



Planning & Infrastructure

Mr Robert Greenwood
General Manager
Blue Mountains City Council
Locked Bag 1005
KATOOMBA NSW 2780

Contact: Amar Saini
Phone: (02) 9860 1560
Email: Amar.Saini@planning.nsw.gov.au
Postal: GPO Box 39, Sydney NSW 2001
Our ref: PP_2012_BLUEM_003_00 (12/11441)
Your ref: F06350; 12/96920

Dear Mr Greenwood,

Planning Proposal to amend the Blue Mountains Local Environmental Plan 1991

I am writing in response to your Council's letter dated 5 July 2012 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 amend the Blue Mountains Local Environmental Plan (LEP) 1991 to rezone 57 parcels of land currently zoned under Blue Mountains LEP No. 4 to an appropriate zone under Blue Mountains LEP 1991.

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

It is noted that Council is yet to commence work on its comprehensive LEP. Council is encouraged to consider how this planning proposal will be translated into its comprehensive LEP. Council may wish to commence work on incorporating the rezonings subject to this planning proposal directly into its comprehensive LEP instead of separately amending LEP 1991.

I have also agreed that the planning proposal's inconsistencies with S117 Directions 1.2 Rural Zones, 1.3 Mining, Petroleum Production and Extractive Industries and 3.1 Residential Zones are of minor significance. No further approval is required in relation to these Directions.

The amending Local Environmental Plan (LEP) is to be finalised within 12 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 six (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 s54(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, please contact Amar Saini of the Regional Office of the Department on 02 9860 1560.

Yours sincerely,


Sam Haddad
Director-General

6/8/2012.

Gateway Determination

Planning proposal (Department Ref: PP_2012_BLUEM_003_00): to rezone land currently zoned under Blue Mountains LEP No. 4 to an appropriate zone under Blue Mountains LEP 1991.

I, the Director General, Department of Planning and Infrastructure as delegate of the Minister for Planning and Infrastructure, have determined under section 56(2) of the EP&A Act that an amendment to the Blue Mountains Local Environmental Plan (LEP) 1991 to rezone 57 parcels of land currently zoned under Blue Mountains LEP No. 4 to an appropriate zone under Blue Mountains LEP 1991 should proceed subject to the following conditions:

1. Council is to amend the planning proposal to include sufficient additional information to adequately demonstrate consistency with the Section 117 Direction 6.2 Reserving Land for Public Purposes and obtain the concurrence of the relevant public authorities under this Direction, prior to the commencement of public exhibition.
2. Council is to consult with the Commissioner of the NSW Rural Fire Service in accordance with Section 117 Direction 4.4 Planning for Bushfire Protection and amend the planning proposal, if necessary, to take into consideration any comments prior to the commencement of public exhibition.
3. Prior to undertaking public exhibition, Council is to make the below amendments to the planning proposal:
 - (a) Insert a legend on the maps to identify the applicable zones.
 - (b) Amend the maps to illustrate the instrument the maps are amending.
 - (c) Amend the maps to clearly identify the subject sites.
4. 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 **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 4.5 of *A Guide to Preparing LEPs (Department of Planning 2009)*.
5. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - Office of Environment and Heritage (NSW National Parks and Wildlife Service)
 - NSW Rural Fire Service
 - Hawkesbury Nepean Catchment Management Authority
 - Adjoining LGA's.

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning 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 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).
7. The timeframe for completing the LEP is to be **12 months** from the week following the date of the Gateway determination.

Dated

6th day of

August 2012.

SHaddad

Sam Haddad
Director-General
Delegate of the Minister for Planning and
Infrastructure