



New South Wales

Dungog Local Environmental Plan 2006 (Amendment No 6)

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (N07/00130/PC)

KRISTINA KENEALLY, M.P.,
Minister for Planning

2008 No 634

Clause 1 Dungog Local Environmental Plan 2006 (Amendment No 6)

Dungog Local Environmental Plan 2006 (Amendment No 6)

under the

Environmental Planning and Assessment Act 1979

1 Name of plan

This plan is *Dungog Local Environmental Plan 2006 (Amendment No 6)*.

2 Aims of plan

This plan aims to:

- (a) re-zone most of the land in the Transition 9 (a) Zone under *Dungog Local Environmental Plan 2006* to more appropriate zones to eliminate the need for subsequent spot re-zoning, and
- (b) add the Environmental Living 7 (l) Zone under *Dungog Local Environmental Plan 2006* to existing subdivisions with certain characteristics, and
- (c) clarify the provisions for dwellings and subdivisions on land in the Rural Enterprise 1 (e) and Rural Lifestyle 1 (l) Zones under *Dungog Local Environmental Plan 2006*, and
- (d) provide that home occupations do not require development consent under *Dungog Local Environmental Plan 2006*, and
- (e) specify additional vacant holdings under *Dungog Local Environmental Plan 2006*, and
- (f) specify additional development that may be carried out under *Dungog Local Environmental Plan 2006*, and
- (g) allow dwellings to be constructed on recent subdivisions approved for the purposes of additional development.

3 Land to which plan applies

This plan applies to:

- (a) land situated in the local government area of Dungog as shown edged heavy black and coloured to indicate Rural 1 (a) Zone, Rural Enterprise 1 (e) Zone, Rural Lifestyle 1 (l) Zone, Environment 7 (a) Zone and Environmental Living 7 (l) Zone on

Sheets 1–6 of the map marked “Dungog Local Environmental Plan 2006 (Amendment No 6)” deposited in the office of Dungog Shire Council, and

- (b) with respect to the aim referred to in clause 2 (e), Lot 6, DP 38581, Lot 41, DP 863190, Lot 2, DP 587599, Lot 254, DP 705956, Lot 144, DP 752497, Lot 118, DP 752497 and Lot 123, DP 1063557, and
- (c) with respect to the aim referred to in clause 2 (f), Lot 383, DP 806712, Lot 1012, DP 590475, Lot 1, DP 770579, Lot 162, DP 1087653, Lot 25, DP 1007844, Lot 1263, DP 1099773 and Lot 65, DP 753216.

4 Amendment of Dungog Local Environmental Plan 2006

Dungog Local Environmental Plan 2006 is amended as set out in Schedule 1.

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Schedule 1 Amendments

Schedule 1 Amendments

(Clause 4)

[1] Clause 20A

Insert after clause 20:

20A Environmental Living 7 (l) Zone

The objectives of Zone 7 (l) are to:

- (a) provide for low-impact residential development in areas with special ecological, scientific or aesthetic values, and
- (b) ensure that residential development does not have an adverse effect on those values.

[2] Clause 23 General zoning controls

Insert the second column of the following table in appropriate order by zone number in the Table to the clause:

| Development for the purpose of: | 7 (l) |
|---------------------------------|-------|
| Advertisements | c |
| Agriculture | c |
| Automotive services | x |
| Bed and breakfast | c |
| Camp or caravan sites | c |
| Commercial premises | x |
| Community facilities | x |
| Demolition | c |
| Dual occupancies | c |
| Dwelling-houses | c |
| Employment | x |
| Farm gate sales | c |
| Farm-stays | c |
| Forestry | c |
| Home employment | c |
| Institutions | x |
| Intensive agriculture | x |

| Development for the purpose of: | 7 (l) |
|--|--------------|
| Kiosks | x |
| Leisure areas | c |
| Mines | c |
| Multiple dwellings | x |
| Recreation areas | c |
| Recreation facilities | c |
| Restaurants | x |
| Shops | x |
| Tourist facilities | c |
| Utility installations | c |
| Veterinary establishments | x |

[3] Clause 23, Table

Omit “Home employment” from Column 1. Insert instead “Home business”.

[4] Clause 24 Development without consent

Insert at the end of clause 24 (c):

, or

(d) a home occupation.

[5] Clause 26 Environmental protection

Insert “, 7 (l)” after “, 7 (a)” in clause 26 (1).

[6] Clause 27 Buildings

Insert “, 7 (l)” after “, 1 (e)” in clause 27 (4).

[7] Clause 27 (6)

Omit the subclause. Insert instead:

- (6) Consent must not be granted to the erection of a dwelling-house on land in Zone 1 (e) or 1 (l) unless it is on a lot:
- (a) on which there is no dwelling and that has a total area of not less than 8,000 square metres, or
 - (b) created by a subdivision that complies with the provisions of clause 28 (3).

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[8] Clause 27 (7) (a)

Omit “1 July 1999”. Insert instead “6 April 1990.”

[9] Clause 27 (8)

Insert after clause 27 (7):

- (8) Consent must not be granted to the erection of a dwelling-house on land in Zone 7 (l) unless it is on a lot on which there is no dwelling-house.

[10] Clause 28 Subdivision

Omit clause 28 (3). Insert instead:

- (3) Consent must not be granted for a subdivision of land in Zone 1 (e) or 1 (l) unless:
 - (a) the land to be subdivided has a total area of at least 5 hectares, and
 - (b) only one lot to be created for the purposes of a dwelling has an area greater than 5 hectares, and
 - (c) any lot to be created for the purposes of a dwelling that is not connected to a reticulated sewerage system has an area of not less than 8,000 square metres, and
 - (d) any lot to be created for the purposes of a dwelling that is connected to a reticulated sewerage system has an area of not less than 2,000 square metres, unless consent for a dwelling (which conforms to design quality principles approved by the Council) on the site is granted concurrently, and
 - (e) the average area of the lots to be created by the subdivision for the purposes of dwellings (excluding land which, in the opinion of the Council, is unsuitable for development because of flooding) is not less than that specified in Column 2 for the relevant development proposal specified in Column 1 of the Table to this subclause.

Table

| Column 1 | Column 2 |
|---|-----------------------------|
| Development proposal | Average area of lots |
| Torrens title subdivision (not including lots within a community title subdivision) | 1.5 hectares |

| Column 1 | Column 2 |
|---|----------------------|
| Development proposal | Average area of lots |
| Lots within a community title subdivision that are connected to a reticulated sewerage system | 1 hectare |
| Lots within a community title subdivision that are not connected to a reticulated sewerage system | 1.3 hectares |

[11] Clause 28 (7)

Insert after clause 28 (6):

- (7) Consent must not be granted for a subdivision of land in Zone 7 (l) where that subdivision will create a lot of land that is able to be used for the purposes of a dwelling unless the lot to be created has an area of at least 5 hectares.

[12] Schedule 1 Vacant holdings

Insert in alphabetical order of locality in Columns 1 and 2, respectively:

East Gresford

Durham Road Lot 6, DP 38581

Glen Martin

11 Horton Close Lot 41, DP 863190

47 Horton Close Lot 2, DP 587599

306 Glen Martin Road Lot 254, DP 705956

Clarence Town

117 Cemetery Road Lot 144, DP 752497

Glen Oak

Eagleton Road Lot 118, DP 752497

Vacy

656 Gresford Road Lot 123, DP 1063557

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Schedule 1 Amendments

[13] Schedule 4 Additional development

Insert in the Schedule:

| Column 1 | Column 2 | Column 3 |
|--|--|---|
| Land | Development for the purpose of the following: | Conditions |
| Clarence Town | | |
| 788 Limeburner's Creek Road, being Lot 162, DP 1087653, Lot 25, DP 1007844, Lot 1263, DP 1099773 and Lot 65, DP 753216 | Subdivision of that part of the land in Zone 1 (I) into not more than 118 lots (exclusive of any community property lot or lots) that do not need to comply with clause 28 (3) (e) | All such lots lie within a community title subdivision, are connected to a reticulated sewerage system and are for the purposes of a dwelling-house or dual occupancy |
| | Subdivision of that part of the land in Zone 7 (a) into not more than 4 lots | At least 3 such lots are for the purposes of a dwelling-house or dual occupancy, and have an area of at least 4 hectares and not more than 4.5 hectares |
| Glen Martin | | |
| 345 Glen Martin Road, being Lot 383, DP 806712 | Dwelling-house or dual occupancy | Nil |
| Paterson | | |
| 14-16 Prince Street, being Lot 1012, DP 590475 | Dwelling-house or dual occupancy | Nil |
| 5 Williams Street, being Lot 1, DP 770579 | Dwelling-house or dual occupancy | Nil |

[14] Dictionary

Omit the definition of *home employment*. Insert instead:

home business has the same meaning as it has in the standard instrument prescribed by the *Standard Instrument (Local Environmental Plans) Order 2006*.

[15] Dictionary

Insert in alphabetical order:

Dungog Local Environmental Plan 2006 (Amendment No 6)

Amendments

Schedule 1

home occupation has the same meaning as it has in the standard instrument prescribed by the *Standard Instrument (Local Environmental Plans) Order 2006*.

[16] Dictionary, definition of “the map”

Insert in appropriate order:

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