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Our ref: PP_2013_WYONG_005_00 (13/04633)
Your ref: 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 dated 5 March 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 land at 7 Mingara Drive, Tumby Umbi from 7(a) Conservation Zone to B1 Neighbourhood Centre and amend clause 60B 'Development of Certain Land – Mingara Drive, Tumby Umbi' under Wyong Local Environmental Plan (LEP) 1991 to exclude the subject land at Mingara Drive, Tumby Umbi and correct references to property descriptions and land uses within the clause.

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 1.1 Business and Industrial Zones, 2.1 Environment Protection Zones, 3.4 Integrating Land Use and Transport, 4.1 Acid Sulfate Soils and 5.1 Implementation of Regional Strategies are of minor significance. No further approval is required in relation to these Directions.

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 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 Ben Holmes of the regional office of the department on 02 4348 5000.

Yours sincerely,


Neil McGaffin
Executive Director
Rural and Regional Planning

10-4-13.

Gateway Determination

Planning proposal (Department Ref: PP_2013_WYONG_005_00): to rezone land at Tumbi Umbi to B1 Neighbourhood Centre and amend Clause 60B under Wyong LEP 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 rezone land at 7 Mingara Drive, Tumbi Umbi from 7(a) Conservation Zone to B1 Neighbourhood Centre and amend clause 60B 'Development of Certain Land – Mingara Drive, Tumbi Umbi' to exclude the subject land at Mingara Drive, Tumbi Umbi and correct references to property descriptions and land uses should proceed subject to the following conditions:

1. Prior to undertaking public exhibition, Council is to update the 'explanation of provisions' within the planning proposal to advise the public that Wyong LEP 1991 will be amended to include a new zone, B1 Neighbourhood Centre. The planning proposal is to be updated to include a proposed land use table for the B1 zone to ensure the public is advised on the range of uses which will be permitted in the zone. The planning proposal is to be clear on the current and proposed zoning of land at 7 Mingara Drive, Tumbi Umbi. Council is also to ensure that the lot and DP descriptions contained in the planning proposal are correct.
2. Prior to undertaking public exhibition, the planning proposal is to be updated to advise the public on the future of the planning proposal in the event that draft Wyong LEP is notified prior to the making of this planning proposal.
3. Prior to undertaking public exhibition, Council is to include a map identifying land subject to clause 60B. An aerial photograph, locality and existing and proposed land zoning maps should be provided, which are at an appropriate scale and clearly identify the subject site.
4. Council is to update the planning proposal to include sufficient additional information to clarify consistency or justify any inconsistency with S117 Direction 4.3 Flood Prone Land, given that the subject land is affected by the 1 in 100 year flood event.
5. 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 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.
6. Prior to undertaking public exhibition, Council is to amend the project timeline within the planning proposal to reflect the 6 month timeframe allocated for completing the LEP.
7. 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).

8. 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 - Roads and Maritime Services
- NSW Rural Fire Service (S117 Direction 4.4 Planning for Bushfire Protection)
- Department of Trade and Investment - Resources and Energy (S117 Direction 1.3 Mining, Petroleum Production and Extractive Industries)

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.

9. 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).

10. The timeframe for completing the LEP is to be **6 months** from the week following the date of the Gateway determination.

Dated

18th

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