

Mr Rob Noble
Acting Chief Executive Officer
Wyong Shire Council
PO Box 20
Wyong NSW 2259

Our ref: PP_2016_WYONG_002_00 (16/04163)

Att: Lynda Hirst

Dear Mr Noble,

Planning proposal to amend Wyong Local Environmental Plan 2013

I am writing in response to your Council's correspondence dated 3 March 2016 requesting a Gateway determination under section 56 of the Environmental Planning and Assessment Act 1979 (the Act) in respect of the planning proposal to enable a number of housekeeping amendments to correct errors and anomalies and clarify certain provisions (Miscellaneous Amendment 2) in Wyong Local Environmental Plan 2013.

As delegate of the Minister for Planning, I have now determined the planning proposal should proceed subject to the conditions in the attached Gateway determination.

I have also agreed, as delegate of the Secretary, the planning proposal's inconsistencies with S117 Directions, 3.1 Residential Zones, 4.1 Acid Sulfate Soils and 4.3 Flood Prone Land are of minor significance. No further approval is required in relation to these Directions.

Council may still need to obtain the agreement of the Department's Secretary to comply with the requirements of relevant S117 Directions. Council should ensure this occurs prior to the plan being made.

The amending Local Environmental Plan (LEP) is to be finalised within 12 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 of Planning and Environment 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 Act if the time frames outlined in this determination are not met.

Should you have any queries in regard to this matter, I have arranged for Mr Glenn Hornal of the Department's regional office to assist you. Mr Hornal can be contacted on (02) 4348 5009.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Monica Gibson', with a stylized flourish at the end.

9/5/2016

Monica Gibson
Director Regions, Hunter and Central Coast
Planning Services

Gateway Determination

Planning proposal (Department Ref: PP_2016_WYONG_002_00): to enable a number of housekeeping amendments to correct errors and anomalies and clarify certain provisions (Miscellaneous Amendment 2) in Wyong Local Environmental Plan 2013.

I, the Director Regions, Hunter and Central Coast at the Department of Planning and Environment as delegate of the Minister for Planning, have determined under section 56(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Wyong Local Environmental Plan (LEP) 2013 to enable a number of housekeeping amendments to correct errors and anomalies and clarify certain provisions (Miscellaneous Amendment 2) should proceed subject to the following conditions:

1. Council is to update the 'explanation of provisions' to:
 - remove the reference to the Key Sites DCP formula and identify in general terms the intention to include a provision strengthening the requirement for public benefit in clause 7.11 noting the final wording may be subject to change or revision during legal drafting;
 - identify Lot 2 DP1191698 is to be included in the rezoning at 19 Roper Road, Blue Haven; and
 - clarify whether any additional considerations should apply to the proposed clause that will permit dual occupancies (eg. a minimum lot size).
2. 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.
3. Council is to update the planning proposal to include sufficient additional information to adequately demonstrate consistency or justify any inconsistency with the below S117 Directions:
 - 1.3 Mining, Petroleum Production and Extractive Industries
 - 2.1 Environment Protection Zones
 - 4.2 Mine Subsidence and Unstable Land
 - 4.4 Planning for Bushfire Protection.
 - 6.2 Reserving Land for Public Purposes
 - 6.3 Site Specific Provisions
4. Community consultation is required under sections 56(2)(c) and 57 of the 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 and Infrastructure 2013)*.

5. Consultation is required with the following public authorities under section 56(2)(d) of the Act and/or to comply with the requirements of relevant S117 Directions:

- Department of Primary Industry – Lands (Crown Lands)
- Mine Subsidence Board
- NSW Trade & Investment, Resources & Energy
- NSW Rural Fire Service
- Office of Environment and Heritage
- Transport for NSW – Roads and Maritime Services
- Sunset Power International Pty Ltd
- Department of Planning and Environment (proposed amendment to clause 7.11)

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.

6. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the 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).
7. The timeframe for completing the LEP is to be **12 months** from the week following the date of the Gateway determination.

Dated 9th day of May 2016.



Monica Gibson
Director Regions, Hunter and Central
Coast
Planning Services
Department of Planning and Environment

Delegate of the Minister for Planning