

Amendment to Dungog LEP 2014 - 1 Webber Creek Road, Paterson

Proposal Title :	Amendment to Dungog LEP 2014 - 1 Webber Creek Road, Paterson		
Proposal Summary :	The Planning Proposal aims to amend Dungog LEP 2014 by rezoning Lot 1, DP 860372, No.1 Webber Creek Road, Paterson from SP2 Infrastructure (Rail Infrastructure Facility) to RU5 Village.		
PP Number :	PP_2016_DUNGO_001_00	Dop File No :	16/08495

Proposal Details

Date Proposal Lodged with DOP :	23-Jun-2016	Date Proposal Uploaded to Public Website :	07-Jul-2016
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Proposal Assessment

Is Public Hearing Required by PAC?	No
Agencies Requested to Consult :	Other

Gateway Determination

Decision Date :	06-Jul-2016	Gateway Determination :	Passed with Conditions
Due Date of LEP :	13-Apr-2017		

Implementation

Implementation Start Date :	13-Jul-2016	Exhibition Duration :	16
Agency consultation consistent with recommendation :	Yes		
If No, comment :	<p>STATE AGENCY COMMENTS The Gateway Determination required consultation with the Australian Rail Track Corporation (ARTC) under section 56(2)(d) of the Environmental Planning and Assessment Act (EP&A Act). ARTC was provided with a copy of the Planning Proposal and was given at least 21 days to comment on the Planning Proposal. ARTC did not object to the proposed zoning and advised that there are no current proposed or planned works that would impact on the land.</p>		
Agency Objections :	No		
If Yes, comment :			
Documentation consistent with Gateway :	Yes		
If No, comment :	<p>GATEWAY DETERMINATION On 6 July 2016 the Director Regions, Hunter and Central Coast as delegate of the Minister of Planning, determined that an amendment to the Dungog LEP 2014 to rezone land at 1 Webber Creek Road, Paterson from Zone SP2 Infrastructure (Rail Infrastructure Facility) to Zone RU5 Village should proceed.</p> <p>TIMEFRAME The Gateway Determination issued a time frame of 9 months for completion from</p>		

the week following the date of the Gateway Determination.
The planning proposal is due to be completed by 13 April 2017.

PARLIAMENTARY COUNSEL OPINION

A final PC Opinion was issued on 3 February 2017. There has been no change to the draft instrument since the PC opinion has been issued.
Council was consulted on the draft LEP pursuant to section 59(1) of the EP&A Act on 6 February 2017. Council responded on 14 February 2017 that it was satisfied that the draft LEP met the intention of the planning proposal. Council raised no issues.

PUBLIC PARTICIPATION

The Gateway Determination required a 14 day exhibition period.
The Planning Proposal was exhibited from 9 November 2016 to 24 November 2016 in accordance with the Gateway Determination. No public submissions were received.

CHANGES MADE TO THE PLANNING PROPOSAL AFTER EXHIBITION

No changes were made to the Planning Proposal after exhibition.

PUBLIC HEARING

The Gateway Determination did not require a public hearing to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act.

CONSISTENCY WITH STATE POLICIES AND S.117 DIRECTIONS

The Planning Proposal is consistent with applicable State Environmental Planning Policies (SEPPs).

The Gateway Determination identified that SEPP 55 was applicable to the Planning Proposal, as the site contains railway yards, which are identified as an activity that may cause contamination under the Managing Land Contamination Guidelines.

Consistency with SEPP 55 could not be determined at gateway as a contamination assessment had not been completed. A contamination assessment was required by the Gateway to determine whether the land is suitable in its contaminated state (or be suitable, after remediation) for all the purposes in the RU5 Village zone. The proponent arranged for a preliminary site investigation to be undertaken in accordance with the Managing Land Contamination Guidelines. The investigation concluded that the presence of concentrated or large scale contaminant impacts at the site is considered unlikely and that the site is likely to be suitable for the proposed RU5 Village zone in its current state. The Planning Proposal therefore satisfies Clause 6 of SEPP 55.

The Planning Proposal was determined to be consistent with all other SEPPs at the Gateway.

Section 117 Directions

The Planning Proposal is consistent with the relevant s 117 Directions.
As the Hunter Regional Plan 2036 was released after exhibition of the Planning Proposal, Section 117 Direction 5.10 is not applicable. However, the draft LEP is consistent with the Hunter Regional Plan 2036, in particular Direction 21, as it provides for the development of new housing and business opportunities in infill locations.

CONCLUSION

It is recommended that the Planning Proposal proceed. Council has complied with the conditions of the Gateway Determination and the provisions of the EP&A

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Act and the Planning Proposal PP_2016_DUNGO_001_00 is supported. A PC opinion has been issued and there has been no change to the LEP since the PC opinion has been issued.

NSW Government Lobbyist Code of Code: At this point of time, to the best of the Regional Team's knowledge, the Code has been complied with and there have been no meetings or communications with registered lobbyists with respect to this draft LEP.

LEP Assessment

Date Received from RPA : **15-Dec-2016**

LEP Determination

DatePublishNotification

Date sent to Parliamentary Council to Draft LEP : **16-Jan-2017**

Determination Date : **17-Feb-2017**

Determination Decision : **Approved**

Notification Date : **24-Feb-2017**