



PATERSON LOCAL AREA PLAN

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1. INTRODUCTION - THE PLANNING FRAMEWORK

1.1 THE PLANNING CONTEXT

The Planning Policies and Regulations for Dungog Shire are provided in the following key instruments:

- Dungog Shire Local Environmental Plan 2005
- Dungog Shire Rural Strategy 2003
- Dungog Shire Wide Development Control Plan 2004

These three planning instruments apply Shire-wide.

Dungog Shire Local Environmental Plan 2005

Under the provisions of the Local Environmental Plan (LEP) all land within the Shire is classified into land use zones. The LEP details the land uses and activities permissible in each zone and the factors that need to be assessed and addressed in developing within these zones.

Most of the land surrounding Paterson, within 2 kilometres of the village, is zoned as 9(a) Investigation Zone. Land within this zone will be investigated to determine its suitability and capability for a range of rural and other activities, including rural lifestyle living.

Dungog Shire Rural Strategy 2003

The Rural Strategy supports the Local Environmental Plan by detailing Council's policies in relation to development of rural lands. These policies are designed to protect the rural character of and rural activities undertaken within the Shire, environmentally sensitive areas and water resources. This Strategy sets the direction for the future development of the areas zoned 9(a) Investigation Zone.

Dungog Shire Development Control Plan 2004

The Shire-wide Development Control Plan (DCP) supports the Local Environmental Plan 2005. It provides the design guidelines and design controls required to achieve the aims and objectives of the Local Environmental Plan.

1.2 LOCAL AREA PLANS

Recognising that each community may have a different vision in relation to the type of settlement that it considers sustainable within the surrounding investigation zone, provisions have been included within the Shire-wide planning instruments for the preparation of Local Area Plans.

Land to which Local Area Plans Apply

Local Area Plans (LAP) are locality specific plans that are prepared for each town and village with an Investigation Zone 9(a). The provisions contained within the Paterson LAP relate only to the Paterson area.

Purpose of Local Area Plans

Local Area Plans aim to establish a desired future character for the land that is contained within the Investigation Zone. Local Area Plans contain locality based performance criteria and controls which are designed to address key issues and achieve the desired character.

Factors taken into consideration in preparing Local Area Plans

In preparing the Local Area Plans factors taken into consideration included:

- Community Vision - the views expressed by the local community to which the Plan applies.
- The physical and cultural features of the land within the Investigation Zone, including factors such as slope and stability, hydrology and flooding, flora and fauna, bushfire, views and visual impact, sites of cultural or heritage significance.
- The existing road network - hierarchy, road alignment and condition etc.
- Access - vehicle, pedestrian and cycle - to and within the Investigation Zone and between land within the Investigation Zone and the adjoining village.
- Existing pattern of subdivision (size and shape of allotments).
- Existing land use and settlement patterns and the characteristics of the neighbourhood.
- The need for environmentally sustainable development.
- The desired future character of development.

The Local Area Plans recognise that at some stage in the future, the land within the Investigation Zones that is subdivided for rural lifestyle living, may be needed to accommodate the growth of the village and may potentially be rezoned for residential and/or other uses such as recreation, commercial or special uses. The Local Area Plans contain principles in relation to road networks and subdivision layout that will have the capacity to support closer subdivision patterns in the future.

Suitability of Investigation Zone land for development

Not all land within Investigation Zones will be suitable for re-development. Section 12.4 (Constraints Criteria) of the Dungog Shire Rural Strategy details the constraints that **exclude** an area from Rural Lifestyle and Rural Enterprise subdivision and development. These criteria include:

- Land in areas affected by the 1:100 year flood.
- Slope greater than 18 degrees.
- Not meeting minimum service/infrastructure requirements.
- Inadequate land for disposing of the effluent on-site.
- Bushfire prone land as defined by Council's bushfire map, if clearing of habitat and wildlife corridors is required and biodiversity objectives are not met.
- Ecologically sensitive land.
- Areas with high habitat values.
- Contaminated land.
- Access via a road complying with Council's Rural Roads Policy cannot be achieved.

- Prominent positions in the landscape where development would be silhouetted on the skyline horizon.
- Not complying with the Performance Standards of Dungog Shire Rural Strategy:
 - 8.1 Wastewater Treatment and Management of Effluent
 - 8.2 New Development and Biodiversity
 - 8.3 Aesthetic Design / Scenic Character / Energy Efficiency
 - 8.4 Water and Riparian Management
 - 8.5 Bushfire Hazard Mitigation

In addition to these criteria, Local Area Plans may identify site or locality specific criteria which may exclude certain land for development.

Land use and activities permissible within the Investigation Zones

Providing that the land, after detailed assessment, is considered suitable for development, then an application can be lodged with Dungog Shire Council to rezone the land zoned 9(a) Investigation to Rural Lifestyle 1(l) or Rural Enterprise 1(e).

Rural Lifestyle zones provide the opportunity for people to live in a rural environment close to settlements with services and facilities.

Rural Enterprise zones provide the opportunity for people to live in a rural environment and undertake small-scale commercial, service, intensive agricultural or light industrial activities on their property.

Details of the objectives of these zones, the activities that can be undertaken and the controls and guidelines governing subdivision and development are specified within the Dungog Shire Local Environmental Plan 2005, the Dungog Shire Rural Strategy 2003 and the Dungog Shire Development Control Plan 2004. A summary of the various sections in these documents is given in Appendix 1.

Zone	Permissible Uses	
	Without the consent of Council	Requiring Consent of Council
Rural Lifestyle Zone 1(l)	Agriculture	Advertisement Bed & Breakfast Camp or Caravan site Community Facility Dual Occupancy Dwelling House Farm Gate Sales Home Employment Leisure Area Recreation Area Utility Installation

Rural Enterprise 1(e)	Agriculture	Advertisement Automotive Services Bed & Breakfast Camp or Caravan site Commercial Premises Community Facility Dual Occupancy Dwelling House Employment Farm Gate Sales Forestry Home Employment Institution Intensive Agriculture Kiosk Leisure Area Recreation Area Recreation Facility Utility Installation Veterinary Establishment
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All other land uses are prohibited within these zones.

1.3 THE PLANNING PROCESS

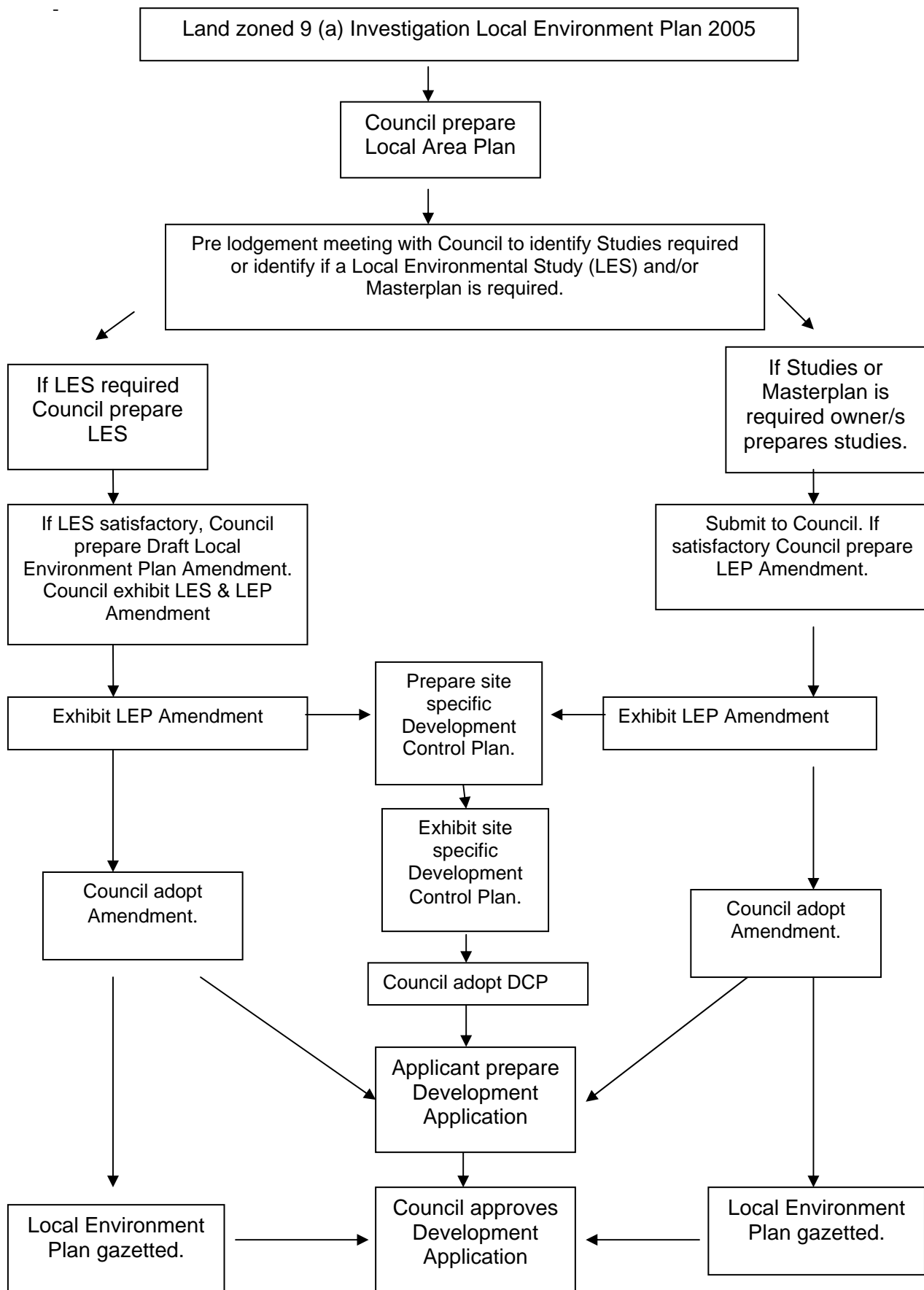
The planning process for the rezoning and development of land within the 9(a) Investigation Zone is summarised in the following flow diagram.

The first step in the process to rezone land identified in the LAP as possibly suitable for development is for the landowner and/or their agent to have a pre-lodgement meeting with Council Officers. At this meeting, Council Officers will explain the re-zoning process and identify the assessments and studies required.

Bookings for a pre-lodgement meeting are to be made with Council's Town Planning Department. The land-owner (or their Agent) will need to supply the following information when booking the meeting.

- Property title details - address, Lot and DP number.
- Proof of ownership.
- For an Agent acting on behalf of an owner, written authorisation from the Owner.

Any studies or assessments already undertaken for the property should be brought to the pre-lodgement meeting.



2. PATERSON LOCAL AREA PLAN

2.1 INTRODUCTION

Citation

This Plan is titled the 'Paterson Local Area Plan 2005'. It is referred to in this document as the Paterson LAP.

Land to which this Plan applies

The Paterson Local Area Plan applies to all land in and adjoining the Village of Paterson which is zoned **9(a) Investigation Zone** or **Rural Lifestyle 1(I)** under the provisions of the Dungog Shire Local Environmental Plan 2005. This area is shown on Map 1.

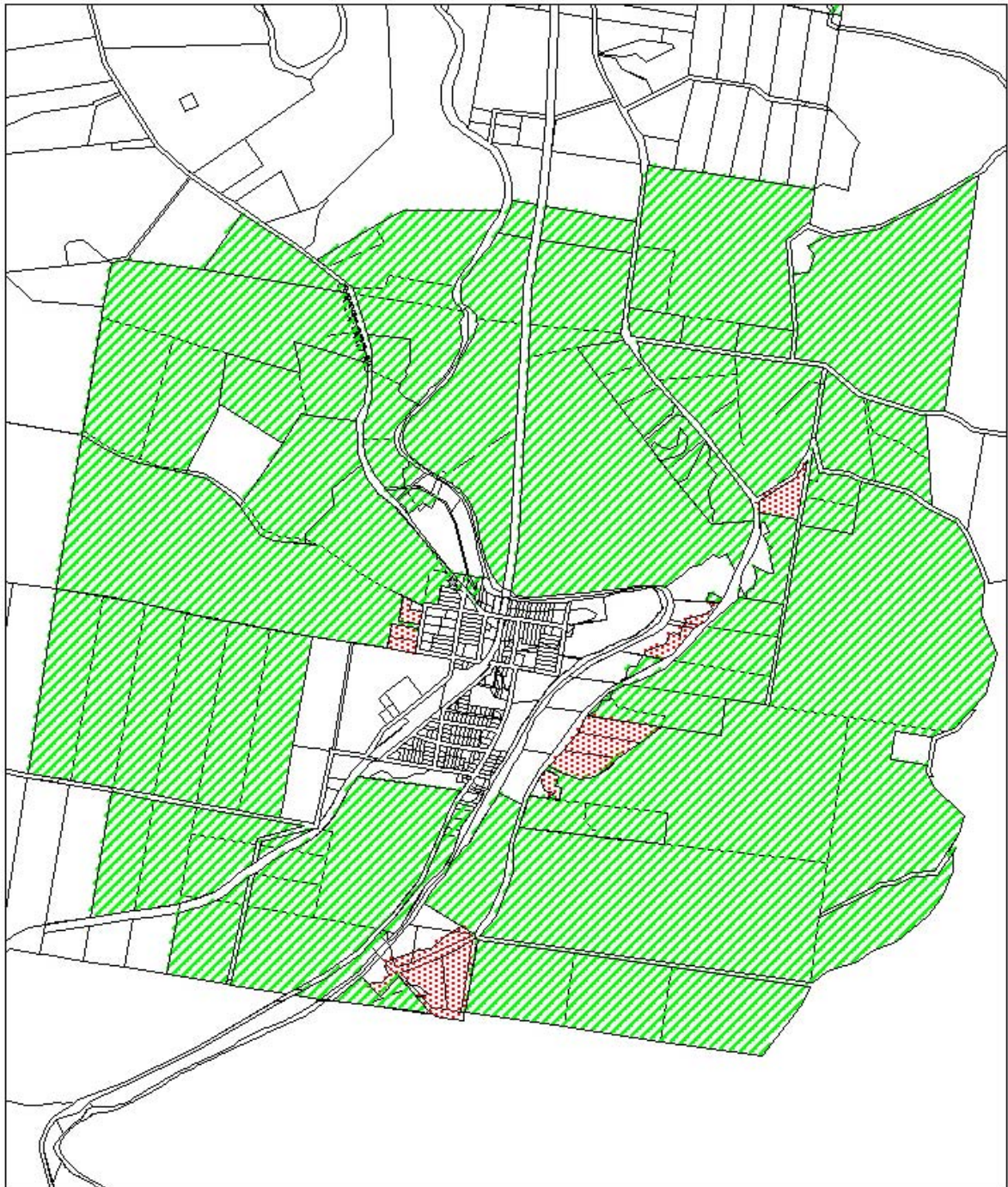
Objectives of this Plan



The objectives of the Paterson LAP are:

1. To ensure that development within the Investigation Zone is consistent with and promotes the principles of environmentally sustainable development.
2. To promote coordinated development that will be produce sustainable subdivision patterns to allow closer settlement and/or changes in land uses in the future.
3. To ensure that development within the Investigation Zone is sensitive to the topographic and environmental characteristics of the land.
4. To safeguard indigenous vegetation, habitats and water courses.
5. To retain and protect the rural and historic character of the area and areas with high visual significance.
6. To provide a network of safe access roads and shared pedestrian and cycle pathways within and between areas developed within the Investigation Zone and with Paterson Village.
7. To minimise the cost to the community of providing, extending and maintaining public amenities and services.
8. To ensure that development within the Investigation Zone does not prejudice the interests of agriculture within the Zone and adjoining areas.

PATERSON LOCAL AREA PLAN 2005

MAP 1 – PATERSON INVESTIGATION ZONE



DLEP 2005 Zonings
 **1(l) Lifestyle**
 **9(a) Investigation**



2.2 PLANNING FOR PATERSON

Key issues identified during the study process and consultation with the Paterson community are addressed in the Paterson LAP. These issues are:

- Flooding - much of the land surrounding Paterson is flood-affected.
- The need to retain the rural and heritage character of Paterson and surrounding area, and to protect areas of high visual significance, in particular the rural approaches to the village, the vegetated hills surrounding the village and the Paterson River floodplain.
- Roads and road access, including the limited capacity of existing roads to accommodate traffic increases, the negative impacts of increasing truck traffic through Paterson and access across the North Coast Railway line.
- Pedestrian and cycle access.
- Pattern of land subdivision.
- Lack of sewage system - Paterson is not sewered and there are problems in the village with effluent seepage from existing septic systems, particularly during wet weather.
- Problems with acid sulphate soils on the Paterson River floodplain.
- Need to protect habitat, including the wetlands adjacent to the village and forest habitat in the surrounding ranges.
- The need to protect the waterways and the Riparian corridor, particularly along the Paterson River.
- Development adjacent to the North Coast railway line.
- Accommodating the future growth of Paterson village.

Flooding

The Issue

Flooding of the Paterson River is a major natural hazard impacting on Paterson village and the surrounding area. Large tracts of the Investigation Zone to the north, east and south of Paterson lie within the Paterson River Floodplain and are potentially at risk from flooding.

The main access roads into Paterson (Tocal, Gresford, Martins Creek and Woodville Roads), are cut by floodwaters in a 5% (1:20 year) flood event. Depending on the severity of the flooding, the village may be isolated for a number of days.

In 2001 Dungog and Port Stephens Shire Councils jointly commissioned the Paterson River Floodplain Management Study and Plan for the Paterson River. The Plan was prepared for the reach between the Gostwyck Bridge near Vacy through to the confluence of the Paterson and Hunter Rivers.

This study identified four (4) Floodplain Management Zones:

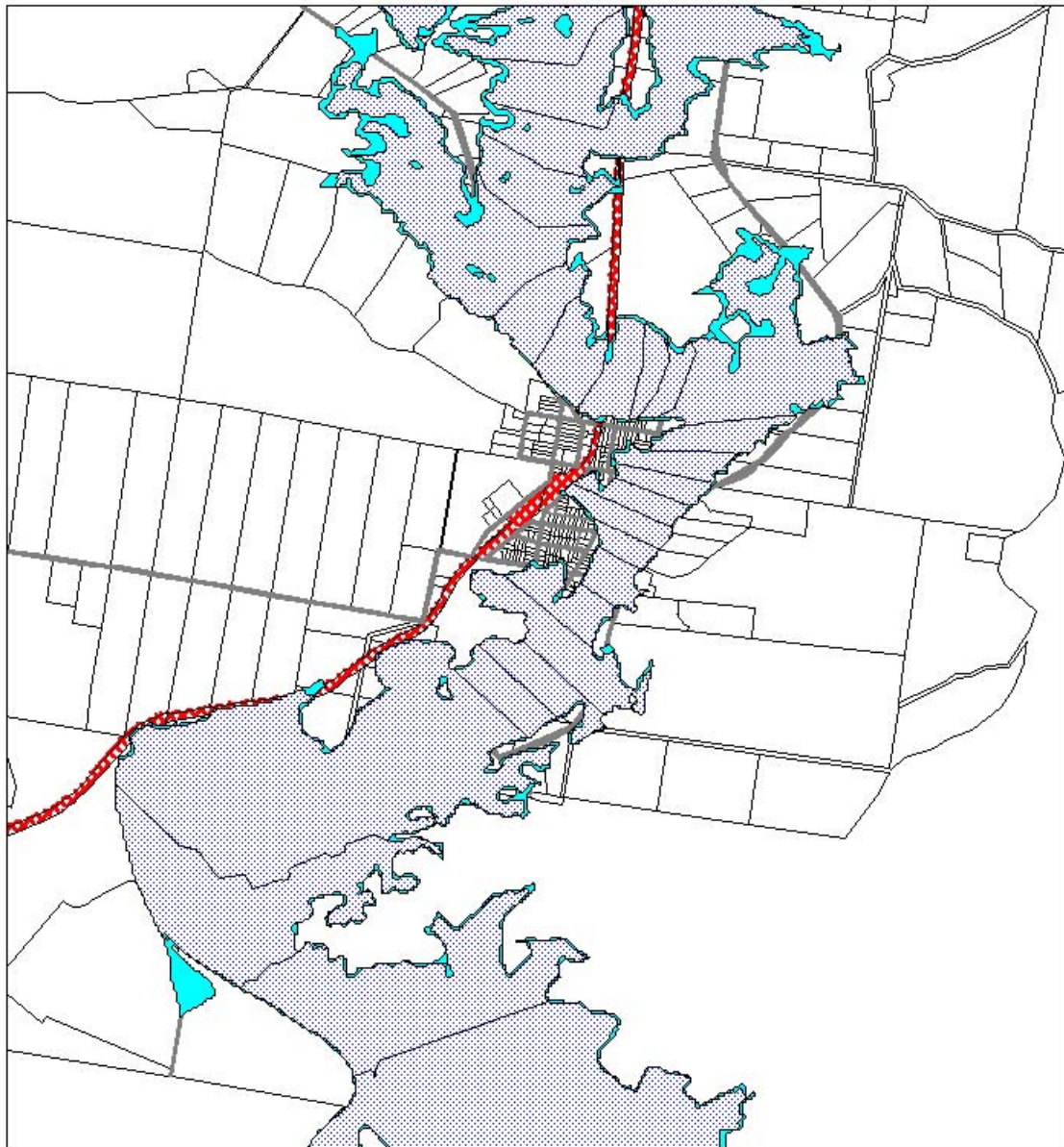
No.	Zone	Definition / Criteria
1	Floodway and Excessive Depth Zone	Floodway or depth >4m in a 1% (1:100 year) AEP event.
2	High Risk (Velocity and Depth Zone)	Remaining area where provisional hazard is high in a 1% AEP event.
3	Isolated Islands Zone	Remaining area (above flood level) where evacuation is only possible through Zones 1 or 2.
4	Low Risk Zone	Remaining area below extreme flood level.

The Floodplain Management Zones for the Paterson Investigation Area are shown in Map 2.

There is also an area along Webbers Creek Road that Paterson residents advised may be subject to local flood. This area needs investigation as part of any rezoning application.

PATERSON LOCAL AREA PLAN 2005

MAP 2 – PATERSON FLOOD PRONE LAND



FLOOD LEVELS

-  1:100 year flood level
-  1:200 year flood level



Planning Approach

Within the Investigation Zone, all development within the Paterson River Floodplain is to be undertaken in accordance with the Paterson River Floodplain Management Plan and provisions of the Dungog LEP, DCP and the Rural Strategy.

Under the provisions of the Floodplain Management Plan, residential dwellings are not permissible in Zones 1 and 2. Residential dwellings may be permissible in Zones 3 and 4, subject to meeting a number of criteria. These criteria include (but are not limited to):

- All floor levels for habitable space have to be 0.5m higher than the 0.5% (1:200 year) flood level.
- All structures below the 0.5% flood level must have flood compatible building components.
- Ability to evacuate - a reliable flood free access for pedestrians is required for a 0.5% (1:200 year) or higher flood event. A flood evacuation strategy for pedestrians and vehicles has to be prepared for the applicant by a suitably qualified engineer and approved by Council.
- Any development will not increase the impacts of flooding on adjoining properties or downstream.
- The applicant must provide controls to prevent the discharge of pollution during flood events. All septic tanks must be located above the 1% (1:100 year flood level) and all transpiration beds or aerated areas above the 5% (1:20 year level).

The LEP and Rural Strategy prohibit Rural Lifestyle and Rural Enterprise development on land affected by the 1% (1:100 years) flood level. Under the LAP these areas are excluded from the Investigation Zone.

Further information on flooding and planning controls is available from Dungog Shire Council.

Desired Outcomes

- To minimise the risk to people and property from flooding.

Areas of High Visual Significance

The Issue

Paterson is an historic rural village located on a bend of the Paterson River. The Paterson area was settled in 1812 by convicts sent to the Paterson River Valley to cut timber. In 1821 free settlers moved into the area and established farms. Paterson rapidly developed as a river port and service centre and in 1833 the area was proclaimed a town. A number of the buildings established in the 1800's remain today and are an important feature and attraction of the village.

Part of Paterson's charm and attraction base lies in its setting. Key features of this setting are the Paterson River, the fertile river plains to the north and south of the town and the surrounding forested ranges - the Hungry Hill - Red Hill - Kurrikaba Hill ranges to the east and the Mount Johnstone range to the west. Both ranges converge on Paterson, and are a very significant part of the Paterson landscape and identity.

Retention of the historic and rural character and the appearance of the Paterson area is very important to the Paterson community and Shire residents. Development has already occurred around the periphery of the forested ranges that has resulted in clearing and scarring of the landscape. The Paterson community is very keen to prevent any further development on the ranges that involves clearing of the forest and/or is highly visible.

The appearance and setting of Paterson is also important for the tourism industry in the Shire. Paterson village is both an attraction in its own right, and a gateway to the Barrington Tops region. Paterson marks the transition between the sprawling residential and industrial suburbs of Newcastle and the Lower Hunter and the rural - bush environment of Dungog Shire.

In addition to the village, the areas within the Investigation zone identified as having high scenic value are:

- Hungry Hill - Red Hill - Kurrikaba Hill Ranges to the east of the village.
- Mount Johnstone Range (range dividing Corners Creek and Webbers Creek) on the western edge of Paterson.
- Tocal - the river flats to the south of town
- Floodplain immediately to the east of the village - the narrow strip of floodplain extending between the river and Martins Creek Road from the intersection of Martins Creek and Woodville Roads to just north of the 'horse-shoe' bend in the River.
- The river flats to the north of the village - on both sides of the Paterson River.
- The Gresford Road approach to Paterson - the river flats to the east and the range to the west of Gresford Road.

Planning Approach

Emphasis is on protecting the character and visual identity of the area. The LAP identifies areas where a visual and view shed analysis will be required as part of the planning process.

Design criteria for development in areas of high scenic value may include:

- Prohibiting clearing of forested areas.
- Limiting or prohibiting further subdivision and development.
- Increasing the minimum lot size to avoid impact of dwellings and structures within significant view sheds.
- Appropriate siting and setbacks of new development, as per the Shire-wide DCP 2004.
- Use of landscaped buffers. Buffers along collector roads will need to be in one ownership, possibly dedicated to Council or held as 'Community Land', to ensure effective management and control.
- Siting dwellings so that they front collector roads. Backyards must not have direct frontage to collector roads
- Height limits on buildings, including limiting dwellings to single storey.

Desired Outcomes

- Retention of the rural and historic character and setting of Paterson.
- Retention of areas of high scenic value, including, the Paterson River flats, the forested ranges and the rural vistas on the access roads into Paterson.
- Minimise visual impact of rural residential development from the main routes through Paterson. New development will be appropriately sited with landscaped buffers to these main routes.

Roads and Road Access

The Issues

The road and traffic issues within the Paterson Investigation Area include:

- Increasing conflict between local and through traffic on the Tocal-Gresford Road, particularly through the village area. The local community is of the view that this road has reached its capacity.
- The need for a second crossing over the railway line. The North Coast Rail-line divides the village in half. The area to the west of the railway corridor is difficult to access. Additional development on the western side of the village will place increased pressure on the Church Street - Gresford Road intersection and on the Railway Crossing.
- Increasing number of heavy trucks travelling through the village. Village residents living on and in close proximity to the Tocal-Gresford Road consider early morning (4am -7am) truck traffic to be a major noise intrusion. A significant proportion of the heavy truck traffic is generated by the State Rail Quarry at Martins Creek.
- Poor condition of the main roads in the area, including damaged pavements, narrow widths and poor alignment. Roads identified as requiring upgrading are:
 - Tocal - Gresford Road (RTA responsibility)
 - Martins Creek Road (identified in the Section 94 Plan)
 - Webbers Creek Road

Council has advised that any development in the Martins Creek Road area cannot have access from Glenburn Road.

- A number of intersections within Paterson and the Investigation Zone require upgrading. The intersections identified in the Section 94 Plan as needing improvement are:
 - Gresford Road - Church Street
 - Woodville Road - Martins Creek Road
 - Martins Creek Road - Keppies Road

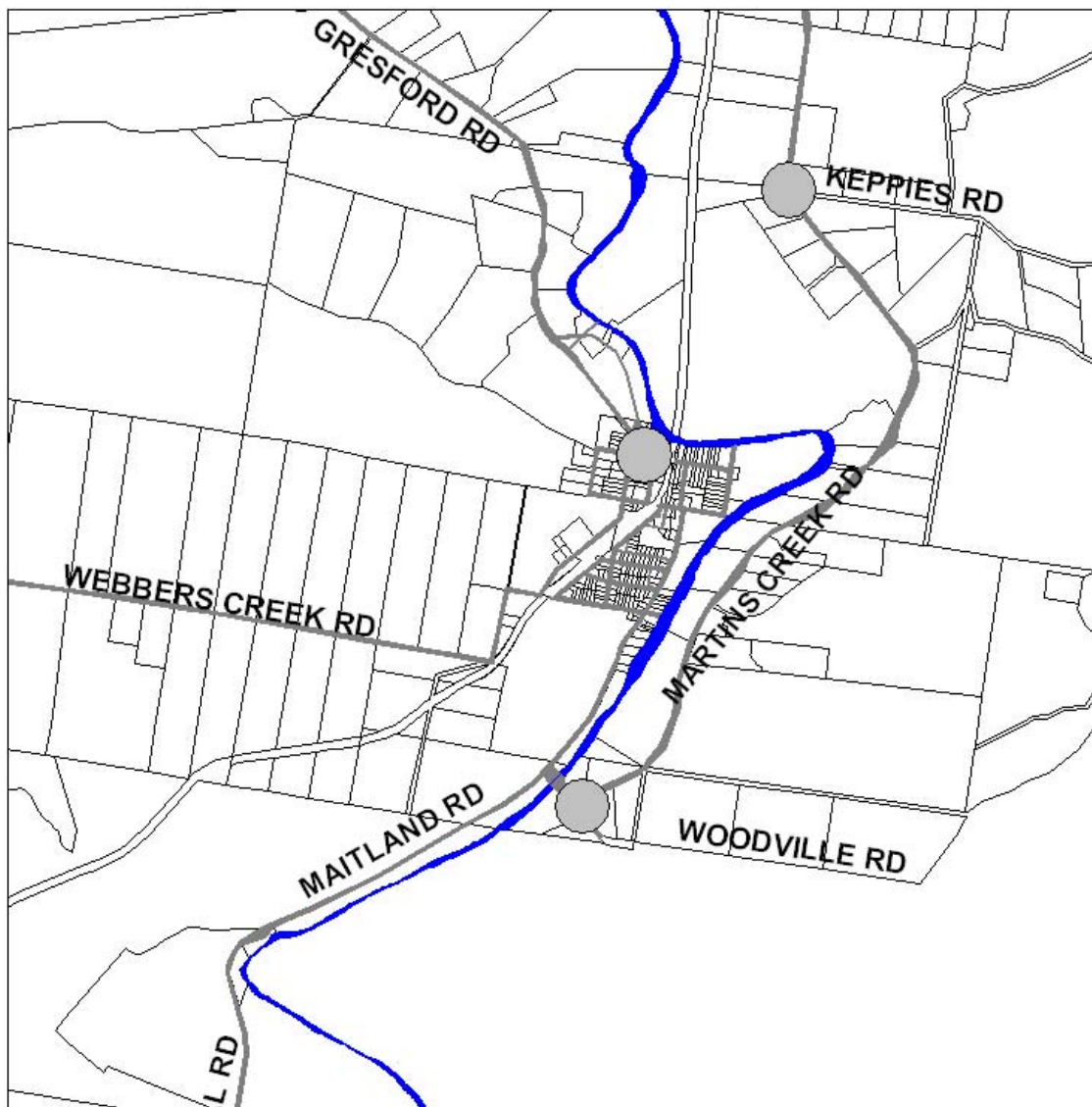
The Duke - King Street intersection will also require upgrading in the future to accommodate increased traffic volumes from new developments in the area.

It is the policy of Dungog Shire Council to limit private driveway access along the main access roads into towns and villages. These roads are known as 'Collector Roads'. Given the potential conflict between the siting of driveways and the higher volumes of traffic and, in some cases, the 80 to 100 kilometre speed limits along these routes, the continued use of private driveway access to collector roads is considered highly undesirable. The narrow width of the pavement of a number of the Collector Roads and restricted sight-lines due to the road alignment, are also factors that limit the suitability of these roads for additional private driveway access.

The LAP contains design criteria for new subdivisions that will restrict direct access to collector roads from private driveways. Increased use of existing driveways on collector roads to service future battle-axe style sub-division is also restricted in the design criteria.

For the purposes of the Paterson LAP the collector roads are defined as:

- Tocal Road (also known locally as Maitland Road)
- Gresford Road
- Martins Creek Road (including the Barton Street section)
- Webbers Creek Road
- Woodville Road

PATERSON LOCAL AREA PLAN 2005**MAP 3 – COLLECTOR ROADS**

● Intersections requiring upgrading



Planning Approach

In new subdivisions, access to the collector roads will be by properly formed local roads and appropriately designed and sited intersections. Existing intersections may need to be upgraded or relocated. There will be no new direct driveway or right of way access from private dwellings to collector roads. Where required, access ways for emergency vehicles will be permitted.

In designing subdivisions, careful consideration needs to be given to the internal road network. Roads, unlike land uses or buildings, tend to become permanent features of a settlement. As such it is important that the road layout be conducive to the long term sustainability of the area.

For local roads within subdivisions, preference is for through, connecting roads rather than cul-de-sacs and right-of ways. A connected road network will minimise driving distances and generally provide for more than one entry-exit point within each subdivision. This is important particularly in areas potentially subject to bushfire or flooding. A connected road network will also foster community interaction and facilitate development of bus routes, including school bus routes, as the need emerges.

Desired Outcomes

- Reducing vehicular conflict and the potential for conflict through a significant reduction in the number of driveway access points to collector roads.
- To deliver a high level of access and permeability via a network of inter-connecting roads throughout all subdivisions, not a series of cul-de-sac roads or right-of-ways.
- To deliver a road network that will support closer settlement in the future.

Pedestrian and Cycle Access

The Issue

There is no public transport in Paterson to provide access to the shopping centre, school, railway station and recreation reserve for people living in outlying areas. In addition, there has been no provision for pedestrians or cyclists along the collector roads. Due to the narrow, unformed verges and higher speed limits (80 to 100km), the collector roads do not provide a desirable environment for pedestrians and cyclists.

The Paterson River also forms a barrier between the village and the area to the east of the river. The Woodville Road Bridge, located approximately one km south of Paterson is the only road and pedestrian link between Paterson and the area to the east of the River. The need for a pedestrian link across the Paterson River has been raised by the Paterson Community. Suggestions have included suspending a footbridge off the railway bridge to service the development of the Brisbane Grove area, a footbridge over the river in the vicinity of Tucker Park (or further south) to link through to the school and recreation reserve, and a riverside walk and cycling trail connecting the village to the Woodville Road Bridge.

The Section 94 Plan has identified the need for a shared pedestrian-cycle path from King Street to Webbers Creek Road (1.6km).

Planning Approach

Where feasible, to incorporate shared pedestrian and cycle pathways within new subdivisions and the provision to link these routes between adjoining subdivisions. In some areas the design intent will be to establish a shared pathway link to the Paterson village.

Desired Outcome

- A network of shared pathways providing safe pedestrian and cycle access in and between subdivisions and, where feasible, create links between the subdivisions and Paterson village.

Existing Pattern of Subdivision

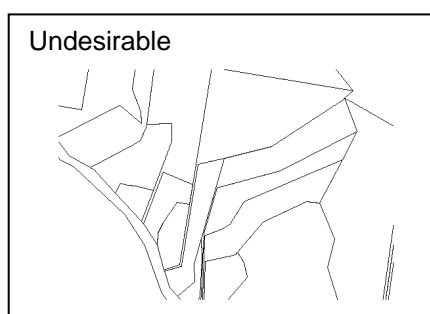
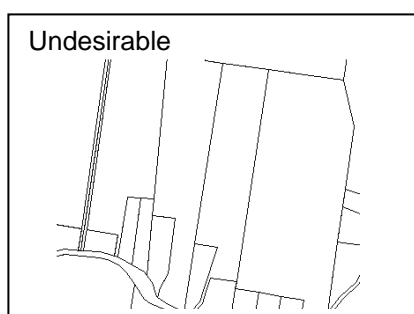
The Issue

Under previous planning schemes subdivision of rural land in some areas within the Shire was undertaken on an adhoc, uncoordinated basis. This has resulted in significant fragmentation in land holdings. In order to provide access to existing roads and/or river frontage, lots created were often long and narrow and/or with battleaxe or irregular shape. Where these lots exist in the Paterson Investigation Area (eg long narrow lots on Webbers Creek Road), further sub-division of individual lots would increase fragmentation and is not considered desirable. Fragmentation creates long term access and servicing problems.

Planning Approach

Emphasis is on creating a coordinated and integrated approach to subdivision design within the Investigation Zones. The Paterson LAP does not permit further subdivision of individual lots where the lots are small, irregular in shape and/or where the width to depth ratio of the lot is less than 1:3. These lots are identified in the LAP.

Subdivision of these identified lots may only be permissible through consolidation of adjoining lots and/or through co-operation with adjoining land-owners to form a viable subdivision design area. Masterplans may need to be prepared for subdivision design areas.



The Masterplan will detail the road network, lot layout and provision for open space, habitat corridors, environmental and scenic protection zones and shared pedestrian and cycle pathways within the subdivision design area.

Where there are lots suitable for subdivision that do not have existing public road frontage (eg in the Corners Creek Catchment area), then the subdivision design for the adjoining lots that have road frontage must ensure that provision is made for road and shared pathway access to the adjoining land. This will prevent the sterilisation or 'land-locking' of developable land.

Desired Outcomes

- No further fragmentation and adhoc subdivision of land.
- A co-ordinated and integrated pattern of subdivision which is suitable for closer settlement patterns in the future to meet the needs of the Paterson village.
- Co-ordinated approach to staged subdivision and land releases.
- To avoid sterilisation of adjoining properties.
- Create the opportunity for the development of an integrated community, not a series of separate enclaves.
- To create a strong network of pedestrian, cycle and open space links throughout all subdivisions and, where required by Council, between the new subdivisions and Paterson village.

Sewage

The Issue

There is no sewerage system in Paterson. Given funding constraints it is unlikely that a system will be in place within the next 10 years. Any development within the Investigation Zone will need to use an acceptable septic system or package on-site sewage treatment plant. For properties located on flood liable land, specific conditions apply to the location of septic/sewerage systems and the disposal method and location. Shallow soils overlying impermeable bedrock (eg on the surrounding hill-slopes) may also restrict the areas where septic systems are viable. Basic information on soils in the Paterson area is available in the ERM Mitchell McCotter Report (1998) 'Dungog Biological Diversity Study - Paterson Planning District'.

Planning Approach

Applicants will need to meet all requirements of Dungog Shire Council and the Department of Environmental & Conservation in relation to the establishment and use of on-site effluent management systems. Council will require the applicant to provide detailed soil, geo-technical and/or hydrological studies.

Desired Outcomes

Establishment of on-site effluent management systems which:

- Generate no public health risk
- Prevent contamination of surface and ground water
- Conserve and re-use resources.

Acid Sulphate Soils

The Issue

Within the Paterson Investigation Zone, most of the Floodplain land has Acid Sulphate Soils (ASS). ASS are soils that form in sea or brackish water environments. These soils contain iron sulphides which, when waterlogged, are stable. However when these soils are exposed

to air (eg through excavation, drainage) the iron sulphide breaks down to form sulphuric acid. This acid can leach into the surrounding area acidifying drains, wetlands and watercourses. The acid also releases aluminium, iron and heavy metals from the soil. The acid and metals can cause severe environmental damage as well as corrosion of iron, steel and concrete structures (eg concrete slabs, steel fencing, building foundations and concrete pipes).

The distribution of ASS within the Paterson Investigation Zone are shown on Map 4. Soils are ranked in five categories, with Class 1 soils being the most 'dangerous'. The sediment within the bed of the Paterson River channel is Class 1. There is also a deposit of Class 3 ASS just south of the village, and a wider strip of Class 4 ASS flanking the River channel. Most of the remaining land on the Floodplain is Class 5 land.

Planning Approach

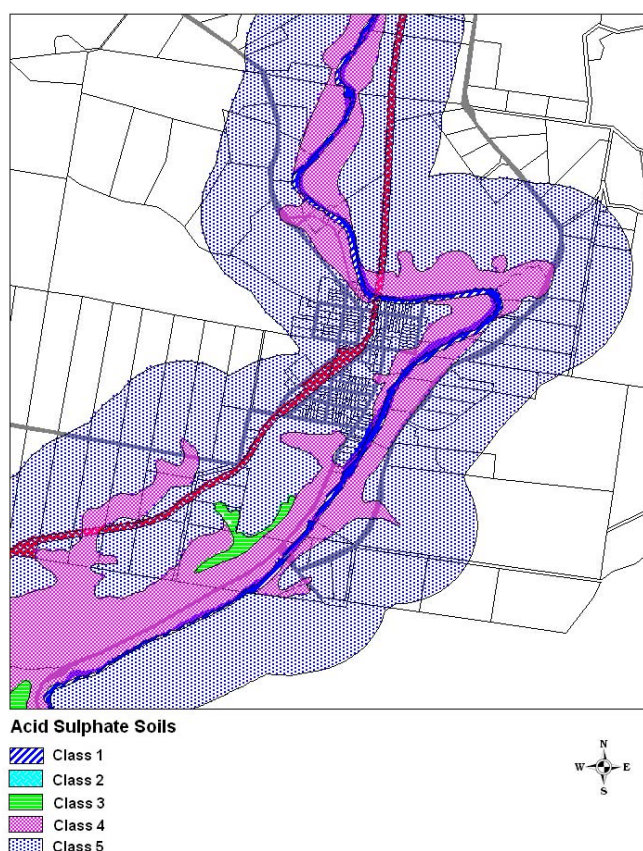
Development of land with ASS must be undertaken in accordance with 'Development Control Plan No 24 - Shire of Dungog - Acid Sulphate Soils and other relevant State Government policies.

Desired Outcome

- To ensure that the ASS within the Paterson Floodplain remain stable and there is no release of sulphuric acid or associated metals that will cause damage to the environment, buildings and/or infrastructure.

PATERSON LOCAL AREA PLAN 2005

MAP 4 – ACID SULPHATE SOILS



Habitat Protection

Habitat protection was identified as a priority by the Paterson community.

Information on the vegetation types in the Paterson area is contained within the ERM Mitchell McCotter (1998) report on the Biological Diversity Study for the Paterson Planning District and the ME Greenwood (1999) Dungog Vegetation & Biodiversity Study report. The Paterson Investigation Area lies within the Paterson Planning District.

Five vegetation types have been identified within the Investigation Area:

- Open forest - on the hills and ridges to the east and west of the village.
- Woodland - small pockets of woodland are found in the Corner Creek area to the north west of the village (Gresford Road area) and along Martins Creek Road immediately north of Tuckers Creek.
- Wetlands - on the southern edge of the village and within the horseshoe bend of the Paterson River.
- Riverine Forest - narrow strip along Tuckers Creek.
- Wet Sclerophyll Forest - very small pocket of remnant wet sclerophyll forest on Martins Creek Road. This remnant forest is protected through a 7(a) Environment zoning.

A number of rare and endangered flora and fauna species have been sighted in the Paterson Investigation Area. These include Eucalyptus glaucina, phasocogales, koalas, broadnose bats and sooty owls.

The Native Vegetation Act 2003 and the accompanying Native Vegetation Regulations 2005, (which are expected to come into force in mid-2005), restrict the clearing of native vegetation. Under the new Regulations, where clearing of remnant vegetation is proposed, (including clearing of mature stand-alone trees) separate approval will be required through the Catchment Management Authority (CMA). The approval process will generally require the preparation of a Property Vegetation Plan (PVP). The intent of the new Regulation is that clearing will only be approved where there is no net loss of native vegetation and where a PVP provides for significant offset planting and/or existing vegetation maintenance and improvement works.

The provisions of the Native Vegetation Act and Regulations must be addressed as part of the planning and assessment process for land within the Investigation Zone. Information on the Native Vegetation Act and Regulations is available through the Hunter Central River Catchment Management Authority or Dungog Shire Council.

Planning Approach

Flora and fauna assessments need to be undertaken as part of the rezoning process. This must include addressing the requirements of the Native Vegetation Act 2003 and Regulations 2005. At the rezoning stage, strategies for managing areas identified as having habitat value must be identified. These strategies may include rezoning significant habitat areas as open space or environmental protection zones, provision of protective buffers and set-backs, increasing the minimum lots size, minimising clearing and avoiding structures or development in habitat areas.

As detailed in the previous section the proposed Native Vegetation Legislation will require concurrent approval from the CMA for any proposed non exempt clearing. The preparation of a PVP by the CMA for vegetation removal will also include consideration of the relevant requirements of Threatened Species Legislation. Prior to undertaking flora and fauna

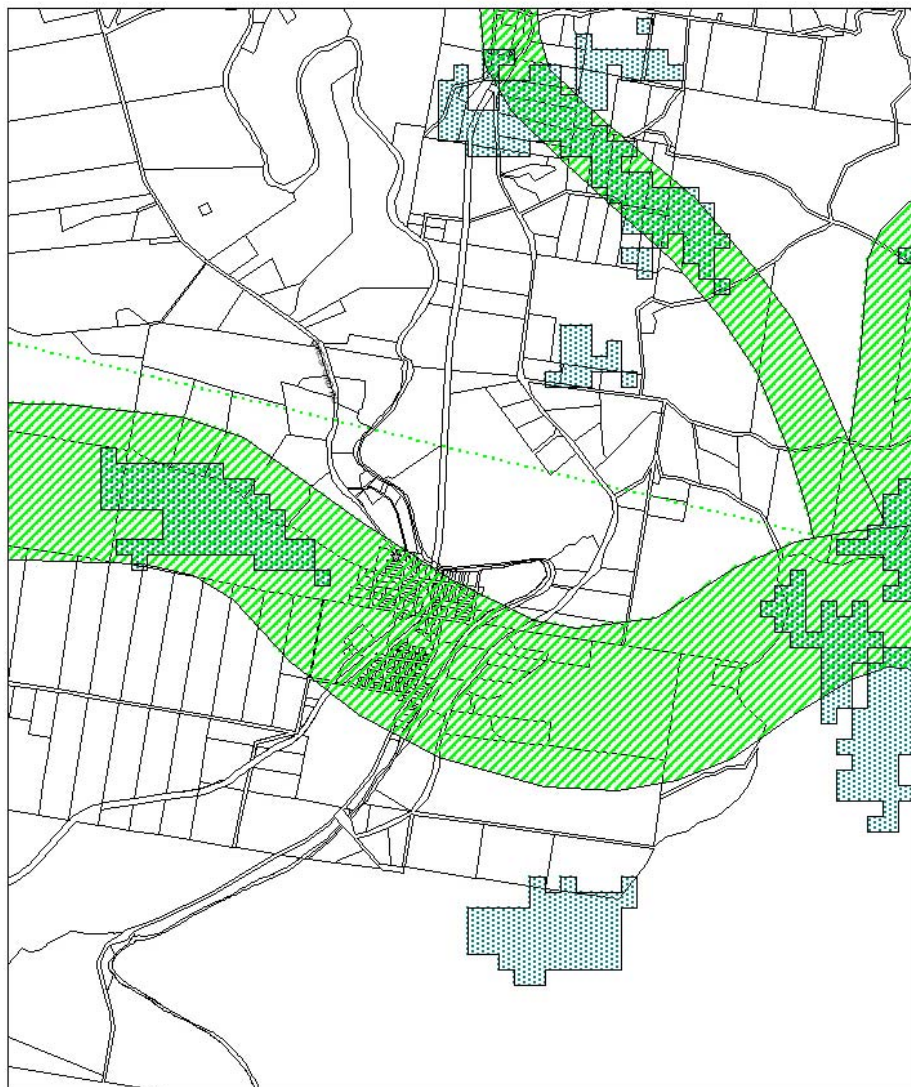
assessment, it is recommended that development (where clearing is proposed) be referred to the CMA.

Desired Outcomes

- Preservation and protection of habitat that supports viable wildlife communities, particularly rare and endangered species.
- Establishment of a network of interconnected wildlife corridors not isolated protection zones or remote 'islands' of habitat.
- Protection of watercourses and the vegetation along these watercourses.

PATERSON LOCAL AREA PLAN 2005

MAP 5 – KEY HABITATS & WILDLIFE CORRIDORS



Legend

-  Key Habitats
-  Wildlife Corridors



The key habitat areas and wildlife corridors shown in the above map are indicative only. These areas are based on aerial mapping and further investigations are required to more accurately delineate the extent of the areas.

Bushfire

The Issue

There are areas within the Paterson Investigation Zone that are prone to bushfire. These areas are identified on the 'Dungog Shire Bushfire Prone Land ' Map and shown in Map 6.

Planning Approach

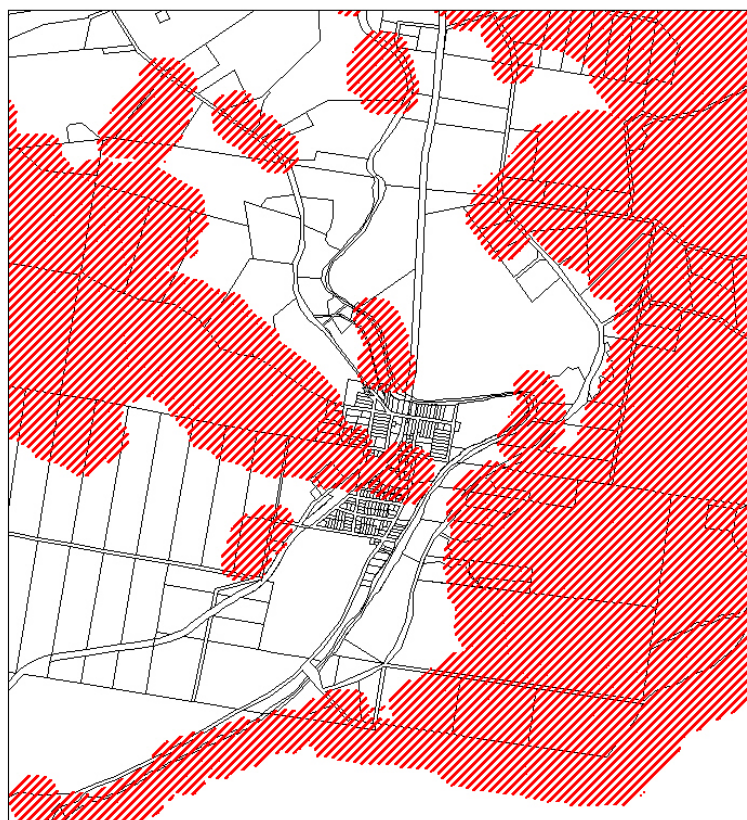
All subdivision designs must comply with the provisions of the NSW Rural Fire Service requirements as specified in the 'Planning for Bushfire Protection 2001', and/or other relevant bushfire regulations.

Desired Outcome

- To minimise the risk to people and property from the impacts of bushfire.

PATERSON LOCAL AREA PLAN 2005

MAP 6 – BUSHFIRE PRONE AREAS



 Bushfire Prone Land Map



Waterways – River Foreshores

The Issues

The Paterson River and other watercourses within the Investigation Zone play an important role within the Paterson area. These watercourses contribute to the sustainability of agriculture, recreation, tourism, water supply, habitat and bio-diversity and to the microclimate of the area. In addition the Paterson River features significantly in the local character of Paterson.

Issues include:

- The cumulative negative impacts of development.
- Preventing pollution from effluent and stormwater runoff and other activities.
- Maintaining water quality and the flow of the rivers by limiting the pumping of river water.
- Minimising impacts of development on the ecology associated with watercourses and wetlands.
- Weed infestation along river banks, particularly along the Paterson River.
- Protecting and re-establishing the Riverine Forest and the riparian vegetation corridors along the Paterson River.

Planning Approach

The planning approach incorporates:

- Protecting watercourse ecology
- Maintaining water quality and water flow
- Providing for public access to the waterways
- Minimising the impacts of flooding

This can be achieved by:

- Providing adequate buffers and set-backs from watercourses, as per the Shire-wide DCP 2004.
- Ensuring that no further riparian rights are created, as required by the LEP 2005 and Shire-wide DCP 2004.
- Prohibiting further subdivision of the river foreshore areas – new lots with river frontage cannot be created.
- Encouraging foreshore areas to be kept in one title and zoned appropriately.
- Requiring developers to re-establish Riverine Forest where appropriate, in accordance with a vegetation management plan. (The Paterson River Floodplain Management Strategy recommends the preparation of a Vegetation Management Plan for the riparian corridor.)
- Providing public access to foreshore areas.
- Encouraging the installation of package sewage treatment plants rather than on-site effluent management systems.

Desired Outcomes

- Protection of riparian vegetation and re-establishment of Riverine Forest along the Riparian corridors.
- Maintenance of water quality and water flow.
- Providing public or community access to the river foreshore areas.
- Implementation of a Vegetation Management Plan in accordance with the recommendations of the Paterson River Floodplain Management Strategy.

North Coast Railway Line

The Issue

The North Coast Railway Line runs north-south through the middle of Paterson Village and the Paterson Investigation Area. The main issues in relation to the line are:

- Noise and vibration.
- Access across the railway line.

The railway line effectively divides Paterson Village into two. The shopping centre is located on the eastern side of the railway line, and the school and recreation facilities on the western side. There is a pedestrian-cycle bridge across the railway line providing a link to the school and recreation areas.

Vehicle access across the line is only available ON Gresford Road at the northern end of the village. This is an 'at grade' crossing with flashing signals and automatic barriers. The crossing creates traffic problems within the village. The lack of a second vehicle crossing also results in conflict between through traffic and local traffic, with all vehicle movement between the eastern and western sides of the village having to use the crossing. There is a need for a second vehicle crossing closer to the southern side of Paterson Village for local traffic.

Australian Rail Track Corporation (ARTC - formerly State Rail) has advised that it will not permit the development of any additional at-grade vehicle or pedestrian crossings across the railway line. Bridges or tunnels are the only crossings that ARTC will consider.

ARTC advise that potential noise, vibration and safety impacts need to be addressed as part of the assessment and planning process for land within the Investigation Zone. To minimise potential impacts, appropriate subdivision and building design measures are to be incorporated in any new development. A Road & Rail State Environmental Planning Policy (SEPP) is currently being prepared by the Department of Infrastructure, Planning and Natural Resources (DIPNR). The requirements of this policy must be addressed in the planning and development of land within the Martins Creek Investigation Zone.

Planning Approach

- Feasibility of an vehicle crossing (bridge) across the North Coast Railway line to be explored as part of the planning and assessment process for development of land on the western side of Paterson village, in particular for the Webbers Creek Road area.
- For areas potentially impacted on by the railway, noise, vibration and safety impacts are to be identified and assessed as part of the planning and development process.
- Noise and vibration attenuating strategies are to be addressed at the planning and development stage. These strategies may include:
 - Provision of setbacks and buffer zones.
 - Design requirements - such as placement of windows away from the rail corridor, double glazing of windows, use of double brick construction etc.

Desired Outcomes

- Provision of safe pedestrian, cycle and vehicle access between the eastern and western sides of Paterson Village.

- To minimise the noise and vibration impacts of the rail corridor on development within the Investigation Zone.

Future Growth of Paterson

The Issue

There is growing demand for residential and rural-residential land within the Lower Hunter area. Land surrounding the villages to the south of Paterson (located within Maitland City) has already been subdivided and developed, with these villages fast approaching their capacity. There is increasing pressure for land to be released in the Paterson area. To date, growth in Paterson has been constrained by the village's floodplain location and the lack of access to the sewer. There are very few vacant residential lots exist within the village and no additional land has been identified or zoned for future residential use.

As the population in and around Paterson increases, there will be demand for the provision of additional facilities and services in the village, possibly including a neighbourhood shopping centre, recreation and aged care facilities and employment land.

Provision must be made for the long-term growth of Paterson village. Given flooding constraints, the land considered most suitable for the future expansion of the village is the land along the northern side of Webbers Creek Road which adjoins the existing village boundary.

Planning Approach

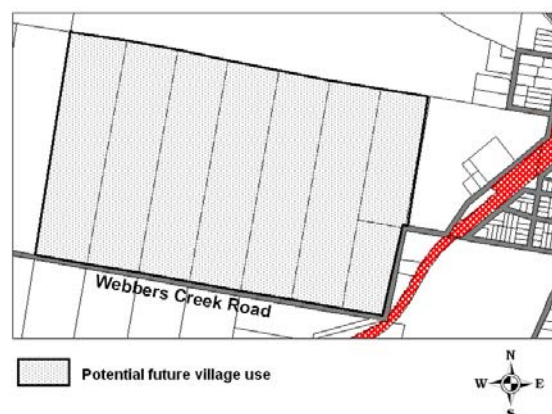
The LAP identifies the Webbers Creek Road area as the preferred location for future village uses. Part of this area may be affected by local flooding of the creek system. Further investigation is required as part of a land capability assessment/rezoning application. Future development of this area would only be considered under a Community Title development with a sewerage treatment package. It is recommended that this area be rezoned 'Village' land-banked for this purpose. This area is shown in Map 7

Desired Outcome

- To provide sufficient land to accommodate the future growth of Paterson village.

PATERSON LOCAL AREA PLAN 2005

MAP 7 – POTENTIAL FUTURE VILLAGE USE



2.3 PLANNING PRECINCTS

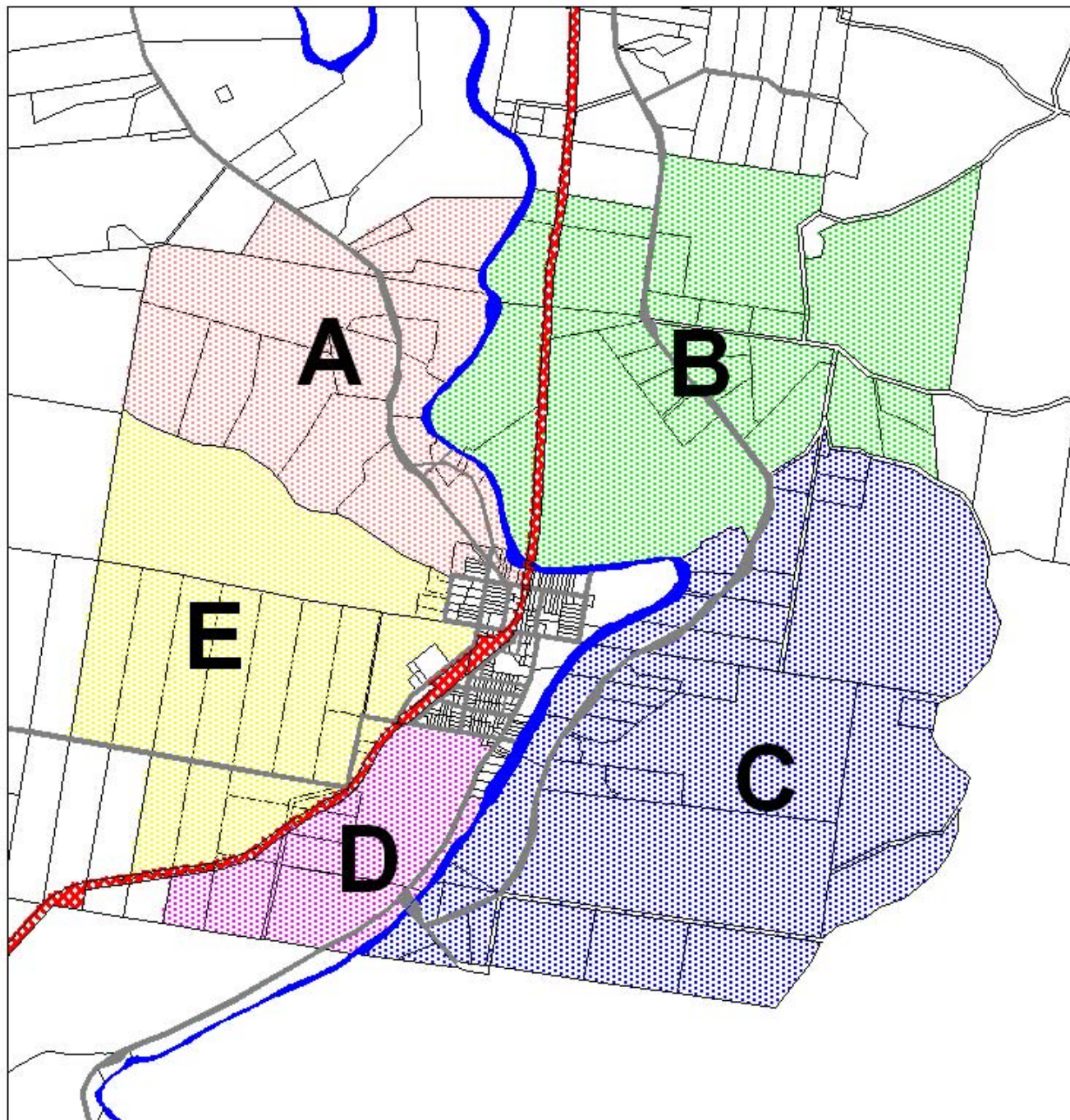
The Paterson LAP divides the Investigation Zone into 5 planning precincts. These precincts are shown on Map 8.

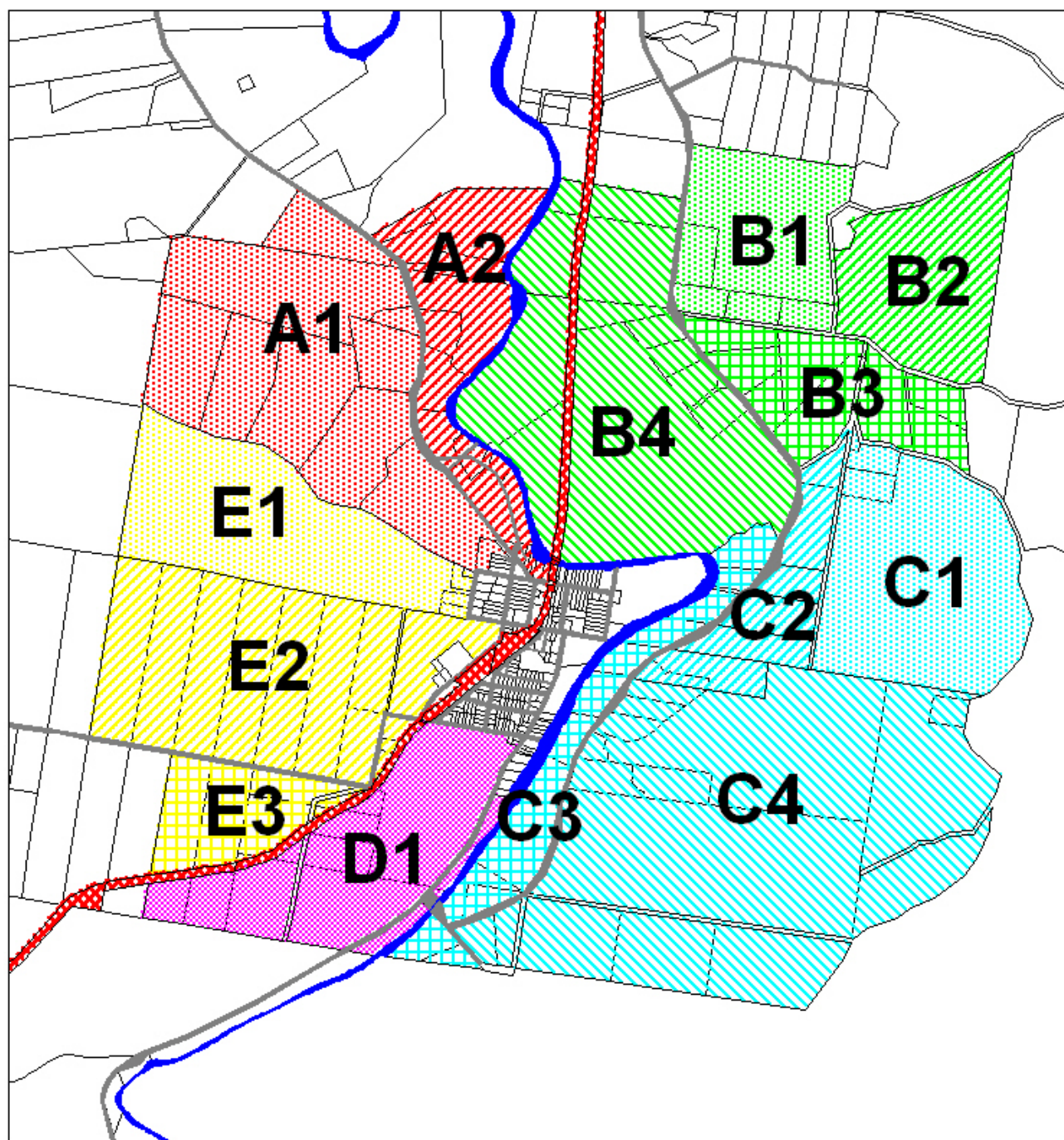
- **Precinct A - Gresford Road** area to the north-west of Paterson. This area is bounded by the Paterson River to the east and the ridge line that forms the drainage divide between the Corners Creek and Webbers Creek catchment areas to the south. Much of Precinct A is drained by Corners Creek.
- **Precinct B - Martins Creek Road (North)** area - This area lies along both sides of Martins Creek Road and is bounded by the Paterson River to the west, Paterson River and Glenburn Road to the south and the Martins Creek Village Investigation Zone to the north. The northern part of this Precinct is drained by Tuckers Creek.
- **Precinct C - Paterson East - Hungry Hill** area - Precinct C is located along Martins Creek Road to the east of Paterson. It is bounded by the Shire Boundary to the south and east, Paterson River to the west and Glenburn Road to the north.
- **Precinct D - Tocal Road** - Precinct D abuts the southern edge of Paterson village. It is bounded by the Paterson River to the east and the North Coast Rail line to the west.
- **Precinct E - Webbers Creek Road** - this Precinct abuts the western edge of Paterson village and includes the land along Webbers Creek Road.

Each Precinct is divided into planning areas. These areas are shown on Map 9.

PATERSON LOCAL AREA PLAN 2005

MAP 8 – PLANNING PRECINCTS



PATERSON LOCAL AREA PLAN 2005**MAP 9 – PLANNING AREAS**

2.4 COMMUNITY TITLE DEVELOPMENT

As outlined in the Dungog Shire Rural Strategy 2003, Council's stated preference is for subdivisions within the Investigation Zone to be undertaken as Community Title developments.

Community Title Subdivision enables the creation of individual allotments within a site, while retaining significant areas as common property for communal ownership. Common property can include areas and facilities such as roads, footpaths, bicycle ways, playgrounds, open space and sewage treatment plants.

Common property within the development will be owned and managed by a body corporate ('association') comprising all lot owners. The association will own the common areas, (referred to in the Act as 'association property') for its members in shares proportional to the member's unit entitlement, based on site values, which will determine voting rights and contributions to maintenance levies.

Community title legislation allows for flexibility in the management and administration arrangements operating within a scheme. This is achieved by providing for a multi-tiered management concept and by permitting a management statement to be prepared for each scheme, setting out the rules and procedures relating to the administration of, and, participation in, the scheme.

The Dungog LEP 2005, Clause 28, contains incentives to encourage Community Title development. Where a Community Title development will be connected to a reticulated sewage system, in a Rural Lifestyle or Rural Enterprise Zone, the lot size may be reduced to a minimum of 2000 square metres with an average lot size subdivision being one (1) hectare.

2.5 MASTERPLAN

A number of the Planning Areas within the Investigation Zone will be required to prepare and submit a Masterplan as part of their rezoning application to 1(l) or 1(e).

The Masterplan will provide a 'blue print' for the development of an area. It will set the vision and design principles for the area. A Masterplan will show how the area will ultimately be developed - which land is to be developed, how the subdivision will relate to the surrounding area, where the open space will be, how access (vehicle, pedestrian, cycle) will be provided, how areas of scenic and/or habitat value will be protected and how risks (eg bushfire, flooding) will be mitigated.

Under the provisions of the LAP, a Masterplan is generally required where there are:

- Large parcels of land that are likely to be developed in stages.
- A variety of lots in individual ownership, where the layout and/or size of the lots are not suitable for subdivision on an individual basis.
- Lots within a Planning Area that do not have frontage to public roads.
- A range of physical and/or environmental constraints which limit the capability of the area to support development and/or require a co-ordinated management approach.

Masterplan Objectives

- To ensure that land is subdivided in a way that ensures long term sustainability, enabling further subdivision in the future.
- To manage the development of land in different ownerships to ensure that development does not sterilise or land-lock subdividable land within the Planning Area.
- To ensure that new subdivisions respond appropriately to site features and topography, protecting areas of visual and/or habitat significance and minimising possible risks (eg bushfire, land instability, flooding etc)
- To ensure that new subdivisions are effectively linked into a public road network, and that the internal subdivision road network allows connectivity between areas.
- To provide for pedestrian and cycle access, throughout the subdivision and to adjoining areas, encouraging community interaction.
- To create and maintain a sense of place.

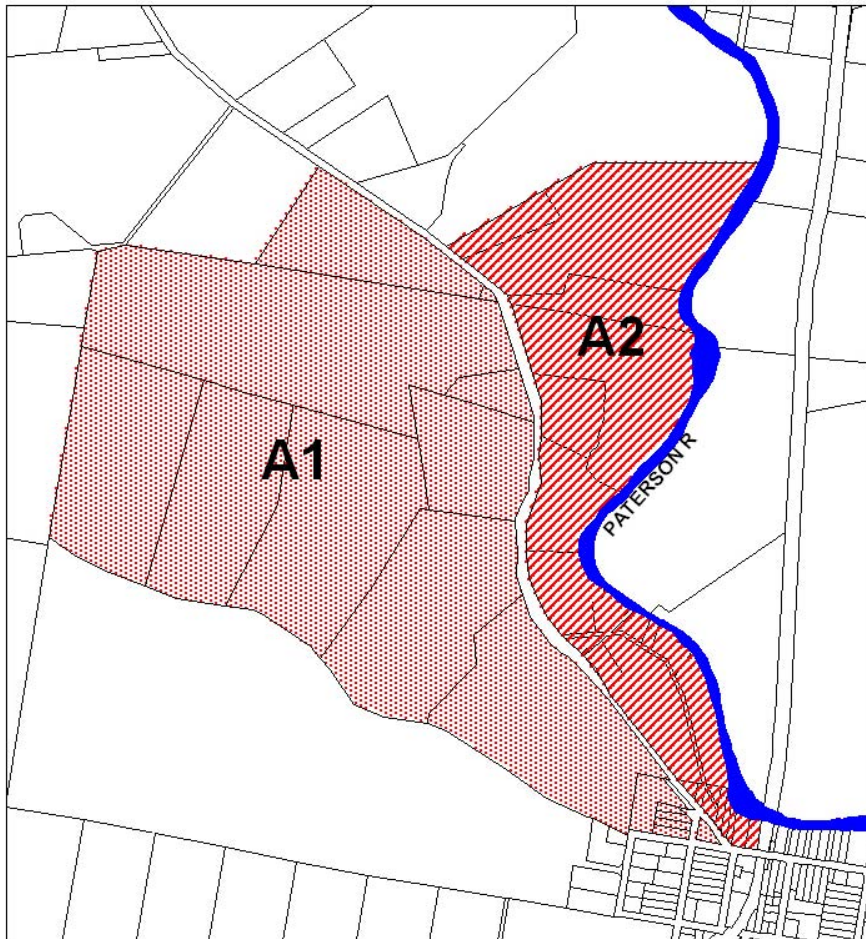
Requirements

- Where a masterplan is required by the LAP, applications to rezone and subdivide land (whether the land is in the same or different ownerships) must be accompanied by a masterplan.
- The masterplan is to be prepared by a qualified urban designer, surveyor, urban planner and/or other suitably qualified professional.
- The masterplan is to apply to the entire area defined in the LAP.
- The masterplan is to address:
 - The relationship of the proposed subdivision with immediate adjoining land uses and the surrounding locality.
 - Connectivity with adjoining land so that adjoining vacant land can be developed in an orderly and economic manner.
 - The road network - in relation to ease of access, connectivity and in regard to fire and flood risk and means of evacuation.
 - Cycleway or shared pathway connections as required by the LAP.
 - Open space provision.
 - Protection of areas of high scenic and/or habitat value.
 - Mitigation against natural hazards, including defining the extent of clearing required for bushfire asset protection zones.
 - Building envelopes.
 - How residue land (where not dedicated to Council as a reserve) is to be treated and managed.

3. PRECINCT A - GRESFORD ROAD

Precinct A is divided into two (2) planning areas, A1 to the west of Gresford Road and A2 to the between Gresford Road and the Paterson River.

PLANNING PRECINCT A



3.1 PLANNING AREA A1

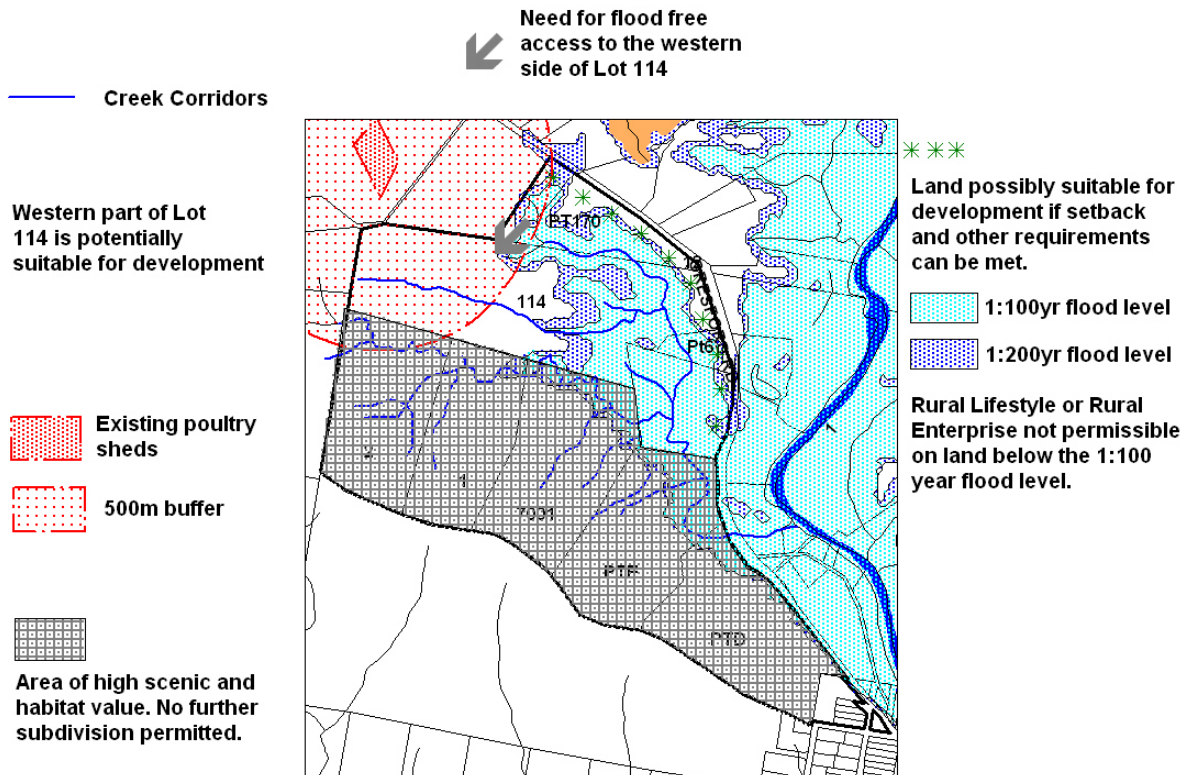
The Area

Planning Area A1 incorporates 12 parcels of land.

Lot 75 DP 752467
Lot 7002 DP1053699
PTs D, E and F DP195158
Lot 7001 DP1053705
Lots 1 & 2 DP797920
Lot 87 DP586211
Lot 114 DP774843
Lots 88 & 89 DP707747

Lot 7001 DP1053705 is Crown land dedicated as a Travelling Stock Reserve. The southern half of this lot is zoned 7(a) Environment. A six lot subdivision has been approved for PTs D and E DP195158.

PLANNING AREA A1



Development Potential

The development potential of Area A1 is relatively limited. The northern and central portions of the area are part of the Paterson River floodplain and subject to flooding, while the southern area is steep and forested. The key issues in Area A1 are:

- Flooding - much of the area is flood-prone.
- Access from Gresford Road - Gresford Road is a collector road. No additional driveway access will be permissible.
- Provision of flood-free access to lots without road frontage.
- Areas of steep topography with slopes greater than 18%.
- Managing and protecting Corners Creek and its tributary watercourses - no additional riparian lots to be created.
- Protection of habitat.
- Visual impact - the ridge system along the southern boundary of Area 1 is an area of high visual significance and an important element in the Paterson landscape and identity.
- Poultry Sheds- there is a commercial poultry farm located just north of Area A1. No development will be permissible within 500m of these sheds.

Rural Lifestyle and Rural Enterprise development is prohibited on all land below the 1:100 year flood level.

Lot 87 DP586211 and Pt F DP195158 are not suitable for Rural Lifestyle or Rural Enterprise development. Almost all of the land within these lots lies within the 1:100 year flood level. There is with only a narrow strip of land adjacent to Gresford Road which is above this line and also above the 1:200 year flood line. This area of land is too small to be subdivided. The narrow width of the land does not allow for a building envelope that meets the set-back requirements from main roads.

Lot 89 DP707747 is also flood affected with most of the central and southern areas of lot lying below the 1:100 year flood level. Flood-free land is located along the Gresford Road frontage and the north-western boundary of the lot. This land may be suitable for subdivision if set-back and access requirements can be met. Gresford Road is a collector road and new lots created are not permitted to have driveway access from Gresford Road. The flood-free land along the north western site boundary links with the western half of Lot 114 and is a potential access point for lots along the western side of Area A1.

Most of the eastern half of Lot 114 DP 774843 lies below the 1:100 year flood line. Subdivision and development of this part of the lot is not permissible. The small strip of land along Gresford Road above the 1:100 and 1:200 year flood levels is not suitable for subdivision and development because it does not meet the setback requirements to Gresford Road.

The western half of Lot 114 DP774843 is flood free and gently undulating. The area however is impacted on by the poultry sheds located just north of Lot 114, with most of the western part of Lot 114 lying within 500m of the sheds. No development is permissible in the western half whilst the poultry farm is operating.

Should the poultry farm cease operations then Council may give to further investigating the potential of this land. Any development on the western part of Lot 114 will be dependent on being able to provide flood free access from Gresford Road. A major tributary of Corners Creek flows through the middle of this area, with the main Corners Creek watercourse located on adjoining land just to the south of this lot. Under the provisions of the LEP 2005 the watercourses need to remain in one ownership and no riparian lots are to be created.

There are 5 lots, **Lots 1 and 2 DP797920, Lot 7001 DP1053705 and Pts D and E DP195158**, located on the hilly ridge system along the southern boundary of Area A1. The side slopes and ridge-line are visually prominent and considered to be of high visual significance. Steep topography with slopes over much of this area limits its development potential. Lot 7001 is a dedicated Travelling Stock Reserve. Most of the area is forested with the forested area on Lot 7001 already zoned 7(a) Environment. Habitat protection is a key issue. The northern edge of Lot 2 also falls within the 500m poultry shed buffer zone.

The main Corners Creek watercourse flows through the northern half of Lots 1, 2 and 7001 and Pt E, with the northern parts of Lot 7001, Pt D and Pt E being flood affected. A six lot subdivision has been approved by Council for Pts D and E DP195158.

Lots 1, 2 and 7001 are 'land-locked' in that they have no frontage to a public road. They are currently accessed from right-of-ways from Count Street and Gresford Road. The Right-of-Way is not conducive to the development of a local road. Pt E has no flood-free access, with its Gresford Road frontage lying below the 1:100 year flood level. The Gresford Road frontage of Pt D is also flood affected, however access to this lot is available from Count Street in Paterson.

Given the constraints in this area no further subdivision and development of Lots 1 and 2 DP797920, Lot 7001 DP1053705 and Pts D and E DP195158 is permitted.

Masterplan

The area of land potentially available for development in Area A1 is limited to pockets of flood free land along Gresford Road and possibly the western area of Lot 114 should the poultry farm cease operations and flood-free access from Gresford Road can be provided. A masterplan is not required for the areas along Gresford Road, however any subdivision plan for these areas will need to define the flood-free areas, address access issues and ensure that set-back requirements for road and creek systems are met. Council may require the preparation of a Masterplan for Lot 114.

Issues & Performance Criteria

In addition to the planning controls setout in the LEP, DCP and Rural Strategy, the planning and assessment process for developable land within Area A1 must address:

Issue	Planning Considerations / Performance Criteria
Flooding	<ul style="list-style-type: none"> All land located below the 1:100 year flood level to be excluded from the Investigation Zone and rezoned rural. All development to comply with Dungog Shire policies for floodplain development.
Suitability of Area A1 for development	<ul style="list-style-type: none"> Detailed land capability assessment to be undertaken to determine development potential of flood-free land in Area A1. Key issues to be addressed include access, flood-free access, topography and drainage, visual significance, bush fire risk, vegetation - habitat value and the buffer area for the poultry farm.
Poultry Farm	<ul style="list-style-type: none"> 500m buffer zone to be provided around any operating commercial poultry sheds. No development is permissible within this buffer zone.
Access to Collector Roads - Gresford Road	<ul style="list-style-type: none"> No additional private driveway or right-of-way access to Gresford Road. For subdivision, access to Gresford Road must be via a properly formed and sited access road and intersection.
Access to land-locked lots	<ul style="list-style-type: none"> In any masterplan and subsequent subdivision plan for the area, provision will need to be made for road and pedestrian-cycle access to 'land-locked' areas that have been identified in the land capability assessment as having development potential.
Gresford Road is a gateway entry point to Paterson. The visual Impact of development along Gresford Road	<ul style="list-style-type: none"> Visual assessment to be undertaken to determine set-back requirements. These may vary from the DCP, with the Visual

needs to be minimised.	<p>Assessment requirements having precedence.</p> <ul style="list-style-type: none"> No backyards to have direct frontage to Gresford Road.
Protection of Corners Creek and its tributary watercourses	<ul style="list-style-type: none"> Riparian vegetation corridors to be defined and protected. No additional riverfront lots or riparian rights to be created, other than possibly for public recreation.
Areas of high visual significance - The ridge system (sideslopes and ridge-line) has been identified by the Paterson community as having high scenic value that needs to be protected.	<ul style="list-style-type: none"> No further subdivision or development to occur on the ridge system (Lots 1 and 2 DP797920, Lot 7001 DP1053705 and Pts D and E DP195158). Visual impact assessment to be undertaken to identify and protect areas of high visual significance.
Habitat protection	<ul style="list-style-type: none"> Habitat value to be assessed. No clearing of bushland on the ridge system.

3.2 PLANNING AREA A2

Planning Area A2 is the strip of land between Gresford Road and Paterson River. This area incorporates 17 lots:

Lot 1 DP198720
 Pt 7 DP758830
 Lot 51 DP752467 (3 parts)
 Pt D DP195158
 Lot 345 DP1030709
 Lots A, B & C DP 195158
 Lot 1 DP 752469
 Lot 3 Sec 1 DP 195158
 Lot 85 DP246941
 Lots 87 & 88 DP803838
 Lots 81 & 82 DP246941
 Lots 1 & 2 DP835294

Most of Pt D DP195158 and the south western corner of Lot 345 DP103070 have been zoned 7(a) Environment.

Development Potential

Lot 1 DP198720, Pt 7 DP758830, Lot 51 DP752467 (3 parts), Pt D DP195158, Lot 345 DP1030709, Lots A, B & C DP 195158, Lot 1 DP 752469, Lot 3 Sec 1 DP 195158, Lot 85 DP246941 and Lots 87 & 88 DP803838 are floodprone and lie below the 1:100 year flood level. Development of these lots is not permissible. Lot 1 DP198720, Pt 7 DP758830, Lot 51

DP752467 (3 parts) should be rezoned 7(a) Environmental Protection, with the remaining area below the 1:100 year flood level rezoned Rural 1(a)

Lot 1 DP835294 and the western section of Lot 2 DP835294 and Lots 81 and 82 DP246941 lie above the 1:100 and 1:200 flood levels. It may be possible to subdivide the **combined** flood-free area for Rural Lifestyle development. Most of the land suitable for development is on Lot 2. Due to its size and narrow shape, Lot 1 is not suitable for subdivision on an individual basis. Any development of Lot 1 needs to occur in conjunction with Lot 2. Likewise the area of floodfree land on Lots 81 and 82 is too small to be subdivided on an individual basis and can only be subdivided in conjunction with Lot 2.

Masterplan

Not required provided that the subdivision plan for the flood-free for Lot 2 DP835294 makes provision for access to adjoining lots (Lot 1 DP835294, Lot 2 DP835294 and Lots 81- 82 DP246941). Only one properly formed and sited access road will be permitted off Gresford Road to service this area.

PLANNING AREA A2

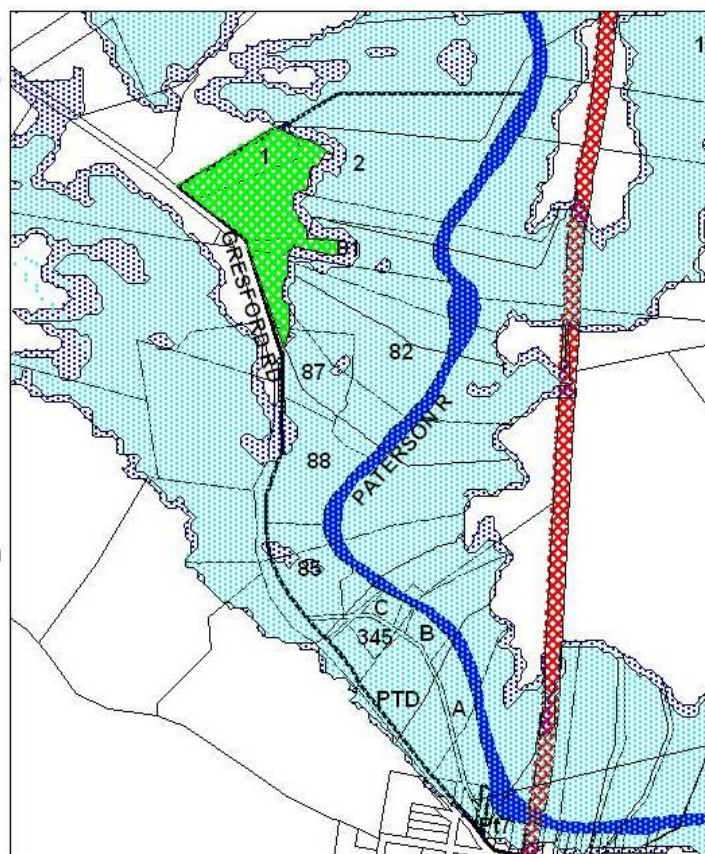


LOT 1, 2, 81 & 82

Area above the 1:100 possibly suitable for development

For subdivision - only one access road will be permitted off Gresford Road

Flood free areas of Lot 1, 81, 82 not to be developed on an individual basis. Subdivision to be undertaken in conjunction with Lot 2



1:100 year flood level

Area below the 1:100 year flood level, to be rezoned to Rural 1(a)

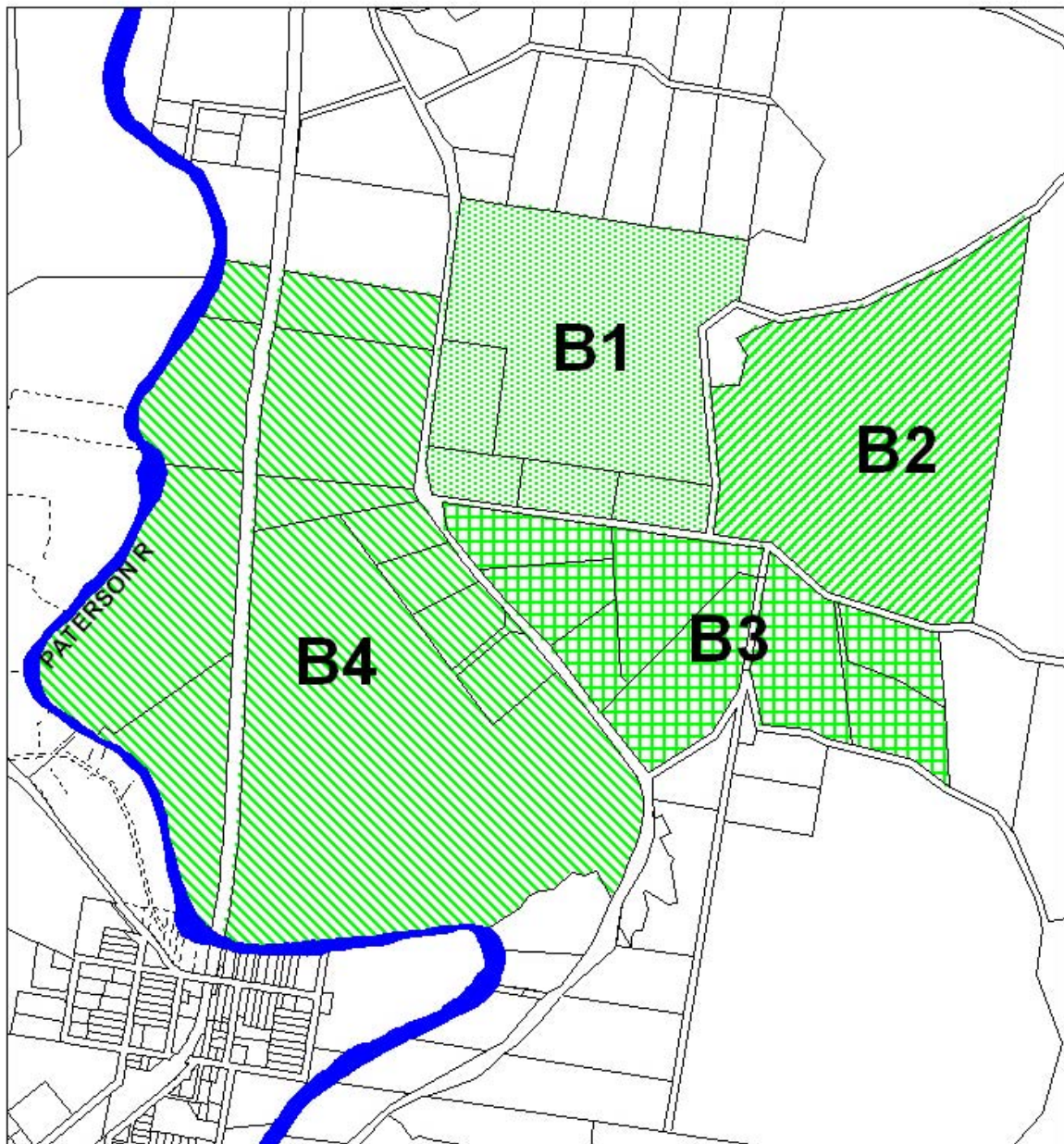
Area to be rezoned to 7(a) Environment

4. PRECINCT B - MARTINS CREEK ROAD (NORTH)

Precinct B incorporates the area along Martins Creek Road to the north-east of Paterson. It is bounded by the Paterson River to the west, the Martins Creek Village Investigation Zone to the north and Glenburn Road to the south. The northern part of Precinct B is drained by Tuckers Creek, which is a tributary of the Paterson River. This Precinct is divided into four (4) planning areas, numbered Planning Areas B1, B2, B3, B4.

There are two local rural roads within Precinct B - Keppies Road and Glenburn Road. These roads will require upgrading and sealing (as per Council's Rural Roads Policy) in conjunction with any development that will increase traffic on these roads. The intersections of these roads with Martins Creek Road will also require improvement.

PLANNING PRECINCT B



4.1 PLANNING AREA B1

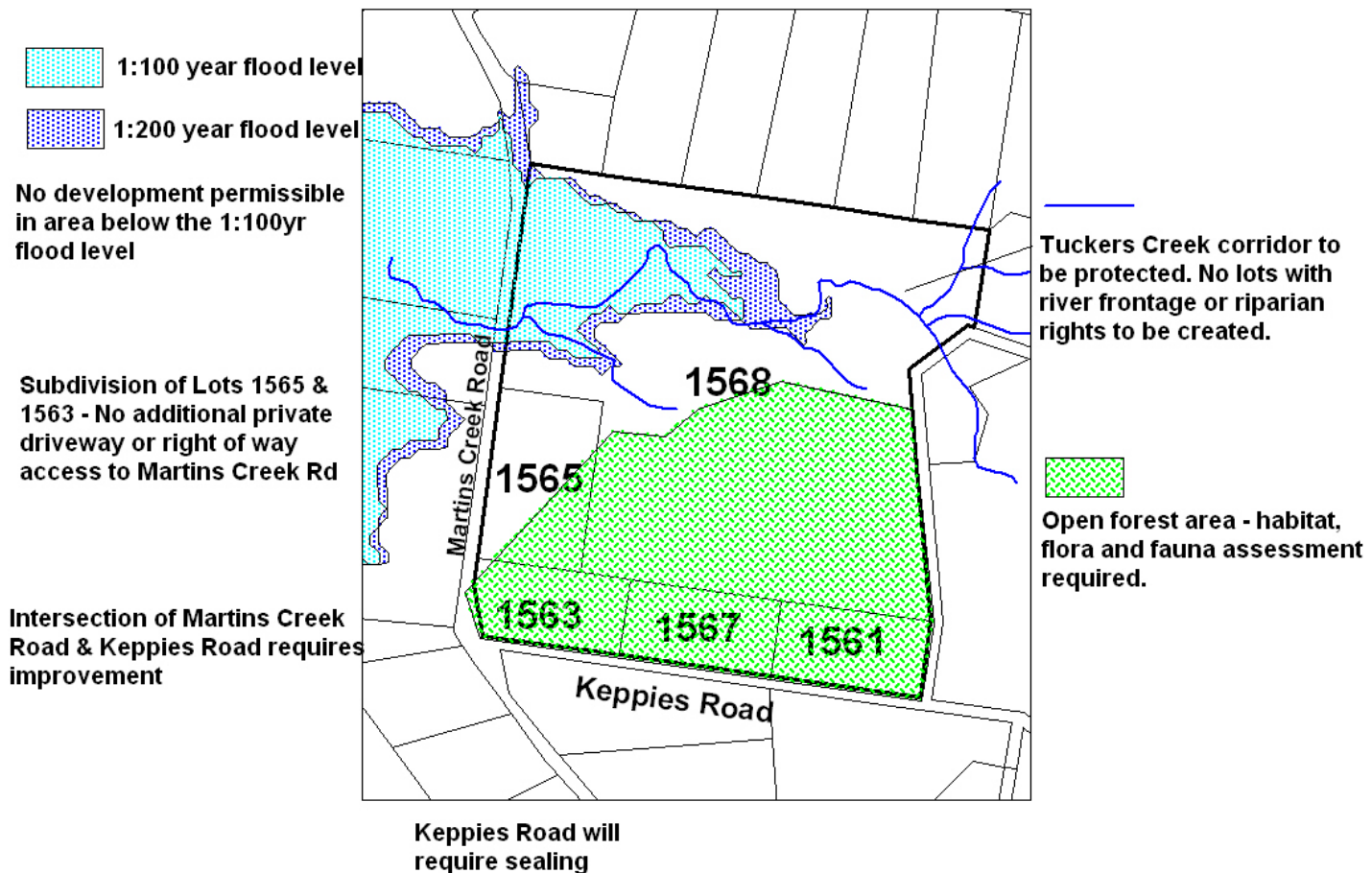
The Area

Planning Area B1 is bounded by Martins Creek Road to the west, Keppies Road to the south, a Crown Road Reserve to the east and the Martins Creek Investigation Area to the north. It incorporates five parcels of land:

Lot 1568 DP845957
 Lot 1565 DP794465
 Lot 1563 DP794464
 Lot 1567 DP845957
 Lot 1561 DP630441

A dirt road has been constructed on part of the road reserve.

PLANNING AREA B1



Development Potential

A large portion of Area B1 appears suitable for development. The area is flat to undulating with road access available on three sides. Tucker Creek drains the northern part of Area B1 with the north-western part of **Lot 1568** being flood affected, lying below both the 1:100

and 1:200 flood level. Development is not permissible below the 1:100 year flood level. The remainder of this lot appears to be suitable for development.

A significant proportion of the southern part of Area B1 is Open Forest. The habitat value of this area needs to be assessed as part of the development process. Rare and endangered species, including koalas, have been reported in this area.

Due to the lot configuration and availability of access each of the lots could be individually subdivided.

Lots 1563, 1567 and 1561 are small lots with frontage to Keppies Road. Any lots produced by the subdivision of these lots must have a width to depth ratio of at least 1:3. Direct driveway access is permissible from Keppies Creek Road.

Access to **Lot 1565** is from Martins Creek Road. If this lot is subdivided on an individual basis, the subdivision will require the establishment of a single access road in from Martins Creek Road. Alternatively Lot 1565 could be developed in conjunction with Lot 1568 with access coming from Lot 1568. No lot created through the subdivision of Lot 1565 can have private driveway or right-of-way access from Martins Creek Road.

Master Plan

Not required.

Issues & Performance Criteria

In addition to the planning controls setout in the LEP, DCP and Rural Strategy, the planning and assessment process for Area B1 must address:

Issue	Planning Considerations / Performance Criteria
Flood prone land	<ul style="list-style-type: none"> Rural Lifestyle / Enterprise development is not permissible on land below the 1:100 year flood level.
Protection of habitat - Rare and endangered species have been reported in this area.	<ul style="list-style-type: none"> Detailed habitat, flora and fauna assessment to be undertaken as part of the rezoning process. The assessment is to incorporate the total forested part of Area B1.
Access from a Collector Road - Martins Creek Road	<ul style="list-style-type: none"> New lots created cannot have private driveway or right of way access from Martins Creek Road. Subdivision of Lot 1565 will require a properly formed access road in from Martins Creek Road or access via an adjoining property.
Pattern of subdivision	<ul style="list-style-type: none"> Any lot created must have a minimum width to depth ratio of 1:3.
Protection of Tuckers Creek - Riverine forest is found along the	<ul style="list-style-type: none"> Riparian vegetation corridor to be defined and protected.

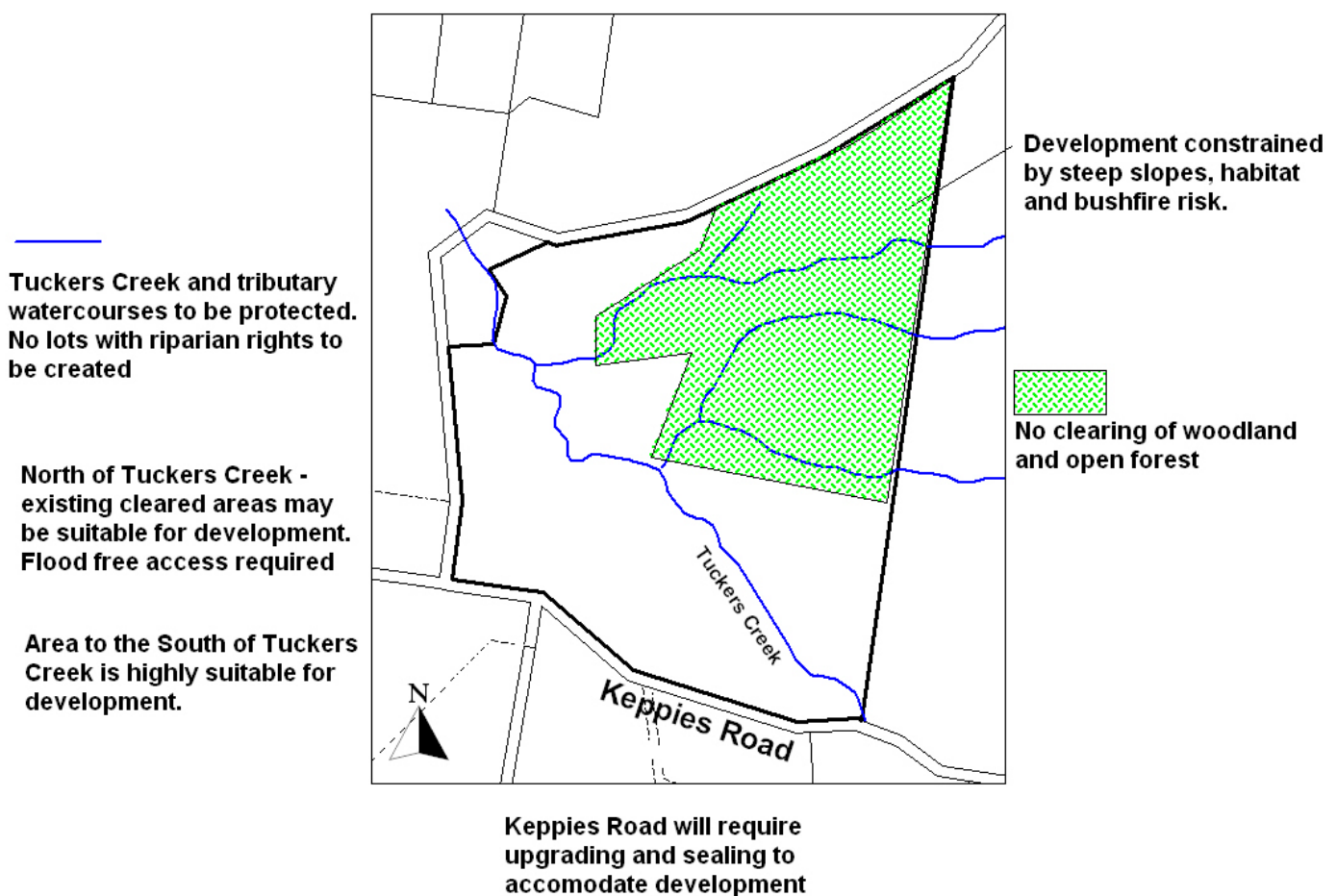
creek corridor.	<ul style="list-style-type: none"> No additional riverfront lots or riparian rights to be created.
Minimise visual impact of any development from Martins Creek Road.	<ul style="list-style-type: none"> To maintain the visual integrity of this area, no backyards are to have direct frontage to Martins Creek Road or Keppies Road.
Areas subject to bushfire risk	<ul style="list-style-type: none"> Bushfire risk to be assessed and addressed in subdivision planning and design.

4.2 PLANNING AREA B2

The Area

Planning Area B2 lies to the east of B1. It is bounded by a Crown Road Reserve to the west and Keppies Road to the south. Access is from Keppies Road. Area B2 consists of one lot - Lot 2 DP577633.

PLANNING AREA B2



Development Potential

Parts of Area B2 are ideal for Rural Lifestyle or Rural Enterprise development.

Tuckers Creek flows diagonally through Area B2 effectively dividing the property in half. The land on the southern side of Tuckers Creek (between the Creek and Keppies Road) is flat to undulating. This area has been cleared and is ideal for development.

The development potential of the area to the north of Tuckers Creek is limited. This northern area is part of the foothills and sideslopes of Kurrikaba Hill. The topography is undulating to hilly with steep slopes (in excess of 18 degrees) in the north-eastern corner of the lot. The hill slopes are drained by a number of creeks that flow into Tuckers Creek. There are small pockets of cleared land adjacent to Tuckers Creek. The remainder of the northern area is forested with a mix of Open Forest and Woodland vegetation communities. There is also Riverine Forest along Tuckers Creek. Rare and endangered species have been reported in the area. The forested area is bush-fire prone. The need to provide flood free access across Tuckers Creek and its tributary watercourses will be a constraint to developing land on the northern side of Tuckers Creek.

On the northern side of Tuckers Creek, development (dwellings and buildings) will be limited to the existing cleared areas, provided that building sites can be identified that meet the set-back requirements from watercourses and the bushfire buffer criteria. Flood free access across Tuckers Creek must be provided. No development or clearing of the forested area on the northern side of Tuckers Creek is permissible.

Masterplan

A masterplan is not required, provided that the subdivision plan addresses the total area and protects the creek system and forested areas.

Issues & Performance Criteria

In addition to the planning controls setout in the LEP, DCP and Rural Strategy, the planning and assessment process for Area B2 must address.

Issue	Planning Considerations / Performance Criteria
Area suitable for development	<ul style="list-style-type: none"> ▪ The area to the south of Tuckers Creek is considered suitable for development (subject to meeting environmental and bushfire requirements). ▪ Land capability assessment will be required for the area to the north of Tuckers Creek to assess suitability for development. Any development must occur on existing cleared land. Key considerations are bushfire risk, habitat protection, setback from Tuckers Creek and its tributary watercourses and provision of flood-free access.

Habitat protection	<ul style="list-style-type: none"> No further clearing of forest and woodland vegetation on the northern side of Tuckers Creek. No subdivision of the forested areas on the northern side of the site.
Areas subject to bushfire risk	<ul style="list-style-type: none"> Bushfire risk to be assessed and addressed as part of the subdivision planning and design.
Lots created	<ul style="list-style-type: none"> All lots created must have a minimum width to depth ratio of 1:3. Creation of long narrow lots extending from Keppies Road to Tuckers Creek is not permissible.
Visual impact	<ul style="list-style-type: none"> No backyards to have direct frontage to Keppies Road.
Tuckers Creek corridor	<ul style="list-style-type: none"> No further riverfront lots or riparian rights are to be created. Riparian vegetation to be protected.

4.3 PLANNING AREA B3

The Area

Planning Area B3 lies to the east of Martins Creek Road and extends from Keppies Road south to Glenburn Road. Area B3 incorporates nine (9) lots. There is also a road reserve that links Keppies Road to Glenburn Road. however, the section of the road reserve adjacent of Lot 5 has been closed and there is an application to close the remaining section adjacent to Lot 64.

Lots 21 & 22 DP826264
 Lot 1 DP556628
 Lots 61, 62, 63, 64 DP811070
 Lot 5 DP244817
 Lot 1 DP251498

Lot 1 DP251498 is the closed section of the road reserve. Lots 21 & 22 DP826264 and Lot 1 DP556628 lie to the east of the road reserve. The remainder of the lots lie between the road reserve and Martins Creek Road.

Development Potential

Most of Area B3 appears ideal for Rural Lifestyle or Rural Enterprise development. The area to the west of the closed road reserve is flat to undulating and well suited to development. The area is drained by a small creek system. All lots within this area are above the 1:100 year flood level, with a very small area of land on Lot 61 (where the creek flows under Martins Creek Road), that lies below the 1:200 year flood level.

The area to the east of the closed road reserve is part of the foothills and sideslopes of Hungry Hill. The area along Keppies road is undulating to hilly, rising to steep slopes (in excess of 18 degrees) in the south-eastern corner of this eastern area. The headwaters of the creek system that drains Area B3 rise in these slopes. Part of the area also drains to Tuckers Creek. Most of this area is forested and bushfire prone.

Access is an issue in the eastern part of Area B3. The three lots to the east of the unformed road reserve are accessed from Keppies Road, with Lot 22 having a long battleaxe driveway off Keppies Road. Lot 1 DP556628 and 22 DP826264 also have frontage to an unformed road reserve that extends east from Glenburn Road. Lot 1 DP 556628 is accessed via Glenburn Road rather than Keppies Road. Council has advised that it will not permit access to Glenburn Road to service any new development. Access for Area B3 is to be via Keppies and/or Martins Creek Roads.

In the area to the west of the closed road reserve, Lots 63 and 64 have frontage to Keppies Road, Lots 61, 62, 63 and 5 have frontage to Martins Creek Road with Lot 5 also having frontage to Glenburn Road. Keppies Road will require upgrading and sealing to accommodate development in the area. Council will not permit access from Glenburn Road for any new development in Area B3.

There is a proposal for a large rural lifestyle estate at Brisbane Grove, in area B4 to the west of Martins Creek Road. The main access road for this subdivision is expected to intersect with Martins Creek Road, opposite Lot 62. This proposed intersection could potentially be amplified to facilitate access to the western side of Area B3.

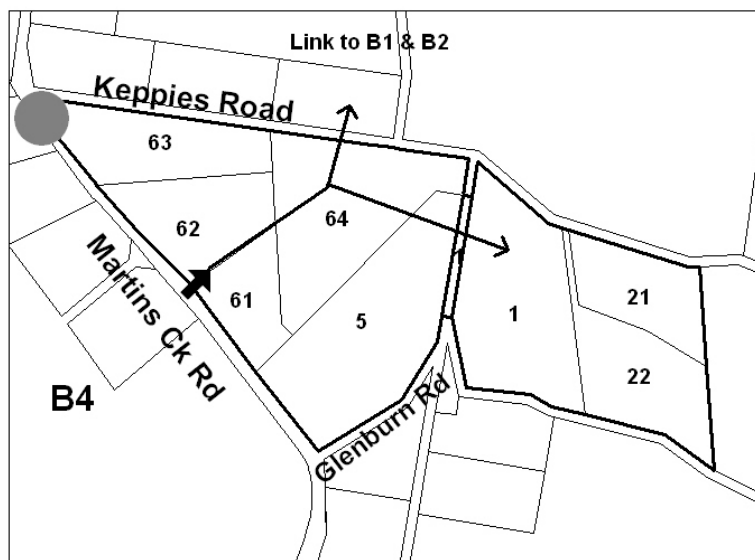
PLANNING AREA B3

Pedestrian and cycle route linking areas B1, B2, B3 to B4

EASTERN AREA
(Lots 1, 21 & 22)
Land capability assessment required

→
Possible access road-intersection developed in conjunction with development of Brisbane Grove in Area B4

No access for subdivision permitted from Glenburn Road



● Intersection that requires upgrading to cater for any additional traffic.

Masterplan

Two basic masterplans are required. These Plans are to be prepared for the eastern and western parts of Area B3. The lots that must to be planned jointly are:

- The area to the east of the closed road reserve - Lots 1 DP556628 and Lots 21 and 22 DP826264.
- The area to the west of the closed road reserve - Lots 61, 62, 63 and 64 DP811070 and Lot 5 DP244817.

The Masterplan for the eastern section of Area B3 needs to include a land capability assessment addressing topography, drainage, habitat value and bushfire risk.

The Masterplan for the western part of Area B3 should focus on access and show the subdivision layout, including the location of roads and the treatment of the creek corridor. Pedestrian and cycle links from Area B4 through this area to Areas B1, B2 and the eastern side of Area B3 also need to be considered.

Issues & Performance Criteria

In addition to the planning controls setout in the LEP, DCP and Rural Strategy, the planning and assessment process for Area B3 must address.

Issue	Planning Considerations / Performance Criteria
Suitability of the eastern part of Area B3 for development	<ul style="list-style-type: none"> ▪ Land capability assessment to be undertaken as part of the planning and assessment process.
Access to Collector Roads - Martins Creek Road	<ul style="list-style-type: none"> ▪ No additional private driveway access or right-of-ways to Martins Creek Road can be created. ▪ The intersections of Martins Creek Road with Keppies Creek and Glenburn Road both require upgrading as part of any development of the area. ▪ The location of the access road /intersection from Martins Creek Road to the Brisbane Grove development in Area B4 needs to be taken into consideration in assessing access options for Area B3.
Pedestrian and cycle access	<ul style="list-style-type: none"> ▪ Pedestrian and cycle links through the area must be provided to link areas B1, B2 and B3 to Area B4. ▪ If a pedestrian-cycle link over the Paterson River is developed, then a pedestrian-cycle link from Area A3 to Area B4 will be required by Council.

Visual Impact	<ul style="list-style-type: none">▪ The visual impact of any development along Martins Creek Road needs to be minimised.▪ No back yards to have frontage to Martins Creek Road.
Creek system	<ul style="list-style-type: none">▪ No further riverfront lots or riparian rights to be created.▪ Riparian vegetation to be protected.
Areas subject to bushfire risk	<ul style="list-style-type: none">▪ Bushfire risk to be assessed and addressed as part of any subdivision design.

4.4 PLANNING AREA B4

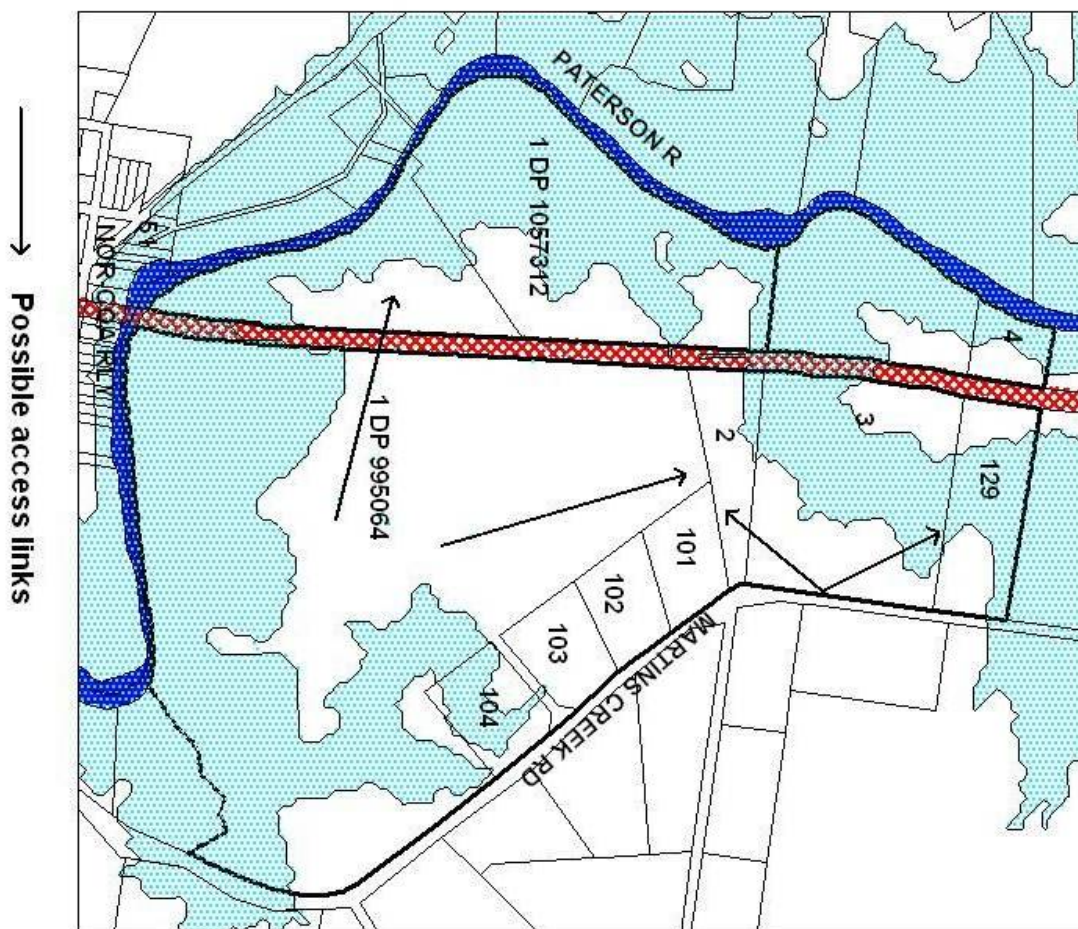
The Area

Planning Area B4 lies to the east of Martins Creek Road. It is bounded by Martins Creek Road to the east, the Paterson River to the west and the Martins Creek Village Investigation Zone to the north. The North Coast railway line runs through the western part of this area.

Area B4 incorporates ten (10) lots.

Lot 129 DP1056686
Lot 3 DP1057314
Lot 4 DP1057315
Lot 2 DP1057313
Lot 1 DP1057312
Lots 101, 102, 103, 104 DP633958
Lot 1 DP995064

PLANNING AREA B4



1:100 year flood level.

Development not permitted on land below the 1:100 yr flood level.

LOT 4

Not suitable for development

LOT 129

Flood free land could be developed in conjunction with Lot 3 if setback requirements can be met.

LOT 3

Development not permissible on land below the 1:100 yr flood line and land to the west of Tuckers Creek.

Single access road into the site, with consideration to access adjoining lots

LOT 101 & 102

- To be planned jointly
- One access road to service the two lots

LOT 103 & 104

- To have access off access handle to Lot 1

LOT 1 DP 1057314

Development only permissible in conjunction with development of Lot 1 DP 995064 to the west of the railway

Development Potential

Within Area B4 there are large tracts of flood prone land adjacent to the Paterson River, Tuckers Creek and other tributary creeks that flow through the area. All land below the 1:100 year flood line is excluded from development for Rural Lifestyle or Rural Enterprise use.

In addition to flooding the other constraints in Area B4 are:

- North Coast railway line - The Australian Rail Track Corporation (ARTC) requires potential noise, vibration and safety impacts of the railway line to be identified and assessed and appropriate noise attenuation strategies adopted in any planning and subdivision design
- There no road access to the area to the west of the railway line.
- Landlocked lots - Lot 4 DP1057315 and Lot 1 DP1057312 have no road access.
- Collector Road - Martins Creek Road is a Collector Road. Any new lots created are prohibited from having private driveway or right-of-way access to Martins Creek Road.
- Habitat protection - need to preserve and enhance Riverine vegetation along the Paterson River and creek systems.
- Visual significance - parts of the floodplain to the north of Paterson Village are very scenic and considered by the Paterson community to have high visual significance that should be protected.

Lot 4 DP1057315 is located to the west of the railway line with no road or road reserve access. The western part of the lot lies below the 1:100 year flood line, with the only flood free access to the site being along the railway line. The area of land that is not flood affected is too small for subdivision. This Lot is not considered suitable for Rural Lifestyle or Rural Enterprise development.

Lot 129 DP1056686 is flood affected with the central portion of the lot lying below the 1:100 year flood line. There are two small areas of flood free land - the south eastern corner of the lot adjacent to Martins Creek road, and the western boundary of the lot, adjacent to the railway line. The area adjacent to the railway line does not have flood free access and is not suitable for rural Lifestyle or Rural Enterprise development. The floodfree area adjacent to Martins Creek Road could potentially be developed in conjunction with development of the adjoining Lot 3, provided that dwelling sites can be identified that meet the requirements of set-back from Martins Creek Road, Tuckers Creek and the 1:100 and 1:200 flood levels. This area cannot be developed on a stand-alone basis.

Lot 3 DP 1057314 extends from Martins Creek Road to the Paterson River, with the North Coast railway line dividing the lot into two. Large tracts of the Lot are flood liable with flood free land located adjacent to the railway line and along the eastern edge (Martins Creek Road frontage) of the site. The area to the west of Tuckers Creek is not considered suitable for Rural Lifestyle or Rural Enterprise development due to lack of flood free access.

The eastern part of this Lot (Martins Creek Road area) is possibly suitable for development provided that dwelling sites can be identified that meet the requirements of set-back from Martins Creek Road, Tuckers Creek and the 1:100 and 1:200 flood levels. Development of this area will require the construction of an access road in from Martins Creek Road. No new lots created can have private driveway or right-of-way access to Martins Creek Road. In

developing Lot 3, consideration needs to be given to providing vehicle access to the flood-free areas of the adjoining lots - Lot 129 and Lot 2, which front Martins Creek Road.

Lot 2 DP1057313 is a long narrow lot with a width to depth ratio less than 1:3. Further subdivision of this lot on an individual basis is not permitted. This lot can only be developed in conjunction with adjoining lots - Lot 3, Lot 101 and/or Lot 1 DP995064.

Lots 101 and 102 DP633958 are flood free lots with frontage to Martins Creek Road. Due to access restrictions, the development of Lots 101 and 102 need to be jointly planned, with one access road servicing both two lots. This road could also service Lots 2 and 3 to the north. Alternatively, access to Lots 101 and 102 could be provided in conjunction with the development of Lot 1 DP995064.

Lots 103 and 104 DP633958 are also flood free lots with frontage to Martins Creek Road that are suitable for subdivision for Rural Lifestyle or Rural Enterprise development. These lots are separated by a narrow strip of land that is an access 'handle' for Lot 1 DP995064. A rezoning application is being prepared for Lot 1 for Rural Lifestyle, it is proposed that the access handle is to become the main access road into the subdivision. If this road is developed as proposed, Council needs to ensure that Lots 103 and 104 can have access from this road for subdivision purposes. Any additional lots created on Lots 103 and 104 cannot have direct driveway or right-of-way access to Martins Creek Road.

Lot 1 DP1057312 is located between the North Coast Rail line and the Paterson River. The Lot has no road or road reserve access. The western side of Lot 1 lies below the 1:100 year flood level and is excluded from development. The eastern half of Lot 1 adjacent to the railway line is flood free, however has no flood free access. Lot 1 is not considered suitable for development on an individual basis. Development of flood free land may be possible in conjunction with development of the adjoining land to the south, namely the part of Lot 1 DP995064 which lies to the west of the railway line.

Lot 1 DP995064, also known as Brisbane Grove, is a large parcel of land that comprises the southern half of Area B4. This Lot extends from Martins Creek Road through to the Paterson River, with the Paterson River forming both the western and southern boundary of the lot. The North Coast railway line divides the lot, with a small area of land located to the west of the railway. Parts of Lot 1 lie below the 1:100 year flood level and are excluded from Rural Lifestyle or Rural Enterprise development. Parts of Lot 1 also lie within the area identified as having high visual significance by the Paterson community. The flood free areas of Lot 1 appear suitable for development. Any development of the part of this lot lying to the west of the railway line, needs to make provision for access to the flood-free area of Lot 1 DP1057312.

Masterplan

A Masterplan may not be required if access issues to flood-free sections the northern part of Area B4 can be resolved. The first step in the process is to identify the flood free areas on Lots 129 DP1056686, Lot 3 DP1057314 and Lot 2 DP1057313 and assess the subdivision potential of this area. If there is potential, then the ideal access route (through Lot 1 DP995064 and/or from Lot 3 DP105731) needs to be identified and incorporated in the subdivision planning for the area.

In addition:

- Any development of Lot 1 DP995064 must give consideration to providing access to adjoining lots to the east, north and west. In addition, Lots 103 and 104 must be

guaranteed access from any road constructed in the access handle that lies adjacent to these lots.

- Any development of the part of Lot 1 DP995064 lying to the west of the railway line, needs to make provision for access to the flood-free area of Lot 1 DP1057312.
- Any development of Lot 3 DP105731 must take into consideration the provision of road access to adjoining lots if they are not being serviced by an access road from Lot 1 DP995064.

Issues & Performance Criteria

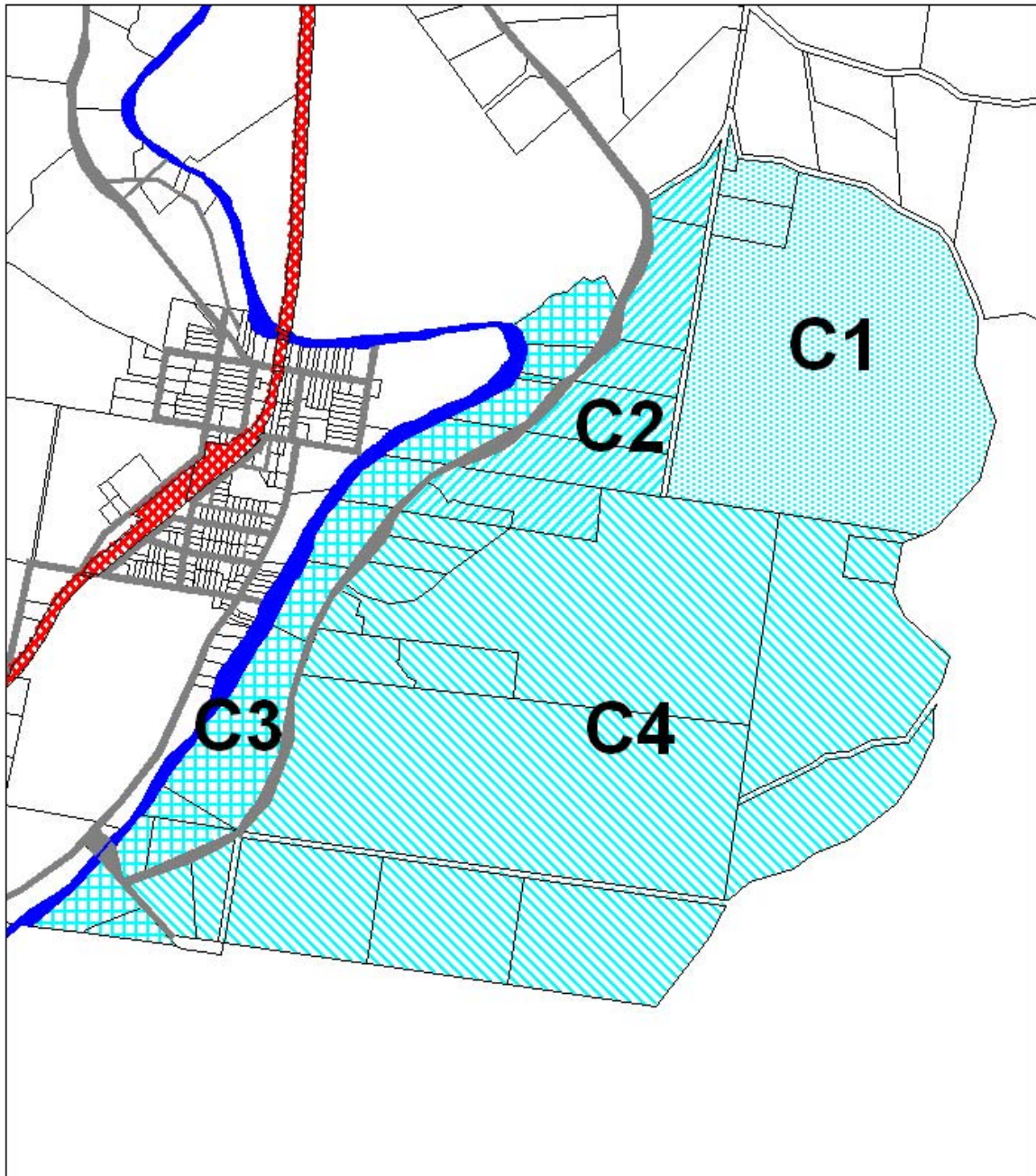
In addition to the planning controls setout in the LEP, DCP and Rural Strategy, the planning and assessment process for flood free land in Area B4 must address.

Issue	Planning Considerations / Performance Criteria
Flood prone land	<ul style="list-style-type: none"> ▪ Rural Lifestyle / Enterprise development is not permissible on land below the 1:100 year flood level and no dwellings are permissible below the 1:200 year flood level. ▪ Areas below the 1:100 year flood level to be rezoned Rural 1(a) or Environment 7(a) depending on the location and environmental attributes of the area.
Land not suitable for development for Rural Lifestyle or Rural Enterprise	<ul style="list-style-type: none"> ▪ Subdivision for Rural Lifestyle or Rural Enterprise development is not permissible on Lot 4 DP1057315 or to the west of Tuckers Creek on Lot 3 DP1057314.
Co-ordinated subdivision and access	<ul style="list-style-type: none"> ▪ Access from Martins Creek road is an issue in Area B4 and lots will need to be planned jointly to ensure access is available for all land suitable for subdivision. <p>In relation to access, the following lots need to be planned jointly:</p> <ul style="list-style-type: none"> ▪ Lots 129 DP1056686, Lot 3 DP1057314 and Lot 2 DP1057313 ▪ Lots 101 and 102 DP633958 ▪ Lot 1 DP995064 and Lots 103 and 104 DP633958 ▪ Any subdivision of flood free land for Rural Lifestyle lots on Lot 1 DP995064 to the west of the railway line must be designed to facilitate access to the floodfree land on Lot 1 DP1057312.

Access to Collector Roads - Martins Creek Road	<ul style="list-style-type: none"> ▪ No additional private driveway access or right-of-ways to Martins Creek Road can be created. ▪ Design of the intersection of Martins Creek Road and the access road for Lot 1 DP995064 (Brisbane Grove development) must be designed to facilitate access to Area B3 to the east of Martins Creek Road. ▪ Due to the size and topography of Lot 1 DP995064, this Lot can have a maximum of 2 access points off Martins Creek Road. ▪ Lots 101 and 102 - if not developed in conjunction with Lot 1 DP995064 - these lots may one access road off Martins Creek Road to service lots.
Pedestrian and cycle access	<ul style="list-style-type: none"> ▪ The feasibility of providing a pedestrian-cycle link between Area B4 and Paterson village is to be considered as part of any development proposal for Lot 1 DP995064.
Visual Impact - the Paterson River floodplain immediately north of Paterson Village has been identified by the Paterson Community as having high visual / scenic value.	<ul style="list-style-type: none"> ▪ Visual assessment required as part of the planning for development of Lot 1 DP995064. ▪ The visual impact of any development along Martins Creek Road needs to be minimised. ▪ No back yards to have frontage to Martins Creek Road.
Paterson River, Tuckers Creek and other watercourses.	<ul style="list-style-type: none"> ▪ No further riverfront lots or riparian rights to be created. ▪ Riparian vegetation to be protected and the riverbank and watercourses rehabilitated.
Public access to the Paterson River	<ul style="list-style-type: none"> ▪ In developing Lot 1 DP995064, an appropriate location for a river front reserve on the Paterson River to service the residents of Area B4 must be identified and included in the subdivision design.
North Coast Railway	<ul style="list-style-type: none"> ▪ Noise, vibration and safety impacts of the rail corridor to be identified and assessed and appropriate noise-attenuating strategies incorporated in the planning and development of Area B4.

5. PRECINCT C - PATERSON EAST - HUNGRY HILL

Precinct C incorporates the area within the investigation Zone to the east of Paterson, extending from the Hungry Hill ridge-line in the east through to the Paterson River in the west. The Shire boundary runs along the southern and eastern boundaries of the Precinct. Precinct C is divided into 4 planning areas.



5.1 PLANNING AREA C1

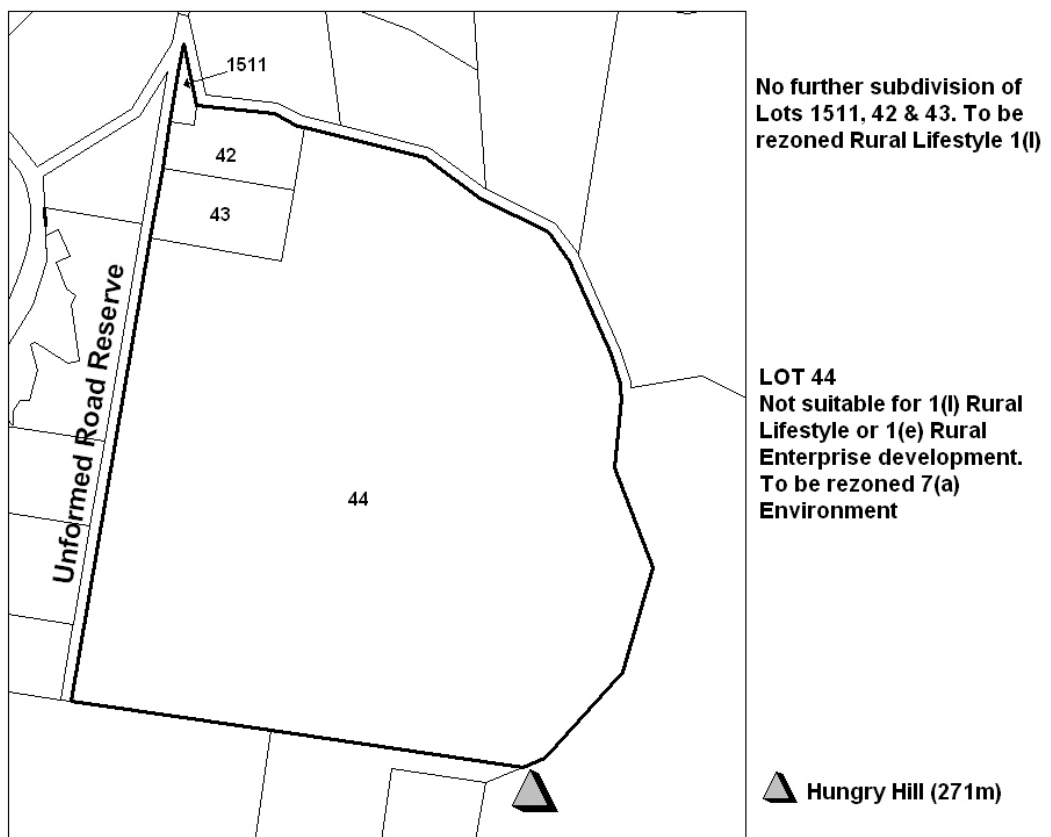
Area C1 occupies the north-western sideslopes of Hungry Hill. It is bounded to the north and east by a road reserve - fire trail that extends east from the 'end' of Glenburn Road. Area C1 incorporates 4 lots:

Lot 1511 DP581503

Lots 42, 43, 44 DP78996

There is a road reserve running along the eastern boundary of all lots, which separates Area C1 from Area C2. Within this road reserve there is a dirt road providing access to Lots 1511, 42 and 43.

PLANNING AREA C1



Development Potential

Lot 1511 is a small lot - no further subdivision is permitted.

Lots 42 and 43 DP 789996 have already been subdivided and developed. Lot 42 is 2.93ha in area, which is below the minimum 3ha area needed for further subdivision. Lot 43 is 3.2ha in area. Both are forested and bushfire prone. Further subdivision of Lots 42 and 43 is not permitted.

Lot 44 DP789996 is a very large lot that occupies the sideslopes and ridge of Hungry Hill. Hungry Hill is a significant, local landmark, reaching an elevation of 271m just south of the

southern corner of Area C1. Most of the higher elevated area on site has slopes in excess of 18 degrees. The area is drained by a number of steep watercourses that form a creek system which flows into the Paterson River.

Lot 44 is forested with rare and endangered species, including koalas, reported in the area. Hungry Hill was identified by the Paterson Community as having high scenic value. Hungry Hill is part of a prominent range of three hills - Hungry Hill, Red Hill and Kurrikaba Hill - that form the 'backdrop' to the villages of Paterson and Martins Creek.

Given its topography, vegetation, habitat value and visual significance, subdivision and development of Lot 44 for Rural Lifestyle or Rural Enterprise development is not permitted.

Lots 1511, 42 and 43 are to be rezoned Rural Lifestyle 1(l) and Lot 44 rezoned 7(a) Environment.

5.2 PLANNING AREA C2

The Area

Planning Area C2 lies between Area C1 and Martins Creek Road. It is bounded by Glenburn Road to the north. It incorporates seven (7) lots:

Lots 41 & 44 DP789996
Lot 32 DP829629
Lot 22 DP1004818
Lot 1 DP244817
Lots 51 & 52 DP1071505

Lot 41 has already been zoned 1(l) Rural Lifestyle. On Lot 44, an area along the frontage to Martins Creek Road has been zoned 7(a) Environment due to its habitat value (remnant wet sclerophyll forest).

Development Potential

The four northern lots in Area C2 occupy the footslopes of Hungry Hill, with the topography being undulating. There are a number of watercourses that flow through the area. The area on Lot 44 zoned Environment 7(a) lies below the 1:100, with the 1:200 flood level extending further east, close to the eastern boundary of the Lot. There appears to be a poultry shed on Lot 44. Council will not permit access from Glenburn Road for any new development in Area C2.

Lots 1 DP244817 and Lots 51 & 52 DP1071505 are long narrow lots with a width to depth ratio of less than 1:3. These lots occupy steeper land with slopes in excess of 18 degrees along their eastern boundaries. The undulating areas next to Martins Creek Road have been cleared and developed, while the more steeply sloping areas in the central and eastern parts of these lots remain forested. The forested areas are part of the Hungry Hill habitat area and contribute to the visual integrity of the Hungry Hill area. These areas are bushfire prone. On Lot 1, no further clearing or development above the 50m contour is permissible. On Lots 51 and 52, no further clearing or development above the 40m contour is permissible. These contour lines approximate the existing vegetation line, with the objective being to prohibit further clearing of native bushland.

All lots within Area C2 have frontage to Martins Creek Road which is a collector road. Any lots created in the subdivision of this area cannot have direct driveway or right-of-way access from Martins Creek Road.

Given their size, shape and access issues, none of the lots within this area are suitable for subdivision on an individual basis. For Lots 41, 44, 32 and 22, the minimum area that can be subdivided is 2 adjoining lots (for example - a minimum area would be Lots 41 and 44 combined).

The southern 3 lots, Lots 1, 51 and 52, are to be assessed and planned jointly. Lot 1 could be developed in conjunction with Lot 22 and Lot 32, provided that:

- Lot 51 is included in the land capability assessment, and,
- If Lot 51 is assessed as suitable for further subdivision, provision for access to Lot 51 is included in any subdivision plan for the adjoining northern lots.

Masterplan

A Masterplan is required, with the Plan to address:

- Land capability - topography, drainage, habitat, slopes and flooding and bushfire risks.
- Access - any local access road created, needs to service a minimum of 2 existing lots.
- Subdivision layout.
- Protection of the watercourses and the area zoned Environment 7(a).

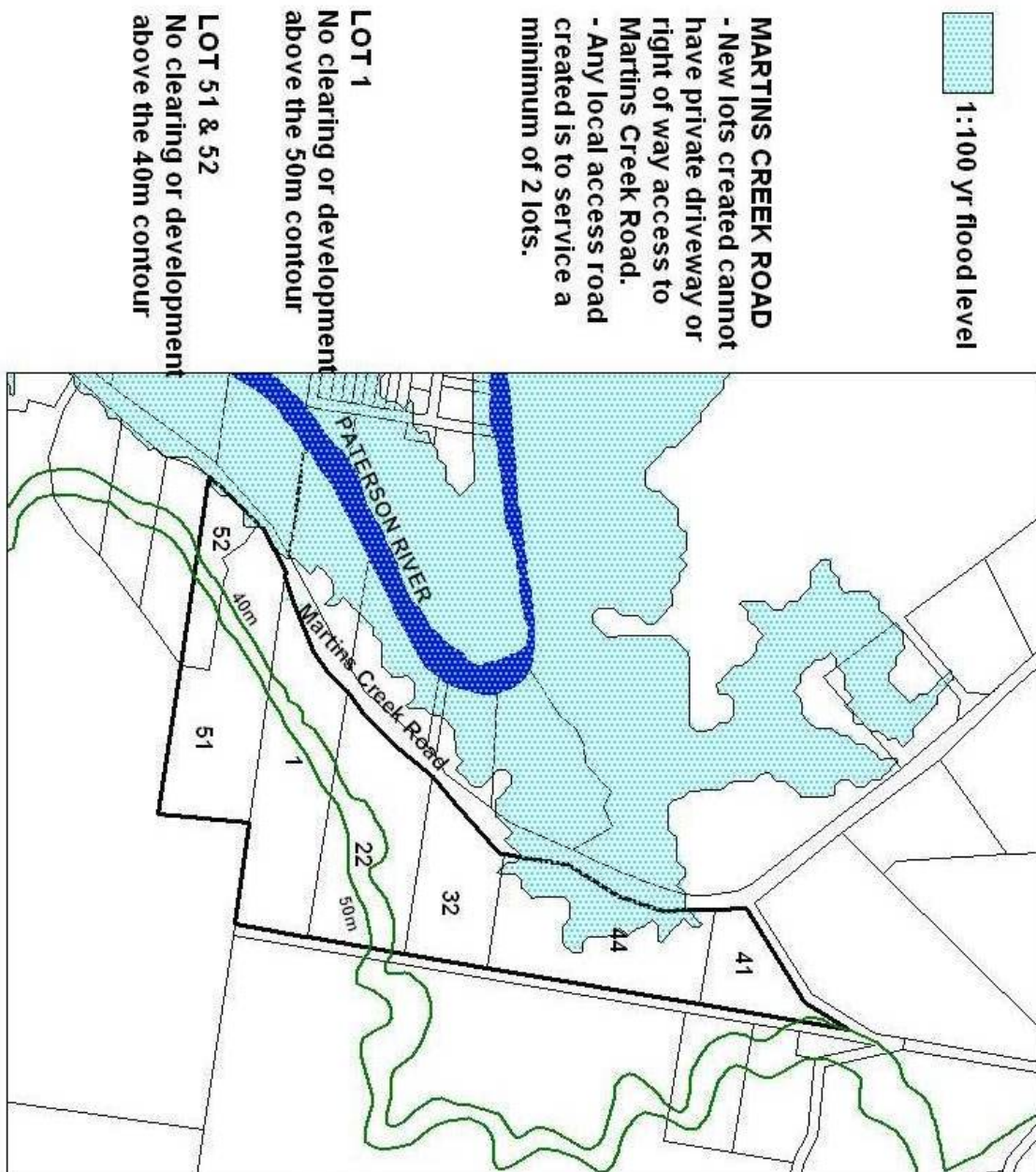
Issues & Performance Criteria

In addition to the planning controls setout in the LEP, DCP and Rural Strategy, the planning and assessment process for Area C2 must address.

Issue	Planning Considerations / Performance Criteria
Coordinated development	<ul style="list-style-type: none"> ▪ Masterplan to be prepared to provide the framework for the development of Area C2.
Subdivision	<ul style="list-style-type: none"> ▪ No subdivision of individual lots. ▪ For Lots 41, 44, 32 and 22 the minimum area that can be subdivided is two adjoining existing allotments (eg Lots 41 and 44 combined). ▪ Lots 51, 52 and 1 needed to be jointly assessed and planned. ▪ Narrow lots with a width to depth ratio of less than 1:3 cannot be created. ▪ For newly created lots, private driveway access or right-of-way access to Glenburn Road is not permitted.

Access to Collector Roads - Martins Creek Road	<ul style="list-style-type: none"> ▪ No additional private driveway access or right-of-ways to Martins Creek Road to be created. ▪ Any new access road coming off Martins Creek Road, must service a minimum of 2 existing lots.
Protection of Habitat - Rare and endangered species have been reported in this area.	<ul style="list-style-type: none"> ▪ No further clearing of areas of forest vegetation. ▪ On Lot 1 DP DP244817 no clearing or development is permissible above existing vegetation line which is approximated by the 50m contour. ▪ On Lots 51 & 52 DP1071505 no clearing or development is permissible above the existing vegetation line which is approximated by the 40m contour. ▪ Any proposed development in the area needs to demonstrate that there will be no negative impact on the area of land zoned Environment 7(a).
Areas subject to bushfire risk	<ul style="list-style-type: none"> ▪ Bushfire risk to be assessed and addressed as part of any subdivision design.
Visual Impact	<ul style="list-style-type: none"> ▪ View-shed analysis / Visual assessment required. Development to have no or minimal impact on the Hungry Hill vista. ▪ The visual impact of any development along Martins Creek Road needs to be minimised. ▪ No back yards to have frontage to Martins Creek Road.
Creek and watercourses	<ul style="list-style-type: none"> ▪ No further riverfront lots or riparian rights to be created. ▪ Riparian vegetation to be protected.
Poultry Shed	<ul style="list-style-type: none"> ▪ Development should not impact on the operation or viability of this enterprise. ▪ Buffer zones to be provided as per the Shire-wide DCP 2004 requirements.

PLANNING AREA C2



5.3 PLANNING AREA C3 - PATERSON RIVER FLOODPLAIN

The Area

Planning Area C3 occupies the area bounded by Martins Creek Road to the east and the Paterson River to the west. This area incorporates 13 parcels of land. Of these lots, 3 have been zoned 7(a) Environment. A further 5 lots have 2 zonings - Rural Lifestyle 1(l) along the Martins Creek Road frontage and 7(a) Environment on the remainder of the site. The Rural Lifestyle zone has been placed on properties with existing dwellings. Of the remaining properties, two are zoned 9(a) Investigation while three properties have very small areas zoned Investigation 9(a) adjacent to Martins Creek Road, with the bulk of the area being zoned 7(a) Environment.

The Lots with a 9(a) Investigation zoning are:

Lot 8 DP244617 - part only

Lot 1 DP 244817 - part only

Lot 105 DP255124

Pt 1 DP1056154 - part only - remainder of the site is Environment 7(a) and rural Lifestyle 1(l).



Pt 105 DP1063596

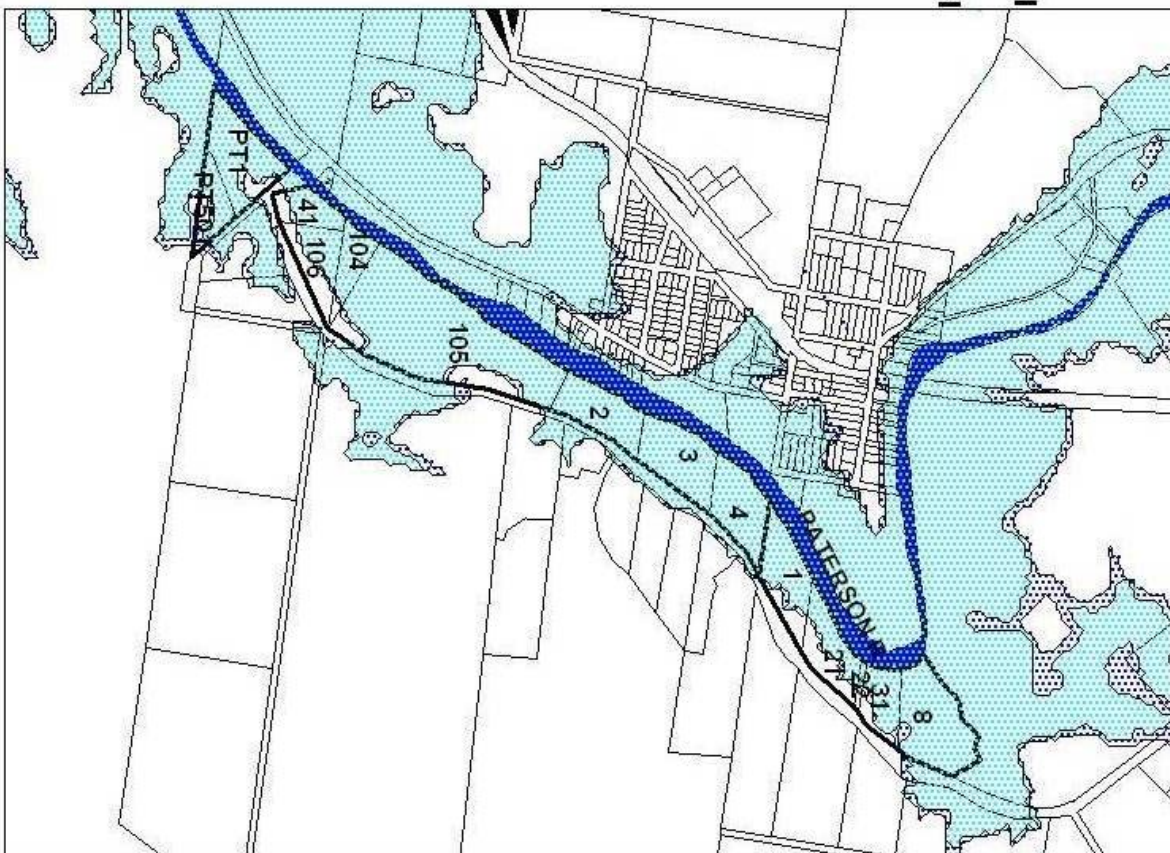
Development Potential

Most of Area C3 is flood affected, lying below the 1:100 and 1:200 flood levels. The area has also been identified by the Paterson community as having a very high scenic value that needs to be protected.

Given the flood risk in this area and high scenic value of this area, no further subdivision is permitted. Development of a dwelling on an existing lot may be possible in areas above the 1:200 flood level provided that access, setback from Martins Creek Road and environmental criteria can be met.

No further subdivision in this area for Rural Lifestyle or Rural Enterprise development

	1:100 year flood level
	1:200 year flood level



Land above the 1:200 year flood level, a dwelling may be possible if access and environmental criteria can be met.

5.4 PLANNING AREA C4

The Area

Planning Area C4 is located on the eastern side of Martins Creek Road to the north of Woodville Road. The area incorporates 14 lots:

Lots 601 and 602, DP786865
Lots 63 and 64 DP705752
Lot 62 DP620222
Lots 103 and 104 DP1081230
Lot 105 DP255124
Lot 13 DP752451
Lots 28, 29 and 30 DP752451
Lots 102 and 103 DP225124

There is an unformed road reserve (Phillips Street) located along the southern boundary of Lot 105, with this reserve providing access to Lots 28, 29 and 30.

Development Potential

Lots 601, 602, 62, 63, 102 and 103 are already zoned Rural Lifestyle 1(l) and further subdivision is not permissible. Part of Lots 62 and 102 also have an Environment 7(a) zoning.

Lots 103 and 104 DP1081230 are small lots with Lot 104 being steep and forested. No further subdivision is permitted.

Lot 64 DP707752 is a very large lot that incorporates the western slopes of Hungry Hill. The elevation on this lot rises from 20 metres above sea-level at the Martins Creek Road entrance to 260 metres along the eastern site boundary. Slopes over much of this lot exceed 18 degrees. The lot is forested with the forested slopes being both an important habitat area and a significant contributor to the visual amenity of the Paterson area. This area is bushfire prone. Lot 64 is not suitable for subdivision for Rural Lifestyle or Rural Enterprise development.

Lot 105 DP255124 is also a very large lot. The northern and eastern parts of the lot occupy the southern foothills and sideslopes of Hungry Hill. The topography of this area is hilly to steep with slopes exceeding 18 degrees in the more elevated areas. This area is bushfire prone. This part of Lot 105 is not suitable for Rural Lifestyle or Rural Enterprise development.

The western and southern parts of Lot 105 are flat to undulating, with the area drained by a small creek system. Flooding occurs along the Martins Creek Road frontage with an area along the creek system affected by the 1:100 year flood. Some sections of this lot appear suitable for Rural Lifestyle and/or Rural Enterprise development.

The lower areas of Lot 105 have been cleared and there is a large poultry complex near the eastern boundary of the Lot. The area to the north of the creek, above the 50m contour is forested and forms part of the Hungry Hill habitat area. Rare and endangered species have been recorded in the area. This part of the site is also bushfire prone. No development or clearing is permissible above the 50m contour. This contour approximates the vegetation line.

Lot 13 DP752451 incorporates the upper slopes and crest of Hungry Hill (elevation 271m). This area is very steep with most of the area being forested. Due to the topography, habitat value, visual significance and bushfire risk, subdivision and development of this area for Rural Lifestyle or Rural Enterprise is not permissible.

Lots 29 and 30 DP752451 are undulating to hilly, with localised areas of steep slopes in Lot 29. Most of lot 30 has been cleared, with small pockets of open forest on Lot 29. The southern boundary of these lots is elevated 100m asl, and visible from Paterson and Martins Creek Road. These lots are considered suitable for Rural Lifestyle or Rural Enterprise development.

Lot 28 DP752451 is located on the sideslopes and ridge-line of a spur ridge extending south from Hungry Hill. Much of the lot is hilly to steep, reaching an elevation of 146m asl on the south western corner of the lot. The lot is drained by three small watercourses. The eastern half of the lot is forested and the area is bushfire prone. The north western corner of the lot appears to be suitable for Rural Lifestyle or Rural Enterprise development.

Masterplan

A Masterplan is required to identify the developable land on Lots 105, 28, 29 and 30 and provide the framework for co-ordinated development. A land capability assessment is required as part of the master-planning process.

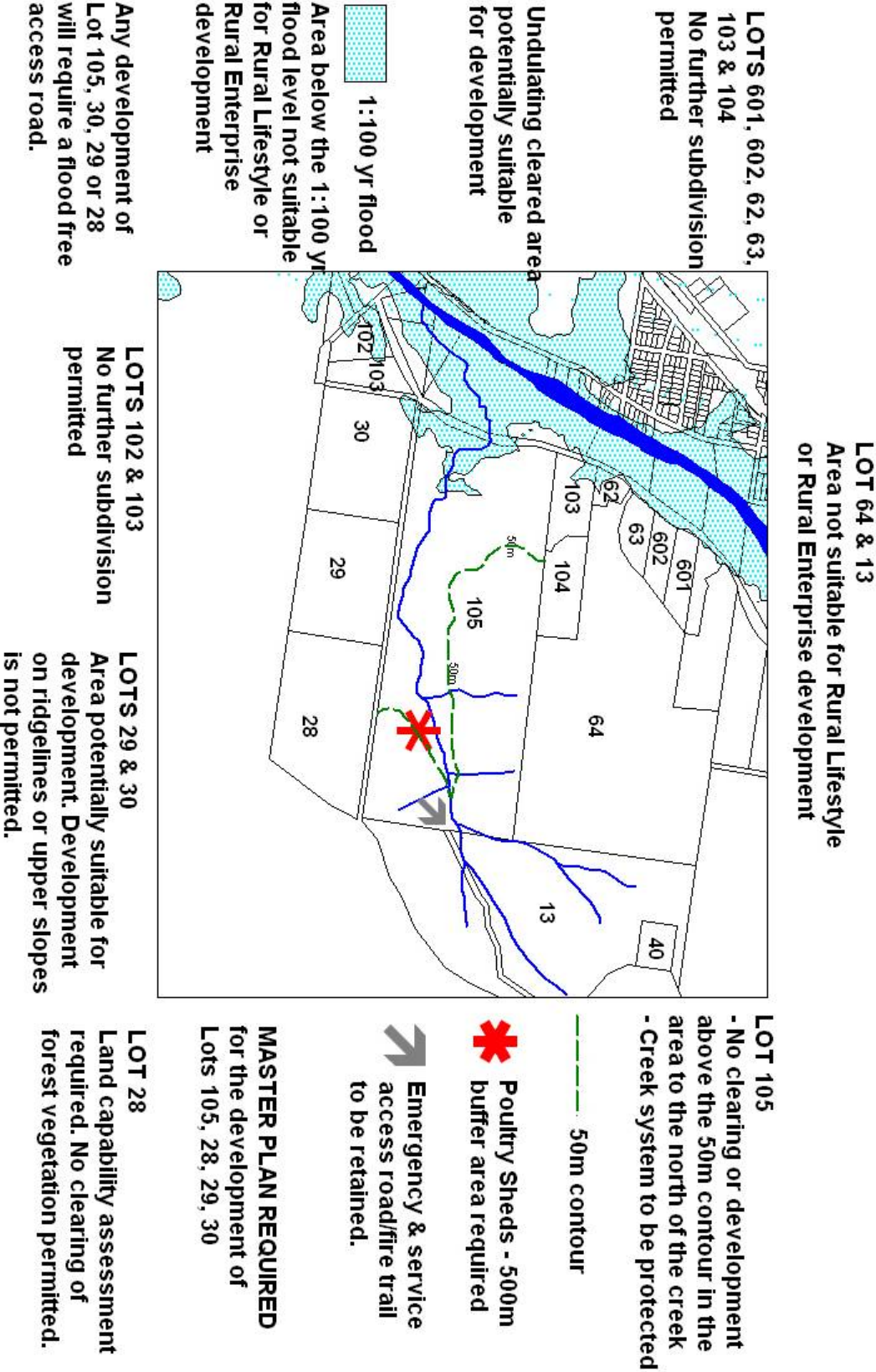
Issues & Performance Criteria

In addition to the planning controls setout in the LEP, DCP and Rural Strategy, the planning and assessment process for the developable land within Area C4 must address.

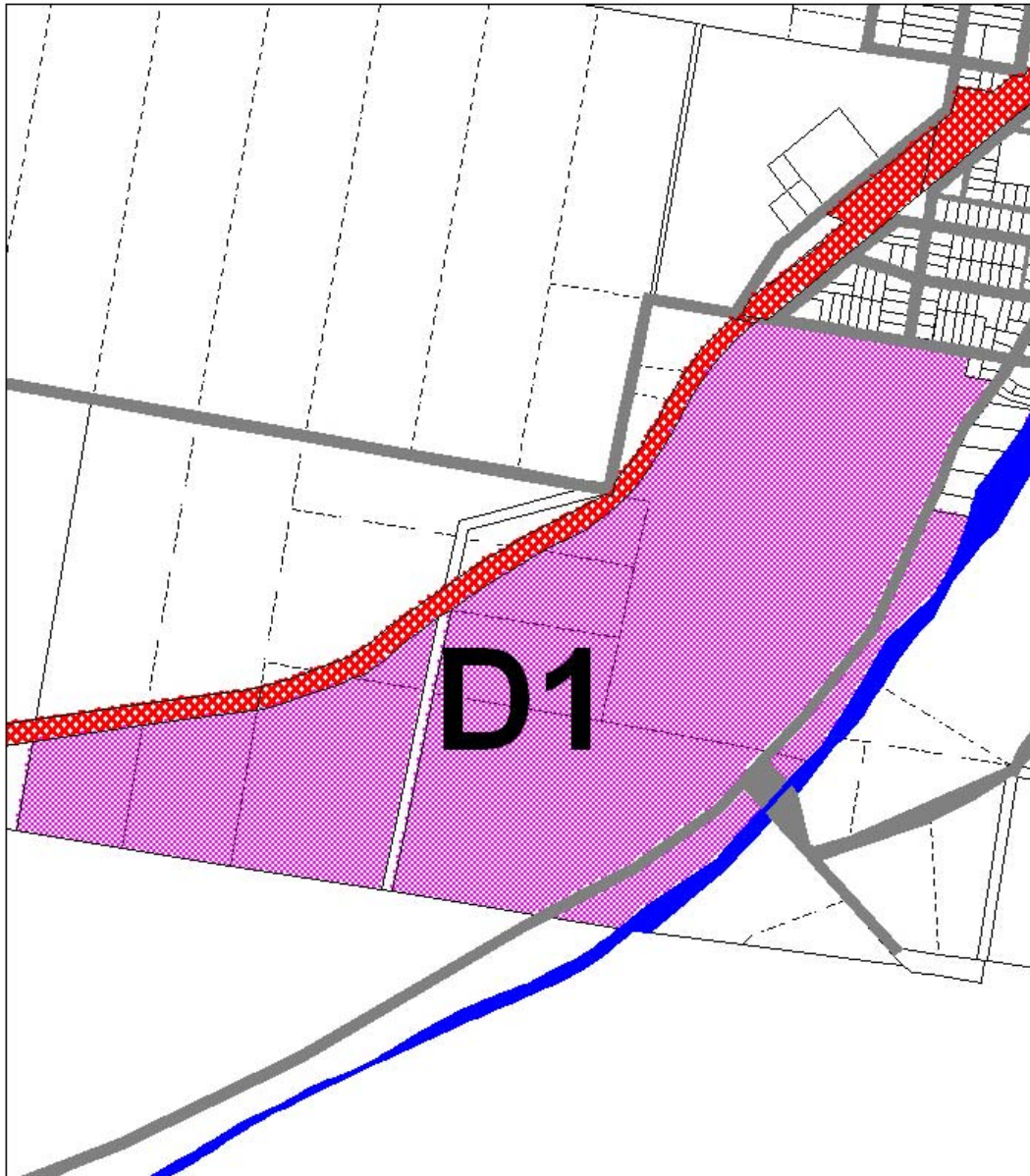
Issue	Planning Considerations / Performance Criteria
Lots 601 and 602, DP786865 Lot 63 DP705752 Lot 62 DP620222 Lots 103 and 104 DP1081230 Lots 102 and 103 DP225124	<ul style="list-style-type: none"> No further subdivision permitted. Lots zoned 9(a) Investigation to be rezoned Rural Lifestyle 1(l).
Lot 13 DP752451 Lot 64 DP705752	<ul style="list-style-type: none"> Lots not suitable for subdivision and development for Rural Lifestyle or Rural Enterprise development. These lots are to be rezoned Environmental Protection
Lots 105, 28, 29, 30	<ul style="list-style-type: none"> Masterplan including a land capability assessment is required to identify land suitable for development and determine access, areas for habitat and scenic protection and subdivision layout.
Flood prone land	<ul style="list-style-type: none"> Rural Lifestyle / Enterprise development is not permissible on land below the 1:100 year flood level.

Access to Collector Roads - Martins Creek Road	<ul style="list-style-type: none"> No additional private driveway access or right-of-ways to Martins Creek Road to be created. In developing Lots 105, 28, 29 and 30, a maximum of two (2) access roads will be permitted off Martins Creek Road. At least one of these roads must provide flood free access with all lots being able to access this road.
Emergency and Service Access - Hungry Hill	<ul style="list-style-type: none"> Any local road network developed in the southern part of Area C4 needs to ensure that there is a vehicle access road through to Lot 13
Habitat Protection - Rare and endangered species have been reported in this area.	<ul style="list-style-type: none"> No further clearing of land or development of dwellings and buildings above the following contour lines: 40 m for Lots 601, 602, 63, 64, 101 and 102 DP873504 50m for the area to the north of the creek line on Lot 105. Lots 28 and 29 - to be determined by habitat and visual assessments as part of a land capability assessment. Forested areas are to be rezoned Environmental Protection.
Areas subject to bushfire risk	<ul style="list-style-type: none"> Bushfire risk to be assessed and addressed as part of the subdivision design.
Visual Impact - the forested hills and ridges that form Hungry Hill are an important part of the visual amenity and identity of Paterson. This forested slopes have been identified by the Paterson Community as having high visual / scenic value.	<ul style="list-style-type: none"> View-shed analysis / Visual assessment required. Development to have no or minimal impact on the Hungry Hill vista. The visual impact of any development along Martins Creek Road needs to be minimised. No back yards to have frontage to Martins Creek Road.
Creek and watercourses	<ul style="list-style-type: none"> No further riverfront lots or riparian rights to be created. Riparian vegetation to be protected.
Poultry Shed	<ul style="list-style-type: none"> Development should not impact on the operation or viability of this enterprise. Buffer zones to be provided as per the Shire-wide DCP 2004 requirements.

PLANNING AREA C4



6. PRECINCT D - Tocal Road



The Area

Precinct D incorporates the area within the Investigation Zone, that abuts the southern boundary of Paterson village. The area is bounded by the Paterson River to the east and the North Coast Railway line to the west. Tocal Road runs parallel to the River through the eastern side of the Precinct.

Precinct D incorporates 8 Lots.

Pt 35 DP752467

Lot 1 DP195157

Lots 30, 31, 32, 33, 34, 35 DP975697

Paterson Road runs north-south through Pt 35 and Lot 32 creating a long narrow strip of land between Paterson Road and the Paterson River.

The North Coast Railway line traverses Lots 30, 31, 34 and 35. The western corners of Lots 31, 34 and 35 lie to the west of the railway line in Precinct E. Most of Lot 30 lies in Precinct E - Webbers Creek Road with its south-east corner in Precinct D.

The northern edge of Lot 35 DP752467 that has frontage to William Street has been zoned 2(v) Village and 7(a) Environment.

Development Potential

Lots 30, 31, 32, 33, 34, 35 DP975697 form part of the Tocal Estate and CB Alexander Agricultural College and are not available for development. These lots are to be re-zoned Rural 1(a).

Lot 1 DP195157 is owned by Dungog Shire Council and forms part of the Woodville Bridge Road Reserve. It is small, floodprone and not suitable for development.

Pt 35 DP752467 is a large parcel of land that abuts the southern boundary of the village. Part of this lot is flood affected, with development not permissible on the area lying below the 1:100 year flood level. The western edge and central portions of the lot are elevated and potentially suitable for development. Flood-free access to this area is available from William Street.

Masterplan

Not required.

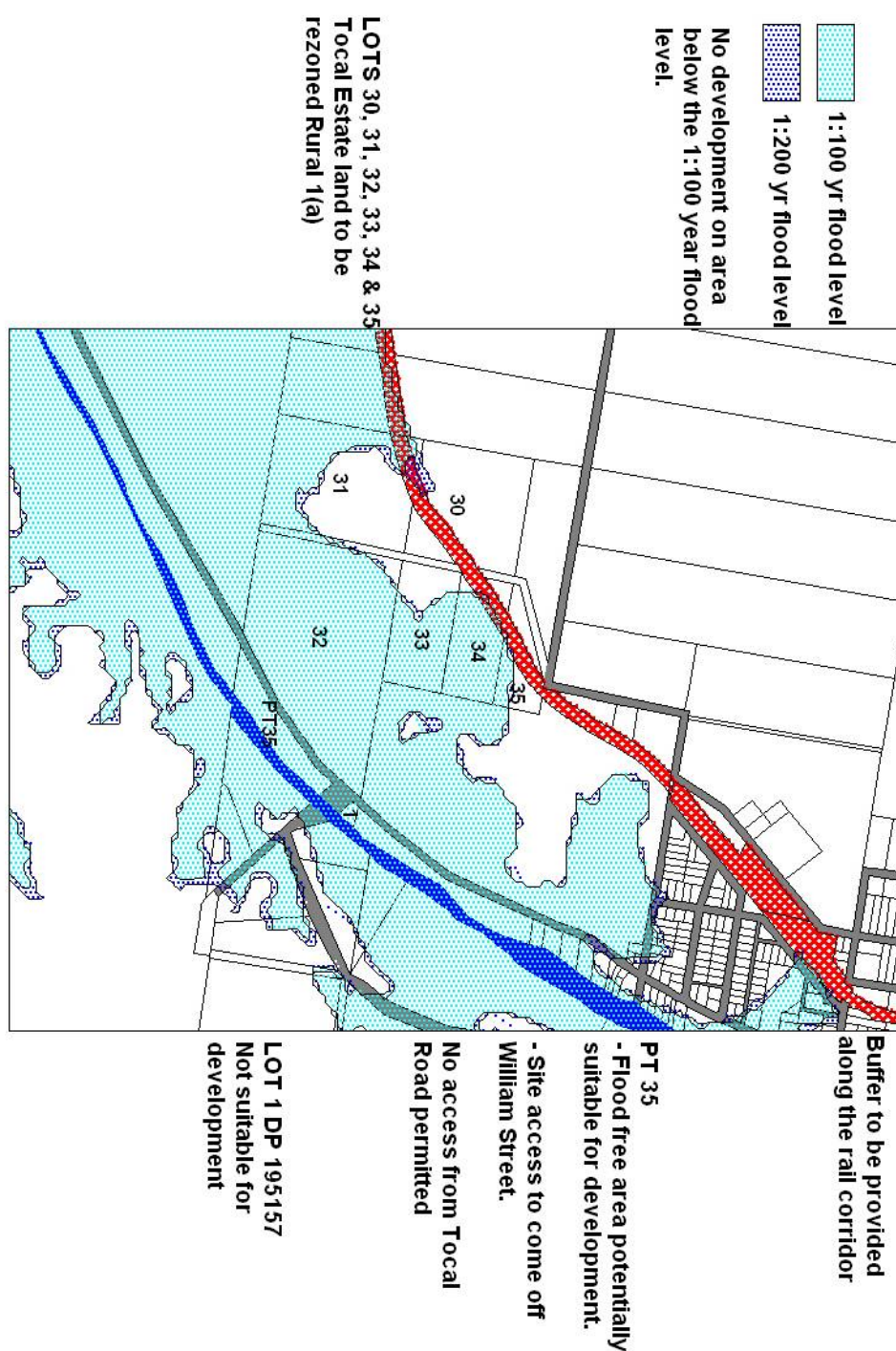
Issues & Performance Criteria

In addition to the planning controls setout in the LEP, DCP and Rural Strategy, the planning and assessment process for the flood-free area of Pt 35 DP752467 must address:

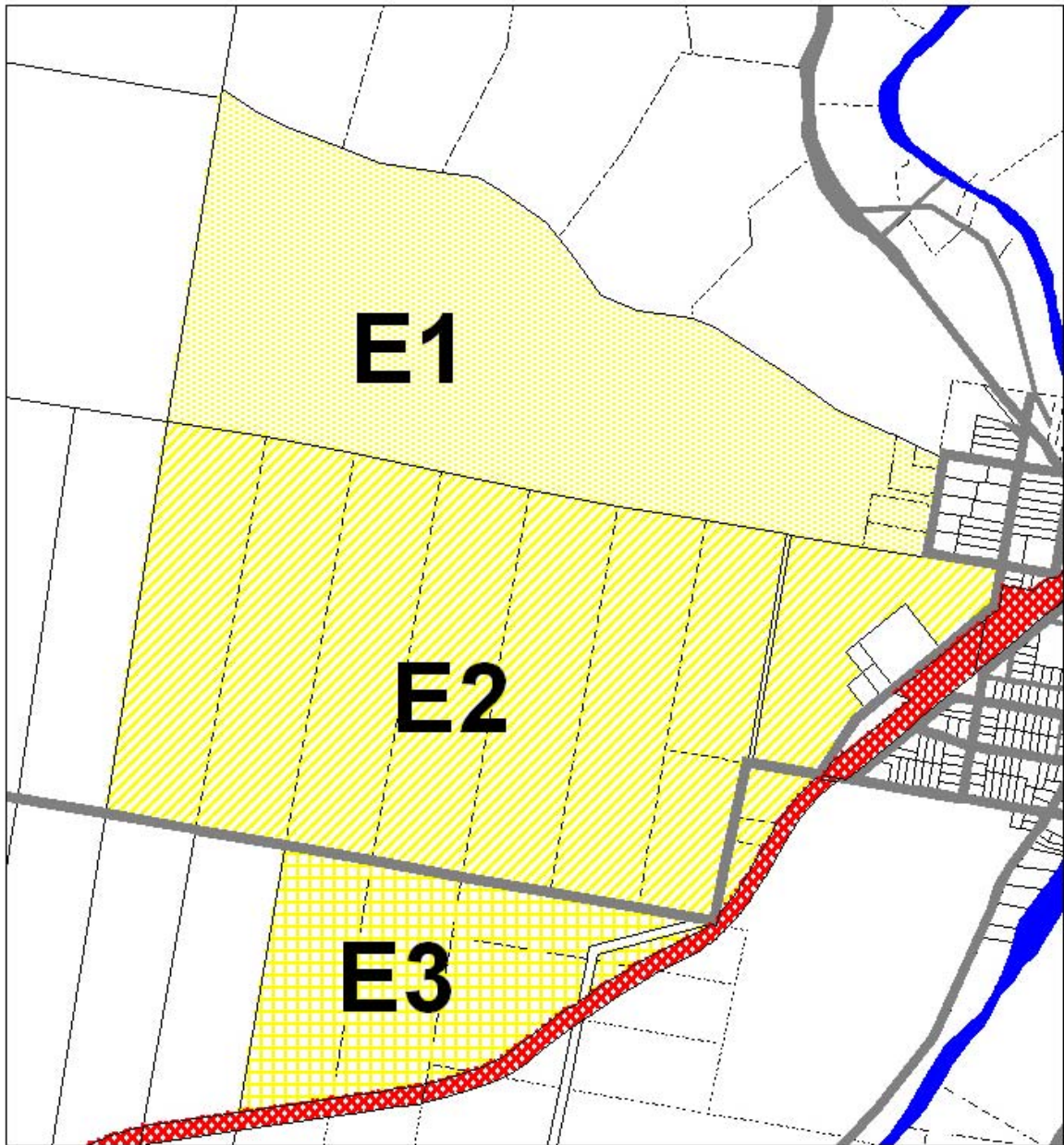
Issue	Planning Considerations / Performance Criteria
Vehicle Access	<ul style="list-style-type: none"> All access to the area is to be via a local road coming off William Street. No access to Tocal Road
Habitat protection	<ul style="list-style-type: none"> Development of the site is not to impact negatively on the adjoining wetlands or watercourses.
Tocal Road is an entry point to Paterson. The visual Impact of development along Tocal Road needs to be minimised.	<ul style="list-style-type: none"> Visual assessment to be undertaken to determine requirements to minimise visual impact of any development from Tocal Road. These may vary from the DCP, with these requirements having precedence.
Poultry Shed	<ul style="list-style-type: none"> 500m buffer zone to be provided around any

	operating commercial poultry sheds.
North Coast Railway line	<ul style="list-style-type: none"> Noise, vibration and safety impacts of the rail corridor to be identified and assessed and appropriate noise-attenuating strategies incorporated in the planning and development of the area.

PLANNING AREA D1



7. PRECINCT E - WEBBERS CREEK ROAD



Precinct E incorporates the area to the west and south west of Paterson Village. The area is bounded by the village, golf course and cemetery to the east, the ridge line (drainage divide) between the Corners Creek and Webbers Creek catchment areas to the north and the North Coast Railway line to the south.

Precinct E is divided into three (3) Planning Areas:

- Area E1 - Sideslopes and ridgeline.
- Area E2 - Lots with frontage to the northern side of Webbers Creek Road.
- Area E3 - Lots to the south of Webbers Creek Road.

7.1 PLANNING AREA E1

The Area

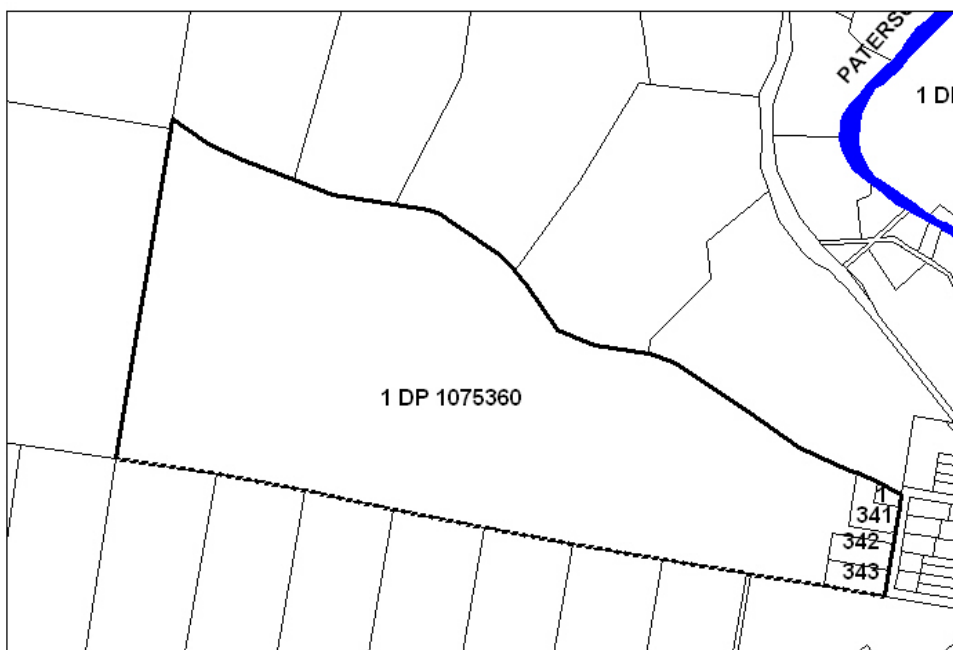
Area E1 incorporates the sideslopes leading up to the ridgeline that separates the Corners Creek and Webbers Creek Catchment areas.

Area E1 incorporates four lots:

Lot 1 DP 1075360

Lots 341, 342, 343 DP834072

PLANNING AREA E1



LOT 1 DP 1075360

This lot has a subdivision approval.
No further subdivision permitted.

LOTS 341, 342, 343

No further subdivision
permitted

Development Potential

Lots 341, 342, 343 DP834072 within Area E1 have been zoned Rural Lifestyle 1(I). No further subdivision is permissible.

A 25 lot subdivision has been approved for Lot 1 DP 1075360. No further subdivision of these 25 lots is permissible.

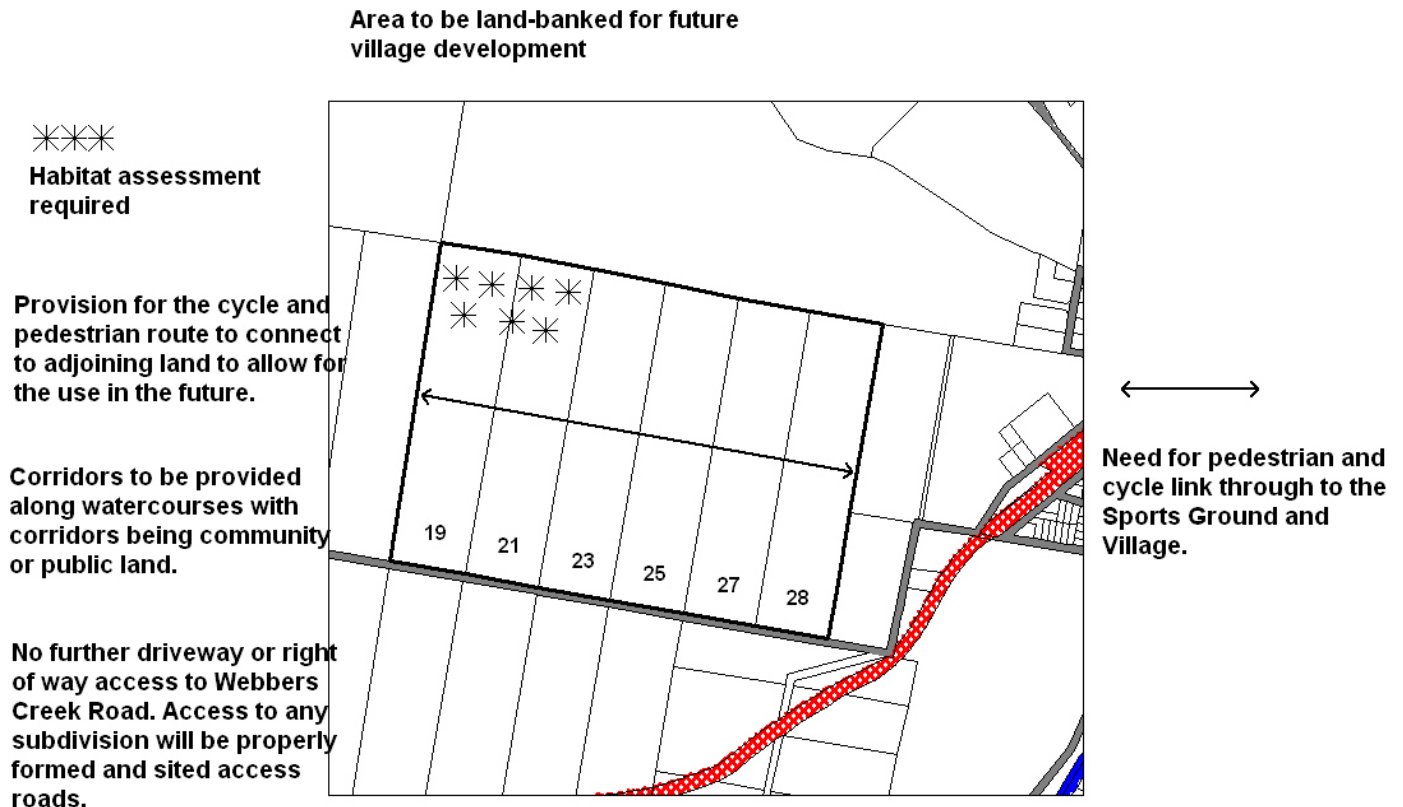
7.2 PLANNING AREA E2

The Area

Area E2 lies immediately to the west of the Paterson Sports Ground and Cemetery. It incorporates six (6) lots with frontage to the northern side of Webbers Creek Road.

Lots 19, 21, 23, 25, 27 and 28 DP975697

PLANNING AREA E2



Development Potential

Area E2 is possibly the preferred area to accommodate the future expansion of Paterson Village. The area is flat to undulating, and appears to have no significant physical constraints. Local residents have advised that the area may be subject to local flooding along the creek system. This requires further investigation prior to development. The area is drained by a tributary creek system of Webbers Creek. Most of the area has been cleared with small pockets of forest vegetation along the northern boundary of Lots 25, 27 and 28 and on the northern part of Lots 19 and 21. These vegetated areas are part of a larger vegetation corridor and as such their habitat value will need to be assessed.

If flooding is not an issue, consideration should be given to land-banking this area to accommodate the future growth of Paterson. Residential subdivision will be considered for Area E2. The proponent will need to address water-supply and provide an onsite sewage system.

Masterplan

A Masterplan is required. The Plan is to show staged subdivision for residential and village uses, including the subdivision layout, road network, pedestrian and cycle access routes, open space and interface with the creek system. The Masterplan must demonstrate how development of the area will be staged. It is likely that eastern only part of the area will be needed for residential development in the short to medium term. Rural Lifestyle and/or Rural Enterprise may be considered on the western part of Area E2 provided that the lot layouts that will enable subdivision for residential / village uses in the future.

Issues & Performance Criteria

In addition to the planning controls setout in the LEP, DCP and Rural Strategy, the planning and assessment process for Area E2 must address:

Issue	Planning Considerations / Performance Criteria
Flooding	<ul style="list-style-type: none"> Flood assessment to be undertaken to assess extent of flooding and its implications for the development of the site.
Need for co-ordinated development	<ul style="list-style-type: none"> Masterplan to be prepared for Area E2. Subdivision must be in accordance with the adopted Masterplan for Area E2. Subdivision can be staged in accordance with this plan.
Future expansion of Paterson Village in relation to providing land for residential, retail-commercial, recreation and community needs.	<ul style="list-style-type: none"> As part of the Masterplanning process - identification of future needs and allocation of land to meet these needs.
Access to Collector Roads - Webbers Creek Road	<ul style="list-style-type: none"> No direct private driveway or right of way access to be provided from Webbers Creek Road.
Capacity of Webbers Creek Road	<ul style="list-style-type: none"> Traffic study to be undertaken as part of the development potential assessment to determine the suitability of Webbers Creek Road to accommodate increased traffic
Pedestrian and cycle access	<ul style="list-style-type: none"> Pedestrian and cycle route to link through to the Sports Ground and the Village is required. Provision to be made to enable the pedestrian-cycleway to link with land to the west of Area E2 which may be required in the future for closer settlement.
Protection of the creek system	<ul style="list-style-type: none"> No additional Riparian Rights are to be created.

Retention of bushland / habitat protection.

- For the remnant forest areas, flora and fauna assessment required and appropriate protection controls put in place if required.

7.3 PLANNING AREA E3

The Area

Area E3 lies to the south of Webbers Creek Road with the North Coast railway line forming the eastern and southern boundary of the area. Area A3 incorporates seven (7) lots, 4 of which are part lots created by the rail corridor.

Lots 24, 26, 29 DP975697

Part Lot 30 DP975697 (major part of this lot lies in Precinct E3)

Corners of Lots 31, 34, 35 DP975697 (Major part of these lots lie in Precinct D)

Development Potential

These Lots form part of the Tocal Estate and CB Alexander Agricultural College and are not available for development. The area is to be re-zoned Rural 1(a).

PLANNING AREA E3

