



Office of the Director General

Mr Michael Whittaker
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Our ref: PP_2013_WYONG_001_00 (13/01200)
Your ref: RZ/9/2012

Dear Mr Whittaker,

Planning proposal to amend the Wyong Local Environmental Plan 1991

I am writing in response to your Council's letter dated 2 January 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 186 Pacific Highway and Johnson Road, Tuggerah from 4(b) Light Industrial to 3(b) Centre Support.

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.

While I support the planning proposal proceeding, Council is encouraged to consider the effect of zoning the subject land to 3(b) Centre Support, for a brief period of time before Council's standard LEP is made and rezones the land to B6 Enterprise Corridor, particularly as the B6 zone will prohibit uses which will be permissible under the 3(b) zone.

I have also agreed the planning proposal's inconsistencies with S117 Directions 1.1 Business and Industrial Zones and 1.3 Mining, Petroleum Production and Extractive Industries are of minor significance. No further approval is required in relation to these Directions.

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 for the department to draft and finalise the LEP should be made six (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 Garry Hopkins of the regional office of the department on 02 4348 5000.

Yours sincerely,


Sam Haddad
Director General

5/2/2013.

Gateway Determination

Planning proposal (Department Ref: PP_2013_WYONG_001_01): to rezone land at Pacific Highway and Johnson Road, Tuggerah from 4(b) Light Industrial to 3(b) Centre Support.

I, the Director General, 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 186 Pacific Highway and Johnson Road, Tuggerah from 4(b) Light Industrial to 3(b) Centre Support should proceed subject to the following conditions:

1. Prior to undertaking public exhibition, Council is to amend the planning proposal to advise that the proposal will not proceed, should the draft Wyong LEP 2012 be finalised before this LEP amendment is made. The 'objectives or intended outcomes' with the planning proposal is to be amended to correct the inaccuracy concerning the permissibility of service stations. It is noted that services stations are permitted in the 4(b) zone.
2. Prior to undertaking public exhibition, Council is to amend 'attachment 1' within the planning proposal to include a proposed land zoning map. Currently the map at 'attachment 1' shows the existing zoning that applies to the land. Council is to include a locality map and a map of the proposed zoning of the site under draft Wyong LEP 2012.
3. Prior to undertaking public exhibition, Council is to amend the planning proposal to demonstrate consistency or justify any inconsistencies with relevant S117 Directions, including providing further information regarding flooding to satisfy S117 Direction 4.3 Flood Prone Land. Council should clarify the reason that S117 Direction 6.1 Site Specific Provisions applies to the planning proposal. This should be done prior to undertaking public exhibition.
4. 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. This report is to be included as part of the public exhibition material.
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 **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. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:

- Transport for NSW - Roads and Maritime Services

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning 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.

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Sam Haddad
Director General
Delegate of the Minister for Planning and
Infrastructure

5/2/2013 .