

Planning Proposal to amend Clause 1.1AA Commencement and to correct a number of minor errors in Schedule 5 Environmental Heritage, under Hunters Hill Local Environmental Plan 2012

Proposal Title : Planning Proposal to amend Clause 1.1AA Commencement and to correct a number of minor errors in Schedule 5 Environmental Heritage, under Hunters Hill Local Environmental Plan 2012

Proposal Summary : The Planning Proposal (PP) seeks to amend Hunters Hill LEP 2012 (LEP), by:
 1. Changing the date for the commencement of the LEP identified in Clause 1.1AA Commencement, from 12 April 2013 to 12 August 2013; and
 2. Amending the description of 6 local heritage items listed in Schedule 5 Environmental Heritage, in order to correct minor drafting errors.

PP Number : PP_2013_HUNTE_001_00 Dop File No : 09/04016

Planning Team Recommendation

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

S.117 directions :

Additional Information : The Planning Proposal should proceed subject to the following conditions:
 1. The proposed amendment to Clause 1.1AA of the LEP, to extend the deferred commencement date from 12 April 2013 to 12 August 2013, be omitted, and
 2. A community consultation period of nil days be nominated.

It is recommended that plan-making functions be delegated to Council as relevant planning authority for this Planning Proposal.

Supporting Reasons : The Planning Proposal is not inconsistent with any SEPPs, section 117 Directions or State Government Policies or Strategies.

Council's proposed amendment to Clause 1.1AA of the LEP is not supported because:
 1. Extending the already deferred commencement date of the LEP may have an adverse impact on land owners, developers and the community who are expecting the LEP to commence on 12 April 2013. These people should be given the opportunity to comment.
 2. Exhibiting the proposed amendment to Clause 1.1AA would mean that the amendment would not be made until after 12 April 2013, when the LEP would already have commenced.
 3. The LEP is predominantly a translation from the previous controls, with the exception of transferring non-Standard Instrument heritage provisions such as contributory items from the LEP to the DCP and updating terminology in the DCP. Inconsistencies between the LEP and the DCP are expected to be relatively minor and can be corrected in the short term.

The proposed amendments to the heritage schedule are supported as they will rectify minor drafting errors in the form of inconsistencies between Schedule 5 and the Heritage Map. A community consultation period of nil days is supported.

Panel Recommendation

Recommendation Date : 07-Mar-2013

Gateway Recommendation : **Passed with Conditions**

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

1. Prior to undertaking public exhibition, Council is to amend the project timeline within the planning proposal to reflect the 3 month timeframe allocated for completing the LEP.
2. No community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979.

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3. No consultation is required with any public authorities under section 56(2)(d) of the EP&A Act.

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 3 months from the week following the date of the Gateway determination.

Signature:



Printed Name:

STEPHEN MURRAY

Date:

7 March 2013