



Planning & Infrastructure

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Mr Robert Greenwood
General Manager
Blue Mountains City Council
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Our ref: PP_2012_BLUEM_002_00 (12/09350)
Your ref: F07582

Dear Mr Greenwood,

Planning Proposal to reclassify a Council owned drainage reserve at 36R Kanimbla Street, Leura (Lot 15 DP 8715) from 'community' to 'operational' land.

I am writing in response to your Council's letter dated 22 May 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 (1991) to reclassify Lot 15 DP 8715, 36R Kanimbla Street, Leura from 'community' to 'operational' land.

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.

Council is reminded of its obligations for exhibiting and conducting a public hearing when reclassifying land from 'community' to 'operational' land as per the Department's LEP Practice Note PN003.

I have also agreed that the planning proposal's inconsistencies with S117 Direction 5.2 Sydney Drinking Water Catchments are of minor significance. No further approval is required in relation to this Direction.

The amending Local Environmental Plan (LEP) is to be finalised within nine (9) months of the week following the date of the Gateway Determination. Council should aim to commence the exhibition of the Planning Proposal within four (4) weeks from the week following this determination. 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 Cho Cho Myint of the Regional Office of the Department on 02 9860 1560.

Yours sincerely,



Sam Haddad
Director-General

16/6/2012

Gateway Determination

Planning Proposal (Department Ref: PP_2012_BLUE_002_00): to reclassify a Council owned drainage reserve at 36R Kanimbla Street, Leura (Lot 15 DP 9715) from 'community' to 'operational' land.

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 (1991) to reclassify Lot 15 DP 8715, 36R Kanimbla Street, Leura from 'community' to 'operational' land 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 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:

- Sydney Catchment Authority; and
- Commissioner of the NSW Rural Fire Service

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. Further to condition 2, consultation is required with the Commissioner of the NSW Rural Fire Service, in accordance with S.117 Direction 4.4 Planning for Bushfire Protection, prior to undertaking community consultation in satisfaction of section 57 of the Act, and take into account any comments made.
4. 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).
5. The timeframe for completing the LEP is to be **9 months** from the week following the date of the Gateway determination.

Dated 16th day of June 2012.



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