

The fight to save our LEPs is on!

Many Society members will be aware from previous articles in *Hut News* that Local Environmental Plan (LEP) 1991 is currently being reviewed by the Blue Mountains City Council. LEP 1991 covers areas on the edges of the townships at the urban-bushland (or National Park) interface, while our other LEP, LEP 2005, covers urban areas in the townships. The LEPs determine where development occurs, outlines what needs to be considered when development is proposed such as impacts on the environment and heritage, and sets development standards. The LEPs are therefore the major determinant in terms of future development in the Blue Mountains, including the conservation of our environment. The review of LEP 1991 is occurring in the context of past and present State governments' policy to introduce a mandatory Standard Instrument LEP (SILEP) in all Local Government Areas in NSW. Under this policy both LEP 1991 and LEP 2005 are to be converted to the SILEP format and standards.

The SILEP prescribes a standard format and standard provisions (e.g. definitions, zones, clauses) that are incompatible with our locally sensitive, 'place-based' planning instrument, LEP 2005. The SILEP cannot recognise nor incorporate the unique conditions and development constraints that apply in a city located in a national park and World Heritage Area. Adopting the SILEP will undermine the environmental planning outcomes that our current LEPs seek to deliver and which underpin our tourist-based economy and World Heritage status.

Reports to Council meetings in October and December last year reveal the impact that the SILEP will have in the Blue Mountains. Here are a few examples. The definition, principles and practices of Ecologically Sustainable Development in LEP 2005 will not be able to be carried forward into the SILEP. In determining development applications, the zone objectives in the SILEP will only be matters to 'have regard to' rather than to be 'complied with' as they are currently in our LEPs. The incompatibility of LEP 2005's Living Conservation zone with any of the SILEP zones means that the leafy streets of Leura, for instance, will either be zoned 'rural' land (which is absurd) or a SILEP residential zone. A SILEP residential zone will open up those areas to multi-residential development (e.g. Seniors housing) which is currently prohibited. Importantly, the SILEP can also threaten our World Heritage status if the Blue Mountains hydrology is compromised by development and if the high order stormwater management provisions in LEP 2005 cannot be included. Such provisions are essential to protect downstream environments like the World Heritage Area (and Sydney's water supply). These examples indicate the serious weakening of planning controls and environmental protection that will occur if we are forced to adopt the SILEP.

Council has consistently sought to exempt our LEPs from conversion to the SILEP (or, failing that, to ensure that our current environmental protections are transferred to the SILEP), arguing that the particular circumstances applying to the Blue Mountains warrant special consideration. The Council's original plan for conversion to the SILEP, with agreement from the NSW Department of Planning and Infrastructure, Minister for

Carolyn Williams, Landuse Subcommittee.

Planning and the Premier, was to first convert LEP 1991 to the standard and format of LEP 2005 to create a consolidated city-wide plan before moving to the SILEP by 2016. The benefit of this 'roll over' of LEP 1991 into LEP 2005 would be that the sensitive environmental areas in LEP 1991 would be covered by LEP 2005's more stringent environmental protection regime. To prepare for this 'roll over', Council staff and consultants since 2010 have been updating environmental constraint mapping in LEP 1991 (e.g. scheduled vegetation, buffer areas etc), undertaking various studies, reviewing the current Development Control Plan, and attempting to apply the same standards and approach used in the development of LEP 2005. The Society has supported this approach, arguing that the same planning and other controls which exist in LEP 2005 should apply city-wide.

However, as members may recall from reports last year in the *Blue Mountains Gazette*, Planning Minister Brad Hazzard has seemingly reneged on that agreement and has now demanded that Blue Mountains City Council accelerate the process and move directly to the SILEP. The reports to the Council meetings last year show the pressure being put on Council by the Minister and the Department of Planning and Infrastructure, including imposing an impossible timeframe for Council to complete the conversion to the SILEP (sometime later this year). Council has objected that it doesn't have the staff and resources to comply. In response, the Department kindly offered to prepare a new comprehensive LEP for the Blue Mountains based on the SILEP, which Council agreed to. This draft SILEP was received by Council in November 2012 and a report on it will come to Council in March. A decision will then be made about whether or not Council should proceed with the SILEP. If it doesn't, the Minister could very well intervene and take the matter out of Council's hands altogether. Apart from that possibility, the most alarming aspect of this 'fast track' process is that, in contrast to the experience of LEP 2005, there will be little or no opportunity for community consultation before the draft SILEP goes on public exhibition.

The Society's Landuse Subcommittee (LUC) is currently developing a campaign plan to save our LEPs and support Blue Mountains City Council staff and Councillors. The State government seems determined that we will have a Standard Instrument LEP before the year is out so urgent political pressure needs to be applied to our local Member of Parliament, Roza Sage, as well as the Premier and Minister for Planning. We believe this is also an issue for the Commonwealth government as any decrease in the current environmental and planning controls through the application of a SILEP to the Blue Mountains could negatively impact on the national parks surrounding the city, and therefore impact on its World Heritage status and certification.

In next month's *Hut News*, the LUC will publicly announce its campaign, but we will need help from members. If you want to be involved in the campaign, contact Angela Langdon, angela.langdon@bigpond.com

You can find the Council reports (7th August, 16th October, 11th December) at <http://www.bmcc.nsw.gov.au/yourcouncil/councilmeetings>