



Mr Brian Bell
Chief Executive Officer
Central Coast Council
PO Box 20
WYONG NSW 2259

Attention: Chris Ferry

Dear Mr Bell

Planning Proposal PP_2017_CCOAS_010_00 to amend Wyong Local Environmental Plan 2013

I am writing in response to 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 to rezone land for low density residential purposes, general residential purposes and for environmental management in Warnervale (within Precinct 7).

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 inconsistency with Section 117 Direction 1.2 Rural Zones is justified in accordance with the terms of the Direction. No further approval is required in relation to this Direction. 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 to issue an authorisation for Council to exercise delegation to make this plan.

The amending Local Environmental Plan (LEP) is to be finalised within 12 months of the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request to draft and finalise the LEP should be made directly to Parliamentary Counsel's Office 6

weeks prior to the projected publication date. A copy of the request should be forwarded to the Department of Planning and Environment.

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 further enquiries about this matter, I have arranged for Ms Louise Starkey to assist you. Ms Starkey can be contacted on (02) 4345 4410.

Yours sincerely



17/10/2017

Greg Sullivan
Director Operations, Central Coast

Encl:
Gateway Determination
Written Authorisation to Exercise Delegation
Delegated Plan Making Reporting Template

Gateway Determination

Planning Proposal (Department Ref: PP_2017_CCOAS_010_00): to rezone land for low density residential purposes, general residential purposes and for environmental management in Warnervale (within Precinct 7)

I, the Director Operations, 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 rezone land for low density residential purposes, general residential purposes and for environmental management in Warnervale (within Precinct 7) should proceed subject to the following conditions:

1. Prior to undertaking community consultation, Council is to update the planning proposal to:
 - Include discussion of the potential outcome for the proposal to amend the (draft) Central Coast Local Environmental Plan (consolidated LEP);
 - Include justification for the reduction of the RE1 Public Recreation land, and discussion on the adequacy (i.e. area per person and location) of public open space to service the development and expected resident population;
 - Include discussion on the adequacy of the B1 Neighbourhood Centre area to service the population catchment;
 - Include the Preliminary Bushfire Report as an appendix;
 - Include additional information on local infrastructure (water and sewer) requirements for the development or any servicing strategy;
 - Complete an updated Aboriginal Archaeological and Cultural Heritage survey in accordance with the NSW Office of Environment and Heritage guidelines;
 - Complete a traffic and transport assessment for the proposal; and
 - Confirm the Airport OLS & ANEF maps are current, given the extended runway, and undertake any resulting assessment.

2. Council is to update the planning proposal to include sufficient additional information to adequately demonstrate consistency (following consultation or further investigation) with the below S117 Directions:
 - 1.3 Mining, Petroleum Production and Extractive Industries
 - 2.1 Environment Protection Zones
 - 2.3 Heritage Conservation
 - 3.1 Residential zones
 - 3.4 Integrating Land Use and Transport
 - 4.1 Acid Sulfate Soils
 - 4.3 Flood Prone Land
 - 4.4 Planning for Bushfire Protection
 - 6.2 Reserving land for Public Purpose

3. Council is to update the planning proposal prior to community consultation, to include sufficient information to address the following State Environmental Planning Policies (SEPP):
 - SEPP 55 – Remediation of Land. Council is to ensure that a site contamination investigation report demonstrates that the site is suitable for rezoning to the proposed zone. This investigation is to be included as part of the public exhibition material.
 - SEPP 14 Coastal Wetlands and Draft Coastal Management SEPP; and
 - SEPP (Vegetation in Non-Rural Areas). The policy commenced in August 2017.

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 local environmental plans* (Department of Planning and Environment 2016).

5. Consultation is required with the following public authorities and / organisations under section 56(2)(d) of the Act and/or to comply with the requirements of relevant Section 117 Directions:
 - Department of Primary Industries – Agriculture
 - Department of Education and Communities
 - NSW Resources and Energy
 - NSW Office of Environment and Heritage
 - NSW Rural Fire Service
 - NSW Roads and Maritime Services / Transport for NSW
 - Department of Primary Industries - Office of Water
 - Darkinjung Local Aboriginal Land Council
 - Guringai Tribal Link Aboriginal Corporation

Each public authority/organisation 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).



Planning & Environment

7. The timeframe for completing the LEP is to be **12 months** following the date of the Gateway determination.

Dated 17th day of October 2017.

A handwritten signature in blue ink, appearing to read "Greg Sullivan".

Greg Sullivan
Director Operations, Central Coast
Department of Planning and
Environment

Delegate of the Minister for Planning



WRITTEN AUTHORISATION TO EXERCISE DELEGATION

Central Coast Council is authorised to exercise the functions of the Minister for Planning under section 59 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) that are delegated to it by instrument of delegation dated 14 October 2012, in relation to the following planning proposal:

Number	Name
PP_2017_CCOAS_010_00	to rezone land for low density residential purposes, general residential purposes and for environmental management in Warnervale (within Precinct 7)

In exercising the Minister's functions under Section 59 of the EP&A Act, the Council must comply with the Department's "*A guide to preparing local environmental plans 2016*" and "*A guide to preparing planning proposals 2016*".

Dated 17th October 2017

Greg Sullivan
Director Operations, Central Coast
Department of Planning and Environment

Delegate of the Secretary
of the Department of Planning and Environment