



Contact: Garry Hopkins
Phone: (02) 4348 5000
Email: garry.hopkins@planning.nsw.gov.au
Postal: PO Box 1148, Gosford NSW 2250

Our ref: PP_2014_WYONG_007_00 (14/12497)
Your ref: RZ/5/2014

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

Attention: Rod Mergan

Dear Mr Whittaker,

Planning proposal to amend Wyong Local Environmental Plan 2013

I am writing in response to your Council's letter dated 29 July 2014 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 reclassify and rezone land at Budgewoi and add additional permitted uses to land at Halekulani under Wyong Local Environmental Plan (LEP) 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.

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 6 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 6 weeks prior to the projected publication date.

In deciding to issue a Gateway determination, I have considered the advice of the Joint Regional Planning Panel that there are substantial town planning benefits in consolidating retail activities in the existing commercial precinct in Budgewoi. However I am also aware that key issues are yet to be resolved and at this stage have not recommended that the Pre-Gateway process be discontinued.

I encourage Council to continue to work with Woolworths to progress the planning proposal to finalisation promptly.

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.

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

Yours sincerely,



27 August 2014

David Rowland
General Manager
Hunter and Central Coast Region
Housing, Growth and Economics

Encl:
Gateway Determination

Gateway Determination

Planning proposal (Department Ref: PP_2014_WYONG_007_00): to reclassify and rezone land at Budgewoi and add additional permitted uses to land at Halekulani.

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 reclassify and rezone land at Budgewoi and add additional permitted uses to land at Halekulani should proceed subject to the following conditions:

1. Council update the planning proposal prior to public exhibition as follows:
 - confirm correct suburb for Lot 1 DP 1049201 and if required change all references to Colongra to Halekulani
 - consider whether part of Noela Place should be included in the PP to avoid isolated block of RE1 remaining following rezoning
 - update the statement of objectives to say 'service station and food and drink premises' not 'service station or food and drink premises' if this is what is intended
 - confirm need for new/amended development standard maps and update explanation of provisions and elsewhere if required
 - clarify whether reclassification will discharge interests and update explanation of provisions to ensure correct part of Schedule 4 is updated
 - update wording in explanation of provisions to confirm additional permitted uses only apply to part of 223 Scenic Drive
 - include consideration of SEPP 44 for Halekulani site
 - confirm corridor can be achieved in locality of Halekulani site (as per Wyong Settlement Strategy and Wyong DCP 2013).
2. Ensure information in the planning proposal and for community consultation is consistent with Practice Note PN 09-003 *Classification and reclassification of public land through a local environmental plan*.
3. Update the PP to include sufficient information to adequately demonstrate consistency with the following s117 directions or seek the Secretary's agreement to any inconsistency:
 - 1.1 Business and Industrial Zones (Budgewoi site)
 - 2.1 Environment Protection Zones (Halekulani)
 - 4.1 Acid Sulfate Soils (Budgewoi)
 - 4.2 Mine Subsidence and Unstable Land (both)
 - 4.4 Planning for Bushfire Protection (Halekulani)
 - 6.2 Reserving Land for Public Purposes (Budgewoi)
 - 6.3 Site Specific Provisions (Halekulani)
4. Council is to demonstrate that the planning proposal satisfies the requirements of State Environmental Planning Policy (SEPP) 55 – Remediation of Land. Council is to prepare an initial site contamination investigation to demonstrate suitability for rezoning to the proposed zone. This investigation 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 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).
6. 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:
 - NSW Rural Fire Service
 - Transport for NSW - Roads and Maritime Services
 - Mine Subsidence Board
 - Office of Environment and Heritage

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.
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 **6 months** from the week following the date of the Gateway determination.

Dated 27th day of August 2014.



David Rowland
General Manager
Hunter and Central Coast Region
Housing, Growth and Economics
Department of Planning and Environment

Delegate of the Minister for Planning