

Blue Mountains Local Environmental Plan 2005 (Amendment No. 25)

Proposal Title : **Blue Mountains Local Environmental Plan 2005 (Amendment No. 25)**

Proposal Summary : **To reclassify three Council owned and managed sites in Katoomba from 'community land' to 'operational land'.**

The sites are shown in attached diagram '1', '2' and '3'.

PP Number : **PP_2012_BLUEM_001_00** Dop File No : **12/05598**

Proposal Details

Date Planning Proposal Received : **02-Apr-2012** LGA covered : **Blue Mountains**

Region : **Sydney Region West** RPA : **Blue Mountains City Council**

State Electorate : **BLUE MOUNTAINS** Section of the Act : **55 - Planning Proposal**

LEP Type : **Reclassification**

Location Details

Street : **Site 1: Pioneer Place, 38-40 Parke Street ('Southern Parcels')**

Suburb : **Katoomba** City : **Sydney** Postcode : **2780**

Land Parcel : **Lot 1 DP 506174; and, Lot 2 DP 621621**

Street : **Site 2: Pioneer Place, 38-40 Parke Street ('Northern Parcels')**

Suburb : **Katoomba** City : **Sydney** Postcode : **2780**

Land Parcel : **Lot 2 DP 580297; Lots 1, 3, 5, 7, 9, 11, 13, 15, 55 DP 239909; Lot 2 DP 585560; Lot 4 DP 598367; Lots A, B, C DP 388574; Lots 1, 2 DP 1110749; Lot 26 Section 2 DP 692; Part lot 24 Section 2 DP692; Lot 29 DP 1126688; Lots 1, 2 DP 1110584; and, Lot 1 DP 940365**

Street : **Site 4: Studleigh Place, 152-154, Katoomba Street**

Suburb : **Katoomba** City : **Sydney** Postcode : **2780**

Land Parcel : **Lot 102 DP 1152617**

DoP Planning Officer Contact Details

Contact Name : **Cho Cho Myint**
 Contact Number : **0298738583**
 Contact Email : **chocho.myint@planning.nsw.gov.au**

RPA Contact Details

Contact Name : **Ryan Gill**
 Contact Number : **0247805781**
 Contact Email : **rgill@bmcc.nsw.gov.au**

DoP Project Manager Contact Details

Contact Name : **Derryn John**
 Contact Number : **0298738557**
 Contact Email : **derryn.john@planning.nsw.gov.au**

Land Release Data

Growth Centre :	N/A	Release Area Name :	N/A
Regional / Sub Regional Strategy :	Metro North West subregion	Consistent with Strategy :	Yes
MDP Number :		Date of Release :	
Area of Release (Ha) :		Type of Release (eg Residential / Employment land) :	N/A
No. of Lots :	0	No. of Dwellings (where relevant) :	0
Gross Floor Area :	0	No of Jobs Created :	0

The NSW Government Lobbyists Code of Conduct has been complied with : **Yes**

If No, comment : **As the land owner and applicant is the Blue Mountains City Council, no lobbyists are involved.**

Have there been meetings or communications with registered lobbyists? : **No**

If Yes, comment :

Supporting notes

Internal Supporting Notes : **The Proposal was received by the Sydney West Regional Branch on 21 March 2012. However, the Proposal did not consider the section 117 Directions as required under the Environmental Planning and Assessment Act 1979. On 23 March 2012, Sydney West requested Council to address this matter and submit an amended Proposal.**

On 26 March 2012, Sydney West also requested Council to confirm which local environmental plans the Proposal was intended to amend. Council submitted a revised planning proposal on 2 April, 2012.

The revised planning proposal removed Site 3 - Drainage Reserve 36R Kanimbla Street, Leura as the site is subject to LEP 1991. The planning proposal is to amend LEP 2005.

External Supporting
Notes :

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? Yes

Comment : The Objective is to reclassify 3 Council-owned and managed sites within Katoomba Town Centre from 'community land' to 'operational land'. No zoning changes are proposed. Details of Council's proposal/background are in the Council's submission package attached in the 'documents' section.

The sites are shown on the attached 'location map' in the document section.

SITE 1 - PIONEER PLACE, 38-40 PARKE STREET, KATOOMBA (Southern Parcels)
(refer to diagram '1')

This site is a 1,285sqm car park that is located between shops and involves 17 land parcels. The reclassification will ensure consistency with adjoining land that was recently reclassified (to support a proposed supermarket redevelopment and enable infrastructure and public domain improvements). The site falls within the area subject to a Council endorsed master plan for Pioneer Place.

The reclassification is to support a proposed supermarket redevelopment and provide greater flexibility with the management of the broader Council-owned public car park, i.e. Pioneer Place within the Katoomba Town Centre.

SITE 2 - PIONEER PLACE, 38-40 PARKE STREET, KATOOMBA (Northern Parcels)
(refer to diagram '2')

This site is a 7,159sqm car park that is located between a civic building (under construction) and shops. The site falls within the area subject to a master planning exercise currently being undertaken (second phase of abovementioned master plan).

The reclassification will provide flexibility with the implementation of proposed infrastructure and public domain improvements in Pioneer Place, within the Katoomba Town Centre.

SITE 4 - STUDLEIGH PLACE, 152-154 KATOOMBA STREET, KATOOMBA
(refer to diagram '3')

This site is a 2,553sqm car park, which adjoins Council-owned land that is currently classified as 'operational land' to the east. The site is not subject to a master plan but it is consistent with the established directions for this site as established in the Katoomba Town Centre Charrette report. Reclassification of the site will enable its development as part of Council's strategic and urban design vision for the Katoomba Town Centre and will enable the formalisation of access to future development on the adjoining land. The proposal is also to ensure certain urban design elements be incorporated on the main streets of Katoomba.

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? Yes

Comment : The reclassifications will be implemented by amending Schedule 7 of Blue Mountains Local Environmental Plan 2005, which relates to land classified, or reclassified, as operational land. Schedule 7 consists of two separate parts for land where interests have, or have not, changed. The Proposal will amend both Parts 1 (no interest changed) and 2 (interest changed) of the Schedule.

The Planning Proposal will not change the interest on land for Site 1 but parts of the interests on Sites 2 and 4 are proposed to be extinguished. Table 1 and 2 (pages 9-11) of the Council's planning proposal identifies details of the proposed interest changes.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **No**

b) S.117 directions identified by RPA : **6.2 Reserving Land for Public Purposes**

* May need the Director General's agreement

Is the Director General's agreement required? **No**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **No**

d) Which SEPPs have the RPA identified?

e) List any other matters that need to be considered :

Have inconsistencies with items a), b) and d) being adequately justified? **Yes**

If No, explain : **Council has advised that S117 Direction 6.2 Reserving Land for Public Purposes is relevant.**

S117 DIRECTION 6.2 RESERVING LAND FOR PUBLIC PURPOSES

The direction requires that the proposal should not create, alter, or reduce existing zonings or reservations of land for public purposes without the approval of the relevant public authority and the Director General of the Department of Planning.

As discussed, in the above 'Statement of objectives' section, the proposed reclassification will not create, alter, or reduce existing zonings or reservations of land for public purposes. There is no rezoning involved.

Accordingly the direction is not considered relevant.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment :

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **While the Proposal does not specify a community consultation period, it is considered that a 14 day community consultation period should apply as the Proposal is 'low impact'.**

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment :

Proposal Assessment

Principal LEP:

Due Date : July 2015

Comments in relation to Principal LEP : Blue Mountains City Council proposes to consolidate and amalgamate LEP 4 and LEP 1991 into LEP 2005 and then prepare a Principal LEP.

Assessment Criteria

Need for planning proposal : A planning proposal is required to facilitate the reclassification.

Consistency with strategic planning framework : STATE STRATEGIC PLANS

The Proposal is not inconsistent with the Metropolitan Plan for Sydney 2036 and the draft North West Subregional Strategy.

OTHER STRATEGIC PLANS AND REPORTS

Council has advised that the proposed reclassification of Sites 1 and 2 is the result of numerous Council reports relating to parking and functionality issues associated with the Council-owned public car park, Pioneer Place and the redevelopment of the supermarket, and is subject to the master planning exercise currently being undertaken by Council as a means to address these issues.

In the case of Site 4, Council has advised that the proposal responds to the recommendations put forward in the Katoomba Charette Report and Town Centre Strategy, which include implementing development of the site (together with Council owned land on the eastern side fronting Lurline Street) and to facilitate/activate street frontage along the main streets of Katoomba Town Centre. This site together with the Telstra site to the west are considered by Council to be a crucial element of the urban fabric of Katoomba Town Centre.

The proposed reclassification of each of the three sites is also consistent with Council's Community Plan - 'Sustainable Blue Mountains 2025'. The proposal will assist Council to achieve a number of objectives contained in this plan, including strengthening the liveability and vibrancy of towns and villages and providing integrated, accessible and sustainable choices for mobility.

It is considered that the planning proposal may reduce the existing sites used as public car parks in the Katoomba Town Centre precinct, however, reclassification will enable flexibility for Council to redevelop the sites for infrastructure and public domain improvements within the Katoomba Town Centre, consistent with local strategic directions. It is considered that there is a community benefit in proceeding with the planning proposal.

Environmental social economic impacts : The Proposal is expected to result in positive environmental, social and economic impacts by allowing urban design improvements and the resolution of a land access issue.

Assessment Process

Proposal type : **Minor** Community Consultation Period : **14 Days**

Timeframe to make LEP : **9 Month** Delegation : **DG**

Public Authority
Consultation - 56(2)(d)
:

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons : **The Proposal will result in the extinguishment of interests in various allotments as shown in Table 1 in the 'Documents' section. No private interests will be extinguished.**

Council proposes to conduct a public hearing into the reclassification as required under section 29 of the Local Government Act 1993 ('the LG Act').

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
Council_Report.pdf	Proposal	Yes
Diagram_'1'.pdf	Map	Yes
Diagram_'2'.pdf	Map	Yes
Diagram_'3'.pdf	Map	Yes
Tables_1_and_2_-_Details_of_interest_change.pdf	Proposal	Yes
Zoning_extract.pdf	Map	Yes
Location_map.pdf	Map	Yes
Council's_Planning_Proposal_report.pdf	Proposal	Yes
Council's_covering_letter_and_submission.pdf	Proposal Covering Letter	Yes

Planning Team Recommendation

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

S.117 directions: **6.2 Reserving Land for Public Purposes**

Additional Information : **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 14 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. 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

3. 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:

* not inconsistent with the Metropolitan Plan for Sydney 2036 nor the draft North West Subregional Strategy; and

* will enable flexibility for Council to redevelop the sites for infrastructure and public domain improvements within the Katoomba Town Centre, consistent with local strategic directions.

Signature:



Printed Name:

DERRYN JOHN

Date:

4 APRIL 2012

