

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

Our ref: PP_2013_WYONG_012_00 (13/16953)
Your ref: RZ/4/2009

Attn: Rod Mergan

Dear Mr Whittaker,

Planning Proposal to amend draft Wyong Local Environmental Plan (LEP) 2013

I refer to Council's letter received 8 October 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 Lot 8 DP816552 at 5 Anderson Road, Glenning Valley to R2 Low Density Residential to enable a residential subdivision under draft Wyong LEP 2013.

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 inconsistency with S117 Direction 4.1 Acid Sulfate Soils is of minor significance. No further approval is required in relation to this Direction. Council should note that agency consultation is required in relation to S117 Directions 1.3, 2.1 and 4.4, and if the Director General's agreement is required for any inconsistency this needs to be arranged before the proposal is submitted to be made.

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 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 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 is a guide to the plan making process and 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 Glenn Horal of the Department's Gosford Office on 4348 5000.

Yours sincerely,


Michael Leavey
Regional Director
Hunter & Central Coast
Planning Operations & Regional Delivery

19/11/13

Encl:

Gateway determination
Written Authorisation to Exercise Delegation
Attachment 5 – Delegated Plan Making Reporting Template

Gateway Determination

Planning Proposal (Department Ref: PP_2013_WYONG_012_00): to rezone Lot 8 DP816552 at 5 Anderson Road, Glenning Valley to R2 Low Density Residential to enable a residential subdivision under draft Wyong Local Environmental Plan (LEP) 2013.

I, the Regional Director, Hunter & Central Coast Region 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 draft Wyong LEP 2013 to enable a residential subdivision should proceed subject to the following conditions:

1. Prior to undertaking community consultation, Council is to update the planning proposal to include the zone and minimum lot size maps under the draft Wyong LEP 2013 (and, if Wyong LEP 2013 is not yet made, the zoning map under Wyong LEP 1991). The maps should be at an appropriate scale and clearly identify the subject land to enable community understanding of the proposed changes to the zones and development standards. Council should also consider including the site on the urban release area map to enable use of the Public Utility Infrastructure clause in the draft Wyong LEP 2013.
2. Council is to demonstrate the planning proposal satisfies the requirements of State Environmental Planning Policy (SEPP) 55 – Remediation of Land. Council is to prepare an initial site contamination report to demonstrate the site is suitable for rezoning to the proposed zone. The report is to be included as part of the public exhibition.
3. Council is to update the planning proposal to include sufficient additional information to adequately demonstrate consistency or justify any inconsistency with the below S117 Directions once it has undertake consultation with public authorities:
 - 1.3 Mining, Petroleum Production and Extractive Industries
 - 2.1 Environment Protection Zones
 - 4.4 Planning for Bushfire Protection
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 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)*.
5. 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 Department of Primary Industries – Minerals and Petroleum – 1.3 Mining, Petroleum Production and Extractive Industries;
 - Office of Environment and Heritage - 2.1 Environment Protection Zones; and

- NSW Rural Fire Service – 4.4 Planning for Bushfire Protection

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. Once the consultation is undertaken with the public authorities, and information is provided, Council is to update its consideration of S117 Directions.

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

Dated

19th

day of

November

2013.



Michael Leavey
Regional Director
Hunter & Central Coast Region
Planning Operations & 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_012_00	Planning proposal to rezone Lot 8 DP816552 at 5 Anderson Road, Glenning Valley to R2 Low Density Residential to enable a residential subdivision under draft Wyong Local Environmental Plan (LEP) 2013.

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 19 November 2013

Michael Leavey
Regional Director
Hunter & Central Coast Region
Department of Planning and Infrastructure