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

Our ref: PP_2014_WYONG_005_00 (14/09631)
Your ref: RZ/3/2014

Attention: Lynda Hirst

Dear Mr Whittaker,

Planning proposal to amend Wyong Local Environmental Plan 2013

I am writing in response to your Council's letter dated 6 June 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 to rezone land to B4 Mixed Use under Wyong Local Environmental Plan (LEP) 2013 at Bateau Bay Town Centre.

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.

The amending Local Environmental Plan (LEP) is to be finalised within 6 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 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,

23 July 2014
David Rowland
**General Manager
Hunter and Central Coast Region
Growth Planning**

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

Gateway Determination

Planning proposal (Department Ref: PP_2014_WYONG_005_00): to rezone land at Bateau Bay Town Centre to B4 Mixed Use.

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 rezone land from SP2 Infrastructure, RE1 Public Recreation, RE2 Private Recreation and B5 Business Development to B4 Mixed Use should proceed subject to the following conditions:

1. Council update the planning proposal prior to public exhibition as follows:
 - correct the deposited plan number in the table for Lot 510 DP725112 to DP729980.
 - identify in the 'explanation of provisions' the planning proposal will rezone land from SP2 Infrastructure, RE1 Public Recreation, RE2 Private Recreation and B5 Business Development to B4 Mixed Use.
 - clarify its intention with regard to the minimum lot size on Lot 52 DP 1154778.
 - the maps be updated to identify 'existing' and 'proposed' zone and development standard maps
 - correct SP2 notation adjacent to north-west of northern precinct on 'proposed' zone map
 - include discussion on consistency with the Central Coast Regional Strategy in Section B Relationship with the strategic planning framework
 - include discussion on the relationship between the Masterplan and the Wyong Settlement Strategy.
2. Additional information regarding the following matters is to be included in the planning proposal when it is placed on public exhibition:
 - impacts on flora and fauna;
 - traffic, transport and access;
 - potential odour impacts on future residential development
3. Council is to update the planning proposal to include a written assessment against the relevant S117 Directions and include sufficient additional information to adequately demonstrate consistency or justify any inconsistency with the following S117 Directions:
 - 2.1 Environment Protection Zones
 - 2.2 Coastal Protection
 - 4.1 Acid Sulfate Soils
 - 4.3 Flood Prone Land
 - 4.4 Planning for Bushfire Protection
 - 6.2 Reserving Land for Public Purposes
4. Council is to update the planning proposal to include consideration of SEPP Infrastructure and SEPP No 71 - Coastal Protection.
5. Council is to demonstrate that the planning proposal satisfies the requirements of State Environmental Planning Policy (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.

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 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 Infrastructure 2013).
7. 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:
 - Transport for NSW
 - Fire and Rescue NSW
 - NSW Rural Fire Service
 - Transport for NSW - Roads and Maritime Services
 - Trade and Investment - Crown Land
 - Ausgrid

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.
8. 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).
9. The timeframe for completing the LEP is to be **6 months** from the week following the date of the Gateway determination.

Dated 23 day of July 2014.



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

Delegate of the Minister for Planning