

Mr Rob Noble
Acting CEO
Wyong Shire Council
PO Box 20
Wyong NSW 2259

Our ref: PP_2013_WYONG_013_00
Your ref: RZ/2/2013

Attn: Scott Duncan

Dear Mr Noble

Planning Proposal PP_2013_WYONG_013_00 – Alteration of Gateway Determination

I refer to your correspondence of 2 October 2015 in relation to revisions to Planning Proposal PP_2013_WYONG_013_00 for the rezoning of land identified as East Wadalba Land Release Area.

I have determined as the delegate of the Minister, in accordance with section 56(7) of the Environmental Planning and Assessment Act, 1979, to alter the Gateway determination dated 20 December 2013 for PP_2013_WYONG_013_00. The Alteration of the Gateway Determination and amended Written Authorisation to Exercise Delegation are enclosed.

If you have any questions in relation to this matter, please contact Glenn Hornal at the Department's Gosford office on 4348 5000.

Yours sincerely



28 October 2015

David Rowland
General Manager
Hunter and Central Coast Region
Planning Services

Encl:
Alteration to Gateway Determination
Written Authorisation to Exercise Delegation

Alteration of Gateway Determination

Planning proposal (Department Ref: PP_2013_WYONG_013_00):

I, General Manager, Hunter and Central Coast at the Department of Planning and Environment as delegate of the Minister for Planning, have determined under section 56(7) of the *Environmental Planning and Assessment Act 1979* ("EP&A Act") to alter the Gateway determination dated 20 December 2013 for the proposed amendment to the Wyong Local Environmental Plan 2013 by removing the reference to Precinct 3B and replacing all conditions with new conditions as follows:

1. Prior to undertaking public exhibition, Council is update the revised planning proposal dated October 2015 to:
 - include in the 'explanation of provisions':
 - reference to satisfactory arrangements and the provision of designated State public infrastructure.
 - remove the reference to the land application map; and
 - identify a special purpose zone may be included subject to further investigations.
 - include discussion and justification for the additional land inclusions adjacent to Precinct 2B.
2. Additional information regarding the below matters is to be placed on public exhibition with the planning proposal:
 - water and sewer servicing plan
 - ecological investigations
 - flood and drainage studies and integrated water cycle management strategy
 - open space and recreation analysis
 - visual and social impacts assessment
 - noise impact assessment for main road frontage (e.g. Pacific Highway)
 - acid sulfate soils risk analysis on low lying parts of the site
 - Aboriginal archaeological assessment
 - traffic report including public transport, pedestrian and cycleway planning issues
 - structure plan, urban design principles and draft development control plan
 - whether further information is required for potential land use conflicts (e.g. odour) between existing agricultural uses and the future development
3. Council is to update its consideration of the consistency with the following S117 Directions after the additional information has been prepared and public authority consultation has been undertaken:
 - 1.3 Mining, Petroleum Production and Extractive Industries
 - 2.1 Environment Protection Zones
 - 2.2 Coastal Protection
 - 2.3 Heritage Conservation
 - 3.1 Residential Zones
 - 3.4 Integrating Land Use and Transport
 - 4.1 Acid Sulfate Soils
 - 4.2 Mine Subsidence and Unstable Land
 - 4.3 Flood Prone Land
 - 4.4 Planning for Bushfire Protection
 - 5.1 Implementation of Regional Strategies
 - 6.2 Reserving Land for Public Purposes

4. Council is to update the proposed zoning map at Attachment 1(d) of the planning proposal to zone land within the site boundary adjacent to the E2 Environmental Conservation corridor in the northern part of the site.
5. Following further investigation of boundaries, Council is to update the planning proposal to include existing and proposed land zoning, land acquisition, urban release area, lot amalgamation and minimum lot size maps, which are at an appropriate scale and clearly identify the subject lands. This is to be done prior to undertaking public exhibition.
6. Prior to undertaking public exhibition, Council is to update the planning proposal to consider consistency of the State Environmental Planning Policy (SEPP) No. 44 Koala Habitat Protection, SEPP No. 14 Coastal Wetlands and SEPP 71 Coastal Protection. Council is to clarify and update Figure 3 - SEPP 14 Coastal Wetlands Map of the planning proposal to show the study area boundary to be consistent with the other maps which identify the study area.
7. 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.
8. 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 must be made publicly available for a minimum of **28 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).
9. 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
 - NSW Health
 - Mine Subsidence Board
 - NSW Rural Fire Service
 - Roads and Maritime Services
 - Guringai Aboriginal Tribal Link
 - Darkinjung Local Aboriginal Land Council
 - Department of Education and Communities
 - Local Land Services
 - Office of Environment and Heritage (S117 Direction 2.1 Environment Protection Zones)
 - Department of Primary Industries — Agriculture (S117 Direction 1.2 Rural Zones)
 - NSW Trade and Investment — Resources and Energy — Minerals and Petroleum (S117 Direction 1.3 Mining, Petroleum Production and Extractive Industries)
 - Department of Planning and Environment – Developer Contributions
 - Emergency Services (NSW Police Force, Fire and Rescue NSW, Ambulance Service of NSW)

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.

10. 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).

11. The timeframe for completing the LEP is to be 36 months from the week following the date of the Gateway determination.



Dated 28th day of October 2015.

**David Rowland
General Manager
Hunter and Central Coast
Planning Services
Department of Planning and Environment**

Delegate of the Minister for Planning



WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Wyong Shire Council is authorised to exercise the functions of the Minister for Planning 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_013_00	Planning proposal to rezone land identified as East Wadalba Land Release Area, including Precincts 2A and 2B of the North Wyong Shire Structure Plan, for residential and conservation purposes.

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

Dated 28 October 2015

David Rowland
General Manager
Hunter and Central Coast
Planning Services
Department of Planning and Environment