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Department Generated Correspondence (Y)

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Our ref: PP_2011_BLUEM_002_00 (11/08656-1)
Your ref: F06981

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

Dear Mr Greenwood,

Re: Planning Proposal to reclassify land at Parke Street, Katoomba from 'community' land to 'operational' land to facilitate the development of an underground car park

I am writing in response to your Council's letter dated 16 May 2011 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 2005 to reclassify land at Parke Street, Katoomba from 'community' land to 'operational' land to facilitate the development of an underground car park adjacent to the Coles/Kmart shopping complex.

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 are reminded of their obligations for exhibiting and conducting a public hearing when reclassifying land from 'community' to 'operational' land as per the Department's LEP Practice Note 09-003.

It is noted that the planning proposal includes a provision to discharge the land of any trusts or interests that may affect the subject site. Council are therefore reminded of their obligations under section 30 of the Local Government Act 1993 to seek approval of the Governor when discharging land from any trusts, estates, interests, dedication, conditions, restrictions and covenants. Additionally, Council is to provide the Department with sufficient information in accordance with the Department's LEP Practice Note 09-003 of any public reserve and/or other third party property interests prior to the making of the LEP.

The Director General's delegate has agreed that the planning proposal's inconsistencies with the requirements of S117 Direction 6.2 Reserving Land for Public Purposes are of minor significance and agrees with the reservation of land for the purposes of this planning proposal. No further approval is required in relation to this Direction.

The amending Local Environmental Plan (LEP) is to be finalised within 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 Derryn John of the Regional Office of the Department on 02 9873 8500.

Yours sincerely,



Tom Gellibrand
Deputy Director General
Plan Making & Urban Renewal

Gateway Determination

Planning Proposal (Department Ref: PP_2011_BLUEM_002_00): to reclassify land at Parke Street, Katoomba from 'community' land to 'operational' land to facilitate the development of an underground car park

I, the Deputy Director General, Plan Making & Urban Renewal 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 2005 to reclassify land at Parke Street, Katoomba from 'community' land to 'operational' land to facilitate the development of an underground car park adjacent to the Coles/Kmart shopping complex should proceed subject to the following conditions:

1. The Director General's delegate has agreed that the planning proposal's inconsistencies with the requirements of S117 Direction 6.2 Reserving Land for Public Purposes are of minor significance and agrees with the reservation of land for the purposes of this planning proposal.
2. Council is to provide the Department with sufficient information in accordance with the Department's LEP Practice Note 09-003 of any public reserve and/or other third party property interests prior to the making of the LEP.
3. 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)* 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)*.
4. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - Roads and Traffic Authority

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.

5. 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).



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

Dated *9th* day of *June* 2011.

A handwritten signature in blue ink, appearing to read 'Tom Gellibrand'.

Tom Gellibrand
Deputy Director General
Plan Making & Urban Renewal
Delegate of the Minister for Planning and
Infrastructure