



Office of the Director General

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

Our ref: PP_2011_WYONG_001_00
Your ref: F2007/00274

Dear Mr Whittaker

Planning Proposal to rezone land identified as Precinct 7A at Hamlyn Terrace and Warnervale

I refer to Council's request for the Gateway to agree to the form of the Precinct 7A planning proposal for the purposes of community consultation. The planning proposal would amend the Wyong Local Environmental Plan 1991, or alternatively the finalised Wyong comprehensive LEP, to provide a new residential and employment land release.

As delegate of the Minister for Planning and Infrastructure, I have now determined to alter the Gateway Determination so that the planning proposal may proceed subject to the conditions in the new Gateway Determination.

While the Gateway supports the creation of new employment land in Precinct 7A, the scale and unrestricted nature of commercial and retail uses proposed under the B4 Mixed Use and B7 Business Park are not supported at this time. Zoning of the land as proposed as B4 Mixed Use and B7 Business Park would create potential for major office and retail precincts which could adversely impact on the development of other already identified centres, including the Warnervale Town Centre. As you would be aware, the NSW Government is committed to the development of the Warnervale Town Centre and has recently allocated funding for the Sparks Road intersection as part of the Priority Infrastructure Program.

Accordingly, the Gateway Determination has been conditioned to remove the B4 Mixed Use and B7 Business Park zoned land from the planning proposal, which will allow the residential component to proceed. The Determination also recognises the requirements of, and need for consistency with, s.117 Directions 1.1 and 5.1. The Department remains committed however to considering employment land opportunities within Precinct 7A, and I have asked the Regional Team to work with Council to develop a separate planning proposal for the employment lands that considers alternative employment zones and appropriate permissible land uses, development standards and local clauses.

Options available to Council to address the employment lands include:

- business park zone but with limitation or restriction on stand-alone office development, and retail limited to local convenience level only; or
- light industrial zone which permits freight/ logistics and light industry, benefiting from the proximity to the F3 interchange; or
- other industrial zone that could be tailored to achieve all of the above; or
- business development zone which permits landscaping materials supply, hardware and building, and garden centres, but with bulky goods limited.

Should Council determine an alternative employment zoning option for the land, and provided it would not result in unreasonable delay to the housing component, it is open to Council to seek to vary the Precinct 7A planning proposal such that the proposed employment land would again be included. The employment option however would need to address the matters outlined above, and a revised Gateway Determination would be needed before this could occur. The Department would expedite any such request from Council.

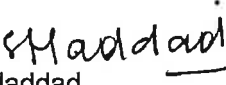
I have agreed that the planning proposal's inconsistencies with s.117 Directions 1.2, 1.3, 2.3 and 4.1 are of minor significance. No further approval is required in relation to these directions.

The new Gateway Determination requires that the planning proposal be made publicly available for a period of 28 days. Under section 57(2) of the Act, I am satisfied that the planning proposal, when amended as required by the new Gateway Determination, is in a form that can be made available for community consultation.

The amending Local Environmental Plan (LEP) is to be finalised within 12 months of the week following the date of the new Gateway Determination. Council's request for the Department to draft and finalise the LEP should be made six (6) weeks prior to the projected publication date.

Should you have any queries regarding this matter, or to initiate discussion on an alternative planning proposal for employment lands, please contact the Department's Regional Director Hunter & Central Coast, Michael Leavey, on 4348 5000.

Yours sincerely


Sam Haddad
Director General

4/7/2012

Gateway Determination

Planning Proposal (Department Ref: PP_2011_WYONG_001_00): to rezone land identified as Precinct 7A (being the land identified in attachment 1.b to the Planning Proposal document dated March 2012) for a new residential and employment land release at Hamlyn Terrace and Warnervale.

I, the Director General, as delegate of the Minister for Planning and Infrastructure, have determined under section 56(7) of the EP&A Act to amend the Gateway Determination for an amendment to the Wyong Local Environmental Plan 1991 or the finalised Wyong comprehensive LEP, subject to the following conditions:

1. The land proposed to be rezoned B4 Mixed Use and B7 Business Park is to be removed from the planning proposal.
2. In relation to consistency with s.117 directions, consultation is required with the following organisations in order to inform consistency with the relevant direction:
 - Office of the Environment and Heritage – 2.1 Environment Protection Zones;
 - Commonwealth Department of Transport and Infrastructure – 3.5 Development Near Licensed Aerodromes;
 - The lessee of the Warnervale Aerodrome – 3.5 Development Near Licensed Aerodromes; and
 - Roads and Maritime Services – 6.2 Reserving Land for Public Purposes.
3. In relation to s.117 direction 4.3 Flood Prone Land, Council needs to address consistency with this direction following the completion of the flooding study.
4. In relation to SEPP 44 Koala Habitat Protection, consultation with the Office of Environment and Heritage is required to inform the extent (if any) of koala habitat management measures required.
5. 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 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 4.5 of *A Guide to Preparing LEPs (Department of Planning 2009)*.
6. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - Office of Water
 - Office of the Environment and Heritage
 - Commonwealth Department of Transport and Infrastructure
 - Roads and Maritime Services
 - Hunter and Central Rivers Catchment Management Authority
 - Railcorp
7. Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning proposal.

8. 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).
9. The timeframe for completing the LEP is to be 12 months from the week following the date of this Gateway determination.

Dated

4th

day of

July

2012.

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Sam Haddad
Director General
Delegate of the Minister for Planning and
Infrastructure