



Mr Michael Whittaker
General Manager
Wyong Shire Council
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Postal: PO Box 1148, Gosford NSW 2250
Our ref: PP_2014_WYONG_002_00 (14/03430)
Your ref: RZ/8/2009

Att: Chris Ferry

Dear Mr Whittaker,

Planning Proposal – Spot rezoning 47 Pinaroo Road Gwandalan Lot 229 DP 847847

I refer to Council's request for 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 47 Pinaroo Road, Gwandalan.

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.

The Minister delegated his plan making powers to councils 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.

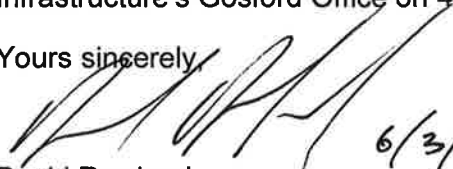
The amending LEP is to be finalised within 6 months of the week following the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request to draft and finalise the LEP should be made directly to Parliamentary Counsel's Office 6 weeks prior to the projected publication date. A copy of the request should be forwarded to the department for administrative purposes.

Attached for your assistance are the reporting requirements to ensure that the LEP Tracking System is kept updated.

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 questions regarding this matter, please contact Ben Jones of Planning & Infrastructure's Gosford Office on 4348 5003.

Yours sincerely,



6/3/14

David Rowland
General Manager
Hunter & Central Coast Region
Growth Planning & Delivery
Planning & Infrastructure

Encl:

Gateway determination

Written Authorisation to Exercise Delegation

Attachment 5 – Delegated Plan Making Reporting Template

Gateway Determination

Planning proposal (Ref: PP_2014_WYONG_002_00): to rezone land at 47 Pinaroo Road Gwandalan.

I, the General Manager Hunter & Central Coast Region, Growth Planning & Delivery at 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 Wyong Local Environmental Plan 2013 to rezone land at 47 Pinaroo Road Gwandalan, should proceed subject to the following conditions:

1. Prior to commencing public exhibition, Council is to:
 - update draft maps to be consistent with the *Standard Technical Requirements for LEP maps*;
 - clarify whether reference to R1 in explanation of provisions is correct and amend if required;
 - provide discussion about densities and reconsider appropriateness of R2 given proximity of potential new centre;
 - update planning proposal with discussion of how the rezoning relates to the Wyong Settlement Strategy.
2. Prior to undertaking public exhibition, Council is to update the planning proposal to include sufficient additional information to adequately demonstrate consistency or justify any inconsistency with s117 Directions:
 - 1.3 Mining, Petroleum Production and Extractive Industries;
 - 2.1 Environmental Protection Zones;
 - 2.3 Heritage Conservation;
 - 4.2 Mine Subsidence and Unstable land; and
 - 4.4 Planning For Bushfire Protection.
3. 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:
 - NSW Trade and Investment – Minerals Resource Branch (1.3 Mining, Petroleum Production and Extractive Industries)
 - Mine Subsidence Board (4.2 Mine Subsidence and Unstable Land)
 - Rural Fire Service (4.4 Planning for Bushfire Protection)
 - Environment Protection Authority (Odour Impacts)

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. Public authorities may request additional information or additional matters to be addressed in the planning proposal. Once the consultation is undertaken with the public authorities, and information is provided, Council is to update its consideration of S117 Directions.

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 must be made publicly available for **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 and Infrastructure 2013).

5. 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).
6. The timeframe for completing the LEP is to be **6 months** from the week following the date of the Gateway determination.

Dated 6th day of March 2014.



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

Delegate of the Minister for Planning & Infrastructure



WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Wyong Shire Council is authorised to exercise the functions of the Minister for Planning and Infrastructure 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_002_00	Spot rezoning 47 Pinaroo Road Gwandalan Lot 229 DP 847847

In exercising the Minister's functions under section 59, the Council must comply with the Department's "A guideline for the preparation of local environmental plans" and "A guide to preparing planning proposals".

Dated

6/3

2014

**David Rowland
General Manager
Hunter & Central Coast Region
Growth Planning & Delivery
Planning & Infrastructure**