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Our ref: PP_2014_WYONG_009_00 (14/15027)
Your ref: RZ/6/2013

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

Attention: Mr Peter Kavanagh

Dear Mr Whittaker,

Planning proposal to amend Wyong Local Environmental Plan 2013

I am writing in response to your Council's letter dated 3 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 to rezone land at the Pioneer Dairy Site, Lake Road, Tuggerah for the purposes of a regional sporting facility, community uses and heritage and environmental conservation.

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, and 5.1 Implementation of Regional Strategies are 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.

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 9 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 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,



10 October 2014

David Rowland
General Manager
Hunter and Central Coast Region
Planning Services

Encl:
Gateway Determination
Written Authorisation to Exercise Delegation
Attachment 5 – Delegated Plan Making Reporting Template

Gateway Determination

Planning proposal (Department Ref: PP_2014_WYONG_009_00): to rezone land at the Pioneer Dairy Site, Lake Road, Tuggerah for the purposes of a regional sporting facility, community uses and heritage and environmental conservation.

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) 2014 to rezone land from IN1 General Industrial and E3 Environmental Management to RE1 Public Recreation and amend Heritage, Lot Size and Lot Amalgamation Maps at the Pioneer Dairy Site, Lake Road, Tuggerah for the purposes of a regional sporting facility, community uses and heritage and environmental conservation 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:
 - include discussion in the planning proposal why existing lot sizes and lot amalgamation is being removed from the subject land.
 - include further discussion on the Tuggerah Lake Reserve Trust and any relevant Plans of Management governing the use of the land.
 - ensure Figure 2 and Figure 6 in the planning proposal are at an appropriate scale to be legible.
2. Prior to undertaking public exhibition, Council is to update the planning proposal to include existing zoning, heritage, lot size and lot amalgamation maps at an appropriate scale and clearly identify the subject land.
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 site is suitable for rezoning to the proposed zone. 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 and other relevant documents:
 - 1.3 Mining, Petroleum Production and Extractive Industries
 - 2.1 Environment Protection Zones
 - 4.1 Acid Sulfate Soils
 - 4.3 Flood Prone land
 - 4.4 Planning for Bushfire Protection
 - 6.2 Reserving Land for Public Purposes
 - State Environmental Planning Policy (SEPP) 71 - Coastal Protection
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:
- Office of Environment and Heritage
 - NSW National Parks and Wildlife Services
 - NSW Department of Primary Industries – Agriculture
 - NSW Trade and Investment – Crown Lands
 - Tuggerah Lake Reserve Trust
 - NSW Trade and Investment – Resources and Energy
 - Mine Subsidence Board
 - NSW Rural Fire Service
 - Transport for NSW
 - Transport for NSW - Roads and Maritime Services
 - Darkinjung Local Aboriginal Land Council
 - Guringai Tribal Link Aboriginal Consultative Group
 - Local Land Services - Greater Sydney Region

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

Dated 10th day of October 2014.



David Rowland
General Manager
Hunter and Central Coast Region
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_2014_WYONG_009_00	Planning proposal to rezone land at the Pioneer Dairy Site, Lake Road, Tuggerah for the purposes of a regional sporting facility, community uses and heritage and environmental conservation.

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

Dated 10 October 2014



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