

Mr Shaun Chandler
Acting General Manager
Dungog Shire Council
PO Box 95
DUNGOG NSW 2420

Att: Mr Paul Minett

Dear Ms Nichols

Planning Proposal PP_2018_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 planning proposal to implement a 1:500 Average Recurrent Interval (ARI), plus 0.5 m freeboard flood planning level (FPL) for Dungog town centre.

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

I have also agreed, as delegate of the Secretary, to the planning proposal's inconsistencies with section 9.1 Directions 1.1 Business and industrial zones is justified in accordance with the terms of the Direction. No further approval is required in relation to this Directions. The proposal is not consistent with section 9.1 Direction 4.3 Flood prone land. The proposal will impose flood related development controls above the residential flood planning level and this is inconsistent with the Floodplain Development Manual 2005 and the Guideline on Development Controls on Low Flood Risk Areas. Prior to public exhibition of the planning proposal, Council needs to have a letter granting Exceptional Circumstances for the change to the flood planning level from the delegate of the Secretary of the Department of Planning and Environment and the delegate of the Chief Executive of the Office of Environment and Heritage. My team will work with Council to request the Exceptional Circumstances for the proposed changes to the flood planning level in Dungog town centre.

I note that Council did not accept the Minister plan making powers delegated in October 2012 and is therefore unable to act as the local plan-making authority.

The amending Local Environmental Plan (LEP) is to be finalised within 3 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 and Environment to draft and finalise the LEP should be made 8 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 3.32(2)(d) of the Act if the time frames outlined in this determination are not met.

Should you have any further enquiries about this matter, I have arranged for Mr Paul Maher to assist you. Mr Maher can be contacted on 02 4904 2700.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Monica Gibson', with a stylized flourish at the end.

10/4/2018

Monica Gibson
Director Regions, Hunter
Planning Services

Encl: Gateway Determination