



Contact: Glenn Horal
Phone: (02) 4348 5000
Fax: (02) 4323 6573
Email: glenn.horal@planning.nsw.gov.au
Postal: PO Box 1148, Gosford NSW 2250

Our ref: PP_2013_WYONG_008_00 (13/11022)
Your ref: RZ/13/2012

Mr Michael Whittaker
General Manager
Wyong Shire Council
PO Box 20
WYONG NSW 2259

Dear Mr Whittaker,

Planning proposal to amend Wyong Local Environmental Plan 2013

I refer to Council's letter dated 1 July 2013 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 at 2-10 Cams Boulevard, Summerland Point. I have considered the request for a Gateway determination review together with the recommendation of the Joint Regional Planning Panel, advice provided by Council, and other relevant considerations of the planning proposal.

I have determined, as delegate of the Minister for Planning and Infrastructure in accordance with section 56(7) of the Environmental Planning and Assessment Act 1979, to amend the Gateway determination dated 31 July 2013 for PP_2013_WYONG_008_00. 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 inconsistency with S117 Direction 4.1 Acid Sulfate Soils is of minor significance. No further approval is required in relation to this Direction.

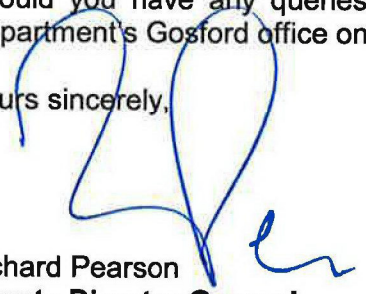
The Minister delegated his plan making powers to councils in October 2012. It is noted that Council has requested to be issued with delegation for this planning proposal. I have considered the nature of Council's planning proposal and have decided to issue an authorisation for Council to exercise delegation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

The amending Local Environmental Plan (LEP) is to be finalised within 12 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 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, please contact Glenn Horal of the Department's Gosford office on 4348 5000.

Yours sincerely,


Richard Pearson
Deputy Director General
Growth Planning & Delivery
Department of Planning & Infrastructure

7/2/14

Gateway Determination

Planning proposal (Department Ref: PP_2013_WYONG_008_00): to rezone land at 2-10 Cams Boulevard, Summerland Point for residential purposes.

I, the Deputy Director General, Growth Planning and Delivery at the Department of Planning and Infrastructure 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 Wyong Local Environmental Plan (LEP) 2013 to rezone the land from E2 Environmental Conservation to R2 Low Density Residential should proceed subject to the following conditions:

1. Additional information regarding the matters below is to be placed on public exhibition with the planning proposal:
 - The planning proposal include updated environmental assessment of biodiversity issues and justification to move from a conservation to residential zone.
 - The planning proposal be updated as necessary once Council confirms the correct property description of the lot and references to R2 Residential be replaced with R2 Low Density Residential.
 - The maps be improved for community consultation with LEP standard maps indicating existing and proposed zones and lot sizes for the site.
 - The planning proposal be updated to remove references to Wyong LEP 1991 and associated zone and lot size maps and replace with Wyong LEP 2013 zone and lot size maps.
2. 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.
3. Council is to update the planning proposal to include sufficient additional information to adequately demonstrate consistency or justify any inconsistency with the below S117 Directions once it has undertaken consultation with public authorities and information on biodiversity has been obtained:
 - 1.3 Mining, Petroleum Production and Extractive Industries
 - 2.1 Environment Protection Zones
 - 4.2 Mine Subsidence and Unstable Land
 - 4.4 Planning for Bushfire Protection
 - 5.1 Implementation of Regional Strategies
4. 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 & Infrastructure 2013)*.

5. 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 (2.1 Environment Protection Zones)
- NSW Department of Primary Industries - Minerals and Petroleum (1.3 Mining, Petroleum Production and Extractive Industries)
- Mine Subsidence Board (4.2 Mine Subsidence and Unstable Land)
- NSW Rural Fire Service (4.4 Planning for Bushfire Protection)
- Commonwealth Department of Environment (formerly Department of Sustainability, Environment, Water, Population and Communities) (2.1 Environment Protection Zones)

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.

Once the consultation is undertaken with the public authorities, and information is provided, Council is to update its consideration of S117 Directions.

6. 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).

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

Dated

7

day of

February

2014



Richard Pearson
Deputy Director General
Growth Planning & Delivery
Department of Planning & Infrastructure

Delegate of the Minister for Planning & Infrastructure

WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Wyong Shire Council is authorised to exercise the functions of the Minister for Planning and Infrastructure 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_2013_WYONG_008_00	Planning proposal to rezone land at 2-10 Cams Boulevard, Summerland Point for residential purposes.

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

Dated 7 February 2014



Richard Pearson
Deputy Director General
Growth Planning & Delivery
Department of Planning & Infrastructure

Delegated plan making reporting requirements (attachment 5 from “A Guide to preparing local environmental plans)”

Notes:

- Planning proposal number will be provided by the department following receipt of the planning proposal
- The department will fill in the details of Tables 1 and 3
- RPA is to fill in details for Table 2
- If the planning proposal is exhibited more than once, the RPA should add additional rows to **Table 2** to include this information
- The RPA must notify the relevant contact officer in the regional office in writing of the dates as they occur to ensure the department's publicly accessible LEP Tracking System is kept up to date
- A copy of this completed report must be provided to the department with the RPA's request to have the LEP notified

Table 1 – To be completed by the department

Stage	Date/Details
Planning Proposal Number	PP_2013_WYONG_008_00
Date Sent to Department under s56	2 July 2013
Date considered at LEP Review Panel	25 July 2013
Date Received by Dept under s56 as adequate	2 July 2013
Gateway determination date (not proceed)	31 July 2013
Revised Gateway determination date (proceed)	

Table 2 – To be completed by the RPA

Stage	Date/Details	Notified Reg Off
Date Planning Proposal exhibited		
Date of public hearing (if held)		
Date sent to PCO seeking Opinion		
Date Opinion received		
Date Council Resolved to Adopt LEP		
Date LEP made by GM (or other) under delegation		
Date sent to DP&I requesting notification		

Table 3 – To be completed by the department

Stage	Date/Details
Notification Date and details	

Additional relevant information: