

Gateway Determination

Planning proposal (Department Ref: PP_2018_BLUEM_003_00): Housekeeping amendments to improve the clarity, accuracy and overall operation of the Blue Mountains LEP 2015.

I, the Director, 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 for housekeeping amendments to improve the clarity, accuracy and overall operation of the Blue Mountains LEP 2015 should proceed subject to the following conditions:

1. Prior to community consultation, Council is to amend the planning proposal to:
 - (a) amended the proposed boundary setback for rainwater tanks from 450mm to 900mm;
 - (b) Remove the proposed amendment to include rainwater tanks (above ground) under Schedule 2 Exempt development of the Blue Mountains LEP 2015, if State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 is amended to include a 900mm boundary setback for rainwater tanks (above ground) on land zoned E4 Environmental Living, prior to the public exhibition of this proposal; and
 - (c) Include a notation in the planning proposal, under Part 2 Explanation of Provisions, stating that the proposed written amendments will be subject to legal drafting and the provisions may be altered to meet legal drafting requirements.
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/organisations under section 3.34(2)(d) of the Act and/or to comply with the requirements of relevant section 9.1 Directions:

- NSW Rural Fire Service
- Department of Primary Industries: Sydney Catchment Authority
- Water NSW
- Office of Environment and Heritage: National Parks and Wildlife Service

Note: In accordance with section 9.1 Direction 4.4 Planning for Bushfire Protection, Council is to consult with NSW Rural Fire Service prior to community consultation 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 **9 months** following the date of the Gateway determination.

Dated 19th October day of 2018.



Ann-Maree Carruthers
Director
Planning Services
Department of Planning and Environment

Delegate of the Greater Sydney Commission