

**Office of the Director General**

Mr Phil Pinyon
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Our ref: PP_2010_BLUEM_001_00 (10/02425)
Your ref: F05744:09/211930

Dear Mr Pinyon,

Re: Planning Proposal for Blue Mountains LEP 2005 - Amendment No. 16

I am writing in response to your Council's letter dated 18 December 2009 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 Blue Mountains Local Environmental Plan 2005 to rezone Part Lot 3 DP 570463, Lot 3 DP 632789 White Cross Road, and Lot 4 DP 632789 Hawkesbury Road, Winmalee) from Living-General to Village-Housing.

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

The Gateway Determination requires that the planning proposal be made publicly available for a period of 28 days. Under section 57(2) of the Act, I am satisfied that the planning proposal is in a form that can be made available for community consultation.

The amending Local Environmental Plan (LEP) is to be finalised within 6 months of the week following the date of the Gateway Determination.

In order to prevent a continued ad-hoc approach to future land use in this area, Council should assess the most appropriate zones and land uses in this locality within a strategic framework and submit a single planning proposal which implements its vision.

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 Elma Muratovic of the Regional Office of the Department.

Yours sincerely,


Sam Haddad
Director General

23 | 2 | 2010.

Gateway Determination

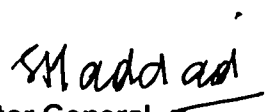
Planning Proposal (Department Ref: PP_2010_BLUEM_001_00): to rezone a parcel of land from Living-General to Village-Housing.

I, the Director General as delegate of the Minister for Planning, have determined under section 56(2) of the EP&A Act that an amendment to the Blue Mountains Local Environmental Plan 2005 to rezone Part Lot 3 DP 570463, Lot 3 DP 632789 White Cross Road, and Lot 4 DP 632789 Hawkesbury Road, Winmalee from Living-General to Village-Housing should proceed subject to the following conditions:

1. 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 is classified as low impact as described in *A Guide to Preparing LEPs* (Department of Planning 2009) and 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).
2. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - Roads and Traffic Authority
 - Sydney Water

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.
3. No public hearing is to be held into the matter under section 56(2)(e) of the EP&A Act. This does not have any bearing on the need to conduct a public hearing under the provisions of any other legislation.
4. The timeframe for completing the LEP is to be **6 months** from the week following the date of the Gateway determination.

Dated 23rd day of February 2010.


Director General
Delegate for the Minister for Planning