



Mr Gareth Curtis
General Manager
Dungog Shire Council
PO Box 95
DUNGOG NSW 2420

Dear Mr Curtis

Planning proposal PP_2020_DUNGO_001_00 to amend *Dungog Local Environmental Plan 2014*

I am writing in response to Council's request for a Gateway determination under section 3.34(1) of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the above planning proposal.

As delegate of the Minister for Planning and Public Spaces, I have now determined the planning proposal should proceed subject to the conditions in the enclosed Gateway determination.

The planning proposal seeks to add the standard definition 'recreation facilities (outdoor)' to Schedule 1 additional permitted uses, as it includes a mountain bike park. The definition of 'recreation facilities (outdoor)' is too broad, permitting a range of uses that include golf courses, go-kart tracks and rifle ranges. Council should refine the definition additional permitted use to only permit a mountain bike park.

I note Council intends to consult with the Karuah Local Aboriginal Land Council. This is supported by the Department. It may be helpful for the Land Council if Council arranged a meeting to discuss the planning proposal. Should Council require assistance in organising a meeting please do not hesitate to contact the Department.

The planning proposal indicates section 9.1 Ministerial direction 2.1 Environmental Protection Zones is not relevant. However, it applies as the planning proposal applies to land zoned E3 Environmental Management. The planning proposal is potentially consistent as it does not affect the environmental protection standards, instead permitting an additional land use that will need to be assessed against those standards. Despite this, consultation with the Biodiversity Conservation Division needs to occur prior considering consistency or justified inconsistency with this direction.

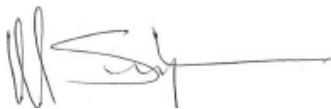
It is noted Council has requested to be authorised as the local plan-making authority. While the planning proposal is relatively straight-forward, the proposal for a temporary events clause will apply to Council reserves. As such, the Gateway determination has not been conditioned for Council to be the local-plan making authority.

The amending local environmental plan is to be finalised within nine months of 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, Industry and Environment to draft and finalise the local environmental plan should be made 6 weeks prior to the projected publication date.

The NSW 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 3.32(2)(d) of the Act if the time frames outlined in this determination are not met.

Should you have any enquiries about this matter, I have arranged for Mr Mark Parker, Principal Planning Officer, Central Coast and Hunter Region to assist you. Mr Parker can be contacted on 9995 5286.

Yours sincerely



01/02/2021

Dan Simpkins
Director
Central Coast and Hunter Region
Planning and Assessment

Encl: Gateway determination