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

Our ref: PP_2013_WYONG_004_00 (13/04015)
Your ref: LH/Lynda Hirst
RZ/5/2009
D03254853

Dear Mr Whittaker,

Planning proposal to amend the Wyong Local Environmental Plan 1991

I am writing in response to your Council's letter dated 22 February 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 41 Palmdale Road, Palmdale from 7(b) Scenic Protection to part SP2 Infrastructure and part E2 Environmental Conservation.

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

I have also agreed the planning proposal's inconsistencies with S117 Directions 2.1 Environment Protection Zones, 4.1 Acid Sulfate Soils and 4.3 Flood Prone Land are of minor significance. No further approval is required in relation to these Directions.

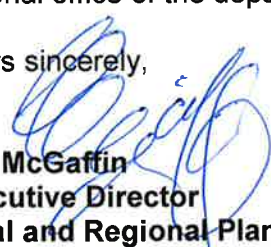
I note that Council has not formally accepted plan making delegation, however has requested to be issued with delegations for the making of this proposal. Before Council can be issued with plan making functions for this proposal, it must formally accept plan making delegation and nominate the officers or employee of Council who will be granted the proposed delegation. Council is strongly encouraged to formally accept plan making delegation as soon as possible and advise the department that delegations have been accepted to enable locally significant proposals to be delegated back to Council.

The amending Local Environmental Plan (LEP) is to be finalised within 9 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 for the department to draft and finalise the LEP should be made six (6) weeks prior to the projected publication date.

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 s54(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 Ben Holmes of the regional office of the department on 02 4348 5000.

Yours sincerely,


Neil McGaffin
Executive Director
Rural and Regional Planning

15.3.13

Gateway Determination

Planning proposal (Department Ref: PP_2013_WYONG_004_00): to rezone land at Palmdale Road, Palmdale for infrastructure and environmental conservation purposes.

I, the Executive Director, Rural and Regional Planning 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 41 Palmdale Road, Palmdale from 7(b) Scenic Protection to part SP2 Infrastructure and part E2 Environmental Conservation should proceed subject to the following conditions:

1. Prior to undertaking public exhibition, Council is to update its consideration of S117 Directions and its consideration of the environmental impacts of the proposal within the planning proposal, by using information currently contained in Council's report.
2. Prior to undertaking public exhibition, Council is to include a locality map and existing and proposed land zoning maps, which are at an appropriate scale and clearly identify the subject site.
3. Council is to consider the proposals impact on endangered ecological communities and if necessary, consult with the Office for Environment and Heritage (OEH).
4. 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 is classified as low impact as described in *A Guide to Preparing LEPs (Department of Planning & Infrastructure 2012)* and must be made publicly available for a minimum of **14 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 2012)*.
5. Consultation is required with the NSW Rural Fire Services (RFS) under section 56(2)(d) of the EP&A Act and in relation to the requirements of S117 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.
6. 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).



Planning & Infrastructure

7. The timeframe for completing the LEP is to be **9 months** from the week following the date of the Gateway determination

Dated 15th day of March 2013

Neil McGaffin
Executive Director
Rural and Regional Planning
Department of Planning and Infrastructure
Delegate of the Minister for Planning and Infrastructure