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Our ref: PP_2014_WYONG_011_00 (14/16010)
Your ref: F2013/01345

Mr Michael Whittaker
General Manager
Wyong Shire Council
PO Box 20
WYONG NSW 2259

Attention: Kathryn Heintz

Dear Mr Whittaker

Planning proposal to amend Wyong Local Environmental Plan 2013

I am writing in response to your Council's letter dated 18 September 2014 requesting a Gateway determination under section 56 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") in respect of the planning proposal for Major Amendment 1 of Wyong LEP 2013.

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.

I have also agreed the planning proposal's inconsistencies with S117 Directions 1.1 Business and Industrial Zones, 3.1 Residential Zones, 4.1 Acid Sulfate Soils, and 6.3 Site Specific Provisions are / is of minor significance. No further approval is required in relation to these Directions.

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.

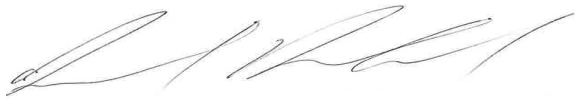
I note that some of the sites are included in separate planning proposals that have been submitted to the Department and I encourage Council to monitor their progress and consider the potential for a revised Gateway determination should they encounter delays. I note that Council has identified a deficiency in existing and planned open space requirements within Warnervale District. I encourage Council to undertake strategic work to consider how it plans to address the deficiency and identify additional opportunities for open space provision.

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 for the Department of Planning and Environment 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, I have arranged for Mr Glenn Horal of the Department's regional office to assist you. Mr Horal can be contacted on (02) 4348 5000.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'D. Rowland', written in a cursive style.

19 December 2014

David Rowland
General Manager
Hunter and Central Coast Region
Planning Services

Encl:
Gateway Determination
Attachment 5 – Delegated Plan Making Reporting Template

Gateway Determination

Planning proposal (Department Ref: PP_2014_WYONG_011_00): to enable a number of housekeeping and rezoning amendments (Major Amendment 1) to Wyong Local Environmental Plan 2013.

I, the General Manager, Hunter and Central Coast Region at the Department of Planning and Environment as delegate of the Minister for Planning, have determined under section 56(2) of the EP&A Act that an amendment to the Wyong Local Environmental Plan (LEP) 2013 to enable a number of housekeeping and rezoning amendments (Major Amendment 1) should proceed subject to the following conditions:

1. Additional information regarding the matters below is to be placed on public exhibition with the planning proposal:
 - The *Council Owned Land Zoning Review Discussion Paper* contains a number of errors related to the Wyong Swimming Pool and Tennis Club and refers to incorrect zones, description of the site and EEC's in items 3, 4 and 8 and 10. Council should update this section prior to agency consultation and public exhibition.
 - Council is required to remove the owners names from 'Attachment 6 - Sites required for acquisition by Roads & Maritime Services' prior to public exhibition.
 - Council identify the title of the document in the 'explanation of provision' as the "Budgewoi Masterplan" for the rezoning of Land between West Village Centre to Budgewoi Creek.
 - The rezoning at 1 Youngs Road, Ourimbah should include in 'the explanation of provisions' an appropriate map that clearly identifies the existing and proposed zones.
 - The proposed amendment to the clause 4.4 Floor Space Ratio should clarify that the development bonus will apply to only affordable housing developments in the 'explanation of provisions'.
 - Council is to provide further justification and appropriate development standards for Exempt Development - Front Boundary Fences to address streetscape impacts prior to public exhibition.
 - Council should identify in the 'explanation of provisions' that all proposed clause amendments may be subject to revision during Parliamentary Counsel drafting.
 - Council is required to provide existing and proposed zoning and development standards maps for public exhibition in addition to the proposed map tiles. The existing and proposed maps should clearly identify the site. This may be provided an attachment to the planning proposal.
 - Council is to ensure that all the owners of properties affected are consulted with directly as part of the public exhibition of this planning proposal.
2. The Gateway Determination conditions of planning proposal PP_2014_WYONG_007_00 will apply to this planning proposal for the site identified in the 'explanation of provisions' as the Colongra and Halekulani Oval Rezoning.
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 sites are suitable for rezoning to the proposed zones. This report is to be included as part of the public exhibition material.

4. Council is to update the planning proposal to include sufficient additional information to adequately demonstrate consistency or justify any inconsistency with the below S117 Directions:
 - 1.3 Mining, Petroleum Production and Extractive Industries
 - 2.1 Environment Protection Zones
 - 2.3 Heritage Conservation
 - 3.5 Development Near Licensed Aerodromes
 - 4.2 Mine Subsidence and Unstable Land
 - 4.3 Flood Prone Land
 - 4.4 Planning for Bushfire Protection.
 - 6.2 Reserving Land for Public Purposes
5. 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 is classified as low impact as described in *A Guide to Preparing LEPs (Department of Planning and Environment 2013)* and 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 LEPs (Department of Planning and Environment 2013)*.
6. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act and/or to comply with the requirements of relevant S117 Directions:
 - Central Coast Aero Club
 - Civil Aviation Safety Authority
 - Darkinjung Local Aboriginal Land Council
 - Delta Electricity
 - Mine Subsidence Board
 - NSW National Parks and Wildlife Service
 - NSW Trade & Investment, Resources & Energy
 - NSW Rural Fire Service
 - Office of Environment and Heritage
 - Office of Environment and Heritage - Heritage Office
 - Government Property NSW
 - Transport NSW
 - Transport for NSW – Roads and Maritime Services
 - Transport for NSW – Regional Air

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 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).



8. The timeframe for completing the LEP is to be **12 months** from the week following the date of the Gateway determination.

Dated 19th day of December 2014.

David Rowland
General Manager
Hunter and Central Coast Region
Planning Services
Department of Planning and Environment

Delegate of the Minister for Planning