

Gateway Determination

Planning proposal (Department Ref: PP-2021-5416): to rezone part of Lot 2 DP1056960 and Lot 3 DP1084221 from RU6 Transition to R1 General Residential, undertake a minor realignment of the B4 Mixed Use zone boundary, introduce floor space ratio and height of building controls for the B4 Mixed Use land, remove the minimum lot size for the R1 General Residential land and create a new urban release area at 60 Wyong Road, Tuggerah.

I, the A/Executive Director, Local and Regional Planning at the Department of Planning and Environment, as delegate of the Minister for Planning and Homes, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the *Central Coast Local Environmental Plan 2022* to rezone part of Lot 2 DP1056960 and Lot 3 DP1084221 from RU6 Transition to R1 General Residential, undertake a minor realignment of the B4 Mixed Use zone boundary, introduce floor space ratio and height of building controls for the B4 Mixed Use land, remove the minimum lot size for the R1 General Residential land and create a new urban release area at 60 Wyong Road, Tuggerah should proceed subject to the following conditions:

1. The planning proposal should be updated to:
 - i. remove assessment against the draft regional plan and replace it with assessment against the *Central Coast Regional Plan 2041*.
 - ii. include an air quality impact assessments, with detailed consideration given to locating residential development in close proximity to the adjacent classified roads. Subject to the findings of these investigations a human health impact assessment may also be required, with specific consideration given to sensitivities associated with vehicle emissions.
 - iii. clarify inconsistencies between the proposed amendments and the associated mapping and ensure all mapping reflects the proposed changes. In particular, clarify the B4 Mixed Use zoned part of the site will be included in the Urban Release Area listing under Part 6 of the local environmental plan.
 - iv. clarify the housing and job numbers between the planning proposal and the supporting documents.
 - v. include a relevant density control for the R1 General Residential zone.
2. Prior to public exhibition a design review should be undertaken in consultation with the Department that considers the development scale in the context of the surrounds and hierarchy of centres within the region.
3. Prior to approving for finalisation, the planning proposal should clarify the probable maximum flood event peak flood depths and level contours as well as peak flood velocities and volumetric check analysis of potential loss of flood storage where fill is proposed.
4. Public exhibition is required under section 3.34(2)(c) and clause 4 of Schedule 1 to the Act as follows:
 - (a) the planning proposal is categorised as complex as described in the *Local Environmental Plan Making Guidelines* (Department of Planning and Environment, 2021) and must be made publicly available for a minimum of 30 working days; and

- (b) the planning proposal 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 *Local Environmental Plan Making Guidelines* (Department of Planning and Environment, 2021).
5. Consultation is required with the following public authorities and government agencies under section 3.34(2)(d) of the Act and/or to comply with the requirements of applicable directions of the Minister under section 9 of the Act:
- Darkinjung Local Aboriginal Land Council.
 - Biodiversity Conservation Division.
 - NSW Rural Fire Service.
 - Department of Education.
 - Transport for NSW.
 - Ausgrid.
 - Environment Protection Agency.
- Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material via the NSW Planning Portal and given at least 30 days to comment on the planning proposal.
6. A public hearing is not required to be held into the matter by any person or body under section 3.34(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).
7. The local environmental plan should be completed on or before 23 December 2023.

Dated 19th day of December 2022.



Daniel Thompson
A/Executive Director, Local and Regional
Planning
Department of Planning and Environment

Delegate of the Minister for Planning and
Homes