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Gateway determination report – PP-2020-2840

Housekeeping Mapping Amendment

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1 Planning proposal

1.1 Overview

Table 1 Planning proposal details

LGA	Blue Mountains
PPA	Blue Mountains City Council
NAME	Housekeeping Mapping Amendment (0 homes, 0 jobs)
NUMBER	PP-2020-2840
LEP TO BE AMENDED	Blue Mountains Local Environmental Plan 2015
ADDRESS	LGA-wide
DESCRIPTION	N/A
RECEIVED	26/03/2021
FILE NO.	IRF21/1252
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal

1.2 Objectives of planning proposal

The planning proposal contains objectives and intended outcomes that adequately explain the intent of the proposal.

The objectives of the planning proposal are to:

- seek an amendment to correct mapping anomalies that have been identified by Council since the Blue Mountains LEP 2015 came into effect; and
- amend the reference to a precinct in Part 7.6 (12) of LEP 2015 from “Katoomba Precinct R3-KA12” to “Katoomba Precinct R1/R3-KA12”.

The objectives of this planning proposal are clear and adequate.

1.3 Explanation of provisions

The planning proposal seeks to amend Blue Mountains LEP 2015 with a comprehensive series of amendments to the following LEP maps:

- Land Application (LAP)
- Land Zoning (LZN)
- Lot Size (LSZ)
- Height of Building (HOB)

- Floor Space Ratio (FSR)
- Land Reservation and Acquisition (LRA)
- Lot Averaging (LAV)
- Riparian Lands & Watercourses (WCL)
- Scenic & Landscape Values (SLV)
- Built Character (BCH)
- Active Street Frontages (ASF)
- Natural Resources – Biodiversity (NRB)
- Natural Resources – Land (NRL)
- Key Sites (KYS)

A detailed matrix of all LEP 2015 maps proposed to be amended is shown as **Figure 1** (see section 1.5 of this report) and a table of all the proposed mapping amendments is at **Attachment D**.

In addition to the mapping amendments Council proposes one amendment to the written instrument (Assessment No. 91 - **Attachment D**). This minor amendment seeks to correct the reference to a precinct in Part 7.6 (12) of LEP 2015 for the land at 10-14 Civic Place Katoomba.

The planning proposal contains an explanation of provisions that adequately explains the manner in which the objectives of the proposal will be achieved.

1.4 Site description and surrounding area

The planning proposal applies to 72 identified sites within the Blue Mountains LGA. Each of these sites was identified as having various LEP mapping anomalies through a comprehensive LEP 2015 review by Council. A complete list of the affected sites is contained in a detailed table of all the proposed mapping amendments at **Attachment D**.

1.5 Mapping

The planning proposal seeks to make changes to 110 of Council's 2015 LEP maps. Many of these are considered "consequential" amendments owing to changes to one map without amending another map applying to the same parcel of land.

The maps proposed for amendment are referenced in section 1.3 of this report. Additionally, a detailed table of all the proposed mapping amendments is at **Attachment D** and a detailed matrix is shown as **Figure 1** (following).

The errors and anomalies identified are typically a result of changes made during the finalisation on the LEP 2015 following public exhibition, and include but are not limited to:

- provisions that were amended for one map without subsequent amendments made to other maps for particular allotments;
- inconsistencies in the application of provision to land containing SP2 Infrastructure (typically Transport for NSW owned land related to highway widening); and
- inconsistencies resulting from the translation of multiple LEPs (and associated mapping) into the LEP 2015.

Figure 1 depicts the 110 maps which are proposed to be amended as part of this planning proposal. The blue squares in each row indicate a map with a proposed amendment.

Map Tile	THEME														
	LAP	LZN	LSZ	HOB	FSR	LRA	LAV	WCL	SLV	MRA	BCH	ASF	NRB	NRL	KYS
OO1															
001B															
001C															
002A															
002B															
002C															
002D															
002E															
002F															
002FA															
002G															
002H															
OO3															
003A															
003B															
003BA															
003C															
OO4															
004A															
005B															
005BA															
005C															
005E															
005EA															
005F															
005G															
006A															
006B															
006C															
006D															
006E															

Figure 1 - Matrix of LEP 2015 maps proposed to be amended

ABBREVIATIONS

LAP Land Application Map

LZN Land Zoning Map

LSZ Lot Size Map

HOB Height of Buildings Map

FSR Floor Space Ratio Map

LRA Land Reservation Map

HER Heritage Map

LAV Lot Averaging Map

WCL Riparian Lands and Watercourses Map

SLV Scenic and Landscape Values Map

MRA Mineral Resource Area Map

BCH Built Character Map

ASF Active Street Frontages Map

NRB Natural Resources – Biodiversity Map

NRL Natural Resources – Land Map

KYS Key Sites Map

Maps (**Attachment Maps**) supporting the planning proposal include current and proposed zones, and other controls, and are suitable for exhibition purposes. These extracts, however, include sites where no change is proposed. For clarity, it is recommended that, as a determination condition, map extracts where no change is proposed be deleted from the exhibition material.

1.6 Background

A number of mapping anomalies have been identified since the making of the Blue Mountains LEP 2015, which led to a thorough LEP review by Council. The planning proposal is a direct result of this review, which followed a comprehensive and methodological approach to identify potential anomalies, researching the history of each site, reviewing and subsequently making recommendations for the necessary amendment for each site.

2 Need for the planning proposal

The planning proposal is not the result of a strategic study or report and is not seeking to change planning policy. In the main, the planning proposal is for a housekeeping mapping amendment to the Blue Mountains LEP 2015. The proposal seeks to correct various map anomalies and make a minor amendment to the written instrument.

The housekeeping mapping amendment to the Blue Mountains LEP 2015 to correct the identified mapping anomalies is the best way of achieving the defined objectives and intended outcomes.

3 Strategic assessment

3.1 District Plan

The site is within the Western District and the Greater Sydney Commission released the Western District Plan on 18 March 2018. The plan contains planning priorities and actions to guide the growth of the district while improving its social, economic and environmental assets.

As indicated, the planning proposal seeks to make housekeeping amendments to correct minor anomalies, reinstate a mapped provision inadvertently altered in the transition to LEP 2015 and to make zone changes to align with the current situation.

Consequently, the planning proposal will not impact upon the District Plan and is not inconsistent with the priorities for infrastructure and collaboration, liveability, productivity, and sustainability in that plan.

The Department is satisfied the planning proposal gives to the District Plan in accordance with section 3.8 of the *Environmental Planning and Assessment Act 1979*.

3.2 Local

The proposal states that it is consistent with the following local plans and endorsed strategies as stated in the table below:

Table 2 Local strategic planning assessment

Local Strategies	Justification
Blue Mountains 2040 (Local Strategic Planning Statement)	Apart from a minor instrument amendment, the planning proposal seeks to make a housekeeping amendments to LEP maps. The amendment will correct mapping anomalies to improve the accuracy of the mapping. The proposal is not inconsistent with local strategies or adopted local strategic planning policies.
Sustainable Blue Mountains 2025	The proposed amendments to the LEP 2015 will provide improved alignment and accuracy between the LSPS and LEP 2015.

3.3 Local planning panel (LPP) recommendation

On 27 January 2021, the Blue Mountains Local Planning Panel (LPP) provided advice as required by Section 9.1 of the EP&A Act 1979 and raised no issues with the draft planning proposal proceeding to Gateway Review. The LPP unanimously supported the decision (**Attachment – Local Planning Panel**).

3.4 Section 9.1 Ministerial Directions

The planning proposal's consistency with relevant section 9.1 Directions is discussed, as follows:

Table 3 9.1 Ministerial Direction assessment

Directions	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
Direction 1.1 Business and Industrial Zones	No	<p>The planning proposal may be technically inconsistent with this Direction as proposed mapping amendments seek to alter planning controls. The proposal identifies five sites located within a business or industrial zone. These sites and the associated proposed maps proposed to be amended are:</p> <ul style="list-style-type: none"> • (No. 43) Sutton Lane and Stockade Place, Blackheath (HOB_002FA and FSR_002FA); • (No. 53) 8-22 Park Street, Lawson (HOB_005BA and HOB_005BA); • (No. 71) Katoomba Street and adjacent roads Katoomba (FSR_002GA); • (No. 73) Staples Street and adjacent roads, Lawson (FSR_002GA); and • (No. 74) Raymond Road and adjacent roads, Springwood (FSR_005EA). <p>As each proposed amendment, however, only seeks to correct minor mapping anomalies, any inconsistency is justified on the basis of minor significance.</p>
Direction 1.2 Rural Zones	No	<p>The planning proposal may be technically inconsistent with this Direction. While there are no proposed changes to the current zone or zone boundary in each instance, it is noted that proposed mapping amendments seek to alter planning controls within a rural zone.</p>

		<p>The proposal identifies 4 sites located within a rural zone. These sites and the associated proposed maps to be amended are:</p> <ul style="list-style-type: none"> • (No. 13) 174-184, 191, 193-197, 199-201 & 183-189 Shipley Road, Blackheath (LSZ_002C); • (No. 81) The Avenue, Mount Irvine Road & Waterfall Road, Mount Wilson (LAV_001C); • (No. 83) 381 Nellies Glen Road & Six Foot Track, Megalong Valley (LAV_002D, LAV_002G, LAV_003A and LAV_003B); and • (No. 87) 1-9 Phelps Road, Mount Wilson (LAV_001 to be generated). <p>As each proposed amendment, however, only seeks to correct minor mapping anomalies, any inconsistency is justified on the basis of minor significance.</p>
Direction 2.1 Environmental Protection Zones	No	<p>The planning proposal may be technically inconsistent with this Direction as it seeks to remove/alter conservation provisions.</p> <p>The proposal identifies 9 sites located within an environmental zone. These sites and the associated proposed maps to be amended are:</p> <ul style="list-style-type: none"> • (No. 2) National Park adjacent to, and No. 3 Evans Lookout Road, Blackheath (LZN_002FA, LSZ_002FA and LAV_002FA); • (No. 3) 24-28 Brightlands Road, Blackheath (LZN_002FA, LSZ_002FA, FSR_002FA and LAV_002FA); • (No. 4) Unnamed road off Valley View Road, Blackheath (LAP_001 and LAN_002FA); • (No. 5) 44-50 Echo Point Road, Katoomba (LZN_003BA and LSZ_003BA) • (No. 6) 116 Sublime Point Road, Leura (LZN_003C, LSZ_003C, SLV_003C, NRB_003C and NRL_003C); • (No. 7) part 162-164 Glossop Road, Linden (LZN_005C and LSZ_005C); • (No. 8) 26 Old Bathurst Road, Woodford (LZN_006B, LSZ_006B, NRB_006B and NRL_006B); • (No. 9) 25A Cowdery Street & 26 Burfitt Parade, Glenbrook (LZN_006E, LSZ_006E and HOB_006E); and • (No. 39) 20 Benson Road, Mt Victoria (LSZ_002A). <p>Each proposed amendment, however, seeks to correct minor mapping anomalies and any inconsistency is justified on the basis of minor significance.</p>

Direction 2.3 Heritage Conservation	N.A.	The planning proposal (p.19) indicates that there is no change to the status of heritage items.
Direction 2.6 Remediation of Contaminated Land	Yes	<p>The planning proposal is not inconsistent with the Direction.</p> <p>The proposal includes changes to zones at certain locations only where anomalies have been identified. Two sites are proposed to be rezoned from SP2 (Rail) to E4 Environmental Living, as follows:</p> <ul style="list-style-type: none"> • 25A Cowdery Street and • 26 Burfitt Parade Glenbrook. <p>Both these allotments are developed with a dwelling.</p> <p>In the case of 25 Cowdery Street, Council records show the dwelling existed in 1999, however, the dwelling predates this by several decades. It is understood the dwelling was previously a rail lease to the owners.</p> <p>No. 26 Burfitt Parade also had a dwelling on that site in 1999 and in 2011 Council approved alterations and additions to the existing dwelling.</p> <p>The proposed zone change reflects the actual and long term land use of the land.</p> <p>Both allotments are currently zoned SP2 Rail and were originally owned by the Railway Corporation, however, this land has been used for residential purposes for in excess of 20 years, making a contamination risk quite low.</p>
Direction 3.1 Residential Zones	No	<p>The Department notes that the planning proposal does not seek to change any zone objectives or permissible land uses. While this is the case, the proposal may be technically inconsistent with this Direction as it seeks to rezone land for residential purposes to correct anomalies.</p> <p>As the proposed amendments only seek to correct minor mapping anomalies, any inconsistency is justified on the basis of minor significance.</p>
Direction 3.4 Integrating Land Use and Transport	No	<p>The planning proposal may be technically inconsistent with this Direction as seeks to make amendments that effect provisions relating to urban land.</p> <p>As each proposed amendment seeks to correct minor mapping anomalies, however, any inconsistency is justified on the basis of minor significance.</p>
Direction 4.3 Flood Prone Land	No	<p>The planning proposal may be technically inconsistent with this Direction as some of the sites included in the proposal are located within a food study area.</p> <p>The Department notes that any development occurring on sites identified as flood prone land included within the</p>

		<p>proposal will require consent, including the consideration of matters such as possible flooding.</p> <p>As each proposed amendment seeks to correct minor mapping anomalies, any inconsistency is justified on the basis of minor significance.</p>
Direction 4.4 Planning for Bushfire Protection	To be determined	<p>The planning proposal indicates (p. 24) that there are multiple sites identified as bush fire prone land within the proposal. The proposal contends, however, that it only seeks to correct anomalies and reinstate mapping provisions that were not accurately transferred, and therefore, the proposal is consistent with the Direction.</p> <p>While this approach has been supported with other section 9.1 directions on the basis of minor significance, the proposal seeks to rezone land that is bush fire prone and in view of the fire prone nature of the Blue Mountains, it is prudent to seek the views of the Rural Fire Service (RFS).</p> <p>Consequently to satisfy the Direction, consultation as a Gateway determination condition is required with the NSW RFS prior to exhibition. A Gateway condition is recommended.</p>
Direction 5.2 Sydney Drinking Water Catchments	No	<p>The planning proposal may be technically inconsistent with this Direction as there are multiple sites identified as being located within the Sydney Drinking Water Catchment within the proposal.</p> <p>The Department acknowledges that the proposal primarily seeks to correct mapping anomalies and that the provisions for the protection of the catchment will not be diminished or negatively impacted by these amendments.</p> <p>Consequently, any inconsistency is justified on the basis of minor significance.</p>
Direction 6.2 Reserving Land for Public Purposes	To be determined	<p>The Department notes that the proposal (p.27) identifies a number of sites that are applicable to this Direction.</p> <p>Further, Council seeks to apply a consistent approach to land that is wholly or partially zoned SP2 (road) or identified for acquisition by RMS on the Land Acquisition maps. There are currently many land parcels along the Great Western Highway that are partly zoned SP2 and partly E4 Environmental Living where provisions are inconsistently applied.</p> <p>Council proposes to remove provisions, such as lot size and building height, from any land zoned SP2 (Road) and SP2 (Rail) and to apply relevant provisions to land in a zone that has development potential.</p> <p>To ensure that the proposal complies with the direction, it is recommended that Council consults with the relevant</p>

		<p>authorities and seeks approval from these authorities to satisfy the Direction.</p> <p>Gateway determination condition recommended.</p>
Direction 6.3 Site Specific Provisions	N.A.	The planning proposal is consistent with this Direction as the proposal does not seek to change any site specific provisions.
Direction 7.1 Implementation of A Plan for Growing Sydney	Yes	<p>The planning proposal is consistent with this Direction as it seeks to make a housekeeping amendment to various LEP 2015 maps to correct minor anomalies; reinstate a mapped provision inadvertently altered in the transition to LEP 2015; and make changes to align a zone, or other provisions, with the land use.</p> <p>As previously stated in section 3.1 of this report, the proposal is consistent with the Western City District Plan (2018).</p>
Direction 7.8 Implementation of the Western Sydney Aerotropolis Plan	N.A.	The planning proposal is consistent with this Direction as none of the identified sites within this proposal are located on the Land Application Map noted in clause 5 of the State Environmental Planning Policy (Western Sydney Aerotropolis) 2020.

3.5 State environmental planning policies (SEPPs)

Table 4 Assessment of planning proposal against relevant SEPPs

SEPPs	Requirement	Consistent/ Not Applicable	Reasons for Consistency or Inconsistency
State Environmental Planning Policy (Affordable Rental Housing) 2009	This policy aims to provide a consistent planning regime for the provision of affordable rental housing and to facilitate the effective delivery of new affordable rental housing.	Yes	<p>The planning proposal is consistent as the intention is to correct mapping anomalies identified since the introduction of the LEP 2015.</p> <p>Several of the identified sites included in the proposal are located within land affected by this SEPP. These include sites in Blackheath which require minor boundary adjustment corrections and Glenbrook which require a zone change from SP2 (Rail) to a residential zone to correctly reflect the existing land use.</p>

State Environmental Planning Policy (Infrastructure) 2007	This policy aims to facilitate the delivery of infrastructure across the State.	Yes	<p>The proposal is not inconsistent consistent as the intention is to correct mapping anomalies identified since the introduction of the LEP 2015.</p> <p>The proposal seeks to correct a number of anomalies by applying a consistent approach to provisions, in particular lot size and building height which has been inconsistently applied to land in zone SP2 (Road) and land adjoining this zone.</p> <p>The proposed approach is to remove any provisions from SP2 (Road) and SP2 (Rail) zoned land and to include all relevant provisions on land in a zone with development potential.</p>
State Environmental Planning Policy (Koala Habitat Protection) 2020	This policy aims to encourage the conservation and management of areas of natural vegetation that provide habitat for koalas.	Yes	<p>The proposal is consistent with this SEPP as the planning proposal does not seek to contradict or diminish the function of this SEPP.</p> <p>The proposal seeks to change or decrease the area of E2 Environmental Conservation zoned land within 3 identified sites as follows:</p> <ul style="list-style-type: none"> • (No. 6) 116 Sublime Point Road, Leura: a dwelling was approved on this land prior to the introduction of LEP 2015 and the associated maps include land zoned E2 Environmental Conservation over the approved and constructed dwelling and developed area of the land. The development assessment reviewed and considered the vegetation prior to approval being issued. The land is now developed, and it is proposed to change the zone from E2 Environmental Conservation to E4 Environmental Living where approved development has occurred; • (No. 7) 162-164 Glossops Road, Linden: this land is owned by Sydney Water and is developed with water supply infrastructure. The proposed zoning change from E1 National Parks and Nature Reserves to SP2 (Water Supply) accurately reflects the use of the land; and • (No.8) 26 Old Bathurst Road, Woodford: vegetation on this land

			<p>was reviewed in detail as part of a development application assessment and the proposed alteration accurately reflects the vegetation identified on this land.</p> <p>In each instance, the proposed zone change is justified by unique circumstances and in these circumstances, the proposal is not considered to be inconsistent with the SEPP.</p>
State Environmental Planning Policy 55 (Remediation of Land)	The SEPP contains provisions which require consideration if the land on which a planning proposal is contaminated, whether it is in a suitable condition for the intended use or can be made suitable and the steps required to make the land suitable (if required).	Yes	<p>The proposal seeks to include changes to zones at certain locations where anomalies have been identified and does not involve known contaminated land.</p> <p>Specifically, two sites in Glenbrook are proposed to be rezoned from SP2 (Rail) to E4 Environmental Living. In both instances, the land was originally owned by the Railway Corporation, however, this land has been used for residential purposes for in excess of 20 years. The proposed zone change therefore reflects the actual and long term use of the land and the proposal is not considered to be inconsistent with the SEPP.</p>
State Environmental Planning Policy (Primary Production and Rural Development) 2019	This policy aims to facilitate the orderly economic use and development of lands for primary production and to reduce land use conflict and sterilisation of rural land by balancing primary production, residential development and the protection of native vegetation, biodiversity and water resources.	Yes	<p>The proposal is consistent as mapping corrections only seek to correct missing lot averaging provisions and include an omitted lot size control.</p> <p>The aims of the SEPP will not be impacted.</p>
State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011	This policy aims to provide for healthy water catchments that will deliver high quality water while permitting development that is compatible with that goal, and to support the maintenance or achievement of the water quality objectives for the	Yes	<p>The SEPP is relevant as several identified sites are located within the Sydney Drinking Water Catchment. The proposal, however, only seeks to reinstate provisions that were inadvertently, incorrectly transferred to the LEP 2015 or by correcting anomalies</p>

	Sydney drinking water catchment.		to five parcels of land that were transferred from previous LEP's. The Department notes that the proposal, in this regard, does not diminish or contradict the provisions of this SEPP.
Sydney Regional Environmental Plan No 20 Hawkesbury-Nepean River	The aim of this plan is to protect the environment of the Hawkesbury-Nepean River system by ensuring that the impacts of future land uses are considered in a regional context.	Yes	The proposal is consistent as it only seeks to make minor housekeeping mapping amendments. The Department notes that the proposal will not diminish or contradict the provisions of this Plan.

4 Site-specific assessment

4.1 Environmental

There is very little likelihood that critical habitat, threatened species, populations or ecological communities, or their habitats will be affected as a result of this planning proposal, as it seeks only to make a housekeeping mapping amendment to correct various anomalies identified on 2015 LEP maps. LEP 2015 contains strong controls for the protection of the environment and the planning proposal does not contradict or diminish these provisions.

4.2 Social and economic

This planning proposal seeks to make a housekeeping amendment to LEP 2015. There will be no social or economic effect as a result of this planning proposal. The proposal seeks to correct minor mapping anomalies.

4.3 Infrastructure

This planning proposal only seeks to make a housekeeping mapping amendment to LEP 2015. This planning proposal would not increase the need for the amplification of existing infrastructure or generate demand for additional public infrastructure.

5 Consultation

5.1 Community

Council proposes to undertake agency and community consultation as prescribed in the Gateway Determination and in accordance with the community consultation requirements noted in A guide to preparing local environmental plans.

The Department recommends a community consultation period of 28 days.

The exhibition period proposed is considered appropriate, and forms to the conditions of the Gateway determination.

5.2 Agencies

The proposal does not specifically raise which agencies will be consulted.

Consultation is required with the NSW Rural Fire Service, to satisfy Ministerial Direction 4.4 Planning for Bushfire Protection. Further consultation is required with the relevant authorities to satisfy Ministerial Direction 6.2 Reserving Land for Public Purposes.

It is recommended the following agencies be consulted on the planning proposal and given 28 days to comment:

- NSW Rural Fire Service (in relation to fire prone land);
- Water NSW
- Environment, Energy and Science Group;
- National Parks and Wildlife Service;
- Sydney Water;
- Transport for NSW;
- Rail Corporation; and
- Relevant authorities to satisfy the requirements of Ministerial Direction 6.1 Reserving Land for Public Purposes.

6 Timeframe

Council proposes a 9 month time frame to complete the LEP.

The Department recommends a time frame of 12 months to ensure it is completed in line with its commitment to reduce processing times. It is recommended that if the gateway is supported it also includes conditions requiring council to report on the proposal by the end of December 2021.

No additional comment required.

7 Local plan-making authority

Council does not request delegation to be the Local Plan-Making authority.

Council has declared it owns fifteen of the identified sites within the planning proposal. The proposal does not seek to create any financial gain for these sites as a result of planning proposal objectives, but the Department recommends that Council not be authorised to be the local plan-making authority.

8 Assessment summary

The planning proposal is supported to proceed with conditions for the following reasons:

- it is not inconsistent with regional, district and local plans and their relevant objectives;
- there are no adverse social, economic or environmental impacts as a result of the proposed amendments;
- it seeks to make a housekeeping amendment to LEP maps and is not inconsistent with either strategy or other adopted local strategic planning policies;

- the amendment seeks only to correct mapping anomalies to further improve the accuracy of the mapping;
- the proposed amendments to the LEP 2015 will provide improved alignment and accuracy between the LSPS and LEP 2015;
- it seeks to restore Council's intent and transfer provisions from former LEPs and into the standardised format of the LEP 2015; and
- it will improve the accuracy of various existing land uses from historical and now outdated land uses.

9 Recommendation

It is recommended the delegate of the Secretary:

- agree that any potential inconsistencies with section 9.1 Directions: 1.1 Business and Industrial Zones; 1.2 Rural Zones; 2.1 Environmental Protection Zones; 3.1 Residential Zones; and, 4.3 Flood Prone Land, are justified on the basis of minor significance; and,
- note that the inconstancy with section 9.1 Directions: 4.4 Planning for Bushfire Protection and 6.2 Reserving Land for Public Purposes remains unresolved until further justification is provided.

It is recommended the delegate of the Minister determine that the planning proposal should proceed subject to the following conditions:

1. Council is to amend the planning proposal by removing maps where no changes to are proposed, so that the exhibition package only contains maps where changes are proposed.
2. Public exhibition is required under section 3.34(2)(c) and schedule 1 clause 4 of the Act as follows:
 - (a) the planning proposal must be made publicly available for a minimum of **28 days**; and
 - (b) the planning proposal 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 6.5.2 of *A guide to preparing local environmental plans* (Department of Planning and Environment, 2018).
3. Consultation is required with the following public authorities/organisations under section 3.34(2)(d) of the Act and to comply with the requirements of relevant section 9.1 Directions:
 - NSW Rural Fire Service (in relation to fire prone land);
 - Water NSW
 - Environment, Energy and Science Group;
 - National Parks and Wildlife Service;
 - Sydney Water;
 - Transport for NSW (RMS) (in relation to road reservations);
 - Rail Corporation; and
 - relevant authorities to satisfy the requirements of Ministerial Direction 6.1 Reserving Land for Public Purposes.

In consulting with the relevant authorities to satisfy the requirements of Ministerial Direction 6.1 Reserving Land for Public Purposes, Council is to identify the sites which are subject to the direction and seek approval from these authorities.

Each public authority/organisation is to be provided with a copy of the planning proposal and any relevant supporting material and given at least 21 days to comment on the proposal.

4. Council's request for the Department of Planning, Industry and Environment to draft and finalise the LEP must be made by 31 January 2022.
5. The time frame for completing the LEP is to be **12 months** following the date of the Gateway determination.
6. A public hearing is not required to be held into the matter by any person or body under section 3.34(2)(e) of the 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).



27 April 2021

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