

Number	Street	Village	Attachment
5	Nagle Avenue	Springwood	23
7	Nagle Avenue	Springwood	23
9	Nagle Avenue	Springwood	23
11	Nagle Avenue	Springwood	23
15	Nagle Avenue	Springwood	23
17	Nagle Avenue	Springwood	23
19	Nagle Avenue	Springwood	23
21	Nagle Avenue	Springwood	23
23	Nagle Avenue	Springwood	23
25	Nagle Avenue	Springwood	23
2	Alexandra Crescent	Glenbrook	31
4	Alexandra Crescent	Glenbrook	31
6	Alexandra Crescent	Glenbrook	31
8	Alexandra Crescent	Glenbrook	31
12	Alexandra Crescent	Glenbrook	31
14	Alexandra Crescent	Glenbrook	31
16	Alexandra Crescent	Glenbrook	31
17	Alexandra Crescent	Glenbrook	31
19	Alexandra Crescent	Glenbrook	31
21	Alexandra Crescent	Glenbrook	31
22	Avoca Street	Glenbrook	31
24	Avoca Street	Glenbrook	31
26	Avoca Street	Glenbrook	31
27	Avoca Street	Glenbrook	31
28	Avoca Street	Glenbrook	31
29	Avoca Street	Glenbrook	31
30	Avoca Street	Glenbrook	31
31	Avoca Street	Glenbrook	31
21	Barnet Street	Glenbrook	30
1	Bellata Court	Glenbrook	31
3	Bellata Court	Glenbrook	31
4	Bellata Court	Glenbrook	31
5	Bellata Court	Glenbrook	31
6	Bellata Court	Glenbrook	31
7	Bellata Court	Glenbrook	31
7A	Bellata Court	Glenbrook	31
8	Bellata Court	Glenbrook	31
10	Bellata Court	Glenbrook	31
1-3	Brooklands Road	Glenbrook	31
5	Brooklands Road	Glenbrook	31
23	Brooklands Road	Glenbrook	31
25	Brooklands Road	Glenbrook	31
27	Brooklands Road	Glenbrook	31
29	Brooklands Road	Glenbrook	31
50	Explorers Road	Glenbrook	31
52	Explorers Road	Glenbrook	31
54	Explorers Road	Glenbrook	31
56	Explorers Road	Glenbrook	31

Number	Street	Village	Attachment
56A	Explorers Road	Glenbrook	31
58	Explorers Road	Glenbrook	31
60	Explorers Road	Glenbrook	31
62	Explorers Road	Glenbrook	31
31	Great Western Highway	Glenbrook	28
23	Hillside Crescent	Glenbrook	31
57	Lucasville Road	Glenbrook	31
59	Lucasville Road	Glenbrook	31
61	Lucasville Road	Glenbrook	31
63	Lucasville Road	Glenbrook	31
65	Lucasville Road	Glenbrook	31
70	Lucasville Road	Glenbrook	31
72	Lucasville Road	Glenbrook	31
71	Lucasville Road	Glenbrook	31
4	Turella Street	Glenbrook	31
6	Turella Street	Glenbrook	31
8	Turella Street	Glenbrook	31
2-10	Watson Street	Glenbrook	29

Attachment 3 - Draft Planning Proposal



PLANNING PROPOSAL

FOR

DRAFT AMENDMENT 1

To Draft Blue Mountains Local

Environmental Plan 2015

January 2015

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PART 1 OBJECTIVES OR INTENDED OUTCOMES

The objective of this Planning Proposal is to finalise the standard instrument based Local Environmental Plan for the City of the Blue Mountains which is now known as draft Blue Mountains Local Environmental Plan 2015 (DLEP 2015) by including the land deferred from then DLEP 2013.

The key principles applied to guide the development DLEP 2015 have also been applied to this Planning Proposal.

Principle 1: Apply the same planning approach across the LGA

As a first principle to producing a draft SILEP for the Blue Mountains, the Council extended the refinements of the planning framework of LEP 2005 into LEP 1991 land, to ensure the same balance between protecting the environment and permitting appropriate development was being applied in the same manner across the whole of the LGA. This was the approach planned for with the adoption of LEP 2005. As an example, the same application of Protected Areas in LEP 2005 was extended into LEP 1991 land. Protected Areas include areas of significant vegetation, buffers to streams, slope and period housing.

Principle 2: Translate where possible using the standard instrument format

The next principle is to maintain as much as possible of the approach developed in the existing planning instruments by translating into the standard instrument format. In a number of instances this was readily achieved such as definitions in the Dictionary.

Principle 3: Use best-fit to achieve current planning results

In some instances, the planning tools available in the standard instrument format have no ready equivalent in either LEP 1991 or LEP 2005. When this is the case, the best-fit approach was employed to achieve the same results through different means. For example, LEP 1991 uses subdivision controls such as "No Subdivision" and "Consolidation" to achieve a particular lot yield for a property however neither of these controls are available within the standard instrument template. Council undertook a detailed analysis of the underlying principles of "No Subdivision" and "Consolidation", then employed the available tools such as *minimum lot size* and *lot averaging* to achieve the same result. Similarly, "height at eaves", "setback" and "site coverage" controls are not available however *height of building* and *floor space ratio* have been employed.

Principle 4: Introduce new policy only when appropriate

There are many differences in planning structure and format between Council's existing LEPs and the SILEP, and it was thought that the preparation of this LEP in accordance with SILEP format was a significant enough change without introducing further change by bringing in new policy. As a result, it was intended to introduce only minimal amounts of new policy into the DLEP 2013. However, a number of new areas of new policy have been included in the DLEP 2013, and which have arisen through the following means:

- *Changes in the approach to the zoning of some lands:* This has arisen from the need to follow Department of Planning and Environment (DPE) zoning guidelines, and to adhere to the requests of State agencies when assigning a zone to State owned lands. This has resulted in some lands, or categories land being zoned to something other than an equivalent zone in the DLEP 2013.
- *Changes resulting from a consistent application of the mapping criteria, and other planning approaches across the LGA:* As noted above, a key guiding principle in preparing the DLEP 2013 has been to extend the approach included in LEP 2005 to lands zoned under LEP 1991. This has resulted (for example) in land mapped under LEP 1991 now being mapped to LEP 2005 criteria, and which has resulted in some cases in additional protected areas, or Environment Protection zones being applied to these lands;
- *Changes resulting from the adoption of mandatory and optional clauses:* The inclusion in the DLEP 2013 of some of the provisions of the SILEP has also resulted in the inclusion of some new policy.
- *Changes made following the outcome of the Background Studies:* A number of background studies were undertaken in preparing the DLEP 2013. Some of these have led to the adoption of new policy, although such changes are relatively minimal.

The principles that were applied to DLEP 2015 are also applied to this amendment.

PART 2 EXPLANATION OF PROVISIONS

Amendment 1 to the DLEP 2015 has been prepared in accordance with the Standard Instrument (Local Environmental Plans) Order 2006 and *A guide to preparing local environmental plans* April 2013.

This amendment is seeking to transfer the land deferred by Council resolution from then DLEP 2013 into the Blue Mountains Standard Instrument LEP. The sites included in this amendment were deferred from then DLEP 2013 for a range of reasons, with the majority of the parcels deferred for one or more of the following reasons:

- To allow further investigation into the site characteristics and review the zone or other provisions proposed.
- To correct a mapping anomaly identified in the final stages of preparing then DLEP 2013.
- To allow additional site specific information to be received from Government agencies.

The proposed outcome will be achieved by preparing an amendment to DLEP 2015 in the form shown in Attachment 1.

TABLE 1 – LAND DEFERRED FROM DLEP 2013

Location	Reason
7-19 Lawsons Long Alley, Mt Victoria	To allow further review of the extent of E2 over the land
17-57 Patrick Street, Mount Victoria	To allow a further review of MLS due to split zonings on the site.
29-39 Hargraves Street, Blackheath	To allow further review of the extent of E2 over the land
Multiple lots 38 Grose Street, Blackheath and adjoining properties	To allow further review of the extent of E2 over the land
Multiple lots 115, 117, 121-125, 132-140, & 140A Mort St, Katoomba	To allow further review of the extent of E2 over the land
Multiple lots 119-133 Twynam Street, and Twynam St, Road Reserve, Katoomba	To allow further review of the extent of E2 over the land
53 Burrawang Street and 24 Glenwattle Street Katoomba	To allow further review of the extent of E2 over the land
22 Denison and 19 Davidson, Leura	To allow further review of the extent of E2 over the land
23 Farnham Avenue, Wentworth Falls	To correct an error where the current zoning and acquisition provision appears to have been incorrectly transferred to then DLEP 2013 mapping.
60 Claines Crescent, Wentworth Falls	To correct an error where the current zoning appears to have been incorrectly transferred to then DLEP 2013 mapping. Also to investigate removing an acquisition requirement.
30-32 Yester Road, Wentworth Falls	To correct an error where the current subdivision provision appears to have been incorrectly transferred to then DLEP 2013 mapping.
Multiple lots 153 Falls Rd, Wentworth Falls and surrounding area	To investigate a change in zoning based on zone characteristics.
73-77 Queens Road, Lawson	To investigate a change in zoning based on zone characteristics.
Stratford 4-8 San Jose Ave Lawson	To allow a further review of MLS due to split zonings on the site.
173 Valley Road, Hazelbrook	To investigate a change in zoning based on zone characteristics..
56-68 Great Western Highway, Woodford	To investigate a change of zone.
70 and 70A Great Western Highway, Woodford	To carry out further consultation and confirmation with relevant State Agencies.
690A Great Western Highway, Faulconbridge	To allow further review and consultation with Rail Corp.
9-11 Linksvie Road, Springwood	To allow further review of the extent of E2 over the land

Multiple lots All lots located within the blue border in Figure 1 (Southern end of Burns Road, Springwood)	To correct an error that occurred in the mapping whereby an existing zone was not applied to properties.
Part of St Columba's, being that land identified as Springwood Precinct RP-SP01- St Columba's Elmhurst Precinct	To allow further review of an existing mapped provision applying to this site which is likely unable to be carried in the standard instrument format.
9 Kerry Avenue, Springwood	To allow further review of the extent of E2 over the land
Multiple lots Lots located within the blue border in Figure 4 (Hawkesbury Road Winmalee)	To correct an error that occurred in the translation in the compilation of then DLEP 2013 MLS maps.
Knapsack Park, Glenbrook	To allow further review of the extent of E2 over the land
2-10 Watson Street, Glenbrook	To allow further review of the extent of E2 over the land
21 Barnet Street, Glenbrook	To allow further review of the extent of E2 over the land
Multiple lots All lots located within the blue border in Figure 1 (Glenbrook/Lapstone area)	To correct an error that occurred in the mapping whereby an existing mapped provision was not applied to properties in an area in Glenbrook/Lapstone.
Multiple Lots The minimum lot size of land zoned R1 General Residential	To correct an error where the current subdivision controls were not transferred to then DLEP 2013 MLS maps.

DLEP 2013 ZONING MATTERS

The Draft Blue Mountains Local Environmental Plan 2015 is as far as practicable a best-fit conversion from the current provisions into the standard instrument template. DLEP 2015 can only include zones that are available from the Standard Instrument (SI). As a result, the land use zones included in LEP 4, LEP 1991 or LEP 2005 have been converted to an equivalent SI zone for inclusion in the plan except land zoned Living – Conservation under LEP 2005.

The following table notes the zones from the current LEP's and the equivalent zone under DLEP 2015. Please note that, while new land use zone to the SI Order, R6 Residential Character Conservation Zone, is included in the table below, negotiations on this matter are being conducted separate to the DLEP 2015 process and amendment.

TABLE 2 - ZONING TABLE

STANDARD INSTRUMENT LEP		EXISTING BLUE MOUNTAINS LEPs		
ZONE		LEP 2005	LEP 1991	LEP 4
RU2	RURAL LANDSCAPE		RURAL CONSERVATION (MT IRVINE, MT WILSON, MT TOMAH, SHIPLEY PLATEAU & SUN VALLEY)	
RU4	PRIMARY PRODUCTION SMALL LOTS		RURAL CONSERVATION (MEGALONG VALLEY)	RURAL 1(A1)
R1	GENERAL RESIDENTIAL	VILLAGE - TOURIST		
R2	LOW DENSITY RESIDENTIAL	LIVING - GENERAL		
R3	MEDIUM DENSITY RESIDENTIAL	VILLAGE - HOUSING		RESIDENTIAL 2(A1)
R6	RESIDENTIAL CHARACTER CONSERVATION	LIVING - CONSERVATION		
B1	NEIGHBOURHOOD CENTRE	VILLAGE - NEIGHBOURHOOD CENTRE		
B2	LOCAL CENTRE	VILLAGE - TOWN CENTRE		
IN1	GENERAL INDUSTRY	EMPLOYMENT - GENERAL		
IN2	LIGHT INDUSTRY	EMPLOYMENT - ENTERPRISE	LIGHT INDUSTRIAL	
SP1	SPECIAL ACTIVITIES			SPECIAL USES (DEFENCE)
SP2	INFRASTRUCTURE	REGIONAL TRANSPORT CORRIDOR		ARTERIAL ROAD
				PROPOSED/ WIDENING
				SPECIAL USES
RE1	PUBLIC RECREATION	RECREATION - OPEN SPACE	RECREATION	RECREATION EXISTING
RE2	PRIVATE RECREATION	RECREATION - PRIVATE		
E1	NATIONAL PARKS AND NATURE RESERVES		REGIONAL OPEN SPACE, NATIONAL PARK	
E2	ENVIRONMENTAL CONSERVATION	ENVIRONMENTAL PROTECTION - PRIVATE	RECREATION ENVIRONMENTAL PROTECTION	RESERVATIONS LOCAL OPEN SPACE
		ENVIRONMENTAL PROTECTION - OPEN SPACE	ENVIRONMENTAL PROTECTION	
			ENVIRONMENTAL PROTECTION ACQUISITION	
E3	ENVIRONMENTAL MANAGEMENT		BUSHLAND CONSERVATION	
E4	ENVIRONMENTAL LIVING	LIVING - BUSHLAND CONSERVATION	RESIDENTIAL BUSHLAND CONSERVATION	
			RESIDENTIAL INVESTIGATION	
W1	NATURAL WATERWAYS (REFER TABLE BELOW)	NO EQUIVALENT	NO EQUIVALENT	NO EQUIVALENT

PART 3 JUSTIFICATION:**Section A - A Need for the Planning Proposal****1. Is the planning proposal a result of any strategic study or report?**

This amendment does not result from any strategic study or report however it continues the same approach Council undertook in the preparation of DLEP 2013. DLEP 2013 is a best fit conversion of the current LEP 1991 and LEP 2005 into the standard instrument template. Background and supporting studies that determined the provisions in LEP 1991 and LEP 2005 are relevant to the provisions transferred into DLEP 2013 and are therefore relevant to this amendment. In particular, *Environmental Planning Management Plan No. 2, Environmental Management Plan 2002 (Planning Framework and Planning Context)*, *Residential Development Strategy 2002*, *Accessible Housing Strategy 2002*, *Residential Character Study* and the *Subdivision Study* have relevance to the transferred provisions.

Zone Application as applied in DLEP 2015

In addition to the studies relied upon to frame the conversion to DLEP 2015, the same methodology in the application of zones that was used to frame the conversion from LEP 1991 and LEP 2005 into DLEP 2015. The zone structure for LEP 2005 was similar to that applied to LEP 1991 with the aim of providing a consistent approach to land use assessment across the LGA. Each zone under LEP 1991 or LEP 2005 is based on a series of objectives which determine which land should be within a particular zone. A set of discrete criteria was established to reflect the objectives of the zone and the range of physical and environmental characteristics. These criteria were based on, or augmented by the following:

- planning principles consistent with the "Key Directions for the City" identified in Council's Management Plan;
- the principles that are applied to the zoning of land under LEP 2005 have been applied to land zoned under LEP 1991 resulting in a consistent translation of these principles;
- directions set by state planning policies and strategies;
- knowledge of the requirements of key public authorities; and
- relevant modifications recommended in Commissioner Carleton's report.

This approach has provided for a consistent recognition of environmental constraints and reinforced the current broad land use structure. This approach has been applied to this amendment.

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

This amendment will result in sites that remain zoned under LEP 1991 or LEP 2005 and deferred from then DLEP 2013 being transferred into DLEP 2015 which is Blue Mountains Standard Instrument based LEP.

The Planning Proposal is the only means of achieving the intended outcomes as Council is required by the State Government to adopt a Standard Instrument based LEP consistent with the legislative framework determined by the Environmental Planning and Assessment Act, 1979.

Section B - Relationship to strategic planning framework**3. Is the planning proposal consistent with the objectives and actions of the applicable regional or sub – regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?**

This draft Planning Proposal is seeking to move items deferred from then DLEP 2013 into the DLEP. The intentions of the DLEP 2015 are maintained in the review of these items which was based on the premise of converting existing LEP provisions into the standard instrument format and not by the need to implement the strategic directions or actions of a metropolitan plan or strategy. This planning proposal is not inconsistent with the Sydney Metropolitan Strategy.

4. Is the planning proposal consistent with the local council's strategy, or other local strategic plan?

Amendment 1 is seeking to transfer the land deferred from the standard instrument process into the Blue Mountains DLEP 2015. Amendment 1 continues the premises upon which DLEP 2015 was based. Several strategies were used for the basis for some changes in DLEP 2015 and where applicable the outcomes identified in these have been considered in the proposal. This planning

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

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

An analysis of the application and consistency of the DLEP 2013 with all State Environmental Planning Policies (SEPP's) has been undertaken and details of the inconsistency follow the table below.

Note:

- ¹ **Not Relevant:** This provision or planning instrument does not apply to land within the Draft Amendment to Draft LEP 2005
- ² **Consistent:** This provision or planning instrument applies; the Draft Amendment to Draft LEP 2005 meets the relevant requirements and is in accordance with the provision or planning instrument.
- ³ **Justifiably Inconsistent:** This provision or planning instrument applies, and is considered to be locally inappropriate.

State Environmental Planning Policies in force

		NOT RELEVANT ¹	CONSISTENT ²	JUSTIFIABLY INCONSISTENT ³
SEPP 1	Development Standards		✓	
SEPP 4	Development without Consent and Miscellaneous Exempt and Complying Development		✓	
SEPP 6	Number of Storeys in a Building	✓		
SEPP 14	Coastal Wetlands	✓		
SEPP 15	Rural Landsharing Communities	✓		
SEPP 19	Bushland in Urban Areas	✓		
SEPP 21	Caravan Parks		✓	
SEPP 22	Shops and Commercial Premises		✓	
SEPP 26	Littoral Rainforests	✓		
SEPP 29	Western Sydney Recreation Area	✓		
SEPP 30	Intensive Agriculture	✓		
SEPP 32	Urban Consolidation (Redevelopment of Urban Land)		✓	
SEPP 33	Hazardous and Offensive Development		✓	
SEPP 36	Manufactured Home Estates	✓		
SEPP 39	Spit Island Bird Habitat	✓		
SEPP 44	Koala Habitat Protection		✓	
SEPP 47	Moore Park Showground	✓		
SEPP 50	Canal Estate Development	✓		
SEPP 52	Farm Dams and Other Works in Land and Water Management Plan Areas	✓		
SEPP 55	Remediation of Land		✓	
SEPP 59	Central Western Sydney Economic and Employment Area	✓		
SEPP 60	Exempt and Complying Development		✓	
SEPP 62	Sustainable Aquaculture		✓	
SEPP 64	Advertising and Signage		✓	
SEPP 65	Design quality of Residential Flat Development		✓	
D SEPP 66	Integration of Land Use and Transport		✓	
SEPP 70	Affordable Housing (Revised Schemes)	✓		
SEPP 71	Coastal Protection	✓		
SEPP	(Affordable Rental Housing) 2009		✓	
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	(Kosciuszko National Park – Alpine Resorts) 2007	✓		
SEPP	(Kurnell Peninsula) 1989	✓		
SEPP	(Major Development) 2005		✓	

State Environmental Planning Policies in force

		NOT RELEVANT ¹	CONSISTENT ²	JUSTIFIABLY INCONSISTENT ³
SEPP	(Mining, Petroleum Production and Extractive Industries) 2007		✓	
SEPP	(Penrith Lakes Scheme) 1989		✓	
SEPP	(Port Botany and Port Kembla) 2013	✓		
SEPP	(Rural Lands) 2008	✓		
SEPP	(SEPP 53 Transitional Provisions) 2011	✓		
SEPP	(State and Regional Development) 2011		✓	
SEPP	(Sydney Drinking Water Catchment) 2011		✓	
SEPP	(Sydney Region Growth Centres) 2006	✓		
SEPP	Temporary Structures) 2007		✓	
SEPP	(Urban Renewal) 2011	✓		
SEPP	(Western Sydney Employment Area) 2009	✓		
SEPP	(Western Sydney Parklands) 2009	✓		
SEPP	Sydney Regional Environmental Plan No. 20 Hawkesbury – Nepean River (No. 2 – 1997)		✓	
DSEPP	(Application of Development Standards) 2004	✓		
DSEPP	Draft State Environmental Planning Policy (Competition) 2010		✓	

This planning proposal is consistent with all the relevant SEPP's.

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

The following table provides a summary of the application and consistency with Section 117 Directions. A detailed analysis of inconsistencies follows the table.

Note:

- ¹ **Not Relevant:** This provision or planning instrument does not apply to land within the Draft Amendment to Draft LEP 2005
- ² **Consistent:** This provision or planning instrument applies; the Draft Amendment to Draft LEP 2005 meets the relevant requirements and is in accordance with the provision or planning instrument.
- ³ **Justifiably Inconsistent:** This provision or planning instrument applies, and is considered to be locally inappropriate.

Directions under Section 117(2)

		NOT RELEVANT ¹	CONSISTENT ²	JUSTIFIABLY INCONSISTENT ³
1.	EMPLOYMENT AND RESOURCES			
1.1	Business and Industrial Zones		✓	
1.2	Rural Zones	✓		
1.3	Mining, Petroleum Production and Extractive Industries	✓		
1.4	Oyster Aquaculture	✓		
1.5	Rural Lands	✓		
2.	ENVIRONMENT AND HERITAGE			
2.1	Environmental Protection Zones		✓	
2.2	Coastal Protection	✓		
2.3	Heritage Conservation		✓	
2.4	Recreation Vehicle Areas	✓		
3.	HOUSING, INFRASTRUCTURE AND URBAN DEVELOPMENT			
3.1	Residential Zones		✓	
3.2	Caravan Parks and Manufactured Home Estates		✓	
3.3	Home Occupations		✓	
3.4	Integrating Land Use and Transport		✓	

Directions under Section 117(2)

		NOT RELEVANT 1	CONSISTENT 2	JUSTIFIABLY INCONSISTENT 3
3.5	Development Near Licensed Aerodromes	✓		
3.6	Shooting Ranges	✓		
4.	HAZARD AND RISK			
4.1	Acid Sulfate Soils	✓		
4.2	Mine Subsidence and Unstable Land		✓	
4.3	Flood Prone Land		✓	
4.4	Planning for Bushfire Protection		✓	
5.	REGIONAL PLANNING			
5.1	Implementation of Regional Strategies	✓		
5.2	Sydney Drinking Water Catchments		✓	
5.3	Farmland of State and Regional Significance on the NSW Far North Coast	✓		
5.4	Commercial and Retail Development along the Pacific Highway, North Coast	✓		
5.5	Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)	✓		
5.6	Sydney to Canberra Corridor (Revoked 10 July 2008. See amended Direction 5.1)	✓		
5.7	Central Coast (Revoked 10 July 2008. See amended Direction 5.1)	✓		
5.8	Second Sydney Airport: Badgerys Creek	✓		
6.	LOCAL PLAN MAKING			
6.1	Approval and Referral Requirements		✓	
6.2	Reserving Land for Public Purposes		✓	
6.3	Site Specific Provisions		✓	
7.	METROPOLITAN PLANNING			
7.1	Implementation of the Metropolitan Strategy		✓	

This planning proposal is consistent with all relevant Section 117(2) Ministerial Directions.

Section C - Environmental, Social and Economic Impact

7. 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?

There is very little likelihood that critical habitat, threatened species, populations or ecological communities will be affected as a result of the Planning Proposal. There is in any case no critical habitat listed under the Threatened Species Conservation Act. Whilst there are a number of threatened species and ecological communities within the LGA and the Greater Blue Mountains National Park system, they are most unlikely to be affected by the matters addressed by this Planning Proposal for the following reason.

As has been noted, this amendment is seeking to transfer the items deferred from the Standard Instrument based LEP process which was prepared principally to transfer Councils existing planning framework as included in LEPs 2005 and 1991 into the format and content of the Standard Instrument. Council's existing planning instruments recognise the environmental values that are present within the Blue Mountains LGA, including the world heritage values of the surrounding National Park system and the location of the Sydney Drinking Water Catchment within the LGA, and the planning framework included in Council's existing planning framework (particularly LEP 2005) is strongly geared towards protecting these values, with the development standards within LEP 2005 establishing some of the highest criteria for protecting the natural environment within any LEP. To the extent that these standards have been transferred to the DLEP 2015, then the existing provisions for protecting these environmental values will be maintained.

As a result it is considered that the level of protection afforded to critical habitat, threatened species populations or ecological communities will be maintained as a result if this amendment.

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

This planning proposal is seeking to transfer the land deferred from then DLEP 2013 into DLEP 2015 and as such the same principles are applied. The principles of DLEP 2013 include protecting the existing natural flora communities and fauna populations as well as including provisions that will help to ensure the management of other likely environmental effects, including the following:

- That life or property are not endangered due to landslip;
- That risks to life and property are minimized and impacts on flood behavior are avoided or managed;
- That risks to adjoining properties, native bushland and the receiving environment by urban stormwater runoff.

The above principles are applied to this amendment.

9. Has the planning proposal adequately addressed any social and economic effects?

The communities across the Blue Mountains LGA comprise clusters of distinct villages strung in a linear pattern across ridges and physically linked by the Great Western Highway and the Western Rail Line. While there is a level of cohesion across the Blue Mountains, there are also distinct identities in each of the localities. For example, the lower mountains are predominantly dormitory suburbs with a lot of younger families who choose the lifestyle of the mountains and commute to the Sydney metropolitan area for work. The upper mountains have a higher proportion of retired residents, artists or people who are involved in the tourist industry, a relatively high proportion of the housing stock are weekenders.

Overall, the people who reside, either full time or part time, in the Blue Mountains do so by choice and identify strongly with the social and natural local environment. The Blue Mountains has a comparatively engaged community and the current LEP's, particularly LEP 2005 reflect the communities aspirations for the physical, social, economic and natural environment.

This amendment is consistent with the principles underpinning the transfer of provisions from current LEP's to the Standard Instrument format.

Section D - State and Commonwealth Interests

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

As noted previously, this amendment is seeking to include the items deferred from DLEP 2013 into the standard instrument formatted LEP for the Blue Mountains. Where new provisions are a consequence, the provision of adequate infrastructure is a consideration given to the development potential of a parcel. Areas of the Blue Mountains LGA are not sewered and many of these areas fall within the Sydney Catchment Area. The provision of appropriate on site waste water disposal is a consideration in the application of zones and therefore permissible land uses.

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

In accordance with Clause 4 of Section 117 Direction 4.4 Planning for Bushfire Protection, the Commissioner of the NSW Rural Fire Service will be consulted. Council will consult with the following agencies:

- Roads and Maritime Service with respect to land they own at 70A Great Western Highway Woodford; and
- Rail Corporation NSW with respect to land they own at 70 Great Western Highway Woodford and land they previously owned at 690 Great Western Highway Faulconbridge.

Council will consult with any agencies required by the Gateway Determination.

PART 4 MAPPING

Mapping will be prepared in accordance with the *Standard Technical Requirements for LEP Maps* published November 2012, Version 2.0 and the finalised maps will be returned to the Department of Planning and Environment at the conclusion of the consultation.

PART 5 COMMUNITY CONSULTATION

The consultation and exhibition process will be conducted in accordance with the Gateway determination.

PART 6 PROJECT TIMELINE

This amendment includes a significant number of properties and the Council anticipates a high level of community interest.

An anticipated project timeline is:

March 2015	Planning Proposal reported to the Council
April 2015	Gateway panel reviews amendment Gateway determination issued
May & June 2015	Community Consultation
July 2015	Council reviews submissions to amendment
August 2015	Report prepared for the Council to consider the result of the community consultation including any changes to the amendment. Planning Proposal and relevant supporting information is forwarded to the Department for final review.
September 2015	The Minister considers the final draft of the amendment and determines if the instrument can be made. The Amendment is returned to the Council. Report prepared for the Council to consider the final draft of the amendment.
October 2015	Council considers the final draft of the Amendment Final draft of the Amendment is returned to the Department requesting that the Minister make the plan.
November 2015	Plan is notified.

Attachment 4 - Deferred Matters: 7-19 Lawsons Long Alley, Mt Victoria

Deferred Item

7-19 Lawsons Long Alley, Mount Victoria**Previous Resolution of the Council**

At the Extraordinary Meeting on the 14 August 2014, the Council resolved to defer 7-19 Lawsons Long Alley, Mt Victoria from DLEP 2013.

Background and Proposal

A submission from the Blue Mountains Conservation Society objected to the proposed E3 zone as it was contrary to the recommendations of the Rural Lands Study.



Figure 1 – Locality Map

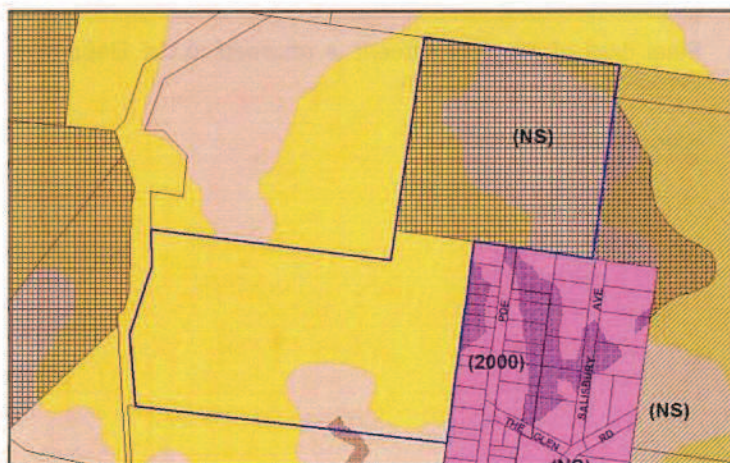


Figure 2 – Current Zones

This lot is unreserved Crown land and was zoned Environmental Protection and Bushland Conservation under LEP 1991 with Protected Area – Escarpment. For DLEP 2013, the land was translated as a best fit translation of existing zones, with the E3 zone applied to those areas zoned Bushland Conservation, while Environmental Protection areas were proposed as E2 Environmental Conservation, noting that the extent of the E2 zone over the northern section of the site was increased as part of the background work to preparing DLEP 2013 and in keeping with the general approach to the application of the E2 zone. The submission

raises whether the extent of E2 coverage should be further increased and cite the recommendation from the Rural Lands Study.

With regards to recommendations arising from the Rural Lands Study it needs to be recognized the study was commissioned when Council was still planning a non-Standard Instrument LEP. As a result, many of the recommendations made in the study are unable to be applied in a Standard Instrument based LEP. As an example, the Rural Lands Study makes a recommendation for a new type of Environmental Protection zone that does not exist in the Standard Instrument. Further, land use recommendations made were not in accordance with the definitions in the Standard Instrument. It also needs to be recognised that the mapping available in the preparation for the Rural Lands Study has been superseded by DLEP 2013 mapping. As an example, the Rural Lands Study applied Environmental Protection zoning irrespective of the verification of scheduled vegetation on a site. Council has since carried out verification of over 800 sites in LEP 1991 and this mapping was able to be used in the application of the E2 Environmental Protection zone. The end result is that while the background work for the Study retains much of merit and applicability, the mapping in the Study for Zone Recommendations has been superseded by the maps prepared by Council for DLEP 2013.

It nonetheless appears in the process of preparing the mapping for DLEP 2013 that this area may not have been appropriately reviewed and this site was subsequently deferred from the plan to carry out a review and enable further public consultation if required.

The vegetation on the site has since been reviewed and Figure 3 shows the extent of verified scheduled vegetation.

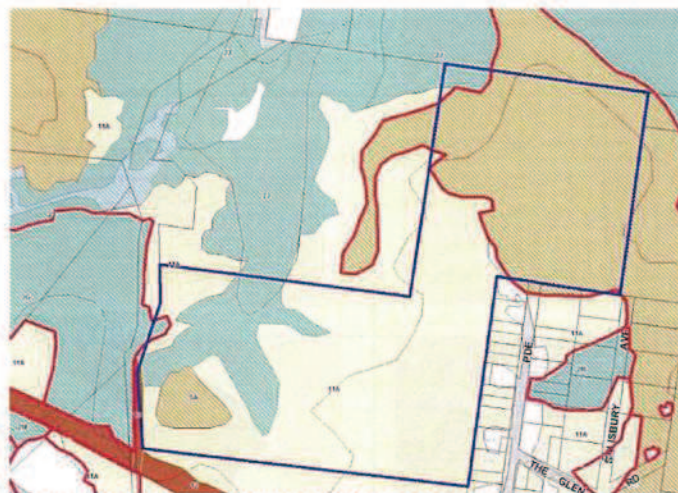


Figure 3 – Verified vegetation shown with red border

In DLEP 2013, the E2 Environmental Conservation zone is applied where land contains one or more environmental constraints such as contiguous slopes steeper than 33 per cent, verified significant vegetation communities or land within a watercourse corridor.

This site is highly constrained with scheduled vegetation and sloping land, much in excess of 33% covering almost all the site, as can be seen in Figure 4. The small pockets where these constraints do not exist are inaccessible with no access except across scheduled vegetation or steep land. Clause 6.1 of DLEP 2013 limits development where there will be an adverse impact on any significant vegetation community, any watercourse or any significant natural feature.

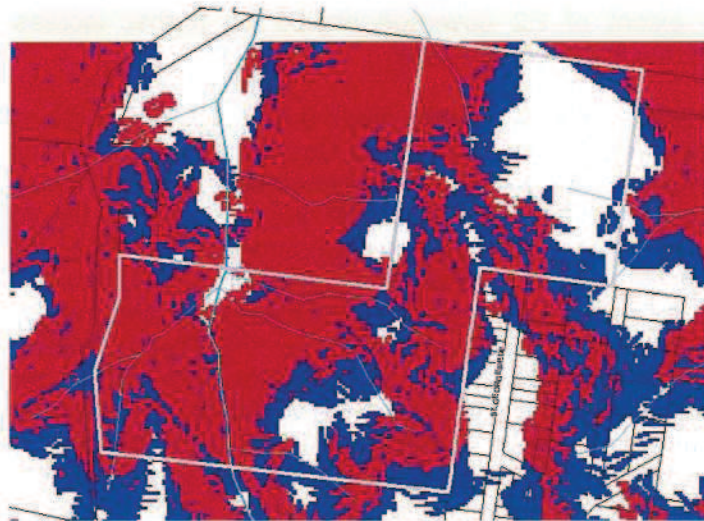
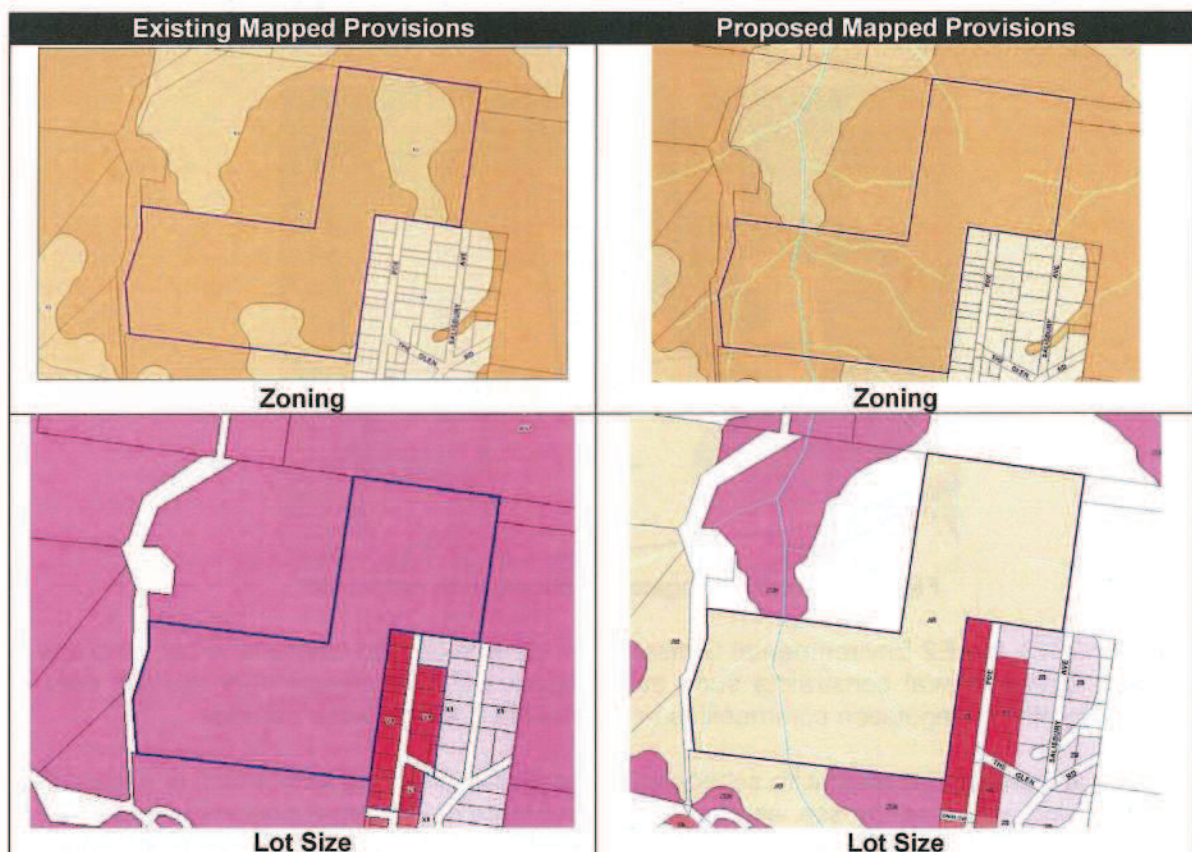
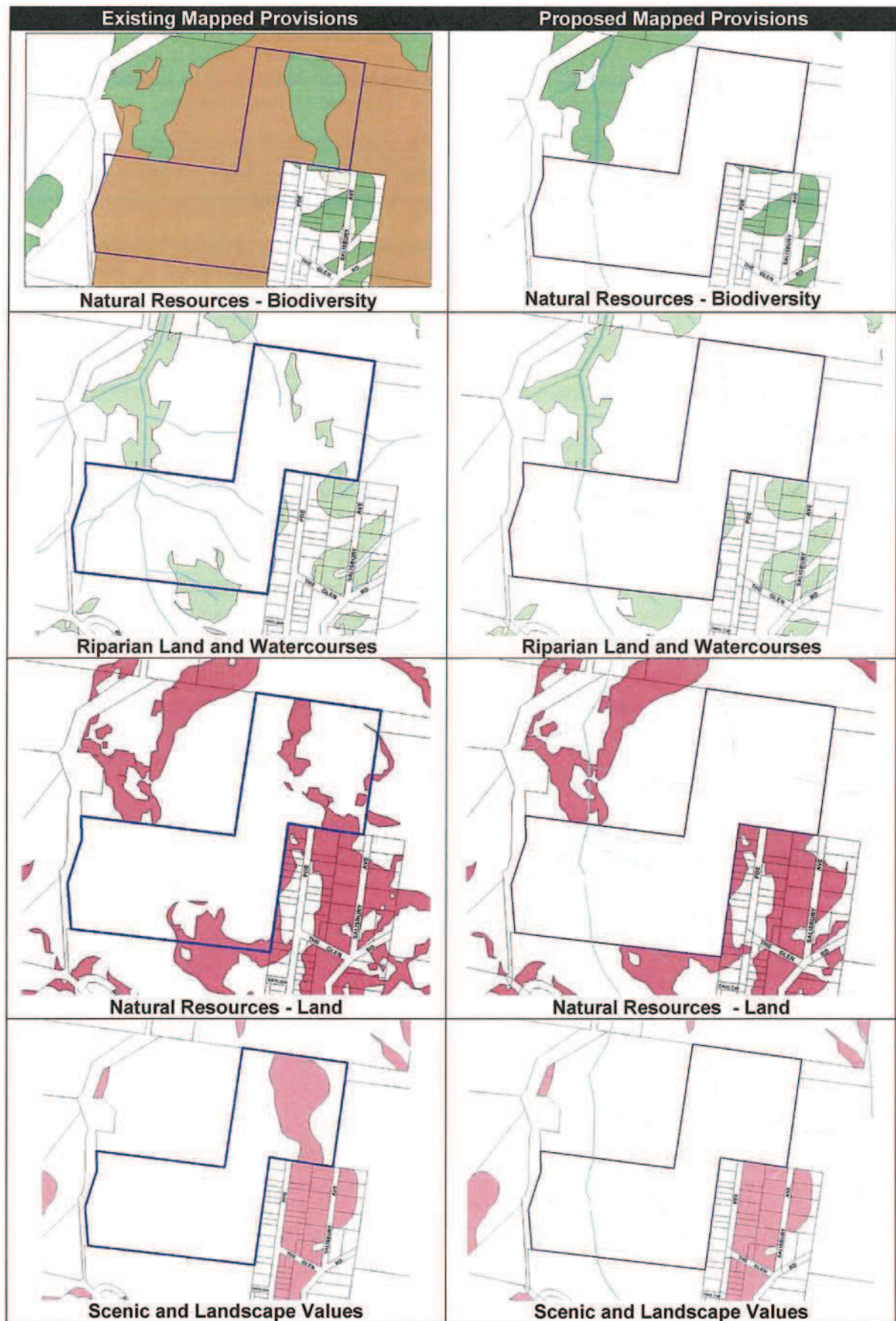


Figure 4 – Slope map

It is recommended that because of the multiple and extensive site constraints on this land there is no potential for development and the entire site should be zoned E2 Environmental Conservation. As unreserved Crown land, this issue would require agreement from the State Government that the land be set aside for open space. This issue will be raised with the Crown during public exhibition.





Recommendations

- MV.1 That the Blue Mountains DLEP 2015 Land Application Map for 7-19 Lawsons Long Alley Mt Victoria be amended by deleting the "Deferred Matter" notation.
- MV.2 That the Blue Mountains DLEP 2015 Land Zoning Map for 7-19 Lawsons Long Alley Mt Victoria be amended as shown on the Land Zoning Map in Attachment 4, Proposed Mapped Provisions, to Amendment 1 to DLEP 2015.
- MV.3 That the Blue Mountains DLEP 2015 Lot Size Map for 7-19 Lawsons Long Alley Mt Victoria be amended as shown on the Lot Size Map in Attachment 4, Proposed Mapped Provisions, to Amendment 1 to DLEP 2015.
- MV.4 That the Blue Mountains DLEP 2015 Natural Resources – Biodiversity Map for 7-19 Lawsons Long Alley Mt Victoria be amended as shown on the Natural Resources – Biodiversity Map in Attachment 4, Proposed Mapped Provisions, to Amendment 1 to DLEP 2015.
- MV.5 That the Blue Mountains DLEP 2015 Riparian Land and Watercourse Map for 7-19 Lawsons Long Alley Mt Victoria be amended as shown on the Riparian Land and Watercourses Map in Attachment 4, Proposed Mapped Provisions, to Amendment 1 to DLEP 2015.
- MV.6 That the Blue Mountains DLEP 2015 Natural Resources - Land Map for 7-19 Lawsons Long Alley Mt Victoria be amended as shown on the Natural Resources – Land Map in Attachment 4, Proposed Mapped Provisions, to Amendment 1 to DLEP 2015.
- MV.7 That the Blue Mountains DLEP 2015 Scenic and Landscape Values Map for 7-19 Lawsons Long Alley Mt Victoria be amended as shown on the Scenic and Landscape Values Map in Attachment 4, Proposed Mapped Provisions, to Amendment 1 to DLEP 2015.
- MV.8 That the Blue Mountains DLEP 2015 Height of Building Map for 7-19 Lawsons Long Alley Mt Victoria be amended as previously exhibited.

Attachment 5 - Deferred Matters: 17-57 Patrick Street, Mt Victoria

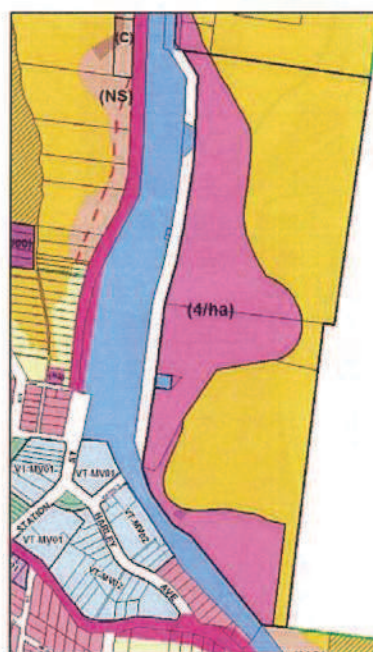
Deferred Item

17-57 Patrick Street, Mount Victoria**Previous Resolution of the Council**

At the Extraordinary Meeting on the 11 November 2014, the Council resolved to defer 17-57 Patrick Street Mt Victoria from DLEP 2013.

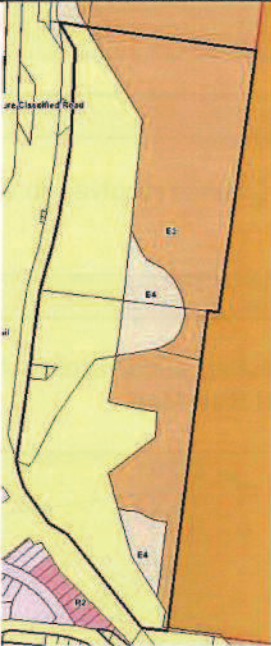
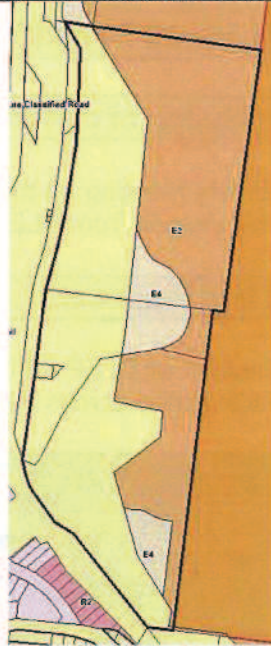
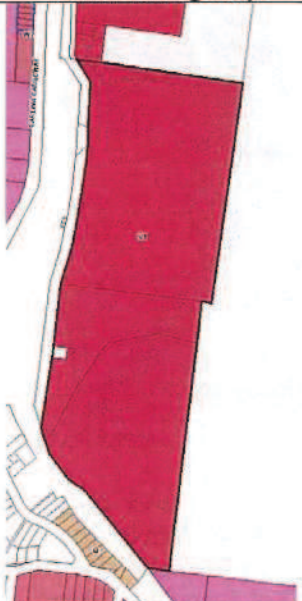
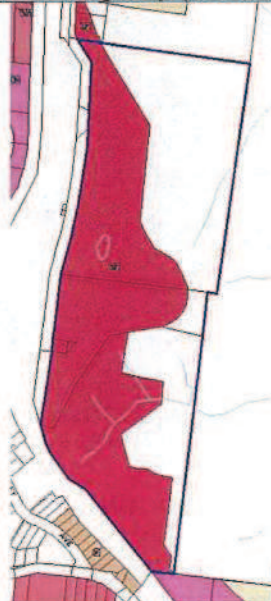
Background and Proposal

During the exhibition of DLEP 2013 it was found that the existing subdivision potential was not accurately translated across into DLEP 2013 Minimum Lot Size Map.

**Figure 1 – Locality Map****Figure 2 – Current Zones**

Under LEP 1991 the site was partly Environmental Protection and partly Residential Bushland Conservation (4 lots per hectare) as per Figure 2. While the zones were transferred correctly, the minimum lot size under DLEP 2013 would be translated into 2,500m², however the exhibited maps showed a Minimum Lot Size of 2,000m² applying to the lot. This appears to have resulted from a technical error in the compilation of the DLEP 2013 maps and was not intended. As this does not represent a translation of existing minimum lot size the land was deferred from the the DLEP 2013 to allow for the correct minimum lot size to be shown on the DLEP 2013 map.

It is recommended that the MLS map for the site be amended to 2,500m².

Existing Mapped Provisions	Proposed Mapped Provisions
 Land Zoning Map	 Land Zoning Map (no change)
 Lot Size Map	 Lot Size Map

Recommendations

- MV.9 That the Blue Mountains DLEP 2015 Land Application Map for 17-57 Patrick Street Mt Victoria be amended by deleting the "Deferred Matter" notation.
- MV.10 That the Blue Mountains DLEP 2015 Lot Size Map for 17-57 Patrick Street Mt Victoria be amended as shown on the Lot Size Map in Attachment 5, Proposed Mapped Provisions to Amendment 1 to DLEP 2015.
- MV.11 That the following Blue Mountains DLEP 2015 mapped provisions for 17-57 Patrick Street Mt Victoria be amended as previously exhibited:
- Land zoning

- Height of Building Map;
- Lot Averaging Map;
- Natural Resources Biodiversity Map;
- Riparian Lands and Watercourses Map;
- Natural Resources Land Map;
- Scenic and Landscape Values Map.

Attachment 6 - Deferred Matters: 29-39 Hargraves Street, Blackheath

Deferred Item

29-39 Hargraves Street, Blackheath**Previous Resolution of the Council**

At the Extraordinary Meeting on the 14 August 2014, the Council resolved to defer 29-39 Hargraves Street Blackheath from DLEP 2013.

Background and Proposal

A submission from the Office of Environment and Heritage recommends that Council rezone the subject land to E2 - Environmental Conservation. Submissions from the Blue Mountains Conservation Society and seven (7) individuals also recommend that Council rezone the swamp on the land as E2 Environmental Conservation.



Figure 1 – Locality Map

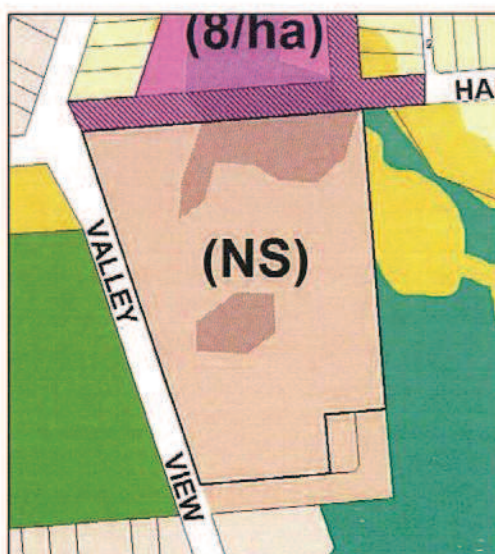


Figure 2 – Current Zones

This site is unreserved Crown Land, which was zoned Bushland Conservation (no subdivision) under LEP 1991 (Figure 2) and was proposed to be zoned E3 – Environmental Management under DLEP 2013. The site also had unverified scheduled vegetation covering approximately 25% of the site which was transferred to DLEP 2013 as Protected Area – Vegetation Constraint Area. In addition the site is also impacted by the Protected Area – Slope Constraint area.

A review of zoning and protected area mapping on public land was not carried out at a strategic level as part of the background work to DLEP 2013. Accordingly, the general approach was a direct translation of existing zoning to the equivalent zoning under DLEP 2013.

During the review of submissions on this property it was acknowledged the area of unverified scheduled vegetation warranted further investigation and the site was subsequently deferred from DLEP 2013.

The vegetation on the site has since been reviewed and is as shown in Figure 3.

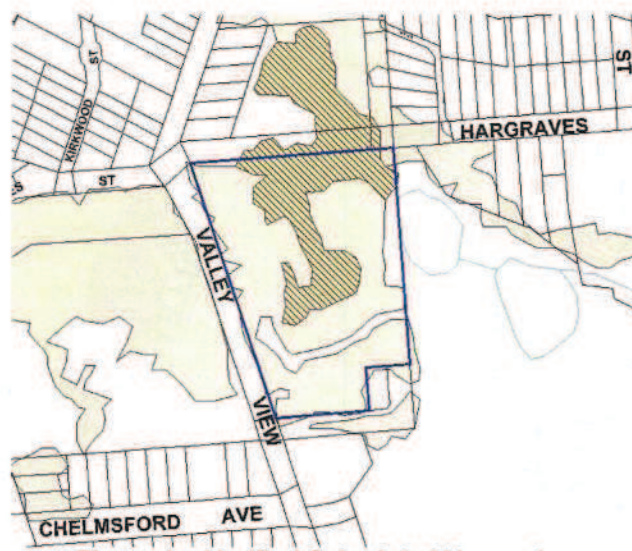


Figure 3 – Verified Scheduled Vegetation

The E2 Environmental Conservation zone has been applied where land contains one or more environmental constraints such as contiguous slopes steeper than 33 per cent, verified significant vegetation communities or land within a watercourse corridor, unless the proposed extent of E2 would prohibit development opportunities on a site.

As a result of the vegetation at this site having been verified by site inspection, the E2 Environmental Conservation Zone has been applied as below. The introduction of the E2 Environmental Conservation Zone has implications for associated mapped provisions under DLEP 2013 and these are also shown below.





Recommendations

- BH.1 That the Blue Mountains DLEP 2015 Land Application Map for 29-39 Hargraves Street Blackheath be amended by deleting the "Deferred Matter" notation.
- BH.2 That the Blue Mountains DLEP 2015 Land Zoning Map for 29-39 Hargraves Street Blackheath be amended as shown on the Land Zoning Map in Attachment 6, Proposed Mapped Provisions to Amendment 1 to DLEP 2015.
- BH.3 That the Blue Mountains DLEP 2015 Lot Size Map for 29-39 Hargraves Street Blackheath be amended as shown on the Lot Size Map in Attachment 6, Proposed Mapped Provisions to Amendment 1 to DLEP 2015.
- BH.4 That the Blue Mountains DLEP 2015 Riparian Land and Watercourses Map for 29-39 Hargraves Street Blackheath be amended as shown on the Riparian Land and

Watercourses Map in Attachment 6, Proposed Mapped Provisions to Amendment 1 to DLEP 2015.

- BH.5 That the Blue Mountains DLEP 2015 Natural Resources - Land Map for 29-39 Hargraves Street Blackheath be amended as shown on the Natural Resources - Land Map in Attachment 6, Proposed Mapped Provisions to Amendment 1 to DLEP 2015.
- BH.6 That the Blue Mountains DLEP 2015 Natural Resources Biodiversity Map for 29-39 Hargraves Street Blackheath be amended as shown on the Natural Resources Biodiversity Map in Attachment 6, Proposed Mapped Provisions to Amendment 1 to DLEP 2015.
- BH.7 That the Height of Buildings Map Blue Mountains DLEP 2015 Map for 29-39 Hargraves Street Blackheath be amended as previously exhibited.

Attachment 7 - Deferred Matters: 38 Grose Street, Blackheath and adjoining properties

Deferred Item

38 Grose Street Blackheath and adjoining properties**Previous Resolution of the Council**

At the Extraordinary Meeting on the 14 August 2014, the Council resolved to defer 38 Grose Street Blackheath and adjoining properties from DLEP 2013.

Background and Proposal

Four individuals made a submission requesting that the land be rezoned E2 Environmental Conservation as the land contains a swamp and significant vegetation.



Figure 1 – Locality Map

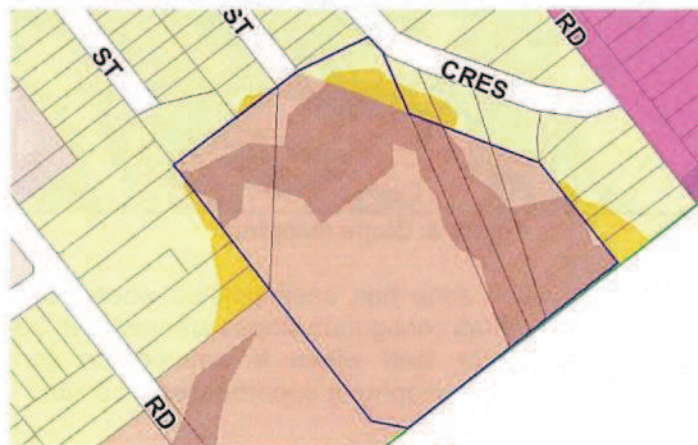


Figure 2 – Current Zones

The properties as shown above are partly zoned under LEP 1991 and partly under LEP 2005 (refer Figure 2). Under LEP 2005 the Environmental Protection – Private zone is shown over an area that met the requirements for that zone. It appears in the process of preparing the mapping for DLEP 2013 that the part of the site covered by LEP 1991 may not have been appropriately reviewed for scheduled vegetation. As any increase in the coverage of E2 Environmental Conservation on a site would be a substantive change it was resolved that this site be deferred from the plan to carry out a review and enable further public consultation if required.

The vegetation on the site has since been reviewed and is as shown in Figure 3.



Figure 3 – Verified Scheduled Vegetation

There also exist areas of slope greater than 33% in the area, shown as red in Figure 4.

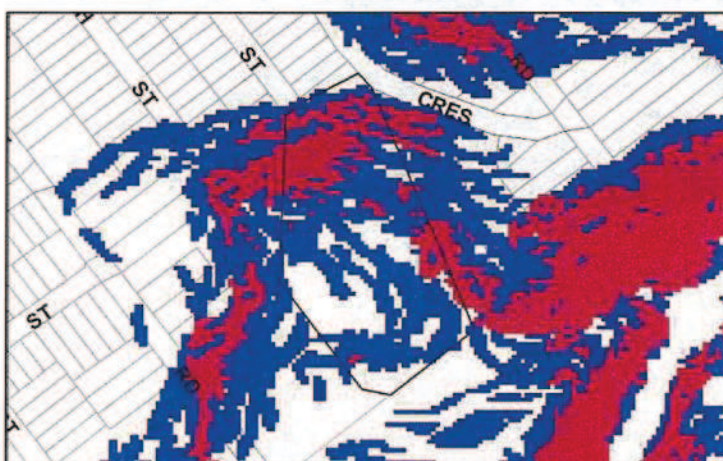
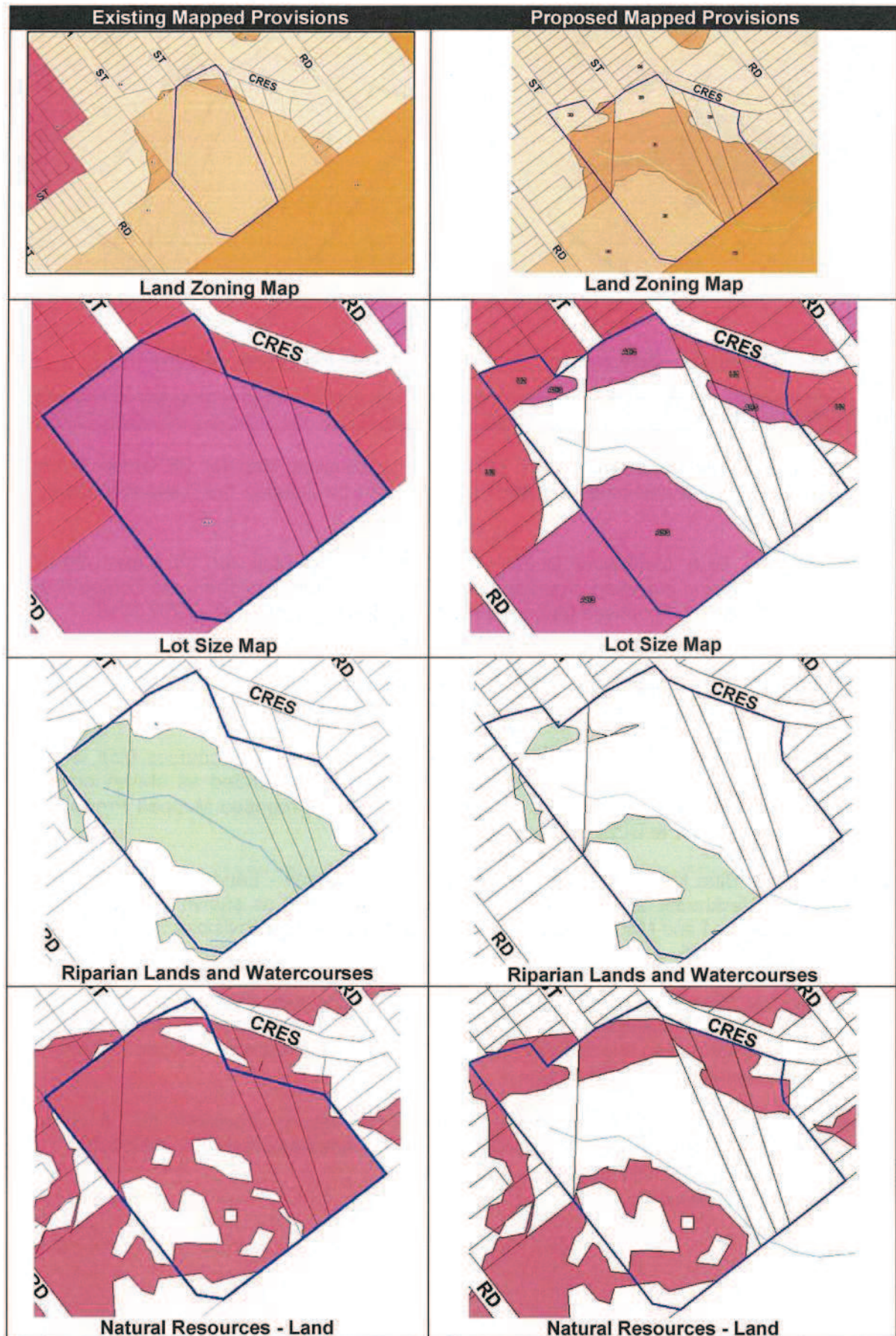
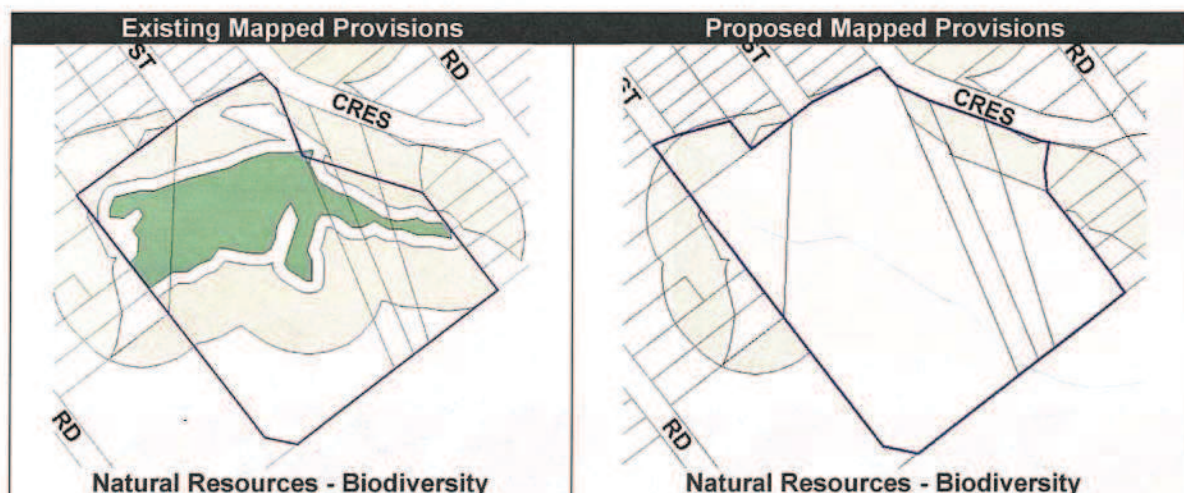


Figure 4: Slope mapping

The E2 Environmental Conservation zone has been applied where land contains one or more environmental constraints such as contiguous slopes steeper than 33 per cent, verified significant vegetation communities or land within a watercourse corridor, unless the proposed extent of E2 would prohibit development opportunities on a site.

As a result of the vegetation at this site having been verified by site inspection, along with slopes in excess of 33%, the E2 Environmental Conservation Zone has been applied as below. The introduction of the E2 Environmental Conservation Zone has implications for associated mapped provisions under DLEP 2013 and these are also shown below.





Recommendations

- BH.8 That the Blue Mountains DLEP 2015 Land Application Map for 38 Grose Street Blackheath and adjoining properties be amended by deleting the "Deferred Matter" notation.
- BH.9 That the Blue Mountains DLEP 2015 Land Zoning Map for 38 Grose Street Blackheath and adjoining properties be amended as shown on the Land Zoning Map in Attachment 7, Proposed Mapped Provisions to Amendment 1 to DLEP 2015.
- BH.10 That the Blue Mountains DLEP 2015 Lot Size Map for 38 Grose Street Blackheath and adjoining properties be amended as shown on the Lot Size Map in Attachment 7, Proposed Mapped Provisions to Amendment 1 to DLEP 2015.
- BH.11 That the Blue Mountains DLEP 2015 Riparian Land and Watercourses Map for 38 Grose Street Blackheath and adjoining properties be amended as shown on the Riparian land and Watercourse Map in Attachment 7, Proposed Mapped Provisions to Amendment 1 to DLEP 2015.
- BH.12 That the Blue Mountains DLEP 2015 Natural Resources - Land Map for 38 Grose Street Blackheath and adjoining properties be amended as shown on the Natural Resources - Land Map in Attachment 7, Proposed Mapped Provisions to Amendment 1 to DLEP 2015.
- BH.13 That the Blue Mountains DLEP 2015 Natural Resources Biodiversity Map for 38 Grose Street Blackheath and adjoining properties be amended as shown on the Natural Resources - Biodiversity Map in Attachment 7, Proposed Mapped Provisions to Amendment 1 to DLEP 2015.
- BH.14 That the following Blue Mountains DLEP 2015 mapped provisions for 38 Grose Street Blackheath and adjoining properties be amended as previously exhibited:
- Height of Buildings
 - Lot Averaging

Attachment 8 - Deferred Matters: 115, 117, 121-125, 132-140, & 140A Mort Street, Katoomba

Deferred Item

115, 117, 121-125, 132-140 & 140A Mort Street, Katoomba

Previous Resolution of the Council

At the Extraordinary Meeting on the 4 September 2014, the Council resolved to defer 115, 117, 121-125, 132-140 & 140A Mort Street Katoomba from DLEP 2013.

Background and Proposal

Four individuals made a submission noting that the land contains swamp land and requesting that the land be zoned E2 Environmental Conservation.



Figure 1 – Locality Map

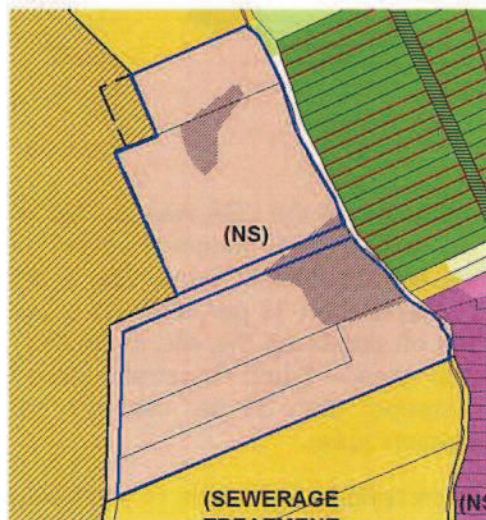


Figure 2 – Current Zones

These larger privately owned properties are located on the western side of Mort St, approximately 2.5 km north of the Great Western Highway and adjoin the reservoir to the west (see Figure 1). Under LEP1991 this general area was zoned Bushland Conservation (No Subdivision) and has been translated into E3 – Environmental Management, which is the best fit translation of LEP1991 zone. (Refer Figure 2 above). The Council proposed to rezone the watercourse E2 and further protection of the watercourse is provided by the riparian land which has been mapped on the properties to provide a buffer to the creek.

It appears in the process of preparing the mapping for DLEP 2013 that this area may not have been appropriately reviewed for the application of the E2 Environmental Conservation zone. As any increase in the coverage of E2 Environmental Conservation on any site would be a substantive change it was resolved that these properties be deferred from the plan to carry out a review and enable further public consultation if required.

The application of the E2 Environmental Conservation zone

The E2 Environmental Conservation zone is applied where land contains one or more environmental constraints such as contiguous slopes steeper than 33 per cent, verified significant vegetation communities or land within a watercourse corridor, unless the proposed extent of E2 would prohibit development opportunities on a site. When the application of the E2 Environmental Conservation zone would preclude development potential on a site then Protected Area mapping is used.

Each of the above constraints will be reviewed for this deferred area.

Slope mapping

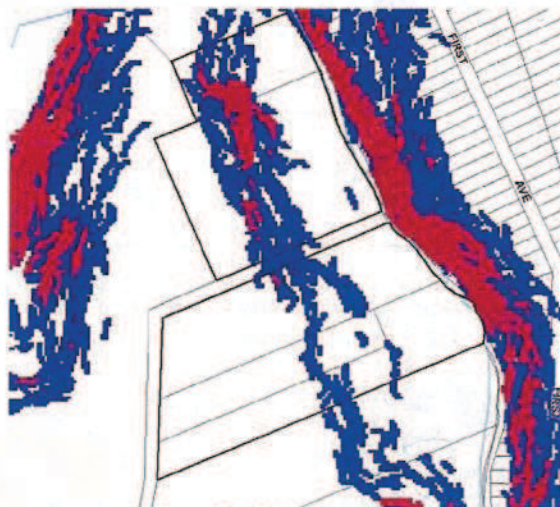


Figure 3: Slope mapping

Slope mapping for the LGA was carried out as part of Blue Mountains Environmental Study 2002, in response to concerns raised by Commissioner Carleton. An extract from this mapping for the subject properties is shown above with red areas showing contiguous slopes steeper than 33 per cent and those in blue showing areas in excess of 20 per cent. All areas of slopes on the site in excess of 20 per cent were exhibited in DLEP 2013 as Protected Area – Slope Constraint Area. However, as noted above, areas of contiguous slopes steeper than 33 per cent are used for the application of the E2 Environmental Conservation zone.

It is recommended that areas of contiguous slopes steeper than 33 per cent be considered for the application of E2 Environmental Conservation zone. Slopes greater than 20 per cent not included in any E2 Environmental Conservation zone on these properties will be mapped as Slope Constraint Area which will provide protection of the site's attributes for any further development arising on the site, in terms of minimising vegetation clearing and soil disturbance.

Vegetation mapping

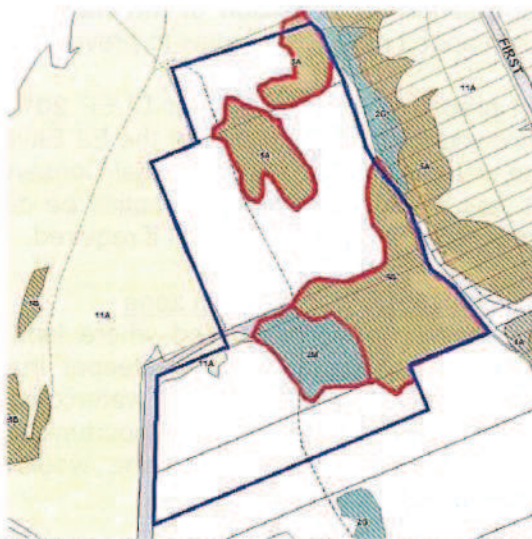


Figure 4 - Verified scheduled vegetation shown with a red border

The vegetation in this area was verified as part of the background work to DLEP 2013, as shown above. The verified scheduled vegetation on the site was exhibited in DLEP 2013 as Protected Area – Vegetation Constraint Area. However, as noted above, verified significant vegetation communities are generally used for the application of the E2 Environmental Conservation zone.

It is recommended that the parts of the subject properties mapped as verified scheduled vegetation be considered for the application of E2 Environmental Conservation zone.

Ecological Buffer Area

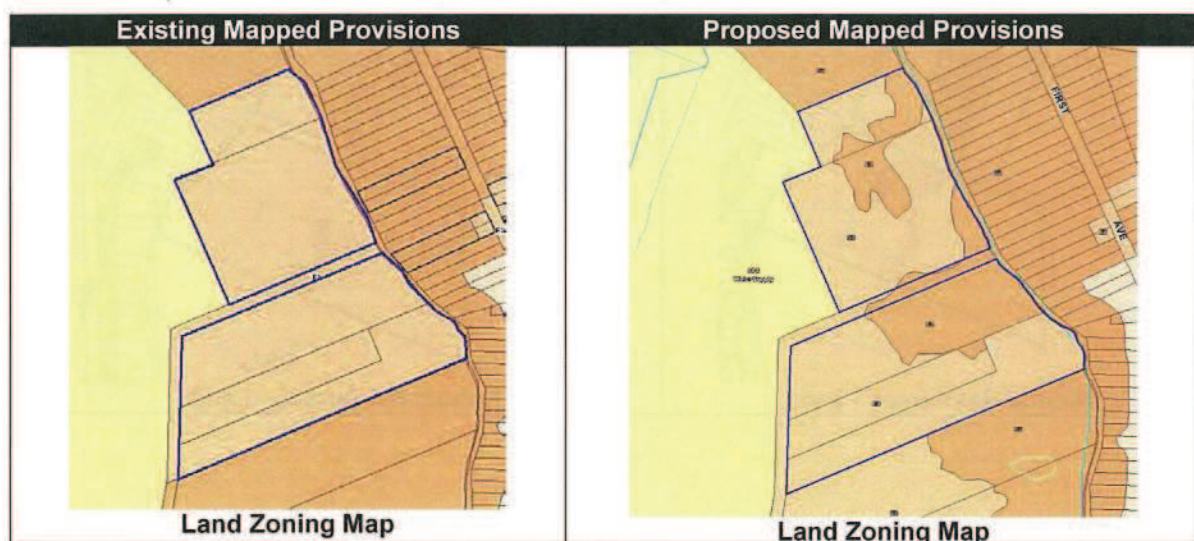
A 50m wide buffer, the Ecological Buffer Area (EBA), is placed around areas of verified scheduled vegetation that are mapped as E2 Environmental Conservation zone. With the proposed application of the E2 Environmental Conservation zone verified scheduled vegetation on the property, an Ecological Buffer Area will now be included for those areas, in addition to the exhibited EBA that was shown for the subject properties in DLEP 2013. The EBA as exhibited in DLEP 2013 was applied to verified scheduled vegetation mapped as E2 Environmental Conservation zone on neighbouring properties.

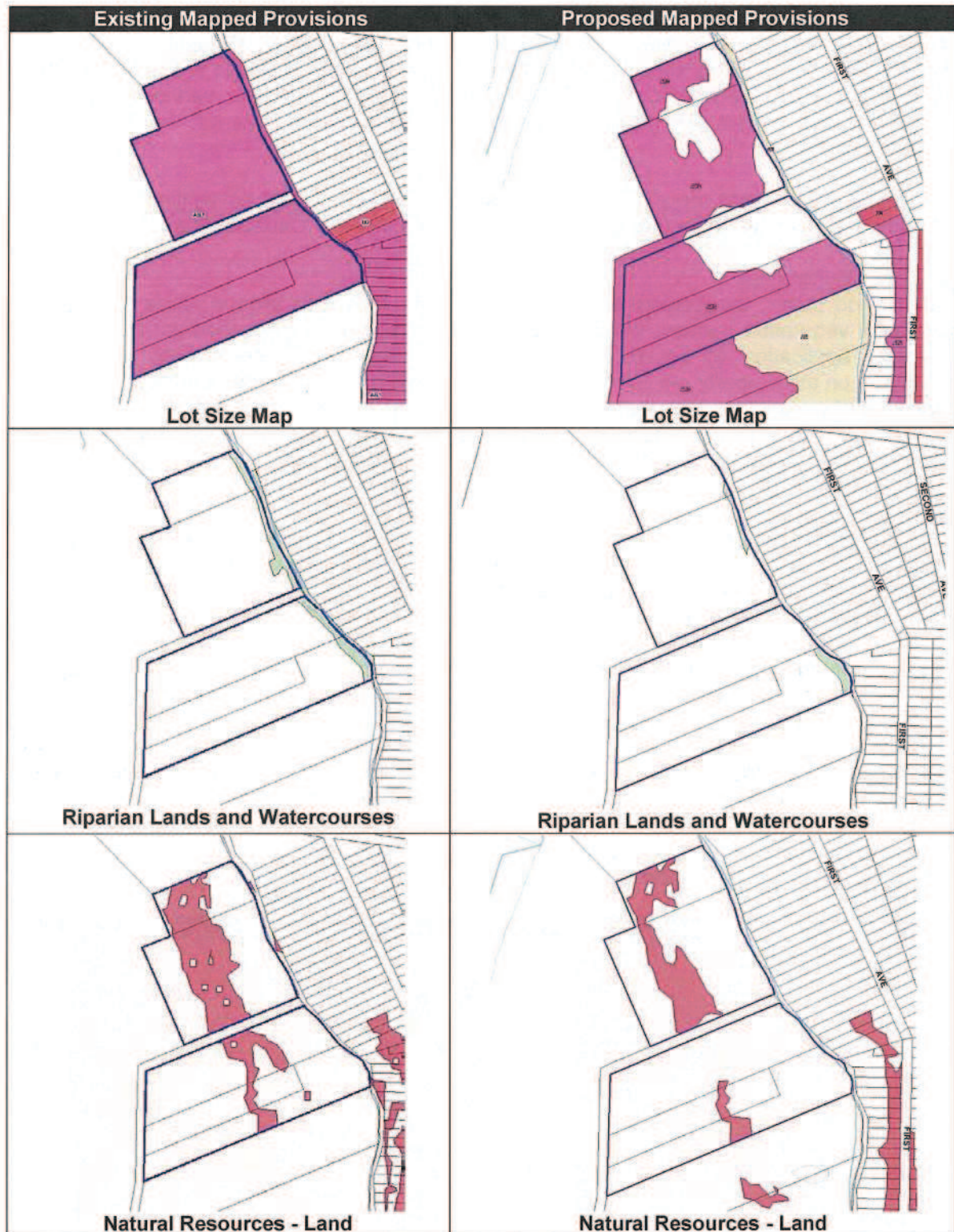
Riparian Land Area

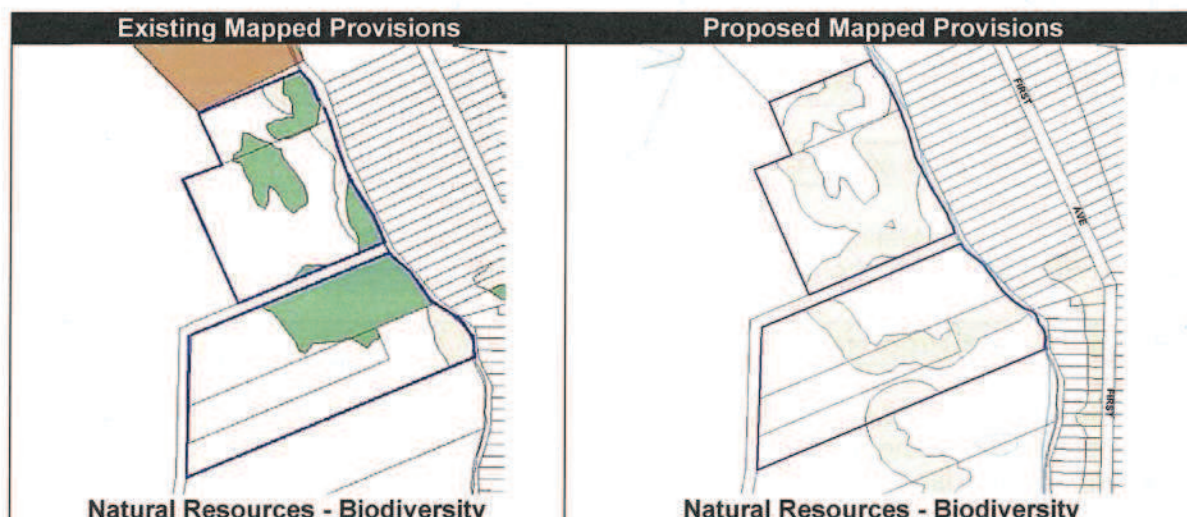
The Protected Area - Riparian Land and Watercourses map shows a Riparian Land Area for some of the subject properties. The area shown as Riparian Land Area has been worked out in accordance with the Blue Mountains Riparian Buffer Model used in LEP 2005 and extended into LEP 1991 areas with the preparation of DLEP 2013.

It is recommended that the exhibited area of Protected Area - Riparian Land for DLEP 2013 be retained, not including any part that is to be included in an E2 Environmental Conservation zone.

It is recommended that the E2 Environmental Conservation Zone be applied to the subject properties as shown below, with the remainder of the properties to be zoned E3 Environmental Management zone. The introduction of the E2 Environmental Conservation Zone has implications for associated mapped provisions under DLEP 2013, as discussed above, and these are also to be applied as shown below.







Recommendations

- K.1 That the Blue Mountains DLEP 2015 Land Application Map for 115, 117, 121-125, 132-140 & 140A Mort Street Katoomba be amended by deleting the "Deferred Matter" notation.
- K.2 That the Blue Mountains DLEP 2015 Land Zoning Map for 115, 117, 121-125, 132-140 & 140A Mort Street Katoomba be amended as shown on the Land Zoning Map in Attachment 8, Proposed Mapped Provisions to Amendment 1 to DLEP 2015.
- K.3 That the Blue Mountains DLEP 2015 Lot Size Map for 115, 117, 121-125, 132-140 & 140A Mort Street Katoomba be amended as shown on the Lot Size Map in Attachment 8, Proposed Mapped Provisions to Amendment 1 to DLEP 2015.
- K.4 That the Blue Mountains DLEP 2015 Riparian Land and Watercourses Map for 115, 117, 121-125, 132-140 & 140A Mort Street Katoomba be amended as shown on the Riparian land and Watercourse Map in Attachment 8, Proposed Mapped Provisions to Amendment 1 to DLEP 2015.
- K.5 That the Blue Mountains DLEP 2015 Natural Resources - Land Map for 115, 117, 121-125, 132-140 & 140A Mort Street Katoomba be amended as shown on the Natural Resources - Land Map in Attachment 8, Proposed Mapped Provisions to Amendment 1 to DLEP 2015.
- K.6 That the Blue Mountains DLEP 2015 Natural Resources Biodiversity Map for 115, 117, 121-125, 132-140 & 140A Mort Street Katoomba be amended as shown on the Natural Resources - Biodiversity Map in Attachment 8, Proposed Mapped Provisions to Amendment 1 to DLEP 2015.
- K.7 That the Blue Mountains DLEP 2015 Height of Building Map for 115, 117, 121-125, 132-140 & 140A Mort Street Katoomba be amended as previously exhibited.

Attachment 9 - Deferred Matters: 132-140 Mort Street, Katoomba

Deferred Item

132-140 Mort Street Katoomba**Previous Resolution of the Council**

At the Extraordinary Meeting on the 4 September 2014, the Council resolved to defer 132-140 Mort Street Katoomba from DLEP 2013.

Background and Proposal

A submission from the owner stated that the land should have a rural zone, should have no restricted areas including Slope Constraint, Ecological Buffer Area, Vegetation Constraint Areas and Riparian land.



Figure 1 – Locality Map

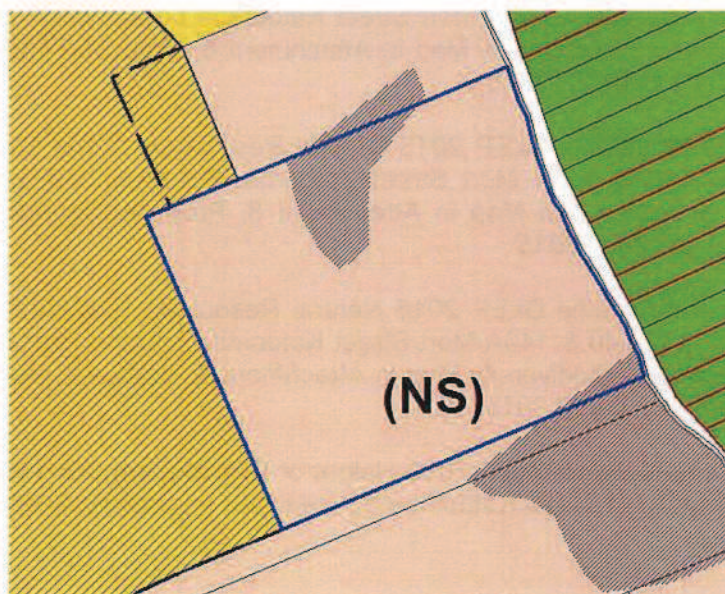


Figure 2 – Current Zones

This property is located approximately 2.6 km from the town centre, is a large allotment (approximately 6 ha) that adjoins other large allotments in North Katoomba and the water reservoir to the west. The property is currently zoned Bushland Conservation (No Subdivision) under LEP 1991 with part of the property shown as Protected Area – Environmental Constraint (the hatched area above). In addition, slopes and vegetation mapping also currently apply to the site through the definition of Development Excluded Land under LEP 1991.

In accordance with the translation approach to DLEP 2013, the current zoning was translated in DLEP 2013 to the equivalent E3 Environmental Management zone, with a minimum lot size of 30 hectares. Existing mapping for slope and vegetation was carried forward into Slope Constraint Area and Vegetation Constraint Area mapping respectively. In addition, mapping for Protected Area - Riparian Land and Protected Area – Ecological Buffer area, based on work carried out for LEP 2005, was shown as applying to the site.

It appears in the process of preparing the mapping for DLEP 2013 that this property may not have been appropriately reviewed for the application of the E2 Environmental Conservation zone. As any increase in the coverage of E2 Environmental Conservation on a site would be a substantive change it was resolved that this site be deferred from the plan to carry out a review and enable further public consultation if required.

The application of the E2 Environmental Conservation zone

The E2 Environmental Conservation zone is applied where land contains one or more environmental constraints such as contiguous slopes steeper than 33 per cent, verified significant vegetation communities or land within a watercourse corridor, unless the proposed extent of E2 would prohibit development opportunities on a site. When the application of the E2 Environmental Conservation zone would preclude development potential on a site then Protected Area mapping is used.

Each of the above constraints will be reviewed for this property.

Slope mapping

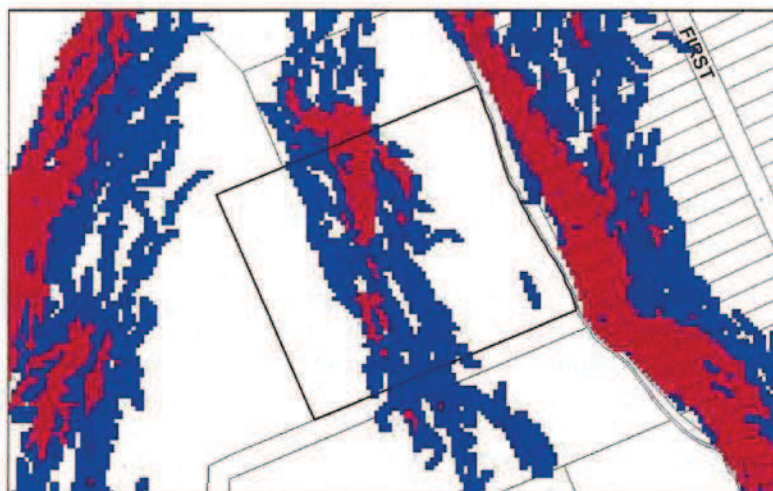


Figure 3: Slope Mapping under existing controls

Slope mapping for the LGA, and on this property, was carried out as part of Blue Mountains Environmental Study 2002, in response to concerns raised by Commissioner Carleton. An extract from this mapping for the property is shown above with red areas showing contiguous slopes steeper than 33 per cent and those in blue showing areas in excess of 20 per cent. All areas of slopes on the site in excess of 20 per cent were exhibited in DLEP

2013 as Protected Area – Slope Constraint Area. However, as noted above, areas of contiguous slopes steeper than 33 per cent are used for the application of the E2 Environmental Conservation zone.

It is recommended that areas of contiguous slopes steeper than 33 per cent be considered for the application of E2 Environmental Conservation zone. Slopes greater than 20 per cent not included in any E2 Environmental Conservation zone on this property will be mapped as Slope Constraint Area which will provide protection of the site's attributes for any further development arising on the site, in terms of minimising vegetation clearing and soil disturbance.

Vegetation mapping

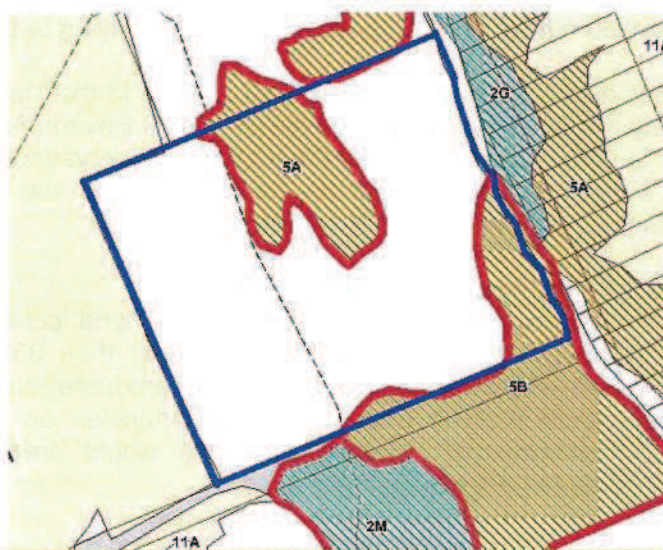


Figure 4 - verified scheduled vegetation shown with a red border

The vegetation on the property was verified as part of the background work to DLEP 2013, as shown above. The verified scheduled vegetation on the site were exhibited in DLEP 2013 as Protected Area – Vegetation Constraint Area. However, as noted above, verified significant vegetation communities are generally used for the application of the E2 Environmental Conservation zone.

It is recommended that the parts of the site mapped as verified scheduled vegetation be considered for the application of E2 Environmental Conservation zone.

Ecological Buffer Area

A 50m wide buffer, the Ecological Buffer Area, is placed around areas of verified scheduled vegetation that are mapped as E2 Environmental Conservation zone. With the proposed application of the E2 Environmental Conservation zone verified scheduled vegetation on the property, an Ecological Buffer Area will now be included for those areas, in addition to the exhibited EBA that was shown for the property in DLEP 2013. The EBA as exhibited in DLEP 2013 was applied to verified scheduled vegetation mapped as E2 Environmental Conservation zone on a neighbouring property.

Riparian Land Area

The Protected Area - Riparian Land and Watercourses map shows a Riparian Land Area for the site. The area shown as Riparian Land Area has been worked out in accordance with the Blue Mountains Riparian Buffer Model used in LEP 2005 and extended into LEP 1991 areas with the preparation of DLEP 2013.

It is recommended that the exhibited area of Protected Area - Riparian Land for DLEP 2013 be retained, not including any part that is to be included in an E2 Environmental Conservation zone.

Protected Area Mapping

The purpose of protected area mapping under DLEP 2013, and associated clauses, is to influence the design and location of proposed development on land to which it applies. It does not apply to existing situations or preclude development in such areas but requires an environmental assessment of the proposed development so that the objectives of the clause are met and any adverse environmental impacts are avoided.

The owner has also stated that these protected areas on the property enhance bushfire risk. However, as discussed above, protected areas on a property are considerations for development and do not prevent property owners from undertaking bushfire hazard reduction on their property in accordance with the relevant legislation.

Minimum Lot Size

The property owner is of the view that the environmental constraints mapped on his property has resulted in a huge financial loss as he is no longer able to subdivide the property into numerous allotments. A search of Council records revealed that prior to LEP 1991, the land was zoned Rural 1(a1) under LEP 4 (1982) and had a single dwelling entitlement and a minimum subdivision requirement of not less than 40 hectares. As the size of the property is less than 80 hectares there was no subdivision potential under the previous planning scheme.

In terms of general subdivision potential, there are a range of environmental impacts associated with increasing the density of development at the urban-bushland interface. These primarily relate to the quantity and quality of urban runoff, soil erosion and bushfire risk. Subdivision also entails a variety of considerations of which environmental constraints are some. Other constraints such as infrastructure (e.g. sewer), bushfire protection and access must also be taken into consideration. It has also been a long term policy of Council to concentrate higher density developments close to the town centre, density is then reduced as the distance increases and infrastructure and services decline in availability.

In addition, the Residential Development Strategy and Addendum note that was part of the Planning Proposal looked at the potential supply and demand for vacant allotments in the Blue Mountains. The study analysed the subdivision potential under the existing planning controls and took into consideration environmental constraints, the unavailability of reticulated sewer and bushfire planning and found there to likely be a potential for 4,045 additional lots. The study concluded that, taking in past dwelling demand, this land supply will provide sufficient land for residential development well beyond 2030 and that any change to increasing the subdivision control should be considered in this context.

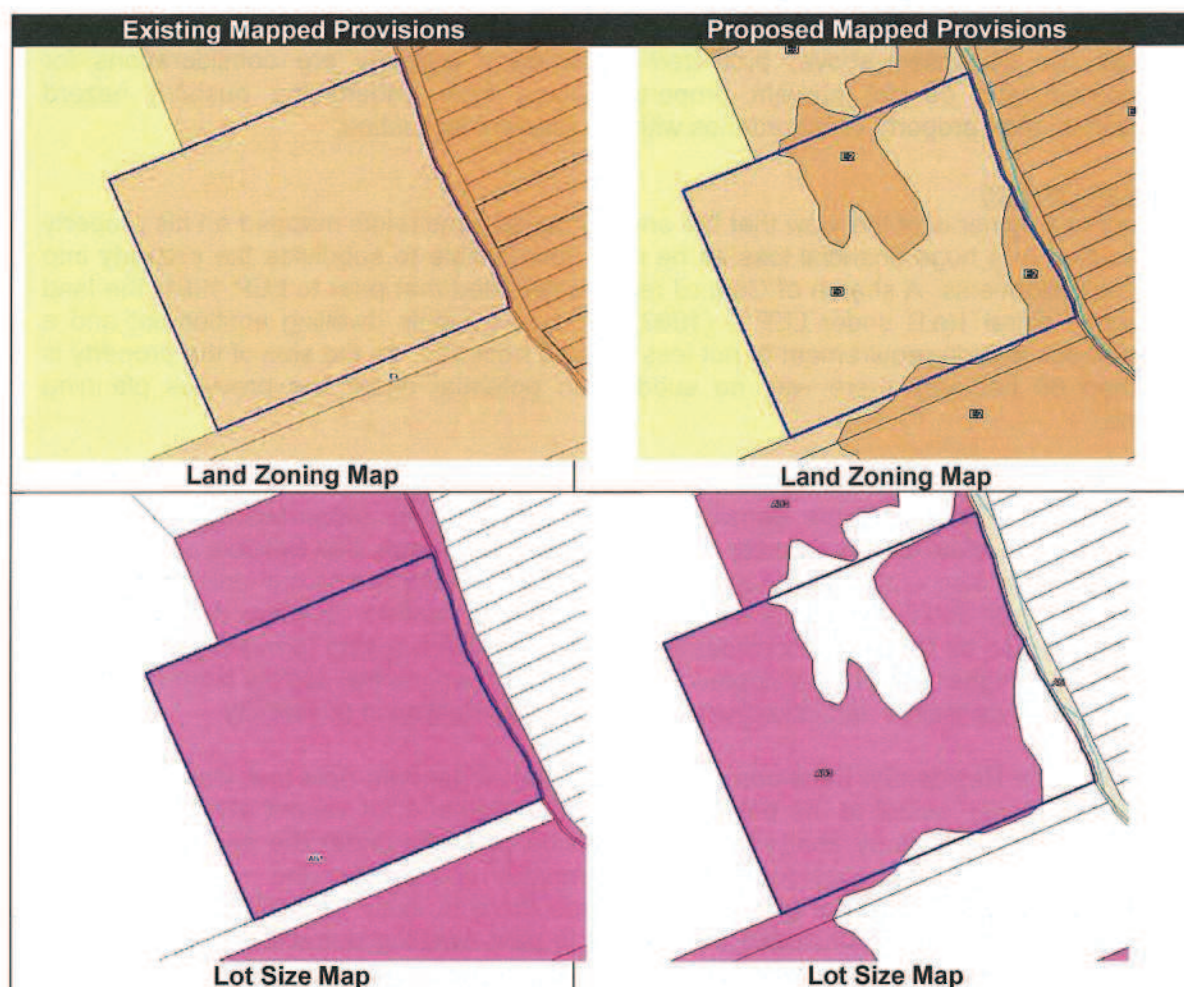
In relation to the subject property, existing environmental constraints along with other constraints such as infrastructure, make the land unsuitable for any increase in residential density through subdivision. Therefore the proposed minimum lot size of 30 hectares is appropriate for the site.

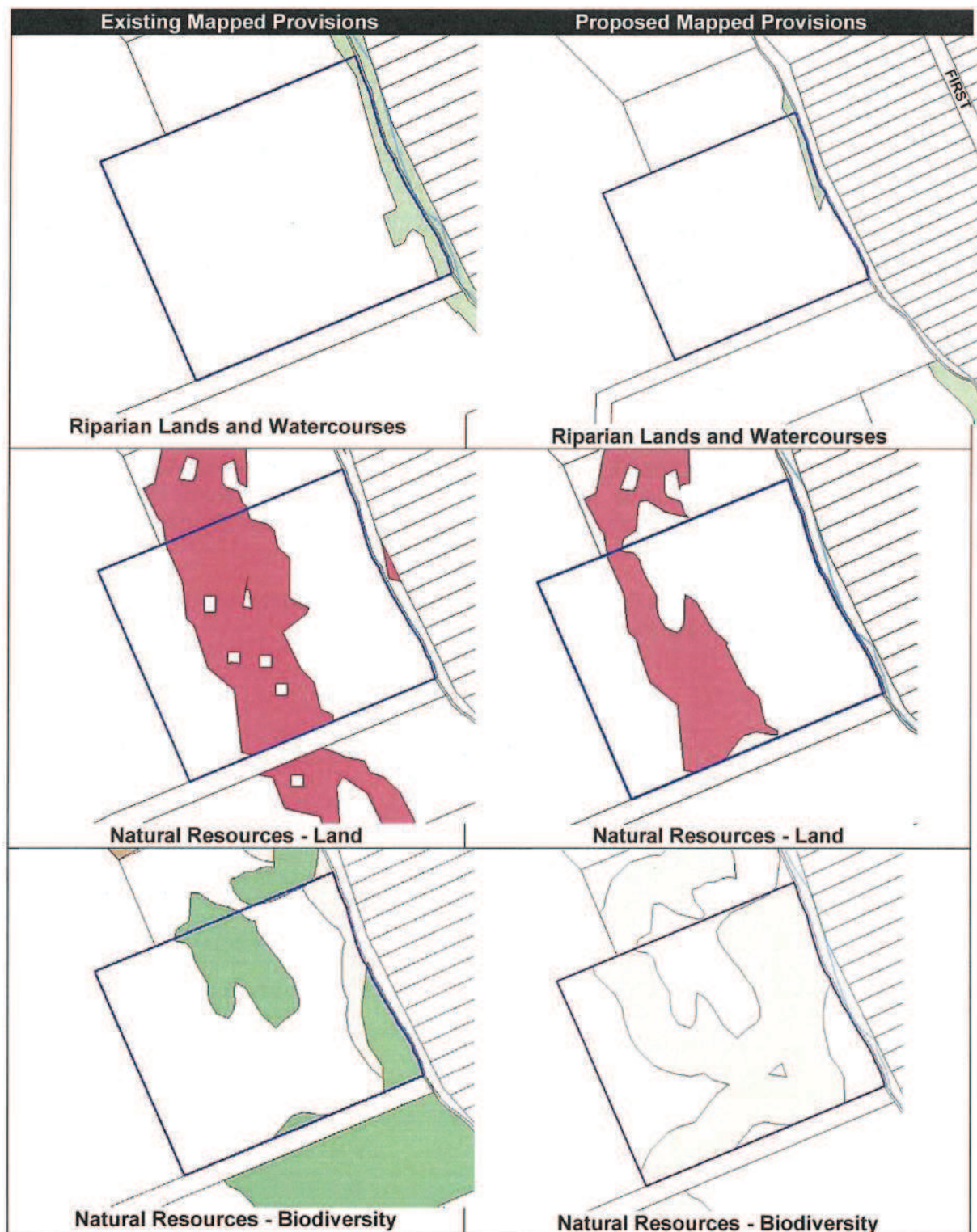
Permitted land uses

The property owner states that the property has existing use for home use, crop and stock production since it was first settled. Home occupation is permitted without consent in the E3 zone, whereas crop and stock production on a commercial scale is a prohibited use in the zone. The use of the property for small scale crop and stock production may have existing use rights if it can be shown to have been carried on continuously at the property. If this is

the case then the area of the property where the established existing uses occur would have primacy over the zoning and protected area mapping. However, this is not a justification for the removal of zoning and protected area mapping as if the use ceases with another property owner then the gazetted zoning and mapping which reflect the current preferred use of the land come into force.

It is recommended that the E2 Environmental Conservation Zone be applied to the subject property as shown below, with the remainder of the property to be zoned E3 Environmental Management zone. The introduction of the E2 Environmental Conservation Zone has implications for associated mapped provisions under DLEP 2013, as discussed above, and these are also to be applied as shown below.





Recommendations

- K.8 That the Blue Mountains DLEP 2015 Land Application Map for 132-140 Mort Street Katoomba be amended by deleting the "Deferred Matter" notation.

- K.9 That the Blue Mountains DLEP 2015 Land Zoning Map for 132-140 Mort Street Katoomba be amended as shown on the Land Zoning Map in Attachment 9, Proposed Mapped Provisions to Amendment 1 to DLEP 2015.
- K.10 That the Blue Mountains DLEP 2015 Lot Size Map for 132-140 Mort Street Katoomba be amended as shown on the Lot Size Map in Attachment 9, Proposed Mapped Provisions to Amendment 1 to DLEP 2015.
- K.11 That the Blue Mountains DLEP 2015 Riparian Land and Watercourses Map for 132-140 Mort Street Katoomba be amended as shown on the Riparian land and Watercourse Map in Attachment 9, Proposed Mapped Provisions to Amendment 1 to DLEP 2015.
- K.12 That the Blue Mountains DLEP 2015 Natural Resources - Land Map for 132-140 Mort Street Katoomba be amended as shown on the Natural Resources - Land Map in Attachment 9, Proposed Mapped Provisions to Amendment 1 to DLEP 2015.
- K.13 That the Blue Mountains DLEP 2015 Natural Resources Biodiversity Map for 132-140 Mort Street Katoomba be amended as shown on the Natural Resources - Biodiversity Map in Attachment 9, Proposed Mapped Provisions to Amendment 1 to DLEP 2015.
- K.14 That the Blue Mountains DLEP 2015 Height of Building Map for 132-140 Mort Street Katoomba be amended as previously exhibited.

Attachment 10 - Deferred Matters: 119-133 Twynam Street, & Twynam Street Road Reserve, Katoomba

Deferred Item

119-133 Twynam Street and Twynam Street road reserve, Katoomba**Previous Resolution of the Council**

At the Extraordinary Meeting on the 4 September 2014, the Council resolved to defer 119-133 Twynam Street and Twynam Street road reserve Katoomba from DLEP 2013.

Background and Proposal

Two submissions were received requesting that the land be rezoned E2 due to the presence of a swamp and significant vegetation.



Figure 1 – Locality Map

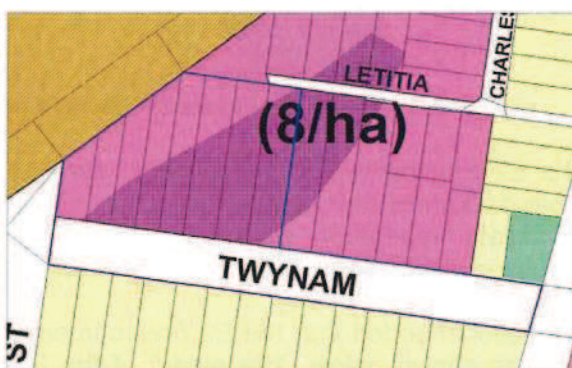


Figure 2 – Current Zones

No. 119 – 133 Twynam Street, Katoomba is currently zoned Residential Bushland Conservation under LEP 1991 (8 lots per hectare minimum subdivision) and was proposed to be zoned E4 – Environmental Living in DLEP 2013. Mapping available at the time did not show any scheduled vegetation on the site, however during the review of submission process it was decided that there was merit in reviewing the presence of scheduled vegetation in this area and any resulting decision to change planning controls in the area, such as the application of the E2 Environmental Conservation zone. As any increase in the coverage of E2 Environmental Conservation on a site would be a substantive change it was resolved that this site be deferred from the plan to carry out a review and enable further public consultation if required.

A review of the land was subsequently carried out and confirmed that the submitters comments are supported with regards to the presence of scheduled vegetation in the general area. Rather than a swamp community, it has been determined that the vegetation type is Eucalyptus Oreades Tall Open Forest, with the exception of the dwelling house at 119 Twynam Street. With regards to the unformed road in Twynam Street, it has been confirmed there are small amounts of significant vegetation identified on the frontage to the unformed road in Twynam Street (127-133 Twynam Street). All the vegetation in this area is regenerating non-scheduled woodland. Figure 3 shows the extent and classification of scheduled vegetation in the area.

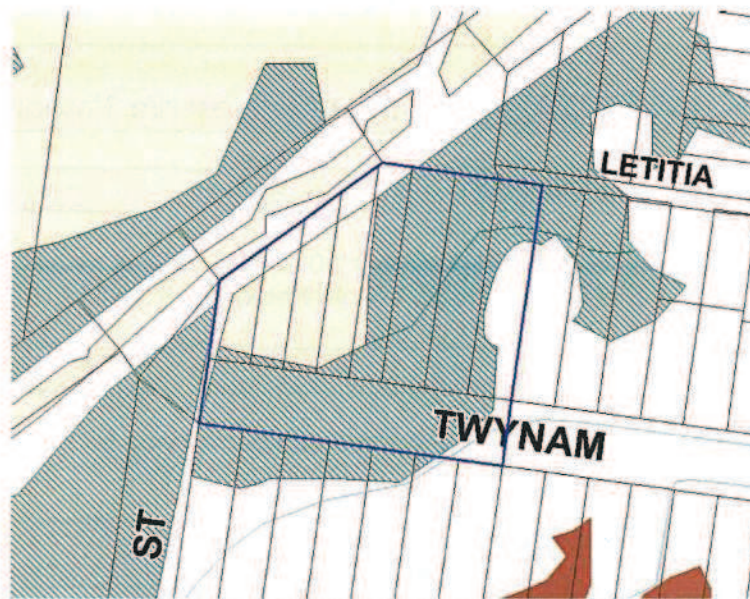
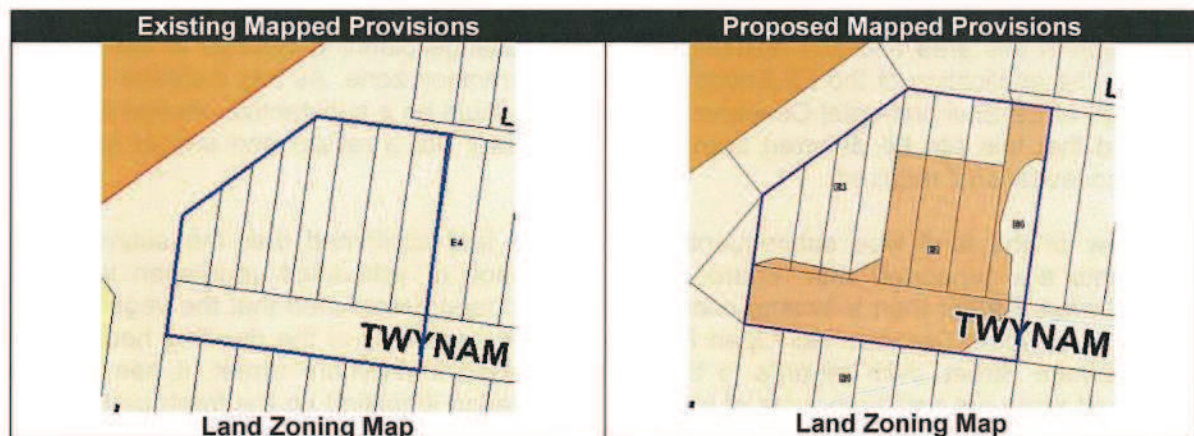
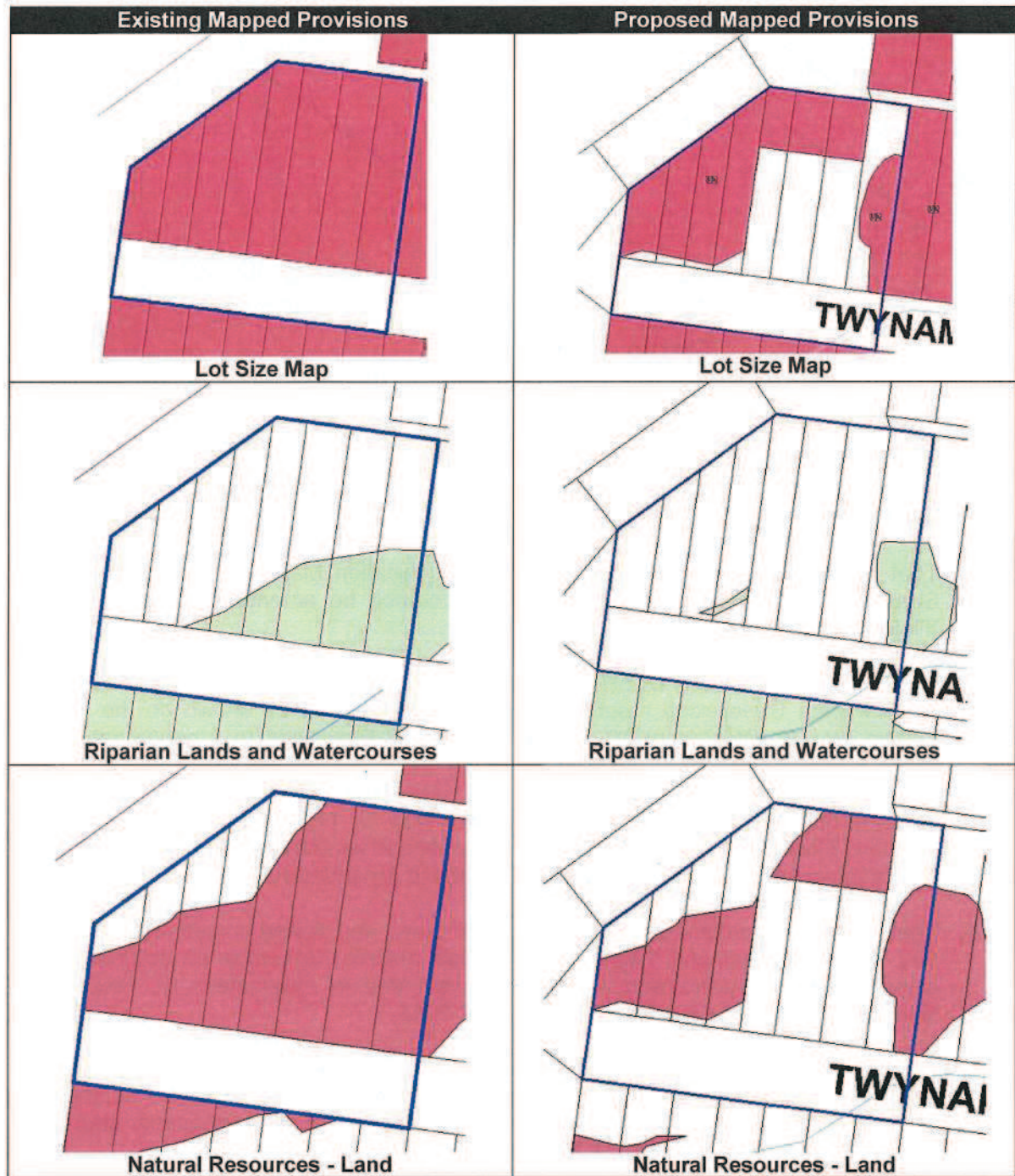


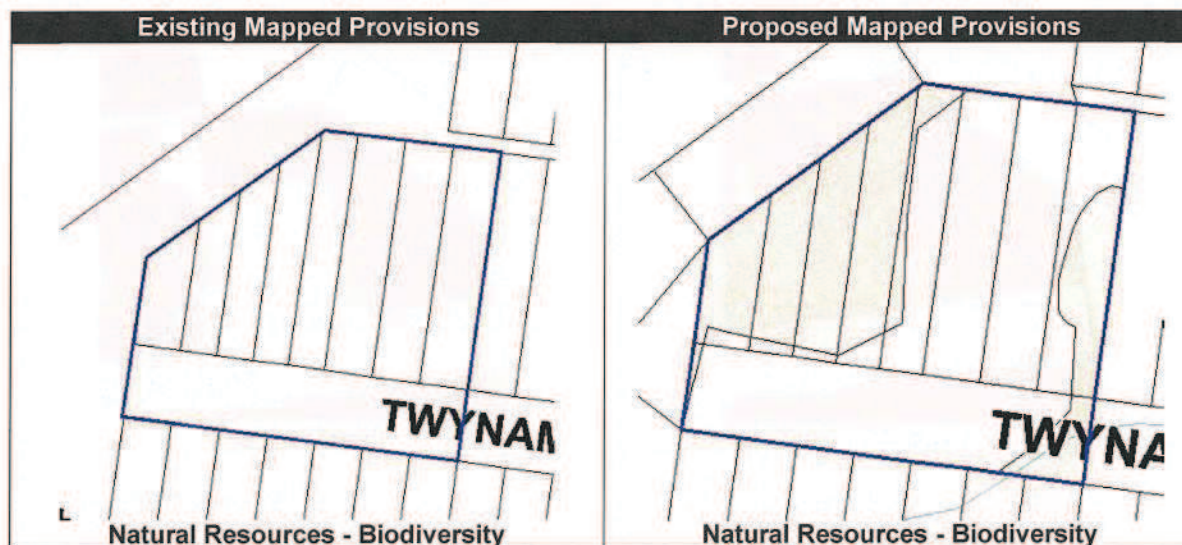
Figure 3 – Verified scheduled vegetation

The E2 Environmental Conservation zone has been applied where land contains one or more environmental constraints such as contiguous slopes steeper than 33 per cent, verified significant vegetation communities or land within a watercourse corridor, unless the proposed extent of E2 would prohibit development opportunities on a site.

It is recommended that the E2 Environmental Conservation zone be applied to the subject area as shown below. The extent of the E2 Environmental Conservation zone has been determined to maximise protection of the verified scheduled vegetation through the application of E2 Environmental Protection while still permitting development potential on E4 Environmental Living zone, with appropriate Protected Area mapping controls. The introduction of the E2 Environmental Conservation Zone on these lots also has implications for associated mapped provisions under DLEP 2013 and these are also shown below.







Recommendations

- K.15 That the Blue Mountains DLEP 2015 Land Application Map for 119-133 Twynam Street and Twynam Street road reserve Katoomba be amended by deleting the "Deferred Matter" notation.
- K.16 That the Blue Mountains DLEP 2015 Land Zoning Map for 119-133 Twynam Street and Twynam Street road reserve Katoomba be amended as shown on the Land Zoning Map in Attachment 10, Proposed Mapped Provisions to Amendment 1 to DLEP 2015.
- K.17 That the Blue Mountains DLEP 2015 Lot Size Map for 119-133 Twynam Street and Twynam Street road reserve Katoomba be amended as shown on the Lot Size Map in Attachment 10, Proposed Mapped Provisions to Amendment 1 to DLEP 2015.
- K.18 That the Blue Mountains DLEP 2015 Riparian Land and Watercourses Map for 119-133 Twynam Street and Twynam Street road reserve Katoomba be amended as shown on the Riparian land and Watercourse Map in Attachment 10, Proposed Mapped Provisions to Amendment 1 to DLEP 2015.
- K.19 That the Blue Mountains DLEP 2015 Natural Resources - Land Map for 119-133 Twynam Street and Twynam Street road reserve Katoomba be amended as shown on the Natural Resources - Land Map in Attachment 10, Proposed Mapped Provisions to Amendment 1 to DLEP 2015.
- K.20 That the Blue Mountains DLEP 2015 Natural Resources Biodiversity Map for 119-133 Twynam Street and Twynam Street road reserve Katoomba be amended as shown on the Natural Resources - Biodiversity Map in Attachment 10, Proposed Mapped Provisions to Amendment 1 to DLEP 2015.
- K.21 That the following Blue Mountains DLEP 2015 mapped provisions for 119-133 Twynam Street and Twynam Street road reserve Katoomba be amended as previously exhibited:
- Height of Buildings
 - Lot Averaging

Attachment 11 - Deferred Matters: 24 Glenwattle Street, Katoomba and 26-30 Glenwattle Street, Katoomba (formerly 53 Burrawang Street)

Deferred Item

24 & 26-30 Glenwattle Street, Katoomba (formerly 53 Burrawang Street)**Previous Resolution of the Council**

At the Extraordinary Meeting on the 4 September 2014, the Council resolved to defer 24 & 53 Burrawang Street, Katoomba from DLEP 2013. Please note, 53 Burrawang Street, Katoomba has since been renamed to 26-30 Glenwattle Street, Katoomba.

Background and Proposal

A submission from an individual requests that the land be rezoned E2 Environmental Conservation.

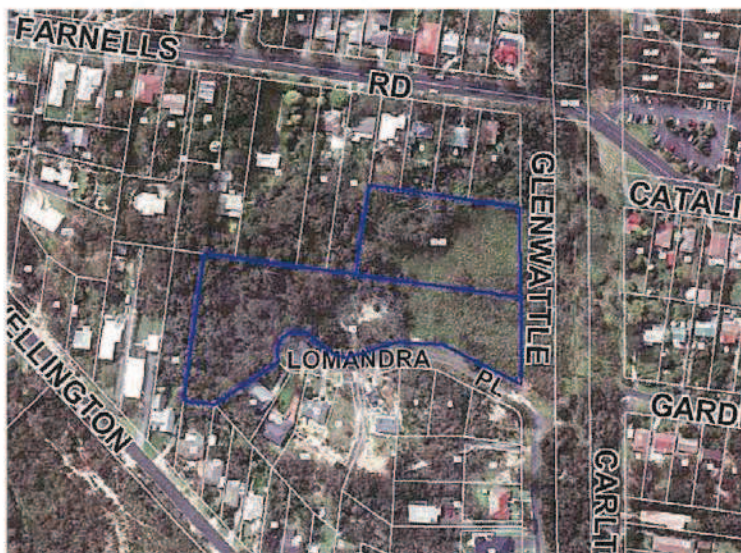


Figure 1 – Locality Map

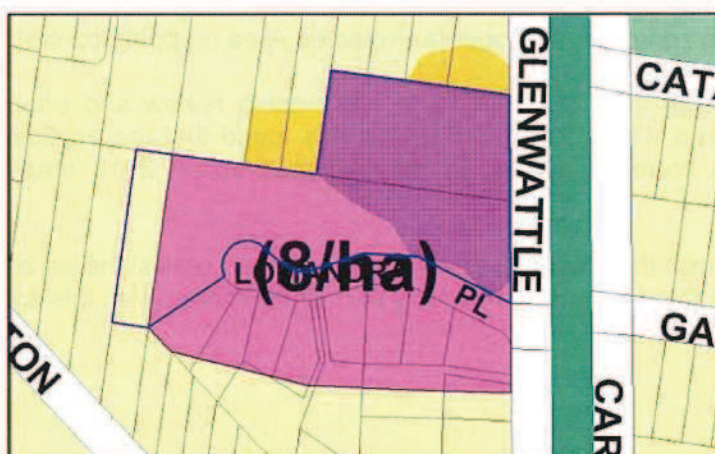


Figure 2 – Current Zones

The land at 24 and 26-30 Glenwattle Street, (formerly 53 Burrawang Street) Katoomba is currently zoned Residential Bushland Conservation (8 lots per ha) under LEP 1991 and was

proposed to be zoned partly E4 – Environmental Living and partially E2 – Environmental Conservation under DLEP 2013.

The E2 Environmental Conservation zone is applied where land contains one or more environmental constraints such as contiguous slopes steeper than 33 per cent, verified significant vegetation communities or land within a watercourse corridor, unless the proposed extent of E2 would prohibit development opportunities on a site. When the application of the E2 Environmental Conservation zone would preclude development potential on a site then Protected Area mapping is used.

The subject properties contains two significant vegetation communities (5B Hanging Swamp) and (2F Tall Open Forest) identified under Schedule 6 of DLEP 2013, which were verified as part of Council's vegetation verification work undertaken as part of DLEP 2013, as shown in Figure 3.

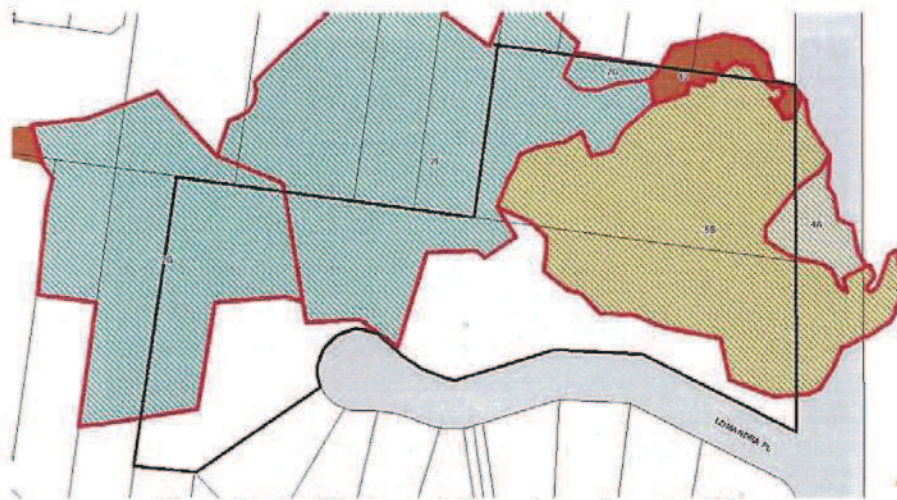


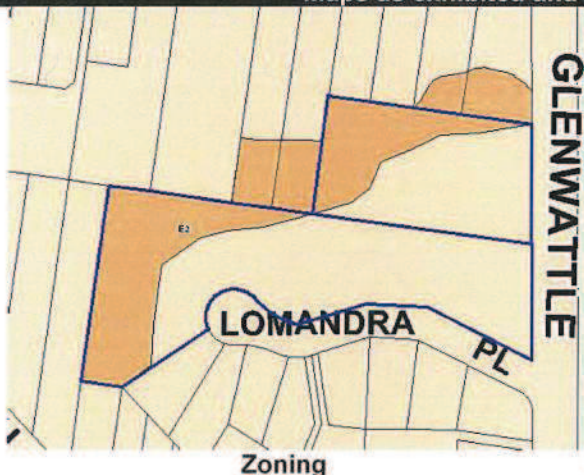
Figure 3 - Verified vegetation shown in red outline

Accordingly, the extent of E2 Environmental Protection zone on the properties applied under DLEP 2013 was chosen to maximise protection of the verified scheduled vegetation through the application of E2 Environmental Protection while permitting development potential on E4 Environmental Living zone with appropriate Protected Area mapping controls.

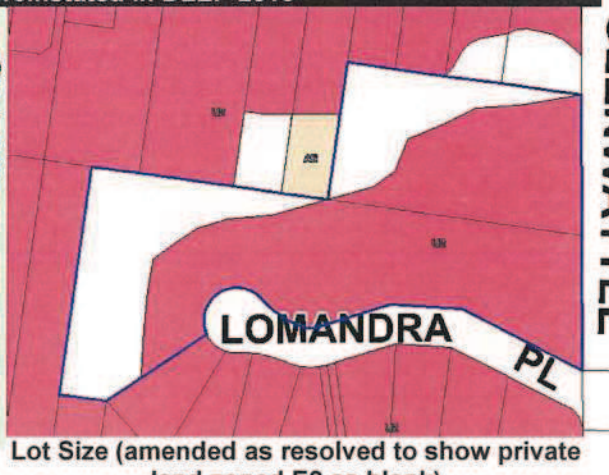
This land was deferred from DLEP 2013 to carry out a review and enable further public consultation if required. The subsequent review has found that the application of zone and site provisions was correctly applied in the exhibited DLEP 2013 maps in the manner described above.

It is recommended that the Council reinstate the mapping provisions as exhibited in DLEP 2013 and notify the Department of Planning and Environment that this site is no longer a deferred matter.

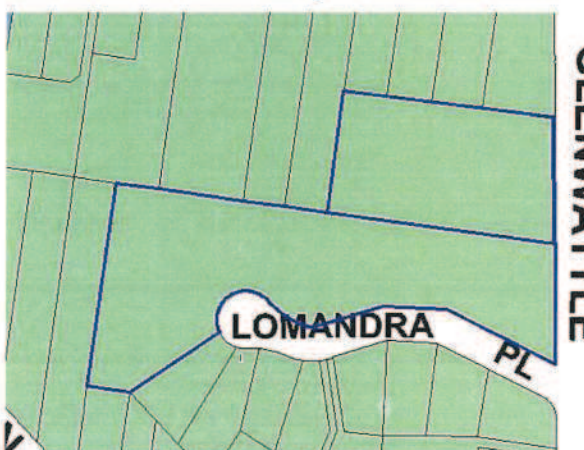
Maps as exhibited and reinstated in DLEP 2013



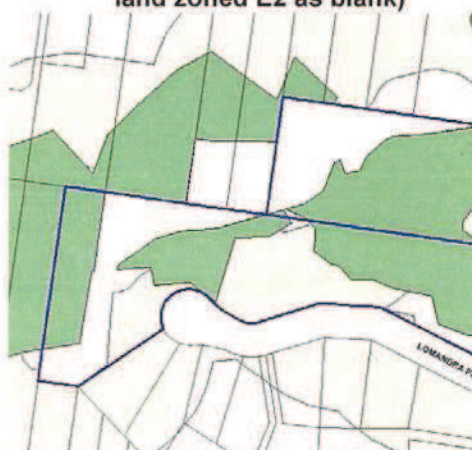
Zoning



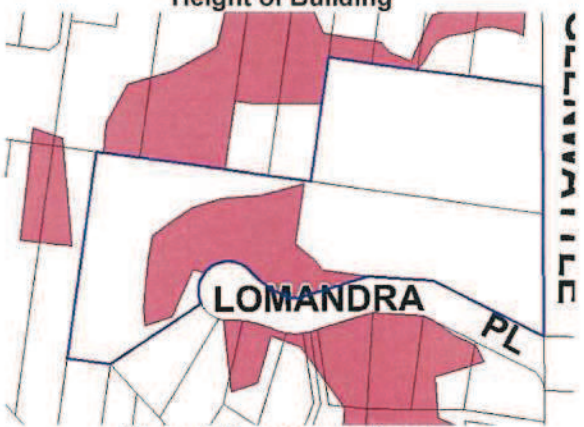
Lot Size (amended as resolved to show private land zoned E2 as blank)



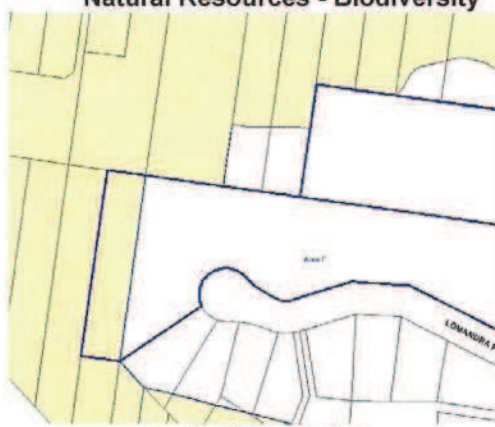
Height of Building



Natural Resources - Biodiversity



Natural Resources - Land



Lot Averaging

Recommendations

- K.22 That the Council notify the Department of Planning and Environment that the land at 24 and 26-30 Glenwattle Street Katoomba (formerly 53 Burrawang Street) is no longer part of the deferred process

- K.23 That the Blue Mountains DLEP 2015 Land Application Map for 24 and 26-30 Glenwattle Street Katoomba (formerly 53 Burrawang Street) be amended by deleting the "Deferred Matter" notation.

Attachment 12 - Deferred Matters: 19 Davidson Road and 22 Denison Road, Leura

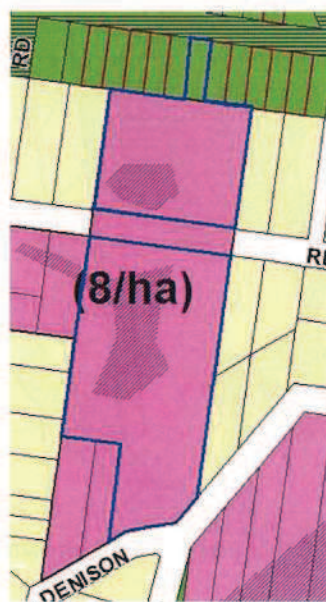
Deferred Item

22 Denison Street and 19 Davidson Street Leura**Previous Resolution of the Council**

At the Extraordinary Meeting on the 4 September 2014, the Council resolved to defer 22 Denison Street and 19 Davidson Street Leura from DLEP 2013.

Background and Proposal

An individual made a submission noting concern that the E4 zoning does not provide sufficient protection to the swamp and requests that a tributary of Yosemite Creek be mapped along with riparian buffer.

**Figure 1 – Locality Map****Figure 2 – Current Zones**

The subject land comprises 3 parcels of land, the two northern parcels being 19 Davidson Road are developed with a dwelling and 22 Denison Road is developed with a church hall and associated infrastructure. The southern allotment of 19 Davidson Road was proposed to be zoned E4 Environmental Living and the northern allotment was proposed to be zoned E2 Environmental Conservation under DLEP 2013. All of 22 Denison Road, Leura was proposed to be E4 Environmental Living under DLEP 2013. The proposed zones are a direct transfer of equivalent zones under LEP 1991.

There are areas of confirmed scheduled vegetation on 19 and 22 Davidson Road, Leura currently shown as Protected Area – Vegetation Constraint Area. It appears in the process of preparing the mapping for DLEP 2013 that this area may not have been appropriately reviewed. As any increase in the coverage of E2 Environmental Conservation on a site would be a substantive change it was resolved that this site be deferred from the plan to carry out a review and enable further public consultation if required.

The E2 Environmental Conservation zone is applied where land contains one or more environmental constraints such as contiguous slopes steeper than 33 per cent, verified significant vegetation communities or land within a watercourse corridor, unless the proposed extent of E2 would prohibit development opportunities on a site. When the application of the E2 Environmental Conservation zone would preclude development potential on a site then Protected Area mapping is used.

As noted above, there are areas of confirmed scheduled vegetation on 19 and 22 Davidson Road, Leura. The scheduled vegetation present on the site being Eucalyptus Radiata Forests, Blue Mountains Swamps and Blue Mountains Heath and Scrub. The extent and type of the scheduled vegetation is shown on the following map.

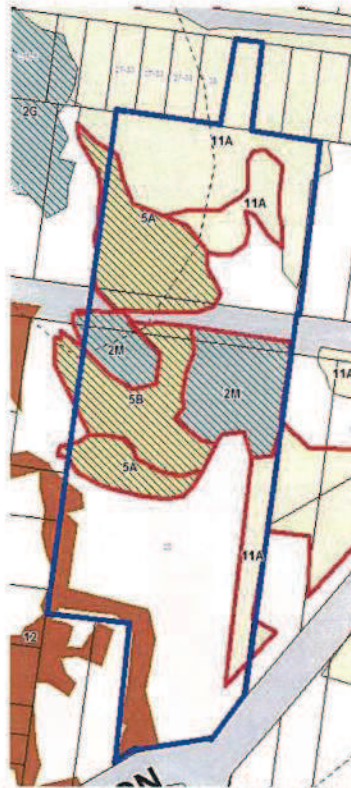


Figure 3 - Verified scheduled vegetation shown with a red border

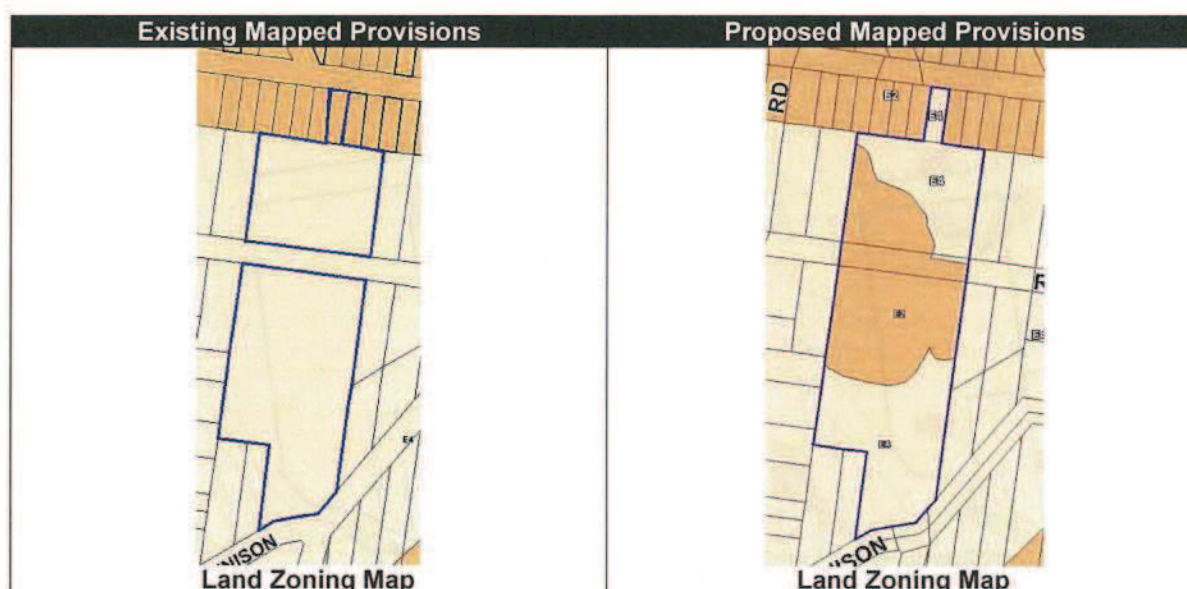
Although these areas of verified scheduled vegetation were exhibited in DLEP 2013 as Protected Area – Vegetation Constraint Area on review the quality and coverage of these

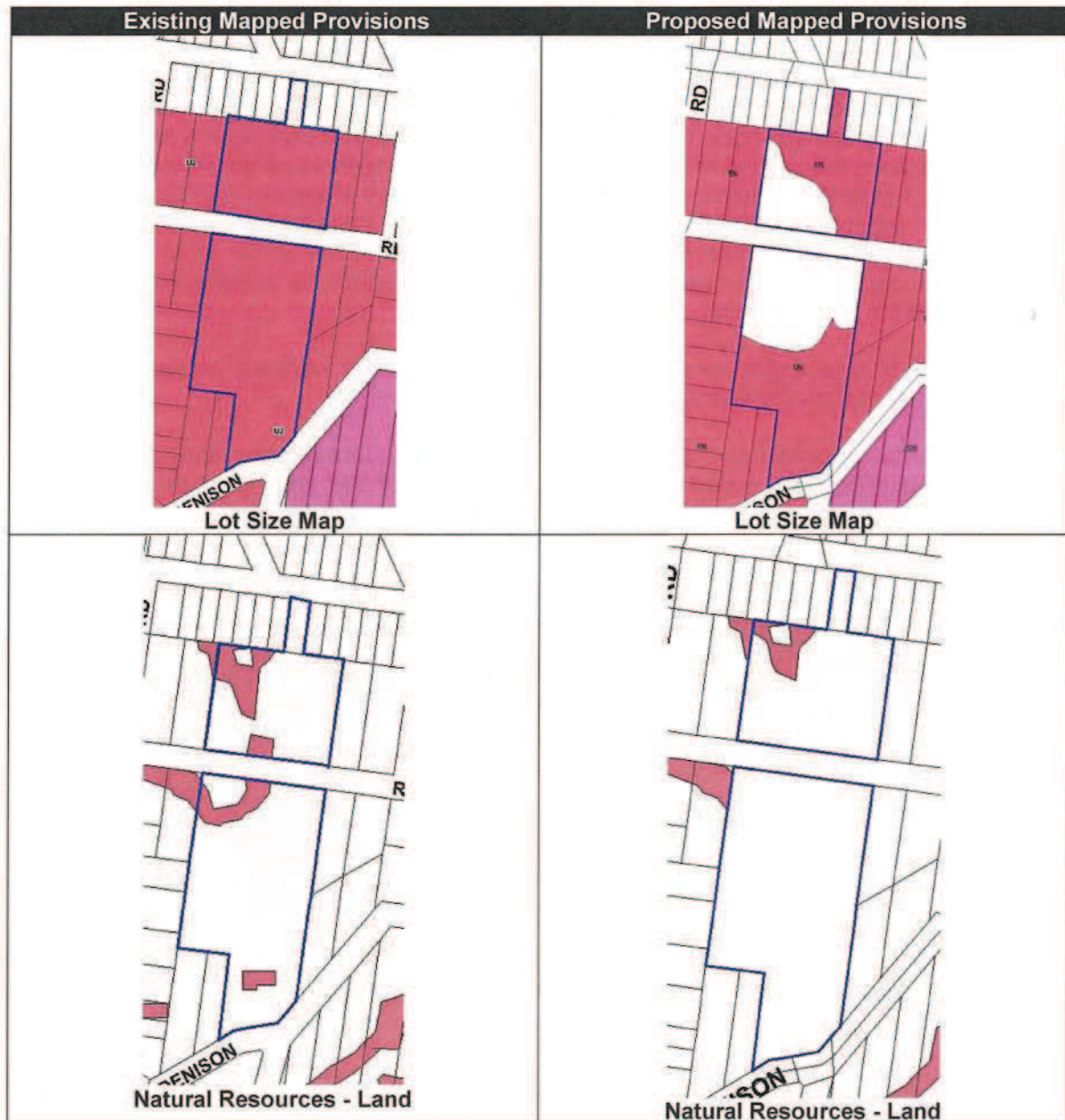
areas is such that they support the application of an E2 Environmental Conservation zone as opposed to a Protected Area designation.

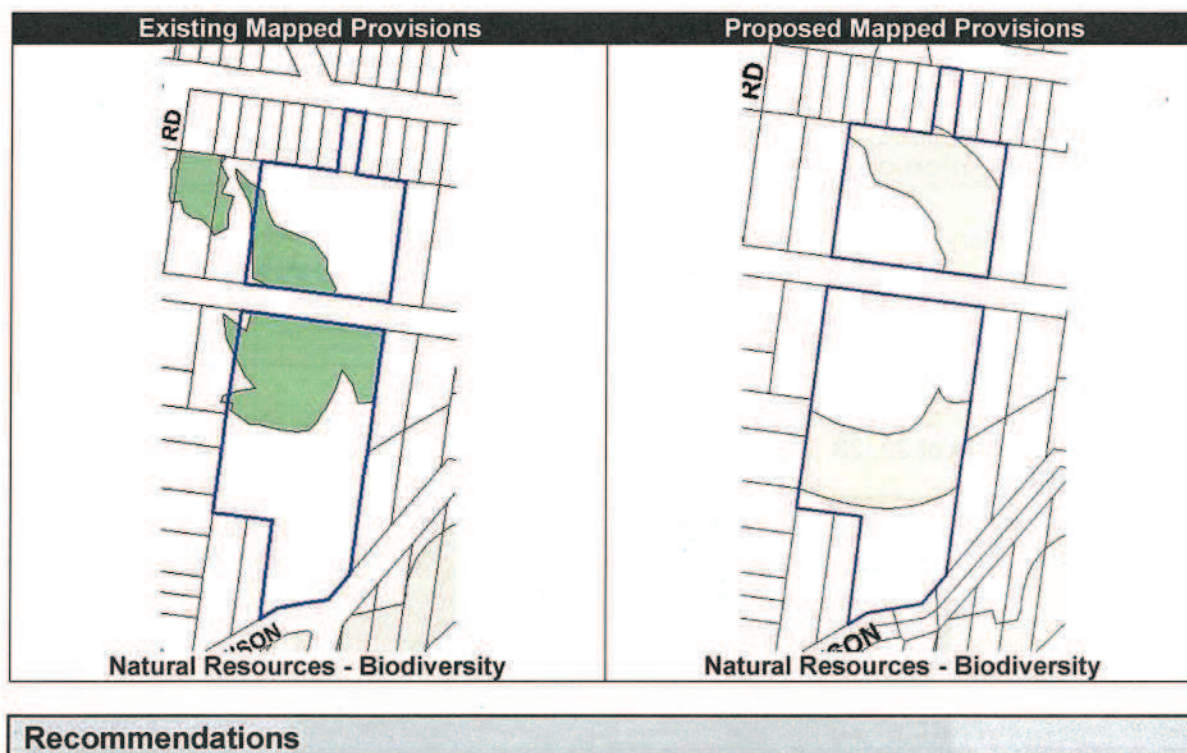
The property owner of 19 Denison Rd, Leura noted there is a watercourse located on the properties and the riparian zone are missing and need to be mapped, as the watercourse often floods across the road and is a permanent creek fed by the swamp. A review of the aerial and topographic mapping of the subject site indicates a depression on the maps through which water in rain events would run, however there doesn't appear to be a defined bed or channel as stated in the definition of a watercourse in the DLEP 2013 dictionary. Therefore it is not considered appropriate to map this depression as a watercourse for the purposes of DLEP 2013 mapping.

If in the event of receiving a development application for either of these properties a site inspection could confirm the existence of a watercourse.

Accordingly, it is recommended that the E2 Environmental Conservation zone be applied where there is scheduled vegetation and the remainder of the land is to be zoned E4 Environmental Living. The introduction of the E2 Environmental Conservation Zone has implications for associated mapped provisions under DLEP 2013 and these are also shown below.







- LA.1 That the Blue Mountains DLEP 2015 Land Application Map for 22 Denison Street and 19 Davidson Street Leura be amended by deleting the "Deferred Matter" notation.
- LA.2 That the Blue Mountains DLEP 2015 Land Zoning Map for 22 Denison Street and 19 Davidson Street Leura be amended as shown on the Land Zoning Map in Attachment 12, Proposed Mapped Provisions to Amendment 1 to DLEP 2015.
- LA.3 That the Blue Mountains DLEP 2015 Lot Size Map for 22 Denison Street and 19 Davidson Street Leura be amended as shown on the Lot Size Map in Attachment 12, Proposed Mapped Provisions to Amendment 1 to DLEP 2015.
- LA.4 That the Blue Mountains DLEP 2015 Natural Resources - Land Map for 22 Denison Street and 19 Davidson Street Leura be amended as shown on the Natural Resources - Land Map in Attachment 12, Proposed Mapped Provisions to Amendment 1 to DLEP 2015.
- LA.5 That the Blue Mountains DLEP 2015 Natural Resources Biodiversity Map for 22 Denison Street and 19 Davidson Street Leura be amended as shown on the Natural Resources - Biodiversity Map in Attachment 12, Proposed Mapped Provisions to Amendment 1 to DLEP 2015.
- LA.6 That the following Blue Mountains DLEP 2015 mapped provisions for 22 Denison Street and 19 Davidson Street Leura be amended as previously exhibited:
- Height of Buildings Map;
 - Lot Averaging Map.

Attachment 13 - Deferred Matters: 23 Farnham Avenue, Wentworth Falls

Deferred Item

23 Farnham Avenue Wentworth Falls**Previous Resolution of the Council**

At the Extraordinary Meeting on the 4 September 2014, the Council resolved to defer 23 Farnham Avenue Wentworth Falls from DLEP 2013.

Background and Proposal

A submission from an individual requested that the E2 zone be applied to the hanging swamps on portions of 22, 23, 24 and 25 Farnham Avenue.



Figure 1 – Locality Map

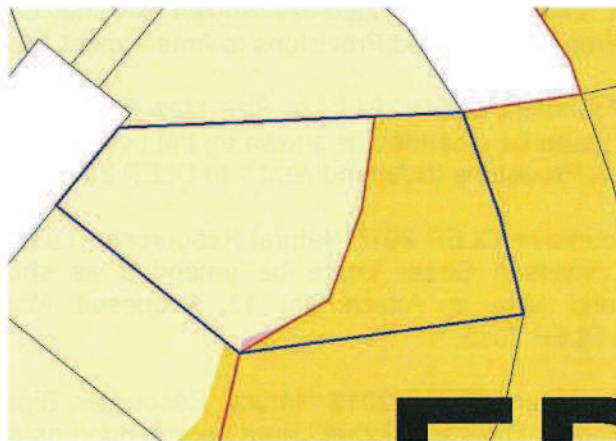


Figure 2 – Current Zones

Under LEP 2005 the above site contains a split zoning of Living Bushland Conservation under LEP 2005 and Environmental Protection (Acquisition) under LEP 1991 (Figure 2).

The majority of the site was proposed to be zoned E4 under DLEP 2013. However, it appears in the process of preparing the mapping for DLEP 2013, the rear portion of the site which was previously zoned Environmental Protection (Acquisition) was incorrectly transferred across as E4 Environmental Living and this is regarded as an oversight and for this reason it was deferred from DLEP 2013.

The E2 Environmental Conservation zone has been applied where land contains one or more environmental constraints such as contiguous slopes steeper than 33 per cent, verified significant vegetation communities or land within a watercourse corridor, unless the proposed extent of E2 would prohibit development opportunities on a site.

The eastern part of the subject land contains area of identified slopes greater than 33 per cent (Figure 3) and verified scheduled vegetation (Figure 4).

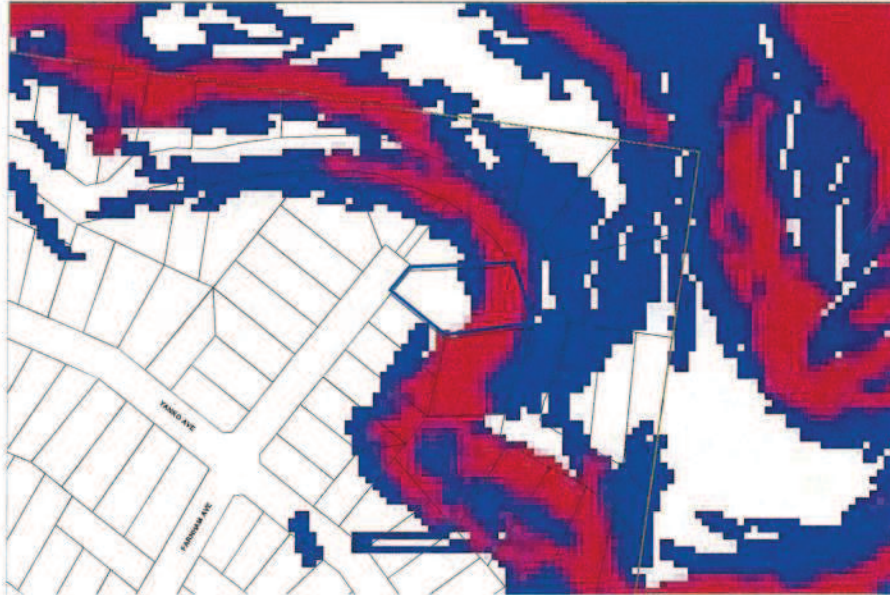


Figure 3 – Slope mapping

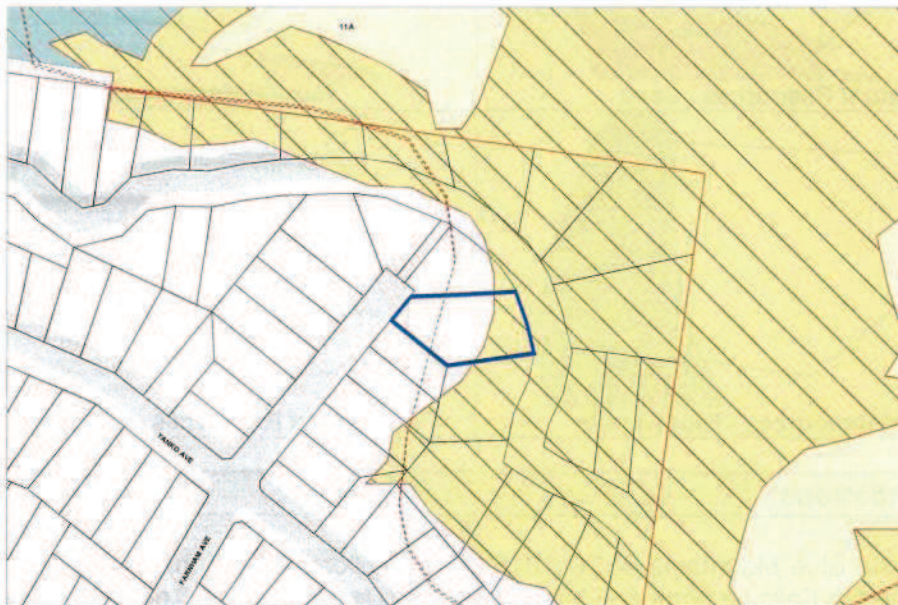
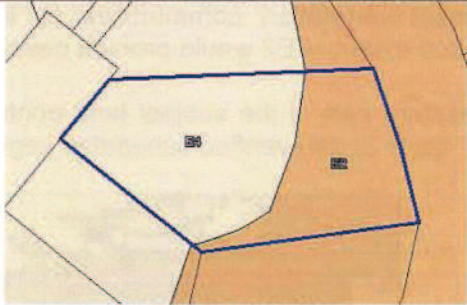
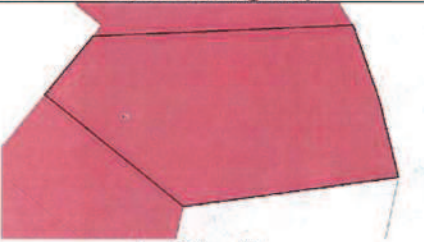
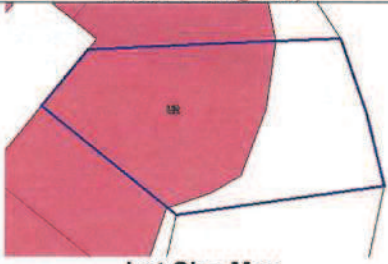
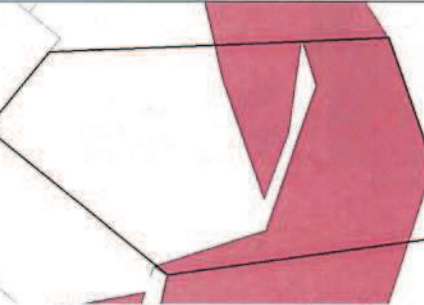
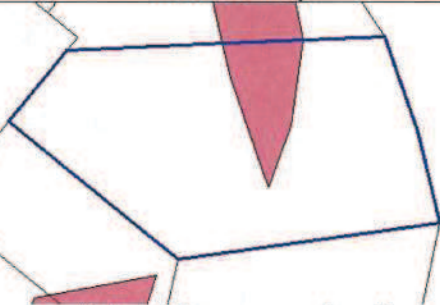
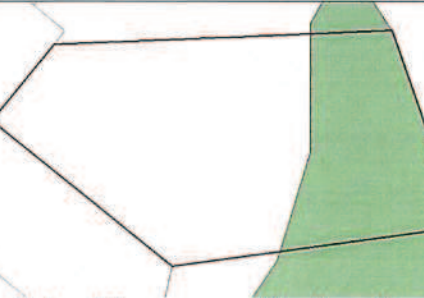
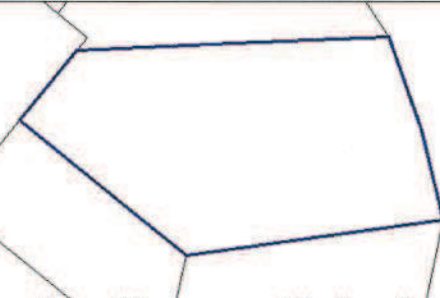


Figure 4 – Scheduled Vegetation mapping

It is therefore recommended that E2 Environmental Conservation be applied over that part of the site currently zoned Environmental Protection (Acquisition) under LEP 1991 as it correlates with the part of the site with slopes greater than 33 per cent and scheduled vegetation.

Furthermore it is recommended that the "acquisition" provision be removed.

Existing Mapped Provisions	Proposed Mapped Provisions
 Land Zoning Map	 Land Zoning Map
 Lot Size Map	 Lot Size Map
 Natural Resources - Land	 Natural Resources - Land
 Natural Resources - Biodiversity	 Natural Resources - Biodiversity
Recommendations	

- WF.1 That the Blue Mountains DLEP 2015 Land Application Map for 23 Farnham Avenue Wentworth Falls be amended by deleting the "Deferred Matter" notation.
- WF.2 That the Blue Mountains DLEP 2015 Land Zoning Map for 23 Farnham Avenue Wentworth Falls be amended as shown on the Land Zoning Map in Attachment 13, Proposed Mapped Provisions to Amendment 1 to DLEP 2015.
- WF.3 That the Blue Mountains DLEP 2015 Lot Size Map for 23 Farnham Avenue Wentworth Falls be amended as shown on the Lot Size Map in Attachment 13, Proposed Mapped Provisions to Amendment 1 to DLEP 2015.

- WF.4 That the Blue Mountains DLEP 2015 Natural Resources - Land Map for 23 Farnham Avenue Wentworth Falls be amended as shown on the Natural Resources - Land Map in Attachment 13, Proposed Mapped Provisions to Amendment 1 to DLEP 2015.
- WF.5 That the Blue Mountains DLEP 2015 Natural Resources - Biodiversity Map for 23 Farnham Avenue Wentworth Falls be amended as shown on the Natural Resources - Biodiversity Map in Attachment 13, Proposed Mapped Provisions to Amendment 1 to DLEP 2015.
- WF.6 That the following Blue Mountains DLEP 2015 mapped provisions for 23 Farnham Avenue Wentworth Falls be amended as previously exhibited:
- Height of Buildings Map;
 - Lot Averaging Map.