



Blue Mountains Draft Local Environmental Plan 2013

Information Sheet 2

Quick guide to the main environmental protection issues in the Draft LEP 2013

The Draft Blue Mountains Local Environmental Plan 2013 (DLEP) has been prepared in the ‘one size fits all’ Standard LEP template that is mandatory across NSW. This means that the environmental protections in the LEPs that it is replacing—LEP 1991 (covering areas on the edges of the townships at the urban-bushland interface) and our locally sensitive, ‘place-based’ LEP 2005 (covering urban areas in the townships)—have had to be made to fit the Standard LEP template.

The Blue Mountains City Council attempted to achieve the same environmental protection outcomes in the DLEP 2013 as in LEPs 1991 and 2005, and in large part it has succeeded. But the inclusion of several key existing environmental protection provisions did not comply with the Standard LEP template and were initially rejected by the NSW Department of Planning and Infrastructure. These provisions included a Schedule of Significant Vegetation Communities, a requirement for proposed developments to ‘comply with’ the Aims and zone objectives of the DLEP, and for stormwater runoff (amount and quality) to have no adverse impact on the World Heritage National Parks. Following long and difficult negotiations between Council, the Department and Minister, these and other key provisions have now been included in the DLEP but these are at risk of being disallowed or changed by the Department and Minister following the exhibition of the DLEP.

It is critically important that all Blue Mountains residents support the Draft LEP 2013 and the Blue Mountains Conservation Society’s amendments to ensure the continuation of current environmental protections.

The Blue Mountains Conservation Society has some concerns with the DLEP which are summarised overleaf with recommended amendments. See Information Sheets 4 & 5 for a more detailed discussion of these points.

The Society recommends that you say in your submission that you strongly support the environmental protections in DLEP 2013 and the Society’s amendments, and that you specifically recommend:

- support for DLEP 2013 Aim 1.2A and Clause 2.3A ‘Considerations before development consent’ – that any development proposal ‘complies with’ the Aims and zone objectives of the plan.
- the inclusion of Schedule 6 Significant Vegetation Communities in the DLEP 2013.
- the retention of strong controls on stormwater quality, quantity and flow to ensure that stormwater from ridge top development has no adverse impact on the World Heritage National Parks (Clause 6.9).
- the Part 6 Additional Local Provisions necessary to protect the unique Blue Mountains environment, but with the Blue Mountains Conservation Society’s amendments (see Information Sheets 4 & 5).
- the proposed Zone R6 Residential Character Conservation as the appropriate replacement zone for the LEP 2005 Living Conservation zone, but with the Society’s amendment to the zone objectives (see Information Sheets 4 & 5).
- the inclusion of ‘environmentally constrained lands’ (as defined in the Dictionary) in the areas that should be excluded from exempt and complying development (Clause 3.3).
- the application of a 40 ha minimum lot size to all E2 zoned areas on private property and the application of the largest minimum lot size possible to all crown lands and reserves.
- the mapping of Protected Areas over all land covered by the draft plan, including lands zoned for environmental protection (E2).

If you want to make a more detailed submission on environmental matters, visit The Blue Mountains Conservation Society’s Blue Mountains DLEP 2013 campaign page at <http://www.bluemountains.org.au> or our Facebook page. You will find a more detailed analysis of the DLEP 2013, a submission-writing guide and other resources.

COMPARISON OF ENVIRONMENTAL PROTECTION PROVISIONS

LEPs 1991 and 2005	DRAFT LEP 2013	VERDICT
LEPs 1991 and 2005 stipulated that development applications had to 'comply with' Aims and zone objectives which include environmental protection.	'Complies with' is retained in DLEP 2013. Proposed development must comply with the Aims of the plan and the zone objectives. 'Complies with' is much stronger (and more legally enforceable) than the wording 'have regard to' in the Standard LEP template.	
LEPs 1991 and 2005 contained Schedules of significant vegetation communities.	DLEP 2013 includes Schedule 6 Significant Vegetation Communities (including threatened species). It is essential that this Schedule be in the new LEP because it gives legal protection to significant vegetation that has not been mapped on a site but may be identified in a site inspection during the development application assessment process.	
LEP 2005 contained strong management controls on stormwater quality, quantity and flow to protect the World Heritage Area and Sydney's drinking water.	These controls have been retained in the DLEP. It is critically important that stormwater runoff from ridge top development in the city be carefully managed and be of high quality so that there is no adverse impact on the World Heritage National Parks downstream.	
LEPs 1991 and 2005 contained strong environmental protections for the unique Blue Mountains environment and restrictions on land use to protect the World Heritage Area from urban impacts.	Part 6 'Additional Local Provisions' of DLEP 2013 includes provisions from LEPS 1991 and 2005. These are critical to retaining and strengthening existing environmental protections and to protecting the World Heritage National Parks from the impact of development on the ridge tops. These provisions should be strongly supported, with amendments recommended by the Society.	
The LEP 2005 Living Conservation zone protected the 'leafy street' residential areas of Blackheath, Katoomba, Leura, Wentworth Falls and Glenbrook villages from inappropriate development.	Council proposes a new Zone, R6 Residential Character Conservation to replace the LEP 2005 Living Conservation Zone. This new zone will continue to protect large lot garden character residential areas in these Blue Mountains villages from inappropriate development. The Society recommends amending the zone objectives to minimize the risk of invasive species entering nearby bushland.	
Exempt and Complying development provisions applied in previous LEPS. These developments do not require Council consent or environmental assessment.	The areas excluded from exempt and complying development are limited and do not include the 'environmentally constrained lands' defined in the Dictionary. These 'environmentally constrained lands' should be excluded from exempt and complying development.	
Minimum lot sizes (MLS) were not applied to environmental protection (EP) zones on private and public land in LEPS 1991 and 2005.	The Society does not support the application of varying MLS to privately owned E2 zoned land and instead recommends a 40 ha MLS. The Society also recommends that the largest possible minimum lot size be applied to all crown lands and reserves.	
	The Protected Areas covered by Part 6 clauses have not been mapped in E2 zoned areas, therefore the provisions in the Protected Areas clauses in the DLEP do not apply to land zoned E2. The Society recommends that Protected Areas be mapped in all E2 zoned areas.	

Your written submission must be received by the Blue Mountains City Council before 5pm on Wednesday March 5th 2014.

- Address your submission to: the General Manager, Blue Mountains City Council
- Quote reference number F08616 and mark your submission 'Blue Mountains Draft Local Environmental Plan 2013'

Submissions can be lodged:

- through the online [Submission Form](#)
- by downloading the [submission form](#) (at the end of Fact Sheet 8) and posting it
- by email to submissiondlep2013@bmcc.nsw.gov.au
- by post to General Manager, Blue Mountains City Council, Locked Bag 1005, Katoomba, NSW 2780
- in person at the Katoomba or Springwood Council Administrative Offices

Be aware that your submission will be uploaded on to the Council's website for public viewing
but you can request that your name and address be withheld.