

Draft Amendment 1 to Draft Blue Mountains Local Environmental Plan 2015 - Deferred Land

Proposal Title : **Draft Amendment 1 to Draft Blue Mountains Local Environmental Plan 2015 - Deferred Land**

Proposal Summary : **The planning proposal forms draft Amendment 1 to draft Blue Mountains Local Environmental Plan 2015. The proposal seeks to resolve 29 sites deferred from then draft Local Environmental Plan 2013.**

PP Number : **PP_2015_BLUEM_001_00** Dop File No : **15/08197**

Proposal Details

Date Planning Proposal Received : **15-Jun-2015** LGA covered : **Blue Mountains**

Region : **Metro(Parra)** RPA : **Blue Mountains City Council**

State Electorate : **BLUE MOUNTAINS** Section of the Act : **55 - Planning Proposal**

LEP Type : **Housekeeping**

Location Details

Street :
Suburb : City : Postcode :
Land Parcel : **Refer to page 4 of the planning proposal for a full list of the 29 deferred sites.**

DoP Planning Officer Contact Details

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Land Release Data

Growth Centre : Release Area Name :
Regional / Sub Consistent with Strategy :
Regional Strategy :

Draft Amendment 1 to Draft Blue Mountains Local Environmental Plan 2015 - Deferred Land

MDP Number :

Date of Release :

Area of Release
(Ha) :

Type of Release (eg
Residential /
Employment land) :

No. of Lots : 0

No. of Dwellings : 0
(where relevant) :

Gross Floor Area : 0

No of Jobs Created : 0

The NSW Government Lobbyists Code of Conduct has been complied with : **Yes**

If No, comment : **To the best of the knowledge of the regional team, the Department's Code of Practice in relation to communications and meetings with Lobbyists has been complied with. Metropolitan (Parramatta) has not met with any lobbyist in relation to this proposal, nor has the Director been advised of any meetings between other departmental officers and lobbyists concerning this proposal.**

POLITICAL DONATIONS DISCLOSURE STATEMENT

Political donations disclosure laws commenced on 1 October 2008. The legislation requires the public disclosure of donations or gifts for certain circumstances relating to the Planning system.

"The disclosure requirements under the new legislation are triggered by the making of relevant planning applications and relevant public submissions on such applications.

The term relevant planning application means:

- A formal request to the Minister, a council or the Secretary to initiate the making of an environmental planning instrument..."

Planning Circular PS 08-009 specifies that a person who makes a public submission to the Minister or Secretary is required to disclose all reportable political donations (if any).

The Department has not received any disclosure statements for this Planning Proposal.

Have there been meetings or communications with registered lobbyists? :

No

If Yes, comment : **The Department's Lobbyist Contact Register was checked on 15 June 2015 and there are no records of contact with lobbyists in relation to this proposal.**

Supporting notes

Internal Supporting Notes :

SUBMISSION

The planning proposal was received by the Department of Planning and Environment on 11 May 2015. After consideration of the proposal and associated documents, additional information was requested from Council and received on 15 June 2015 and the initial was adjusted accordingly.

SUMMARY OF SITES

The following provides a brief summary of information and issues relating to each site listed in the proposal. The term 'equivalent zoning' refers to a proposed best fit translation of existing zones from either Blue Mountains Local Environmental Plan 1991 or Local Environmental Plan 2005 to zones under the Standard Instrument template.

a) 7-19 LAWSONS LONG ALLEY, MOUNT VICTORIA - Rezoning
Proposed equivalent zoning:

- Environmental Protection to E2 Environmental Conservation
- Bushland Conservation to E3 Environmental Management.

The site was deferred from draft Local Environmental Plan 2013 (now 2015) due to the Blue Mountains Conservation Society's objection to the proposed E3 Environmental Management zone on part of the site. The Society stated that use of the E3 zone was contrary to the recommendations of Council's Rural Lands Study. Council observes that the Rural Lands Study has been superseded in part due to the Standard Instrument definitions and mapping. However Council carried out further vegetation mapping on the site and is now proposing that the entire site be zoned E2 Environmental Conservation due to multiple and extensive constraints limiting any potential for development.

By rezoning the site to E2, Council is effectively sterilising the land for development purposes and zoning for open space/environmental conservation purposes. As such 117 Direction 6.2 Reserving Land for Public Purposes applies and the amendment will require the approval of NSW Trade and Investments - Crown Lands and the Secretary of the Department of Planning and Environment. This approval will be required prior to exhibition. It is recommended that the Secretary's endorsement be given subject to Crown lands' approval.

b) 17-57 PATRICK ST, MOUNT VICTORIA - Mapping Anomaly

Under draft Blue Mountains Local Environmental Plan 2013 the minimum lot size for the site was incorrectly mapped and exhibited as 2,000sqm. The lot size map for draft Blue Mountains Local Environmental Plan 2015 Amendment 1 displays the correct minimum lot size of 2,500sqm, as transferred from Local Environmental Plan 1991.

c) 29-39 HARGRAVES ST, BLACKHEATH - Rezoning

Due to submissions from the Office of Environment and Heritage and the Blue Mountains Conservation Society, Council carried out a site inspection of the unverified scheduled vegetation on the land. Following the review, Council is proposing to apply the E2 Environmental Conservation zone on parts of the site that contain one or more environmental constraints, including the swamp area. The site was originally proposed to be zoned E3 Environmental Management under draft Blue Mountains Local Environmental Plan 2013, however following the submissions and vegetation review, the land is proposed to be zoned part E3/part E2 under draft Blue Mountains Local Environmental Plan 2015 Amendment No. 1.

d) 38 GROSE ST, BLACKHEATH AND ADJOINING PROPERTIES - Rezoning

Due to submissions from the community, Council carried out a site inspection of the unverified scheduled vegetation on the land. Following the review, Council is proposing to apply the E2 Environmental Conservation zone on parts of the site that contain one or more environmental constraints, including the swamp area. The site was originally proposed to be predominantly zoned E3 Environmental Management under draft Blue Mountains Local Environmental Plan 2013, however following the community submissions and vegetation review, the proportion of land designated for E3 has been reduced and both the E2 and E4 Environmental Living areas increased under draft Blue Mountains Local Environmental Plan 2015 Amendment No. 1.

e) 115, 117, 121-125, 132-140 & 140A MORT ST, KATOOMBA - Rezoning

Due to submissions from the community, Council reviewed the verified scheduled vegetation on the land, as exhibited for draft Blue Mountains Local Environmental Plan 2013. Following the review, Council is proposing to apply the E2 Environmental Conservation zone on parts of the site that contain one or more environmental constraints. The site was originally proposed to be zoned E3 Environmental Management under draft Blue Mountains Local Environmental Plan 2013, however following the community submissions and the review of the verified scheduled vegetation, the proportion of land designated for E3 has been reduced in order to apply the E2 zone to constrained areas under draft Blue Mountains Local Environmental Plan 2015 Amendment No. 1.

The E2 zone area includes the mandatory Ecological Buffer Area for the scheduled

vegetation. In addition, where the Protected Area - Riparian Land areas coincide with the E2 zone, these riparian areas have been removed from the Riparian Lands and Watercourses map as the E2 zone provides adequate protection.

f) 132-140 MORT ST, KATOOMBA - Rezoning

The 6 hectare site is currently zoned Bushland Conservation (No Subdivision) under Blue Mountains Local Environmental Plan 1991 with part of the property as Protected Area - Environmental Constraint. The equivalent zone was proposed as E3 Environmental Management with Slope and Vegetation Constraint Areas and Protected Areas for riparian and buffer protection.

The landowner submitted that the land should be zoned as rural, as the mapping of constraint areas has caused him huge financial loss due to reduced subdivision potential. Council reviewed the site using verified scheduled vegetation mapping from draft Blue Mountains Local Environmental Plan 2013. Council is now proposing that an E2 Environmental Conservation zone should be applied to the constraint areas. Council reviewed the minimum lot size for the non-constrained areas of the site and considers that, given the environmental impacts associated with increasing the density of development, the 30ha proposed minimum lot size is appropriate for the site.

g) 119-133 TWYNAM STREET & TWYNAM STREET ROAD RESERVE, KATOOMBA - Rezoning

The land is currently zoned Residential Bushland Conservation under Blue Mountains Local Environmental Plan 1991 and was proposed to be zoned E4 Environmental Living under draft Local Environmental Plan 2013. Due to two submissions from the community, Council reviewed the verified scheduled vegetation on the land. Following the review, Council is proposing to apply the E2 Environmental Conservation zone on parts of the site that contain one or more environmental constraints, including additional scheduled vegetation identified by the review.

h) 24 & 26-30 GLENWATTLE STREET, KATOOMBA - Rezoning

The land is currently zoned Residential Bushland Conservation under Blue Mountains Local Environmental Plan 1991 and was proposed to be zoned part E4 Environmental Living and part E2 Environmental Conservation under draft Local Environmental Plan 2013. Following a community submission Council reviewed the extent of verified scheduled vegetation on the land and proposed the following changes.

24 Glenwattle St

A Land and Environment Court approved subdivision plan from 1991 (amended 1994) applies to the land and has been progressively taken up. Five lots remain to be registered, with each lot having a dwelling entitlement. Council has resolved that the proposed E2 Environmental Conservation be removed from the land and replaced with E4 Environmental Living zone, with all verified scheduled vegetation mapped in the Natural Resources - Biodiversity Map as Protected Area -Vegetation Constraint Area.

26-30 Glenwattle St

Following the review, Council considers that the E2 Environmental Protection zone was correctly applied in the exhibited draft Local Environmental Plan 2013 maps. Council proposes reinstating the exhibited mapping provisions.

i) 111 MORT STREET, KATOOMBA - Rezoning

Sydney Water (the property owners) requested that the site at 111 Mort St, Katoomba be rezoned from Environmental Protection (Sewage Treatment Plant) to E4 Environmental Living to enable residential development and facilitate the future sale of the land. Due to potential contamination from the sewage plant, a Preliminary Site Investigation report was requested by Council under the provisions of State Environmental Planning Policy 55 - Remediation of Land. Council included the site in the planning proposal, expecting that a satisfactory report would be received prior to the issue of a Gateway determination. As a satisfactory report has not been received, Council is withdrawing the site from the

planning proposal to remain as a Deferred Matter under draft Blue Mountains Local Environmental Plan 2015.

j) 22 DENISON ROAD & 19 DAVIDSON ROAD, LEURA - Rezoning

Under draft Blue Mountains Local Environmental Plan 2013 the southern lot of 19 Davidson Road was proposed as E4 Environmental Living and the northern lots (developed with a dwelling) were proposed as E2 Environmental Conservation. All of 22 Denison Road, which is developed with a church hall and associated infrastructure, was proposed as E4. In addition, areas of the site are proposed to be mapped in the Natural Resources - Biodiversity Map as Protected Area - Vegetation Constraint Area.

Following an individual community submission, noting that the E4 zone does not provide sufficient protection to the swamp and that a riparian buffer was missing, Council reviewed the verified scheduled vegetation and watercourse on the site. The aerial and topographic mapping of the land indicates a depression on the maps through which water would run down in rain events, however there does not appear to be a defined bed or channel as stated in the definition of watercourse in the Standard Instrument dictionary. Council does not consider it appropriate to map this depression as a watercourse.

Council resolved on 23 October 2014 to zone part of 22 Denison Road as SP1 Special Activities - Places of Public Worship. In addition, the E2 zone is proposed to be increased to cover scheduled vegetation on the site and the remainder of the site to be zoned E4.

k) 23 FARNHAM AVENUE, WENTWORTH FALLS - Mapping Anomaly

The site contains a split zoning of Living Bushland Conservation under Blue Mountains Local Environmental Plan 2005 and Environmental Protection (Acquisition) under Local Environmental Plan 1991. Following a community submission, Council noted that the Environmental Protection (Acquisition) section of the site was incorrectly exhibited to be transferred to E4 Environmental Living. Council now proposes that the corrected maps be exhibited under draft Local Environmental Plan 2015 with the transfer of the Environmental Protection (Acquisition) section to E2 Environmental Conservation, as originally intended.

l) 60 CLAINES CRESCENT, WENTWORTH FALLS - Mapping Anomaly

The site is currently zoned Environmental Protection (Acquisition) under Blue Mountains Local Environmental Plan 1991. Following a submission from the Office of Environment and Heritage, Council noted that site was incorrectly exhibited to be transferred to E4 Environmental Living. Council now proposes that the corrected maps be exhibited under draft Local Environmental Plan 2015 with the transfer of the Environmental Protection (Acquisition) section to E2 Environmental Conservation, as originally intended. In addition, the land is proposed to be identified on the Land Reservations and Acquisitions Map as Environmental Conservation Open Space (RE1 or E2). Council will be the acquisition authority under Clause 5.1 of draft Blue Mountains Local Environmental Plan 2015.

m) 30-32 YESTER ROAD, WENTWORTH FALLS - Mapping Anomaly

The site is currently zoned Residential Bushland Conservation (No Subdivision) and part Environmental Protection under Blue Mountains Local Environmental Plan 1991. Following a submission from the Blue Mountains Conservation Society, Council noted that the site was incorrectly exhibited with a minimum lot size of 1,200 sqm during public exhibition of draft Local Environmental Plan 2013. Council is proposing re-exhibition of the minimum lot size map using 10ha for the site, as originally intended.

n) 153 FALLS ROAD, WENTWORTH FALLS AND SURROUNDING AREA - Rezoning

The site is currently zoned Living Bushland Conservation which has been translated under draft Blue Mountains Local Environmental Plan 2013 into the equivalent E4 Environmental Living zone. The landowner of one of the properties on the site requested the application of a residential zone due to the site's proximity to a large area to be zoned R6 Residential Character Conservation. The use of zone R6 is contrary to the Standard Instrument and is currently deferred from the broader draft Blue Mountains Local Environmental Plan 2015. Council's proposed R6 zone will be considered after notification of draft Blue Mountains

Local Environmental Plan 2015 and a decision made on whether the Department supports an amendment to the Standard Instrument. Until such time, Council will retain 153 Falls Road as a Deferred Matter along with the additional properties proposed to be rezoned to R6. Withdrawal of the site will avoid any community confusion over the status of the R6 zone with regards to the notification of Blue Mountains Local Environmental Plan 2015.

c) 73-77 QUEENS ROAD, LAWSON - Rezoning

The site is currently zoned Bushland Conservation (No Subdivision) and Residential - Bushland Conservation under Blue Mountains Local Environmental Plan 1991 and was translated under draft Local Environmental Plan 2013 as part E2 Environmental Protection, part E3 Environmental Management and part E4 Environmental living. The landowner made a submission requesting that the land be zoned E4 and the minimum lot size changed to 1,200 sqm. Council reviewed the site's constraints and considers that E4 is an inappropriate zone for the site, to the extent that they are now proposing to remove the previously proposed E4 zoned section and split the site between E3 and E2 only under draft Local Environmental Plan 2015.

p) 'STRATFORD', 4-8 SAN JOSE AVENUE, LAWSON - Mapping Anomaly

The site contains a heritage item. Due to fire damage and subsequent demolition, the only remaining structure is the tower to the southern boundary of the site. The landowner made a submission requesting that the proposed zones (R3 Medium Density Residential, E4 Environmental Living and E2 Environmental Conservation) be reviewed with a view to increasing development potential. Council has considered the zone and minimum lot sizes and has resolved that the zones remain unchanged. The lot sizes are proposed to remain the same, with the exception of the two allotments comprising the southern part of the holding, which were exhibited incorrectly using a minimum lot size of 720sqm. Council is proposing re-exhibition of the maps under draft Blue Mountains Local Environmental Plan 2015 using a 1,200sqm minimum lot size for the E4 section, no minimum lot size for the E2 section and 720sqm for the R3 section of the southern allotments.

q) 173 VALLEY ROAD, HAZELBROOK - Rezoning

The site is currently zoned Living - Bushland Conservation and Environmental Protection under Blue Mountains Local Environmental Plan 2005. Following two submissions from the community and the Blue Mountains Conservation Society, Council conducted a site inspection to verify the vegetation on the site and to review the proposed zoning. The equivalent zones under draft Local Environmental Plan 2013 were identified as E2 Environmental Conservation and E4 Environmental Living. Council resolved that the areas proposed as E2 are appropriate as the verified vegetation is contained within these areas. With regard to the E4 areas, Council resolved that E4 is appropriate as any change to E3 Environmental Management would permit on-site effluent on the land. Council considers that application of the E4 zone with lot averaging of 3,000sqm and reticulated sewer requirements would allow for subdivision with consent.

r) 56-68 GREAT WESTERN HIGHWAY, WOODFORD - Rezoning

The site is currently zoned Living - Bushland Conservation under Blue Mountains Local Environmental Plan 2005 and was proposed to be zoned E4 Environmental Living under draft Local Environmental Plan 2013. Council received a petition containing 175 signatures and 9 submissions from the community, The Hazelbrook Association and the Blue Mountains Association of Cultural Heritage Organisations, all requesting that the land be rezoned to B1 Neighbourhood Centre.

The current commercial land uses (including cafes and offices) on the site operate under existing use rights. The site contains 8 holdings on 12 separate allotments and covers an area of 5,275sqm. Council considers that the use of a B1 zone does have some planning merit. Council resolved to propose a B1 zoning, subject to the following conditions and development of precinct objectives prior to public exhibition, to include the following provisions:

- Roads and Maritime Services must be consulted regarding road capacity, parking and access

- residents of the dwellings within the site are specifically consulted regarding the proposed zone change
- future developments maintain the smaller-scale of neighbourhood businesses
- future developments maintain the current building scale, height and architectural form and development patterns
- ensure shop fronts and signage is integrated with the village theme
- ensure floor space ratios maintain the current pattern of small scale shops

Additional provisions relating to 'Drive-in-take-away Food Outlets' and 'District Supermarkets - Shops in Zone B1 Neighbourhood and B2 Local Centre Zones' will also apply to this precinct.

s) 70 and 70A GREAT WESTERN HIGHWAY, WOODFORD - Rezoning

The site is currently zoned Living Bushland Conservation under Blue Mountains Local Environmental Plan 2005 and is proposed to be translated to the equivalent zone of E4 Environmental Living. The Hazelbrook Association made a submission suggesting a rezoning to RE1 Public Recreation, noting that the site is located within Memorial Park and E4 is inconsistent with existing use.

The lots are owned by Rail Corporation NSW (no. 70) and Roads and Maritime Services (no. 70A). Following a review of the site, Council considers the site characteristics of no. 70A to be consistent with the criteria and objectives for Public Recreation zoning. Roads and Maritime Services were consulted in December 2014 and support the proposed RE1 zone for no. 70A

Council considers that no. 70 is less suited to RE1, as the public are unlikely to use it for recreation due to the steep embankment, however due to its location between highway and rail corridor it is unlikely to be suited to any other use. Council consulted with Rail Corporation NSW in December 2014 but has not received a reply.

Based on the above reasons, Council is proposing to rezone the entire site to RE1 Public Recreation and will require endorsement from Rail Corporation NSW prior to public exhibition.

t) 690A GREAT WESTERN HIGHWAY, FAULCONBRIDGE - Rezoning

The site is zoned Living Bushland Conservation and Regional Transport Corridor (Rail) and equivalent zones of E4 Environmental Living and SP2 Rail were proposed during preparation of draft Blue Mountains Local Environmental Plan 2013. The Regional Transport Corridor (Road) area has been lifted following updated information from Roads and Maritime Services. The land contains a dwelling and service station and the landowner is requesting that the SP2 zone that is applied to the south western section of the site be rezoned to E4 Environmental Living to match the remainder of the site.

Council contacted Rail Corporation NSW seeking comment, however no reply has been received. State Environmental Planning Policy 55 - Remediation of Land applies to the site due to the existence of the service station and railway yard. The owner provided Council with a consultant's opinion that the site is not affected by any potential contamination.

Council is now proposing to rezone the entire site to E4 Environmental Living. Prior to exhibition, Council requires endorsement from Rail Corporation NSW in relation to removal of the SP2 zone. It is recommended that the Secretary's endorsement be given subject to Rail Corporation NSW's approval.

u) AREA NORTH OF LINKSVIEW ROAD, SPRINGWOOD AND HAWKESBURY ROAD, WINMALEE - Mapping Anomaly

The site is zoned part Living Bushland Conservation under Blue Mountains Local Environmental Plan 2005 and part Residential - Bushland Conservation (8 lots per hectare) under Local Environmental Plan 1991. The equivalent lots of E4 Environmental Living and E2 Environmental Conservation were proposed under draft Local Environmental Plan

2013. Blue Mountains Conservation Society made a submission noting that the land between Yandina and Halcyon Avenue, and at the corner of Linksview and Hawkesbury Road, is developed but has not been given a lot size.

Council reviewed the mapping and found that the minimum lot size was incorrectly transferred to draft Local Environmental Plan 2013. Council has resolved to apply the U2 1,200sqm minimum lot size to the proposed E4 areas of the site, and reinstate all other mapped provisions as exhibited during draft Plan 2013.

v) 9-11 LINKSVIEW ROAD, SPRINGWOOD - Rezoning

The site is zoned Residential - Bushland Conservation under Blue Mountains Local Environmental Plan 1991 and was transferred to the equivalent zone of part E4 Environmental Living under draft Local Environmental Plan 2013 and E2 Environmental Conservation where scheduled vegetation has been identified. The Linksview Landcare Group made a submission requesting the entire site be zoned E2 and adequate protection and buffers be provided for the endangered ecological communities.

Council reviewed the site and found that the E2 zone was applied appropriately to the areas containing scheduled vegetation. However, Council resolved to extend the E2 area to include the land 7.5m either side of the watercourse to provide adequate riparian protection.

w) 9 KERRY AVENUE, SPRINGWOOD - Rezoning

The 5.3ha site is zoned part Residential Bushland Conservation (No Subdivision) and part Environmental Protection and was transferred to the equivalent zones of E4 Environmental Living and E2 Environmental Conservation under draft Blue Mountains Local Environmental Plan 2013. Council reviewed the scheduled vegetation on the property following community submissions. Following the review, Council resolved to reduce the extent of E2 land on the property due to a reduction in verified vegetation on the site. In addition, the proposed lot size map is being amended to reduce the extent of the 10ha minimum lot size. The minimum lot size provision applies to the E4 zoned area only.

x) 3-11 EDNA AVENUE AND 172-194A BURNS ROAD, SPRINGWOOD - Mapping Anomaly

The mapping for draft Blue Mountains Local Environmental Plan 2013 incorrectly transferred the zoning for the part of the site zoned Environmental Protection - Private to E4 Environmental Living. Council resolved to correct the error and re-exhibit the maps under draft Local Environmental Plan 2015 Amendment 1 to show part of the site as E2 Environmental Conservation.

y) KNAPSACK PARK, GLENBROOK - Rezoning

The site is Crown Reserve and is partly zoned Recreation Open Space and partly Environmental Protection Open Space. The proposed equivalent zonings under draft Blue Mountains Local Environmental Plan 2013 were part RE1 Public Recreation and part E2 Environmental Conservation. Council received a community submission opposing the zoning of RE1 on the ridge top areas, stating that the land contains endangered plant communities that are listed in Schedule 6 of the draft Plan 2013.

Council reviewed the site and found that the scheduled vegetation was more extensive than previously identified. Council resolved to extend the E2 area to cover the majority of the site, to include all scheduled vegetation. Council's proposed zone change requires endorsement from NSW Trade and Investment - Crown Lands.

z) 2-10 WATSON STREET, GLENBROOK - Rezoning

The 7.2ha site is undeveloped vacant Crown land and is zoned part Residential Bushland Conservation (8 lots per hectare) and part Environmental Protection under Blue Mountains Local Environmental Plan 1991. The land was transferred to the equivalent zones of E4 Environmental Living and E2 Environmental Conservation under draft Blue Mountains Local Environmental Plan 2013. Council reviewed the scheduled vegetation on the property following a submission from the Blue Mountains Conservation Society and an

Draft Amendment 1 to Draft Blue Mountains Local Environmental Plan 2015 - Deferred Land

individual. Following the review, Council resolved to increase the extent of E2 land on the property due to an increase in verified vegetation on the site.

Council's proposed zone change requires endorsement from NSW Trade and Investment - Crown Lands, as the whole site will be reserved for environmental conservation/open space purposes. This approval will be required prior to public exhibition. It is recommended that the Secretary's endorsement be given subject to Crown Lands' approval.

a1) 21 BARNET STREET, GLENBROOK - Rezoning

The site is zoned Living Bushland Conservation under Blue Mountains Local Environmental Plan 2005. The land was transferred to the equivalent zone of E4 Environmental Living under draft Blue Mountains Local Environmental Plan 2013. Council reviewed the scheduled vegetation on the property following two community submissions. Following the review, Council resolved to apply the E2 Environmental Conservation zone to land identified as containing scheduled vegetation and the remainder of the site as E4 Environmental Living.

b1) AREA AROUND TURELLA STREET, GLENBROOK - Mapping Anomaly

The mapping for draft Blue Mountains Local Environmental Plan 2013 omitted to apply the Protected Area - Ecological Buffer Area to properties in the area of Tunnel Gully, west of Lapstone Reserve, due to a GIS processing error. Council resolved to correct the omission and re-exhibit the zoning and biodiversity maps under draft Amendment 1 of draft Blue Mountains Local Environmental Plan 2015.

c1) MINIMUM LOT SIZE FOR LAND ZONED R1 GENERAL RESIDENTIAL - Mapping Anomaly

In the final stages of preparing draft Blue Mountains Local Environmental Plan 2013, it was found that the application of the minimum lot size provision for land zoned R1 General Residential was incorrectly processed. Despite the minimum lot sizes for all other zones being translated correctly from Local Environmental Plan 2005, the 720sqm for R1 General Residential was omitted and all R1 land shown blank on the Lot Size Map. Council has corrected the maps and intends to re-exhibit under draft Amendment 1 of draft Blue Mountains Local Environmental Plan 2015.

d1) 20 HAZEL AVENUE, HAZELBROOK

The land at 20 Hazel Avenue is listed under 'Addendum to Item 3' attached to the planning proposal. Sydney Water (the property owners) requested that the site at 20 Hazel Avenue, Hazelbrook be rezoned from Environmental Protection (Sewage Treatment Plant) to E4 Environmental Living to enable residential development and facilitate the future sale of the land. Due to potential contamination from the sewage plant, a Preliminary Site Investigation report was requested by Council under the provisions of State Environmental Planning Policy 55 - Remediation of Land. Council included the site in the planning proposal, expecting that a satisfactory report would be received prior to the issue of a Gateway determination. As a satisfactory report has not been received, Council is withdrawing the site from the planning proposal to remain as a Deferred Matter under draft Blue Mountains Local Environmental Plan 2015.

External Supporting
Notes :

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? **Yes**

Comment :

This amendment seeks to transfer the land deferred by Council resolution from then draft Blue Mountains Local Environmental Plan 2013 into draft Blue Mountains Local Environmental Plan 2015. The majority of parcels were deferred for the following reasons:

1. To allow further investigation into the site characteristics and review the zone or other

Draft Amendment 1 to Draft Blue Mountains Local Environmental Plan 2015 - Deferred Land

provisions proposed.

2. To correct a mapping anomaly identified in the final stages of preparing the then draft Local Environmental Plan 2013.

3. To allow additional site specific information to be received from Government agencies.

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? **Yes**

Comment : **The provisions for each site are included in the Planning Proposal, and the Recommendations sections of the minutes of Council's Ordinary Meeting, 26 March 2015, included with the planning proposal.**

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **Yes**

b) S.117 directions identified by RPA :

* May need the Director General's agreement

1.1 Business and Industrial Zones

2.1 Environment Protection Zones

2.3 Heritage Conservation

3.1 Residential Zones

3.3 Home Occupations

3.4 Integrating Land Use and Transport

4.2 Mine Subsidence and Unstable Land

4.3 Flood Prone Land

4.4 Planning for Bushfire Protection

5.2 Sydney Drinking Water Catchments

6.1 Approval and Referral Requirements

6.2 Reserving Land for Public Purposes

6.3 Site Specific Provisions

7.1 Implementation of A Plan for Growing Sydney

Is the Director General's agreement required? **Yes**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified?

SEPP No 1—Development Standards

SEPP No 4—Development Without Consent and Miscellaneous Exempt and Complying Development

SEPP No 22—Shops and Commercial Premises

SEPP No 32—Urban Consolidation (Redevelopment of Urban Land)

SEPP No 33—Hazardous and Offensive Development

SEPP No 44—Koala Habitat Protection

SEPP No 55—Remediation of Land

SEPP No 60—Exempt and Complying Development

SEPP No 64—Advertising and Signage

SEPP No 65—Design Quality of Residential Flat Development

SEPP No 70—Affordable Housing (Revised Schemes)

SEPP (Building Sustainability Index: BASIX) 2004

SEPP (Exempt and Complying Development Codes) 2008

SEPP (Housing for Seniors or People with a Disability) 2004

SEPP (Infrastructure) 2007

SEPP (Major Projects) 2005

SEPP (Temporary Structures and Places of Public Entertainment) 2007

SREP No. 20 - Hawkesbury-Nepean River (No. 2 - 1997)

e) List any other matters that need to be considered :

Have inconsistencies with items a), b) and d) being adequately justified? **Yes**

If No, explain : **117 DIRECTIONS**

1.1 Business and Industrial Zones

The site at 56-68 Great Western Highway, Woodford is currently zoned Living — Bushland Conservation under Blue Mountains Local Environmental Plan 2005 and was proposed to be transferred to the equivalent zone of E4 Environmental Living in draft Local Environmental Plan 2015. To enable the existing shops within the site to continue, without the need for existing use rights, Council is proposing to rezone this land to B1 Neighbourhood Centre which will designate a limited and contained precinct of small businesses for the local community.

The proposed rezoning is consistent with the Direction as it protects employment land in a business zone. The inconsistency with the 4(e) requirement for a strategy is justified as only the rezoning applies to only 12 lots, with a total area of 5,275 sqm, and is therefore of minor significance.

2.1 Environment Protection Zones

Blue Mountains Local Environmental Plan 2005 provides a very high level of protection and conservation of environmentally sensitive areas. These provisions have been transferred to draft Local Environmental 2015. The recommended zoning of certain land parcels in Amendment 1 is justified by recent vegetation surveys and a verification of potential high conservation land.

It is considered that the proposal is consistent with Direction 2.1 as it maintains the protection and conservation of environmentally sensitive areas.

2.3 Heritage Conservation

Council is currently undertaking a Heritage Review, however the review has been suspended pending the finalisation of draft Local Environmental Plan 2015. The planning proposal does not alter the heritage status of any heritage items identified on land covered by the proposal.

It is considered that the proposal is consistent with Direction 2.3 and facilitates the conservation of heritage items.

3.1 Residential Zones

A number of sites within the planning proposal are proposed to be zoned R1 General Residential under draft Blue Mountains Local Environmental Plan 2015. The affected sites are only included in this planning proposal to correct a mapping anomaly. The sites were exhibited incorrectly during the public exhibition of then draft Blue Mountains Local Environmental Plan 2013. The land was shown as blank on the relevant Lot Size Map, indicating no minimum lot size.

It is considered that the proposal is consistent with Direction 3.1 as the development provisions of land proposed to be zoned R1 General Residential under draft Blue Mountains Local Environmental Plan 2015 will be unchanged by this proposal.

3.4 Integrating Land Use and Transport

The land included in this proposal is generally not considered to be urban land. The proposed zones are equivalent zones from draft Blue Mountains Local Environmental Plans 1991 and 2005 and would incur minimal increases in car dependency and have negligible impact on freight movement due to the rural location. The site at 56-68 Great Western Highway is proposed to be rezoned to B2 Neighbourhood Centre and this may result in additional traffic and transport issues. Council are proposing that Roads and Maritime Services be consulted regarding road capacity, parking and access. Although the rezoning may result in a few additional commercial or retail premises, the majority of the site is already operating under existing use rights and therefore the impact on car dependency is likely to be minimal.

The proposal is considered to be consistent with Direction 3.4.

4.2 Mine Subsidence and Unstable Land

The proposal does not contain land identified as unstable or within a Mine Subsidence District.

4.3 Flood Prone Land

The proposal does not contain land identified as flood prone.

4.4 Planning for Bushfire Protection

The planning proposal seeks to transfer land and provisions from existing Local Environmental Plans that were deferred from the Standard Instrument template to be included in draft Blue Mountains Local Environmental Plan 2015. A number of the parcels of land are mapped as being within bushfire prone areas. The amendments included within this planning proposal are subject to the bushfire provisions of draft Blue Mountains Local Environmental Plan 2015 regarding asset protection zones and have regard to Planning for Bushfire Protection 2006. The Gateway determination will contain a condition requiring referral of the proposal to the NSW Rural Fire Service under public authority consultation.

It is considered that the proposal is consistent to Direction 4.4, subject to consultation with the NSW Rural Fire Service.

5.2 Sydney Drinking Water Catchments

Water NSW (formerly the Sydney Catchment Authority) were consulted during public authority consultation for draft Blue Mountains Local Environmental Plan 2013. The comments provided by Water NSW, regarding transfer of existing water quality protection mechanisms to the new Standard Instrument, were addressed during preparation of draft Blue Mountains Local Environmental Plan 2013. The mechanisms have been transferred to draft Blue Mountains Local Environmental Plan 2015. In addition, Council has reviewed and updated the location and details of vegetation communities on deferred land and has updated the application of environmental zones and/or protection areas where necessary.

It is considered that the proposal is consistent with Direction 5.2.

6.2 Reserving Land for Public Purposes

Direction 6.2 applies to the following sites:

70 and 70A Great Western Highway, Woodford

The site is owned by Rail Corporation NSW (No. 70) and Roads and Maritime Services (No. 70A) and is proposed to be zoned RE1 Public Recreation. Roads and Maritime Services support the RE1 zoning, however Rail Corporation NSW have yet to comment. Due to the site's proximity to Memorial Park and constraints such as the steep embankment and bushland it is considered appropriate to reserve the land for public recreation. The rezoning therefore requires approval from Rail Corporation NSW under Clause 4 of Direction 6.2. Once public authority approval has been granted, the Secretary's approval can be requested under Clause 4.

690A Great Western Highway, Faulconbridge

Part of the site is zoned Regional Transport Corridor (Rail) and is proposed to be zoned E4 Environmental Living. Council contacted Rail Corporation NSW for endorsement of removing the Rail Corridor zoning but has not received a reply. As the site already contains a service station and dwelling, it is considered that the removal of the Regional Transport Corridor (Rail) is supported to enable the potential for residential development. The rezoning therefore requires approval from Rail Corporation NSW under Clause 4 of Direction 6.2. Once public authority approval has been granted, the Secretary's approval can be requested under Clause 4.

Knapsack Park, Glenbrook

The site is currently zoned part Recreation Open Space and part Environmental

Protection Open Space. Due to Council's findings that the scheduled vegetation on the site was more extensive than previously identified, it is considered that Council's proposal to zone the entire site as E2 Environmental Conservation is appropriate and supported. The rezoning therefore requires approval from the Department of Trade and Infrastructure - Crown Lands under Clause 4 of Direction 6.2. Once public authority approval has been granted, the Secretary's approval can be requested under Clause 4.

Although Direction 6.2 applies to 111 Mort Street, Katoomba and 20 Hazel Avenue, Hazelbrook, Council has withdrawn both sites from the planning proposal due to lack of a satisfactory Preliminary Site Investigation for contamination of land under the provisions of State Environmental Planning Policy 55 - Remediation of Land.

It is considered that any inconsistency with Direction 6.2 should be endorsed as being of minor significance.

Direction 7.1 Implementation of A Plan for Growing Sydney

The planning proposal seeks to transfer land from Blue Mountains Local Environmental Plans 1991 and 2005 to equivalent zones in draft Blue Mountains Local Environmental Plan 2015. As such the proposal is not designed to implement strategic actions or directions but to simplify the planning process and provide Council with a more comprehensive planning instrument.

The proposal is not inconsistent with the objectives of A Plan for Growing Sydney and it is therefore not inconsistent with Direction 7.1.

STATE ENVIRONMENTAL PLANNING POLICY No. 55 - REMEDIATION OF LAND

This policy requires that a Preliminary Site Investigation report is carried out in accordance with the Contaminated Land Guidelines if contamination is suspected on a site included in a planning proposal. The following three holdings included in the proposal were required to be investigated for possible contamination:

1. 111 Mort Street, Katoomba
2. 20 Hazel Avenue, Hazelbrook
3. 690A Great Western Highway, Faulconbridge

The owners of 111 Mort Street and 690A Great Western Highway have provided Preliminary Site Investigations that support the proposed zoning changes. Council does not consider the Investigation report for 111 Mort Street to be satisfactory and has requested a further report. Sydney Water, the owner of 20 Hazel Avenue, has advised that they will provide a Preliminary Site Investigation but Council has not received it as yet. Due to the absence of satisfactory Investigations, Council are withdrawing 111 Mort Street and 20 Hazel Avenue from the planning proposal.

STATE ENVIRONMENTAL PLANNING POLICY (INFRASTRUCTURE) 2007

Council has highlighted this policy as relevant due to Clause 2(c) which relates to the efficient development, redevelopment or disposal of surplus government-owned land. Parcels of land at 111 Mort St, Katoomba and 20 Hazel Avenue, Hazelbrook were identified by Sydney Water as being surplus to requirements during public exhibition of draft Local Environmental Plan 2013. Council has proposed part E2 Environmental Conservation and part E3 Environmental Management at 111 Mort St and E4 Environmental Living at 20 Hazel Avenue. These proposed zones are compatible with the provisions of the state policy.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment :

The maps provided are not of exhibition quality and are difficult to interpret. Larger, legible maps, including map legends, must be prepared prior to exhibition to enable identification of map values such as zones and minimum lot sizes.

Draft Amendment 1 to Draft Blue Mountains Local Environmental Plan 2015 - Deferred Land

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **The proposal states that community consultation will be carried out in accordance with the conditions of the Gateway determination.**

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment :

Proposal Assessment

Principal LEP:

Due Date : **June 2015**

Comments in relation to Principal LEP : **Draft Blue Mountains Local Environmental Plan 2015 is due to be gazetted in mid-2015. The proposal states that the key principles of draft Blue Mountains Local Environmental Plan have been applied to draft Amendment 1.**

Assessment Criteria

Need for planning proposal : **The planning proposal proposes zonings for land deferred from draft Blue Mountains Local Environmental Plan 2013. The proposal is necessary to ensure that these deferred areas are appropriately zoned and mapped following gazettal of draft Blue Mountains Local Environmental Plan 2015.**

Consistency with strategic planning framework : **Draft Blue Mountains Local Environmental Plan 2013 and 2015 have been prepared to be consistent with strategic planning policies, regional and subregional strategies and A Plan for Growing Sydney. Council has proposed zones for sites deferred from draft Plan 2013 in accordance with the strategic framework already applied to draft Plan 2015. As such it is considered that the proposal is consistent with the strategic planning framework.**

Environmental social economic impacts : **Council's existing planning instruments (Blue Mountains Local Environmental Plans 1991 and 2005) contain comprehensive protection for environmentally sensitive areas to protect critical habitat, threatened species or ecological communities. Draft Local Environmental Plan 2013 and 2015 were prepared with maintenance of environmental protection provisions in mind. As such, Council has transferred equivalent zones to the sites deferred from draft Plan 2013, with careful consideration applied to providing an equivalent level of environmental protection. The majority of sites included in the proposal have undergone recent reviews of scheduled vegetation and E2 Environmental Conservation zones have been extended to ensure a high level of environmental protection, where appropriate.**

Council considers that draft Plan 2015 and draft Amendment 1 supports the Blue Mountains communities' aspirations for the physical, social, economic and natural environment. As the zones applied to the sites within draft Amendment 1 are equivalent zones from Plans 1991 and 2005, the provisions remain similar and therefore there is unlikely to be any social or economic impact on Blue Mountains residents.

TIMING OF EXHIBITION

The current Standard Instrument (Draft Blue Mountains LEP 2015) planning process is particularly complex as it is combining the three existing major LEPs [LEP 4, LEP 1991(rural Lands) LEP 2005 (town centres)] and converting them into the Standard

Draft Amendment 1 to Draft Blue Mountains Local Environmental Plan 2015 - Deferred Land

Instrument format. There has been a great deal of community interest with over 600 public submissions received, and representation to the Minister and Department. Whilst the Department is working closely with Blue Mountains City Council to finalise the draft LEP 2015, final wording of clauses is yet to be settled. This has the potential to create some confusion for landowners and the community.

In order to avoid the potential for community confusion it is proposed that public exhibition of the Deferred Land amendment be postponed until after Blue Mountains LEP 2015 has been notified.

Assessment Process

Proposal type : **Routine** Community Consultation Period : **28 Days**

Timeframe to make LEP : **12 months** Delegation : **Nil**

Public Authority Consultation - 56(2)(d) :
Office of Environment and Heritage
Department of Trade and Investment
NSW Rural Fire Service
Transport for NSW - Roads and Maritime Services
Sydney Water
Telstra
Other

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons :

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

If Other, provide reasons :

No additional studies required.

Identify any internal consultations, if required :

No internal consultation required

Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
Council Cover Letter - Amendment 1 to BMLEP 2015.pdf	Proposal Covering Letter	Yes
Council Meeting 26 March 2015 - Minute 105.pdf	Proposal	Yes
Planning Proposal Amdt 1 pgs 1-50.pdf	Proposal	Yes
Planning Proposal Amdt 1 pgs 51-100.pdf	Proposal	Yes
Planning Proposal Amdt 1 pgs 101-170.pdf	Proposal	Yes
Planning Proposal Amdt 1 pgs 171-250.pdf	Proposal	Yes
Planning Proposal Amdt 1 pgs 251-310.pdf	Proposal	Yes
Planning Proposal Amdt 1 pgs 312-370.pdf	Proposal	Yes

Draft Amendment 1 to Draft Blue Mountains Local Environmental Plan 2015 - Deferred Land

Planning Proposal Amdt 1 pgs 371-412.pdf	Proposal	Yes
Planning Team Recommendation		
Preparation of the planning proposal supported at this stage : Recommended with Conditions		
S.117 directions:	1.1 Business and Industrial Zones 2.1 Environment Protection Zones 2.3 Heritage Conservation 3.1 Residential Zones 3.3 Home Occupations 3.4 Integrating Land Use and Transport 4.2 Mine Subsidence and Unstable Land 4.3 Flood Prone Land 4.4 Planning for Bushfire Protection 5.2 Sydney Drinking Water Catchments 6.1 Approval and Referral Requirements 6.2 Reserving Land for Public Purposes 6.3 Site Specific Provisions 7.1 Implementation of A Plan for Growing Sydney	
Additional Information :	1. Larger, legible maps, including map legends, must be prepared prior to exhibition to enable identification of map values such as zones and minimum lot sizes. 2. In accordance with Section 117 Direction 6.2 - Reserving Land for Public Purposes, Council is to obtain endorsement from NSW Trade and Investment - Crown Lands for the proposed E2 - Environmental Conservation zone at 7-19 Lawsons Long Alley, Mount Victoria. In addition, Council is to seek endorsement from Rail Corporation NSW for the proposed RE1 - Public Recreation zone at 70 and 70A Great Western Highway, Woodford and the removal of the SP2 - Rail zone at 690A Great Western Highway, Faulconbridge. If Council is unable to obtain approval, these sites should be removed from the planning proposal. 3. Council is to remove the proposed rezoning of 153 Falls Road, Wentworth Falls from the planning proposal as the proposed R6 - Residential Character Conservation zone is contrary to the Standard Instrument and currently deferred from draft Blue Mountains Local Environmental Plan 2015. 4. Council is to remove the proposed rezonings of 111 Mort Street, Katoomba and 20 Hazel Avenue, Hazelbrook from the planning proposal and Addendum to Item 3 due to the absence of satisfactory Preliminary Site Investigations for contamination from Sydney Water under State Environmental Planning Policy 55 - Remediation of Land. 5. Public exhibition of the Deferred Land amendment shall not commence until after Blue Mountains LEP 2015 has been notified. 6. Consultation is required with the following public authorities under section 56(2)(d) of the Act and/or to comply with the requirements of relevant Section 117 Directions: • Office of Environment and Heritage • NSW Trade and Investment - Crown Lands • NSW Rural Fire Service • Rail Corporation NSW • Sydney Water • Transport for NSW – Roads and Maritime Services • Water NSW - Each public authority 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. 7. Community consultation is required under sections 56(2)(c) and 57 of the Act as	

Draft Amendment 1 to Draft Blue Mountains Local Environmental Plan 2015 - Deferred Land

follows:

(a) the planning proposal must be made publicly available for a minimum of 28 days; and
(b) the relevant planning 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 5.5.2 of A Guide to Preparing LEPs (Department of Planning & Infrastructure 2013).

8. 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).

9. The timeframe for completing the LEP is to be 12 months from the week following the date of the Gateway determination.

Supporting Reasons :

The proposal is necessary to ensure that land areas deferred from draft Blue Mountains Local Environmental 2013 are appropriately zoned and mapped following gazettal of draft Blue Mountains Local Environmental Plan 2015.

Signature:



Printed Name:

DERRYN JOHN

Date:

3 SEPTEMBER 2015

