



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

PP-2022-2615 / IRF22/27086

Dear Ms Dillon

Planning proposal PP-2022-2615 to amend Blue Mountains Local Environmental Plan 2015

I am writing in response to the planning proposal you have forwarded to the Minister under section 3.34(1) of the *Environmental Planning and Assessment Act 1979* (the Act).

As delegate of the Minister for Planning, I have determined that the planning proposal should proceed subject to the conditions in the enclosed gateway determination. The Gateway determination has been conditioned to require the removal of the proposed stormwater management amendments. I will continue to liaise with Council and relevant teams within the Department to investigate a general amendment to the Codes SEPP to address the status of the note in 3B.59 of the Code. This matter is also further discussed in the Department's Gateway determination report. I have also determined not to authorise Council to be the local plan-making authority as the planning proposal relates to the application of the Low Rise Housing Diversity Code.

I note that whilst the Department does not object to the proposed deletion of clause 4.1B(3) of the LEP, the Department's position is that the Low Rise Code does not permit applicants to ignore the exception to the minimum lot size requirements and therefore it is not considered necessary to delete clause 4.1B(3) for the reasons noted in the planning proposal.

The amending LEP is to be finalised on or before 22 May 2023. Council should aim to commence the exhibition of the planning proposal as soon as possible. Council's request for the Department of Planning and Environment to draft and finalise the LEP should be made eight weeks in advance of the date the LEP is projected to be made. The NSW Government has committed to reduce the time taken to complete LEPs. To meet these commitments, the Minister may appoint an alternate planning proposal authority if Council does not meet the timeframes outlined in the gateway determination.

The Department recommends Council consider updating the proposal to ensure that Section 9.1 Ministerial Directions numbering reflects the latest version, released 1 March 2022.

The Department's categorisation of planning proposals in the *Local Environmental Plan Making Guideline* (Department of Planning and Environment, 2021) is supported by category specific timeframes for satisfaction of conditions and authority and Government agency referrals, consultation, and responses. Compliance with milestones will be monitored by the Department to ensure planning proposals are progressing as required.

Should you have any enquiries about this matter, I have arranged for Matthew Black to assist you. Mr Black can be contacted on 9585 6463.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'A. Hohenzollern', with a stylized flourish at the end.

12 August 2022

Adrian Hohenzollern
Director
Metro West

Encl: Gateway determination