



Mr Rob Noble
CEO
Central Coast Council
PO Box 20
WYONG NSW 2259

Our ref: PP_2016_CCOAS_005_00 (16/14546)
Your ref: RZ/14/2014

Attn: Jenny Mewing

Dear Mr Noble

Planning proposal to amend Wyong Local Environmental Plan 2013

I am writing in response to your Council's letter dated 9 November 2016 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 for future industrial development and protection of environmentally significant lands at 380 Motorway Link, Wallarah.

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 development footprint or planning provisions at present. Further investigations and consultation should be used as the basis for determining the appropriateness of proposed planning provisions and the location of zone boundaries.

Following further investigations and agency consultation, Council should submit the revised planning proposal to the Department of Planning and Environment for comment prior to proceeding with community consultation.

I have agreed, as delegate of the Secretary, the planning proposal's inconsistency with S117 Direction 1.2 Rural Zones is of minor significance. 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 S117 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 decided not to issue an authorisation for Council to exercise delegation to make this plan.

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 Act if the time frames outlined in this determination are not met.

I note the former Wyong Shire 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 this planning proposal and other related planning proposals concerning the Darkinjung Local Aboriginal Land Council. The Central Coast Regional Plan identifies related action and the Department will assist Central Coast Council in this regard where it is appropriate.

Should you have any queries in regard to this matter, I have arranged for Mrs Claire Swan of the Department's regional office to assist you. Mrs Swan can be contacted on (02) 43485003.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Monica Gibson'.

9/12/2016

Monica Gibson

**Director Regions, Hunter and Central Coast
Planning Services**

Encl:
Gateway Determination

Gateway Determination

Planning proposal (Department Ref: PP_2016_CCOAS_005_00): to rezone land at 380 Motorway Link, Wallarah for the purposes of enabling future industrial development and protection of environmentally significant lands.

I, the Director Regions, Hunter and 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 enabling future industrial development protection of environmentally significant lands should proceed subject to the following conditions:

1. Council is to be satisfied that sufficient information has been provided to demonstrate that the planning proposal adequately addresses the following issues:
 - water and sewer servicing plan and funding mechanisms
 - services provision (gas, telecommunications, electricity)
 - ecological investigations (in consultation with OEH)
 - flooding, drainage and stormwater management
 - bushfire planning requirements
 - land use capability assessment including compatibility with mining and extractive industries
 - social impacts
 - economic impacts
 - preliminary contaminated lands assessment
 - noise and vibration impacts
 - air quality impacts
 - Aboriginal cultural heritage considerations
 - transport and traffic including road access, issues associated with the adjacent rail line, examination of public transport, pedestrian and cycleway planning issues

2. Prior to undertaking community consultation, Council is required to update the planning proposal to:
 - address relevant matters of the Central Coast Regional Strategy 2036;
 - determine consistency with the Central Coast Regional Plan 2036 and North Wyong Shire Structure Plan;
 - resolve biodiversity corridor planning and offsetting requirements with Office of Environment and Heritage and Department of Planning and Environment;
 - determine proposed planning provisions are supported by studies and agency consultation; and
 - assess information in the planning proposal for currency, and update as required.

3. Council is required to demonstrate consistency with the following S117 Directions after supporting information has been obtained and/or following agency consultation:
 - 1.1 Business and Industrial Zones
 - 1.3 Mining, Petroleum Production and Extractive Industries (NSW Department of Industry - 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)
 - 3.4 Integrating Land Use and Transport (Transport NSW – RMS)
 - 4.4 Planning for Bushfire Protection (NSW Rural Fire Service)
 - 5.1 Implementation of Regional Strategies
 - 5.10 Implementation of Regional Plans
 - 6.2 Reserving Land for Public Purposes
4. Council is to demonstrate that the planning proposal satisfies the requirements of State Environmental Planning Policy (SEPP) 55 – Remediation of Land and demonstrate the site is suitable for rezoning once information on contamination has been obtained.
5. Council is to demonstrate that the planning proposal satisfies the requirements of State Environmental Planning Policy (SEPP) (Mining, Petroleum Production and Extractive Industries) 2007.
6. 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)*.
7. 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:
 - Ausgrid
 - NSW Department of Primary Industries - Water
 - Office of Environment and Heritage
 - Department of Industry - Resources and Energy
 - Transport for NSW - Roads and Maritime Services
 - Transport for NSW
 - Department of Industry - Lands
 - Guringai Tribal Link



Planning & Environment

- Jemena
- Darkinjung Local Aboriginal Land Council
- NSW Rural Fire Service.

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 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 9th day of December 2016

A handwritten signature in black ink, appearing to read 'Monica Gibson'.

Monica Gibson
Director Regions, Hunter and Central
Coast
Planning Services
Department of Planning and Environment

Delegate of the Minister for Planning