



20 September 2018

Office of the General Manager

Reference File: F11555 (18/204904)

Ann-Maree Carruthers
Director Sydney Region West
Planning Services
NSW Department of Planning and Environment
GPO Box 39
SYDNEY NSW 2001

Dear Ms Carruthers

**SUBJECT Draft Amendment 11 (Housekeeping) to Blue Mountains
LEP 2015**

I write seeking a Gateway Determination for the planning proposal for draft Amendment No.11 to Blue Mountains LEP 2015. The purpose of this planning proposal is to make a housekeeping amendment to LEP 2015 to correct minor anomalies identified since it was made. The proposed changes are noted below:-

- to improve the wording of clause 6.25 to ensure it operates as intended; and
- to remove a sunset requirement for the preparation of a site restoration plan related to an additional permitted use in schedule 1; and
- adding fences as exempt development; and
- adding rainwater tanks as exempt development.

At its meeting of 21 August 2018 (Minute No. 309) Council resolved:

1. *That the Council notes the report and the recommendation of the Local Planning Panel;*
2. *That the Council endorses the Draft Planning Proposal, amended in accordance with the advice of the Local Planning Panel, to be known as Blue Mountains Local Environmental Plan 2015 (Amendment No. 11) prepared in accordance with the provisions of Section 3.33 of the Environmental Planning and Assessment Act, 1979;*
3. *That the Council refers the Draft Planning Proposal to the Greater Sydney Commission or delegate requesting a Gateway Determination in accordance with the provisions of Section 3.34 of the Environmental Planning and Assessment Act, 1979;*
4. *That the Council requests Written Authorisation to Exercise Delegation over the Draft Planning Proposal in accordance with clause 2.4 of the Environmental Planning And Assessment Act 1979;*

5. *That the Council requests the Greater Sydney Commission or delegate that the Draft Planning Proposal designate the Planning Proposal as low impact;*
6. *That the Council processes the Planning Proposal in accordance with the Gateway Determination issued under the provisions of Section 3.34 of the Environmental Planning and Assessment Act, 1979;*
7. *That the Council receives a report, subject to the Gateway Determination, at the conclusion of the notification period to enable consideration of submissions made to Blue Mountains Local Environmental Plan 2015 Amendment 11; and*
8. *That the Council delegates to the General Manager the authority to make minor amendments to the adopted draft Amendment 11 to Local Environmental Plan 2015 that may arise after the formal adoption of this planning proposal, subject to such amendments maintaining the policy intent of the draft plan.*

In accordance with the above Council Minute, Council is seeking authority to exercise delegation in relation to the plan making functions under section 2.4 of the Environmental Planning and Assessment Act 1979.

Council also requests that the Department designate the proposal 'low impact', in keeping with the above Council Minute.

In accordance with section 9.1 of the Environmental Planning and Assessment Act 1979 the planning proposal was referred to the Blue Mountains Local Planning Panel for advice. At its meeting of 23 July 2018 the Blue Mountains Local Planning Panel advised:

That the Blue Mountains Local Planning Panel supports the proposal and provide the following advice/amendments:

- *Addition Page 6 – clause 4(3)(b) add “to the satisfaction of Council” at the end of the clause*
- *Correction Page 7 – item 14 “If a lot has a frontage to a secondary road or roads, sub-clause (12) (13) only applies to 50% of the length of all contiguous secondary road boundaries, measured from the corner with the primary road boundary.”*
- *Correction Page 7 – item 15 “Sub-clause (12)(b) (13)(b) does not apply to the part of the fence along the side boundary and within the setback area to the primary road.”*
- *Recommend that the Draft Planning Proposal for Amendment 11 to Blue Mountains Local Environmental Plan 2015 progress to the Council for consideration.*

Please find enclosed a copy of the Planning Proposal relevant Council report and Local Planning Panel report.

If you have any queries or require further information, please contact Will Langevad, Director, Development and Customer Services on 4780 5616.

Yours faithfully

A handwritten signature in red ink, appearing to read 'RDillon', with a long horizontal flourish extending to the right.

ROSEMARY DILLON
General Manager