



David Farmer
Chief Executive Officer
Central Coast Council
PO Box 21
GOSFORD NSW 2250

Dear Mr Farmer

Planning proposal PP-2021-4334 to amend *Wyong Local Environmental Plan 2013* or *Central Coast Local Environmental Plan*

I am writing in response to Council's request for a Gateway determination under section 3.34(1) of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the planning proposal to rezone land and amend development standards to enable a mixed-use development.

As delegate of the Minister for Planning and Public Spaces, I have determined the planning proposal should proceed subject to the conditions in the enclosed Gateway determination.

Amendments to the *State Environmental Planning Policy (Infrastructure) 2007* are expected to be introduced providing mapping of pipeline infrastructure throughout NSW and outline development application notification requirements.

While I acknowledge the consultation already undertaken with the high-pressure gas pipeline operator, careful consideration of this issue needs to occur during any future development applications. As such, should amendments to the *State Environmental Planning Policy (Infrastructure) 2007* not be finalised at the time of lodgement of a development application for the site, I strongly recommend council still notify the pipeline operator prior to issuing consent.

Prior to exhibition, the planning proposal must be updated to map the site as an Urban Release Area. Additionally, Council must also confirm whether provisions in the local environmental plan are or not proposed to satisfy itself the land will be remediated before the land is used for the proposed purposes.

I note the landowner has offered to enter a planning agreement with Council to establish and manage biodiversity corridors. Consultation with the Biodiversity Conservation Division and Darkinjung Aboriginal Land Council should occur in relation to the corridors and a draft planning agreement (or letter of offer) must be exhibited with the planning proposal.

As delegate of the Secretary, I have agreed the planning proposal's inconsistencies with section 9.1 Ministerial directions: 1.2 Rural Zones; 1.5 Rural Lands; 2.3 Heritage Conservation; 3.1 Residential Zones; 4.1 Acid Sulfate Soils; 5.10 Implementation of Regional Plans is justified in accordance with the terms of the directions. No further approval is required in relation to these directions.

Council may still need to obtain the agreement of the Secretary to comply with the requirements of relevant section 9.1 Ministerial directions:

- 1.3 Mining, Petroleum Production and Extractive Industries;
- 2.1 Environmental Protection Zones;
- 3.4 Integrating Land Use and Transport;
- 4.2 Mine Subsidence & Unstable Land;
- 4.4 Planning for Bushfire Protection; and
- 6.3 Site Specific Provisions.

Council should ensure this occurs prior to the plan being made.

I note Council has not requested delegation to be authorised as the local plan-making authority. I have considered the nature of the planning proposal and due to the above matters, I have not conditioned the Gateway to provide the delegation.

The amending local environmental plan (LEP) is to be finalised within 18 months of the date of the Gateway determination. Council should aim to commence the exhibition of the planning proposal as soon as possible and no later than 1 December 2021. Council's request for the Department of Planning, Industry and Environment to draft and finalise the LEP should be made eight weeks prior to the projected publication date.

The NSW 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 3.32(2)(d) of the Act if the time frames outlined in this determination are not met.

Should you have any enquiries about this matter, I have arranged for Mr Robin Ward, Senior Planning Officer, Central Coast and Hunter Region to assist you. Mr Ward can be contacted on 6448 8502.

Yours sincerely



25/08/2021

Dan Simpkins
Director, Central Coast and Hunter Region
Planning and Assessment

Encl: Gateway determination