



Mr Michael Whittaker
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Wyong Shire Council
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Postal: PO Box 1148, Gosford NSW 2250
Our ref: PP_2014_WYONG_001_00 (14/01427)
Your ref: RZ/4/2013

Att: Rod Mergan

Dear Mr Whittaker,

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

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 revise the flood mapping in 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.

Since receiving the planning proposal Council has advised clause 7.2 of Wyong LEP 2013 requires amendment as the version in the LEP does not fully reflect Council's intentions. I have conditioned the Gateway determination to allow the planning proposal to be amended to include this amendment.

While this Gateway determination allows the planning proposal to continue to agency and community consultation, it is not an endorsement of the contents of Council's maps. Council should consider and be consistent with the advice on the Office of Environment and Heritage's website (<http://www.environment.nsw.gov.au/coasts/stage1CoastRefQaA.htm> particularly *How should councils decide on what sea level rise projections to adopt?*) and the Gateway determination also requires Council to consult and seek comment from the Office of Environment and Heritage.

I encourage Council to consider ways of clearly communicating the effect of the planning proposal to the community, particularly affected land holders. The community needs to be able to determine what the new mapping represents, how the current mapping will change, and in particular, how the proposal affects them.

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.

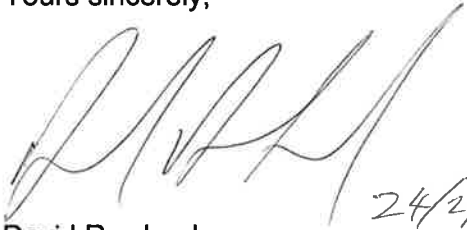
The amending LEP is to be finalised within 6 months of the week following the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request to draft and finalise the LEP should be made directly to Parliamentary Counsel's 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 and Infrastructure's Gosford Office on 4348 5000.

Yours sincerely,



24/2/2014

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_001_00): to revise the flood mapping contained within Wyong LEP 2013.

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 revise the flood mapping should proceed subject to the following conditions:

1. Prior to commencing public exhibition, Council is to:
 - update the Statement of Objectives and Explanation of Provisions to reflect Council's request to update clause 7.2 Flood Planning;
 - update draft maps to be consistent with the *Standard Technical Requirements for LEP maps* with particular reference to the naming conventions;
 - ensure hardcopy maps are in sufficient detail to clearly identify the land affected by the planning proposal;
 - exhibit both current and proposed new maps to aid comparison and identification of the proposed changes.
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:
 - 2.2 Coastal Protection and
 - 4.3 Flood Prone Land.
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:
 - Office of Environment and Heritage (2.2 Coastal Protection and 4.3 Flood Prone Land)

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 **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 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 24 day of FEBRUARY 2014.

A handwritten signature in black ink, appearing to read 'D. Rowland', is written over a faint horizontal line.

David Rowland
General Manager – Hunter and Central Coast Region
Growth Planning & Delivery
Planning and 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_001_00	Planning proposal to revise the flood mapping in Wyong 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 24/2 2014



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