



Mr Rob Noble
Chief Executive Officer
Central Coast Council
PO Box 20
WYONG NSW 2259

Our ref: PP_2017_CCOAS_001_00 (16/16126)

Dear Mr Noble

**Planning Proposal to amend Wyong Local Environmental Plan 2013 –
Various lots in Wyong (including former Wyong Grove Public School)**

I am writing in response to your Council's request for a Gateway determination under section 56 of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the Planning Proposal that seeks to rezone land in Wyong, including the former Wyong Grove Public School site.

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

I have not supported the proposed retention of the R2 Low Density Residential zone or land reservation requirement over part of the site, given that the Office of Local Government has not processed Council's request for compulsory acquisition and applying a R3 Medium Density Residential zone over the whole site is consistent with the relevant local and regional growth strategies. A condition has been included on the Gateway determination that requires the proposal to be updated to seek to apply the R3 Medium Density Residential zone and associated development standards over the whole site. Should the Office of Local Government subsequently agree to the compulsory acquisition application a separate planning proposal or an amendment to this proposal can be considered.

Council will still need to obtain the agreement of the Department's Secretary to comply with the requirements of S117 Directions 3.1 Residential Zones, 3.4 Integrating Land Use and Transport and 4.3 Flood Prone Land. 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 not requested to be issued with delegation for this Planning Proposal. I have decided to not issue an authorisation for Council to exercise delegation to make this plan, given the changes required to the proposal as outlined in the Gateway Determination.

The amending Local Environmental Plan (LEP) is to be finalised within 9 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 8 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 Ms Louise Starkey of the Department's regional office to assist you. Ms Starkey can be contacted on (02) 4345 4400.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Marcus Ray', with a long horizontal flourish extending to the right.

Marcus Ray
Deputy Secretary
Planning Services

16/07/2017
Encl:
Gateway Determination

Gateway Determination

Planning Proposal (Department Ref: PP_2017_CCOAS_001_00): to rezone land in Wyong, including the former Grove Public School for medium density residential purposes.

I, the Deputy Secretary, Planning Services 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 in Wyong, including the former Grove Public School for medium density residential purposes, should proceed subject to the following conditions:

1. Prior to community consultation, Council is to update the Planning Proposal to:
 - remove the proposed provisions and discussion regarding land reservation and compulsory acquisition over part of the site
 - apply the R3 Medium Density Residential Zone over the whole site, by updating all of the mapping and removing any discussion in the proposal that relates to retaining the R2 Low Density Residential zone over part of the site;
 - provide further justification for the proposed development standards, including consideration of the transition between the R3 and adjoining R2 zones;
 - address the requirements of State Environmental Planning Policy (SEPP) 55 – Remediation of Land, to confirm the site is suitable for a R3 zone;
 - update the Tables in Section B of the proposal, to discuss how the proposal addresses the requirements of the Central Coast Regional Plan and Section 117 Directions and ensure correct reference to Figures; and
 - include an updated Project Timeline that reflects the changes outlined in this Gateway determination.

Council is to forward the amended planning proposal to the Department for review prior to community consultation being undertaken.

2. 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)*.

3. 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:

- NSW Roads and Maritime Services
- NSW Land and Housing Corporation.

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.

4. 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).
5. The timeframe for completing the LEP is to be **9 months** from the week following the date of the Gateway determination.

Dated 16th day of May 2017



Marcus Ray
Deputy Secretary
Planning Services
Department of Planning and
Environment

Delegate of the Minister for Planning