



Planning & Environment

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Our ref: PP_2015_WYONG_009_00 (15/13405)
Your ref: RZ/2/2015

Mr Rob Noble
Acting CEO
Wyong Shire Council
PO Box 20
WYONG NSW 2259

Attn: Rod Mergan

Dear Mr Noble,

Planning proposal to amend Wyong Local Environmental Plan 2013

I am writing in response to your Council's letter dated 4 September 2015 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 rezone land to enable commercial and residential development at 44W, 50W and 60 Parraweena Road, Gwandalan.

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

I have also agreed the planning proposal's inconsistencies with S117 Direction 1.1 Business and Industrial Zones is of minor significance. In relation to S117 Direction 6.2 Reserving Land for Public Purposes, I have agreed to the reduction of land for public purposes on the basis that the land is surplus to Council's requirements and will assist in providing additional employment and housing. No further approval is required in relation to these Directions.

Council may still need to obtain the agreement of the Department's Secretary to comply with the requirements of relevant S117 Directions. Council should ensure this occurs prior to the plan being made.

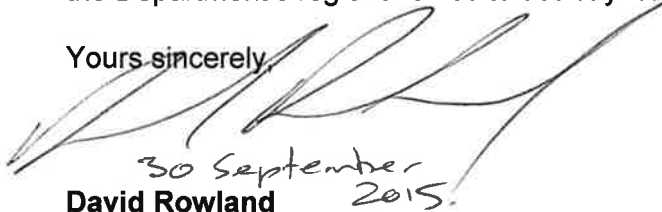
Plan making powers were delegated to councils by the Minister in October 2012. It is noted that Council has requested to be issued with delegation for this planning proposal. I have considered the nature of Council's planning proposal and have decided to issue an authorisation for Council to exercise delegation to make this plan.

The amending Local Environmental Plan (LEP) is to be finalised within 18 months of the week following the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request to draft and finalise the LEP should be made directly to Parliamentary Counsel's Office 6 weeks prior to the projected publication date. A copy of the request should be forwarded to the Department of Planning and Environment for administrative purposes.

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 54(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, I have arranged for Mr Glenn Horal of the Department's regional office to assist you. Mr Horal can be contacted on (02) 4348 5000.

Yours sincerely,

A large, stylized handwritten signature in black ink, appearing to read 'DR', is written over the 'Yours sincerely,' and the date.

30 September 2015
David Rowland
General Manager
Hunter and Central Coast Region
Planning Services

Encl:

Gateway Determination

Written Authorisation to Exercise Delegation

Attachment 5 – Delegated Plan Making Reporting Template

Gateway Determination

Planning proposal (Department Ref: PP_2015_WYONG_009_00): to rezone land to enable commercial and residential development at 44W, 50W and 60 Parraweena Road, Gwandalan.

I, the General Manager, Hunter and Central Coast Region at the Department of Planning and Environment as delegate of the Minister for Planning, have determined under section 56(2) of the EP&A Act that an amendment to the Wyong Local Environmental Plan (LEP) 2013 to rezone land to enable commercial and residential development at 44W, 50W and 60 Parraweena Road, Gwandalan should proceed subject to the following conditions:

1. Council update the 'objectives or intended outcomes' to:
 - state Lot 20 DP1089946 will be rezoned to R1, R2 and B2 as proposed on the land zoning map; and
 - confirm the road reserve in the south western corner of the site that is currently zoned RE1 is to be included in the planning proposal;
2. Council is to be satisfied that sufficient information has been provided to demonstrate that the planning proposal adequately addresses the following issues:
 - ecological investigations;
 - Aboriginal cultural heritage assessment;
 - Preliminary contaminated lands assessment;
 - retail demand and economic impact assessment; and
 - traffic and transport assessment.
3. Council is to update the planning proposal's lot size map to correct the minimum lot size that applies to 47 Pinaroo Road, Gwandalan prior to exhibition.
4. Council is to update the justification section of the planning proposal to include consideration of Wyong Employment Lands Study and Industrial Land Audit 2013.
5. Prior to undertaking public exhibition, update the planning proposal to consider consistency with SEPP 44 Koala Habitat Protection.
6. Council is to demonstrate the planning proposal satisfies the requirements of State Environmental Planning Policy (SEPP) 55 – Remediation of Land. Council is to prepare an initial site contamination report to demonstrate the site is suitable for rezoning to the proposed zone. The report is to be included as part of the public exhibition.
7. Council is to update its consideration of the consistency with the following S117 Directions after additional information has been prepared and public authority consultation has been undertaken:
 - 1.3 Mining, Petroleum Production and Extractive Industries -Trade & Investment - Resources and Energy
 - 2.1 Environment Protection Zones - Office of Environment and Heritage
 - 2.3 Heritage Conservation - Office of Environment and Heritage - Heritage Branch
 - 3.4 Integrating Land Use and Transport - Roads and Maritime Services and Transport NSW
 - 4.2 Mine Subsidence and Unstable Land - Mine Subsidence Board
 - 4.4 Planning for Bushfire Protection - NSW Rural Fire Service
 - 5.1 Implementation of Regional Strategies

8. 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 a minimum of **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 5.5.2 of *A Guide to Preparing LEPs* (Department of Planning and Infrastructure 2013).
9. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act and/or to comply with the requirements of relevant S117 Directions:
- Office of Environment and Heritage
 - NSW Trade & Investment - Resources and Energy
 - Mine Subsidence Board
 - Transport for NSW - Roads and Maritime Services
 - Transport for NSW
 - Darkinjung Local Aboriginal Land Council
 - Guringai Tribal Link
 - Environment Protection Authority
 - NSW Rural Fire Service
- Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.
10. 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).
11. The timeframe for completing the LEP is to be **18 months** from the week following the date of the Gateway determination.

Dated 30th day of September, 2015.



David Rowland
General Manager
Hunter and Central Coast Region
Planning Services
Department of Planning and Environment

Delegate of the Minister for Planning



WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Wyong Shire Council is authorised to exercise the functions of the Minister for Planning under section 59 of the *Environmental Planning and Assessment Act 1979* that are delegated to it by instrument of delegation dated 14 October 2012, in relation to the following planning proposal:

Number	Name
PP_2015_WYONG_009_00	Planning proposal to rezone land to enable commercial and residential development at 44W, 50W and 60 Parraweena Road, Gwandalan.

In exercising the Minister's functions under section 59, the Council must comply with the Department's "*A guide to preparing local environmental plans*" and "*A guide to preparing planning proposals*".

Dated 30/9 2015

David Rowland
General Manager
Hunter and Central Coast Region
Planning Services
Department of Planning and Environment