

Blue Mountains Local Environmental Plan 1991 (Amendment No 39) - Planning Proposal to transfer land to Local Environmental Plan 1991

Proposal Title :	Blue Mountains Local Environmental Plan 1991 (Amendment No 39) - Planning Proposal to transfer land to Local Environmental Plan 1991		
Proposal Summary :	The Planning Proposal seeks to rezone 57 parcels of land (at 27 different locations across the Local Government Area), currently zoned under Local Environmental Plan No. 4 to a suitable zone under Local Environmental Plan 1991. Detailed site information about each parcel including maps showing the existing zone under LEP 4 and the proposed zone under LEP 1991 is provided in Attachment 1 (in Documents). Attachment 2 (in Documents) includes a comparison of zone objectives and land use permissibilities between the existing zones under LEP 4 and the proposed zones under LEP 1991. The proposal is the first stage in Council's program to develop a single comprehensive local environmental plan. Council intend to transfer LEP 4 land into LEP 1991 and then transfer the remaining LEP 1991 land into LEP 2005. A similar LEP that translates LEP 4 land directly into LEP 2005 is being considered separately.		
PP Number :	PP_2012_BLUEM_003_00	Dop File No :	12/11441

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions:	1.2 Rural Zones 1.3 Mining, Petroleum Production and Extractive Industries 2.1 Environment Protection Zones 3.1 Residential Zones 4.4 Planning for Bushfire Protection 5.2 Sydney Drinking Water Catchments 6.1 Approval and Referral Requirements 6.2 Reserving Land for Public Purposes 7.1 Implementation of the Metropolitan Plan for Sydney 2036
Additional Information :	It is recommended that the Planning Proposal proceed subject to the following conditions:

1. Community consultation is required under section 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 for a period of 28 days;
2. The Director General pursuant to the item (5) (d) of section 117(2) Direction - 1.2 Rural Zones agrees that the inconsistency in this instance is of minor nature;
3. The Director General pursuant to the item (6) of section 117(2) Direction - 1.3 Mining, Petroleum Production and Extractive Industries agrees that the inconsistency in this instance is of minor nature.
4. The Director General pursuant to the item (6)(d) of section 117(2) Direction – 3.1 Residential Zones agrees that a reduction of residential zoned land in this instance is of minor nature.
5. Under section 117 Direction 4.4 Planning for Bushfire Protection, Council is required to consult with the Commissioner of the NSW Rural Fire Service following the receipt of the Gateway Determination and prior to undertaking community consultation. Following such consultation, Council should demonstrate the consistency of the Proposal with the Direction. It is also recommended that the Director General nominate the Regional Director, Sydney Region West, as having the authority to exercise the Director General's function pursuant to clause 7 of the Direction, to approve, where appropriate, any

Blue Mountains Local Environmental Plan 1991 (Amendment No 39) - Planning Proposal to transfer land to Local Environmental Plan 1991

inconsistency of the Planning Proposal with the Direction subject to advice from the Rural Fire Service.

6. Under section 117 Direction 6.2 Reserving Land for Public Purposes, Council is required to consult with the relevant public authority and the Director General of the Department of Planning and Infrastructure following the receipt of the Gateway Determination and prior to undertaking community consultation. Following such consultation, Council should demonstrate the consistency of the Proposal with the Direction. It is recommended that the Director General should nominate the Regional Director, Sydney Region West, as having the authority to exercise the Director General's function pursuant to clause 8 of the Direction, to approve, where appropriate, any inconsistency of the Planning Proposal with the Direction.

7. Council should consult with the Office of Environment and Heritage – NSW National Parks and Wildlife Service for an assessment of any likely impact on critical habitat, threatened species, populations or ecological communities for each parcel in Attachment 1.

8. Council should provide updated map to the Department prior to exhibition to improve public understanding of the Planning Proposal. The maps should include:

- a map Legend Sheet to enable the zones to be identified;
- indicate where land is zoned under LEP 4 and LEP 1991 (or 2005).
- the land subject to the rezoning should be more clearly identified through the use of arrows and/or darker/thicker outline shading.

9. The Planning Proposal is to be completed within 12 months from the week following the Gateway determination.

Supporting Reasons : The proposal is the first stage in Council's program to develop a single comprehensive local environmental plan.

Panel Recommendation

Recommendation Date : 26-Jul-2012

Gateway Recommendation : Passed with Conditions

Panel Recommendation : The Planning Proposal should proceed subject to the following conditions:

1. Council is to amend the planning proposal to include sufficient additional information to adequately demonstrate consistency with the Section 117 Direction 6.2 Reserving Land for Public Purposes and obtain the concurrence of the relevant public authorities under this Direction, prior to the commencement of public exhibition.

2. Council is to consult with the Commissioner of the NSW Rural Fire Service in accordance with Section 117 Direction 4.4 Planning for Bushfire Protection and amend the planning proposal, if necessary, to take into consideration any comments prior to the commencement of public exhibition.

3. Prior to undertaking public exhibition, Council is to make the below amendments to the planning proposal:

- (a) Insert a legend on the maps to identify the applicable zones.
- (b) Amend the maps to illustrate the instrument the maps are amending.
- (c) Amend the maps to clearly identify the subject sites.

4. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:

- (a) the planning proposal must be made publicly available for 28 days; and
- (b) the relevant planning 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 4.5 of A Guide to Preparing LEPs (Department of Planning 2009).

Blue Mountains Local Environmental Plan 1991 (Amendment No 39) - Planning Proposal to transfer land to Local Environmental Plan 1991

5. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:

- Office of Environment and Heritage (NSW National Parks and Wildlife Service)
- NSW Rural Fire Service
- Hawkesbury Nepean Catchment Management Authority
- Adjoining LGA's.

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning proposal.

6. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A 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).

7. The timeframe for completing the LEP is to be 12 months from the week following the date of the Gateway determination.

Gateway Determination

Decision Date :

Gateway Determination : **Passed with Conditions**

Decision made by :

Exhibition period : **28 Days**

LEP Timeframe : **12 Month**

Gateway

Determination :

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2. Council is to consult with the Commissioner of the NSW Rural Fire Service in accordance with Section 117 Direction 4.4 Planning for Bushfire Protection and amend the planning proposal, if necessary, to take into consideration any comments prior to the commencement of public exhibition.

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Blue Mountains Local Environmental Plan 1991 (Amendment No 39) - Planning Proposal to transfer land to Local Environmental Plan 1991

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7. The timeframe for completing the LEP is to be 12 months from the week following the date of the Gateway determination.

Signature: _____

SHoddad

Printed Name: _____

Sam Hoddad

Date: _____

6/8/2012.