



Planning & Infrastructure

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

Our ref: PP_2013_WYONG_011_00 (13/13081)
Your ref: RZ/3/2013

Attn: Gary Hamer

Dear Mr Whittaker,

Planning proposal to amend Wyong Local Environmental Plan (LEP) 1991

I refer to Council's letter received on 7 August 2013 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 Lot 1 DP121890 and Lot 1 DP122040 at 20-22 Gallipoli Road, Long Jetty to 5(a) Special Uses to enable development for the purpose of a carpark under Wyong LEP 1991.

As delegate of the Minister for Planning and Infrastructure, 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 3.1 Residential Zones and 4.1 Acid Sulfate Soils are of minor significance. No further approval is required in relation to these Directions.

The Minister delegated his plan making powers to councils in October 2012 and it is noted 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 3 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 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, please contact Glenn Horal of the regional office of the department on 02 4348 5000.

Yours sincerely,


Michael Leavey 2/9/13
Regional Director
Hunter & Central Coast
Planning Operations & Regional Delivery

Encl:

Gateway determination
Written Authorisation to Exercise Delegation
Attachment 5 – Delegated Plan Making Reporting Template

Gateway Determination

Planning proposal (Department Ref: PP_2013_WYONG_011_00): to rezone Lot 1 DP121890 and Lot 1 DP122040 at 20-22 Gallipoli Road, Long Jetty to 5(a) Special Uses to enable development for the purpose of a carpark under Wyong Local Environmental Plan (LEP) 1991.

I, the Regional Director, Hunter & Central Coast Region at the Department of Planning and Infrastructure as delegate of the Minister for Planning and Infrastructure, have determined under section 56(2) of the EP&A Act that an amendment to the Wyong LEP 1991 to rezone Lot 1 DP121890 and Lot 1 DP122040 at 20-22 Gallipoli Road, Long Jetty to 5(a) Special Uses to enable development for the purpose of a carpark should proceed subject to the following conditions:

1. Prior to undertaking public exhibition, Council is to update the planning proposal and ensure it has been prepared using the latest version of the Department's "A Guide to Preparing Planning Proposals" and incorporate the substance of the net community benefits table in the justification section of the planning proposal (the net community benefit question is not required in the latest version of the Guide).
2. Prior to undertaking public exhibition, Council is to update the planning proposal to ensure the formatting is clear (i.e. use of italics on page 8); references to attachments are correct (i.e. error in reference to attachment 11 on page 13) and responses are consistent with the questions (i.e page 8 and 15) in the planning proposal.
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 ensure that the planning proposal satisfies the requirements of SEPP 71 Coastal Protection by including consideration of matters under clause 8 prior to public exhibition.
5. Council is to update the planning proposal's consideration of the following S117 Directions as applicable and which are considered to be consistent:
 - 2.1 Environment Protection Zones
 - 2.2 Coastal Protection
 - 2.3 Heritage Conservation
 - 2.4 Recreation Vehicle Areas
 - 3.2 Caravan Parks and Manufactured Home Estates
 - 3.4 Integrating Land Use & Transport
 - 6.1 Approval and Referral Requirements
 - 6.3 Site Specific Provisions
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 is classified as low impact as described in *A Guide to Preparing LEPs (Department of Planning & Infrastructure 2013)* and must be made publicly available for a minimum of **14 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 & Infrastructure 2013).
7. No consultation is required with public authorities under section 56(2)(d) of the EP&A Act.
 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 **3 months** from the week following the date of the Gateway determination.

Dated 2nd day of September 2013.


Michael Leavey
Regional Director
Hunter & Central Coast Region
Planning Operations & Regional Delivery
Department of Planning & Infrastructure

Delegate of the Minister for Planning & Infrastructure



Planning & Infrastructure

WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Wyong Shire Council is authorised to exercise the functions of the Minister for Planning and Infrastructure 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_2013_WYONG_011_00	Planning proposal to rezone Lot 1 DP121890 and Lot 1 DP 122040 at 20-22 Gallipoli Road, Long Jetty to 5(a) Special Uses to enable development for the purpose of a carpark under Wyong Local Environmental Plan 1991.

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

Dated 2 September 2013

Michael Leavey
Regional Director
Hunter & Central Coast Region
Department of Planning & Infrastructure