

Gateway Determination

Planning proposal (Department Ref: PP-2021-4886): Exclude the Blue Mountains Local Government Area from the application of the Low Rise Housing Diversity Code

I, the Executive Director, Central River City and Western Parkland City at the Department of Planning, Industry and Environment, as delegate of the Minister for Planning and Public Spaces, have determined under section 3.34(2) of the Environmental Planning and Assessment Act 1979 (the Act) that an amendment to the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 to Exclude the Blue Mountains Local Government Area from the application of the Low Rise Housing Diversity Code should proceed subject to the following conditions:

1. Prior to public exhibition, the proposal is to be amended to seek local variations to the *State Environmental Planning Policy (Exempt and Complying Codes) 2008*.
2. Consultation is required with the Department of Planning, Industry and Environment's Planning Policy Branch to confirm the intent of the proposal. Noting the proposal is to provide the intent of changes sought, rather than propose specific drafting which will be finalised following consideration by Parliamentary Counsel's Office.
3. Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the *Environmental Planning and Assessment 1979* as follows:
 - (a) the planning proposal must be made publicly available for a minimum of **28 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 6.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment, 2018).
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 time frame for completing the LEP is to be **12 months** following the date of the Gateway determination.
6. The planning proposal must be exhibited 3 months from the date of the Gateway determination.

7. The planning proposal must be reported to Council for a final recommendation 9 months from the date of the Gateway determination.
8. Given the nature of the planning proposal, Council is not authorised to be the local plan-making authority to make the plan.



28/10/2021

Catherine Van Laeren
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Department of Planning, Industry and
Environment

Delegate of the Minister for Planning and
Public Spaces

