



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

Attn: Chris Ferry

Contact: Ben Jones
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Email: ben.jones@planning.nsw.gov.au
Postal: PO Box 1148, Gosford NSW 2250
Our ref: PP_2014_WYONG_003_00 (14/06969)
Your ref: RZ/2/2011

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 allow for an additional permitted use at Lot 1 DP 603830, Ruttleys Road, Mannering Park.

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

Plan making powers were delegated to councils by the Minister 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.

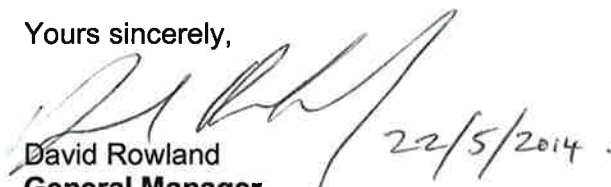
The amending LEP is to be finalised within 6 months of the week following the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request to draft and finalise the LEP should be made directly to Parliamentary Counsel's 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 Environment's Gosford Office on 4348 5003.

Yours sincerely,


David Rowland
General Manager
Hunter and Central Coast Region

Encl: Gateway Determination, Written Authorisation to Exercise Delegation, Delegated Plan Making Reporting Template

Gateway Determination

Planning proposal (Ref: PP_2014_WYONG_003_00): to allow an additional permitted use at Lot 1 DP 603830, Ruttleys Road, Mannering Park.

I, the General Manager Hunter and Central Coast Region, Growth Planning and Delivery at Planning and Environment as delegate of the Minister for Planning and Environment, have determined under section 56(2) of the EP&A Act that an amendment to Wyong Local Environmental Plan 2013 to allow an additional permitted use at Lot 1 DP 603830, Ruttleys Road, Mannering Park should proceed subject to the following conditions:

1. Prior to commencing public exhibition, Council is to:
 - update the “Statement of Objectives or Intended Outcomes” to remove references to references to “rezoning”; and
 - update draft “Additional Permitted Uses” map(s) to be consistent with the *Standard Technical Requirements for LEP maps*; and
 - update the planning proposal with discussion on alternative zones considered and why they have not been selected, consideration of other potential permissible uses for the site and, if relevant, any other privately owned land in the vicinity that also has a redundant SP2 zoning.
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 section 117 Directions:
 - 4.2 Mine Subsidence and Unstable Land; and
 - 4.4 Bushfire 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 section 117 Directions:
 - Mine Subsidence Board (4.2 Mine Subsidence and Unstable Land)
 - Rural Fire Service (4.4 Bush Fire Prone Land)
 - Delta Electricity
 - Transport for NSW – Roads and Maritime Services

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 section 117 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 local environmental plans (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

22 day of MAY

2014.



**David Rowland
General Manager
Hunter and Central Coast Region
Growth Planning and Delivery
Department of Planning and Environment**

Delegate of the Minister for Planning



WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Wyong Shire Council is authorised to exercise the functions of the Minister for Planning and Environment 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_003_00	Planning proposal to allow an additional permitted use at Lot 1 DP 603830, Ruttleys Road, Mannering Park.

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 22/5 2014

David Rowland
General Manager
Hunter and Central Coast Region
Growth Planning and Delivery
Department of Planning and Environment

Delegated plan making reporting requirements (attachment 5 from “A Guide to preparing local environmental plans)

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_2014_WYONG_003_00
Date Sent to Department under s56	15 May 2014
Date considered at LEP Review Panel	N/A
Gateway determination date	

Table 2 – To be completed by the RPA

Stage	Date/Details	Notified Reg Off
Dates Planning Proposal 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 Department of Planning and Environment requesting notification		

Table 3 – To be completed by the department

Stage	Date/Details
Notification Date and details	

Additional relevant information: