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Our ref: PP_2013_WYONG_003_00 (11/03154)
Your ref: PJK/P Kavanagh
F2012/01830

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

Dear Mr Whittaker,

Planning proposal to amend Wyong Local Environmental Plan 1991

I am writing in response to your Council's letter 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 amend Clause 16(1) of the Wyong Local Environmental Plan (LEP) 1991 to enable the erection of a dwelling house on existing allotments in certain zones which do not comply with the minimum lot size requirements.

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.

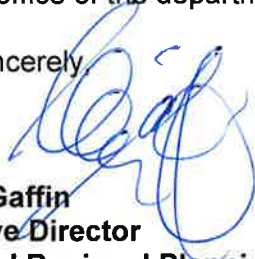
I note that Council has not formally accepted plan making delegation. Council is strongly encouraged to formally accept plan making delegation and nominate the officers or employee of Council who will be granted the proposed delegation as soon as possible and advise the department that delegations have been accepted to enable locally significant proposals to be delegated back to Council.

The amending 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 s54(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 Robert Hodgkins of the regional office of the department on 02 4348 5000.

Yours sincerely


Neil McGaffin
Executive Director
Rural and Regional Planning

5.4.13

Gateway Determination

Planning proposal (Department Ref: PP_2013_WYONG_003_00): to amend Clause 16(1) of Wyong Local Environmental Plan 1991.

I, the Executive Director, Rural and Regional Planning 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 Local Environmental Plan (LEP) 1991 to amend Clause 16(1) to enable the erection of a dwelling house on existing allotments in certain zones which do not comply with the minimum lot size requirements should proceed subject to the following conditions:

1. Prior to undertaking public exhibition, Council is to update the 'objectives or intended outcomes' within the planning proposal to remove reference to Clause 16(1). The statement of objectives should be a concise statement setting out the intended outcome of the planning proposal.
2. Prior to undertaking public exhibition, the planning proposal is to be updated to indicate that should the draft Wyong LEP 2012 be made before this planning proposal is finalised, then this planning proposal may not proceed. Council is also to update the planning proposal to advise the public that an alternative approach to Council's proposed amendment of Clause 16(1) may be identified during the drafting of the LEP, to achieve the intended outcome.
3. Prior to undertaking public exhibition, Council is to update the planning proposal to be clear on the date of the 'appointed day,' which is referred to in Clause 16(1).
4. If appropriate, Council is to place on public exhibition, maps which identify the land/zones affected by this planning proposal.
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 & Infrastructure 2012) 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 2012).
6. No consultation is required with public authorities under section 56(2)(d) of the EP&A Act.

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 5th day of April 2013.



Neil McGaffin
Executive Director
Rural and Regional Planning
Department of Planning and Infrastructure

Delegate of the Minister for Planning and
Infrastructure