



## Planning & Environment

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

Our ref: PP\_2015\_WYONG\_006\_00 (15/07035)

Attention: Chris Ferry

Dear Mr Whittaker,

### **Planning proposal to amend Wyong Local Environmental Plan 2013**

I am writing in response to your Council's letter 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 zoned RU2 Rural Landscape to SP2 Special Use Cemetery and E2 Environmental Conservation to facilitate the expansion of Palmdale Cemetery, Palmdale.

As delegate of the Minister for Planning, 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 agreement of the Department's Secretary to comply with the requirements of relevant S117 Directions. Council should ensure this occurs prior to the plan being made.

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 Local Environmental Plan (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 of Planning and Environment 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, I have arranged for Mr Garry Hopkins of the Department's regional office to assist you. Mr Hopkins can be contacted on (02) 4348 5000.

Yours sincerely,



12 May 2015

David Rowland  
**General Manager**  
**Hunter and Central Coast Region**  
**Planning Services**

Encl:  
Gateway Determination  
Written Authorisation to Exercise Delegation  
Attachment 5 – Delegated Plan Making Reporting Template

## Gateway Determination

***Planning proposal (Department Ref: PP\_2015\_WYONG\_006\_00): to rezone land zoned RU2 Rural Landscape to SP2 Special Use Cemetery and E2 Environmental Conservation to facilitate the expansion of Palmdale Cemetery, Palmdale***

I, the General Manager, Hunter and Central Coast Region at the Department of Planning and Environment as delegate of the Minister for Planning, have determined under section 56(2) of the EP&A Act that an amendment to the Wyong Local Environmental Plan (LEP) 2013 to rezone land zoned RU2 Rural Landscape to SP2 Special Use Cemetery and E2 Environmental Conservation to facilitate the expansion of Palmdale Cemetery, Palmdale should proceed subject to the following conditions:

1. Prior to undertaking public exhibition Council is to update the planning proposal to:
  - consider zoning the part of the lot south of Palmdale Road to E2 given presence of endangered ecological community and flood affectation;
  - determine if lot size map will alter and make appropriate amendments; and
  - include some quantification of the increased visitor numbers resulting from the expansion and include consideration of any cumulative effect on transport and flood emergency planning.
2. Council is to update its consideration of the consistency with the following S117 Directions after the additional information has been prepared and public authority consultation has been undertaken:
  - 1.3 Mining, Petroleum Production and Extractive Industries
  - 2.1 Environment Protection Zones
  - 4.3 Flood Prone Land
  - 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:
  - Office of Environment and Heritage
  - NSW Trade & Investment - Resources and Energy
  - NSW Rural Fire Service
  - State Emergency Service
  - Office of Water
  - Department of Health

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.

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 local environmental plans (Department of Planning and 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



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*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 12th day of May 2015.

**David Rowland**  
**General Manager**  
**Hunter and Central Coast Region**  
**Planning Services**  
**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 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_2015_WYONG_006_00 | Planning proposal to rezone land zoned RU2 Rural Landscape to SP2 Special Use Cemetery and E2 Environmental Conservation to facilitate the expansion of Palmdale Cemetery, Palmdale. |

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 12<sup>th</sup> day of May 2015



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