



Planning

Office of the Director-General

Contact: Katrine O'Flaherty
Phone: (02) 4904 2718
Fax: (02) 4904 2701
Email: katrine.o'flaherty@planning.nsw.gov.au
Postal: PO Box 1226 Newcastle NSW 2300

Our ref: N09/00138

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

Dear Mr Deasey,

Re: Planning Proposal to include Lot 1 DP 67312 Fosterton Road, Dungog in Schedule 4 – Additional Development of Dungog LEP 2006 to make permissible the erection of a rural worker's dwelling on the subject land; to include in the Dictionary to the LEP a definition of rural worker's dwelling; and to include Lot 100 DP 1089164 Clarence Town Road, Wirragulla in Schedule 4 to permit the subdivision of the land into two lots

I am writing in response to your Council's letter dated 6 October 2009 requesting a Gateway Determination under section 56 of the Environmental Planning and Assessment Act 1979 ('EP&A Act') in respect of the above planning proposal

As delegate of the Minister for Planning, I have now issued a Gateway Determination, which is attached. The Determination is that the matter should not proceed for the reasons listed in the attached Determination schedule.

Should you have any queries in regard to this matter, please contact Ms Katrine O'Flaherty in the Regional Office of the Department.

Yours sincerely,



Sam Haddad
Director-General

5/11/2009.

Gateway Determination

Planning Proposal (Department Ref: N09/00138): To include Lot 1 DP 67312 Fosterton Road, Dungog in Schedule 4 – Additional Development of Dungog LEP 2006 to make permissible the erection of a rural worker's dwelling on the subject land; to include in the Dictionary to the LEP a definition of rural worker's dwelling; and to include Lot 100 DP 1089164 Clarence Town Road, Wirragulla in Schedule 4 to permit the subdivision of the land into two lots.

I, the Director General as delegate of the Minister for Planning, have determined under section 56(2) of the EP&A Act that an amendment of the Dungog Local Environmental Plan 2006 to include Lot 1 DP 67312 Fosterton Road, Dungog in Schedule 4 – Additional Development of Dungog LEP 2006 to make permissible the erection of a rural worker's dwelling on the subject land; to include in the Dictionary to the LEP a definition of rural worker's dwelling; and to include Lot 100 DP 1089164 Clarence Town Road, Wirragulla in Schedule 4 to permit the subdivision of the land into two lots **should not proceed** for the following reason(s):

1. There is insufficient strategic justification for the planning proposal. The planning proposal will potentially establish the basis of new shire-wide provisions for the Dungog LGA in terms of the ability to establish rural worker's dwellings and minimum lot sizes in rural zones.

These provisions are more appropriately dealt with as part of Council's principal LEP where strategic justification can be assessed particularly in terms of both the range of different housing types Council considers appropriate in rural zones and the extent of variations to minimum allotments sizes.

Dated 5th day of November 2009.


Sam Haddad
Delegate for the Minister for Planning