

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

Our ref: PP_2016_DUNGO_001_00 (16/08495)

Att: Jenny Webb

Dear Mr Deasey,

Planning Proposal to amend Dungog Local Environmental Plan 2014

I am writing in response to Council's letter dated 20 June 2016 requesting a Gateway determination under section 56 of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the planning proposal to rezone land at 1 Webber Creek Road, Paterson, being Lot 1, DP 860372, from Zone SP2 Infrastructure (Rail Infrastructure Facility) to Zone RU5 Village.

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

I have also agreed, as delegate of the Secretary, the planning proposal's inconsistency with S117 Direction 3.1 Residential Zones is of minor significance. No further approval is required in relation to these Directions.

The amending Local Environmental Plan (LEP) is to be finalised within 9 months of the week following the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request for the Department of Planning and Environment to draft and finalise the LEP should be made 6 weeks prior to the projected publication date.

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 section 54(2)(d) of the Act if the time frames outlined in this determination are not met.

Should you have any queries in regard to this matter, I have arranged for Susan Blake from the Newcastle office to assist you. Ms Blake can be contacted on (02) 4904 2720.

Yours sincerely,



6/7/2016
Monica Gibson
Director Regions, Hunter and Central Coast
Planning Services

Encl: Gateway Determination

Gateway Determination

Planning proposal (Department Ref: PP_2016_DUNGO_001_00): to rezone land at 1 Webber Creek Road, Paterson, from Zone SP2 Infrastructure to Zone RU5 Village.

I, the Director Regions, Hunter and Central Coast at Department of Planning and Environment 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 (LEP) 2014 to rezone land at 1 Webber Creek Road, Paterson, being Lot 1, DP 860372, from Zone SP2 Infrastructure (Rail Infrastructure Facility) to Zone RU5 Village should proceed subject to the following conditions:

1. Council is to address the requirements of State Environmental Planning Policy (SEPP) 55 – Remediation of Land. Council is to prepare a contamination assessment to determine whether the land is suitable in its contaminated state (or will be suitable, after remediation) for all the proposed land uses in the RU5 Village zone. The contamination assessment is to be included as part of the public exhibition material.
2. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("the Act") as follows:
 - (a) the planning proposal must be made publicly available for a minimum of **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 5.5.2 of *A Guide to Preparing LEPs (Department of Planning & Environment 2013)*.
3. Consultation is required with the Australian Rail Track Corporation under section 56(2)(d) of the Act. The Australian Rail Track Corporation is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.
4. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).
5. The timeframe for completing the LEP is to be **9 months** from the week following the date of the Gateway determination.

Dated 6th day of July 2016.



Monica Gibson
Director Regions, Hunter and Central Coast
Planning Services
Department of Planning and Environment

Delegate of the Minister for Planning