



**LEP 1991
DRAFT AMENDMENT No 39
PLANNING PROPOSAL**

FOR

**Various allotments of land
currently zoned under LEP 4**

TABLE OF CONTENTS

PART 1 OBJECTIVES OR INTENDED OUTCOMES	2
PART 2 EXPLANATION OF PROVISIONS	3
PART 3 JUSTIFICATION:	3
SECTION A - A NEED FOR THE PLANNING PROPOSAL	3
1. IS THE PLANNING PROPOSAL A RESULT OF ANY STRATEGIC STUDY OR REPORT?	3
2. IS THE PLANNING PROPOSAL THE BEST MEANS OF ACHIEVING THE OBJECTIVES OR INTENDED OUTCOMES, OR IS THERE A BETTER WAY?	4
3. IS THERE A NET COMMUNITY BENEFIT?	4
SECTION B - RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK	4
4. IS THE PLANNING PROPOSAL CONSISTENT WITH THE OBJECTIVES AND ACTIONS CONTAINED WITHIN THE APPLICABLE REGIONAL OR SUB – REGIONAL STRATEGY (INCLUDING THE SYDNEY METROPOLITAN STRATEGY AND EXHIBITED DRAFT STRATEGIES)?	4
5. IS THE PLANNING PROPOSAL CONSISTENT WITH THE LOCAL COUNCIL’S COMMUNITY STRATEGIC PLAN, OR OTHER LOCAL STRATEGIC PLAN?	4
6. IS THE PLANNING PROPOSAL CONSISTENT WITH APPLICABLE STATE ENVIRONMENTAL PLANNING POLICIES?	4
7. IS THE PLANNING PROPOSAL CONSISTENT WITH APPLICABLE MINISTERIAL DIRECTIONS (S.117 DIRECTIONS)	5
SECTION C - ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACT	12
8. IS THERE ANY LIKELIHOOD THAT CRITICAL HABITAT OR THREATENED SPECIES, POPULATIONS OR ECOLOGICAL COMMUNITIES, OR THEIR HABITATS, WILL BE ADVERSELY AFFECTED AS A RESULT OF THE PROPOSAL?	12
9. ARE THERE ANY OTHER LIKELY ENVIRONMENTAL EFFECTS A RESULT OF THE PLANNING PROPOSAL AND HOW ARE THEY PROPOSED TO BE MANAGED?	13
10. HOW HAS THE PLANNING PROPOSAL ADEQUATELY ADDRESSED ANY SOCIAL AND ECONOMIC EFFECTS?	13
SECTION D - STATE AND COMMONWEALTH INTERESTS	13
11. IS THERE ADEQUATE PUBLIC INFRASTRUCTURE FOR THE PLANNING PROPOSAL?	13
12. WHAT ARE THE VIEWS OF STATE AND COMMONWEALTH PUBLIC AUTHORITIES CONSULTED IN ACCORDANCE WITH THE GATEWAY DETERMINATION?	13
PART 4 COMMUNITY CONSULTATION	14
ATTACHMENTS	
1. DETAILED ASSESSMENT SHEETS FOR INDIVIDUAL SITES INCL. MAPS	
2. LAND USE COMPARISON TABLES & ZONE OBJECTIVES	
3. RESPONSE FROM SYDNEY CATCHMENT AUTHORITY	
4. RESPONSE FROM DEPT. OF TRADE & INVESTMENT, REGIONAL INFRASTRUCTURE AND SERVICES	
5. COUNCIL REPORT	

PART 1 OBJECTIVES OR INTENDED OUTCOMES

Blue Mountains Council presently has 3 major Local Environmental Plans (LEPs) that regulate land use and development in the Local Government Area (LGA). These are:

- LEP 2005, which applies mainly to the urban areas in and around the towns and villages;
- LEP 1991 which applies to the more rural and natural areas outside the towns and villages; and
- LEP 4 which was the main LEP when it was gazetted in 1982, but now only applies to the remaining parcels of land that were not included in either LEP 1991 or LEP 2005.

Blue Mountains Council has embarked on a program (endorsed by the Department of Planning) to convert these three major LEPs into one Comprehensive LEP prior to further discussions about the preparation of an LEP based on the Department of Planning's Standard instrument. The repeal of LEP 4 is the first step of this program, and the aim of this planning proposal (known as LEP 1991 – Draft Amendment No 39) is to rezone certain lands presently zoned under LEP 4 to a suitable zone under LEP 1991. Another planning proposal is being prepared concurrently with this proposal which rezones other lands zoned under LEP 4 to a suitable zone under LEP 2005. When these planning proposals have been completed LEP 4 will cease to exist.

As noted above, Blue Mountains LEP 2005 applies to the towns and villages in the LGA, and land of a more rural type is zoned under LEP 1991. LEP 2005 will be the template for the final Comprehensive LEP that results from this process, and so it was initially considered preferable if all land presently zoned under LEP 4 was converted to a zone under LEP 2005. However, this was found not to be appropriate in all cases, and for such situations, a transfer into a zone under LEP 1991 is proposed, as is discussed in this Planning Proposal. Transferring land into LEP 1991 generally occurs as a result of one or both of the following reasons:

- Where adjoining and adjacent land is zoned under LEP 1991 (often on the same allotment as the LEP 4 – zoned land) and a similar LEP 1991 zone is appropriate for the LEP 4 land. In such instances, the introduction of an LEP 1991 zone will eliminate split zonings, thereby reducing the likelihood of errors occurring during the transfer of LEP 1991 land into a future LEP, and simplifying land use permissibility's and DA assessment;
- Where land, currently zoned under LEP 4, is most suitably transferred to the Bushland Conservation (BC) zone under LEP 1991 on a temporary basis. In a parallel stage of converting Council's 3 major LEPs into one comprehensive LEP, comprehensive studies are currently being undertaken to support the transfer of LEP 1991 lands into LEP 2005. The BC zone under LEP 1991 is therefore being used as a "holding" zone for some lands until these studies are completed and a considered approach to all lands zoned BC under LEP 1991 has been finalised.

Although this Planning Proposal only seeks to transfer land to LEP 1991, it is nevertheless complex due to the large number of sites that are involved, their disparate characteristics and their dispersal across the LGA. Discussions have been undertaken with officers from the Department of Planning and Infrastructure about the most appropriate approach to this project, and this Planning Proposal reflects the outcome of those discussions.

A detailed site specific investigation of relevant planning matters for each parcel of land has been undertaken and these are provided as **Attachment 1** to this Planning Proposal. The

proposed zone for each of the parcels is as far as practicable, a transfer from the current LEP 4 zone into LEP 1991 zone.

The allotments the subject of this Planning Proposal, have been identified, their history has been researched and environmental factors for each lot have been assessed. The reasons why these lots were initially excluded from LEP 1991 and were retained within LEP 4 have been found to fall into three broad categories, namely:

- Mapping anomalies – these are parcels of land where errors of mapping have occurred during the preparation of LEP 1991. These anomalies are the result of errors during data entry or data transfer. Typically these parcels are formed roads or very small parcels of land. In addition, some anomalies may also have resulted from errors on the hand drawn LEP 4 maps where previous amendments to these maps have been incorrectly shaded;
- Minor unresolved issues – these are parcels of land with a potential unresolved issue such as possible future road widening or minor and previously unresolved environmental issue; or
- Deferred lands – these are parcels that were deferred during the preparation of subsequent LEP due to a significant and previously unresolved issue.

Attachments to this Planning Proposal provide detailed information about each of the allotments and the background as to why each lot has remained under LEP 4.

This Planning Proposal has been prepared with reference to “A guide to preparing planning proposals” and “A guide to preparing local environmental plans” publications provided by the Department of Planning.

PART 2 EXPLANATION OF PROVISIONS

This proposal is seeking to amend Blue Mountains LEP 1991 to rezone land presently zoned under LEP 4 to a suitable zone under LEP 1991. Attachment 1 to this Planning Proposal includes detailed site information, maps showing the existing zone under LEP 4 and the proposed zone under LEP 1991.

In some cases the proposed zoning under LEP 1991 may introduce some new land use permissibilities. However, in all cases, these are minor and generally consistent with permissible uses on adjoining lands and is consistent with permissible uses elsewhere on the same allotment.

Attachment 2 includes a comparison of zone objectives and land use permissibilities between the existing zones under LEP 4 and the proposed zones under LEP 1991.

PART 3 JUSTIFICATION:

An assessment of each individual parcel subject to this Planning Proposal against the relevant criteria is provided in **Attachment 1**. A summarised version of this assessment appears below:

Section A - A Need for the Planning Proposal

1. Is the planning proposal a result of any strategic study or report?

This proposal does not result from any strategic study or report other than to comply with the directive from the Department of Planning and Infrastructure to move towards a single comprehensive LEP. The proposed amendments involve the transfer of land zoned under LEP 4 to the most compatible zone under LEP 1991.

Strategic studies will be undertaken in the future as part of the preparation for the transfer of land currently zoned under LEP 1991 into LEP 2005 and subsequent studies will be completed prior to the development of a single comprehensive LEP for the Blue Mountains City Council.

2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The proposed amendments can only be accomplished through this Planning Proposal. If it is not undertaken, some land in the LGA will still be zoned under LEP 4, which is essentially a redundant planning instrument, and Blue Mountains Council will not be able to complete its program to prepare one Comprehensive LEP.

Council is not aware of any alternative to this Planning Proposal.

3. Is there a net community benefit?

There is a net community benefit in having a single Comprehensive LEP, rather than the 3 principle LEPs that presently exist. Having a single LEP will simplify the planning process for the community, and will provide a basis for moving towards a standard instrument LEP for the Blue Mountains City Council local government area.

Section B - Relationship to strategic planning framework

4. Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub – regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

The Planning Proposal is being prepared as part of a program endorsed by the Department of Planning & Infrastructure to convert the 3 major planning instruments that apply to the Blue Mountains LGA into one comprehensive LEP. In this regard it can be considered as a statutory planning exercise, rather than a program to implement the objectives and actions of the Metropolitan Plan for Sydney 2036 and the draft North West Subregional Strategy as the proposal is transferring zones from LEP 4 into LEP 1991. However, the Planning proposal is not inconsistent with these documents and in addition to simplifying the planning framework that applies to the Blue Mountains, is broadly consistent with these strategies.

5. Is the planning proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?

This Planning proposal is consistent with the Sustainable Blue Mountains 2025 and other adopted local strategic plans.

6. Is the planning proposal consistent with applicable state environmental planning policies?

The following assessment is provided of the relationship of the planning proposal to relevant State Environmental Planning Policies (SEPPs): SEPPs are only discussed where applicable. The Planning Proposal is consistent with all other SEPPs or they are not applicable.

(i) SEPP Housing for Seniors or People with a Disability

This SEPP applies to a number of parcels, however for each of these the land proposed to be rezoned is a small proportion of a larger parcel and in each instance the proposed zone is the same as the adjacent existing zone. The Planning Proposal basically maintains the status quo with regards to this Direction.

(ii) SEPP Infrastructure 2007

This SEPP has no significant implications for this planning proposal.

(iii) Sydney Regional Environmental Plan No. 20 Hawkesbury – Nepean River (now a “Deemed SEPP”)

This epi applies to the all the land within this planning proposal. The aim of this planning proposal is simply to transfer land zoned under LEP 4 into a suitable zone under LEP 1991. This will result in only in minimal change to permissible land uses and so there will not be any significant implications for this deemed SEPP.

(iv) SEPP Drinking Water Catchments Regional Environmental Plan No. 1

Several parcels are within the Sydney Drinking Water Catchment and these were referred to the SCA for comment. A copy of the submission is appended to this planning proposal. SCA did not object to any aspect of the Planning proposal.

7. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)

The following assessment is provided of the consistency of the Planning Proposal with relevant Section 117 Directions applying to planning proposals lodged after 1 September 2009. Section 117 Directions are only discussed where applicable. The Planning Proposal is consistent with all other S117s Directions, or they are not applicable.

(i) Direction 1.2 - Rural Zones

Clause 4 of this Direction states that a Planning Proposal must not rezone land from a rural zone to a residential, business, industrial or tourist zone.

This direction applies to one parcel of land. Land at No. 118 – 124 Mt York Road Mt Victoria (ref sheet 28) is currently zoned Rural 1(a1) and the proposed zone under LEP 1991 is Living Bushland Conservation (CONS) with Protected Areas – Water Supply Catchment and Protected Area – Escarpment Area. Technically, the proposal is not consistent with this Direction. However, the inconsistency is considered to be justified, pursuant to Clause 5(d) in that the proposed rezoning is of minor significance. The land has a total area of approximately 3000m², is not developed for agricultural or rural uses, and is unlikely to ever be so, due to its location close to the escarpment, extent of existing vegetation cover and the irregular and narrow shape of the land.

It is requested that the Director General or his delegate agree that the inconsistency with this Section 117 Direction is of minor significance.

(ii) Direction 1.3 - Mining, Petroleum and Extractive Industries

Clause 4 of this Direction requires consultation with the Director-General of the Department of Trade & Investment, Regional Infrastructure and Services for any development of, or affected by a mineral, petroleum or extractive resource prior to preparing a planning proposal.

This direction applies to land at Colless Road Yellow Rock (ref: sheet 21), in that the proposal seeks to rezone part of the site to Recreation – Environment Protection and Protected Area – Escarpment Area. The Department has previously identified this site as being significant, and the proposed zone may be seen as incompatible with the continued access to the extractive resources. As required by Clause 5 of the Direction, the proposal was referred to the Department of Trade and Investment, Regional Infrastructure and Services. They advised that they had no concerns with the planning proposal. A copy of the response is attached.

(iii) Direction 2.1 - Environmental Protection Zones

This Direction requires that a Planning Proposal must include provisions to facilitate the protection and conservation of environmentally sensitive areas (Clause 4). It also requires that a Planning Proposal must not reduce the environmental standards applying to land zoned or otherwise identified for environmental protection purposes (Clause 5).

This Planning Proposal includes parcels of land which are proposed to be zoned to an environmental protection zone. It transfers a number of lands from the current zone under LEP 4 to an equivalent zone under LEP 1991. The parcels affected by this Direction are as follows:

- Various lots at Bell (ref: sheet 1). This land comprises a total area of approximately 5.07ha and includes land currently zoned Residential 2(a1), Recreation-Existing and uncoloured (roads). The land is subdivided into 25 allotments, comprising 24 residential zoned allotments varying in size from 1000m² to 8900m² and one 1.07ha allotment zoned Recreation – Existing. The existing lot configuration is not appropriate for the land characteristics given the lack of services available in this locality. Bell does not have reticulated water or sewer. The land is bushfire prone and the roads are unformed. The intention with this planning proposal is to rearrange the land so the appropriate zones align with land characteristics. It is proposed to rezone land for residential land use (Bushland Conservation) to have a frontage to the Darling Causeway and the Recreation Area – Environmental Protection area repositioned towards the rear of the land, further from the road and sharing a boundary with an existing Crown Reserve. The land proposed to be zoned Recreation – Environmental Protection will be increased to 2.24ha. The proposed minimum area requirements will result in allotments that can be developed for residential land use due to the size and shape allowing sufficient area for on-site effluent disposal and Asset Protection Zone. Access will be via a Darling Causeway or a new service road off the Darling Causeway, reducing the cost and impact of roads.
- 118-124 Mt York Rd Mt Victoria (ref: Sheet 28) proposed to be zoned from Rural 1 (a1) to Bushland Conservation (CONS) and Protected Area-Water Supply Catchment and Protected Area Escarpment;
- Part No. 35 Sunbeam Ave Blackheath (ref: sheet 4). This parcel is part of an allotment developed for residential land use. The proposed zone of Environmental Protection is consistent with the sites natural characteristics.
- Part No. 51 Bundarra Street Blackheath (ref: sheet 6). This parcel is part of a holding developed for low impact residential land use. The proposed zone of Environmental Protection is consistent with the sites natural characteristics.
- Part 12 Belgravia Street (south) Medlow Bath (ref: sheet 7). This parcel is part of a 13.6ha allotment and is undeveloped. The subject land contains scheduled vegetation, slopes in excess of 30°, is bushfire prone and is within the Sydney Water Catchment Area. The proposed zone of Environmental Protection is consistent with the sites natural characteristics.
- Part Central Park Wentworth Falls (ref: sheet 10). The undeveloped piece of land is less than 2m² and within the existing Central Park. The proposed zone of Recreation - Environmental Protection is consistent with the sites natural characteristics.
- Part Wentworth Falls Reserve Wentworth Falls (ref: sheet 11). Part of this parcel is developed with part of a public walkway. The proposed zone of Recreation - Environmental Protection is consistent with the sites natural characteristics and existing developments.
- Part Red Gum Park Bullaburra (ref: sheet 17). This undeveloped parcel is part of the Red Gum Park Reserve. The proposed zone of Recreation - Environmental Protection is consistent with the sites natural characteristics.
- Part 14 Tutor Close Winmalee (ref: sheet 20). The subject land is part of a parcel of land developed for low impact residential land use. The proposed zone of Environmental Protection is consistent with the sites natural characteristics and existing developments.
- Colless Road Yellow Rock (ref: sheet 21). These undeveloped parcels of land include part of the Nepean River and the adjoining river bank. The proposed zone of Recreation - Environmental Protection is consistent with the sites natural characteristics.

- Part Knapsack Park Mount Riverview (ref: sheet 24). This undeveloped parcel of land is part of the existing Knapsack Park. The proposed zone of Recreation - Environmental Protection is consistent with the sites natural characteristics.
- Part 26 Curvers Drive Mount Riverview (ref: sheet 25). This parcel contains the stanchions for high voltage power lines. The proposed zone of Recreation – Environmental Protection is not inconsistent with the existing development on the site.
- Part 68 Emu Road Glenbrook (ref: sheet 26). This undeveloped Crown Reserve is part of Darks Common. The proposed zone of Recreation - Environmental Protection is consistent with the sites natural characteristics.
- Part Walton Road Lapstone (ref: sheet 27). This undeveloped parcel is part of a road reserve running through a former Crown Reserve. The proposed zone of Recreation - Environmental Protection is consistent with the sites natural characteristics.

By rezoning the sites listed above to an Environmental Protection zone, the planning proposal is consistent with cl. 4 of this direction, which requires that it must include provisions that facilitate the protection and conservation of environmentally sensitive areas.

(iv) Direction 2.3 - Heritage Conservation

A planning proposal must contain provisions that facilitate the conservation of items, areas, objects and places of environmental heritage significance and indigenous heritage significance.

This planning proposal includes one parcel of land which is recognised as being of heritage significance this parcel is:

- Part Wentworth Falls Reserve Wentworth Falls (ref: sheet 11).

Council is currently undertaking a review of heritage items and an amendment of the heritage items in LEP 1991 is being prepared. The heritage status of these items is not altered by this proposal.

The parcels of land the subject of this planning proposal do not contain any known items, areas, objects or places of indigenous heritage significance.

(iv) Direction 3.1 - Residential Zones

This Direction requires that a planning proposal will encourage a choice of housing types, provide for existing and future needs, make efficient use of existing infrastructure and services and minimise impacts on the environment and resource lands.

This direction applies to some sites, as the planning proposal affects some land within an existing or proposed residential zone. However, the implications for this Direction are minimal, because the planning proposal does not include any zone in which significant residential development is permitted, and as noted previously, the intent of this planning proposal is simply to transfer land from the current zone under LEP 4 to an equivalent zone under LEP 1991 thereby minimising changes to land use outcomes. Details of the parcels affected by this direction follow:

- *Land at Darling Causeway, Bell (ref: sheet 1). This proposal is considered to be of minor significance as described below.*

This site consists of undeveloped land comprising a total area of approximately 5.07ha and includes land currently zoned Residential 2(a1), Recreation-Existing and uncoloured (roads). The land is presently subdivided into 25 allotments, comprising 24 residential

zoned allotments varying in size from 1000m² to 8900m² and one 1.07ha allotment zoned Recreation – Existing. The existing lot configuration is not appropriate for the land characteristics given the lack of services available in this locality. Bell does not have reticulated water or sewer. The land is bushfire prone and the roads are unformed. The lot yield with the current subdivision layout would require consolidation to achieve an area of land suitable to accommodate the necessary services. The intention with this planning proposal is to rearrange the land so the appropriate zones align with land characteristics and maximise the potential lot yield given the significant site constraints. It is proposed to rezone land for residential land use (Bushland Conservation) to have a frontage to the Darling Causeway and the Recreation Area – Environmental Protection area repositioned towards the rear of the land, further from the road and sharing a boundary with an existing Crown Reserve. The proposed minimum area requirements will result in allotments that can be developed for residential land use with the size and shape allowing sufficient area for on-site effluent disposal and Asset Protection Zone. Access will be via the Darling Causeway or a new service road off the Darling Causeway, reducing the cost and environmental impact of roads. The Blue Mountains has very limited stock of greenfield land available for development.

The proposal to rezone the land at Bell is generally consistent with this direction as it satisfies the direction objectives. It also makes efficient use of the limited existing infrastructure and is of good design that affords increased protection to land with environmental characteristics should be protected (Clauses 4b and 4d).

It does not really broaden the choice of building types (clause 4a) however it does provide land for appropriate bushland residential development which is consistent with existing development patterns in the locality.

LEP 1991 includes a clause (Clause 10.8) requiring the availability of services before consent can be given to development, and Part E of the Better Living DCP describes requirements for developments including subdivision and dwellings. In particular, cl. E3.9 requires the provision of electricity, gas and communications. Reticulated water and sewer are not available at this location. There are 24 residential sized allotments however the land does not currently have a permissible density. Due to environmental constraints, it would not be possible to develop the land as it exists.

This proposal is considered to be of minor significance, and as required by this Direction it is requested that Director General or his nominated representative agree that any inconsistency with this Direction is of minor significance.

Any other lands affected by this Direction (as identified in Attachment 1) are only of minor significance in relation to this Direction. .

v) 4.4 Planning for Bushfire Protection

This Direction requires that a planning proposal has regard to Planning for Bushfire Protection 2006.

A number of allotments subject to this planning proposal are mapped as being within a bush fire area, and need to be considered against this Section 117 Direction. However, as has been noted previously, this LEP amendment has been prepared simply to transfer land that is zoned under LEP 4 to a suitable zone under LEP 1991. In some cases the proposed zoning under LEP 1991 may provide more development opportunities, such as when land is zoned to Residential Bushland Conservation under LEP 1991. However as is explained below these additional development opportunities are minor.

There are several parcels which will result in a change in the potential land use and are mapped as being located within a bushfire area. Details of these parcels follow:

- Various lots at Bell (ref: sheet 1) This land is mapped as being part Vegetation Category 1 and part Vegetation Buffer. The existing zones are Residential 2(a1), Recreation Existing and Uncoloured. The proposed zones are Bushland Conservation and Recreation – Environmental Protection. Most of the *special fire protection purposes* noted in s.100B of the *Rural Fires Act* would be permissible with consent in the proposed Bushland Conservation zone.
- Part 142-144 and part 146 Great Western Highway Mt Victoria (ref: sheet 2). This land is mapped as being Vegetation Buffer. The existing zone is Arterial Road Proposed/Widening 9(b) and the proposed zone is Bushland Conservation. The land is developed with a dwelling.
- Part 98 Darling Causeway Mt Victoria (ref: sheet 3). This land is mapped as being Vegetation Buffer. The existing zone is Uncoloured and the proposed zone is Bushland Conservation. The land is developed with dwellings.
- 118-124 Mt York road Mount Victoria (Ref: Sheet 3) – the current zone is Rural (a1) and proposed zone is Living – Bushland Conservation. The land is mapped as part Vegetation Category 1 and part Vegetation Category 2. This parcel of land is unlikely to be developed due to the significant environmental and infrastructure constraints applicable to the land, being
 - The size of the land, approximately 1500m² is owned by The Crown and approximately 1500m² is privately owned. Of the privately owned land the larger portion of the allotment, approximately 9500m² is within Lithgow LGA;
 - The shape of the land being an irregular long and narrow shape;
 - No reticulated water service available in the locality;
 - No sewerage connection available in the locality;
 - Its location close to the escarpment;
 - Its location within the Sydney Water Catchment Area: and
 - The land is Bushfire prone.
- Part 35 Sunbeam Avenue Blackheath (ref: sheet 4). This land is mapped as being part Vegetation Buffer and part Vegetation Category 1. The existing zone is Residential 2(a2) and the proposed zone is part Bushland Conservation and part Environmental Protection. The land is developed with a dwelling.
- Part 333-334 Great Western Highway Blackheath (ref: sheet 5). This land is mapped as being Vegetation Buffer. The existing zone is Uncoloured and the proposed zone is Bushland Conservation.
- Part 51 Bundarra Street Blackheath (ref: sheet 6). This land is mapped as being part Vegetation Buffer and part Vegetation Category 1. The existing zone is Uncoloured and the proposed zone is part Bushland Conservation and part Environmental Protection.
- Part 14 Lomandra Place Katoomba (ref: sheet 8). This land is mapped as being Vegetation Buffer. The existing zone is Residential 2(a1) and the proposed zone is Residential Bushland Conservation. The land is developed with a dwelling.
- Part 30 Great Western Highway Wentworth Falls (ref: sheet 13). This land is mapped as being Vegetation Buffer. The existing zone is Uncoloured and the proposed zone is Residential Bushland Conservation. The land is developed with a commercial development.
- Part 86 Fletcher Street Wentworth Falls (ref: sheet 14). This land is mapped as being Vegetation Buffer. The existing zone is Uncoloured and the proposed zone is residential Bushland Conservation. The land is developed with a dwelling.
- Part 4 Day Street Wentworth Falls (ref: sheet 15). This land is mapped as being Vegetation Category 2. The existing zone is Uncoloured and the proposed zone is Residential Bushland Conservation. The land is a crown reserve developed with a child care facility.
- Part 54 Valley Road and part 1A John Street Hazelbrook (ref: sheet 18). This land is mapped as being part Vegetation Buffer and part Vegetation Category 2. The existing zone is Uncoloured and the proposed zone is Residential Bushland Conservation. The land is developed with dwellings.

- Part 4 Red Crowned Court Winmalee (ref: sheet 19). This land is mapped as being part Vegetation Buffer and part Vegetation Category 1. The existing zone is Residential 2(a1) and the proposed zone is Residential Bushland Conservation. The land is developed with a dwelling.
- Part 14 Tutor Close Winmalee (ref: sheet 20). This land is mapped as being Vegetation Buffer. The existing zone is Residential 2(a1) and the proposed zone is part Residential Bushland Conservation (No subdivision) and Part Environmental Protection.
- Lots 2, 3 & 4 Colless Road Yellow Rock (ref: sheet 21). This land is mapped as being part Vegetation Buffer and part Vegetation Category 1. The existing zone is Reservation Local Open Space and the proposed zone is Recreation – Environmental Protection and Protected Area – Escarpment Area.
- Part 52 Great Western Highway Sun Valley (ref: sheet 23). This land is mapped as being Vegetation Buffer. The existing zone is Uncoloured and the proposed zone is Bushland Conservation. The land is developed with a dwelling.
- Part Knapsack Park Glenbrook (ref: sheet 24). This land is mapped as being part Vegetation Buffer and part Vegetation Category 1. The existing zone is Recreation Existing and the proposed zone is Recreation – Environmental Protection and Protected Area – Escarpment Area.
- 26 Curvers Drive Mount Riverview (ref: sheet 25). This land is mapped as being Vegetation Buffer. The existing zone is Residential 2(a1) and the proposed zone is Recreation – Environmental Protection.
- 68 Emu Road Glenbrook (ref: sheet 26). This land is mapped as being part Vegetation Buffer and part Vegetation Category 1. The existing zone is Uncoloured and the proposed zone is Recreation – Environmental Protection.
- Part Walton Road Lapstone (ref: sheet 27). This land is mapped as being part Vegetation Buffer and part Vegetation Category 1. The existing zone is Uncoloured and the proposed zone is Recreation – Environmental Protection and Protected Area – Escarpment Area and proposed Road Closure.

For the sites listed above, the Planning Proposal is technically inconsistent with this Direction because the planning proposal does not provide for the inclusion of such measures such as Asset Protection Zones, performance standards for development, access roads or water for firefighting purposes as this Direction requires. However any inconsistencies are considered to be of minor significance, because, as has been noted, the Planning Proposal simply seeks to transfer the zoning of land zoned under LEP 4 to a zone under LEP 1991. Furthermore, in terms of any of these lots ever being developed for a *special fire protection purpose* as defined in the Rural Fires Act, this is unlikely given the constraints of scheduled vegetation, location of the land within the Sydney Drinking Water Catchment, bush fire, lack of reticulated water and sewer, and in many cases, the proposed Environment Protection zone.

However, Council will consult with the Commissioner of NSW Rural Fire Service following Gateway determination to ensure that they do not object to any aspect of this Planning proposal.

(vii) 5.2 Sydney Drinking Water Catchments

A planning proposal must be consistent with the SEPP (Sydney Drinking Water Catchment) 2011 and consider the Strategic Land and Water Capability Assessment. Lands within the Sydney Drinking Water Catchment must be referred to SCA prior to Gateway.

The parcels which are within the Sydney Drinking Water Catchment were referred to the Sydney Catchment Authority. A copy of the response is appended to this Planning Proposal. It will be noted from this advice that the SCA did not object to any of the proposed rezonings.

(viii) 6.1 Approval and Referral Requirements

Clause 4 of the Direction requires a planning proposal to minimise the inclusion of concurrence, consultation and not identify development as designated development.

This Planning Proposal is consistent with this direction as no new concurrence, consultation requirement or identification of development as designated development is proposed.

(ix) 6.2 Reserving Land for Public Purposes

A planning proposal must seek approval of the relevant authority or Director General of DoPI prior to creating, altering or reducing zonings or reservations of land for public purposes.

The intention of this planning proposal is to transfer land from the current zone under LEP 4 to an equivalent zone under LEP 1991. The zone proposed in each instance applies a zone which is consistent with the existing land use. This Direction applies to the following parcels:

- Various lots at Bell (ref: Sheet 1). This holding comprises Crown Reserve 81072 which has an area of 1.07ha with frontages to Darling Causeway and to the unformed Boronia and Waratah Streets. The undeveloped Crown Reserve is a reservation for the purpose of Public Recreation, notified in the Government Gazette 19.9.1958. BMCC is the Trust Manager.

The proposed zones will result in repositioning the land to be zoned Recreation – Environmental Protection towards the western boundary and increasing this area to 2.2ha whilst also maintaining a frontage to the Darling Causeway. The proposed Recreation – Environmental Protection zoned land is located adjoining an existing Crown Reserve, which includes the protected vegetation communities of 5A Blue Mountains Heath and Scrub and 5B Blue Mountains Swamps.

It is proposed that the remainder of the land owned by the Crown will be zoned Bushland Conservation (2/ha). It is recorded that discussions occurred with the land owner and BMCC about possible zones and lot layouts for this holding during the preparation of DLEP 2002. Records indicate the land owner and BMCC generally agreed to the proposed zone configuration and an approximate developable allotment layout which this proposal can accommodate.

Copies of relevant prior correspondence will be provided to the Director-General of DoPI following Gateway to providing additional background to the proposed zone arrangements.

- Part 9-11 Narrow Neck Road Katoomba (ref: sheet 9). This land is owned by BMCC – Community Land and is part of the existing Bonnie Doon Reserve. The proposed zone is Regional Open Space.
- Part Central Park Wentworth Falls (ref: sheet 10). This land is part of a Crown Reserve and is part of the existing Central Park. The proposed zone is Recreation – Environmental Protection.
- Part Wentworth Falls Reserve Wentworth Falls (ref: sheet 11). This land is part of a Crown Reserve and is part of the existing Wentworth Falls Reserve. The proposed zone is Recreation – Environmental Protection.
- Part Blue Mountains National Park Wentworth Falls (ref: 12). This land is owned by National Parks and is part of the existing Blue Mountains National Park. The proposed zone is National Park.
- Part 3 Wilson Street Wentworth Falls (ref: sheet 16). This land is owned by the Crown and is part of a water reserve. The proposed zone is Residential Bushland Conservation.

- Part Red Gum Park Bullaburra (ref: sheet 17). This land is owned by BMCC – Community Land and is part of the existing Red Gum Park. The proposed zone is Recreation – Environmental Protection.
- Colless Road Yellow Rock (ref: sheet 21). This undeveloped land is owned by the Penrith Lakes Corporation and includes a section of the Nepean River and river bank. The proposed zone is Recreation – Environmental Protection.
- Part Knapsack Park Mount Riverview (ref: sheet 24). This land is part of a Crown Reserve and is part of Knapsack Park. The proposed zone is Recreation – Environmental Protection with Protected Area – Escarpment.
- Part 26 Curvers Drive Mount Riverview (ref: sheet 25). This land contains the stanchions for high voltage power lines and is part of a larger parcel owned by the Sydney Water Corporation. The proposed zone is Recreation – Environmental Protection.
- Part 68 Emu Road Glenbrook (ref: sheet 26). This undeveloped parcel is part of a Crown Reserve. The proposed zone is Recreation – Environmental Protection.
- Part Walton Road Lapstone (ref: sheet 27). This undeveloped parcel is part of a road reserve, owned by BMCC, which runs through a Crown Reserve. The proposed zone is Recreation – Environmental Protection with Protected Area – Escarpment and Proposed Road Closure.

The concurrence of the relevant public authorities and the Director-General of the Department of Planning and Infrastructure to the proposed zonings will be sought following Gateway, as is required by Clause 4 of this Direction. In relation to the 3 lots mentioned above that are owned by the Council, the proposed zonings for public purposes were specifically agreed to as part of the Council resolution to commence this Planning Proposal (refer **Attachment 5** – Council Report). It is not considered necessary, for the planning proposal to include clauses relating to acquisition responsibilities because all lots are simply being transferred to an existing and equivalent zone under LEP 1991, and the acquisition arrangements that currently apply under LEP 1991 will continue.

(x) 7.1 Implementation of the Metropolitan Strategy

Planning proposals must be consistent with the NSW Government's Metropolitan Plan for Sydney 2036.

The intention of this planning proposal is simply to transfer land from the current zone under LEP 4 to an equivalent zone under LEP 1991, with only minimal changes to land use permissibilities. In this regard the proposal is being driven by the need to simplify the statutory planning process in the Blue Mountains LGA, not by the need to implement the strategic directions or actions of the Metropolitan Strategy. However, it is not inconsistent with the Metropolitan Strategy, and by helping to simplify the planning process in the Blue Mountains, Council will be better placed to implement the Metropolitan Plan.

Section C - Environmental, Social and Economic Impact

8. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

An assessment of any likely impact on critical habitat, threatened species, populations or ecological communities is provided in the detailed assessments for each parcel in **Attachment 1**. In summary though, there is no likelihood that any threatened species or endangered ecological communities listed under the Threatened Species Conservation Act will be affected by this proposal. This will be confirmed by consultations with the Office of Environment & Heritage following the Gateway determination.

9. Are there any other likely environmental effects a result of the planning proposal and how are they proposed to be managed?

An assessment of any likely environmental impacts is provided in the detailed assessments for each parcel in **Attachment 1**. However, as has been mentioned, this planning proposal is essentially a statutory planning exercise designed to simplify the planning controls that apply by transferring land that is zoned under LEP 4 to a suitable zoned under LEP 1991. The proposal basically maintains the status quo as regards to planning or environmental impacts, but where any environmental impacts are introduced they are not significant.

10. How has the planning proposal adequately addressed any social and economic effects?

An assessment of how the planning proposal addresses any social and economic effects is provided in the detailed assessments for each parcel in **Attachment 1**. In summary though, there are no significant social or economic interests associated with this planning proposal.

Section D - State and Commonwealth Interests

11. Is there adequate public infrastructure for the planning proposal?

A comment is provided on the adequacy of public infrastructure for each of the parcels in the detailed assessment **Attachment 1**. In all cases it was concluded that the existing infrastructure is adequate to meet any future demand associated with this planning proposal.

12. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

Where State or Commonwealth public authorities were required to be consulted prior to gateway, this has been detailed in the assessments and appended to this Planning Proposal as **Attachment 4**.

PART 4 COMMUNITY CONSULTATION

Public authority, landowner and community consultation will occur in accordance with the Gateway Determination.