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Our ref: PP_2012_BLUEM_004_00 (12/11527-1)
Your ref: F07533/12-93967

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

Dear Mr Greenwood,

Planning proposal to amend the Blue Mountains Local Environmental Plan (LEP) 2005

I am writing in response to your Council's letter dated 29 June 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 (LEP) 2005 to facilitate various housekeeping amendments including a rezoning, boundary adjustments, an amendment to the heritage schedule and to permit an additional use on land in Katoomba.

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.

I have also agreed that the planning proposal's inconsistencies with S117 Directions 1.1 Business and Industrial Zones, 2.1 Environmental Protection Zones, 2.3 Heritage Conservation, 4.3 Flood Prone Land and 6.3 Site Specific Provisions are of minor significance. No further approval is required in relation to these Directions.

In relation to S117 Direction 4.4 Planning for Bushfire Protection, Council is to consult with the Commissioner of the NSW Rural Fire Service and amend the planning proposal (if necessary) to take into consideration any comments prior to undertaking exhibition of the planning proposal.

Council is also to consult with the Sydney Catchment Authority prior to undertaking community consultation and take into account any comments made on the planning proposal as per the requirements of Direction 5.2 Sydney Drinking Water Catchments.

The amending Local Environmental Plan (LEP) 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 following agency consultation. 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
27/7/2012

Gateway Determination

Planning Proposal (Department Ref: PP_2012_BLUEM_004_00): to amend the Blue Mountains Local Environmental Plan (LEP) 2005 to facilitate various housekeeping amendments.

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 (LEP) 2005 to amend the Blue Mountains Local Environmental Plan (LEP) 2005 to facilitate various housekeeping amendments including a rezoning, boundary adjustments, an amendment to the heritage schedule and to permit an additional use on land in Katoomba 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 **14 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 Metropolitan Catchment Management Authority
 - Office of Environment and heritage
 - NSW Rural Fire Services

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

Dated 27th day of July 2012.


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