

## Gateway Determination

**Planning Proposal (Department Ref: PP\_2018\_DUNGO\_001\_00** to implement amended flood controls in response to the Dungog Flood Risk Management Study and Plan for Dungog town centre.

I, the Director Regions, Hunter at the Department of Planning and Environment, as delegate of the Minister for Planning, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Dungog Local Environmental Plan (LEP) 2014 to implement amended flood controls in response to the Dungog Flood Risk Management Study and Plan for Dungog town centre should proceed subject to the following conditions:

1. Prior to public exhibition, Exceptional Circumstances for the change to the flood planning level need to be granted by the Secretary of the Department of Planning and Environment and the Chief Executive of the Office of Environment and Heritage, in accordance with the Guideline on Development Controls on Low Flood Risk Areas.
2. In addition to the 1:500 ARI, Council is to amend the proposed Flood Planning Map to include the updated 1:100 flood planning level in Dungog 'tailwater area' in accordance with the *Dungog Flood Risk Management Study and Plan*.
3. Update *Dungog Development Control Plan – Managing Our Floodplains* chapter in accordance with the information and data contained in the *Dungog Flood Risk Management Study and Plan* to be exhibited with the Planning Proposal
4. Community consultation is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:
  - (a) the planning proposal must be made publicly available for a minimum of **28 days**; and
  - (b) the planning proposal 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 local environmental plans* (Department of Planning and Environment 2016).
5. Consultation is not required with any public authorities under section 3.34(2)(d) of the Act.



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6. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the 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).
7. The planning proposal authority is not authorised as the local plan-making authority to exercise the functions under section 3.36(2) of the Act.
8. The time frame for completing the LEP is to be **3 months** following the date of the Gateway determination.

Dated 10<sup>th</sup> day of April 2018.

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

**Delegate of the Minister for Planning**