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

Our ref: PP_2012_WYONG_002_00 (12/11153)
Your ref:

Dear Mr Whittaker,

Planning proposal to amend Wyong Local Environmental Plan (LEP) 1991

I am writing in response to your Council's request for 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 (LEP) 1991 to introduce provisions to facilitate a mixed use development at Ocean Parade and 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.

The planning proposal is not clear in illustrating the amendments which are to be made to Wyong LEP 1991 to facilitate the mixed use development. Therefore, prior to undertaking public exhibition, Council is to amend the planning proposal to clearly outline the intent of the planning proposal which is to achieve a maximum floor space ratio of 4:1 and a maximum building height of 70m AHD on the subject site.

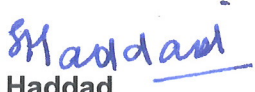
It is noted that the planning proposal is to be exhibited with the development application, site specific Development Control Plan (DCP) and draft Voluntary Planning Agreement. The department supports these documents being exhibited concurrently. Council is also to provide an explanatory note to explain the key sites program to the community.

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 following agency consultation. 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 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,


Sam Haddad
Director-General

22/8/2012.

Gateway Determination

Planning proposal (Department Ref: PP_2012_WYONG_002_00): to amend Wyong Local Environmental Plan (LEP) 1991 to facilitate a mixed use development at The Entrance.

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 (LEP) 1991 to introduce provisions to facilitate a mixed use development at Ocean Parade and The Entrance Road, The Entrance for residential, commercial and retail purposes should proceed subject to the following conditions:

1. Prior to undertaking public exhibition, Council is to amend the planning proposal to clarify whether it will introduce broader key site provisions similar to those included in the draft Wyong comprehensive LEP or whether the planning proposal will only introduce specific development controls for land at Ocean Parade and The Entrance Road, The Entrance.
2. Prior to undertaking public exhibition, Council is to amend the planning proposal to clearly outline the intent of the planning proposal which is to achieve a maximum floor space ratio of 4:1 and a maximum building height of 70m AHD on the subject site.
3. Prior to undertaking public exhibition, Council is to amend the planning proposal to address the proposal's consistency with Directions 3.1 Residential Zones and 3.4 Integrating Land Use and Transport.
4. Prior to undertaking public exhibition, Council is to amend the planning proposal to clearly demonstrate how the planning proposal satisfies the requirements of Direction 2.2 Coastal Protection. Council should clearly demonstrate how the planning proposal is consistent with coastal policies under this Direction.
5. Council is to provide justification for the planning proposal's consistency with Direction 6.3 Site Specific Provisions. If the planning proposal is inconsistent with this Direction, Council should seek the Director General's agreement. If necessary, the Director General's agreement can be sought following community consultation.
6. 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).
7. 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.

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

Dated 22nd day of August 2012.

SHaddad

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