



Planning & Infrastructure

Office of the Director General

Mr Michael Whittaker
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Our ref: PP_2012_WYONG_006_00 (12/18398)
Your ref: RZ/3/2012

Dear Mr Whittaker,

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

I am writing in response to your Council's letter dated 13 November 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 draft Wyong Local Environmental Plan (LEP) 2012 or Wyong LEP 1991 to rezone the Craigie Avenue Precinct at Kanwal for enterprise corridor and environmental conservation purposes and amend the building height and floor space ratio on the site.

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.

The amending 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. 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 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,


Sam Haddad
Director General

11/11 2013

Gateway Determination

Planning proposal (Department Ref: PP_2012_WYONG_006_00): to rezone the Craigie Avenue Precinct for enterprise corridor and environmental conservation 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 draft Wyong Local Environmental Plan (LEP) 2012 or Wyong LEP 1991 to rezone Craigie Avenue Precinct at Kanwal for enterprise corridor and environmental conservation purposes and amend the building height and floor space ratio on the site should proceed subject to the following conditions:

1. Prior to commencing public exhibition, Council is to:
 - (a) amend the 'explanation of provisions' within the planning proposal to identify the changes proposed to Wyong LEP 1991, in the event that the planning proposal is to be finalised before Council's draft LEP is notified;
 - (b) amend the 'explanation of provisions' within the planning proposal to include the land use table and any local clauses which are proposed to be included in the plan;
 - (c) consider the role of the Craigie Avenue Precinct, the scale of development to be permitted under the proposed controls and how this development will complement nearby centres. This analysis should form part of the planning proposal documentation and inform the land uses, local provisions and development standards proposed for the site;
 - (d) ensure that all maps provided clearly identify the subject site;
 - (e) include a locality map which clearly identifies the site in relation to Wadalba, Hamlyn Terrace, Lake Haven and Kanwal areas;
 - (f) update Figure 2 within the planning proposal to reference the published North Wyong Shire Structure Plan map; and
 - (g) include a draft zoning map identifying the proposed zoning of the site and the current zoning of adjoining land. Council is also to include draft height of buildings and floor space ratio maps to show the development standards that will apply to the site. All maps should clearly identify the subject site.
2. Council is to demonstrate that the planning proposal satisfies the requirements of State Environmental Planning Policy No 55 (SEPP 55) – Remediation of Land. 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.
3. Council is to consult with the Department of Primary Industries (Agriculture) to demonstrate consistency with S117 Direction 1.2 Rural Zones and amend the planning proposal, if necessary, to take into consideration any comments made prior to undertaking public exhibition.
4. Council is to consult with the Federal Department of Transport and Infrastructure and the lessee of the Warnervale Aerodrome to demonstrate consistency with of S117 Direction 3.5 Development Near Licensed Aerodromes and amend the planning proposal, if necessary, to take into consideration any comments made prior to undertaking public exhibition.

5. Council is to consult with Mine Subsidence Board as per the requirements of S117 Direction 4.2 Mine Subsidence and Unstable Land and amend the planning proposal, if necessary, to take into consideration any comments made prior to undertaking public exhibition.
6. Council is to consult with the NSW Rural Fire Services as per the requirements of S117 Direction 4.4 Planning for Bushfire Protection and amend the planning proposal, if necessary, to take into consideration any comments made prior to undertaking public exhibition.
7. Prior to undertaking public exhibition, Council is to update the consideration of S117 Direction 5.1 Implementation of Regional Strategies, once it has undertaken investigations into the suitability of land uses and development standards to be applied to the site.
8. Council is to consult with Roads and Maritime Services, the land owners of the subject site, to demonstrate consistency with S117 Direction 6.2 Reserving Land for Public Purposes and amend the planning proposal, if necessary, to take into consideration any comments made prior to undertaking public exhibition.
9. 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 5.5.2 of *A Guide to Preparing LEPs (Department of Planning and Infrastructure 2012)*.
10. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - Office of Environment and Heritage
 - NSW Department of Primary Industries (Agriculture)
 - Mine Subsidence Board
 - Transport for NSW
 - NSW Rural Fire Services
 - Roads and Maritime Services
 - Federal 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.

11. 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).



12. 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 January 2013.

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