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Our ref: PP_2015_WYONG_002_00 (15/01574)

Mr Michael Whittaker
General Manager
Wyong Shire Council
PO Box 20
WYONG NSW 2259

Attn: Jenny Mewing

Dear Mr Whittaker,

Planning proposal to amend Wyong Local Environmental Plan 2013

I am writing in response to your Council's letter dated 12 January 2015 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 405-415 Pacific Highway, Lake Munmorah, 2 Kanangra Drive, Crangan Bay and 425 Pacific Highway, Crangan Bay for low density residential and environmental protection purposes.

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. The Gateway allows the proposal to proceed to the next stage but given the need for further investigation and consultation, it is not possible to commit to a particular scale of development or the development footprint at present.

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.

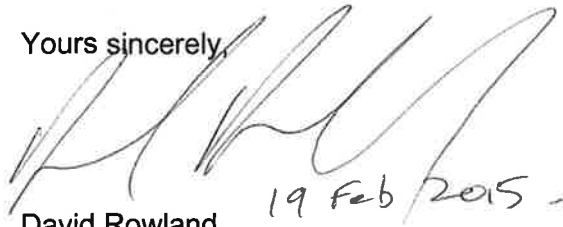
The amending Local Environmental Plan (LEP) is to be finalised within 18 months of the week following the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request for the Department of Planning and Environment to 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 EP&A Act if the time frames outlined in this determination are not met.

I note Council's resolution seeking the assistance of the Department to resolve regional planning, mining, infrastructure and biodiversity issues within the North Wyong Shire Structure Plan which impact on the planning proposal. We will assist Council in this regard where it is appropriate. I will set up these conversations in the near future and report on progress in our next catch up with Wyong Shire Council's Development and Building Director.

Should you have any queries in regard to this matter, I have arranged for Mr Glenn Hernal of the Department's Gosford office to assist you. Mr Hernal can be contacted on (02) 4348 5000.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'DR', is written over the typed name. To the right of the signature, the date '19 Feb 2015' is handwritten.

David Rowland
General Manager
Hunter and Central Coast Region
Planning Services

Encl:

Gateway Determination

Attachment 5 – Delegated Plan Making Reporting Template

Gateway Determination

Planning proposal (Department Ref: PP_2015_WYONG_002_00): to rezone land at 405-415 Pacific Highway, Lake Munmorah, 2 Kanangra Drive, Crangan Bay and 425 Pacific Highway, Crangan Bay for low density residential and environmental protection purposes

I, the General Manager, Hunter and Central Coast Region at the Department of Planning and Environment as delegate of the Minister for Planning, have determined under section 56(2) of the EP&A Act that an amendment to the Wyong Local Environmental Plan (LEP) 2013 to rezone land at 405-415 Pacific Highway, Lake Munmorah, 2 Kanangra Drive, Crangan Bay and 425 Pacific Highway, Crangan Bay for low density residential and environmental protection purposes should proceed subject to the following conditions:

1. Prior to undertaking public exhibition Council is to update the Planning Proposal to:
 - reconsider the applicability of S117 Directions 1.1 Business and Industrial Zones and 1.2 Rural Zones in its 'Section 117 Direction Assessment'.
 - include updated zone and development standards maps once further investigation of zone boundaries are identified.
 - update the 'explanation of provisions' to confirm the minimum lot size for the E2 zoned land is 400,000m² or 40 hectares.
 - update the 'objectives and intended outcomes' and 'explanation of provisions' to confirm the planning proposal also applies to the road reserves within the site.
2. Additional information regarding the below matters is to be placed on public exhibition with the planning proposal:
 - Water and sewer servicing plan
 - services review
 - ecological investigations
 - flooding, drainage and stormwater management studies
 - open space and recreation analysis
 - land use capability assessment including compatibility with mining and extractive industries
 - visual impact analysis
 - social impact assessment
 - preliminary contaminated lands study
 - acid sulfate soils risk study
 - noise assessment
 - Aboriginal cultural heritage
 - traffic report including examination of public transport, pedestrian and cycleway planning issues
 - structure plan, urban design principles and draft Development Control Plan
 - draft voluntary planning agreements and possible Section 94 Contributions plan (depending on type of infrastructure model adopted)
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 - Trade & Investment - Resources and Energy;

- 2.1 Environment Protection Zones - Office of Environment and Heritage; National Parks and Wildlife Service
 - 2.3 Heritage Conservation - Office of Environment and Heritage - Heritage Branch
 - 3.1 Residential Zones
 - 3.4 Integrating Land Use and Transport - Transport NSW – Roads and Maritime Service
 - 4.1 Acid Sulfate Soils
 - 4.2 Mine Subsidence and Unstable Land
 - 4.3 Flood Prone Land
 - 4.4 Planning for Bushfire Protection - NSW Rural Fire Service
 - 5.1 Implementation of Regional Strategies
 - 6.2 Reserving Land for Public Purposes
4. 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.
 5. Council is to demonstrate the planning proposal satisfies the requirements of State Environmental Planning Policy (SEPP) 55 – Remediation of Land. Council is to prepare an initial site contamination report to demonstrate the site is suitable for rezoning to the proposed zone. The report is to be included as part of the public exhibition.
 6. 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 and Infrastructure 2013).
 7. 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
 - Transport for NSW - Roads and Maritime Services
 - Department of Education and Communities
 - NSW Health
 - Office of Environment and Heritage
 - Office of Environment and Heritage – Heritage Branch
 - Office of Environment and Heritage – National Parks and Wildlife Service
 - NSW Trade & Investment - Resources and Energy
 - Mine Subsidence Board
 - NSW Rural Fire Service
 - Fire and Rescue NSW
 - Guringai Tribal Link
 - Jemena
 - Ausgrid
 - Transgrid
 - State Emergency Service
 - NSW Ambulance Service

- NSW Police Force

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.

8. 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).
9. The timeframe for completing the LEP is to be **18 months** from the week following the date of the Gateway determination.

Dated 19th day of February 2015.



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

Delegate of the Minister for Planning