



Planning & Environment

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Mr Rob Noble
Acting CEO
Central Coast Council
PO Box 20
WYONG NSW 2259

Our ref: PP_2016_WYONG_008_00 (16/08146)
Your ref: RZ/1/2016

Attn: Rod Mergan

Dear Mr Noble,

Planning proposal to amend Wyong Local Environmental Plan 2013

I am writing in response to your Council's letter dated 8 June 2016 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 amend the Floor Space Ratio map for 66 Oakland Avenue and 6, 8, 15A, 17, 19 and 21 Ashton Avenue, The Entrance.

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. In the majority of circumstances, a planning proposal aiming to make changes to development standards on a site by site basis without any larger strategic review would not be supported. In this case, while accepting Council's wish to allow redevelopment of the subject sites, I have conditioned the Gateway determination to require the timetable and community consultation sections of the planning proposal to be updated to reflect Council's intention to undertake a broader review of Floor Space Ratio provisions in other similar parts of The Entrance. This will provide the community and other stakeholders with the understanding that while this planning proposal has commenced as a stand-alone proposal, Council intends to provide a broader and more strategic response.

Plan making powers were delegated to councils by the Minister in October 2012. I have considered the nature of Council's planning proposal and have decided not to issue an authorisation for Council to exercise delegation to make this plan. The issue of delegation may be reconsidered once progress with the broader review is assured and to this end Council is requested to provide the Department with advice on progress with the broader review prior to commencing public exhibition of the planning proposal.

The amending Local Environmental Plan (LEP) is to be finalised within 18 months of the week following the date of the Gateway determination. Council's request to draft and finalise the LEP should be made to the Department of Planning and Environment 6 weeks prior to the projected publication date.

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 Ms Amy Blakely of the Department's regional office to assist you. Ms Blakely can be contacted on (02) 4904 2723.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Monica Gibson', with a stylized flourish at the end.

4/8/2016

Monica Gibson

**Director Regions, Hunter and Central Coast
Planning Services**

Encl:

Gateway Determination

Gateway Determination

Planning proposal (Department Ref: PP_2016_WYONG_008_00): to amend the Floor Space Ratio provisions for 66 Oakland Avenue and 6, 8, 15A, 17, 19 and 21 Ashton Avenue, The Entrance.

I, the Director Regions, Hunter and Central Coast 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 amend the Floor Space Ratio (FSR) provisions for 66 Oakland Avenue and 6, 8, 15A, 17, 19 and 21 Ashton Avenue, The Entrance should proceed subject to the following conditions:

1. Council is to update the planning proposal prior to community consultation to:
 - (a) Provide further justification for the proposed new Floor Space Ratio, including assessment of consistency with the objectives of the Floor Space Ratio clause in Wyong LEP 2013;
 - (b) Amend Part 6 Project Timeline to include references to the proposed review of Floor Space Ratio provisions for other parts of The Entrance; and
 - (c) Amend the community consultation section (wording is currently incorrect) and ensure that exhibition material references Council's intention to conduct a broader review of Floor Space Ratio provisions in parts of The Entrance. Community consultation on the planning proposal is to specifically include consultation with landowners within the area adjoining and potentially affected by the current proposal.
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); and
3. Consultation is required with the Roads and Maritime Services (RMS) under section 56(2)(d) of the Act. RMS 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. 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).



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

Dated 4th day of August 2016.

Monica Gibson
Director Regions, Hunter and Central Coast
Planning Services
Department of Planning and Environment

Delegate of the Minister for Planning