



Planning



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Department Generated Correspondence (Y)

Contact: Paul Maher
Phone: (02) 4904 2700
Fax: (02) 4904 2701
Email: Paul.Maher@planning.nsw.gov.au
Postal: PO Box 1226, Newcastle NSW 2300

Our ref: PP_2010_DUNGO_001_00 (09/05051)
Your ref: 171/82/24, EF08/68 – mdb/

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

Dear Mr Deasey,

Re: Planning Proposal to allow the erection of a Rural Worker's Dwelling on land in Fosterton Road, Dungog

I am writing in response to your Council's letter dated 27 January 2010 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 amend the Dungog Local Environmental Plan 2006 to allow the erection of a Rural Worker's Dwelling on land in Fosterton Road, Dungog and to include the definition of "rural worker's dwelling" in the Dictionary of the standard LEP template.

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

The Department accepts the strategic framework which underpins this proposal, in that Council intends to apply consistent controls across the Shire in relation to rural workers dwellings. In order to implement this approach, the Planning Proposal is to be amended so as to include "Rural Worker's Dwellings" as a use that is permissible only with Council's consent in the Land Use Matrix as it relates to the Rural 1(a) zone in the Dungog LEP 2006. A definition of "Rural Worker's Dwellings" is to be inserted into the LEP and the assessment criteria for this type of development is also to be established. The Gateway Determination has been conditioned to reflect this approach.

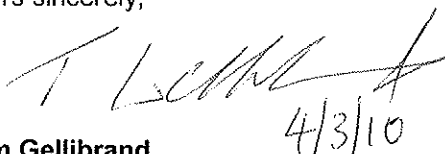
The Gateway Determination requires that the planning proposal be made publicly available for a period of 14 days. Under section 57(2) of the Act, I am satisfied that the planning proposal is in a form that can be made available for community consultation.

The amending Local Environmental Plan (LEP) is to be finalised within 6 months of the week following the date of the Gateway Determination.

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 s54(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, please contact Paul Maher of the Regional Office of the Department on 02 4904 2700.

Yours sincerely,



4/3/10

Tom Gellibrand
Deputy Director General
Plan Making & Urban Renewal

Gateway Determination

Planning Proposal (Department Ref: PP_2010_DUNGO_001_00): to allow the erection of a Rural Worker's Dwelling on land in Fosterton Road, Dungog.

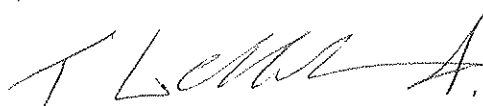
I, the Deputy Director General, Plan Making & Urban Renewal as delegate of the Minister for Planning, have determined under section 56(2) of the EP&A Act that an amendment to the Dungog Local Environmental Plan 2006 to include Lot 1 DP 67312 Fosterton Road, Dungog in Schedule 4 Additional Development to allow the erection of a Rural Worker's Dwelling, and to include the definition of "rural worker's dwelling" in the Dictionary of the standard LEP template should proceed subject to the following conditions:

1. The Planning Proposal being amended so as to include "Rural Worker's Dwellings" as a use that is permissible only with Council's consent in the Land Use Matrix as it relates to the Rural 1(a) zone in the Dungog LEP 2006. A definition of "Rural Worker's Dwellings" is to be inserted into the LEP and the assessment criteria for this type of development is also to be established.
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 2009) and must be made publicly available for **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 4.5 of A Guide to Preparing LEPs (Department of Planning 2009).
3. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - Catchment Management Authority – Hunter / Central Rivers
 - Department of Primary Industry (Agriculture)

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning proposal.

4. No public hearing is to be held into the matter under section 56(2)(e) of the EP&A Act. This does not have any bearing on the need to conduct a public hearing under the provisions of any other legislation.
5. The timeframe for completing the LEP is to be **6 months** from the week following the date of the Gateway determination.

Dated 4th day of March 2010.



Tom Gellibrand
Deputy Director General
Plan Making & Urban Renewal
Delegate of the Minister for Planning