farmers to farm;
- providing for a range of lifestyle choices for residents in rural areas and therefore providing for a range of needs and community expectations;
- protecting water quality in watercourses within the Shire, with particular emphasis on the Williams River Catchment a major water source for residents in the Shire and Lower Hunter Region;
- providing guidelines for ecologically sustainable development; and
- providing guidelines for the enhancement and maintenance of the Shire's biodiversity, that protect biodiversity throughout the Shire and all of its associated ecosystem services. This will ensure economic and social benefits associated with a healthy ecosystems throughout the Shire, are enhanced for future generations.

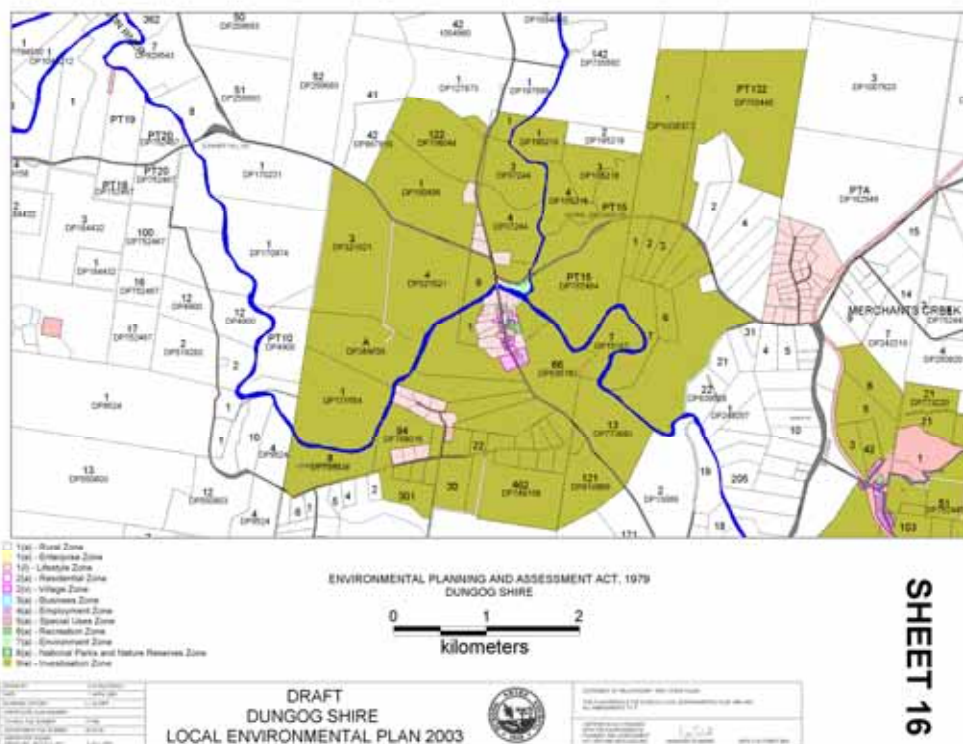
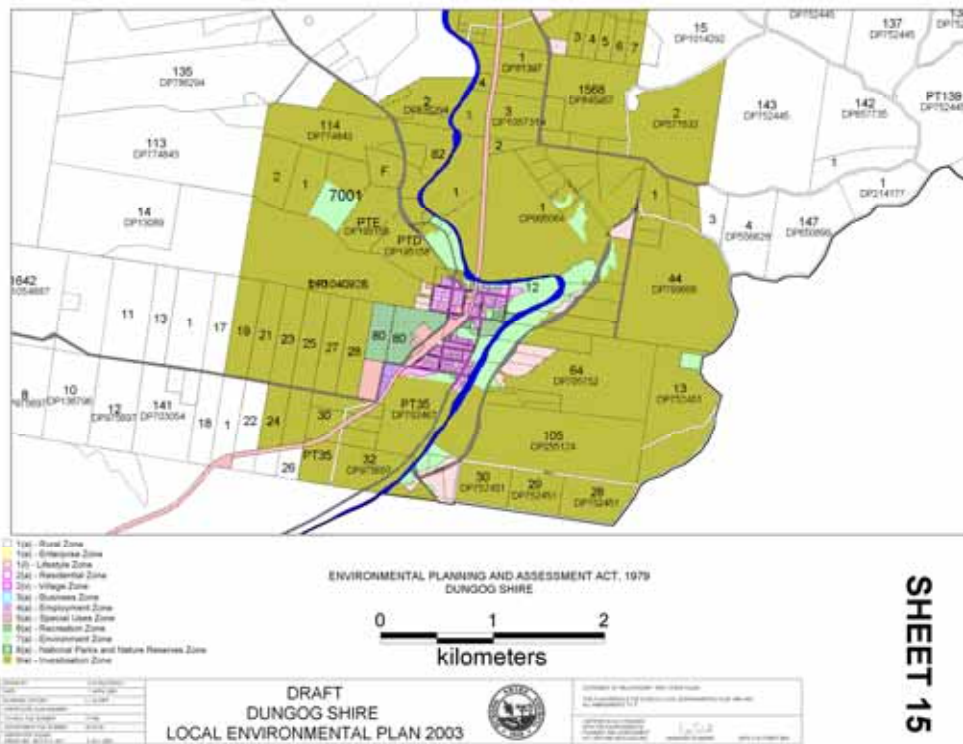
The Rural Strategy gives support and detail to the provisions of the *Draft Dungog Local Environmental Plan 2003* and in doing so will ensure that growth occurs in an environmentally and socially responsible manner. The Rural Strategy will also promote collective responsible implementation of the development, protection and management of the Shires rural lands.

APPENDIX I

Lands zoned proposed 9 (a) Investigation by the Draft Dungog Local Environment Plan 2003 for Clarence Town, Dungog, Gresford & East Gresford, Martins Creek, Paterson and Vacy.







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