



Planning & Environment

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Our ref: PP_2014_WYONG_012_00 (14/17084)

Dear Mr Whittaker

Planning proposal to amend Wyong Local Environmental Plan 2013

I am writing in response to Council's request for a Gateway determination under section 56 of the *Environmental Planning and Assessment Act 1979* (the Act) for a planning proposal at 30 Jack Grant Avenue, Warnervale.

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

In making this decision, I have considered the matters discussed with the General Manager, Hunter & Central Coast Region, at the Department on 12 February 2015. Following that discussion, I understand that the proposed primary uses for the site (education and business) are already permitted and are fully supported by the Department. The conditions in the Gateway determination recognise that these uses will continue to be permitted, but provide additional flexibility in terms of height and density for these uses.

As the planning proposal submitted by Council did not adequately address the potential impacts on other centres or on transport planning, I have conditioned the Gateway determination to cap the floor space within the B7 zone to an amount similar to the existing provision.

Notwithstanding that change, I have also removed the additional permitted uses of retail development and highway service centre from the planning proposal as these are not sufficiently justified as interdependent uses. Some retail development may be appropriate under the current zoning provided it is ancillary to a university.

The Department will continue to work with Council to facilitate educational and business uses on this site. As the site develops and the needs of future occupants become known, a further review of the planning controls may be undertaken.

The Department will also coordinate involvement of other State agencies for the proposal, including Transport for NSW, Roads and Maritime Services and the Office of Environment and Heritage, to confirm the outcomes for Warnervale and consider any cumulative impacts from proposals not foreseen within the *North Wyong Shire Structure Plan*.

Due to the changes required by the Gateway determination, it will be necessary to amend the planning proposal to ensure consistency with the conditions. The Department can assist Council by reviewing the revised planning proposal, if requested.

Prior to the plan being made, Council may still need to seek the approval of my delegate that the proposal complies with the requirements of relevant section 117 Directions.

I understand that Council has sought delegation to make this plan. Having considered the nature of Council's planning proposal, I have decided not to authorise Council to exercise its delegation to make this plan.

The amending local environmental plan (LEP) must be finalised within **12 months** of the week following the date of the Gateway determination. Council should aim to commence exhibition of the planning proposal as soon as possible. Council's request for the Department to draft and finalise the LEP should be made **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 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, please contact Mr Garry Hopkins of the Department's Gosford office, on (02) 4348 5000.

Yours sincerely,



Marcus Ray
Deputy Secretary
Planning Services

11/04/2015
Encl: Gateway Determination

Gateway Determination

Planning proposal (Department Ref: PP_2014_WYONG_012_00): to introduce flexibility in planning controls for 30 Jack Grant Avenue Warnervale to facilitate development of an education and business precinct.

I, the Deputy Secretary 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 introduce flexibility into the planning controls for 30 Jack Grant Avenue, Warnervale to facilitate development of an education and business precinct should proceed subject to the following conditions:

1. Prior to undertaking public exhibition Council is to update the planning proposal to:
 - amend the explanation of provisions to remove items 3 and 4 relating to additional uses (retail development and highway service centre);
 - include a new point in explanation of provisions to introduce a floor space cap of 205,000 m² in the B7 zone at Warnervale;
 - include a new point in explanation of provisions confirming the provisions of cl. 7.14 of Wyong LEP 2013 continues to apply;
 - update the Floor Space Ratio (FSR) map to reflect the FSR of 2.5:1 as stated throughout the planning proposal (map is currently 2.75:1);
 - amend the draft height and FSR maps to remove the roads within the site;
 - reference satisfactory arrangements and the provision of designated State public infrastructure in the explanation of provisions and amend the urban release area map to include the SP2 area;
 - remove the draft additional permitted use map and references to additional permitted uses in the planning proposal;
 - ensure site boundary on maps within the planning proposal are accurate and consistent;
 - rewrite objectives or intended outcomes to remove references to additional permitted uses and enabling of educational and business uses (as they are already permitted) and include reference to main objective which is to provide flexibility;
 - remove references in need for the planning proposal to expected inclusions in Central Coast Regional Growth Plan (CCRGP) – this is not considered to be appropriate due to the status of the proposed CCRGP;
 - confirm the appropriateness of uses proposed for the E2 zone within the Concept Master Plan; and
 - ensure wording of planning proposal is consistent with Gateway conditions.
2. Council is to update its consideration of the consistency with the following section 117 Directions in line with the amended planning proposal after additional information has been prepared and public authority consultation has been undertaken:
 - 1.1 Business and Industrial Zones
 - 2.1 Environment Protection Zones
 - 2.3 Heritage Conservation
 - 3.1 Residential Zones
 - 3.4 Integrating Land Use and Transport

3.5 Development Near Licensed Aerodromes

4.1 Acid Sulfate Soils

4.4 Planning for Bushfire Protection

5.1 Implementation of Regional Strategies.

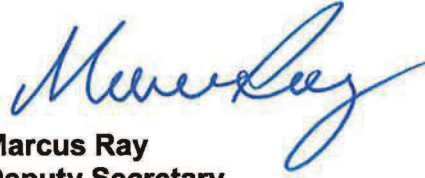
3. Council is to ensure that the planning proposal satisfies the requirements of State Environmental Planning Policy (SEPP) 55 – Remediation of Land. If required, Council is to prepare an initial site contamination investigation report to demonstrate that the site is suitable for rezoning to the proposed zone. This report is to be included as part of the public exhibition material.
4. 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 **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 5.5.2 of *A guide to preparing local environmental plans (Department of Planning and Infrastructure 2013)*.
5. 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 section 117 Directions:
 - Ambulance Service of NSW - infrastructure requirements
 - Department of Education and Communities - infrastructure requirements
 - Office of Environment and Heritage – biodiversity and Aboriginal heritage
 - Trade and Investment – teleworking centres
 - Fire and Rescue NSW – infrastructure requirements
 - Department of Health – infrastructure requirements
 - NSW Police Force – infrastructure requirements
 - NSW Rural Fire Service - 117 direction 4.4 Planning for Bushfire Protection
 - Transport for NSW – rail services and infrastructure requirements
 - Transport for NSW - Roads and Maritime Services – traffic and infrastructure requirements

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal. Agencies being consulted on infrastructure requirements should be advised of the context of the site within a broader precinct.

6. Cumulative transport impacts in the locality are to be considered by Council in consultation with Transport for NSW and Roads and Maritime Services including existing transport infrastructure, planned upgrades to support known development plans (WEZ, WTC and precinct 7A), proposed new infrastructure (e.g. proposed Link Road, new rail stations) and other new development proposed for this area. Staging and priorities for development in the Warnervale district should be identified so that transport planning remains current and transport provision aligns with development as it occurs.
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 **12 months** from the week following the date of the Gateway determination.

Dated *11th* day of *April* ~~March~~ 2015.



Marcus Ray
Deputy Secretary
Department of Planning and Environment

Delegate of the Minister for Planning