



Mr Rob Noble
Chief Executive Officer
Central Coast Council
PO Box 20
Wyong NSW 2259

Our ref: PP_2016_WYONG_007_00 (16/08651)
Your ref: RZ/3/2016

Attention: Jonathan Luke

Dear Mr Noble

Planning proposal to amend Wyong Local Environmental Plan 2013

I am writing in response to your Council's letter dated 22 June 2016 requesting a Gateway determination under section 56 of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the planning proposal to rezone Lot 2 DP 605538 from R2 Low Density Residential and SP2 Electricity - Transmission and Distribution to R2 Low Density Residential and SP2 Electricity - Transmission and Distribution and amend lot size, floor space ratio and building height development standards to enable development for residential purposes at 11A Brisbane Street, Noraville.

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 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 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 regional office to assist you. Mr Horal can be contacted on (02) 4348 5000.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Monica Gibson', with a stylized, cursive script.

29/8/2016

Monica Gibson

Director Regions, Hunter and Central Coast

Planning Services

Encl:

Gateway Determination

Written Authorisation to Exercise Delegation

Attachment 5 – Delegated Plan Making Reporting Template

Gateway Determination

Planning proposal (Department Ref: PP_2016_WYONG_007_00): to rezone Lot 2 DP 605538 from R2 Low Density Residential and SP2 Electricity - Transmission and Distribution to R2 Low Density Residential and SP2 Electricity - Transmission and Distribution and amend lot size, floor space ratio and building height development standards to enable development for residential purposes at 11A Brisbane Street, Noraville.

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 *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Wyong Local Environmental Plan (LEP) 2013 to rezone Lot 2 DP 605538 from R2 Low Density Residential and SP2 Electricity - Transmission and Distribution to R2 Low Density Residential and SP2 Electricity - Transmission and Distribution and amend lot size, floor space ratio and building height development standards to enable development for residential purposes at 11A Brisbane Street, Noraville should proceed subject to the following conditions:

1. Prior to undertaking public exhibition Council is to update the Planning Proposal to:
 - identify in the 'objectives' and 'explanation of provisions' and mapping the land is zoned R2 Low Density Residential and SP2 Electricity - Transmission and Distribution and include a notation identifying the mapped SP2 zoning over the entirety of Lot 2 DP605538 was the result of a mapping error during the finalisation of Wyong LEP 2013 (Amendment No 16).
 - include consideration of the Department's LEP Practice Note PN 10-001 Zoning for Infrastructure in LEPs and justification for the proposed SP2 zone.
 - include updated zone and development standards once further investigation of zones (including the RE1 Public Recreation and R2 Low Density Residential zones) and zone boundaries are identified.
2. Additional information regarding the following matters is to be placed on public exhibition with the planning proposal:
 - traffic and transport assessment;
 - acoustic assessment;
 - electro-magnetic field buffers and setbacks assessment;
 - bushfire assessment;
 - water and sewer system capacity analysis; and
 - drainage analysis
3. Council is to update the planning proposal to include sufficient additional information to adequately demonstrate consistency or justify any inconsistency with the below S117 Directions and other policies:
 - 3.4 Integrating Land Use and Transport
 - 4.2 Mine Subsidence and Unstable Land
 - 4.4 Planning for Bushfire Protection
 - 6.2 Reserving Land for Public Purposes – if required
 - State Environmental Planning Policy (Infrastructure) 2007

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 sites are 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 Act as follows:
 - (a) the planning proposal 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 of *A Guide to Preparing LEPs* (Department of Planning and Infrastructure 2013).
6. Consultation is required with the following public authorities under section 56(2)(d) of the Act and/or to comply with the requirements of relevant S117 Directions:
 - Mine Subsidence Board
 - NSW Rural Fire Service
 - Department of Industry – Lands – Crown Land
 - Transport for NSW - Roads and Maritime Services
 - Transport for NSW
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 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 **9 months** from the week following the date of the Gateway determination.

Dated 29th 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

WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Central Coast 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_2016_WYONG_007_00	Planning proposal to rezone Lot 2 DP 605538 R2 Low Density Residential and SP2 Electricity - Transmission and Distribution to R2 Low Density Residential and SP2 Electricity - Transmission and Distribution and amend lot size, floor space ratio and building height development standards to enable development for residential purposes at 11A Brisbane Street, Noraville.

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 29th August 2016



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

Delegate of the Minister for Planning