



Mr Rob Noble  
Chief Executive Officer  
Central Coast Council  
PO Box 21  
GOSFORD NSW 2250

Our ref: PP\_2017\_CCOAS\_003\_00 (17/06492)  
Your ref: RZ/1/2017



Dear Mr Noble

### Planning Proposal to amend Wyong Local Environmental Plan 2013

I am writing in response to your Council's letter dated 4 May 2017 requesting a Gateway determination under section 56 of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the Planning Proposal to rezone land at 15 Mulloway Road, Chain Valley Bay for residential and environmental protection purposes and apply development standards to the site to allow residential development.

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.

Council may still need to obtain the agreement of the Department's Secretary to comply with the requirements of relevant section 117 Directions. Council should ensure this occurs prior to the plan being made.

Plan making powers were delegated to councils by the Minister in October 2012. It is noted that Council has requested to be issued with delegation for this Planning Proposal. I have considered the nature of Council's Planning Proposal and have decided not to issue an authorisation for Council to exercise delegation to make this plan given the requirement for the proposal to be updated to address a number of unresolved section 117 Directions.

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 regarding this matter, I have arranged for Ms Corrine Manyweathers of the Department's regional office to assist you. Ms Manyweathers can be contacted on (02) 4345 4404.

Yours sincerely

 16 June 2017  
**Stephen Murray**  
**Executive Director, Regions**  
**Planning Services**

Encl: Gateway determination

## Gateway Determination

**Planning Proposal (Department Ref: PP\_2017\_CCOAS\_003\_00):** to rezone land at 15 Mullyway Road, Chain Valley Bay for residential and environmental protection purposes and apply development standards to the site to allow residential development.

I, the Executive Director, Regions, 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 rezone land at 15 Mullyway Road, Chain Valley Bay for residential and environmental protection purposes and apply development standards to the site to allow residential development should proceed subject to the following conditions:

1. Council is to update the Planning Proposal prior to community consultation to:
  - include discussion on the relationship of this site to the rezoning of the rest of North Wyong Shire Structure Plan Precinct 19;
  - investigate and include discussion on the proposed biodiversity corridor in this location;
  - review transport and traffic information to reflect the current proposal;
  - 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; and
  - include mapping that demonstrates the existing and proposed land use zones and development standards for the site.
  
2. Council is to update the Planning Proposal to demonstrate consistency with the following section 117 Directions and the State Environmental Planning Policy (SEPP) after supporting information has been obtained and/or following agency consultation:
  - 1.3 Mining, Petroleum Production and Extractive Industries;
  - 2.1 Environmental Protection Zones;
  - 2.2 Coastal Protection;
  - 2.3 Heritage Conservation;
  - 4.1 Acid Sulphate Soils;
  - 4.2 Mine Subsidence and Unstable Land;
  - 4.3 Flood Prone Land;
  - 4.4 Planning for Bushfire Protection;
  - 5.10 Implementation of Regional Plans;
  - 6.2 Reserving Land for Public Purposes;
  - SEPP 44 – Koala Habitat; and
  - SEPP 71 – Coastal Protection

3. 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 local environmental plans* (Department of Planning and Environment 2016).
4. 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 section 117 Directions:
- NSW Office of Environment and Heritage;
  - Subsidence Advisory NSW;
  - Transport for NSW;
  - Transport for NSW – Road and Maritime Services;
  - NSW Rural Fire Service;
  - Darkinjung Local Aboriginal Land Council; and
  - Guringai Tribal Link.

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.

5. 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).
6. The timeframe for completing the LEP is to be **12 months** from the week following the date of the Gateway determination.

Dated 16<sup>th</sup> day of June 2017

**Stephen Murray**  
**Executive Director, Regions**  
**Planning Services**  
**Department of Planning and Environment**  
**Delegate of the Minister for Planning**