



Planning & Environment

Contact: Garry Hopkins
Phone: (02) 4348 5000
Email: garry.hopkins@planning.nsw.gov.au
Postal: PO Box 1148, Gosford NSW 2250

Our ref: PP_2015_WYONG_008_00 (15/12906)
Your ref: RZ/8/2015

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

Attention: Peter Kavanagh

Dear Mr Whittaker,

Planning proposal to amend Wyong Local Environmental Plan 2013

I am writing in response to your Council's letter dated 25 August 2015 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 permit Tourist and Visitor Accommodation on Lots 1-4 Section 22 DP 28961 2-8 Aldinga Road, Gwandalan under Wyong Local Environmental Plan 2013.

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 s.117 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 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 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,



7 September 2015

David Rowland
General Manager
Hunter and Central Coast Region
Growth Planning

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

Gateway Determination

Planning proposal (Department Ref: PP_2015_WYONG_008_00): to permit Tourist and Visitor Accommodation on Lots 1-4 Section 22 DP 28961, 2-8 Aldinga Road Gwandalan under Wyong Local Environmental Plan 2013.

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 in respect of the planning proposal to permit Tourist and Visitor Accommodation on Lots 1-4 Section 22 DP 28961, 2-8 Aldinga Road Gwandalan under Wyong Local Environmental Plan 2013 should proceed subject to the following conditions:

1. Prior to undertaking public exhibition, Council is to update the planning proposal to:
 - Include consideration and justification for why the use, if appropriate on the site, must be 'associated with a registered club';
 - Remove reference in Explanation of Provisions to caravan parks not being permitted as this is explicit in the definition of tourist and visitor accommodation in Wyong LEP 2013; and
 - Include assessment against the heads of consideration in SEPP 71 as required by clause 7(a) of the SEPP.
2. 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 local environmental plans (Department of Planning and Infrastructure, 2013)*.
3. Consultation is required with the Mine Subsidence Board under section 56(2)(d) of the EP&A Act and to comply with the requirements of section 117 Direction 4.2 Mine Subsidence and Unstable Land.

The Board 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 Board, and information is provided, Council is to update its consideration of section 117 Directions.
4. 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).



Planning & Environment

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

Dated 7th day of September 2015.

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

Delegate of the Minister for Planning



Planning & Environment

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_008_00	Planning Proposal to permit Tourist and Visitor Accommodation on Lots 1-4 Section 22 DP 28961, 2-8 Aldinga Road Gwandalan under Wyong Local Environmental Plan (LEP) 2013.

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 7th of September 2015

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