



**Planning &
Infrastructure**

Office of the Director General

Mr Michael Whittaker
General Manager
Wyong Shire Council
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WYONG NSW 2259

Contact: Ben Holmes
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Our ref: 12/14334
Your ref: F2007/00274

Dear Mr Whittaker

Precinct 7A, Hamlyn Terrace/ Warnervale, Planning Proposal – Gateway Determination Alteration (PP_2011_WYONG_001_00)

I refer to Council's request received on 30 August 2012 seeking an alteration to the Gateway Determination for Planning Proposal PP_2011_WYONG_001_00 to rezone land located at Hamlyn Terrace/Warnervale for residential, environmental, recreational and employment purposes.

I have determined as the delegate of the Minister, in accordance with section 56(7) of the Environmental Planning and Assessment Act, 1979, to amend the Gateway Determination dated 4 July 2012 for PP_2011_WYONG_001_00 to reflect the revised proposal (August 2012) and by removing Condition 1. Given the amendments made in Council's revised Planning Proposal, the land affected by that condition is again included in the Planning Proposal.

The Gateway Determination is also altered such that the time for completing the Planning Proposal is extended by an additional 3 months. The Planning Proposal is now due for completion by 9 October 2013.

If you have any questions in relation to this matter, please contact Ben Holmes, of the Department of Planning and Infrastructure's Central Coast office on (02) 4348 5003.

Yours sincerely

Sam Haddad
Director General

17/9/2012:



Gateway Determination

Planning proposal (Department Ref: PP_2011_WYONG_001_00): to rezone land located at Hamlyn Terrace/Warnervale for residential, environmental, recreational and employment purposes.

I, the Director-General, Department of Planning and Infrastructure as delegate of the Minister for Planning and Infrastructure, have now revised my determination dated 4 July 2012 for planning proposal (PP_2011_WYONG_001_00) to rezone 540ha of land located at Hamlyn Terrace/Warnervale for residential, environmental, recreational and employment purposes, as follows:

1. The revised planning proposal, dated 17 August 2012, may proceed.
2. The revised planning proposal is not required to be resubmitted for purposes of section 56(2).
3. In relation to consistency with S117 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.
4. In relation to S117 direction 4.3 Flood Prone Land, Council needs to address consistency with this direction following the completion of the flooding study.
5. 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.
6. 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)*.
7. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - Office of Water
 - Office of Environment and Heritage
 - Commonwealth Department of Transport and Infrastructure
 - Roads and Maritime Services
 - Hunter and Central Rivers Catchment Management Authority
 - Railcorp

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 extended by an additional 3 months. The planning proposal is now due for completion by 9 October 2013.

Dated 17th day of September 2012.

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

