

Mr Rob Noble
Acting Chief Executive Officer
Wyong Shire Council
PO Box 20
Wyong NSW 2259

Our ref: PP_2016_WYONG_003_00 (16/04779)
Your ref: RZ/7/2016

Attn: Chris Ferry

Dear Mr Noble

Planning proposal to amend Wyong Local Environmental Plan 2013

I am writing in response to your Council's letter dated 23 March 2016 requesting a Gateway determination under section 56 of the Environmental Planning and Assessment Act 1979 (the Act) in respect of the planning proposal to rezone part of the land from E2 Environmental Conservation to IN1 General Industrial at 171-175 Sparks Road, Halloran to enable development for industrial purposes.

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

Council may still need to obtain the agreement of the Department's Secretary to comply with the requirements of relevant S117 Directions. Council should ensure this occurs prior to the plan being made.

Plan making powers were delegated to councils by the Minister in October 2012. It is noted that Council has requested to be issued with delegation for this planning proposal. I have considered the nature of Council's planning proposal and have decided to issue an authorisation for Council to exercise delegation to make this plan.

The amending 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. Council's request to draft and finalise the LEP should be made directly to Parliamentary Counsel's Office 6 weeks prior to the projected publication date. A copy of the request should be forwarded to the Department of Planning and Environment for administrative purposes.

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, I have arranged for Mr Glenn Horal of the Department's regional office to assist you. Mr Horal can be contacted on (02) 4348 5009.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Monica Gibson', with a stylized, cursive script.

20/4/2016

Monica Gibson

**Director Regions, Hunter and Central Coast
Planning Services**

Encl:

Gateway Determination

Written Authorisation to Exercise Delegation

Attachment 5 – Delegated Plan Making Reporting Template

Gateway Determination

Planning proposal (Department Ref: PP_2016_WYONG_003_00): to rezone part of the land from E2 Environmental Conservation to IN1 General Industrial at 171-175 Sparks Road, Halloran to enable development for industrial purposes.

I, the Director Regions, Hunter and Central Coast 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 rezone part of the land from E2 Environmental Conservation to IN1 General Industrial at 171-175 Sparks Road, Halloran to enable development for industrial purposes should proceed subject to the following conditions:

1. The planning proposal should be updated to amend the proposed land zoning map to show that boundary between IN1 and E2 is yet to be determined.
2. Council is to be satisfied that sufficient information has been provided to demonstrate that the planning proposal adequately addresses the following issues:
 - ecological impacts including the role and function of the green corridor
 - flooding, drainage, water quality management
 - bushfire impacts
 - water, sewer and services
3. Council is to update its consideration of the following s.117 Directions after the additional information has been prepared and public authority consultation has been undertaken:
 - 1.3 Mining, Petroleum Production and Extractive Industries
 - 2.1 Environment Protection Zones
 - 3.5 Development Near Licensed Aerodromes
 - 4.3 Flood Prone Land
 - 4.4 Planning for Bushfire Protection - NSW Rural Fire Service
4. 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.
5. 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 **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 5.5.2 of *A Guide to Preparing LEPs (Department of Planning and Infrastructure 2013)*.
6. 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 S117 Directions:
 - NSW Rural Fire Service
 - Office of Environment and Heritage

- Transport for NSW – Roads and Maritime Services
- Transport for NSW
- NSW Trade and Investment - Resources and Energy
- Department of the Commonwealth responsible for aerodromes
- Lessee of Warnervale Aerodrome.

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.

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 20 day of April 2016



Monica Gibson
Director Regions, Hunter and Central Coast
Planning Services
Department of Planning and Environment

Delegate of the Minister for Planning

WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Wyong Shire Council is authorised to exercise the functions of the Minister for Planning under section 59 of the *Environmental Planning and Assessment Act 1979* that are delegated to it by instrument of delegation dated 14 October 2012, in relation to the following planning proposal:

Number	Name
PP_2016_WYONG_003_00	Planning proposal to rezone part of the land from E2 Environmental Conservation to IN1 General Industrial at 171-175 Sparks Road, Halloran to enable development for industrial purposes.

In exercising the Minister's functions under section 59, the Council must comply with the Department's "*A guide to preparing local environmental plans*" and "*A guide to preparing planning proposals*".

Dated 20 April 2016



Monica Gibson
Director Regions, Hunter and Central Coast
Planning Services
Department of Planning and Environment

Delegate of the Minister for Planning

Attachment 5 – Delegated plan making reporting template

Reporting template for delegated LEP amendments

Notes:

- Planning proposal number will be provided by the Department of Planning and Environment following receipt of the planning proposal
- The Department of Planning and Environment will fill in the details of Tables 1 and 3
- RPA is to fill in details for Table 2
- If the planning proposal is exhibited more than once, the RPA should add additional rows to **Table 2** to include this information
- The RPA must notify the relevant contact officer in the regional office in writing of the dates as they occur to ensure the publicly accessible LEP Tracking System is kept up to date
- A copy of this completed report must be provided to the Department of Planning and Environment with the RPA's request to have the LEP notified

Table 1 – To be completed by Department of Planning and Environment

Stage	Date/Details
Planning Proposal Number	PP_2016_WYONG_003_00
Date Sent to DoP&E under s56	23 March 2016
Date considered at LEP Review Panel (if applicable)	N/A
Gateway determination date	20 April 2016

Table 2 – To be completed by the RPA

Stage	Date/Details	Notified Reg Off
Dates draft LEP exhibited		
Date of public hearing (if held)		
Date sent to PCO seeking Opinion		
Date Opinion received		
Date Council Resolved to Adopt LEP		
Date LEP made by GM (or other) under delegation		
Date sent to DoP&E requesting notification		

Table 3 – To be completed by Department of Planning and Environment

Stage	Date/Details
Notification Date and details	

Additional relevant information: