

Gateway Determination

Planning proposal (Department Ref: PP_2018_BLUEM_002_00): to make housekeeping amendments for certain land identified edged blue on the lot size map.

I, the Director, Sydney Region West, at the Department of Planning and Environment, as delegate of the Greater Sydney Commission, have determined under section 3.34(2) of the *Environmental Planning and Assessment Act 1979* (the Act) that an amendment to the Blue Mountains Local Environmental Plan (LEP) 2015 to make housekeeping amendments for certain land identified edged blue on the lot size map should proceed subject to the following conditions:

1. Prior to public exhibition, Council is to amend the planning proposal under Part 2 Explanation of provisions, by adding the following words immediately prior to the amended clause:

It is foreshadowed that the proposed amendments to the clause will be subject to legal drafting and this provision may be altered to meet legal drafting requirements.

Further, the number of potential dwellings that will be enabled by this amendment should be provided under this part.

2. Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:
 - (a) the planning proposal is classified as low impact as described in *A guide to preparing local environmental plans* (Department of Planning and Environment 2016) and must be made publicly available for a minimum of **14** days; and
 - (b) the planning proposal 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 local environmental plans* (Department of Planning and Environment 2016).
3. Consultation is required with the following public authorities and / organisations under section 3.34(2)(d) of the Act and/or to comply with the requirements of relevant section 9.1 Directions:
 - Office of Environment and Heritage;
 - Office of Environment and Heritage – Heritage Division;
 - Water NSW (formerly Sydney Water Catchment); and
 - NSW Rural Fire Service – prior to public exhibition.

Note: In accordance with section 9.1 Direction 4.4 Planning for Bushfire Protection, Council is to consult with the NSW Rural Fire Service prior to public exhibition and, if necessary, amend the planning proposal accordingly.

Each public authority/organisation 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.

4. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the 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 planning proposal authority is authorised as the local plan-making authority to exercise the functions under section 3.36(2) of the Act subject to the following:
 - (a) the planning proposal authority has satisfied all the conditions of the Gateway determination;
 - (b) the planning proposal is consistent with section 9.1 Directions or the Secretary has agreed that any inconsistencies are justified; and
 - (c) there are no outstanding written objections from public authorities.
6. The time frame for completing the LEP is to be **6 months** following the date of the Gateway determination.

Dated 13th day of July 2018.



Ann-Maree Carruthers
Director, Sydney Region West
Planning Services
Department of Planning and Environment

Delegate of the Greater Sydney Commission