



Planning

Contact: Ben Holmes
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Mr Michael Whittaker
General Manager
Wyong Shire Council
PO Box 20
WYONG NSW 2259

Our ref: 10/21506
Your ref: F2007/01960

Dear Mr Whittaker

Pending LEP – draft Wyong LEP 1991 (Amendment No 178)

I refer to Council's letter of 6 October 2010, requesting a Gateway Determination under section 56 of the *Environmental Planning and Assessment Act 1979* ("EP&A Act") for the draft Wyong Local Environmental Plan 1991 (Amendment No 178).

I am writing to notify you that I have determined, as the delegate of the Director General, under clause 12(2) of the *Environmental Planning and Assessment Regulation 2000* that the former LEP plan-making provisions cease to apply to the draft LEP. The current provisions of Part 3 of the EP&A Act now apply.

Further I have, as delegate for the Minister for Planning, determined under clause 122 (2) of Schedule 6 to the EP&A Act to recognise the agency consultation already undertaken for the making of this draft LEP. The plan will therefore commence at section 57(1) of the EP&A Act subject to the amendments detailed below.

The planning proposal is to be made publicly available for a period of 28 days. Under section 57(2) of the Act, I am satisfied that the planning proposal, when amended as per the attachment to this letter, will be in a form that can be made available for community consultation. The Department's Regional Office will be able to provide Council with further guidance on this matter.

Council is encouraged to finalise the LEP within 6 months of the week following the date of this letter. 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 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 Department's Hunter & Central Coast Regional Team on 02 4348 5003.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Tom Gellibrand', with a long horizontal stroke extending to the right.

Tom Gellibrand

3/11/10

Deputy Director General

Plan Making & Urban Renewal

(as delegate of the Minister and the Director General)

ATTACHMENT – CHANGES TO THE PLANNING PROPOSAL

Changes which need to be made to the Planning Proposal

- The proposed outcome of the planning proposal as described under 'Objectives or Intended Outcomes' should be amended so that it specifies that the proposal's objective is also to increase 'commercial' density.
- The statement detailing the specific amendments to Wyong LEP 1991 that would occur as described under 'Explanation of Provisions' should also:
 - list the rezonings associated with the 5(a) Special Uses zone which are identified on the proposed zone map;
 - include a table which describes the specific floor space bonuses which will be provided (as outlined in the proposal's Attachment Four);
 - list the land acquisition amendment; and
 - list the reclassification amendment.

Areas requiring further clarification in discussion with the Regional Office

- The draft zoning map appears to identify two sites, adjoining Pauline Lane, to be rezoned from 3(a) Business Centre Zone to 5(a) Special Uses Zone however these rezonings are otherwise not discussed in the proposal.
- The draft instrument clauses are not required and can be removed, however if Council wishes to include them they should be further refined so that they will achieve the result intended:
 - proposed clauses 42AA and 42H do not appear to include wording to ensure that they are triggered when relevant. Both clauses appear to exclude land proposed to be zoned 5(a) Special Uses despite appearing to be included on the proposed floor space ratio map.
 - the floor space bonus provisions included in the table accompanying proposed clause 42AB list specific site areas to be achieved, rather than specifying site area ranges which would appear to be a more practical approach. Commercial zoned land has been omitted from the provision and it is not clear if this is intentional.
- Several discussions have been had with the Department's Regional Office regarding possible car parking impacts within the Wyong Town Centre and this issue should be briefly discussed in the planning proposal.