



Planning & Environment

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Our ref: PP_2015_WYONG_001_00 (15/01286)

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

Attn: Peter Kavanagh

Dear Mr Whittaker,

Planning proposal to amend Wyong Local Environmental Plan 2013

I am writing in response to your Council's correspondence dated 22 December 2014 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 216-224 Main Road and 21 Rowland Terrace, Toukley.

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.

I have also agreed the planning proposal's inconsistencies with S117 Directions 3.2 Caravan Parks and Manufactured Home Estates, 4.1 Acid Sulfate Soils and 6.3 Site Specific Provisions are of minor significance. In relation to S117 Direction 6.2 Reserving Land for Public Purposes, I have agreed to the alteration of land for public purposes. No further approval is required in relation to these Directions.

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 now accepted this delegation. 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 12 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 Glenn Horal of the Department's Gosford office to assist you. Mr Horal can be contacted on (02) 4348 5000.

Yours sincerely,



10 February 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_001_00): to rezone land at 216-224 Main Road and 21 Rowland Terrace, Toukley for mixed use, residential and tourist purposes

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 at 216-224 Main Road and 21 Rowland Terrace, Toukley for mixed use, residential and tourist purposes should proceed subject to the following conditions:

1. Prior to undertaking public exhibition Council is to update the Planning Proposal to:
 - include a concise statement which identifies the purpose in the 'objectives or intended outcomes'
 - relocate the discussion on the land swap, anticipated final form of the development and the Voluntary Planning Agreement/foreshore access from the 'objectives or intended outcomes' to the 'justification' section
 - give consideration to deleting Lot 1 DP213097 (Council Park) from the planning proposal or provide justification for its inclusion
 - include discussion and justification for the removal of the Foreshore Building Line and foreshore area including the application and effect on Clauses 7.5 and 7.6 of Wyong LEP 2013
 - include existing zoning and development standards maps
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
 - 2.2 Coastal Protection
 - 4.2 Mine Subsidence and Unstable Land
 - 4.3 Flood Prone Land
3. Prior to undertaking public exhibition, Council is to update the planning proposal to consider matter under clause 8 of the State Environmental Planning Policy (SEPP) No. 71 Coastal Protection.
4. Council is to ensure that the planning proposal satisfies the requirements of State Environmental Planning Policy (SEPP) 55 – Remediation of Land. If required, 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.
5. 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 a minimum of **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 Environment 2013)*.

6. 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 & Energy
- Transport for NSW – Roads and Maritime Services
- Mine Subsidence Board

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.

7. 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).

8. The timeframe for completing the LEP is to be **12 months** from the week following the date of the Gateway determination.

Dated 10th day of February 2015.



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

Delegate of the Minister for Planning

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_001_00	Planning proposal to rezone land at 216-224 Main Road and 21 Rowland Terrace, Toukley for mixed use, residential and tourist purposes.

In exercising the Minister's functions under section 59, the Council must comply with the Department of Planning and Environment's "*A guide to preparing local environmental plans*" and "*A guide to preparing planning proposals*".

Dated 10 February 2015



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