



Office of the Director General

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Our ref: PP_2012_WYONG_004_00 (12/17796)
Your ref: RZ/1/2011

Dear Mr Whittaker,

Planning Proposal to amend either Wyong Local Environmental Plan (LEP) 1991 or draft Wyong LEP 2012

I am writing in response to your Council's letter dated 18 October 2012 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 (LEP) 1991 or draft Wyong LEP 2012 to rezone land at North Wyong Industrial Estate for commercial 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.

Council's intention to increase employment opportunities and stimulate development in the North Wyong Industrial Estate is supported. However, given the size of the site, the scale of business and office premises that would be permissible under the B6 Zoning may raise the potential of a new commercial centre being created.

Locating commercial premises in centres is a key objective of the Central Coast Regional Strategy that forms part of a broader aim to rejuvenate centres.

Council therefore needs to identify the likely impact of permitting commercial premises on the subject site and the effect it may have on other business clusters and town centres, including a consideration of market conditions and land values. Council should consult the local business community as part of the public exhibition and ensure that any comments are addressed within the Planning Proposal.

The amended 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 to meet the 12 month timeframe. 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 NSW 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 timeframes outlined in this determination are not met.

Should you have any queries in regard to this matter, please contact Mr Ben Holmes of the Department's Central Coast Regional office of the on 02 4348 5000.

Yours sincerely,

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Sam Haddad
Director General

5/12/2012.

Gateway Determination

Planning proposal (Department Ref: PP_2012_WYONG_004_00): to amend either Wyong Local Environmental Plan (LEP) 1991 or draft Wyong LEP 2012 to rezone land at North Wyong Industrial Estate for commercial purposes.

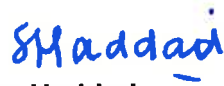
I, the Director General, Department of Planning and Infrastructure as delegate of the Minister for Planning and Infrastructure, have determined under section 56(2) of the EP&A Act that an amendment to the Wyong Local Environmental Plan (LEP) 1991 or draft Wyong LEP 2012 to rezone land at North Wyong Industrial Estate for commercial purposes and amend the Height of Buildings map should proceed subject to the following conditions:

1. Prior to commencing public exhibition, Council is to amend the planning proposal to identify the likely impact of permitting commercial premises on the subject site and the effect it may have on other business clusters and town centres including consideration of market conditions and land values.
2. Council is to ensure the planning proposal includes a map that shows the proposed height of building development controls for the site, including the land currently zoned residential.
3. Council is to further demonstrate consistency or justify any inconsistency with S117 Directions 1.1 Business and Industrial Zones, 3.4 Integrating Land Use and Transport and 5.1 Implementation of Regional Strategies prior to the commencement of public exhibition.
4. Council is to demonstrate that the planning proposal satisfies the requirements of State Environmental Planning Policy No 55 (SEPP 55) – Remediation of Land and the *Contaminated Land Planning Guidelines*. Council should consider preparing an initial site contamination investigation to demonstrate that the undeveloped parts of the site are suitable for rezoning to the proposed zone.
5. Council is to include further consideration of the consistency with S117 Direction 4.3 Flood Prone Land, having regard to the draft Flood Risk Management Study given the proposed increase in the scale of development.
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:
 - NSW Rural Fire Service
 - Transport for NSW
 - Roads and Maritime Services
 - Department of Infrastructure and Transport

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. Council is to consult with the Department of Infrastructure and Transport and the lessee of the Warnervale Aerodrome in accordance with Section 117 Direction 3.5 Development Near Licensed Aerodromes. Council is to amend the planning proposal, if necessary, to take into consideration any comments prior to the commencement of public exhibition.
9. Council is to consult with the Commissioner of the NSW Rural Fire Service in accordance with Section 117 Direction 4.4 Planning for Bushfire Protection and amend the planning proposal, if necessary, to take into consideration any comments prior to the commencement of public exhibition.
10. 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).
11. The timeframe for completing the LEP is to be **12 months** from the week following the date of the Gateway determination.

Dated 5th day of December 2012.


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