



Ms Rosemary Dillon
General Manager
Blue Mountains City Council
Locked Bag 1005
KATOOMBA NSW 2780

Dear Ms Dillon

Planning proposal [PP-2021-4886] to amend Blue Mountains Local Environmental Plan 2015 (Amendment No 13)

I am writing in response to Council's request for a Gateway determination under section 3.34(1) of the *Environmental Planning and Assessment Act 1979* (the Act) in respect of the planning proposal to exclude the Blue Mountains Local Government Area from the application of the Low Rise Housing Diversity Code in the *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* (Codes SEPP).

As delegate of the Minister for Planning and Public Spaces, I have determined that the planning proposal should proceed subject to the conditions in the enclosed Gateway determination. I appreciate this proposal is the result of longstanding discussion between Council, the Department and the Minister for Planning and Public Spaces, which have now informed Council's endorsed Local Strategic Planning Statement and Local Housing Strategy. A wholesale exemption from the Codes SEPP however would remove the fast track Complying Development pathway from being available to residents of the Blue Mountains Local Government Area. I have therefore conditioned the Gateway to require the planning proposal be amended to ensure the Codes SEPP continue to apply to the LGA, but seek local variations to the Codes SEPP to ensure more responsive and appropriate complying development built outcomes for the LGA. I note the legal mechanism to implement the planning proposal will be subject to consideration and drafting by Parliamentary Counsel.

Public exhibition may occur following further consultation with Council and the Department's Planning Policy Branch, I have requested Mr Adrian Hohenzollern, Director Western, to assist Council in finalising pre-exhibition amendments to the proposal. As the proposal relates to the application of a State Environmental Planning Policy, I have not conditioned the Gateway determination for Council to be the local plan-making authority.

I note the recent correspondence from the Department in relation to the proposed temporary amendment of the Code to mirror the controls in Council's local environmental plan. This temporary measure is anticipated to be in place while the planning proposal progresses.

The amending local environmental plan (LEP) is to be finalised within 12 months of the date of the Gateway determination. The planning proposal must be exhibited 3 months from the date of the Gateway determination and reported to Council for a final recommendation 9 months from the date of the Gateway determination.

Council's request for the Department of Planning, Industry and Environment to draft and finalise the LEP should be made at least eight 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 section 3.32(2)(d) of the Act if the time frames outlined in this determination are not met.

Should you have any enquiries about this matter, I have arranged for Mr Hohenzollern to assist you. Mr Hohenzollern can be contacted on 9860 1505 or Adrian.hohenzollern@planning.nsw.gov.au

Yours sincerely



28/10/2021

Catherine Van Laeren
Executive Director
Central River City and Western Parkland City

Encl: Gateway determination