



Planning & Environment

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Our ref: PP_2015_WYONG_003_00 (15/02647)

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

Attn: Scott Duncan

Dear Mr Whittaker,

Planning proposal to amend Wyong Local Environmental Plan 2013

I am writing in response to your Council's correspondence dated 28 January 2015 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 145 Johns Road, Wadalba.

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

Council may still need to obtain the agreement of the Department's Secretary to comply with the requirements of relevant S117 Directions. Council should ensure this occurs prior to the plan being made.

Plan making powers were delegated to councils by the Minister in October 2012. It is noted that Council has now accepted this delegation. 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.

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.

It is noted that Council requested a revised Gateway for PP_2013_WYONG_013_00 as the subject land is being removed from that planning proposal. Once Council has updated the planning proposal for PP_2013_WYONG_13_00 it should be provided to the Department and an assessment can be made on the need for a revised Gateway determination. Section 5.5.6 of *A guide to preparing local environmental plans* provides further information on varying a planning proposal.

Should you have any queries in regard to this matter, I have arranged for Mr Garry Hopkins of the Department's Gosford office to assist you. Mr Hopkins can be contacted on (02) 4348 5000.

Yours sincerely,



10 February 2015

David Rowland
General Manager
Hunter and Central Coast Region
Planning Services

Encl:
Gateway Determination
Written Authorisation to Exercise Delegation
Attachment 5 – Delegated Plan Making Reporting Template

Gateway Determination

Planning proposal (Department Ref: PP_2015_WYONG_003_00): to rezone land at 145 Johns Road, Wadalba for residential and conservation purposes

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 rezone land at 145 Johns Road, Wadalba for residential and conservation purposes should proceed subject to the following conditions:

1. Prior to undertaking public exhibition Council is to update the Planning Proposal to:
 - reference satisfactory arrangements and the provision of designated State public infrastructure in the explanation of provisions
 - include maps for proposed zones, lot sizes, urban release area and, if required, land acquisition
 - provide additional information on the relationship of the land to the Wadalba Wildlife Corridor.
2. Council is to update its consideration of the consistency with the following S117 Directions after additional information has been prepared and public authority consultation has been undertaken:
 - 2.1 Environment Protection Zones
 - 2.3 Heritage Conservation
 - 3.1 Residential Zones
 - 4.1 Acid Sulfate Soils
 - 4.2 Mine Subsidence and Unstable Land
 - 4.4 Planning for Bushfire Protection
 - 5.1 Implementation of Regional Strategies
 - 6.2 Reserving Land for Public Purposes
3. Prior to undertaking public exhibition, Council is to update the planning proposal to ensure consistency with State Environmental Planning Policy (SEPP) No. 44 Koala Habitat Protection.
4. Council is to ensure that the planning proposal satisfies the requirements of State Environmental Planning Policy (SEPP) 55 – Remediation of Land. If required, Council is to prepare an initial site contamination investigation report to demonstrate that the site is suitable for rezoning to the proposed zone. This report is to be included as part of the public exhibition material.
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 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 local environmental plans (Department of Planning and Infrastructure 2013)*.

6. 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:

- Ambulance Service of NSW - infrastructure requirements
- Department of Education and Communities - infrastructure requirements
- Office of Environment and Heritage - biodiversity, wildlife corridor, Aboriginal heritage
- NSW Department of Primary Industries - Agriculture - 117 direction 1.2 Rural Zones
- Trade and Investment - Resources and Energy - 117 direction 1.3 Mining, Petroleum and Extractive Industries
- Mine Subsidence Board - 117 direction 4.2 Mine Subsidence and Unstable Land
- Fire and Rescue NSW – infrastructure requirements
- Department of Health – infrastructure requirements
- NSW Police Force – infrastructure requirements
- NSW Rural Fire Service - 117 direction 4.4 Planning for Bushfire Protection
- Transport for NSW – infrastructure requirements
- Transport for NSW - Roads and Maritime Services – infrastructure requirements

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. Agencies being consulted on infrastructure requirements should be advised of the context of the site within a broader precinct.

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

Dated 10th day of February 2015.



David Rowland
General Manager
Hunter and Central Coast Region
Planning Services
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_2015_WYONG_003_00	Planning proposal to rezone land at 145 Johns Road, Wadalba for residential and conservation purposes.

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 10 February 2015



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