



Planning & Environment

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Our ref: PP_2014_WYONG_006_00 (14/09626)
Your ref: RZ/2/2014

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

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 2 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 Lake Haven 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 Garry Hopkins of the Department's regional office to assist you. Mr Hopkins can be contacted on (02) 4348 5000.

Yours sincerely,

30 July 2014
David Rowland
General Manager
Hunter and Central Coast Region
Housing, Growth and Economics

Encl:
Gateway Determination

Gateway Determination

Planning proposal (Department Ref: PP_2014_WYONG_006_00): to rezone land at Lake Haven 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 RE1 Public Recreation, B5 Business Development and B2 Local Centre to B4 Mixed Use should proceed subject to the following conditions:

1. Council update the planning proposal prior to public exhibition as follows:
 - update the 'explanation of provisions' to identify the planning proposal will rezone land from RE1 Public Recreation, B5 Business Development, B2 Local Centre and R2 Low Density Residential to B4 Mixed Use
 - clarify intention with regard to the development standards to apply to Lot 1 DP 1111485 and Lot 11 DP 881944
 - the maps be updated with a notation to identify 'existing' and 'proposed' zone maps
 - confirm amendment number and amend maps if necessary
 - amend part 3.2 – majority of land is not currently zoned B2
 - 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 traffic, transport and access is to be included in the planning proposal when it is placed on public exhibition.
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:
 - 4.2 Mine Subsidence and Unstable Land
 - 4.4 Planning for Bushfire Protection
 - 6.2 Reserving Land for Public Purposes
4. 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 to demonstrate that the site is suitable for rezoning to the proposed zone. This investigation 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 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)*.

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:

- Transport for NSW
- NSW Rural Fire Service
- Transport for NSW - Roads and Maritime Services
- Mine Subsidence Board
- Gorokan High School

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 **6 months** from the week following the date of the Gateway determination.

Dated 30th day of July 2014.



30 July 2014

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

Delegate of the Minister for Planning