

Amendment No 40 to Blue Mountains LEP 1991

Proposal Title : **Amendment No 40 to Blue Mountains LEP 1991**

Proposal Summary : **The planning proposal (Tags A1-3) is to reclassify a Council owned drainage reserve at 36R Kanimbla St, Leura (Lot 15 DP 8715) from 'community' to 'operational'.**

The land is currently identified as 'drainage' reserve and provides informal access to a number of residential parcels. Council has received legal advice that the reserve should be reclassified so that legal access can be provided.

THE SITE (refer to location and zoning maps at Tags B and C)

The drainage reserve is made up of a single T shaped parcel approximately 1,377 sqm in area and is situated between a block of residential premises fronting Clarence Street and a block of land parcels (some developed, others not) fronting an unmade length of Commonwealth Street.

The site is zoned Residential Bushland Conservation (No Subdivision) under Blue Mountains LEP 1991. The majority of the site is mapped with Protected Area – Environmental Constraint Area, as indicated by hatching. It is also identified as bushfire prone land.

The site has been partially cleared of vegetation, is relatively flat and is capable of accommodating vehicular movements. See aerial photos in the Council's planning proposal.

PP Number : **PP_2012_BLUEM_002_00** Dop File No : **12/09350**

Planning Team Recommendation

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

S.117 directions : **2.1 Environment Protection Zones
3.1 Residential Zones
4.4 Planning for Bushfire Protection
5.2 Sydney Drinking Water Catchments
6.2 Reserving Land for Public Purposes
7.1 Implementation of the Metropolitan Plan for Sydney 2036**

Additional Information : **It is recommended that the proposal proceeds with the following conditions:**

(1) The Director General agrees that any inconsistency with section 117 direction:
 . 5.2 Sydney Drinking Water Catchments;

is justified as a minor matter.

(2) Consultation with the Commissioner of the NSW Rural Fire Service, in accordance with S.117 Direction 4.4 Planning for Bushfire Protection, prior to undertaking community consultation in satisfaction of section 57 of the Act, and take into account any comments so made;

(3) Community consultation 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 14 days; and
- (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for

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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);

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

- Sydney Catchment Authority; and
- Commissioner of NSW RFS;

(5) 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; and

(6) the timeframe for completing the LEP is to be 9 months from the week following the date of the Gateway determination.

Supporting Reasons : The planning proposal is of a minor nature and will enable legal access to existing dwellings which are otherwise landlocked, through the registration of a right of carriageway over the Council owned 'drainage reserve'.

Panel Recommendation

Recommendation Date : 07-Jun-2012

Gateway Recommendation : Passed with Conditions

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

1. 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).

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

- Sydney Catchment Authority; and
- Commissioner of the NSW Rural Fire Service

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.

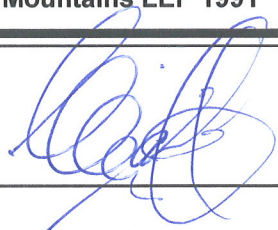
3. Further to condition 2, consultation is required with the Commissioner of the NSW Rural Fire Service, in accordance with S.117 Direction 4.4 Planning for Bushfire Protection, prior to undertaking community consultation in satisfaction of section 57 of the Act, and take into account any comments made.

4. 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).

5. The timeframe for completing the LEP is to be 9 months from the week following the date of the Gateway determination.

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Signature:



Printed Name:

Nest McGaffin

Date:

12.6.12