



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

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

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

Dear Mr Whittaker,

Planning proposal to amend Wyong Local Environmental Plan (LEP) 1991 or draft Wyong LEP 2012

I am writing in response to your 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 from 5(a) Special Uses to 2(a) Residential under Wyong Local Environmental Plan (LEP) 1991 or rezone the land to R2 Low Density Residential and amend the minimum lot size applicable to the land under draft Wyong LEP 2012.

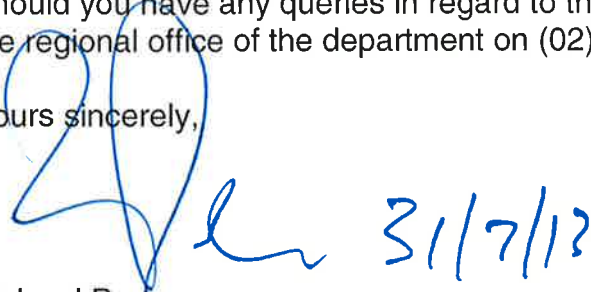
As delegate of the Minister for Planning and Infrastructure, I have now determined that the planning proposal should not proceed.

The planning proposal is not supported at this stage because the proposal does not include sufficient information on whether biodiversity matters can be satisfactorily addressed to allow development of the site. Furthermore, given the site contains threatened species and the proposal will remove a vulnerable species population listed under Commonwealth legislation, the views of the Office of Environment and Heritage (OEH) and the Department of Sustainability, Environment, Water, Population and Communities (DSEWPC) need to be obtained prior to the proposal being further considered.

While the planning proposal is not supported at this stage, should Council wish to pursue the rezoning of land at Cams Boulevard, Summerland Point it is to consult with OEH and DSEWPC on the status of the vulnerable species on the site. Once the views of these public authorities are known and additional information regarding biodiversity matters has been obtained, Council may resubmit an updated planning proposal including the additional information for consideration.

Should you have any queries in regard to this matter, please contact Mr Glenn Horal of the regional office of the department on (02) 4348 5000.

Yours sincerely,



Richard Pearson
Deputy Director General
Planning Operations and Regional Delivery

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, Planning Operations and Regional 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) 1991 to rezone land at 2-10 Cams Boulevard, Summerland Point from 5(a) Special Uses to 2(a) Residential or rezone the land to R2 Low Density Residential and amend the minimum lot size applicable to the land under draft Wyong LEP 2012 should not proceed for the following reasons:

1. The planning proposal does not include sufficient information on whether biodiversity matters can be satisfactorily addressed to allow development on the site.
2. Council has not sought comments from the Office of Environment and Heritage (OEH) and the Department of Sustainability, Environment, Water, Population and Communities (DSEWPC) on the status of the vulnerable species on the site. Given the proposal will result in the removal of a vulnerable species population listed under Commonwealth legislation, the views of OEH and DSEWPC are to be obtained prior to further consideration of the proposal.

Dated

31

day of

July

2013.



Richard Pearson
Deputy Director General
Planning Operations and Regional Delivery
Department of Planning and Infrastructure

Delegate of the Minister for Planning and Infrastructure