

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

PP-2021-4886/(IRF22/1399)

Dear Ms Dillon

**Planning proposal PP-2021-4886 – Alteration of Gateway Determination**

I am writing to thank Council for its ongoing collaboration with the Department to progress the above Planning Proposal to balance State and local objectives in relation to *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008* (the Codes SEPP). As further time is required to enable exhibition of the proposal, I have determined as the delegate of the Minister, in accordance with section 3.34(7) of the *Environmental Planning and Assessment Act 1979*, to alter the Gateway determination dated 28 October 2021 for PP-2021-4886 (since altered). The Alteration of the Gateway determination is enclosed.

I am pleased to advise that the Department supports the proposed amendments to the Codes SEPP (Low Rise Housing Diversity Code) proceeding to exhibition in relation to Floor Space Ratio and pervious area controls.

Floor Space Ratio (FSR)

This part of the proposal seeks to make permanent the current variation to dual occupancies in the R2 zone, and extend the variation to manor houses and multi dwelling housing (terraces) in the R1 and R3 zones.

Site coverage and permeable area

This part of the proposal seeks to achieve a minimum pervious area of 40% of the lot for dual occupancies, manor houses and terraces.

Regarding the proposed amendments in relation to minimum lot size, the Department will support relevant amendments to the controls in the Blue Mountains LEP 2015 to address minimum lot sizes. This is because the Codes SEPP applies the controls contained in the LEP.

In regard to specific development types:

*Dual Occupancy:*

The Codes SEPP applies clause 4.1B of the LEP, therefore the Department would welcome proposed amendments to ensure development outcomes arising from these controls are appropriate.

*Manor Houses and Terraces* (referenced as Residential Flat Buildings in the LEP)

As there are currently no minimum lot size controls for these development types in the LEP, the Department would welcome proposed amendments to insert minimum lot size controls.

Regarding the proposed stormwater management amendment, I appreciate this is a key concern of Council and this matter is subject to ongoing consultation with Council and investigations within the Department. While the proposed amendment to the Codes SEPP is not currently supported, the Department would support an amendment to the LEP which could provide that clause 6.9 (of the LEP) applies to development carried out under Part 3B of the Codes SEPP. The extension of time to exhibit the proposal provides additional time for this matter to be further resolved so the planning proposal can be amended as necessary and placed on public exhibition by 28 June 2022. Further, the Department is also investigating options to address the status of the note in 3B.59 of the Codes SEPP.

It is open to Council to consider progressing those resolved matters discussed above and address stormwater management in a separate Council initiated planning proposal.

I appreciate Council's continued assistance with progressing the proposal and should you wish to discuss, I can be contacted on 9860 1505.

Yours sincerely



11 May 2022

**Adrian Hohenzollern**  
**Director, Metro West**  
**Western Parkland City**

Encl: Alteration of Gateway Determination