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Our ref: PP_2014_WYONG_004_00 (14/08356)
Your ref: RZ/5/2013

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 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 enable the use of dwellings for Short-term Rental Accommodation.

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

I have also agreed any inconsistency section 117 direction 4.3 Flood Prone Land is of minor significance.

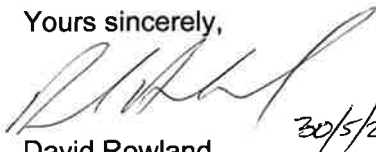
Plan making powers were delegated to councils by the Minister in October 2012. It is noted that Council has requested to be issued with delegation for this planning proposal. I have considered the nature of Council's planning proposal and have decided to issue an authorisation for Council to exercise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

The amending Local Environmental Plan (LEP) is to be finalised within 6 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 Garry Hopkins of the Department's Gosford office on 4348 5000.

Yours sincerely,



30/5/2014

David Rowland
General Manager
Hunter and Central Coast Region
Growth Planning and Delivery

Encl: Gateway determination
Written Authorisation to Exercise Delegation
Delegated Plan Making Reporting Template

Gateway Determination

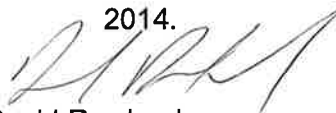
Planning proposal (Department Ref: PP_2014_WYONG_004_00): to amend Wyong Local Environmental Plan 2013 to enable the use of dwellings for Short-term Rental Accommodation.

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 enable the use of dwellings for Short-term Rental Accommodation should proceed subject to the following conditions:

1. Prior to undertaking public exhibition, Council is to update the planning proposal by:
 - Amending the 'explanation of provisions' to acknowledge potential wording changes may occur at drafting stage; and
 - Providing discussion on how Council determined the selected thresholds between exempt development, development requiring consent and prohibited development.
2. 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)*.
3. Consultation with the NSW Rural Fire Service is required to determine consistency with section 117 direction 4.4 Planning for Bushfire Protection. The RFS 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.
4. 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).
5. The timeframe for completing the LEP is to be **6 months** from the week following the date of the Gateway determination.

Dated 30th day of MAY

2014.



David Rowland
General Manager
Hunter and Central Coast Region
Growth Planning and Delivery
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_2014_WYONG_004_00	Planning Proposal to amend Wyong Local Environmental Plan 2013 to enable the use of dwellings for Short-term Rental Accommodation.

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 30/5 2014



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