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Mr Robert Greenwood
 General Manager
 Blue Mountains City Council
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Our ref: PP_2012_BLUEM_001_00 (12/05598)
 Your ref: F07449

Dear Mr Greenwood,

Planning Proposal to reclassify three Council owned sites in Katoomba from 'community' land to 'operational' land

I am writing in response to your Council's letter dated 19 March 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 2005 to reclassify three Council owned sites in Katoomba from 'community' land 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 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 objectives of the planning proposal are aimed at improving the function and quality of urban areas currently dominated by car parking within in the Katoomba Town Centre and therefore the requirements of S117 Direction 3.4 Integrating Land Use and Transport are applicable. Council is to amend the planning proposal to address the Local Planning Direction and justify any inconsistencies prior to the commencement of public exhibition. Council should undertake further studies if it is considered necessary, or address the S117 Direction through the 'master planning exercise' currently underway or the Katoomba Town Centre Charrette Report if applicable. Any outcome generated from consideration of the S117 Direction is to be made publicly available in the exhibition material.

In accordance with the requirements of S117 Direction 3.4 Integrating Land Use and Transport, Council is to consult with Transport for NSW – Roads and Maritime and take into account any comments made, prior to public exhibition of the planning proposal. Any relevant information obtained in the process of addressing the consistency with the S117 Direction is to be provided during consultation.

I have also agreed that the planning proposal's inconsistencies with S117 Direction 6.2 Reserving Land for Public Purposes 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 9 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 following consultation with Transport for

NSW – Roads and Maritime. 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,


Sam Haddad
Director-General

18/4/2012

Gateway Determination

Planning Proposal (Department Ref: PP_2012_BLUEM_001_00): to reclassify three Council owned and managed sites in Katoomba from 'community land' 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 2005 to reclassify three Council owned and managed sites in Katoomba from 'community land' to 'operational land' should proceed subject to the following conditions:

1. Council is to address the requirements of S117 Direction 3.4 Integrating Land Use and Transport and justify the planning proposals consistency with its objectives. Council is to amend the planning proposal, if necessary, prior to the commencement of public exhibition to reflect the outcomes of Council's consideration of the Local Planning Direction.
2. 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)*.
3. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - Transport for NSW – Roads and Maritime

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.

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 18th day of April 2012.


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