



Office of the Director General

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Our ref: PP_2012_WYONG_003_00 (12/14388)
Your ref: RZ/6/2012

Dear Mr Whittaker,

Planning proposal to amend Wyong Local Environmental Plan 1991

I am writing in response to your Council's letter dated 27 September 2012 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 Wyong Local Environmental Plan 1991 to facilitate development of a key (iconic) development site at The Entrance Road, The Entrance for residential, commercial and retail purposes.

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

It is noted that Council is planning to introduce a framework for 'iconic sites' as part of its draft comprehensive LEP. It will be important that this framework is able to provide:

- certainty about what heights may be able to be achieved, or could result on these sites; and
- transparency about the extent to which the assessment criteria need to be met and what level of public benefit (contribution or otherwise) would be required to qualify for the height bonus and for what extent of bonus.

I understand that the Department's regional team has provided more detailed guidance to Council on these matters.

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 to meet the 12 month timeframe. Council's request for the department to draft and finalise the LEP should be made six (6) weeks prior to the projected publication date.

The NSW 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 s54(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, please contact Ben Holmes of the regional office of the department on 02 4348 5000.

Yours sincerely,

SH Haddad
Sam Haddad
Director General

27/11/2012

Gateway Determination

Planning proposal (Department Ref: PP_2012_WYONG_003_00): to amend Wyong Local Environmental Plan 1991 to facilitate development of a key (iconic) sites development.

I, the Director General, Department of Planning and Infrastructure as delegate of the Minister for Planning and Infrastructure, have determined under section 56(2) of the EP&A Act that an amendment to the Wyong Local Environmental Plan 1991 to:

- apply a maximum floor space ratio of 3:1,
- apply a range of maximum building heights to the subject land,
- remove the application of Clause 42B, 42CA and 68 to the proposed site,
- introduce the terms, 'Key site', 'Design excellence' and 'Green building' to the dictionary,
- introduce a 5 year sunset clause for development consent, and
- include 'recreation facility (regional water park use)' and 'shop (both tourist and non-tourist related shops)' as permissible uses for the proposed site,

to land at 9-11 and 31-39 The Entrance Road West, 1-11 and 4 Bent Street (and Bent Street itself), 3-9 and 6 Oakland Avenue (and part of this road) and 2,3 &4 Clifford Street, The Entrance should proceed subject to the following conditions:

1. Council's intention to exhibit a draft VPA with the planning proposal is supported, as the community's views regarding height may be influenced by the detail of the public benefit to be provided. Further, should there be the potential for the public benefit to change between the planning proposal and DA stages then this should also be made clear to the community.
2. Prior to commencing public exhibition, Council is to amend the planning proposal to:
 - (a) ensure that the correct lot and DPs are referenced,
 - (b) include 'recreation facilities (major)' and 'shops' as permissible with consent in the 2(g) Residential Tourist zone,
 - (c) further discuss the planning proposal's consistency with State Environmental Planning Policy 71, particularly Clause 8,
 - (d) ensure that there is adequate information for the purposes of community consultation regarding amenity impacts, particularly should the Development Application not be exhibited with the planning proposal,
 - (e) confirm how Council considers the inconsistency with S117 Direction 2.2 Coastal Protection is justified and seek the Director-General's agreement to any inconsistency, and
 - (f) clarify whether the planning proposal is consistent with S117 Direction 4.3 Flood Prone Land. If the planning proposal is inconsistent Council is to seek the Director-General's agreement to the inconsistency.
3. 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 **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 4.5 of *A Guide to Preparing LEPs (Department of Planning 2009)*.

4. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:

- 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. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning proposal.

Council is to satisfy itself that traffic impacts generated as a result of the planning proposal can be adequately managed.

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 **12 months** from the week following the date of the Gateway determination.

Dated 27th day of November 2012.



Sam Haddad
Director General
Delegate of the Minister for Planning and
Infrastructure