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Our ref: PP\_2011\_DUNGO\_001\_00 (10/21424)  
Your ref: EF07/093 -kmc

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

Dear Mr Deasey,

**Re: Planning Proposal to rezone land at Lot 16 DP 865027, Hanley Creek Road, Dungog from 1(a) Rural to R5 Large Lot Residential**

I am writing in response to your Council's letter dated 10 March 2011 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 draft Dungog Local Environmental Plan 2011 to rezone land from 1(a) Rural under Dungog LEP 2006 to R5 Large Lot Residential under Dungog LEP 2011.

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.

It is accepted that the site does not present any notable critical constraints to development. Council is advised however, that further work is required to ensure the site is suitable for the proposed scale of development. Therefore, Council is to carry out the following studies and include an assessment of the findings in the planning proposal for exhibited purposes:

- Visual Amenity Report
- Water Management Report – stormwater, hydrology and flooding
- Geotechnical Report
- Cultural Heritage Report
- Management of Riparian Areas Report
- Traffic and Connectivity Report

Council is to prepare a draft LEP Zoning Map and a draft LEP Minimum Lot Size Map for the subject site. The draft Maps are to be prepared in accordance with the Department's Standard Technical Requirements for LEP Maps, and are to be included with the planning proposal for exhibition purposes.

It is noted that the draft Dungog LEP 2011 is scheduled for finalisation in June this year. Following exhibition of the planning proposal, Council should consider incorporating the amendment into Dungog LEP 2011, if Council's Standard Instrument has yet to be made at that time.

It is noted that the planning proposal is potentially inconsistent with some of the rural planning principles and rural subdivision principles contained in SEPP (Rural Lands) 2008. Council is therefore to further consider inconsistencies with S117 Direction 1.2 Rural Zones, and consult with the Department of Primary Industries to ensure the proposal provides for the proper management, development and protection of rural lands. Council is not to exhibit the planning proposal until such consultation has concluded.

The amending Local Environmental Plan (LEP) is to be finalised within 12 months of the week following the date of the Gateway Determination. Council should aim to commence the exhibition of the Planning Proposal within four (4) weeks from the week following this determination. Council's request for the Department to draft and finalise the LEP should be made six (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 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,



**Tom Gellibrand**  
**Deputy Director General**  
**Plan Making & Urban Renewal**

## Gateway Determination

**Planning Proposal (Department Ref: PP\_2011\_DUNGO\_001\_00):** to rezone land at Lot 16 DP 865027, Hanley Creek Road, Dungog from 1(a) Rural to R5 Large Lot Residential

I, the Deputy Director General, Plan Making & Urban Renewal as delegate of the Minister for Planning and Infrastructure have determined under section 56(2) of the EP&A Act that an amendment to the Dungog Standard Instrument to rezone land from 1(a) Rural under Dungog LEP 2006 to R5 Large Lot Residential under Dungog LEP 2011 should proceed subject to the following conditions:

1. Council is to prepare a draft LEP Zoning Map and a draft LEP Minimum Lot Size Map for the subject site prepared in accordance with the Department's Standard Technical Requirements for LEP Maps
  2. Council is to address inconsistencies with S117 Direction 1.2 Rural Zones, and consult with the Department of Primary Industries to ensure the proposal provides for the proper management, development and protection of rural lands. Consideration to this Direction is to be included in the planning proposal.
  3. 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 must be made publicly available for **28 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)*.
  4. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
    - Aboriginal Land Council
    - Catchment Management Authority – Hunter / Central Rivers
    - Department Primary Industries
    - Energy Australia
    - Hunter Water Corporation
    - NSW Rural Fire Service
    - Office of Environment and Heritage
- 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.
5. 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).



6. The timeframe for completing the LEP is to be **12 months** from the week following the date of the Gateway determination.

Dated 18<sup>th</sup> day of April 2011.

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