



Planning &
Environment

Mr Robert Greenwood
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Our ref: PP_2015_BLUEM_001_00
Your ref: F08472; 15/66570

Attention: William Langevad/Michelle Maher

Dear Mr Greenwood

**Gateway Determination – draft Blue Mountains Local Environmental Plan 2015
– Amendment to apply zones to matters deferred from draft Blue Mountains
Local Environmental Plan 2013**

I am writing in response to Council's letter dated 6 May 2015 requesting a Gateway determination under section 56 of the *Environmental Planning and Assessment Act 1979* ("the Act") for the planning proposal to amend draft Blue Mountains Local Environmental Plan 2015 to apply zones to matters deferred from draft Blue Mountains Local Environmental Plan 2013.

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. I enclose the determination.

Careful consideration was given to the proposed community consultation approach for what will be amendment 1 to Council's Standard Instrument LEP, Draft Blue Mountains LEP 2015, and the potential for community confusion over the two planning processes. However on balance it is considered best to postpone public exhibition of amendment 1 until after Blue Mountains LEP 2015 is notified, and condition 5 has been included to that effect.

Provided that the agency approval for rezoning is obtained as required by Gateway determination condition (2), then the Secretary's approval can be assumed to be granted, as required under Section 117 Direction 6.2 – Reserving Land for Public Purposes.

The amending Local Environmental Plan 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, after conditions have been met.

The State Government is committed to reducing the time taken to complete Local Environmental Plans 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.

Should you have any enquiries in regard to this matter, please contact Georgina Ballantine of the Metropolitan Region (Parramatta) office of the Department on phone no. (02) 9860 1568.

Yours sincerely


3/9/2015

Rachel Cumming
Director
Metropolitan Region (Parramatta)

Gateway Determination

Planning proposal (Department Ref: PP_2015_BLUEM_001_00): to resolve a range of matters deferred from draft Blue Mountains Local Environmental Plan 2013

I, the Director, Metropolitan Region (Parramatta) 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 draft Blue Mountains Local Environmental Plan 2015 to resolve a range of matters deferred from draft Blue Mountains Local Environmental Plan should proceed, subject to the following conditions:

1. Larger, legible maps, including map legends, must be prepared prior to exhibition to enable identification of map values such as zones and minimum lot sizes.
2. In accordance with Section 117 Direction 6.2 - Reserving Land for Public Purposes, Council is to obtain endorsement from NSW Trade and Investment - Crown Lands for the proposed E2 - Environmental Conservation zone at 7-19 Lawsons Long Alley, Mount Victoria. In addition, Council is to seek endorsement from Rail Corporation NSW for the proposed RE1 - Public Recreation zone at 70 and 70A Great Western Highway, Woodford and the removal of the SP2 - Rail zone at 690A Great Western Highway, Faulconbridge. If Council is unable to obtain approval, these sites should be removed from the planning proposal.
3. Council is to remove the proposed rezoning of 153 Falls Road, Wentworth Falls from the planning proposal as the proposed R6 - Residential Character Conservation zone is contrary to the Standard Instrument and currently deferred from draft Blue Mountains Local Environmental Plan 2015.
4. Council is to remove the proposed rezonings of 111 Mort Street, Katoomba and 20 Hazel Avenue, Hazelbrook from the planning proposal and Addendum to Item 3 due to the absence of satisfactory Preliminary Site Investigations for contamination from Sydney Water under State Environmental Planning Policy 55 - Remediation of Land.
5. 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 Section 117 Directions:
 - Office of Environment and Heritage
 - NSW Trade and Investment - Crown Lands
 - NSW Rural Fire Service
 - Rail Corporation NSW

- Sydney Water
- Transport for NSW – Roads and Maritime Services
- Water NSW

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.

6. Public exhibition of the Deferred Land amendment is to be postponed until after Blue Mountains LEP 2015 has been notified.

7. 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 LEPs (Department of Planning & Infrastructure 2013).

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 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).

9. The timeframe for completing the LEP is to be 12 months from the week following the date of the Gateway determination.

R Cumming
3/9/2015

Rachel Cumming
Director
Metropolitan Region (Parramatta)
Planning Services

As delegate of the Minister for Planning