



Planning



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Department Generated Correspondence (Y)

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Our ref: PP_2010_DUNGO_003_00 (10/05943)
Your ref: 171/82/27 mdb/jmb

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

Dear Mr Deasey,

Re: Planning Proposal to amend Clause 23 to the Dungog Local Environmental Plan 2006

I am writing in response to your Council's letter dated 1 March 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 amend Clause 23 to allow "veterinary establishments" to be a use permissible with consent in the Business 3(a) zone.

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.

The Gateway Determination requires that the planning proposal be made publicly available for a period of 14 days. Under section 57(2) of the Act, I am satisfied that the planning proposal, when amended as required by the Gateway Determination, is in a form that can be made available for community consultation.

The amending Local Environmental Plan (LEP) is to be finalised within 6 months of the week following the date of the Gateway Determination. However, given the need to provide certainty to the existing veterinary hospital and the relatively minor nature of this Planning Proposal, it is recommended that Council work towards finalising this LEP within 3 months. The Department will assist where possible.

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 Gary Oakey of the Regional Office of the Department on 02 4904 2700.

Yours sincerely,

Tom Gellibrand 27/3/10
Deputy Director General
Plan Making & Urban Renewal

Gateway Determination

Planning Proposal (Department Ref: PP_2010_DUNGO_003_00): to amend Clause 23 to allow "veterinary establishments" to be a use permissible with consent in the Business 3(a) zone.

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 the Dungog Local Environmental Plan 2006 to amend Clause 23 to allow "veterinary establishments" to be a use permissible with consent in the Business 3(a) zone should proceed subject to the following conditions:

1. 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 is classified as low impact as described in *A Guide to Preparing LEPs (Department of Planning 2009)* and must be made publicly available for **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 4.5 of *A Guide to Preparing LEPs (Department of Planning 2009)*.
2. Consultation is not required with public authorities under section 56(2)(d) of the EP&A Act.
3. No public hearing is required to be held into the matter under section 56(2)(e) of the EP&A Act. This does not have any bearing on the need to conduct a public hearing under the provisions of any other legislation.
4. The timeframe for completing the LEP is to be **6 months** from the week following the date of the Gateway determination.

Dated 27th day of March 2010.



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