

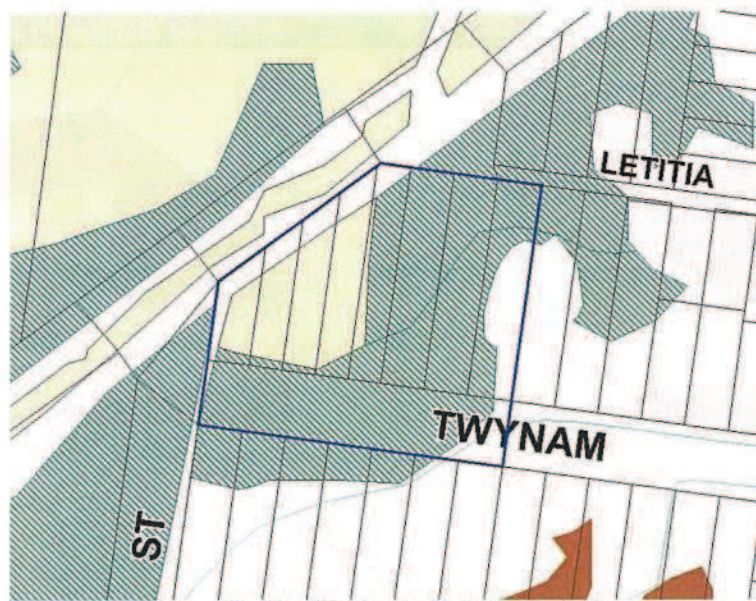
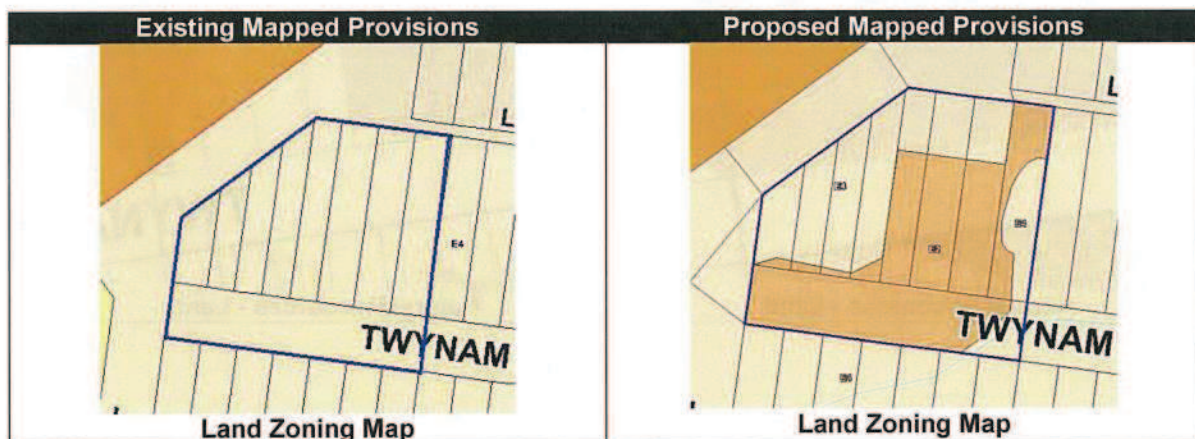
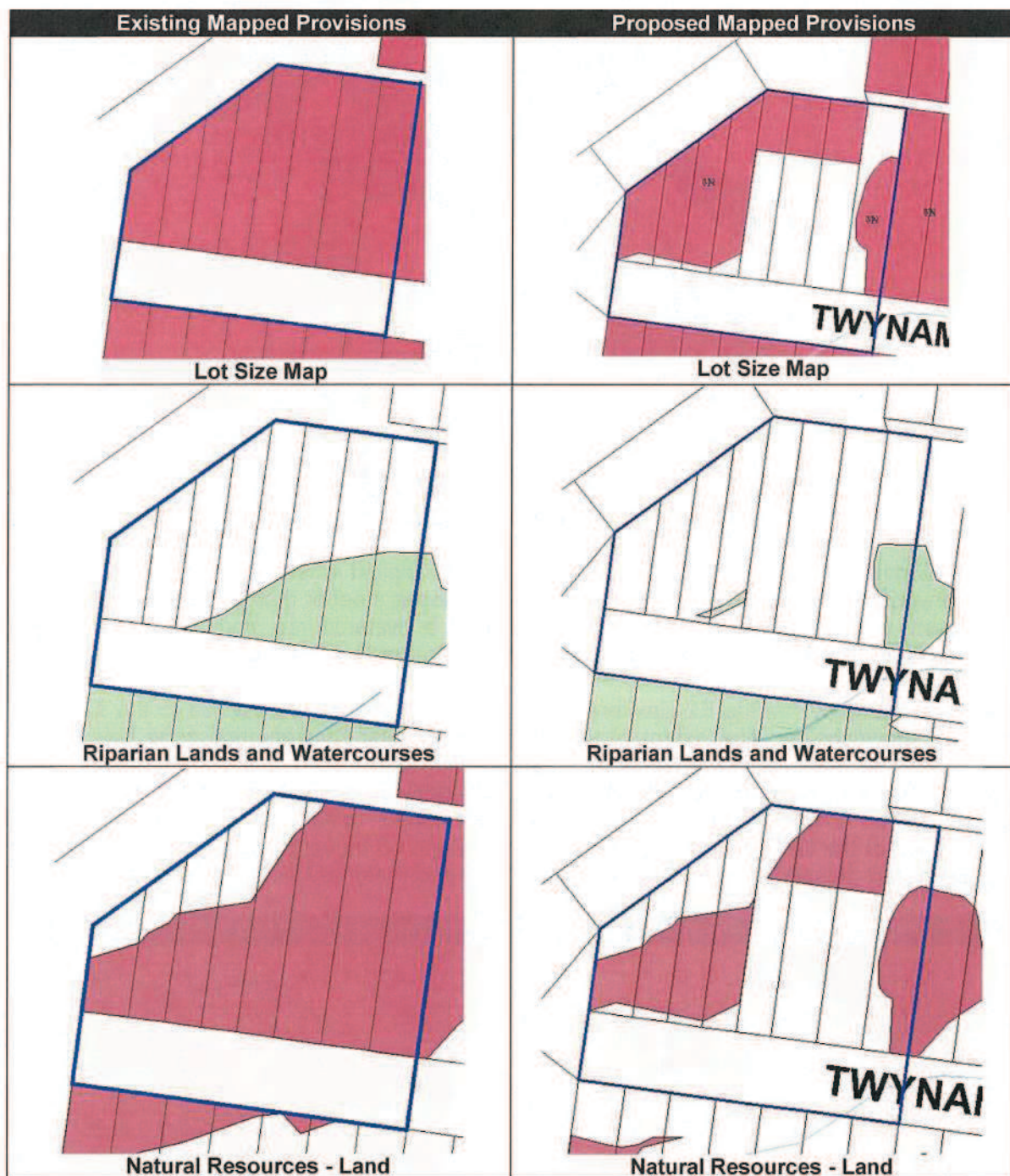


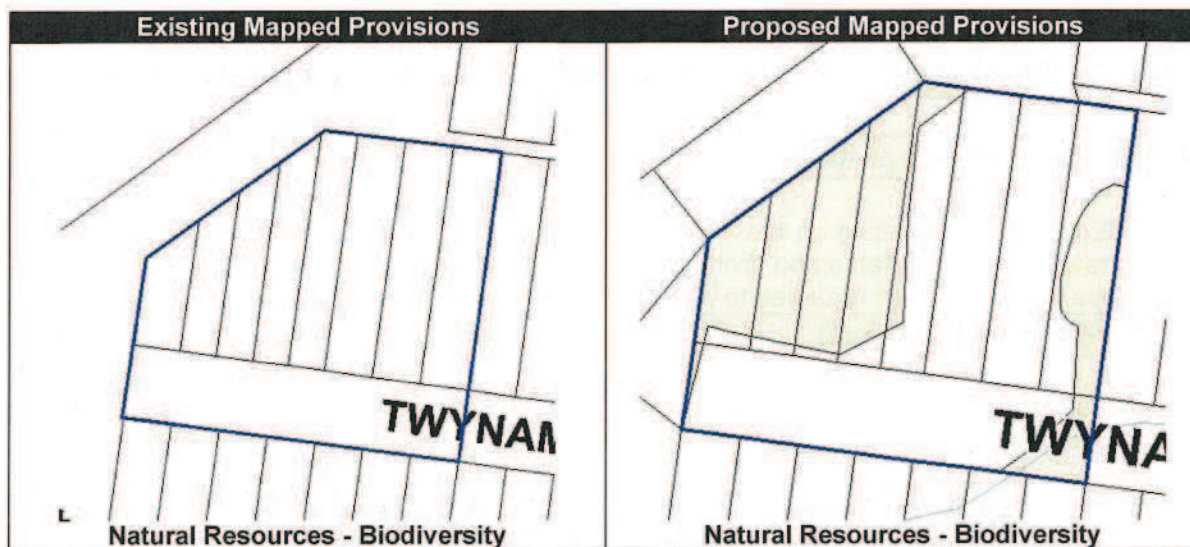
Figure 3 – Verified scheduled vegetation

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

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







Recommendations

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

Deferred Matter

24 & 26-30 Glenwattle Street, Katoomba (formerly 53 Burrawang Street)

Previous Resolution of the Council

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

Background and Proposal

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

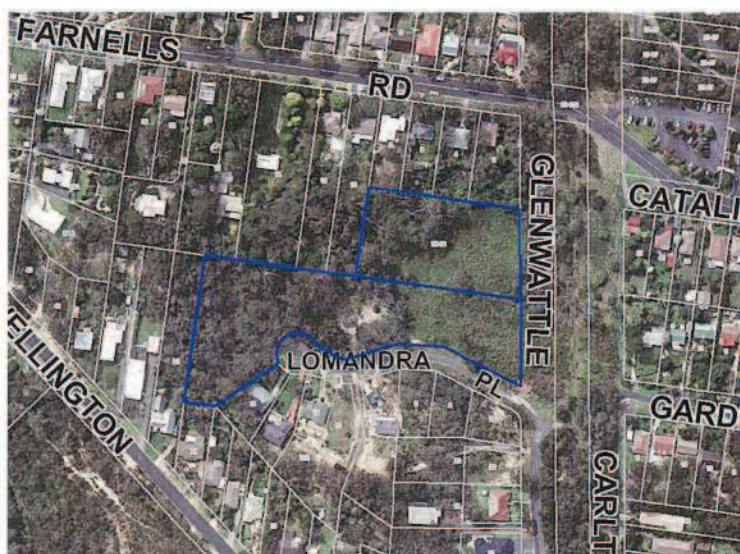


Figure 1 – Locality Map

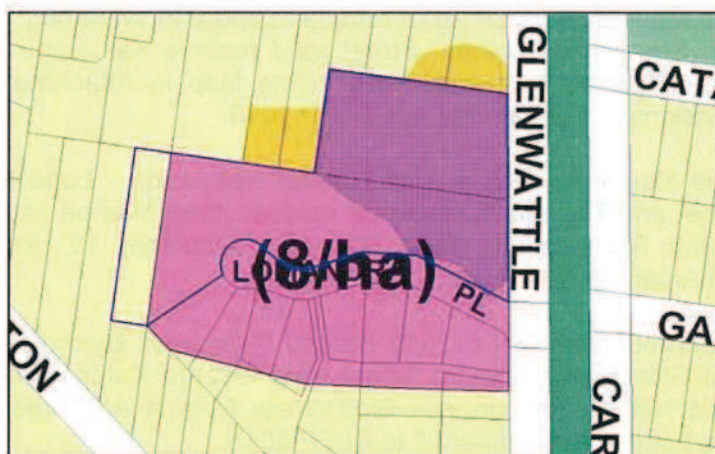


Figure 2 – Current Zones

The land at 24 and 26-30 Glenwattle Street, (formerly 53 Burrawang Street) Katoomba is currently zoned Residential Bushland Conservation (8 lots per ha) under LEP 1991 and was proposed to be zoned partly E4 – Environmental Living and partially E2 – Environmental Conservation under DLEP 2013.

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

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

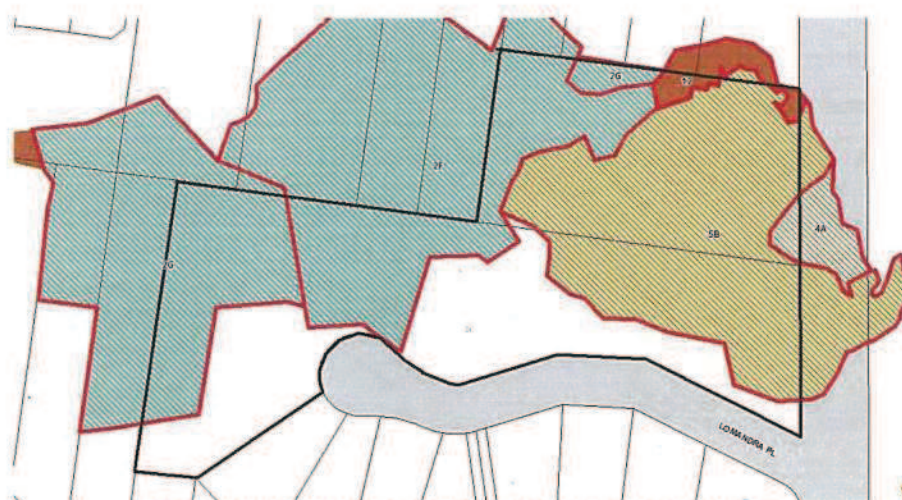


Figure 3 - Verified vegetation shown in red outline

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

This land was deferred from DLEP 2013 to carry out a review and enable further public consultation if required.

26-30 Glenwattle Street, Katoomba

The subsequent review found the extent of the proposed E2 Environmental Protection zone on (now) 26-30 Glenwattle Street, Katoomba was correctly applied in the exhibited DLEP 2013 maps in the manner described above.

It is recommended that the Council reinstate the mapping provisions as exhibited in DLEP 2013 for 26-30 Glenwattle Street, Katoomba and notify the Department of Planning and Environment that this site is no longer a deferred matter.

24 Glenwattle Street, Katoomba

However 24 Glenwattle Street, Katoomba requires a different approach to take into consideration a Land and Environment Court approved subdivision plan from the early 1990s. This subdivision plan was initially approved by Council in 1991 under LEP 4, and subsequently amended on appeal to the Land and Environment Court in 1994 (refer Figure 4).

While it is unlikely a similar subdivision would be approved under LEP 1991, due to the introduction of a range of environmental considerations for subdivision in that instrument, the

subdivision plan is current and has been progressively taken up since that time. There now remain 5 lots to be registered on what is currently 24 Glenwattle Street, Katoomba, with each lot having a dwelling entitlement.

The appropriate planning response to the approved subdivision plan is to remove the application of E2 Environmental Conservation on 24 Glenwattle Street, Katoomba, as currently exists, and include all verified scheduled vegetation on that property as Protected Area – Vegetation Constraint Area. In this way should a development application be received for a dwelling, on either the existing lot or any of the 5 lots approved, the development assessment process will ensure the presence of scheduled vegetation on the site is explicitly considered.

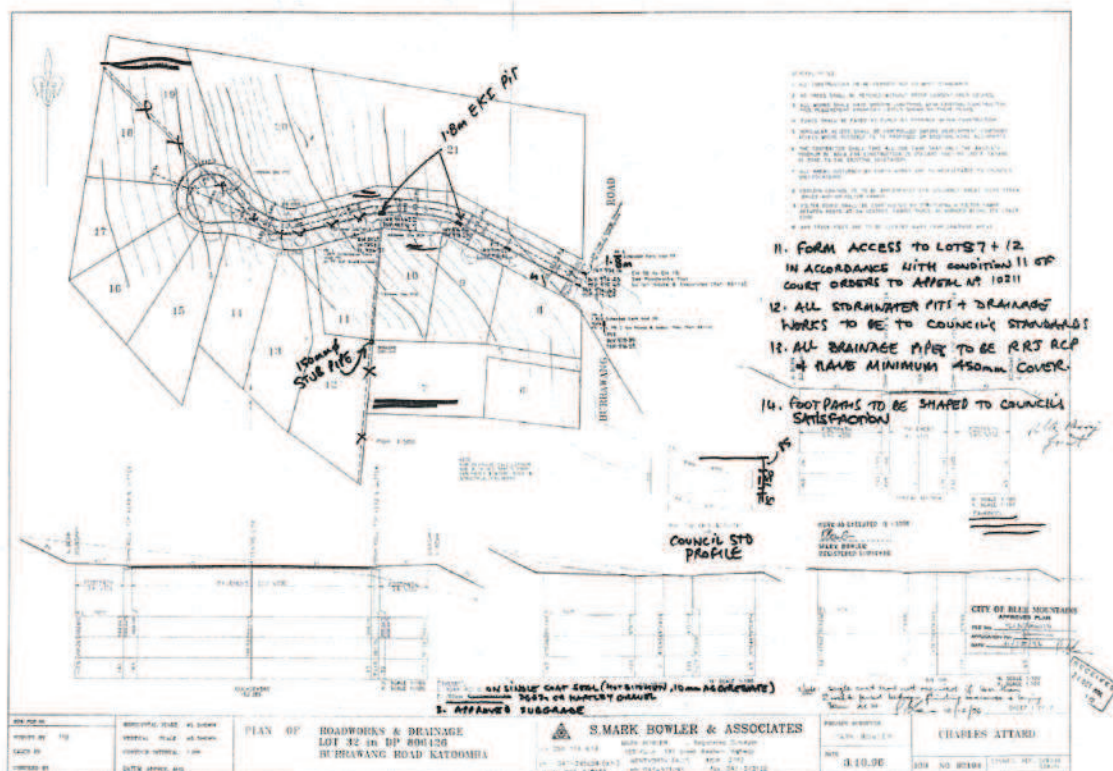
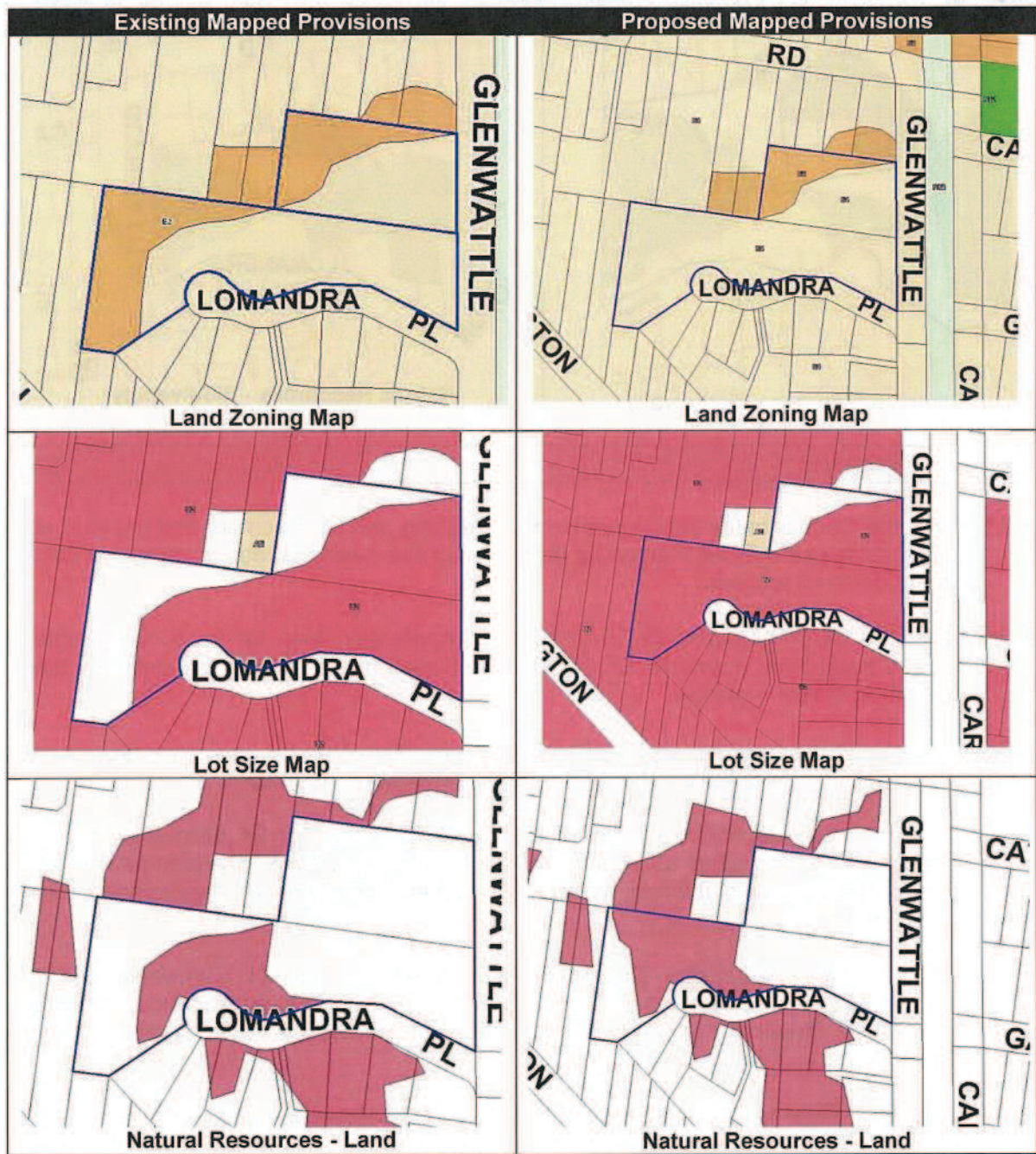
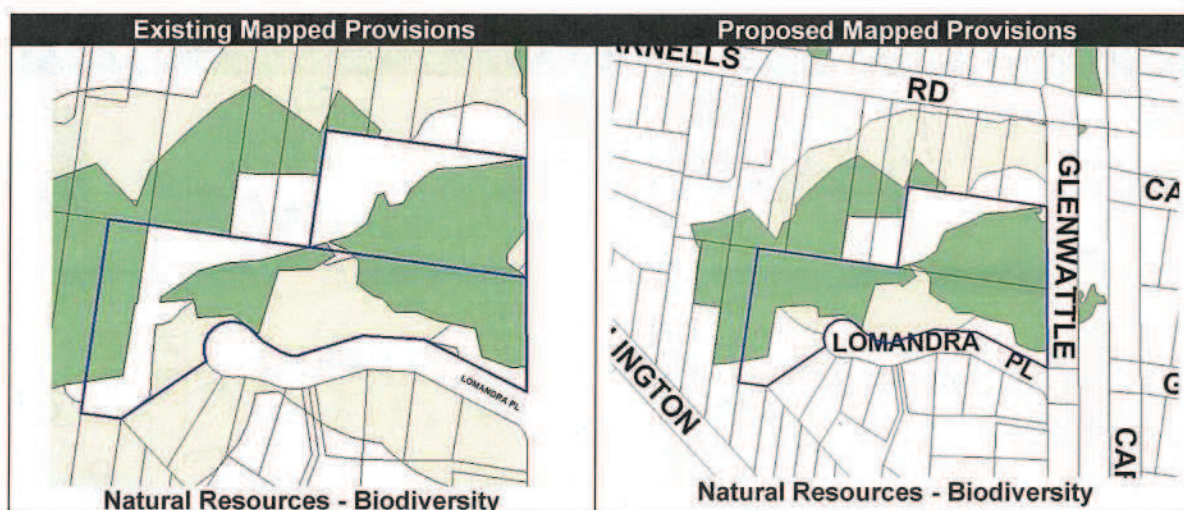


Figure 4 – Approved subdivision plan for 24 Glenwattle Street, Katoomba

It is recommended that the Council remove the E2 Environmental Conservation zone as exhibited on 24 Glenwattle Street, Katoomba and make the property all E4 Environmental Living zone. The removal of the E2 Environmental Conservation Zone from 24 Glenwattle Street, Katoomba has implications for associated mapped provisions under DLEP 2013 and these are also shown below.





Recommendations

- K.22 That the Council notify the Department of Planning and Environment that the land at 26-30 Glenwattle Street Katoomba (formerly 53 Burrawang Street) is no longer part of the deferred process.
- K.23 That the Blue Mountains DLEP 2015 Land Application Map for 26-30 Glenwattle Street Katoomba (formerly 53 Burrawang Street) be amended by deleting the "Deferred Matter" notation.
- K.24 That the Blue Mountains DLEP 2015 Land Application Map for 24 Glenwattle Street Katoomba be amended by deleting the "Deferred Matter" notation.
- K.25 That the Blue Mountains DLEP 2015 Land Zoning Map for 24 Glenwattle Street Katoomba be amended as shown on the Land Zoning Map in Addendum 1 (24 Glenwattle Street, Katoomba) Proposed Mapped Provisions to Amendment 1 to DLEP 2015.
- K.26 That the Blue Mountains DLEP 2015 Lot Size Map for 24 Glenwattle Street Katoomba be amended as shown on the Lot Size Map in Addendum 1 (24 Glenwattle Street, Katoomba) Proposed Mapped Provisions to Amendment 1 to DLEP 2015.
- K.27 That the Blue Mountains DLEP 2015 Natural Resources - Land Map for 24 Glenwattle Street Katoomba be amended as shown on the Natural Resources - Land Map in Addendum 1 (24 Glenwattle Street, Katoomba) Proposed Mapped Provisions to Amendment 1 to DLEP 2015.
- K.28 That the Blue Mountains DLEP 2015 Natural Resources Biodiversity Map for 24 Glenwattle Street Katoomba be amended as shown on the Natural Resources - Biodiversity Map in Addendum 1 (24 Glenwattle Street, Katoomba) Proposed Mapped Provisions to Amendment 1 to DLEP 2015.
- K.29 That the following Blue Mountains DLEP 2015 mapped provisions for 24 Glenwattle Street Katoomba be amended as previously exhibited:
- Height of Buildings Map;
 - Lot Averaging Map.

Deferred Matter

111 Mort Street Katoomba

Previous Resolution of the Council

At the Extraordinary Meeting on the 23 October 2014, the Council resolved to defer 111 Mort Street Katoomba from DLEP 2013.

Background and Proposal

The property owner, Sydney Water made a submission requesting that the land be rezoned E4 Environmental Living.



Figure 1 – Locality Map



Figure 2 – Current Zones

If a favourable PSI is submitted to the Council, consideration needs to be given to the most appropriate residential zone for the property. A review of the site constraints and opportunities is provided below.

The parcels are currently zoned Environmental Protection (Sewage Treatment Plant) under LEP 1991 and have been proposed to be transferred to the equivalent zone of E2 Environmental Conservation in DLEP 2013. The Sewerage Treatment plant was decommissioned recently when the sewerage treatment was up graded and piped to the Winmalee treatment plant. Sydney Water has now requested that the land be rezoned to a residential zone which may facilitate its sale at a future date. Due to the lands previous use it could be contaminated as prescribed in *State Environmental Planning Policy 55-Remediation of Land (SEPP 55)*. SEPP 55 requires a Council be satisfied there is no contamination on the land. A Preliminary Site Investigation (PSI) prepared in accordance with SEPP 55 will outline the possible contamination status of the land. The owner of the land is responsible for providing Council with a PSI. Sydney Water were contacted in late 2014 and advised of this requirement.

The subject land which comprises two allotments is located on Mort St approximately 1.8 km north of the Great Western Highway. The property adjoins larger allotments to the north that are proposed to be zoned E3 Environmental Management and smaller allotments to the south that are proposed to be zoned E4 Environmental Living in DLEP 2013. The property is also opposite a large parcel of land that is owned by the Sydney Catchment Authority and proposed to be zoned SP2 Infrastructure Water Supply.

This property has an area of approximately 16 Ha, is located 2.3kms from the Katoomba town centre, has a 300m frontage to Mort Street, slopes towards the east to Katoomba Creek and is timbered. The eastern portion of the site contains areas of scheduled

vegetation of Blue Mountains Swamps and Eucalyptus Oreades Open Forest as well as having areas of slope in excess of 20% and some areas in excess of 33% slope. Additionally there is riparian buffer adjacent to the creek on the eastern boundary. Land adjoining and adjacent to the north is proposed to be zoned part E3 Environmental Management and part E2 Environmental Conservation. Land adjoining and adjacent to the south is proposed to be zoned part E4 Environmental Living and part E2 Environmental Conservation.

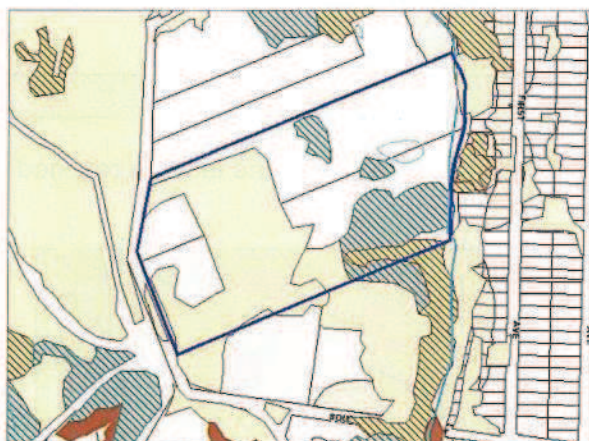


Figure 3: Significant Vegetation (hatched) and watercourse map.

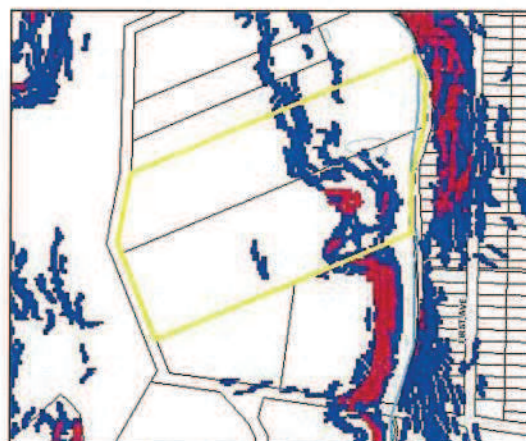


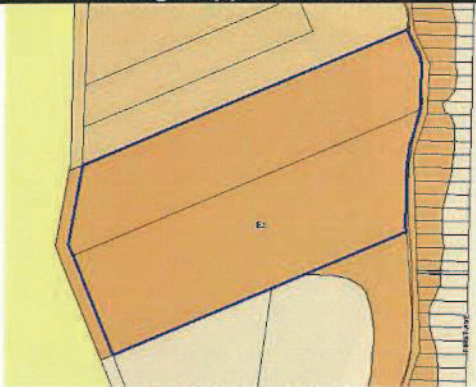
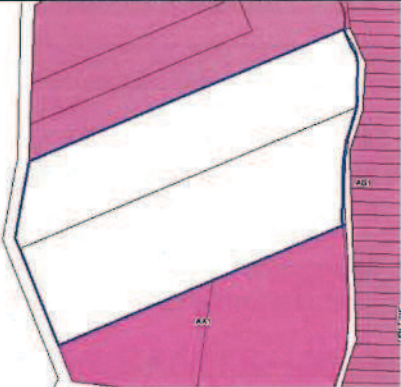
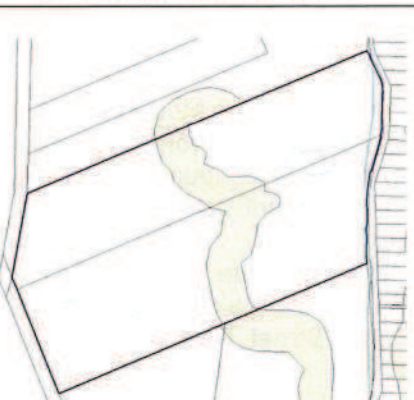
Figure 4: Slope Mapping

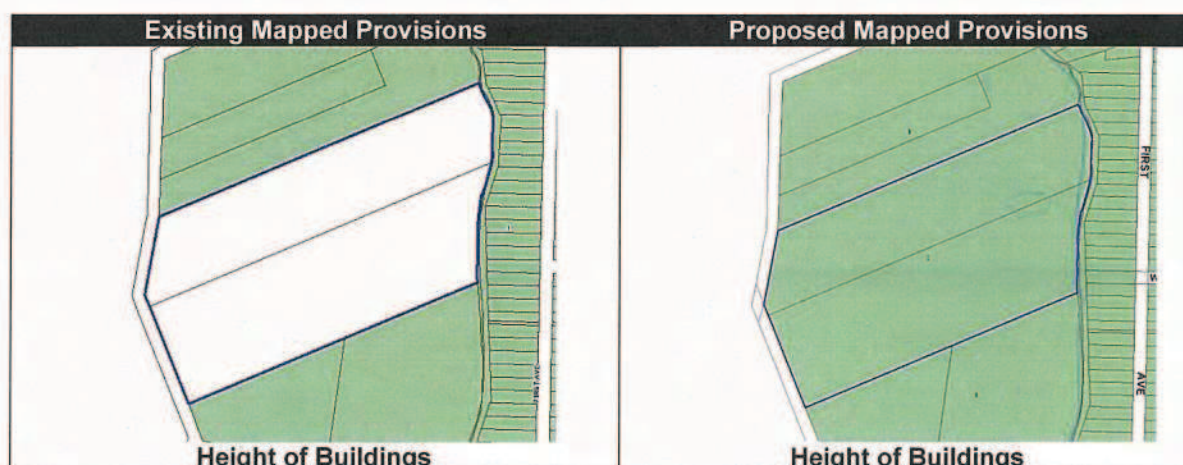
The Zone Objectives for E3 Environmental Management are:

- To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values.
- To provide for a limited range of development that does not have an adverse effect on those values.
- To protect the natural bushland buffer between towns, to avoid ribbon development and to conserve vistas of bushland obtained from public places and the Blue Mountains National Park.
- To ensure that the form and siting of buildings, colours, landscaping and building materials are appropriate for, and harmonise with, the bushland character of the areas.
- To encourage landscaping and regeneration of natural bushland in areas with sparse tree or canopy cover.

The E3 Environmental Management would be recommended for the western part of this site where there is potential for development and E2 Environmental Conservation would be recommended for the eastern portion of the land which contains scheduled vegetation, sloping land and riparian buffer.

As noted previously, this land will only be included in Draft Amendment 1 to DLEP 2015 following the receipt by Council of a favourable Preliminary Site Investigation prior to the this amendment being forwarded to The Department of Planning and Environment.

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



Recommendations

- K.30 That on receipt of a satisfactory Preliminary Site Investigation for 111 Mort Street, Katoomba, recommendations K.31 to K.37 be included within the Planning Proposal for Amendment 1 to DLEP 2015.
- K.31 That the Blue Mountains DLEP 2015 Land Application Map for 111 Mort Street Katoomba be amended by deleting the "Deferred Matter" notation.
- K.32 That the Blue Mountains DLEP 2015 Land Zoning Map for 111 Mort Street Katoomba be amended as shown on the Land Zoning Map in Addendum 1 (111 Mort Street Katoomba), Proposed Mapped Provisions to Amendment 1 to DLEP 2015.
- K.33 That the Blue Mountains DLEP 2015 Lot Size Map for 111 Mort Street Katoomba be amended as shown on the Lot Size Map in Addendum 1 (111 Mort Street Katoomba), Proposed Mapped Provisions to Amendment 1 to DLEP 2015.
- K.34 That the Blue Mountains DLEP 2015 Riparian Land and Watercourses Map for 111 Mort Street Katoomba be amended as shown on the Riparian land and Watercourse Map in Addendum 1 (111 Mort Street Katoomba), Proposed Mapped Provisions to Amendment 1 to DLEP 2015.
- K.35 That the Blue Mountains DLEP 2015 Natural Resources - Land Map for 111 Mort Street Katoomba be amended as shown on the Natural Resources - Land Map in Addendum 1 (111 Mort Street Katoomba), Proposed Mapped Provisions to Amendment 1 to DLEP 2015.
- K.36 That the Blue Mountains DLEP 2015 Natural Resources Biodiversity Map for 111 Mort Street Katoomba be amended as shown on the Natural Resources - Biodiversity Map in Addendum 1 (111 Mort Street Katoomba), Proposed Mapped Provisions to Amendment 1 to DLEP 2015.
- K.37 That the Blue Mountains DLEP 2015 Height of Building Map for 111 Mort Street Katoomba be amended as shown on the Height of Building Map in Addendum 1 (111 Mort Street Katoomba), Proposed Mapped Provisions to Amendment 1 to DLEP 2015.

Deferred Matter

22 Denison Street and 19 Davidson Street Leura

Previous Resolution of the Council

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

Background and Proposal

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



Figure 1 – Locality Map

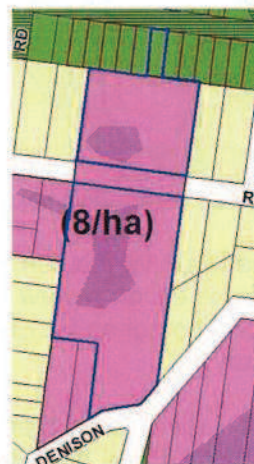


Figure 2 – Current Zones

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

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

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

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

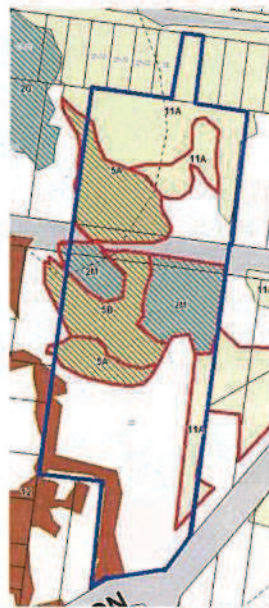


Figure 3 - Verified scheduled vegetation shown with a red border

Although these areas of verified scheduled vegetation were exhibited in DLEP 2013 as Protected Area – Vegetation Constraint Area on review the quality and coverage of these areas is such that they support the application of an E2 Environmental Conservation zone as opposed to a Protected Area designation.

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

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

In relation to the zoning of 22 Denison Road, Leura a further council resolution was made at the Extraordinary Meeting on the 23 October 2014, in relation to Places of Public Worship, as below:

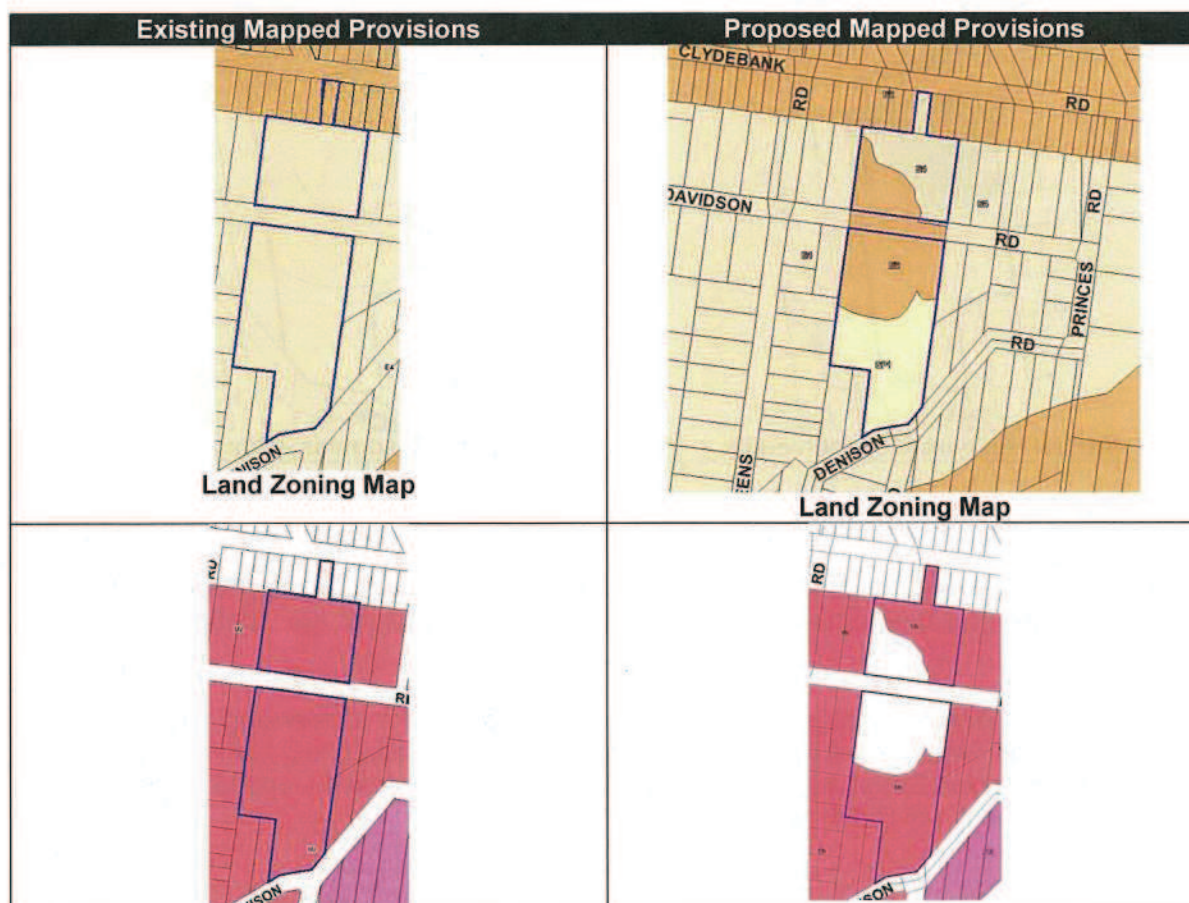
M.SP1.1 That the following approved 'Places of Public Worship' currently located in the E4 Environmental Living zone and the R6 Residential Character Conservation be rezoned to SP1 Special Activities and the Land Use Zoning Map is amended accordingly with the use 'Places of Public Worship' annotated on the map.

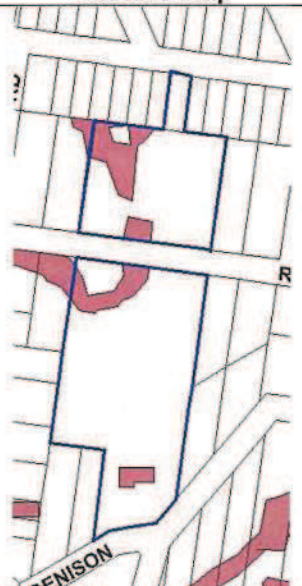
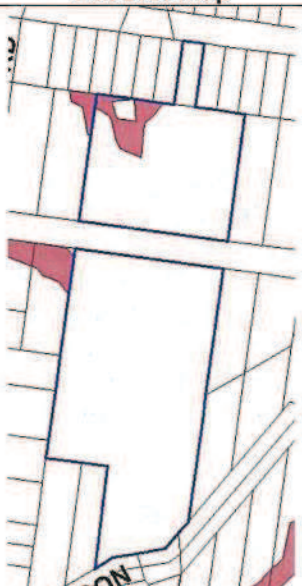
- 4 West St Wentworth Falls
- 22 Denison Rd Leura
- 85 Narrow Neck Rd Katoomba
- 24 Hartley Esplanade Leura

[Minute No. 1206]

While the latter resolution determines the appropriate zone for land uses on the site, the environmental attributes on the property have primacy in determining the extent of the E2 Environmental Conservation zone.

Accordingly, it is recommended that the E2 Environmental Conservation zone be applied where there is scheduled vegetation and the remainder of the land at 19 Davidson Road is to be zoned E4 Environmental Living and the remainder of the land at 22 Denison Road is zoned SP1. The introduction of the E2 Environmental Conservation Zone has implications for associated mapped provisions under DLEP 2013 and these are also shown below.



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

Recommendations

- LA.1 That the Blue Mountains DLEP 2015 Land Application Map for 22 Denison Street and 19 Davidson Street Leura be amended by deleting the "Deferred Matter" notation.
- LA.2 That the Blue Mountains DLEP 2015 Land Zoning Map for 22 Denison Street and 19 Davidson Street Leura be amended as shown on the Land Zoning Map in Addendum 1 (22 Denison Street and 19 Davidson Street Leura) Proposed Mapped Provisions to Amendment 1 to DLEP 2015.

- LA.3 That the Blue Mountains DLEP 2015 Lot Size Map for 22 Denison Street and 19 Davidson Street Leura be amended as shown on the Lot Size Map in Addendum 1 (22 Denison Street and 19 Davidson Street Leura) Proposed Mapped Provisions to Amendment 1 to DLEP 2015.
- LA.4 That the Blue Mountains DLEP 2015 Natural Resources - Land Map for 22 Denison Street and 19 Davidson Street Leura be amended as shown on the Natural Resources - Land Map in Addendum 1 (22 Denison Street and 19 Davidson Street Leura) Proposed Mapped Provisions to Amendment 1 to DLEP 2015.
- LA.5 That the Blue Mountains DLEP 2015 Natural Resources Biodiversity Map for 22 Denison Street and 19 Davidson Street Leura be amended as shown on the Natural Resources - Biodiversity Map in Addendum 1 (22 Denison Street and 19 Davidson Street Leura) Proposed Mapped Provisions to Amendment 1 to DLEP 2015.
- LA.6 That the following Blue Mountains DLEP 2015 mapped provisions for 22 Denison Street and 19 Davidson Street Leura be amended as previously exhibited:
- Height of Buildings Map;
 - Lot Averaging Map.

Deferred Matter

23 Farnham Avenue Wentworth Falls

Previous Resolution of the Council

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

Background and Proposal

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

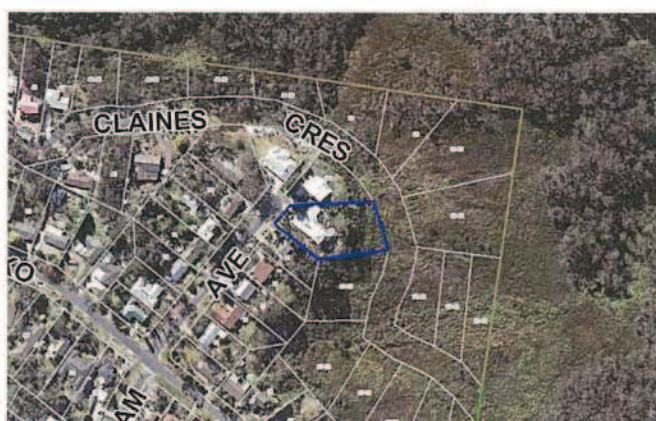


Figure 1 – Locality Map

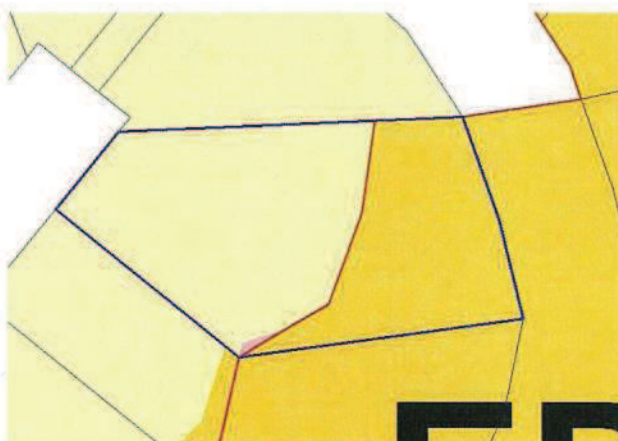


Figure 2 – Current Zones

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

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

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

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

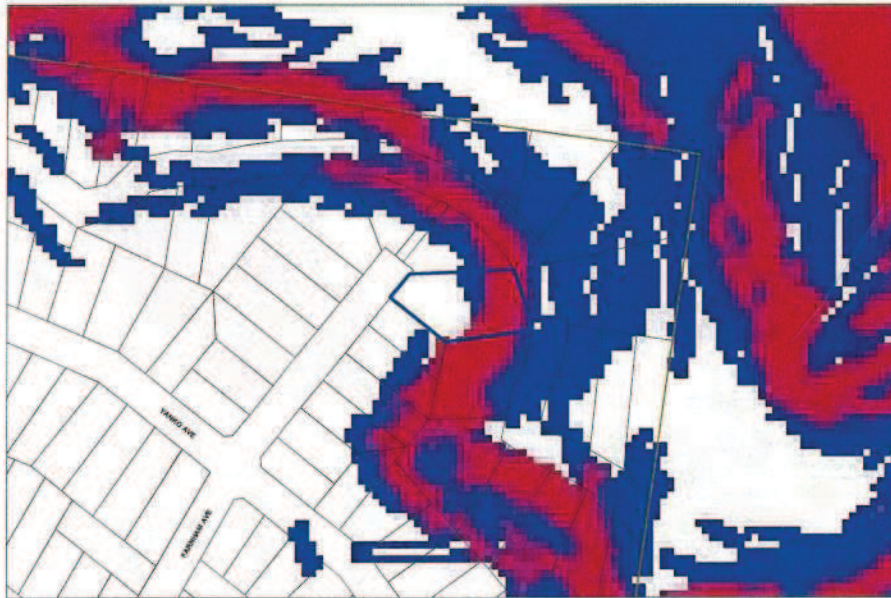


Figure 3 – Slope mapping

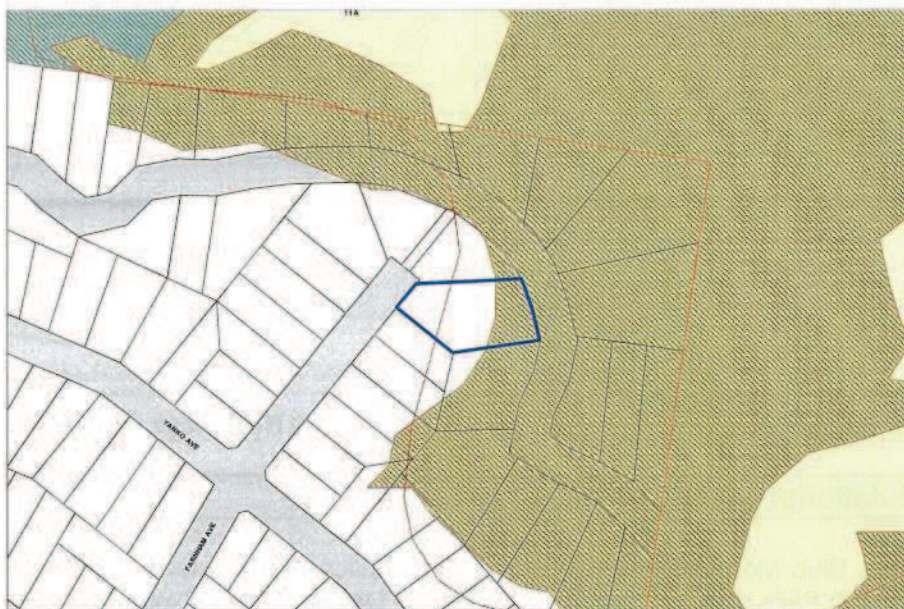
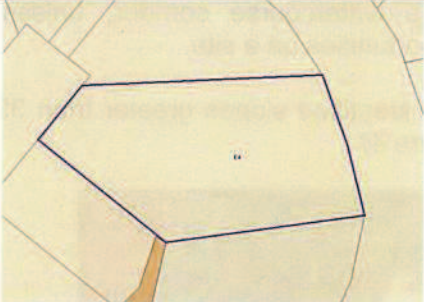
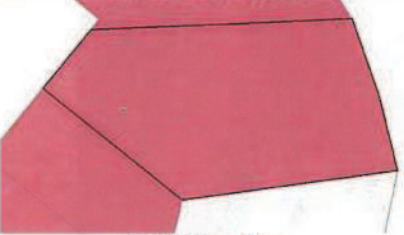
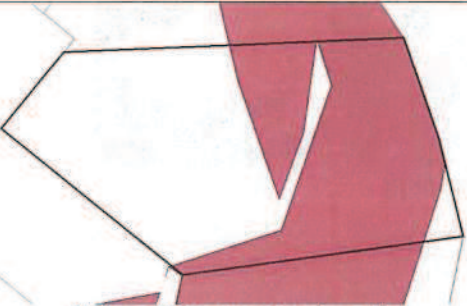
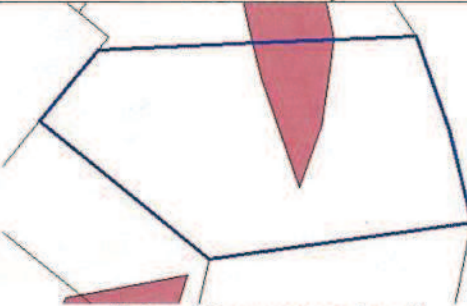
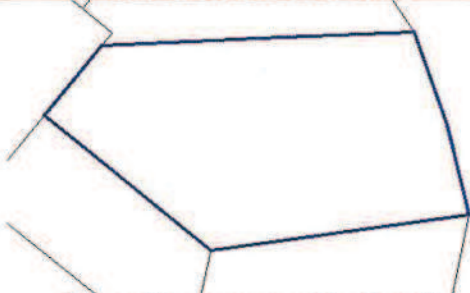


Figure 4 – Scheduled Vegetation mapping

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

Furthermore it is recommended that the “acquisition” provision be removed.

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

Recommendations

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

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

Deferred Matter

60 Claines Crescent Wentworth Falls

Previous Resolution of the Council

At the Extraordinary Meeting on the 4 September 2014, the Council resolved to defer 60 Claines Crescent Wentworth Falls from DLEP 2013.

Background and Proposal

The submission from the Office of Environment and Heritage notes significant concerns regarding the E4 zone of the land and requests that Council review the zone.

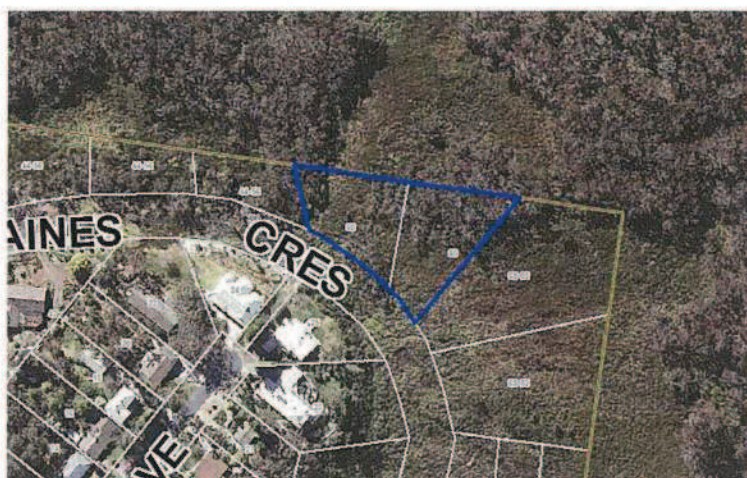


Figure 1 – Locality Map

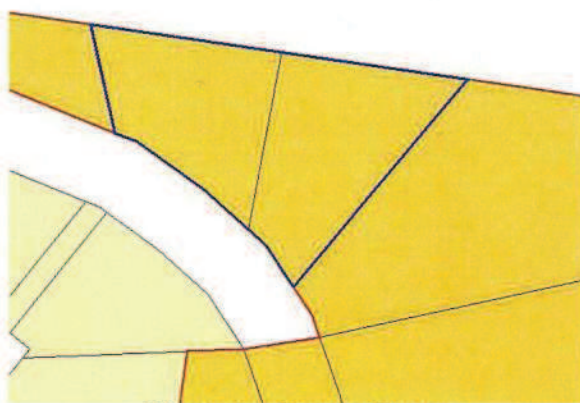


Figure 2 – Current Zones

The land at 60 Claines Crescent is currently zoned Environmental Protection (Acquisition) under LEP 1991 and appears to have been incorrectly transferred during the mapping process to E4 Environmental Living. A Submission from the Office of Environment and Heritage raised concerns about the proposed E4 zone. The land was deferred to allow for a review of the zone and to enable further consultation.

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 or the land is identified for acquisition.

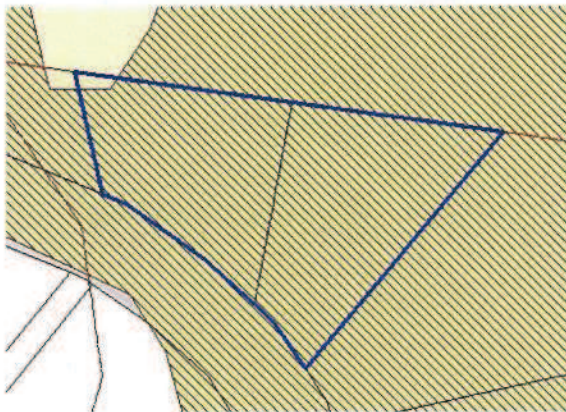


Figure 3 – Extent of scheduled vegetation

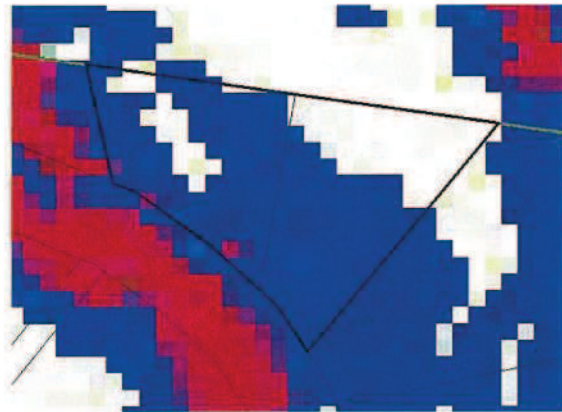
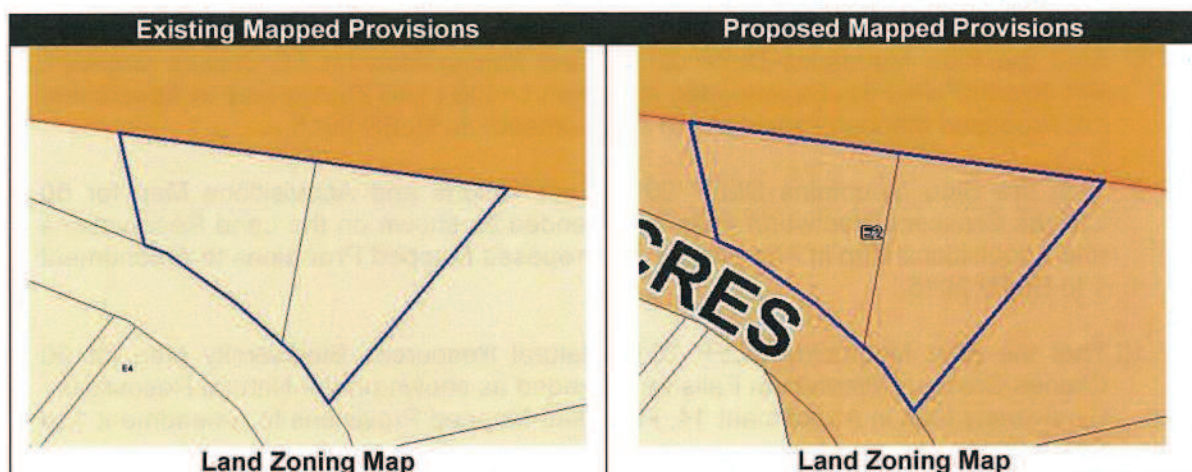
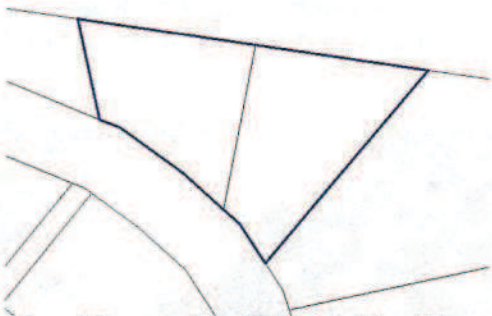
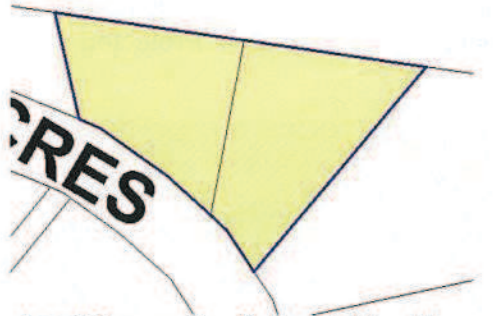
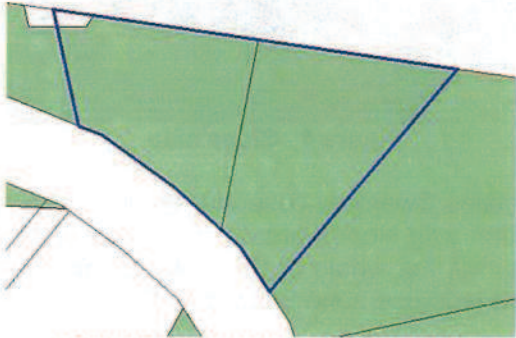
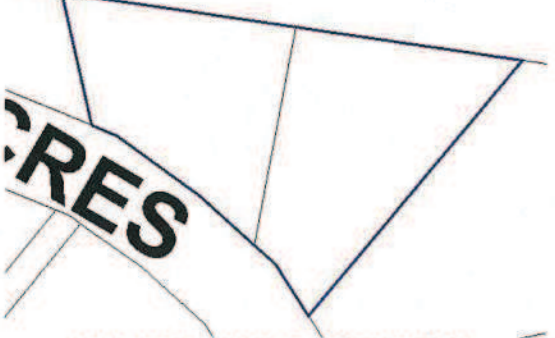


Figure 4 - Slope map

This holding has scheduled vegetation, Blue Mountains Swamps, covering almost 100% of the site (Figure 3) as well as extensive areas of land with slopes greater than 20 per cent (Figure 4). Given the site constraints it appropriate that the whole of the land be zoned E2 Environmental Conservation, which is the equivalent land use zone under DLEP 2013 to the current zone under LEP 1991.

As a consequence of the whole of the land being proposed to be zoned E2 Environmental Conservation under DLEP 2015, and in accordance with current provisions of acquisition under LEP 1991, it is recommended that the land be identified on the Land Reservations and Acquisitions Map as Environmental Conservation Open Space (RE1 or RE2).



Existing Mapped Provisions	Proposed Mapped Provisions
 Land Reservation & Acquisition Map	 Land Reservation & Acquisition Map
 Natural Resources - Biodiversity	 Natural Resources - Biodiversity

Recommendations

- WF.7 That the Blue Mountains DLEP 2015 Land Application Map for 60 Claines Crescent Wentworth Falls be amended by deleting the "Deferred Matter" notation.
- WF.8 That the Blue Mountains DLEP 2015 Land Zoning Map for 60 Claines Crescent Wentworth Falls be amended as shown on the Land Zoning Map in Attachment 14, Proposed Mapped Provisions to Amendment 1 to DLEP 2015.
- WF.9 That the Blue Mountains DLEP 2015 Reservations and Acquisitions Map for 60 Claines Crescent Wentworth Falls be amended as shown on the Land Reservations and Acquisitions Map in Attachment 14, Proposed Mapped Provisions to Amendment 1 to DLEP 2015.
- WF.10 That the Blue Mountains DLEP 2015 Natural Resources Biodiversity Map for 60 Claines Crescent Wentworth Falls be amended as shown on the Natural Resources - Biodiversity Map in Attachment 14, Proposed Mapped Provisions to Amendment 1 to DLEP 2015.

Deferred Matter

30-32 Yester Road Wentworth Falls

Previous Resolution of the Council

At the Extraordinary Meeting on the 4 September 2014, the Council resolved to defer 30-32 Yester Road Wentworth Falls from DLEP 2013.

Background and Proposal

The submission from Blue Mountains Conservation Society noted that land is highly constrained and recommends reviewing the MLS with a view to increasing it.



Figure 1 – Locality Plan



Figure 2 – Existing zoning

30-32 Yester Road is currently zoned Residential Bushland Conservation (No Subdivision) and part Environmental Protection under LEP 1991. During public exhibition of DLEP 2013 the site was shown as being proposed to have a 1,200m² Minimum Lot Size (MLS). During the review of submission process this anomaly was raised and the site deferred to carry out a review.

The identification of the subject land as having a MLS of 1,200m² was clearly a mapping error as adjoining land subject to the No Subdivision control (Figure 3) and proposed to be E4 Environmental Living (Figure 4) is subject to a MLS of 10ha (Figure 5)

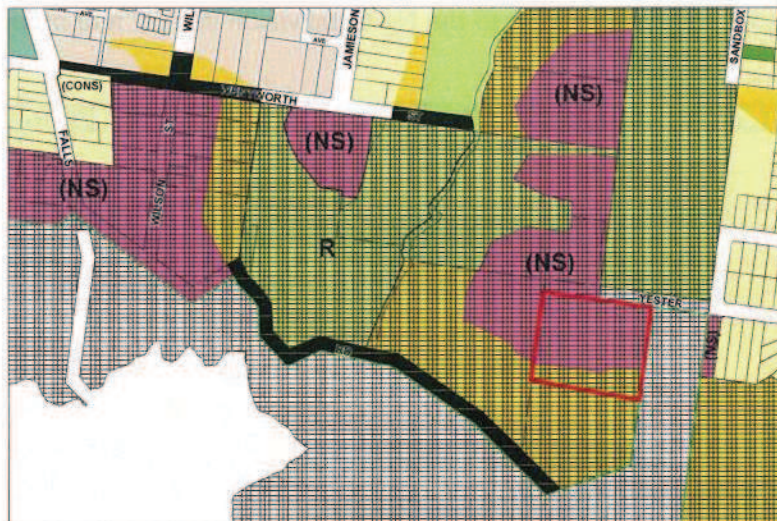


Figure 3 – Current Zoning (subject site in red)

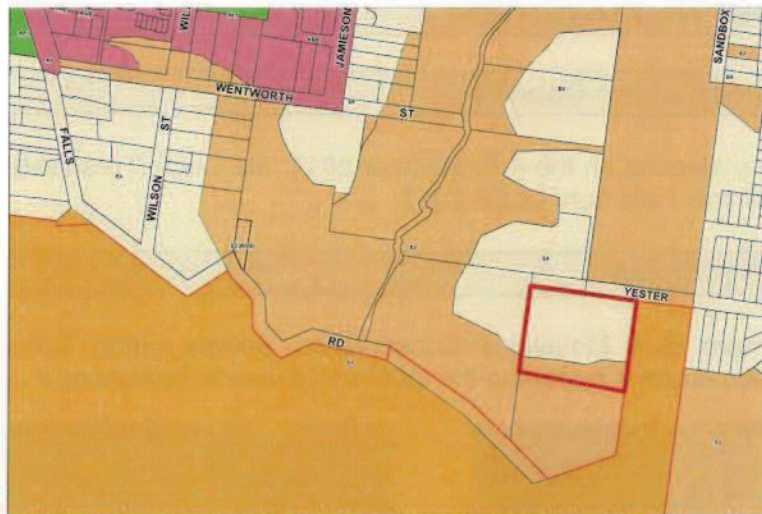


Figure 4 – Proposed DLEP 2013 zoning (subject site in red)

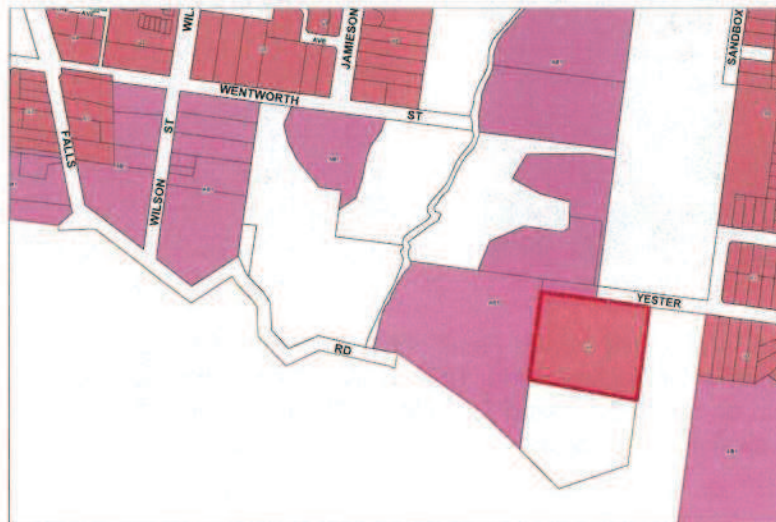
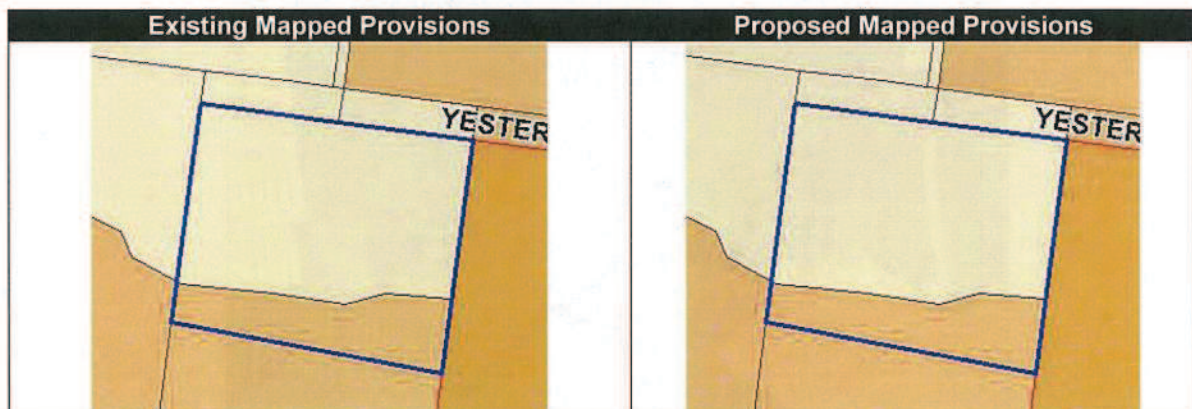
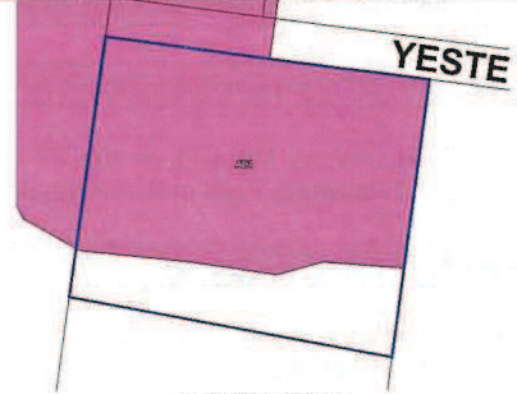


Figure 5 – Proposed MLS under DLEP 2013

It is therefore recommended that the AB1 10Ha minimum lot size be applied to the property, as was done for adjoining land subject to the No Subdivision control and proposed to be E4 Environmental Living.



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

Recommendations

- WF.11 That the Blue Mountains DLEP 2015 Land Application Map for 30-32 Yester Road Wentworth Falls be amended by deleting the "Deferred Matter" notation.
- WF.12 That the Blue Mountains DLEP 2015 Lot Size Map for 30-32 Yester Road Wentworth Falls be amended as shown on the Lot Size Map in Attachment 15, Proposed Mapped Provisions to Amendment 1 to DLEP 2015.
- WF.13 That the following Blue Mountains DLEP 2015 maps for 30-32 Yester Road Wentworth Falls be amended as previously exhibited:
- Zoning Map
 - Height of Buildings Map
 - Natural Resources Land Map
 - Scenic and landscape Map

Deferred Matter

153 Falls Road Wentworth Falls and surrounding area

Previous Resolution of the Council

At the Extraordinary Meeting on the 23 October 2014, the Council resolved to defer 153 Falls Road Wentworth Falls and surrounding area from DLEP 2013.

Background and Proposal

The owner of one of the properties in this location objected to the proposed E4 zone and requested a residential zone.



Figure 1 – Locality Map

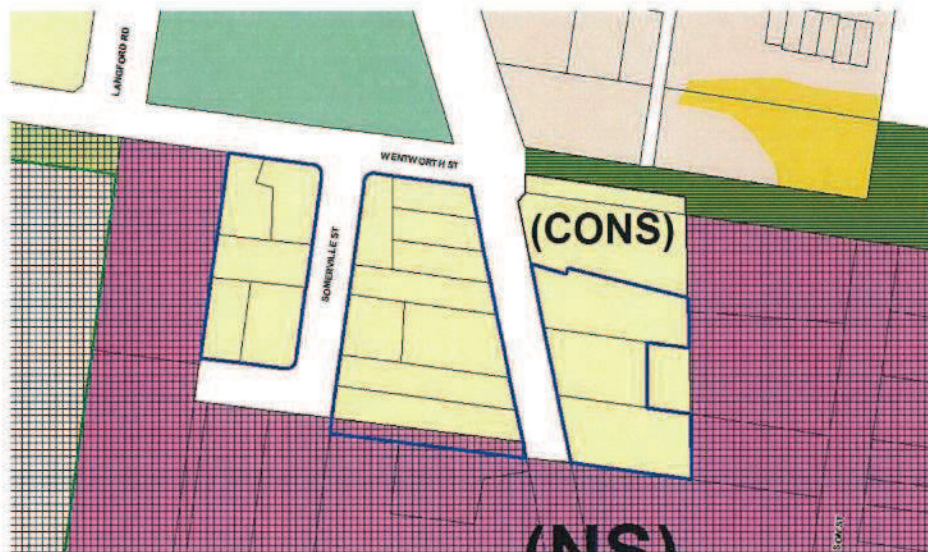


Figure 2 – Current Zones

The subject land is located on Falls Rd approximately 1.5km south of the Great Western Highway and is currently zoned Living Bushland Conservation which has been translated into the equivalent E4 Environmental Living zone. The allotment is just (45 m) south to a

large area that is proposed to be zoned R6 Residential Character Conservation zone, having been translated from the Living Conservation zone in LEP 2005.

Although there is potential merit in this zoning change it needs to be based on further review and consultation with the relevant property owners and was deferred from the DLEP 2013 to enable this consultation to occur.

The Living – Conservation zone under LEP 2005

The R6 zone is an equivalent zone for the Living – Conservation zone under LEP 2005. The Living Conservation zone was applied to areas assessed in the Residential Character Study 2002 to LEP 2005 as being Visually Significant Streetscapes, Dominant Landscape Settings, or Garden Settings. All of these different categories have set qualities and attributes for identification.

In the instance of the adjoining area to the north, the application of Living Conservation zone under LEP 2005, and translated into R6 Residential Character zone under DLEP 2013, was due to the underlying importance of the character of the zone being larger single dwelling allotments in traditional garden settings, the 'Garden Settings' category for the application of Living – Conservation zone. The objectives and provisions of that zone aim to preserve the character and streetscape of the zone. These areas which are often along major historical tourist routes such as Falls Rd were identified in the Character Study that was undertaken in preparation for LEP 2005. This character zone (currently the Living Conservation zone) has in previous background studies and consultation workshops, proved to be of high intrinsic value to the community and is often the reason why visitors come to the Blue Mountains and is a large contributor to our tourist based economy.

Character Study of deferred area

Given the subject area adjoins this R6 area, and is also situated along Falls Road, there is potential that an R6 zoning may be suitable under 'Garden Settings'. It is therefore appropriate to carry out a character study of the deferred area to assess whether it displays the qualities and attributes of a 'Garden Setting' as outlined in the Residential Character Study 2002.

The Residential Character Study 2002 categorises Garden Setting areas as those that present a unified streetscape characterised by formal and exotic vegetation. Furthermore, they are areas where the subdivision pattern consists predominantly of large lots, where there is a predominance of exotic species within gardens and verges, where tree planting in backyards contributes to a landscape setting, and which contains more traditional, formal garden themes.

It is not just the dominance of vegetation over the built form, or the presence of predominantly exotic species that characterises a Garden Setting, but also the layout and design of gardens and verge. In terms of garden design, more formal traditional gardens are typically characterised by:

- Verge or street planting of exotic species at regular intervals, potentially incorporating shrubs and ground covers as well as more mature trees,
- Front fencing in more traditional materials, such as timber and stone, with formalised garden entries through gateways and well defined pathways and driveways,
- Deliberate and orderly arrangement of garden elements including the grouping or separation of planting for visual effect particularly through colour (flowers) and pruning and shaping,
- Defined and pronounced garden edges, often through row planting and well defined spaces within the garden through the use of vegetation,

- Formal garden also include features coordinated with the garden design such as archways, bird baths, seating, and sculpture, and
- Areas of garden setting can also have a sense of grandeur created through the size and scale of trees and avenues of planting, rather than through building design or size. This can also be evident in individual gardens which can be contrasted with smaller intimate spaces created through dense enclosing planting and overlapping tree canopies.

The subject area of Falls Road displays a number of these characteristics. It is clearly dominated by vegetation, which is predominantly exotic species. Agapanthus are particularly prevalent, in the verge and in private gardens, and many of street trees are deciduous. Mature and dense street tree planting, particularly on the eastern side, continues from the northern section of Falls Road. Because most of the properties in the area have low site coverage, and a number of houses take up multiple lots, there is a significant amount of landscaped area per dwelling, particularly on the western side of the Falls Road where there is generous front setbacks of approximately ten metres. The front setbacks, large areas of landscaping, and the density of planting results in houses being barely visible when looking down the street, and even when looking directly at a property buildings are still often obscured.



Figure 3 – Streetscape dominated by vegetation

Where buildings are visible, particularly at street corners, numerous tall trees can be seen behind the buildings and it is these trees which define the skyline, rather than roof-lines and building forms. From these vistas a variety of exotic plant species can be seen in the backyards of properties in addition to those visible along the street and in front gardens.



Figure 4 – Skyline defined by vegetation

Further to the prominence of landscaping in the area, the design and layout of individual gardens and the planting within the verge are also consistent with characteristics of traditional formal gardens. There is front fencing and gateways to most properties, including low stone walls, timber post and rail, picket fencing, and brick walls or pillars with wrought iron gates. Agapanthuses line the front boundary within the verge, forward of the fence line, for much of the length of the street, and many of the driveways, footpaths and drainage channels are also flanked by agapanthus or similar rows of low vegetation. The driveways are also typically constructed from more traditional materials including pavers and pebbles. From the street and from aerial photography imagery, row planting, particularly of dense screening vegetation is evident along rear and side boundaries, often enclosing or defining lawns or paved garden areas.



Figure 5 – Formal garden elements

The character of the area continues from Falls Road into Somerville Street. Although there is less mature but regular street tree planting on Somerville Street, a number of properties have significant hedges or screen planting along their boundaries, particularly where it is the side or rear, rather than front, of their properties. There is also extensive Agapanthus planting along the road, boundary, and driveway edges, as well as boundary defining hedge planting to some properties.



Figure 6 – Somerville Street

The Garden Setting character of the area is clearly evident when viewed in contrast to adjoining properties on Wentworth Street, where the properties beyond the subject area clearly have a much more bushland dominant landscape, consisting of predominantly native species with no formal garden elements or layout beyond the front gate.



Figure 7 – Change from Garden Setting to Bushland Dominant Setting

Consequently, given the subject area clearly displays characteristics consistent with a Garden Setting and the objectives of the R6 zone, is adjoining this zone and is situated along a historical tourist route, there is merit in amending this allotment and the surrounding area to the R6 Residential Character Conservation zone.

The R6 Residential Character zone

The R6 Residential Character zone is a new zone that will apply to all areas previously zoned Living Conservation under LEP 2005 and its inclusion in DLEP 2013 is dependent on the State Government amending the Standard Instrument Order 2006 to include the zone.

The intention of this zone is to preserve and enhance the character of residential areas that were formed by large lots and single dwelling houses within traditional garden settings. The zone has been applied to areas which retain the prominence of landscape and garden settings. The zone also aims to enhance the landscape character and setting along roads of

historic significance such as Leura Mall, Leura and Falls Road, Wentworth Falls. A limited number of non-residential land uses are permitted where they are conducted in association with predominantly residential land uses, and retain residential character based on landscape or open space setting. The zone does not presently exist within the Standard LEP Template, so its inclusion will require a legislative change to the Standard Instrument Order. The Department of Planning and Environment have advised that if the zone is adopted, then the State Environmental Planning Policies (SEPP) such as the Affordable Housing SEPP will be amended to include this residential zone and as a result secondary dwellings as provided for in the SEPP will be permissible in this zone.

A character study, described above, supports the suitability of the R6 Residential Character zone for this area.

Change from E4 Environmental Living zone

The deferred area was exhibited in DLEP 2013 as E4 Environmental Living. The E4 Environmental Living zone is generally intended for existing urban areas with special environmental or scenic values (i.e. largely dominated by 'High Conservation Value' vegetation) where low impact residential uses can be accommodated. This includes dwelling houses, bed and breakfast accommodation and Eco-tourist facilities. A number of land uses considered to be inappropriate for this zone have been mandated as prohibited. This zone is equivalent to the Living-Bushland Conservation zone in LEP 2005 and Residential Bushland Conservation zone under LEP 1991.

The E4 Environmental Living zone has been applied to areas previously zoned:

- Living Bushland Conservation under LEP 2005
- Residential Bushland Conservation under LEP 1991, and
- Residential Investigation under LEP 1991

This zone has been applied to allow low-impact residential development in areas which have special ecological, scientific or aesthetic values; and ensure that this development does not adversely impact on those values.

This zone has been applied to areas with existing residential development in a rural setting which still contain special conservation values. It aims to ensure that development gives priority to preservation of particular environmental qualities of the land and must be located so that it does not adversely impact on those qualities. It also applies to land which needs to preserve and/or re-establish native bushland, or which has a predominantly bushland character. The zone permits a limited number of uses, such as bed and breakfast accommodation, bee-keeping, dwelling houses, ecotourist facilities, emergency services facilities, secondary dwellings and water storage facilities.

It is recommended that the deferred area above be included in the R6 Residential Character zone under DLEP 2013. Further information on the implications of this zone change for permitted land uses and associated state planning controls will be provided during public exhibition.

Recommendations

WF.14 That the Blue Mountains DLEP 2015 Land Zoning Map for 153 Falls Road Wentworth Falls and Surrounding area be amended to R6 Residential Character Conservation zone.

WF.15 That the following Blue Mountains DLEP 2015 mapped provisions for 153 Falls Road Wentworth Falls and Surrounding area be amended as previously exhibited:

- Heritage
- Height of Buildings
- Lot Size
- Lot Averaging
- Natural Resources – Land
- Scenic and Landscape Values
- Riparian Lands and Watercourses

WF.16 That in accordance with the resolution of Council at its Ordinary Meeting on 14 October 2014 to defer the land proposed to be zoned R6 Residential Character, that the Blue Mountains DLEP 2013 Land Application Map for 153 Falls Road Wentworth Falls and Surrounding area be retained with the “Deferred Matter” annotation.

Deferred Matter

73-77 Queens Road Lawson

Previous Resolution of the Council

At the Extraordinary Meeting on the 25 September 2014, the Council resolved to defer 73-77 Queens Road Lawson from DLEP 2013.

Background and Proposal

The owner made a submission requesting that the land be zoned E4 and the minimum lot size be changed to 1200m².



Figure 1 – Locality Map

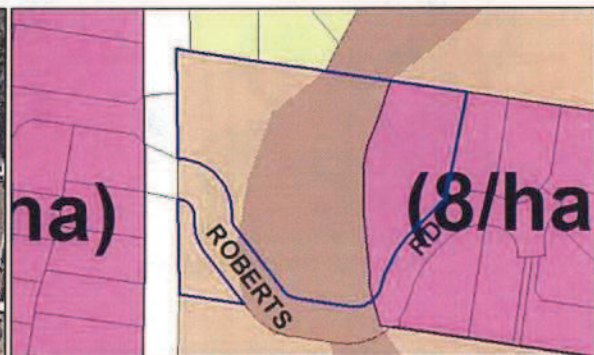


Figure 2 – Current Zones

The site was exhibited under DLEP 2013 with three proposed zones: E2 Environmental Protection where the requirements for the application of that zone were met, with the remainder of the site split between E3 – Environmental Management zone and E4 Environmental Living zone on the existing divide between the two LEP 1991 zones of Bushland Conservation and Residential – Bushland Conservation.

The site is a residue lot from a subdivision registered in 2006. A dwelling is located on the Queens Road frontage and a drainage line separates the dwelling from the rear undeveloped area. The original lot of approximately 2.1ha was subdivided to create the subject lot, being 1ha, and 8 smaller lots ranging from 865m² – 1414m². The original lot was a split zone between Residential – Bushland Conservation (8L/HA) and Bushland Conservation (No Subdivision) under LEP 1991. The 'No Subdivision' provision has been translated to 30ha minimum lot size to prevent subdivision where no subdivision opportunity currently exists. There is currently no further subdivision potential for 73-77 Queens Road due to zoning and prior subdivision of the original parcel.

The E3 Environmental Management zone, as the equivalent to Bushland Conservation under LEP 1991, is generally applied to larger lots with extensive areas of environmental and/or scenic values such as slope and scheduled vegetation.

The E4 Environmental Living zone, equivalent to Residential Bushland Conservation under LEP 1991 and Living Bushland Conservation under LEP 2005, is also applied to lots with environmental and/or scenic values but usually within more established urban areas with a smaller lot size than in E3 Environmental Management.

The subject property contains both extensive areas of slopes greater than 20% (Figure 3) and scheduled vegetation (Figure 4) and therefore not only is the proposed E3

Environmental Management zone appropriate, it is in fact recommended to extend this zone over the part of the lot currently proposed to be E4 Environmental Living. This change in zoning for the site to a split zoning of E3 Environmental Management and E2 Environmental Conservation is more reflective of the physical and development constraints on the site.

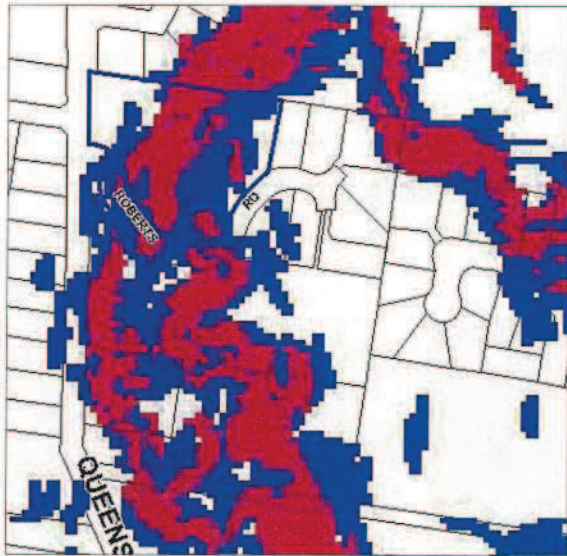


Figure 3: Slope mapping

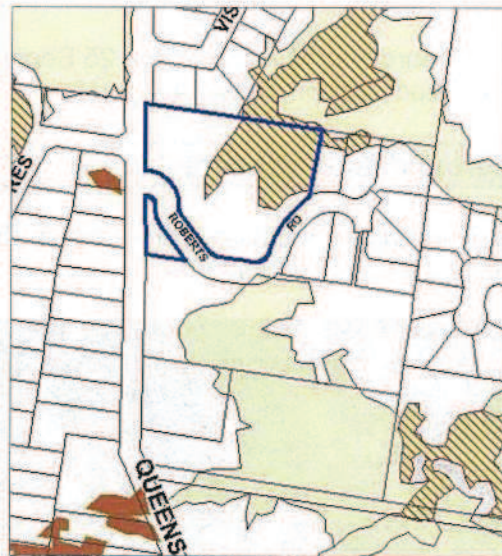
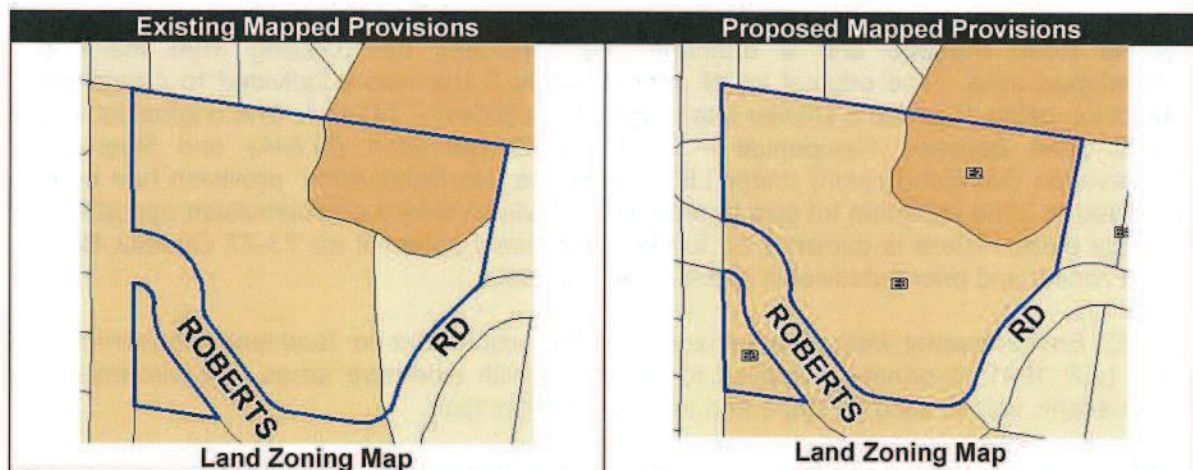
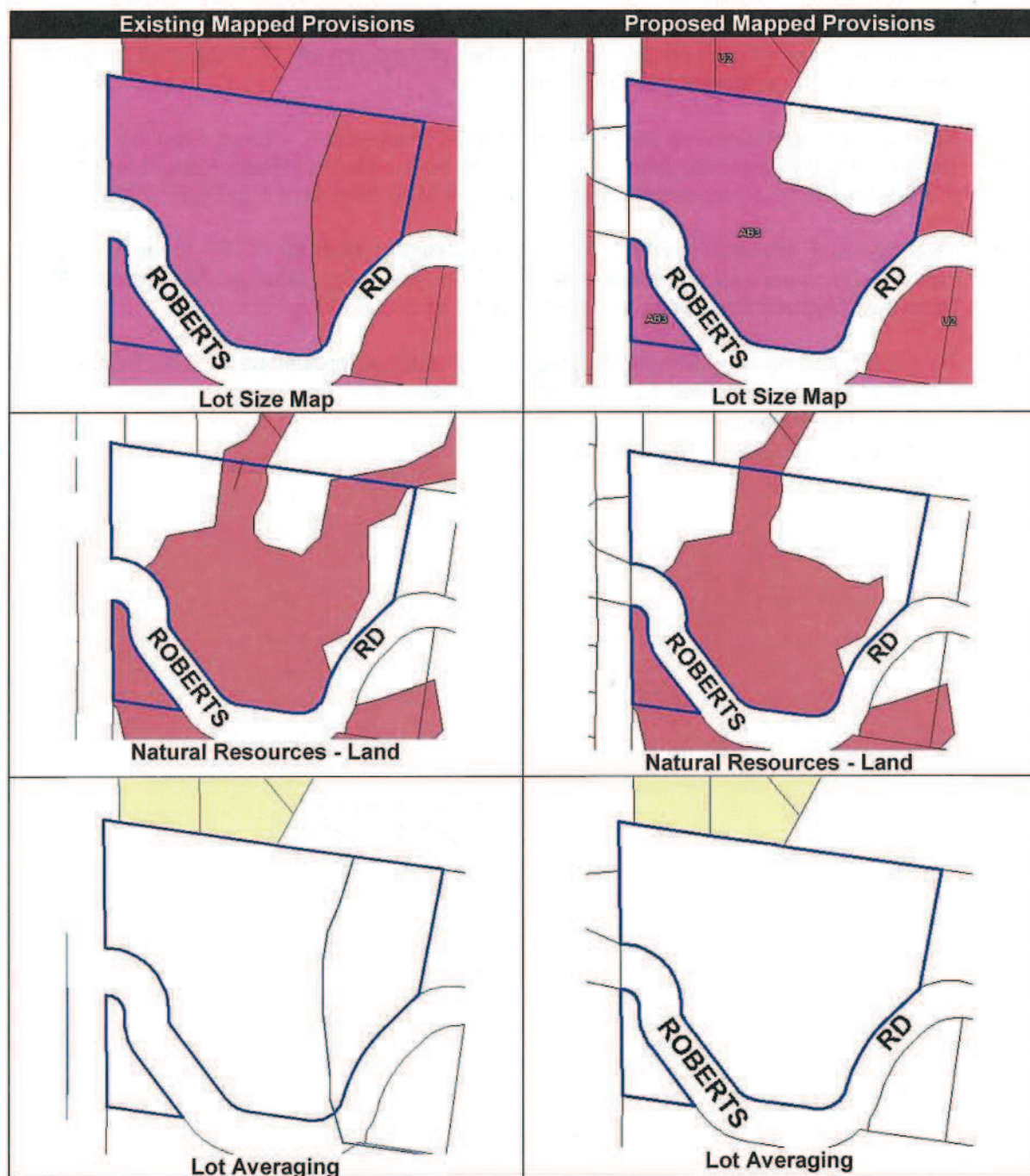


Figure 4: Scheduled vegetation (5B/hanging swamp)

However, as any proposed change in zoning from E4 Environmental Living to E3 Environmental Management on the site would be a substantive change it was recommended the site be deferred from the plan to carry out a review and enable further public consultation if required.

The subsequent review confirmed the E3 Environmental Management and E2 Environmental Conservation zones are the most appropriate zones for 73-77 Queens Road, to protect existing vegetation and transfer existing provisions in DLEP 2013.





Recommendations

- LN.1 That the Blue Mountains DLEP 2015 Land Application Map for 73-77 Queens Road Lawson be amended by deleting the "Deferred Matter" notation.
- LN.2 That the Blue Mountains DLEP 2015 Land Zoning Map for 73-77 Queens Road Lawson be amended as shown on the Land Zoning Map in Attachment 17, Proposed Mapped Provisions to Amendment 1 to DLEP 2015.

- LN.3 That the Blue Mountains DLEP 2015 Lot Size Map for 73-77 Queens Road Lawson be amended as shown on the Lot Size Map in Attachment 17, Proposed Mapped Provisions to Amendment 1 to DLEP 2015.
- LN.4 That the Blue Mountains DLEP 2015 Natural Resources - Land Map for 73-77 Queens Road Lawson be amended as shown on the Natural Resources - Land Map in Attachment 17, Proposed Mapped Provisions to Amendment 1 to DLEP 2015.
- LN.5 That the Blue Mountains DLEP 2015 Lot Averaging Map for 73-77 Queens Road Lawson be amended as shown on the Lot Averaging Map in Attachment 17, Proposed Mapped Provisions to Amendment 1 to DLEP 2015.
- LN.6 That the following Blue Mountains DLEP 2015 mapped provisions for 73-77 Queens Road Lawson be amended as previously exhibited.
- Height of Buildings;
 - Natural Resources - Biodiversity.

Deferred Matter

"Stratford" 4-8 San Jose Avenue Lawson

Previous Resolution of the Council

At the Extraordinary Meeting on the 25 September 2014, the Council resolved to defer "Stratford" 4-8 San Jose Avenue Lawson from DLEP 2013.

Background and Proposal

A submission was received on behalf of the owner requesting lot sizes in the E4 and R3 zones be reduced to increase development potential.



Figure 1 – Locality Plan



Figure 2 – Existing zoning

The site consists of 5 adjoining allotments of land that are located on the northern side of the main railway line adjacent to the Lawson Railway Station and in close vicinity of the Lawson Town Centre. The site is identified as a heritage item (LN018) in association with the Stratford Girls School. However during the 1980s the building was destroyed in a fire and subsequently demolished in the 1990s. The only remaining structure is the tower to the southern boundary of the site. The land is also located to within the western extent of the *San Jose Avenue and Badgerys Crescent Cottages Heritage Conservation Area* (LN030). DLEP 2013 proposes the use of 3 zones across the site being *Medium Density Residential* (R3) (eastern portion), *Environmental Living* (E4) (western and northern portions) and *Environmental Constraint* (E2) (central portion). The current zones and site provisions were recommended to be translated from equivalent zones and provisions into DLEP 2013.

A submission on behalf of the owner requested that the zone, minimum lot size (MLS), slope, height of buildings and floor space ratio be reviewed and at the Council meeting it was resolved to retain the zones and provisions as exhibited, amend the height of buildings to 9m, increase the FSR for the area zoned R3 to 0.6:1 and retain the Protected Area - Slope Constraint Area as exhibited. However the site has been deferred from DLEP 2013 to allow a review of the MLS.

The three allotments comprising the northern part of the holding were exhibited with a 1200m² MLS which is a transfer of the current MLS provision (Figure 4). This is compatible with the site characteristics. It is therefore recommended that the MLS remain at 1200m² for the lots zoned E4 Environmental Living (Figure 3)

The two allotments comprising the southern part of the holding were exhibited as having a MLS of 720m² which appears to have occurred as a result of a mapping error (Figure 4). The deferred status of this holding has allowed for a review of the MLS provision.

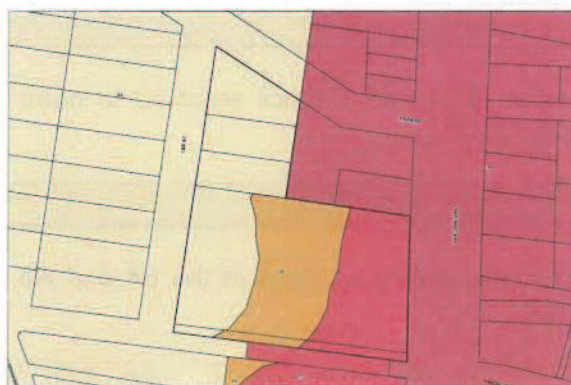


Figure 3 - Exhibited DLEP 2013 zoning



Figure 4 - Exhibited MLS under DLEP 2013

In the process of transferring the MLS provisions, Council has avoided as far as possible having a situation where there is more than one MLS per allotment. There are several situations where this has been unavoidable to transfer the current MLS provision into the Standard LEP Instrument format. This is a site where it is considered that a better planning outcome is achieved by having two minimum lot sizes over the allotments.

The eastern side of the land with a frontage to San Jose has good access to services and the town centre is approximately 200m to the south on the opposite side of the railway and highway. The proposed zone to this part of the site, R3 Medium Density Residential allows for alternative housing options that are appropriate for this site. The Council approved increased FSR and Height of Building provision provides opportunity for slightly increased development density. The proposed 720m² MLS for this part of the land is a translation of the current provision and is considered appropriate.

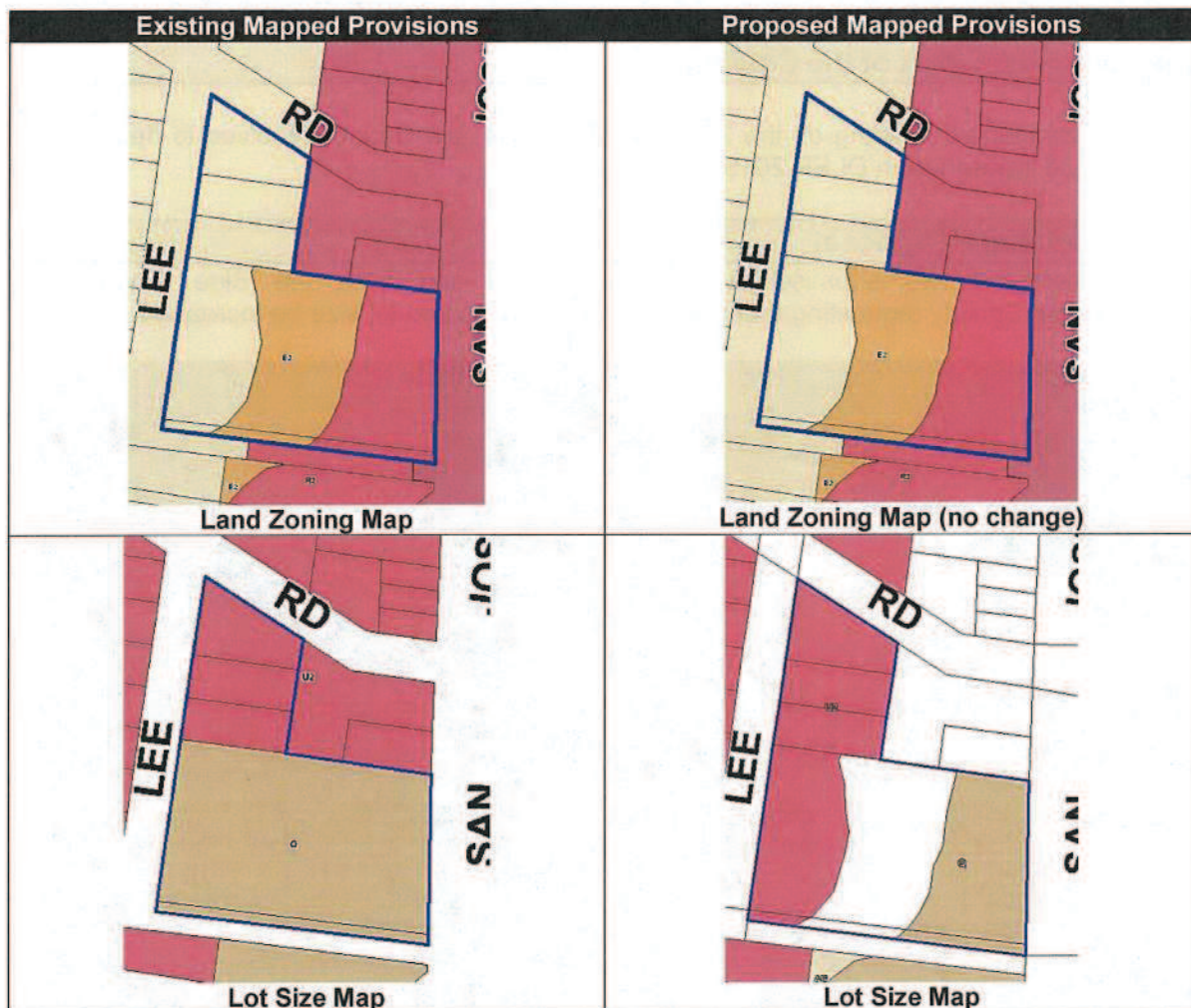
Similarly, it is proposed that the part of the lot proposed to be E4 Environmental Living, the western, rear portion of the site which has a frontage to Lee Street, have a 1200m² MLS which is consistent with the current MLS provisions and this part of the sites characteristics.

The current and proposed subdivision opportunity for the two allotments at the southern end of the holding is shown in the table below.

Lot Description	Lot size	Zones	Area of V-H zone	Area of L-BC zone	Area of EP-P zone
Lot 1 DP 114406	641.3m ²	V-H 45%	288.6m ²		
		L-BC 19%		121.8m ²	
		EP-P 36%			230.9m ²
Lot 1 DP 114406	9574.15m ²	V-H 33%	3159.5m ²		
		L-BC 30%		2872.2m ²	
		EP-P 37%			3542.4m ²
Total Area by zone			3448.1m ²	2994m ²	3773.3m ²
Current Lot yield by zone			(720m ² MLS) 4 Lots	(1200m ² MLS) 2 Lots	No subdivision
Proposed MLS			720m ² (4 Lots)	1200m ² (2 Lots)	No Subdivision

The current subdivision opportunity for the holding under LEP 2005 would therefore be transferred with the MLS provisions in DLEP 2013 as described above. Please note that no

MLS is shown for the part of the lower lot zoned E2 Environmental Conservation in keeping with a resolution of Council.



Recommendations

- LN.7 That the Blue Mountains DLEP 2015 Land Application Map for "Stratford" 4-8 San Jose Avenue Lawson be amended by deleting the "Deferred Matter" notation.
- LN.8 That the Blue Mountains DLEP 2015 Lot Size Map for "Stratford" 4-8 San Jose Avenue Lawson be amended as shown on the Lot Size Map in Attachment 18, Proposed Mapped Provisions to Amendment 1 to DLEP 2015.
- LN.9 That the following Blue Mountains DLEP 2015 mapped provisions for "Stratford" 4-8 San Jose Avenue Lawson be amended as previously exhibited:
- Zoning;
 - Heritage;
 - Built Character;
 - Floor Space Ratio (amended by a resolution of the Council on 25/9/14);
 - Height of Buildings Map (amended by a resolution of the Council on 25/9/14);
 - Natural Resources Land;
 - Lot Averaging.

Deferred Matter

173 Valley Road Hazelbrook

Previous Resolution of the Council

At the Extraordinary Meeting on the 25 September 2014, the Council resolved to defer 173 Valley Road Lawson from DLEP 2015.

Background and Proposal

Council received two submissions from individuals and from the Blue Mountains Conservation Society requesting that the zone be reviewed and lot size be increased.



Figure 1 – Locality Map

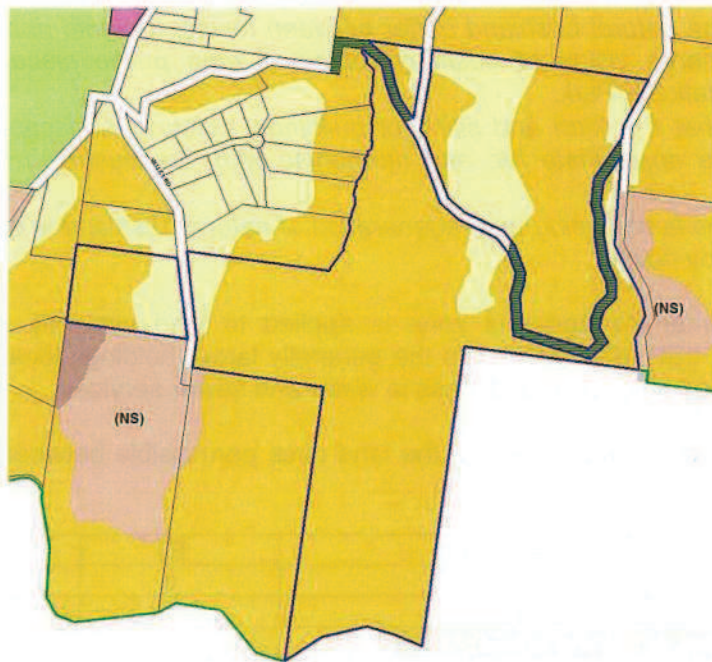


Figure 2 – Current Zones

The subject land is a 67ha parcel located at the southern end of Valley Road and adjoins the National Park on its southern boundary. The site is currently zoned under LEP 2005 Living - Bushland Conservation, Environmental Protection and Road (ref: Fig. 2). The exhibited DLEP 2015 zones were a translation to equivalent zones and the portions of the site zoned E4 Environmental Living are those sections least effected by environmental constraints, including scheduled vegetation and slope. However the land was deferred to allow further review of the land and verification of the vegetation.

A site inspection was recently conducted to verify the vegetation and this was found to occur in these areas proposed to be zoned E2 Environmental Conservation and the key considerations for the zone and provisions for this land are discussed in detail.

The site was also reviewed with respect to the proposed E4 zone. The zone objectives for E4 Environmental Living area:

- *To provide for low-impact residential development in areas with special ecological, scientific or aesthetic values.*
- *To ensure that residential development does not have an adverse effect on those values.*
- *To preserve and re-establish native bushland in those areas that exhibit a predominantly bushland character, where consistent with the protection of assets from bush fire.*
- *To ensure that the form and siting of buildings are appropriate for and harmonise with the bushland character of the locality.*

The objective of the E4 zone is to provide for residential development in environmentally sensitive locations, generally away from the town centres.

The Zone Objectives for E3 Environmental Management are:

- *To protect, manage and restore areas with special ecological, scientific, cultural or aesthetic values.*
- *To provide for a limited range of development that does not have an adverse effect on those values.*

- To protect the natural bushland buffer between towns, to avoid ribbon development and to conserve vistas of bushland obtained from public places and the Blue Mountains National Park.
- To ensure that the form and siting of buildings, colours, landscaping and building materials are appropriate for, and harmonise with, the bushland character of the areas.
- To encourage landscaping and regeneration of natural bushland in areas with sparse tree or canopy cover.

The E3 Environmental Management zone is applied to land currently zoned Bushland Conservation under LEP 1991 which are the generally larger holdings located more distant from town centres and often without access to water and sewer services.

The table below shows a comparison of the land uses permissible between the E3 and E4 zones.

Land Use	E3	E4
Bee keeping	c	c
Horticulture	c	x
Animal boarding or training establishment	c	x
Dwelling houses	c	c
Secondary dwelling	c	c
Home-based child care	c	c
Home business	o	o
Home occupations	o	o
B & B accommodation	c	c
Farm stay accommodation	c	x
Hotel or motel accommodation	c	x
Camping grounds	c	x
Eco tourist facilities	c	c
kiosks	c	x
Veterinary hospitals	c	x
Home industry	c	x
Water storage facilities	c	c
roads	c	c
Educational establishments	c	l
schools	c	l
Child care centres	c	x
Community facilities	c	x
Emergency services facilities	c	c
Information and education facilities	c	x
Places of public worship	c	x
Research station	c	x
Respite day care centre	c	x
Building identification sign	c	c
Business identification sign	c	c
Environmental facilities	c	c
Recreation areas	c	c
Recreation facilities (indoor)	c	x
Recreation facilities (outdoor)	c	x
Flood mitigation works	c	c

Table 1 – Land use comparison for E3 and E4 zones (highlighted land uses are those permissible in the E3 zone and prohibited in the E4 zone)

Under LEP 1991 the site was zoned Residential Investigation. The provisions under LEP 1991 effectively make the site a 'no subdivision area', pending investigation (via subsequent

planning instruments) into the potential of the site to provide residential development opportunities. DLEP 2002 proposed that the site be zoned LBC, but with a No Subdivision Requirement, preventing additional lots being created. In effect the zoning approach under LEP 1991 was carried forward under the draft plan.

However, in response to submissions, the No Subdivision (NS) notation was lifted when LEP 2005 was made. The provisions under LEP 2005 prevented subdivision, however, unless the lots were connected to a reticulated sewerage system. Under LEP 2005 the minimum lot size of 1200m² applied to LBC zoned land. This lot size applied irrespective of a particular lot's location or environmental attributes. This provided a significant up-zoning of land in terms of the potential to subdivide to create additional lots.

Land to the south of this site is subject to NS provisions. The strategic question to be answered is what is the appropriate level of subdivision activity in this part of Hazelbrook? The answer to this question lies partly with the subdivision to the west of the subject site as shown in Figure 3. This land is also zoned LBC under LEP 2005, with a minimum lot size of 1200m². The applicant for that development was required by LEP 2005 to connect to sewer, which was achieved. However, rather than seek the minimum lot size of 1200m², the applicant worked with the Council to achieve a subdivision with lot sizes ranging from 2,660m² through to 3.45Ha. This is considerably less than the permitted yield, but resulting in a high quality subdivision and one suitable for this location.

The distinction between this adjoining subdivision and the size of lots to the north along Valley Road is shown in Figure 3.

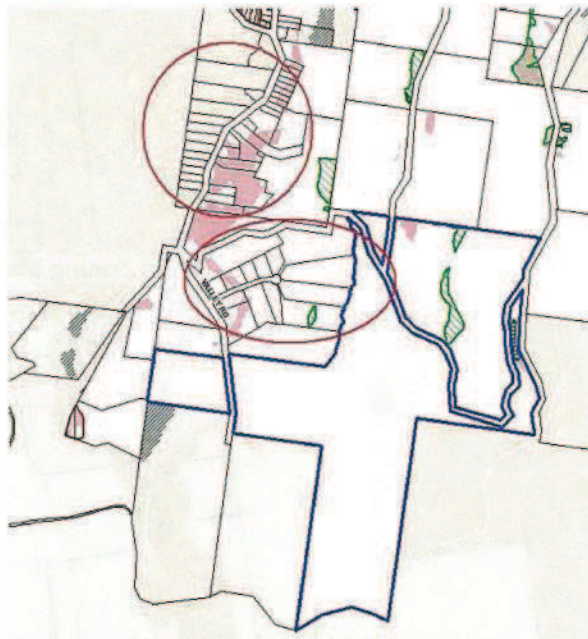


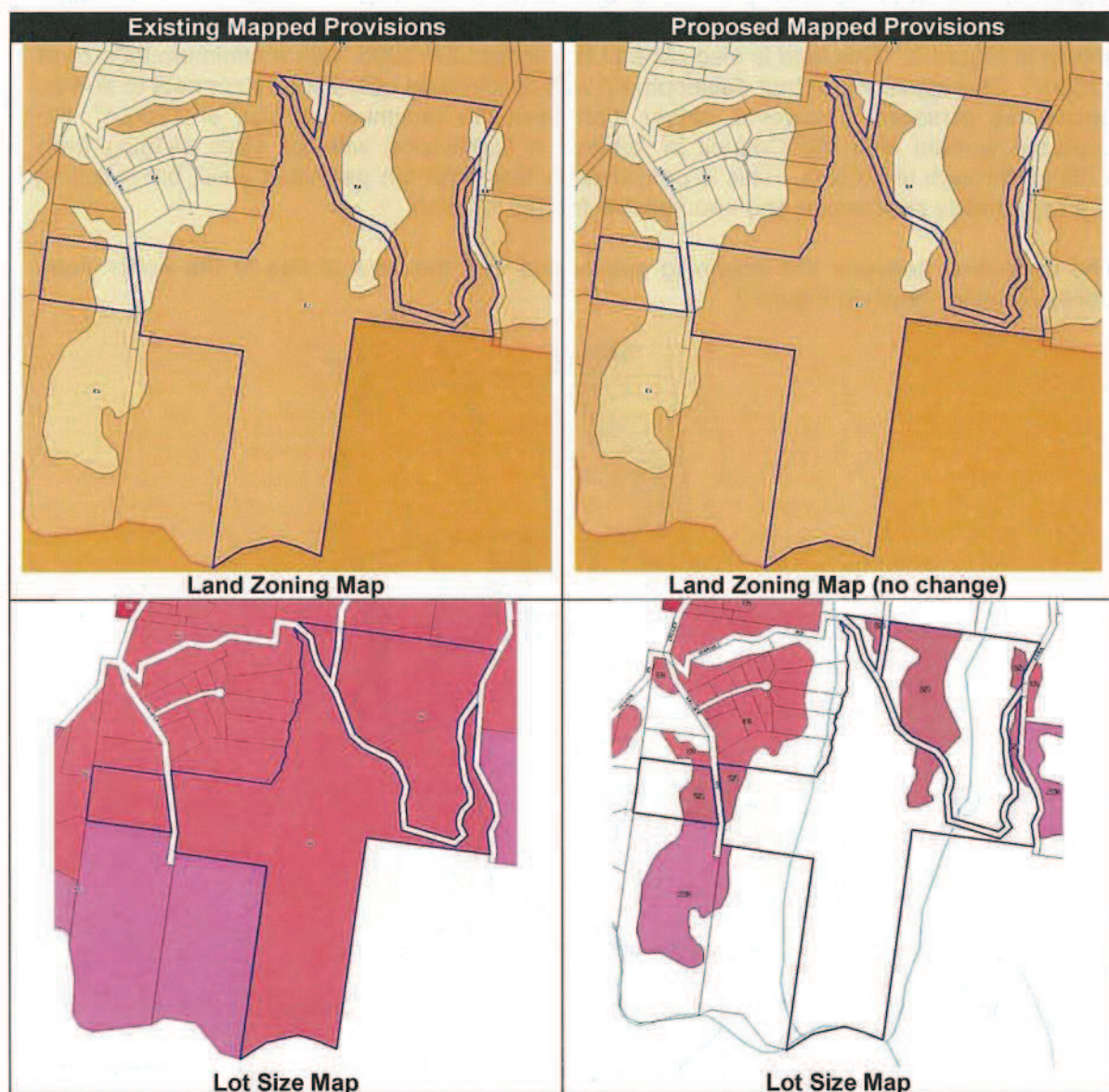
Figure 3 – adjacent subdivisions

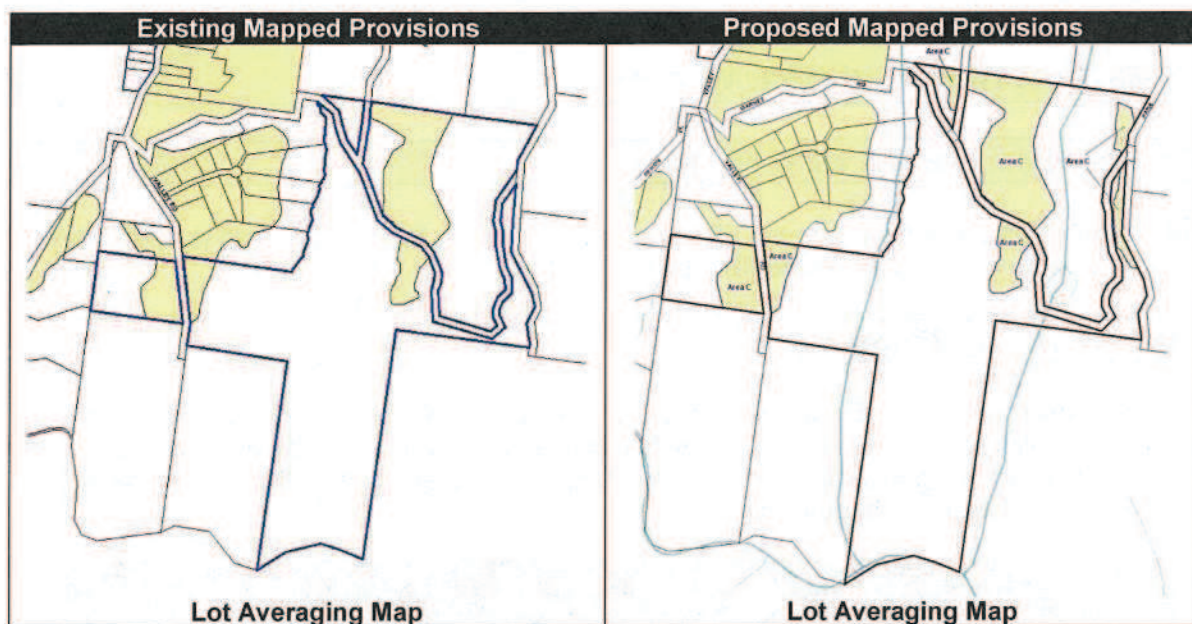
In reviewing the zoning and MLS for the subject site, two factors emerge:

- 1) It is imperative that the lots produced are connected to sewer. This is required under the E4 zone of DLEP 2013 by cl. 6.24 (Essential services). Should the Council change the zoning to E3, equivalent to Bushland Conservation, on-site effluent would be permitted as part of the subdivision. Consequently, no change to zoning is proposed.

- 2) On one hand, the Council could reinstate no subdivision as requested in submissions which was the position with LEP 1991. However, the process of DLEP 2002 and LEP 2005 has provided subdivision potential, but with lots having a minimum area of 1200m². Both the NS position and the 1200m² lot size is unsatisfactory.

Under the standard instrument format, the Council can prescribe a minimum lot size that is not zoned based but applied specifically to this land. In the case of this land, with reference to the adjoining larger lot residential development to the west, it is proposed that a minimum lot size be prescribed based on 3 lots per hectare average. The E4 zone is retained, with its requirement to connect to sewer, but lots averaging over 3000m² could be permitted with consent. Responding to the standard requirements in relation to environmental constraints, road construction and bush fire protection measures would need to be accounted for in any future development application.





Recommendations

- H.1 That the Blue Mountains DLEP 2015 Land Application Map for 173 Valley Road Hazelbrook be amended by deleting the "Deferred Matter" notation.
- H.2 That the Blue Mountains DLEP 2015 Lot Size Map for 173 Valley Road Hazelbrook be amended as shown on the Lot Size Map in Attachment 19, Proposed Mapped Provisions to Amendment 1 to DLEP 2015.
- H.3 That the Blue Mountains DLEP 2015 Lot Averaging Map for 173 Valley Road Hazelbrook be amended as shown on the Lot Averaging Map in Attachment 19, Proposed Mapped Provisions to Amendment 1 to DLEP 2015.
- H.4 That the following Blue Mountains DLEP 2015 mapped provisions for 173 Valley Road Hazelbrook be amended as previously exhibited:
- Land Zoning
 - Height of Buildings
 - Natural Resources Biodiversity
 - Natural Resources Land
 - Riparian Land and Watercourses

Deferred Matter

56-68 Great Western Highway Woodford

Previous Resolution of the Council

At the Extraordinary Meeting on the 25 September 2014, the Council resolved to defer 56-68 Great Western Highway Woodford from DLEP 2013.

Background and Proposal

One petition containing 175 signatures and a total of 8 submissions were received from shop owners, individuals, The Hazelbrook Association and the Blue Mountains Association of Cultural Heritage Organisations. All the submissions requested that the subject land be rezoned to B1 Neighbourhood Centre.



Figure 1 – Locality Map

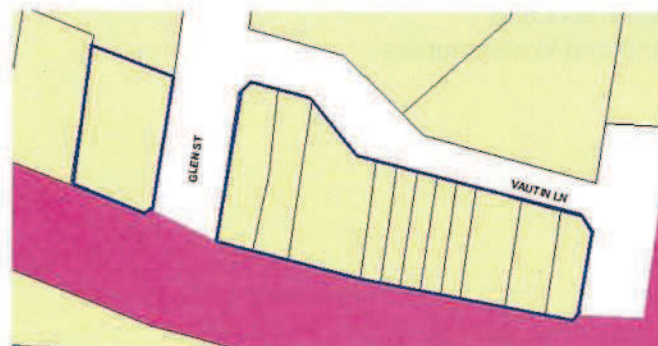


Figure 2 – Current Zones

These above properties are centred around the intersection of Glen Street and the Great Western Highway and are currently zoned Living – Bushland Conservation under LEP 2005. These sites were proposed to be zoned E4 Environmental Living zone in DLEP 2013, the

equivalent zone to Living – Bushland Conservation. Submissions during public exhibition of DLEP 2013 raised concerns that as these properties have a long history of operating as commercial premises, which are prohibited under the proposed zoning, there is an argument that the proposed zoning should reflect the historical uses.

Existing use provisions

The current commercial land uses (including cafes and offices) being undertaken at these sites operate under existing use rights. Existing use arises when a land use that has been lawfully commenced becomes a prohibited use due to a change in planning instruments. Where this occurs the *Environmental Planning and Assessment Act 1979* and *Environmental Planning and Assessment Regulations 2000* allow previous uses to continue on the land. Further, once a particular existing use has been established on a property, it can be enlarged, expanded, intensified, altered, extended or even rebuilt, with development approval and subject to appropriate controls.

In addition, provisions exist to enable a commercial use to change to another commercial use, opening up some 20 options for commercial undertakings. For a light industrial use, it could be changed to another light industrial use or a commercial use. This represents a significant scope for a business to adapt to changing business needs over time

Coupled with this, there is a long established principle applied by the Courts and councils that premises with existing uses are not required to strictly adhere to prevailing planning controls, providing flexibility in the development assessment process.

Street Address	Land use/most recent approval
68 Great Western Highway, Woodford	Alterations to General Store & take-away food outlet in 2009
66 Great Western Highway, Woodford	Home Occupation approved 1989
65 Great Western Highway, Woodford	Dwelling
64 Great Western Highway, Woodford	Former Post Office - No record of approval
63 Great Western Highway, Woodford	Dwelling
58-59 Great Western Highway, Woodford	Dwelling
57 Great Western Highway, Woodford	Dwelling
56 Great Western Highway, Woodford	Real estate office and dwelling approved 1990

Table 1: List of most recent approvals by the Council

Shops as a permitted land use

Shops as a permitted land use are confined to business zones as part of a long term strategy to focus retail and commercial activity in the village centres, thereby discouraging ribbon development. A search of Council records confirms that the Planning Schemes since 1973 have had this area of Woodford zoned Residential and at no time has a business zone been applied within Woodford. However, the draft Structure Plans in 1960 and 1973 had the area fronting the Great Western Highway at Woodford, east of Forest Glen Road, as a potential business zone, although this was not carried into any Planning Scheme.

To promote retail activity outside recognised (as in zoned for business) village centres and into residential areas is contradictory to the zone objectives for these zones and the land use structure as promoted since 1973 and refined through subsequent LEPs including LEP 2005. However, during the review of submissions, it was resolved to defer this area from DLEP 2013 as there is merit in reviewing the application of a business zone to this area.



Figure 3 – current land uses in the review area

The conglomeration of existing commercial properties from 56 to 68 Great Western Highway, Woodford reflect a long standing commercial presence in the area. An important characteristic of this historical retail group is that it is interspersed with residential properties. It is the case that zone B1 Neighbourhood Centre permits dwelling houses, and approach also adopted under LEP 2005 for the equivalent Village Neighbourhood zone.

Further, the location of these premises forms a small, neighbourhood core in this section of Woodford, located near the exit of the pedestrian overpass from Woodford Railway station.

However, the limitation to applying the zone in this case is the current interspersion of dwellings and retailing.

The fact that the retail functions are not grouped (ie adjoining), extends the a proposed B1 Business Neighbourhood zone to capture the General Store to the west through to the Real Estate to the east. A more discrete retail offering to serve neighbourhood needs for Woodford would be preferred. Allied to this, careful consideration of the impact on the dwellings within the proposed business zone will be an important consideration during the Planning Proposal process in terms of the merits of the zoning as well as any future development proposals.

A comparison was carried out of similar villages of their business/commercial zones across population, size of the business area and the ratio of business/commercial zoned land to resident.

Assessment Criteria	Glenbrook	Warrimoo	Faulconbridge	Mount Victoria	Woodford
Population	4,945	2,346	3,990	896	1,842
Area proposed to be zoned B1	1,840m ²	3,180m ²	24,079m ²	5,721m ²	5,275m ²
Area proposed to be B1 per resident	2.4m ²	1.36m ²	6.0m ²	6.4m ²	2.86m ²

Table 2: Assessment of B1 zone in smaller villages

As can be seen from above, the size of the area the subject of this review is relatively large for its population, compared to similar villages across the Blue Mountains and the ratio of business/commercial zoned land.

Additional matters relevant to the review include:

- Each allotment has a frontage to the highway as well as a secondary access via Glen Street, Station Street or Vautin Lane. This is an important attribute of the land as it will permit access to parking to the rear of the shops and away from the Highway.
- The Highway in this location has been upgraded to a 80km/h zone, which is not conducive to a highway convenience centre function, with only very limited opportunity for parking on the Highway.
- There is left in/left out for vehicles travelling east along the highway, which provides access into Glen Street ;
- There is no right turn access for vehicles driving west along the highway into Station Street or Glen Street;
- Such a centre is only suitable for small scale retailing and limits should be applied to limit gross floor area;
- The frontage to the highway needs to be active and recognise the narrow lot configuration in building form
- The properties fronting the highway are subject to highway and rail noise and vibration.

In considering the application of the proposed zone B1 Neighbourhood Centre the following framework applies:

Objectives of zone

- *To provide a range of small-scale retail, business and community uses that serve the needs of people who live or work in the surrounding neighbourhood.*
- *To ensure that development contributes to the creation of a distinct village identity.*
- *To ensure that the non-residential uses are compatible with the residential uses and do not unreasonably affect the residential amenity as a result of factors such as operating hours, noise, loss of privacy, and pedestrian and vehicular traffic.*
- *To promote high quality urban design of built forms.*

Permitted without consent

Home businesses; Home occupations; Environmental protection works.

Permitted with consent

Boarding houses; Building identification signs; Bush fire hazard reduction work; Business identification signs; Business premises; Car parks; Child care centres; Community facilities; Dwelling houses; Entertainment facilities; Exhibition homes; Flood mitigation works; Function centres; Garden centres; Group homes; Hardware and building supplies; Health consulting rooms; Home-based child care; Hostels; Information and education facilities; Kiosks; Landscaping material supplies; Markets; Medical centres; Mortuaries; Neighbourhood shops; Office premises; Passenger transport facility; Places of public worship; Plant nurseries; Public administration buildings; Recreation areas; Recreation facilities (indoor); Restaurants or cafes; Respite day care centres; Roads; Shops; Shop top housing; Take away food and drink premises; Tourist and visitor accommodation; Veterinary hospitals.

Prohibited