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Our ref: PP\_2010\_WYONG\_005\_00 (10/17486)  
Your ref: RZ/20/2009 (Jenny Mewing)

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

Dear Mr Whittaker,

**Re: Planning Proposal to permit commercial development at Bryant Drive, Tuggerah**

I am writing in response to your Council's letter dated 2 August 2010 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 permit commercial development on Lot 21 DP 654119 and Lots 24 and 25 DP 25373 (1 Bryant Drive, Tuggerah).

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

The Gateway Determination requires that the planning proposal be made publicly available for a period of 14 days. Under section 57(2) of the Act, I am satisfied that the planning proposal, when amended as required by the Gateway Determination, is in a form that can be made available for community consultation.

The amending Local Environmental Plan (LEP) is to be finalised within 6 months of the week following the date of the Gateway Determination. Council should aim to commence the exhibition of the Planning Proposal within four (4) weeks from the week following this determination. 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,



24/9/10

**Tom Gellibrand**  
**Deputy Director General**  
**Plan Making & Urban Renewal**

## Gateway Determination

**Planning Proposal (Department Ref: PP\_2010\_WYONG\_005\_00):** to permit commercial development on Lot 21 DP 654119 and Lots 24 and 25 DP 25373 (1 Bryant Drive, Tuggerah).

I, the Deputy Director General, Plan Making & Urban Renewal 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 1991 to permit commercial development on Lot 21 DP 654119 and Lots 24 and 25 DP 25373 (1 Bryant Drive, Tuggerah) should proceed subject to the following conditions:

1. A cap to limit the floor space commercial development on the lots up to 3,500m<sup>2</sup>.
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 is classified as low impact as described in *A Guide to Preparing LEPs (Department of Planning 2009)* and must be made publicly available for **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 4.5 of *A Guide to Preparing LEPs (Department of Planning 2009)*.
3. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
  - Department of Environment, Climate Change and Water
  - NSW Rural Fire Service
  - Roads and Traffic Authority

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.
4. No public hearing is required to be held into the matter under section 56(2)(e) of the EP&A Act. This does not have any bearing on the need to conduct a public hearing under the provisions of any other legislation.
5. The timeframe for completing the LEP is to be **6 months** from the week following the date of the Gateway determination.

Dated 24<sup>th</sup> day of September 2010.



**Tom Gellibrand**  
**Deputy Director General**  
**Plan Making & Urban Renewal**  
**Delegate of the Minister for Planning**