



DUNGOG SHIRE COUNCIL

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Our Ref: EF14/73,EF15/83 – pjm

16 November 2016

Regional General Manager
Department of Planning and Environment
PO Box 1226
NEWCASTLE NSW 2300



Dear Sir, Madam

**Re: DRAFT AMENDMENT TO DUNGOG LEP 2014
PLANNING PROPOSAL – REZONING OF LOT 9 DP 1009184 SERENITY WAY
VACY**

At the Ordinary Meeting of Council held on the 15 November 2016, Council resolved to endorse the Planning Proposal to amend the Dungog Local Environmental Plan 2014, pursuant to Section 55 of the *Environmental Planning & Assessment Act 1979* (EPA Act), in order to facilitate the rezoning of Lot 9 DP 1009184 Serenity Way Vacy.

In accordance with Section 56 of the EPA Act Council is now forwarding the Planning Proposal to the Minister for a gateway determination.

Please find the attached Planning Proposal, Council Report and minutes detailing the resolution.

Council is not seeking authorisation to exercise delegation in the making of the Local Environmental Plan.

If you require any additional information regarding this matter, please contact me on 49957740.

Yours faithfully,

Paul Minett
Manager Environmental Services



Dungog Shire
Life as it should be...

COUNCIL'S VISION:

A vibrant, united community, with a sustainable economy. An area where rural character, community safety and lifestyle are preserved.

ENVIRONMENTAL SERVICES DEPARTMENT

Paul Minett

- 1. DRAFT AMENDMENT TO DUNGOG LEP 2014 - PLANNING PROPOSAL FOR REZONING OF LOT 9 SERENITY WAY VACY (FORMER SANITARY WASTE DEPOT)
EF15/83;EF14/73**

Precis

This report seeks Council's endorsement of the planning proposal (PP) provided in **Attachment '1'** to amend the Dungog Local Environmental Plan 2014 (LEP 2014). The intent of the planning proposal is to rezone Lot 9 Serenity Way Vacy from Zone SP2 to Zone RU5.

BACKGROUND

Council has previously been advised of the remediation process that has been followed at the former sanitary waste depot at Lot 9 Serenity Way Vacy and resolved at its June meeting that it be valued and the General Manager be authorised to appoint an agent to negotiate the sale of the property.

Since this time, a valuation has been completed and this valuer noted that the property is currently zoned SP2 in accordance with its previous use. The valuation was eventually provided on the basis of Council's intention to sell the property as residential land, but this can only occur after the rezoning of the parcel to an appropriate zone, in this case Zone RU5.

The rezoning process has commenced with the preparation of a planning proposal for the land. To ensure impartiality, fairness and protect the public interest in a matter relating to Council owned land, the services of consultant Synergy Environmental Planning Pty Ltd were engaged to independently prepare the Planning Proposal.

PROPOSAL

The preliminary report identifies the potential issues associated with the rezoning of the subject land, Lot 9 DP 1009184 Serenity Way, Vacy from Zone SP2 Infrastructure (Waste or Resource Management Facility) to Zone R5 Large Lot Residential and by including the subject land in Category "X" Minimum Lots size 8000m² on the Lot Size Map of the Dungog Local Environmental Plan 2014.

The report (provided in Attachment '1') makes a case for the rezoning and also sets out the process to be followed. The next step in this process is to seek Council's resolution of support for this planning proposal.

GATEWAY

If Council resolves to support the planning proposal, the planning proposal will be sent to the Minister for Planning (or delegate) for a gateway determination. A gateway determination specifies whether a planning proposal is to proceed and, if so, in what circumstances.

It is important to note that a gateway determination under section 56 of the EP&A Act must be obtained authorising a planning proposal to proceed before community consultation takes place.

CONSULTATION

The Gateway determination will detail the consultation required.

The recommended advertising to be undertaken should include;

- Notice in the Local newspaper;
- Exhibition of relevant consultation documents at the Councils Administration Building;
- Consultation documents to be made available on the Councils web site

IMPLICATIONS

Financial

The Planning Proposal has been prepared by a consultant at a cost of \$4500.

Policy

The proposal has been assessed against relevant State Environmental Planning Policies and Section 117(2) directions. No unjustified inconsistencies have been identified. Details of their consideration are included within the Planning Proposal. The proposal is also consistent with the Dungog Local Environmental Plan 2014.

Environmental

Given the nature of this amendment no adverse environmental effects are anticipated.

Statutory

The statutory process for preparing an amendment to the Dungog LEP 2014 is detailed in Part 3, Division 4 of the *Environmental Planning and Assessment Act 1979* and will be adhered to.

Minute No. 37281

RESOLVED on the motion of Cr Farrow and seconded by Cr Knudsen that Council resolves to:

1. Endorse the attached planning proposal to amend the Dungog Local Environmental Plan 2014, pursuant to Section 55 of the Environmental Planning and Assessment Act 1979, in order to rezone Lot 9 DP 1009184 Serenity Way Vacy from Zone SP2 to Zone RU5.
2. Forward the planning proposal to the Minister for Planning and Environment for a gateway determination pursuant to Section 56 of the EP&A Act 1979.
3. Advise the Director-General of Planning and Environment that Council does not seek to exercise delegations for undertaking Section 59(1) of the EP&A Act 1979.
4. Upon receipt of the Gateway Determination under section 56 of the EP & A Act 1979, and in accordance with any direction, Council authorises the consultation and exhibition of the Planning Proposal.

The Mayor in accordance with Section 375A of the Local Government Act called for a Division. The Division resulted in 9 for 0 against as follows:

<i>For: Crs Johnston, Bale, Norman, McKenzie, Farrow, Knudsen, Booth, Wall, Bowden.</i>
