



Planning & Infrastructure

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Our ref: PP_2013_WYONG_009_00 (13/12119)
Your ref: ML/Melati Lye RZ/10/2012

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 (LEP) 1991 or draft Wyong LEP 2012

I am writing in response to your Council's letter dated 18 July 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 1 Figtree Boulevard, Wadalba to 3(a) Business Centre and amend provisions under clause 59 'Local shopping centres - Blue Haven, Warnervale East and Wadalba,' where it limits the number of local shopping centres within Wadalba from applying to the subject site, under Wyong Local Environmental Plan (LEP) 1991 or rezone the land to B2 Local Centre under draft Wyong LEP 2012.

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.

Council may still need to obtain the Director General's agreement to satisfy the requirements of relevant S117 Directions. Council should ensure this occurs prior to the plan being made.

A concept layout plan is not required to be publicly exhibited with the planning proposal because the rezoning permits supermarkets and any other uses permissible in the 3(a) Business Centre zone and details of the proposed development would be subject to a future development application. However, if Council is of the view that a concept layout plan will assist the public in understanding the proposed development, it may wish to exhibit such material concurrently with its updated development control plan.

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 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 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 Glenn Hornal of the regional office of the department on 02 4348 5000.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Neil McGaffin', written over the printed name.

Neil McGaffin 6.8.13.
Executive Director
Rural and Regional Planning
Planning Operations and Regional Delivery

Gateway Determination

Planning proposal (Department Ref: PP_2013_WYONG_009_00): to rezone land at 1 Figtree Boulevard, Wadalba for business 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 1 Figtree Boulevard, Wadalba to 3(a) Business Centre and amend provisions under clause 59 'Local shopping centres - Blue Haven, Warnervale East and Wadalba' where it limits the number of local shopping centres within Wadalba from applying to the subject site or rezone the land to B2 Local Centre under draft Wyong LEP 2012 should proceed subject to the following conditions:

1. Prior to undertaking public exhibition, Council is to update the planning proposal to:
 - a. remove items 1 – 4, which identify proposed retail floor area for the proposed development and the number of car parking spaces required, from the 'objectives or intended outcomes' of the planning proposal and include these items into the 'justification' of the planning proposal;
 - b. generally identify the amendments proposed to clause 59 'Local shopping centres - Blue Haven, Warnervale East and Wadalba' of Wyong LEP 1991 within the 'explanation of provisions' of the planning proposal to enable Parliamentary Counsel's Office to use alternative options to draft the written instrument, if required; and
 - c. include a location map, which shows the context of the subject land in relation to nearby centres.
2. Council is to demonstrate that the planning proposal satisfies the requirements of State Environmental Planning Policy (SEPP) 55 – Remediation of Land. 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.
3. 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 2013) 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 2013).
4. 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:
 - Transport for NSW – Roads and Maritime Services
 - Mine Subsidence Board (S117 Direction 4.2 Mine Subsidence and Unstable Land)
 - NSW Trade and Investment – Minerals and Petroleum (S117 Direction 1.3 Mining, Petroleum Production and Extractive Industries)

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.

Council is to update its consideration of the above mentioned S117 Directions, once comments from public authorities have been obtained.

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 **9 months** from the week following the date of the Gateway determination.

Dated *6th* day of *August* 2013.



Neil McGaffin
Executive Director
Rural and Regional Planning
Planning Operations and Regional Delivery
Department of Planning and Infrastructure

Delegate of the Minister for Planning and 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_2013_WYONG_009_00	Planning proposal to rezone land at 1 Figtree Boulevard, Wadalba to 3(a) Business Centre and amend provisions under clause 59 'Local shopping centres - Blue Haven, Warnervale East and Wadalba,' where it limits the number of local shopping centres within Wadalba from applying to the subject site, under Wyong Local Environmental Plan (LEP) 1991 or rezone the land to B2 Local Centre under draft Wyong LEP 2012.

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 *6th August* 2013

Neil McGaffin
Executive Director
Rural and Regional Planning
Planning Operations and Regional Delivery
Department of Planning and Infrastructure

Attachment 5 – Delegated plan making reporting template

Reporting template for delegated LEP amendments

Notes:

- Planning proposal number will be provided by the department following receipt of the planning proposal
- The department will fill in the details of Tables 1 and 3
- RPA is to fill in details for Table 2
- If the planning proposal is exhibited more than once, the RPA should add additional rows to **Table 2** to include this information
- The RPA must notify the relevant contact officer in the regional office in writing of the dates as they occur to ensure the department's publicly accessible LEP Tracking System is kept up to date
- A copy of this completed report must be provided to the department with the RPA's request to have the LEP notified

Table 1 – To be completed by the department

Stage	Date/Details
Planning Proposal Number	PP_2013_WYONG_009_00
Date Sent to Department under s56	18/07/2013
Date considered at LEP Review Panel	01/08/2013
Gateway determination date	06/08/2013

Table 2 – To be completed by the RPA

Stage	Date/Details	Notified Reg Off
Dates draft LEP exhibited		
Date of public hearing (if held)		
Date sent to PCO seeking Opinion		
Date Opinion received		
Date Council Resolved to Adopt LEP		
Date LEP made by GM (or other) under delegation		
Date sent to DP&I requesting notification		

Table 3 – To be completed by the department

Stage	Date/Details
Notification Date and details	

Additional relevant information: