



Gateway Determination

Planning proposal (Department Ref: PP_2020_CCOAS_002_00): to amend Wyong LEP 2013 to enable a manufactured home estate on 45 Mulloway Road Chain Valley Bay and to protect the vegetated land on the south of the site.

I, the Director, Central Coast and Hunter Region at the Department of Planning, Industry and Environment, as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the *Wyong Local Environmental Plan 2013* should proceed subject to the following conditions:

1. The planning proposal is to be updated prior to public exhibition to:
 - a. include an assessment against clause 9 and schedule of 2 of *State Environmental planning Policy No 36 – Manufactured Home Estates*;
 - b. confirm the width of the proposed E2 Environmental Conservation zone to align with the position of environmental zones on adjoining land, which together must form an appropriate biodiversity corridor for the area;
 - c. update the assessment against the *State Environmental Planning Policy (Koala Habitat Protection) 2019*;
 - d. identify any offsetting that would be required in response to any proposed clearing of vegetation on the site;
 - e. identify the appropriate mechanism for satisfactory arrangements certification to be made for the provision of any designated State public infrastructure;
 - f. update the assessment against the Central Coast Local Strategic Planning Statement; and
 - g. include appropriate minimum lot size and building heights LEP maps.
2. Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:
 - (a) the planning proposal is classified as low impact as described in *A guide to preparing local environmental plans* (Department of Planning and Environment, 2018) and must be made publicly available for a minimum of **28 days**; and
 - (b) the planning proposal 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 6.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment, 2018).

3. Consultation is required with the following public authorities/organisations under section 3.34(2)(d) of the Act and/or to comply with the requirements of relevant section 9.1 Ministerial directions:
- Transport for NSW;
 - NSW Rural Fire Service;
 - Subsidence Advisory NSW;
 - Biodiversity Conservation Division;
 - Darkinjung Local Aboriginal Land Council; and
 - Guringai Tribal Link.

Each public authority/organisation 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.

4. A public hearing is not required to be held into the matter by any person or body under section 3.34(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).
5. The planning proposal authority is authorised as the local plan-making authority to exercise the functions under section 3.36(2) of the Act subject to the following:
- (a) the planning proposal authority has satisfied all the conditions of the Gateway determination;
 - (b) the planning proposal is consistent with section 9.1 Directions or the Secretary has agreed that any inconsistencies are justified; and
 - (c) there are no outstanding written objections from public authorities.
6. The time frame for completing the LEP is to be **18 months** following the date of the Gateway determination.

Dated 28th day of July 2020.



Dan Simpkins
Director, Central Coast and Hunter Region
Planning and Assessment
Department of Planning, Industry and
Environment

Delegate of the Minister for Planning and
Public Spaces