



Mr Craig Deasey
General Manager
Dungog Shire Council
PO Box 95
DUNGOG NSW 2420

Our ref: PP_2016_DUNGO_003 (16/15069)
Your ref: EF14/73,EF15/83 - pjm

Att: Paul Minett

Dear Mr Deasey

Planning proposal to amend Dungog Local Environmental Plan 2014

I am writing in response to your Council's letter dated (23 November 2016) requesting a Gateway determination under section 56 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") in respect of the planning proposal to rezone land at Serenity Way, Vacy to from SP2 Infrastructure to R5 Large Lot Residential and to vary minimum lot size provisions.

As delegate of the Minister for Planning, I have now determined the planning proposal should proceed subject to the conditions in the attached Gateway determination.

I have also agreed the planning proposal's inconsistency with S117 Directions 3.4 Integrating Land Use and Transport and 5.10 Implementation of Regional Plans are of minor significance. No further approval is required in relation to these Directions.

Council may still need to obtain the agreement of the Secretary to comply with the requirements of relevant S117 Directions. Council should ensure this occurs prior to the plan being made.

The amending Local Environmental Plan (LEP) is to be finalised within 12 months of the week following the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request for the Department of Planning and Environment to draft and finalise the LEP should be made 6 weeks prior to the projected publication date.

The State Government is committed to reducing the time taken to complete LEPs by tailoring the steps in the process to the complexity of the proposal, and by providing clear and publicly available justification for each plan at an early stage. In order to meet these commitments, the Minister may take action under section 54(2)(d) of the EP&A Act if the time frames outlined in this determination are not met.

Should you have any queries in regard to this matter, I have arranged for Dylan Meade from the Hunter office to assist you. Mr Meade can be contacted on (02) 4904 2718.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Monica Gibson', with a stylized flourish at the end.

9/12/2016

Monica Gibson

**Director Regions, Hunter and Central Coast
Planning Services**

Gateway Determination

Planning proposal (Department Ref: PP_2016_DUNGO_003): to rezone land at Serenity Way, Vacy to from SP2 Infrastructure to R5 Large Lot Residential.

I, the Director Regions, Hunter and Central Coast at Department of Planning and Environment as delegate of the Minister for Planning, have determined under section 56(2) of the EP&A Act that an amendment to the Dungog Local Environmental Plan (LEP) 2014 to rezone land at Serenity Way, Vacy to R5 Large Lot Residential should proceed subject to the following conditions:

1. Prior to undertaking community consultation, the planning proposal is to be updated to:
 - (a) provide written comment on the consistency of the planning proposal with applicable Section 117 Directions (3.1, 3.4, 4.4, and 5.10);
 - (b) provide an assessment of the planning proposal's consistency with the vision, direction and actions of *Hunter Regional Plan 2036* as required by Section 117 Direction 5.10 ; and
 - (c) remove reference to State Environmental Planning Policies that are not relevant to the proposal.

Written confirmation that the updated planning proposal has met this condition should be sought from the Department of Planning and Environment prior to community consultation.

2. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:
 - (a) the planning proposal is classified as low impact as described in *A Guide to Preparing LEPs (Department of Planning & Environment 2013)* and must be made publicly available for a minimum of **14 days**; and
 - (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of *A Guide to Preparing LEPs (Department of Planning & Environment 2013)*.
3. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act and/or to comply with the requirements of relevant S117 Directions:
 - NSW Rural Fire Service (in relation to Section 117 Direction 4.4 – Planning for Bushfire Protection)
 - NSW Environment Protection Agency (in relation to SEPP 55 - Remediation of Land)

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.

4. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

5. The timeframe for completing the LEP is to be **12 months** from the week following the date of the Gateway determination.

Dated 9th day of December 2016.

A handwritten signature in black ink, appearing to read 'Monica Gibson', with a stylized, cursive script.

Monica Gibson
Director Regions, Hunter and Central
Coast
Planning Services
Department of Planning and Environment

Delegate of the Minister for Planning