



PLANNING PROPOSAL

FOR

DRAFT AMENDMENT 1

to Draft Blue Mountains Local

Environmental Plan 2015

Includes: Planning Proposal
 Attachments to Planning Proposal
 Copy of Business Paper 26 March 2015
 Copy of Addendum to Item 3 of Business Paper 26 March 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 DLEP 2015 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 Local Government Area (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 DLEP 2015 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 2015. However, a number of new areas of new policy have been included in the DLEP 2015, 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 of land being zoned to something other than an equivalent zone in the DLEP 2015.
- *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 2015 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 2015 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 2015. 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

Draft 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 as in Table 1 below. 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.

TABLE 1 – LAND DEFERRED FROM THEN DLEP 2013 TO BE CONSIDERED IN AMENDMENT 1

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
132-140 Mort Street Katoomba	To allow further review of the extent of E2 over the land and other site specific provisions
Multiple lots 119-133 Twynam Street, and Twynam St, Road Reserve, Katoomba	To allow further review of the extent of E2 over the land
24 and 26-30 Glenwattle Street Katoomba (formerly 53 Burrawang Street)	To allow further review of the extent of E2 over the land
111 Mort Street Katoomba	To allow further review of potential contamination on 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.

Location	Reason
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.
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 A 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.

The proposed outcome will be achieved by preparing an amendment to DLEP 2015 in the form shown in the Attachments – Review of Individual Sites.

DLEP 2015 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.

Table 2 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 this 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		

STANDARD INSTRUMENT LEP		EXISTING BLUE MOUNTAINS LEPs		
ZONE		LEP 2005	LEP 1991	LEP 4
		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 2015. DLEP 2015 was 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 2015 and are therefore relevant to draft Amendment 1 to DLEP 2015. 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.

Council prepared a number of studies prior to the preparation of the DLEP 2015 and the Rural Lands Planning Study has some impact or relevance to certain land included in this Amendment. Table 3 summarises the impact or relevance.

TABLE 3 - ASSESSMENT AGAINST RURAL LANDS PLANNING STUDY

Recommendation	Impact/relevance	Properties affected
Apply the Environmental Protection – Private to scheduled vegetation. Note: The E2 Environmental Conservation zone is equivalent to Environmental Protection.	This recommendation has been applied to the noted parcels following a review of the vegetation and slope – this is consistent with the approach taken in the preparation of DLEP 2015	7-19 Lawsons Long Alley Mount Victoria
		29-39 Hargraves Street Blackheath
		38 Grose Street Blackheath and adjoining properties
		115, 117, 121-125, 132-140 & 140A Mort Street Katoomba
Apply the Environmental Protection – Private zone if 160m ² of contiguous land has a slope greater than 33% and to land mapped as watercourse corridor	This recommendation has been applied to the noted parcels which is consistent with the approach taken in the preparation of DLEP 2015.	7-19 Lawsons Long Alley Mount Victoria
		38 Grose Street Blackheath and adjoining properties
		115, 117, 121-125, 132-140 & 140A Mort Street Katoomba
		73-77 Queens Road Lawson
Apply the Environmental Protection – Ecological Buffer controls if land is within the Riparian Corridor, and outside of the watercourse corridor.	This recommendation has been applied to the noted parcels which is consistent with the approach taken in the preparation of DLEP 2015.	7-19 Lawsons Long Alley Mount Victoria
		29-39 Hargraves Street Blackheath
		38 Grose Street Blackheath and adjoining properties
		115, 117, 121-125, 132-140 & 140A Mort Street Katoomba
Continue the current "No Subdivision" and "Consolidation" restrictions where they currently apply. Maintain current minimum lot size requirements where they currently apply.	This recommendation has been applied to the noted parcels which is consistent with the approach taken in the preparation of DLEP 2015.	7-19 Lawsons Long Alley Mount Victoria
		29-39 Hargraves Street Blackheath
		73-77 Queens Road Lawson

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 2015. 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?**

Draft Amendment 1 to DLEP 2015 is seeking to transfer the land deferred from the standard instrument process into the Blue Mountains DLEP 2015. Draft 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 Draft Amendment 1 to DLEP 2015 with all State Environmental Planning Policies (SEPP's) has been undertaken as in the table below.

Note:

¹ **Not Relevant:** This provision or planning instrument does not apply to land within the Draft Amendment 1 to DLEP 2015

² **Consistent:** This provision or planning instrument applies; the Draft Amendment 1 to DLEP 2015 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	✓		

State Environmental Planning Policies in force

		NOT RELEVANT ¹	CONSISTENT ²	JUSTIFIABLY INCONSISTENT ³
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		✓	
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 however particular note is made of SEPP 55 Remediation of Land and SEPP Infrastructure. The following additional information is provided to support this proposal.

SEPP 55 Remediation of Land

This SEPP aims to provide a statewide planning approach to the remediation of contaminated land by reducing risk of harm to human health and to the environment.

This SEPP requires that before certain land is included in a Planning Proposal the Council must have considered whether the site is likely to have been contaminated by way of a Preliminary Site Investigation (PSI) report carried out in accordance with the Contaminated Lands

Guidelines. The circumstances in which a PSI report is required to be carried out include land with previous uses that may lead to site contamination or where there is incomplete knowledge in relation to the sites previous use for a Table 1 related purpose and land proposed to be developed for purposes such as a child care centre, recreational uses, hospitals and similar uses. Contaminating land uses called up by the SEPP are listed in Table 1 to the Contaminated Land Planning Guidelines.

During the final review of DLEP 2015 prior to submission to the Department of Planning and Environment, this SEPP applied to three holdings and these were deferred to allow for further review. The relevant land is:

- 111 Mort Street Katoomba;
- 20 Hazel Avenue Hazelbrook; and
- 690A Great Western Highway, Faulconbridge.

The owners of the 111 Mort Street, Katoomba and 690A Great Western Highway, Faulconbridge have provided PSI and these have been reviewed to ensure that the proposed zone is compatible with the provisions of SEPP 55. The owners of the land will be notified during the exhibition period.

SEPP (Infrastructure) 2007

The aim of this Policy is to facilitate effective delivery of infrastructure across the State by improving regulatory certainty and efficiency, providing greater flexibility, allowing for efficient development and identifying environmental assessment categories.

This comment relates clause 2(c) allowing for the efficient development, redevelopment or disposal of surplus government owned land.

The following parcels of land were identified in submissions from Sydney Water (the land owner) during the exhibition of then DLEP 2013 as being surplus to their requirements. Due to the potential contamination on the land and the lack of supporting documentation, the Council resolved to defer the land to allow for further review. The relevant land is:

- 111 Mort Street Katoomba; and
- 20 Hazel Avenue Hazelbrook.

Council has corresponded with Sydney Water about the status of the above parcels. Further information has been provided in relation to 111 Mort Street, Katoomba and zoning has been proposed for that site is compatible with the provisions of SEPP (Infrastructure) 2007. Sydney Water will be notified of the proposal during the exhibition period.

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.

Note:

- ¹ **Not Relevant:** This provision or planning instrument does not apply to land within the Draft Amendment 1 to DLEP 2015
- ² **Consistent:** This provision or planning instrument applies; the Draft Amendment 1 to DLEP 2015 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	✓		

Directions under Section 117(2)

	NOT RELEVANT 1	CONSISTENT 2	JUSTIFIABLY INCONSISTENT 3
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		✓	
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 A Plan for Growing Sydney		✓	

This planning proposal is consistent with all relevant Section 117(2) Ministerial Directions and comment on relevant Directions. However particular note is made of the following direction and additional information is provided to support this proposal.

Direction 1.1 Business and Industrial Zones

Objectives

The objectives of this direction are to:

- (a) encourage employment growth in suitable locations,
- (b) protect employment land in business and industrial zones, and
- (c) support the viability of identified strategic centres.

When this direction applies

This direction applies when a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed business or industrial zone (including the alteration of any existing business or industrial zone boundary).

What a relevant planning authority must do if this direction applies

A planning proposal must:

- (a) *give effect to the objectives of this direction,*
- (b) *retain the areas and locations of existing business and industrial zones,*
- (c) *not reduce the total potential floor space area for employment uses and related public services in business zones,*
- (d) *not reduce the total potential floor space area for industrial uses in industrial zones, and*
- (e) *ensure that proposed new employment areas are in accordance with a strategy that is approved by the Director- General of the Department of Planning.*

An Employment Lands Study was carried out as part of the preparation for the then DLEP 2013. The aim of the study was to gain an understanding of factors that have influenced the development of employment lands in the Blue Mountains, to investigate the existing situation of the employment lands and the land use provisions and development controls that influence their use and development potential, and make recommendations on an appropriate strategic direction to stimulate development of the employment lands.

The overall recommendations of the Employment Lands Study are focussed on development of employment lands in the Blue Mountains by making the area more attractive to investors and by increasing flexibility and encouraging businesses which complement the physical and economic character of the Blue Mountains. The study makes recommendations based on the characteristics at each of the locations.

Draft Amendment 1 to DLEP 2015, applies to the land at 56-68 Great Western Highway Woodford. This land is currently zoned Living – Bushland Conservation under LEP 2005 and was proposed to be transferred to the equivalent zone of E4 Environmental Living in DLEP 2015. Council is proposing to rezone this land to B1 Neighbourhood Centre which will provide a business zone to a limited and contained precinct which includes some small businesses which serve the local community.

This planning proposal is consistent with this Direction.

Direction 2.1 Environmental Protection Zones

Objective

- (1) *The objective of this direction is to protect and conserve environmentally sensitive areas.*

When this direction applies

- (3) *This direction applies when a relevant planning authority prepares a planning proposal.*

What a relevant planning authority must do if this direction applies

- (4) *A planning proposal must include provisions that facilitate the protection and conservation of environmentally sensitive areas.*
- (5) *A planning proposal that applies to land within an environment protection zone or land otherwise identified for environment protection purposes in a LEP must not reduce the environmental protection standards that apply to the land (including by modifying development standards that apply to the land). This requirement does not apply to a change to a development standard for minimum lot size for a dwelling in accordance with clause (5) of Direction 1.5 "Rural Lands".*

The existing Blue Mountains LEP's provide a very high level of protection and conservation of environmentally sensitive areas and these provisions have been transferred to DLEP 2015 as far as the standard template allows. The verification of potential high conservation land was undertaken as part of the preparation for draft Amendment 1 to DLEP 2015. The recommended zoning of certain parcels included in draft Amendment 1 to DLEP 2015 has been amended to reflect the results of the recent vegetation surveys. This approach provides a consistent framework for the application of zones and provisions across the City.

The planning proposal is consistent with this Direction.

Direction 2.3 Heritage Conservation

Objective

- (1) *The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.*

When this direction applies

- (3) *This direction applies when a relevant planning authority prepares a planning proposal.*

What a relevant planning authority must do if this direction applies

- (4) *A planning proposal must contain provisions that facilitate the conservation of:*
- (a) *items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance to an area, in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item, area, object or place, identified in a study of the environmental heritage of the area,*
 - (b) *Aboriginal objects or Aboriginal places that are protected under the National Parks and Wildlife Act 1974, and*
 - (c) *Aboriginal areas, Aboriginal objects, Aboriginal places or landscapes identified by an Aboriginal heritage survey prepared by or on behalf of an Aboriginal Land Council, Aboriginal body or public authority and provided to the relevant planning authority, which identifies the area, object, place or landscape as being of heritage significance to Aboriginal culture and people.*

Blue Mountains LGA contains many heritage items, places, buildings, works relics or precincts of environmental heritage which are listed in the current LEP's. Prior to commencing the move to a standard instrument LEP, the Council commenced a Heritage Review for LEP 1991. The Heritage Review is a comprehensive and lengthy process and was not completed prior to the Council commencing a standard instrument LEP. The Heritage Review has been suspended as it has the potential to delay the DLEP 2015 process.

The heritage status of any item is not altered by draft Amendment 1 to DLEP 2015 and this planning proposal is therefore consistent with this Direction.

Direction 3.1 Residential Zones

Objectives

- (1) *The objectives of this direction are:*
- (a) *to encourage a variety and choice of housing types to provide for existing and future housing needs,*
 - (b) *to make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and*
 - (c) *to minimise the impact of residential development on the environment and resource lands.*

When this direction applies

- (3) *This direction applies when a relevant planning authority prepares a planning proposal that will affect land within:*
- (a) *an existing or proposed residential zone (including the alteration of any existing residential zone boundary),*
 - (b) *any other zone in which significant residential development is permitted or proposed to be permitted.*

What a relevant planning authority must do if this direction applies

- (4) *A planning proposal must include provisions that encourage the provision of housing that will:*
- (a) *broaden the choice of building types and locations available in the housing market, and*
 - (b) *make more efficient use of existing infrastructure and services, and*
 - (c) *reduce the consumption of land for housing and associated urban development on the urban fringe, and*
 - (d) *be of good design.*
- (5) *A planning proposal must, in relation to land to which this direction applies:*
- (a) *contain a requirement that residential development is not permitted until land is adequately serviced (or arrangements satisfactory to the council, or other appropriate authority, have been made to service it), and*

- (b) *not contain provisions which will reduce the permissible residential density of land.*

This planning proposal applies to many sites which are proposed to be zoned R1 General Residential under DLEP 2015. The affected sites are included in this planning proposal to correct a mapping anomaly whereby this land was exhibited incorrectly during the public exhibition of then DLEP 2013. This land was shown as blank on the Lot Size Map, indicating no minimum lot size. DLEP 2015 is as far as possible a translation of the provisions in the existing LEP's into the standard instrument template. The minimum lot size for land proposed to be zoned R1 General Residential is 720m² which is a transfer of the current lot size.

The current development provisions of land proposed to be zoned R1 General Residential will be unchanged by this proposal and this planning proposal is therefore consistent with this Direction.

Direction 4.4 Planning for Bushfire Protection

Objectives

- (1) *The objectives of this direction are:*
 - (a) *to protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, and*
 - (b) *to encourage sound management of bush fire prone areas.*

Where this direction applies

- (2) *This direction applies to all local government areas in which the responsible Council is required to prepare a bush fire prone land map under section 146 of the Environmental Planning and Assessment Act 1979 (the EP&A Act), or, until such a map has been certified by the Commissioner of the NSW Rural Fire Service, a map referred to in Schedule 6 of that Act.*

What a relevant planning authority must do if this direction applies

- (4) *In the preparation of a planning proposal the relevant planning authority must consult with the Commissioner of the NSW Rural Fire Service following receipt of a gateway determination under section 56 of the Act, and prior to undertaking community consultation in satisfaction of section 57 of the Act, and take into account any comments so made,*
- (5) *A planning proposal must:*
 - (a) *have regard to Planning for Bushfire Protection 2006,*
 - (b) *introduce controls that avoid placing inappropriate developments in hazardous areas, and*
 - (c) *ensure that bushfire hazard reduction is not prohibited within the APZ.*
- (6) *A planning proposal must, where development is proposed, comply with the following provisions, as appropriate:*
 - (a) *provide an Asset Protection Zone (APZ) incorporating at a minimum:*
 - (i) *an Inner Protection Area bounded by a perimeter road or reserve which circumscribes the hazard side of the land intended for development and has a building line consistent with the incorporation of an APZ, within the property, and*
 - (ii) *an Outer Protection Area managed for hazard reduction and located on the bushland side of the perimeter road,*
 - (b) *for infill development (that is development within an already subdivided area), where an appropriate APZ cannot be achieved, provide for an appropriate performance standard, in consultation with the NSW Rural Fire Service. If the provisions of the planning proposal permit Special Fire Protection Purposes (as defined under section 100B of the Rural Fires Act 1997), the APZ provisions must be complied with,*
 - (c) *contain provisions for two-way access roads which links to perimeter roads and/or to fire trail networks,*
 - (d) *contain provisions for adequate water supply for fire fighting purposes,*
 - (e) *minimise the perimeter of the area of land interfacing the hazard which may be developed,*
 - (f) *introduce controls on the placement of combustible materials in the Inner Protection Area*

Blue Mountains LGA contains many allotments which are mapped as being within a bush fire area, and need to be considered against this Direction. However DLEP 2015 includes consideration of the exposure to bush fire hazards is included in cl.1.2(i) – Aims of Plan, in zone objectives for E2 – Environmental Conservation and E4 – Environmental Living. Clause 4.1(1) Minimum Subdivision Lot Size Objectives, requires that each residential allotment contain an appropriate asset protection zone and cl. 6.1(7)(b) requires that alternatives must be considered when environmental impacts, including bush fire cannot be avoided.

Additionally and as noted previously, this Planning Proposal is seeking to transfer land and provisions from current LEP's that was deferred from the standard LEP template into DLEP 2015. This planning proposal is consistent with this Direction.

Direction 5.2 Sydney Drinking Water Catchments

Objective

- (1) *The objective of this Direction is to protect water quality in the Sydney drinking water catchment.*

When this Direction applies

- (3) *This Direction applies when a relevant planning authority prepares a planning proposal that applies to land within the Sydney drinking water catchment.*

What a relevant planning authority must do if this Direction applies

- (4) *A planning proposal must be prepared in accordance with the general principle that water quality within the Sydney drinking water catchment must be protected, and in accordance with the following specific principles:*
- (a) *new development within the Sydney drinking water catchment must have a neutral or beneficial effect on water quality, and*
 - (b) *future land use in the Sydney drinking water catchment should be matched to land and water capability, and*
 - (c) *the ecological values of land within a Special Area that is:*
 - (i) *reserved as national park, nature reserve or state conservation area under the National Parks and Wildlife Act 1974, or*
 - (ii) *declared as a wilderness area under the Wilderness Act 1987, or*
 - (iii) *owned or under the care control and management of the Sydney Catchment Authority, should be maintained.*
- (5) *When preparing a planning proposal that applies to land within the Sydney drinking water catchment, the relevant planning authority must:*
- (a) *ensure that the proposal is consistent with State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011, and*
 - (b) *give consideration to the outcomes of the Strategic Land and Water Capability Assessment prepared by the Sydney Catchment Authority, and*
 - (c) *zone land within the Special Areas owned or under the care control and management of Sydney Catchment Authority generally in accordance with the following:*

Land	Zone under Standard Instrument (Local Environmental Plans) Order 2006
<i>Land reserved under the National Parks and Wildlife Act 1974</i>	<i>E1 National Parks and Nature Reserves</i>
<i>Land in the ownership or under the care, control and management of the Sydney Catchment Authority located above the full water supply level</i>	<i>E2 Environmental Conservation</i>
<i>Land below the full water supply level (including water storage at dams and weirs) and operational land at dams, weirs, pumping stations etc</i>	<i>SP2 Infrastructure (and marked "Water Supply Systems" on the Land Zoning Map)</i>

and

- (d) *consult with the Sydney Catchment Authority, describing the means by which the planning proposal gives effect to the water quality protection principles set out in paragraph (4) of this Direction, and*
- (e) *include a copy of any information received from the Sydney Catchment Authority as a result of the consultation process in its planning proposal prior*

to the issuing of a gateway determination under section 56 of the Environmental Planning and Assessment Act 1979.

A significant portion of the Blue Mountains LGA is within the Sydney Drinking Water Catchment area and the Water NSW (formerly Sydney Catchment Authority) were consulted during the exhibition of then DLEP 2013. Water NSW requested that the same level and standard of protection that currently applies to land under LEP 1991 and LEP 2005 be transferred to the new standard instrument based LEP. Water NSW requested that the existing mechanisms which protect high to extreme risk to water quality are transferred to the new LEP. The mechanisms are the application of environmental protection zones, subdivision restrictions, stormwater management provisions and protected area overlays.

The Council took account of the request of Water NSW when preparing then DLEP 2013 instrument and mapping. In particular and as part of the preparation of then DLEP 2013, and more recently in the preparation of draft Amendment 1 to DLEP 2015, the Council has reviewed and updated the location and details of vegetation communities on deferred land and where necessary updated the application of environmental zones and/or protected areas.

The planning proposal is consistent with this Direction.

Direction 6.2 Reserving Land for Public Purposes

Objectives

- (1) *The objectives of this direction are:*
 - (a) *to facilitate the provision of public services and facilities by reserving land for public purposes, and*
 - (b) *to facilitate the removal of reservations of land for public purposes where the land is no longer required for acquisition.*

When this direction applies

- (3) *This direction applies when a relevant planning authority prepares a planning proposal.*

What a relevant planning authority must do if this direction applies

- (4) *A planning proposal must not create, alter or reduce existing zonings or reservations of land for public purposes without the approval of the relevant public authority and the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General).*
- (5) *When a Minister or public authority requests a relevant planning authority to reserve land for a public purpose in a planning proposal and the land would be required to be acquired under Division 3 of Part 2 of the Land Acquisition (Just Terms Compensation) Act 1991, the relevant planning authority must:*
 - (a) *reserve the land in accordance with the request, and*
 - (b) *include the land in a zone appropriate to its intended future use or a zone advised by the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General), and*
 - (c) *identify the relevant acquiring authority for the land.*
- (6) *When a Minister or public authority requests a relevant planning authority to include provisions in a planning proposal relating to the use of any land reserved for a public purpose before that land is acquired, the relevant planning authority must:*
 - (a) *include the requested provisions, or*
 - (b) *take such other action as advised by the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) with respect to the use of the land before it is acquired.*
- (7) *When a Minister or public authority requests a relevant planning authority to include provisions in a planning proposal to rezone and/or remove a reservation of any land that is reserved for public purposes because the land is no longer designated by that public authority for acquisition, the relevant planning authority must rezone and/or remove the relevant reservation in accordance with the request.*

There is one property subject to the provisions of this Direction, owned by Sydney Water. The land was deferred from then DLEP 2013 to allow further review of the land with respect to potential contamination and this information has since been received. The requested zone and the recommended zones are as follows:

Land	Requested Zone	Proposed Zone
111 Mort Street Katoomba	E4 Environmental Living	Part E3 Environmental Management and part E2 Environmental Conservation

The site was reviewed and the zones recommended done in a manner consistent with zone applications in DLEP 2015. Sydney Water will be notified of the proposal during the exhibition.

The proposal is consistent with this Direction.

Direction 7.1 Implementation of A Plan for Growing Sydney

Objective

- (1) *The objective of this direction is to give legal effect to the planning principles; directions; and priorities for subregions, strategic centres and transport gateways contained in A Plan for Growing Sydney.*

When this direction applies

- (3) *This direction applies when a Relevant Planning Authority prepares a planning proposal.*

What a Relevant Planning Authority must do if this direction applies

- (4) *Planning proposals shall be consistent with:*
 (a) *the NSW Government's A Plan for Growing Sydney published in December 2014.*

The intention of this Planning Proposal is to transfer land from the current zone under LEP 1991 or LEP 2005 to an equivalent zone under DLEP 2015. In this regard the proposal is being driven by the need to simplify the statutory planning process in the Blue Mountains LGA, not by the need to implement the strategic directions or actions of the Metropolitan Strategy. However, it is not inconsistent with *A Plan for Growing Sydney*, and by helping to simplify the planning process in the Blue Mountains and embracing this aspect of the State Governments reforms to the planning system, Council will be better placed to implement the Plan.

As part of the review of submissions process for then DLEP 2013, the Council has resolved to review its Local Housing Strategy (*Residential Development Strategy*), in collaboration with the community, which will consider A Plan for Growing Sydney.

The planning proposal is consistent with this Direction.

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 of 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 2015 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 then 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 Falconbridge.

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:

26 March 2015	Planning Proposal reported to the Council
May 2015	Gateway panel reviews draft Amendment 1 to DLEP 2015 Gateway determination issued
July-August 2015	Community Consultation
September 2015	Council reviews submissions to draft Amendment 1 to DLEP 2015
October 2015	Report prepared for the Council to consider the result of the community consultation including any changes to this amendment. Planning Proposal and relevant supporting information is forwarded to the Department for final review.
November 2015	The Minister considers the final draft of draft Amendment 1 to DLEP 2015 and determines if the instrument can be made. The draft Amendment is returned to the Council. Report prepared for the Council to consider the final draft of the amendment.
November 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.
December 2015	Plan is notified.

Deferred Matter

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

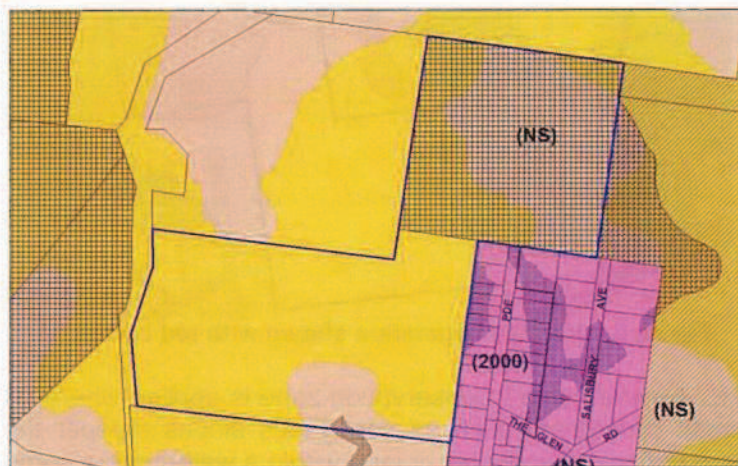


Figure 2 – Current Zones

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.

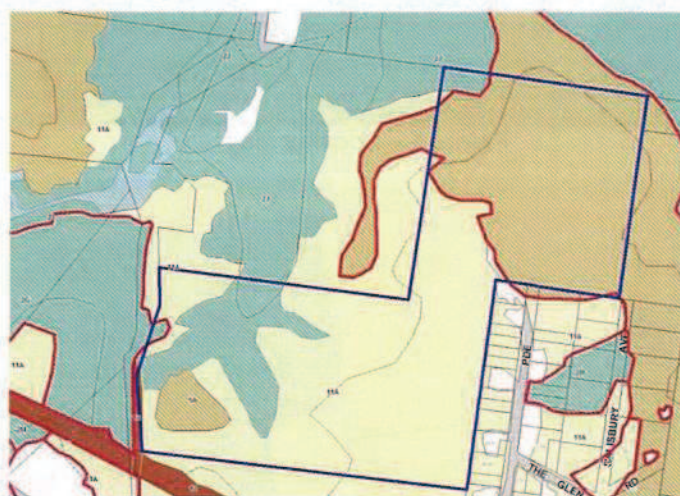


Figure 3 – Verified vegetation shown with red border

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.

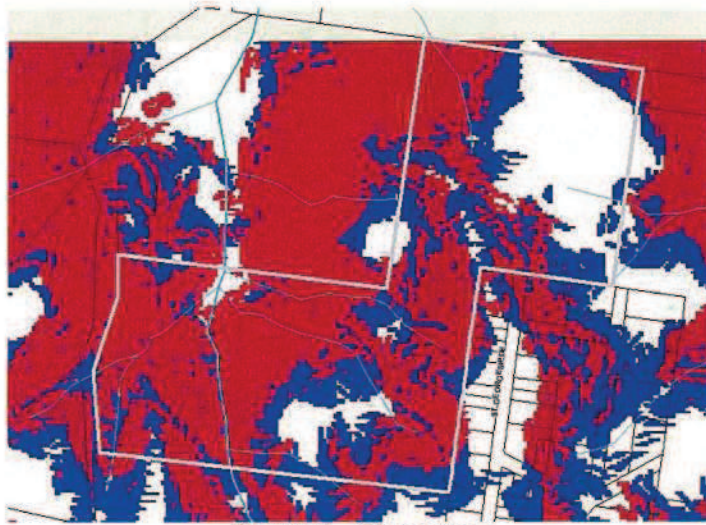
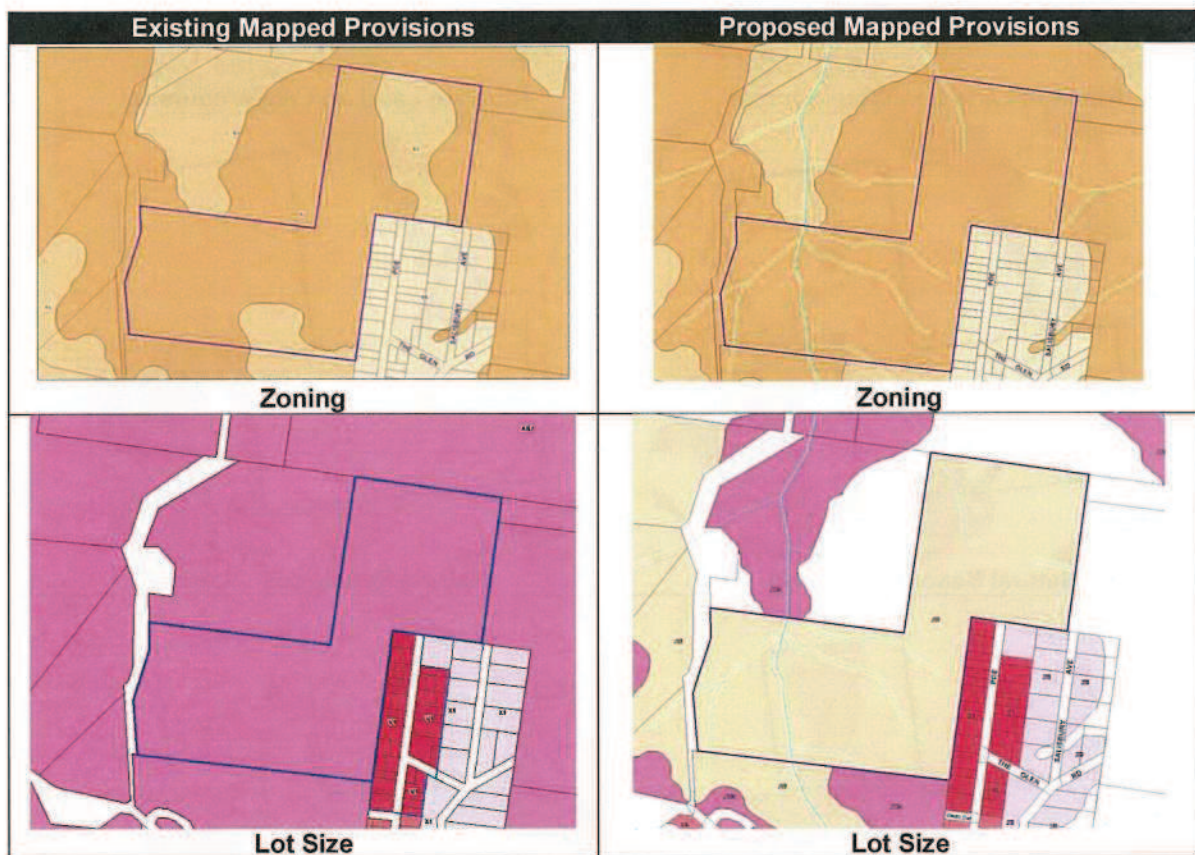


Figure 4 – Slope map

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.

Deferred Matter

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

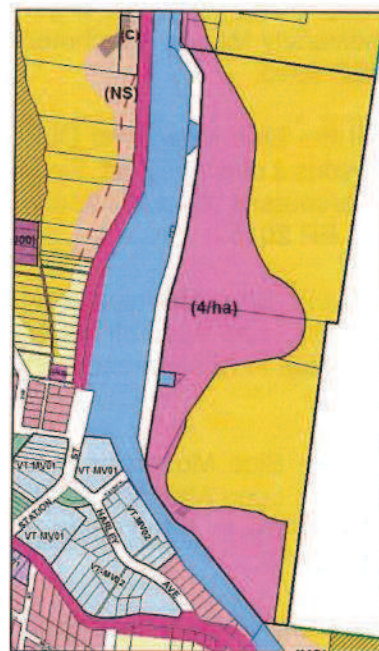
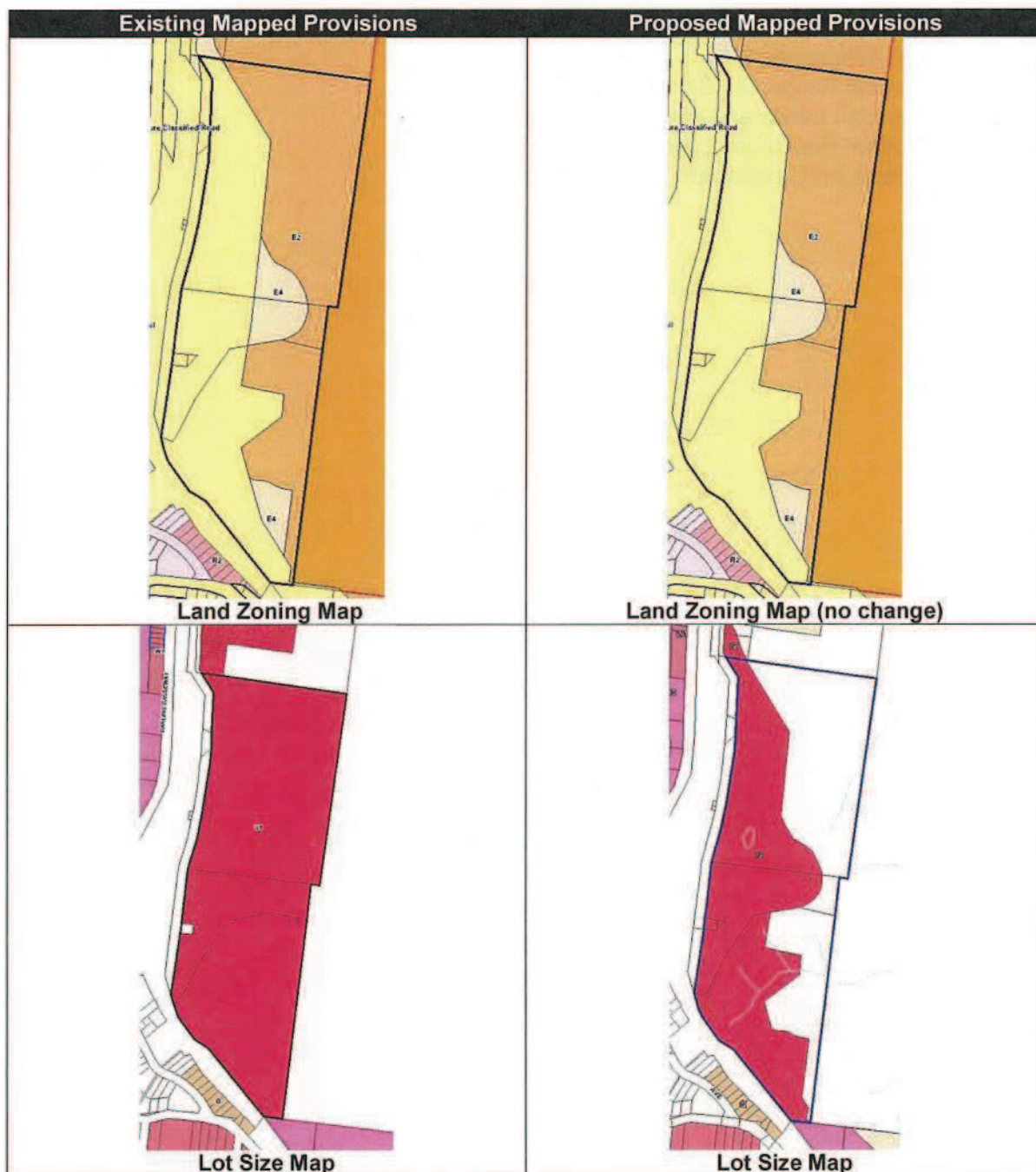


Figure 2 – Current Zones

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.



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.

Deferred Matter

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

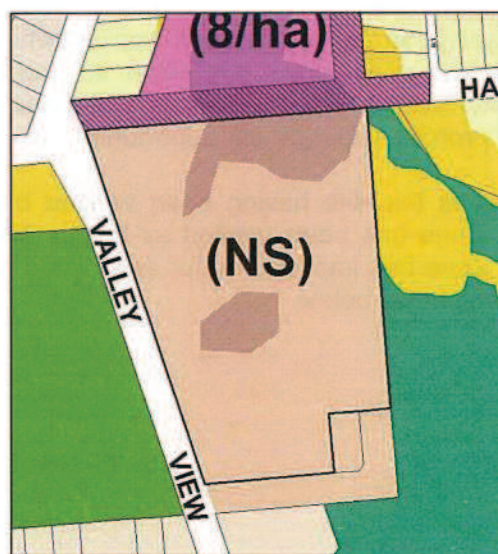


Figure 2 – Current Zones

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.

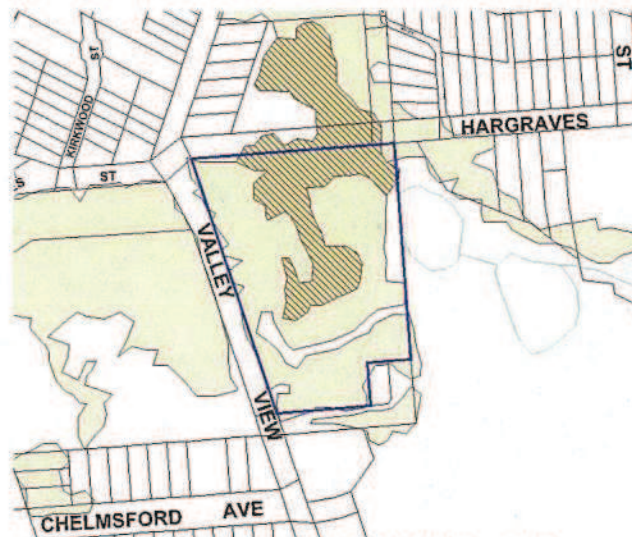


Figure 3 – Verified Scheduled Vegetation

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.

Deferred Matter

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

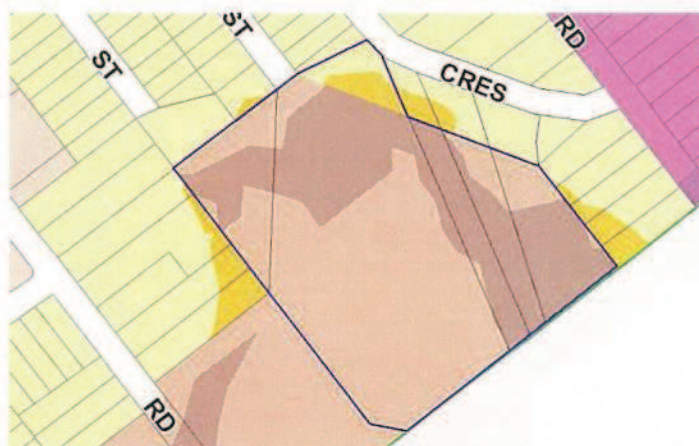


Figure 2 – Current Zones

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.

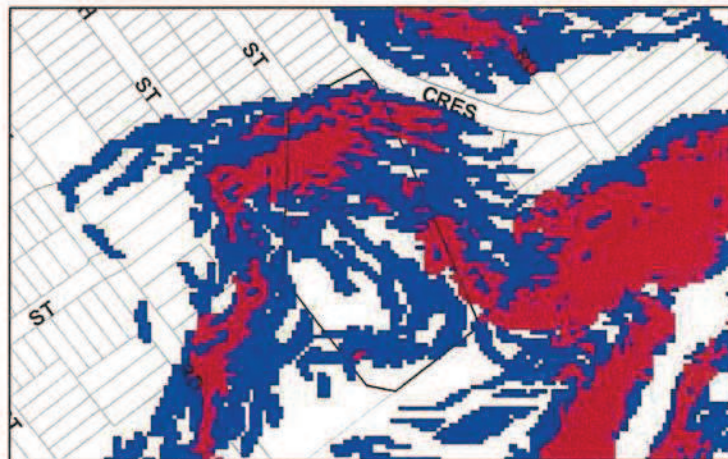
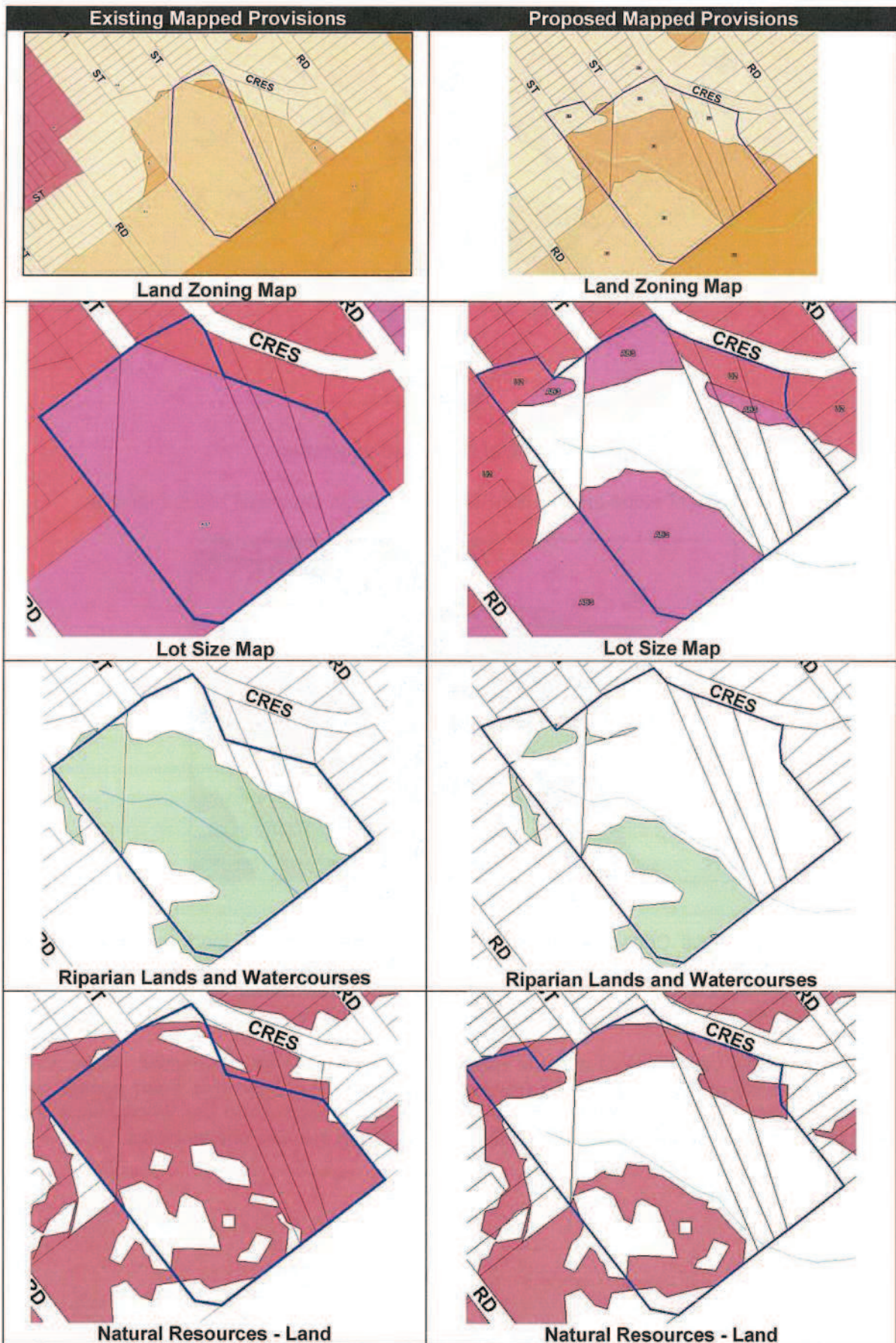
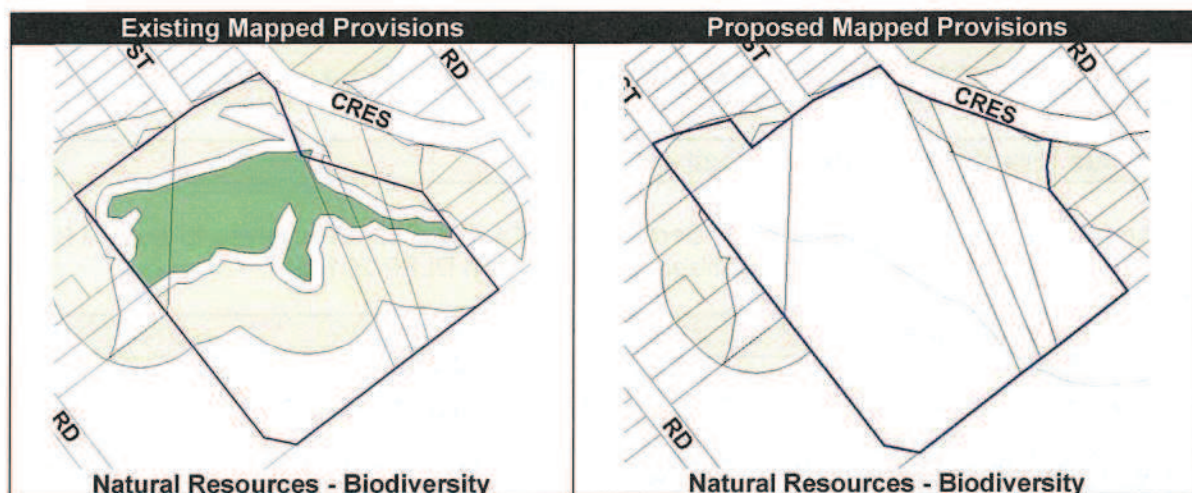


Figure 4: Slope mapping

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

Deferred Matter

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

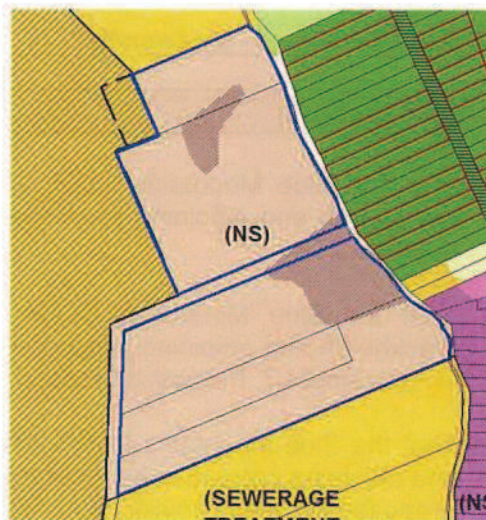


Figure 2 – Current Zones

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

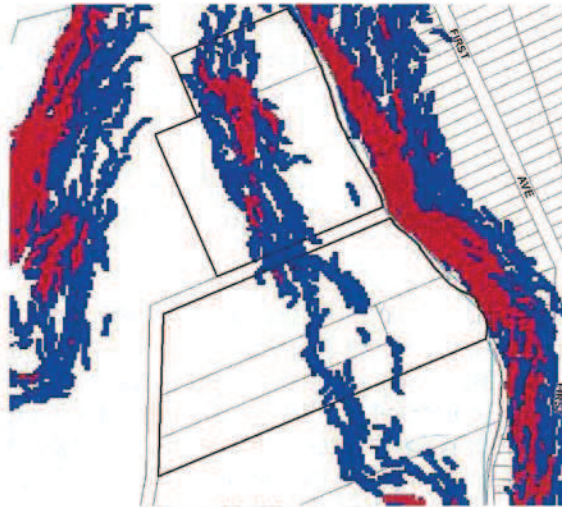


Figure 3: Slope mapping

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

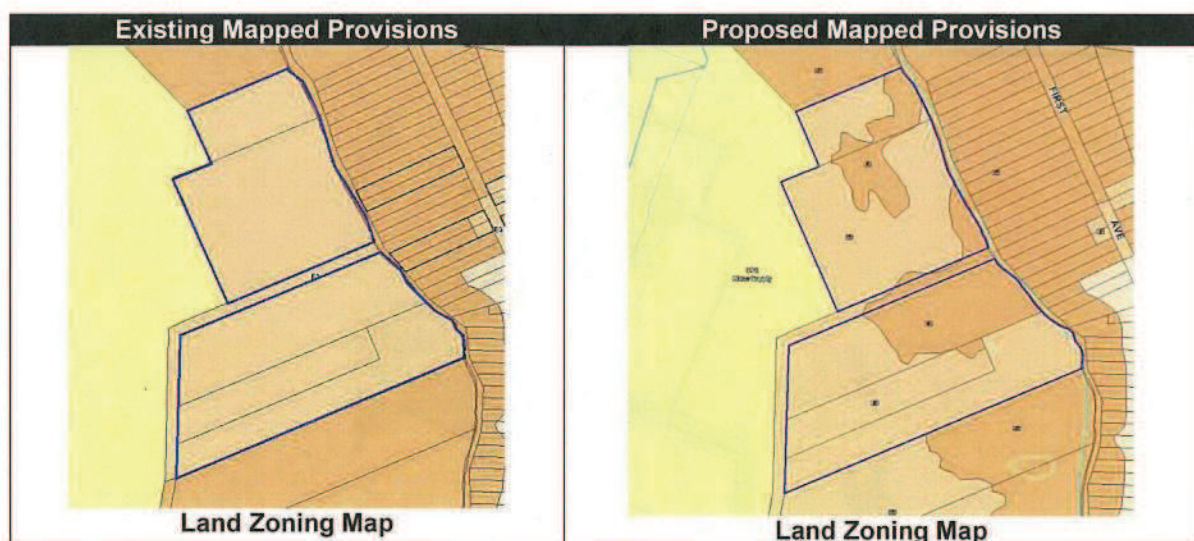
A 50m wide buffer, the Ecological Buffer Area (EBA), is placed around areas of verified scheduled vegetation that are mapped as E2 Environmental Conservation zone. With the proposed application of the E2 Environmental Conservation zone verified scheduled vegetation on the property, an Ecological Buffer 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

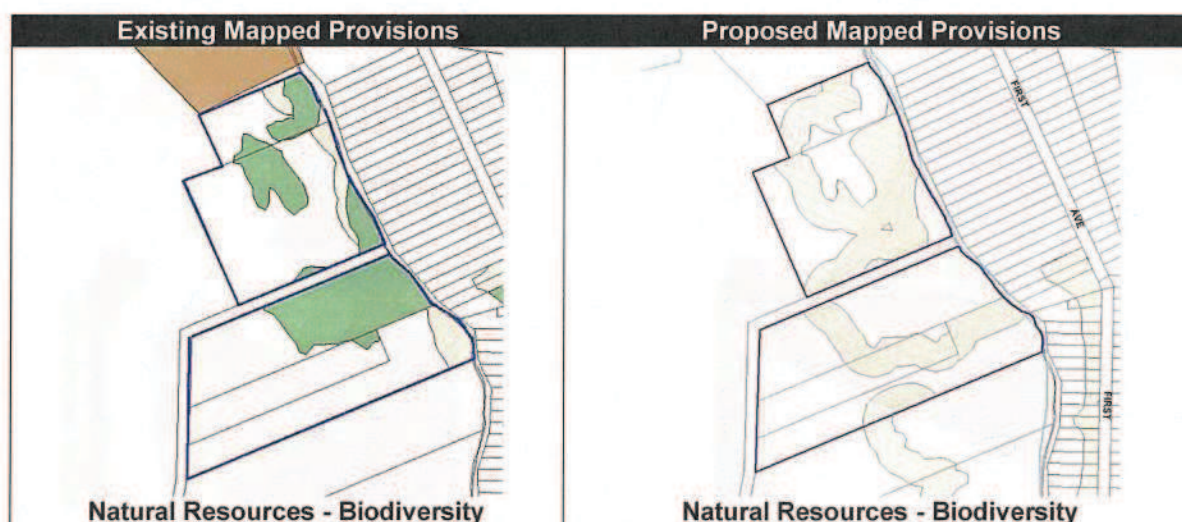
The Protected Area - Riparian Land and Watercourses map shows a Riparian Land Area for some of the subject properties. The area shown as Riparian Land Area has been worked out in accordance with the Blue Mountains Riparian Buffer Model used in LEP 2005 and extended into LEP 1991 areas with the preparation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

Deferred Matter

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

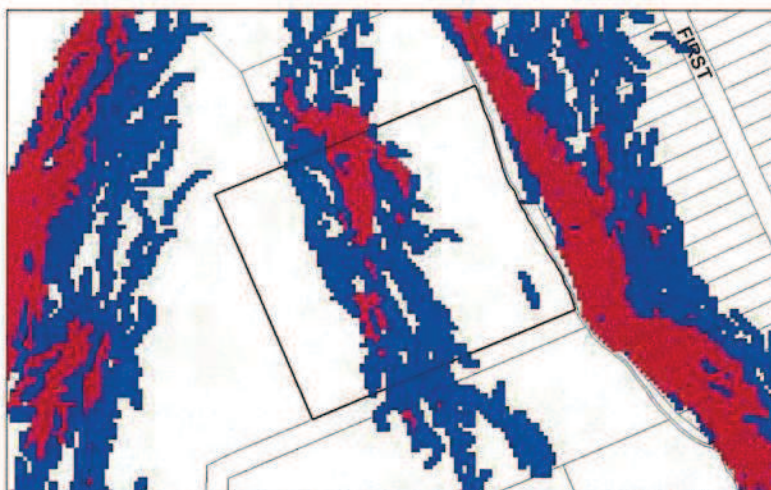


Figure 3: Slope Mapping under existing controls

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

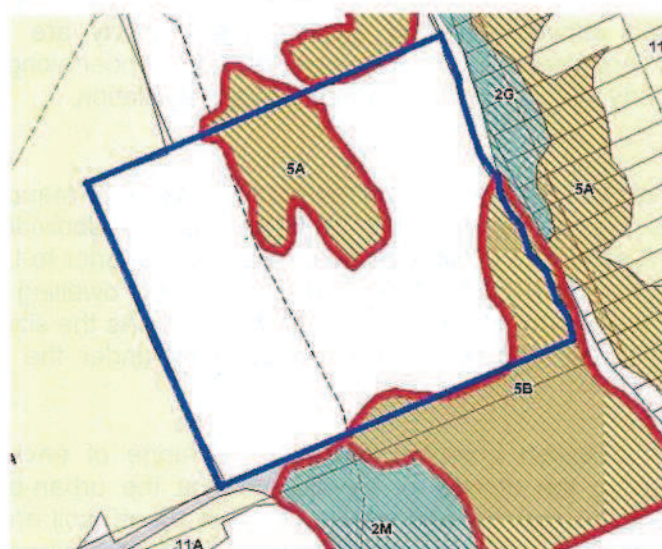


Figure 4 - verified scheduled vegetation shown with a red border

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.

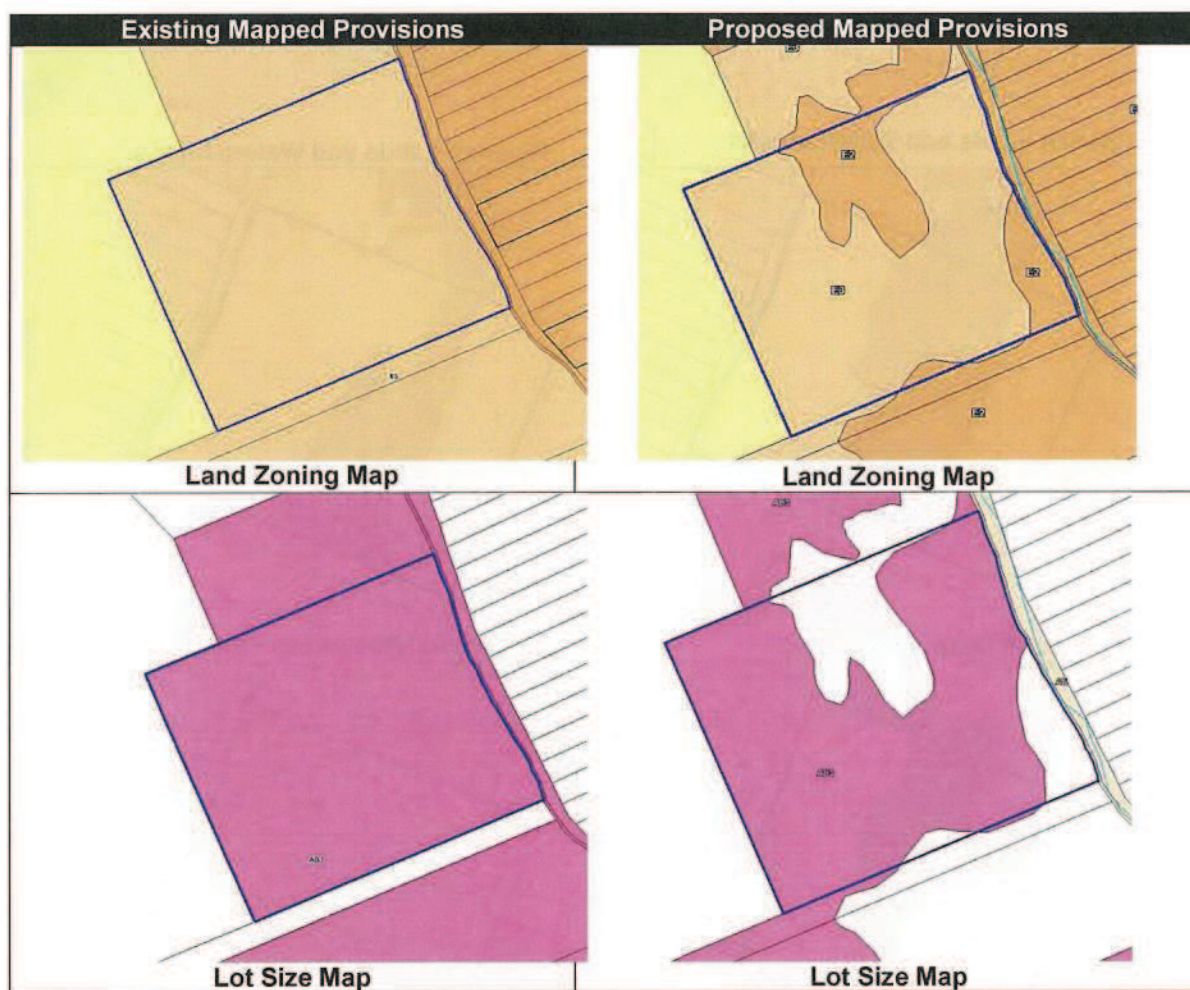
In relation to the subject property, existing environmental constraints along with other constraints such as infrastructure, make the land unsuitable for any increase in residential density through subdivision. Therefore the proposed minimum lot size of 30 hectares is appropriate for the site.

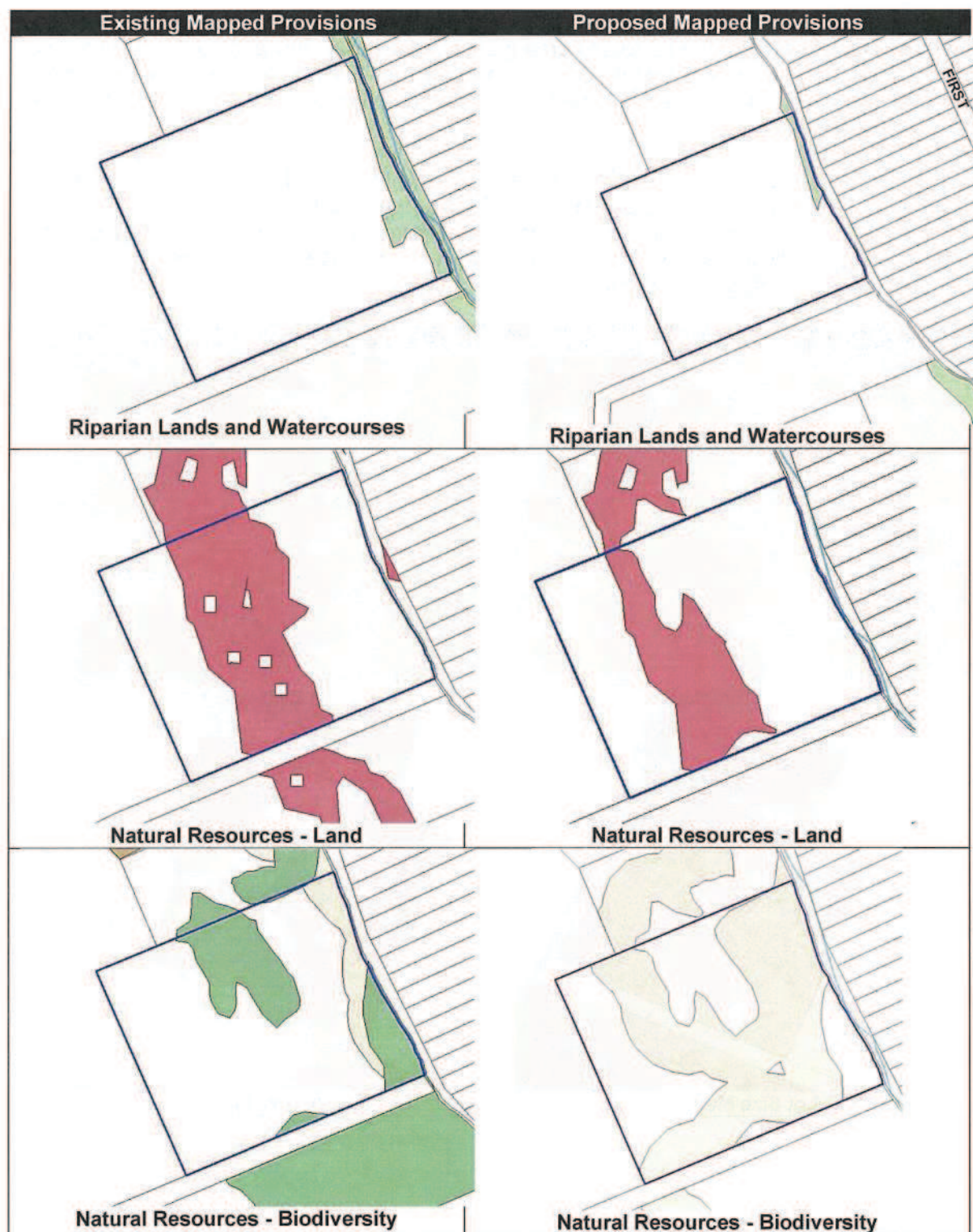
Permitted land uses

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.

Deferred Matter

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

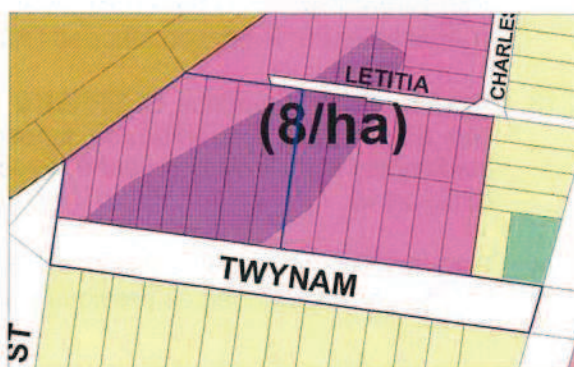


Figure 2 – Current Zones

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.