



Planning



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Department Generated Correspondence (Y)

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Our ref: PP_2010_DUNGO_007_00 (10/21424)
Your ref: 171/82/33; EF07/93 - mdb/lgf

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

Dear Mr Deasey,

Re: Planning Proposal to rezone land at Hanley Creek Road, Dungog

I am writing in response to your Council's letter dated 7 October 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 rezone Lot 16 DP 865027, Hanley Creek Road, Hanley Creek from Rural 1(a) Zone to Rural Lifestyle 1(L).

As delegate of the Minister for Planning, I have now determined that the planning proposal should not proceed for the reasons outlined in the attached Gateway Determination.

The Department notes that Council is currently moving towards the completion of its Standard Instrument Comprehensive LEP and is working closely with the Regional Team to complete the LEP prior to the end of June 2011. It is also noted that the subject site has not been identified in a land use planning strategy that has been endorsed by the Department as being suitable for future rural residential development.

The Department raises no objection in principle to the site being considered for future rural residential development purposes. It strongly believes, however, that the decision to do so should be made in the context of a land use strategy which considers future development of the site against criteria such as the identified future need for this type of development and also how the site will be integrated with the nearby township of Dungog. Council is therefore encouraged to update any existing land use strategies it may have which include consideration of the site and have regard to zoning the site appropriately as part of its Comprehensive SILEP.

It is also noted that Council highlighted a number of supporting strategic studies which it considered necessary to be completed as part of the planning proposal. The Department encourages Council to work with the landowner to agree on the scope of any additional work which Council believes would be necessary to support the identification and zoning of this site for rural residential purposes as part of its Comprehensive SI LEP development. Further detailed studies on technical issue such as visual amenity impacts, water management, and traffic and connectivity could then reasonably be required to support future applications over the site.

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,

Tom Gellibrand
Deputy Director General
Plan Making & Urban Renewal

12/12/10

Gateway Determination

Planning Proposal (Department Ref: PP_2010_DUNGO_007_00): to rezone Lot 16 DP 865027, Hanley Creek Road, Hanley Creek from Rural 1(a) Zone to Rural Lifestyle 1(L).

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 Dungog Local Environmental Plan 2006 to rezone Lot 16 DP 865027, Hanley Creek Road, Hanley Creek from Rural 1(a) Zone to Rural Lifestyle 1(L) should not proceed for the following reasons:

1. In light of the current status of the draft Dungog Comprehensive LEP, it is considered unlikely that this planning proposal will be finalised in advanced of the draft Dungog LEP 2011 and sufficient justification has not been provided to consider the proposal in isolation of the LEP.
2. The subject site is not currently identified for rural residential purposes in a strategic land use strategy endorsed by the Department.
3. The planning proposal is inconsistent with a number of relevant s117 Directions and State Environmental Planning Policies.

Dated 12th day of December 2010.



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