

ITEM NO: 7

SUBJECT: RECLASSIFICATION OF CERTAIN LAND IN LEURA AND KATOOMBA

FILE NO: F07449 - 12/9658

Delivery Program Link

Principal Activity: Civic Leadership - Providing Good Government

Service: City-wide Strategic Planning

Project: Provide statutory land use planning including Local Environmental Planning

Recommendations:

1. *That the Council approves commencement of the attached planning proposal for the reclassification of:*
 - a) *Site 1, Pioneer Place (southern parcels), Katoomba from community to operational land;*
 - b) *Site 2, Pioneer Place (northern parcels), Katoomba from community to operational land;*
 - c) *Site 3, Drainage Reserve at 36R Kanimbla St, Leura from community to operational land; and*
 - d) *Site 4, Studleigh Place, Katoomba from community to operational land;*
 2. *That the Council forward the planning proposal to reclassify the sites to the Minister for Planning and Infrastructure for review and Gateway Determination;*
 3. *That the Council process the planning proposal in accordance with the Gateway Determination issued by the Department of Planning and Infrastructure; and*
 4. *That the Council, subject to receiving Gateway Determination to proceed with the planning proposal, receive a report at the conclusion of the notification period and public hearing.*
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Report by Director, City & Community Outcomes:**Reason for report**

This report seeks the Council's endorsement to proceed with a planning proposal to reclassify certain land in Leura and Katoomba from *community* land to *operational* land. The report describes the subject land, of which there are four sites, and explains the justification for reclassifying each site.

Background

All land owned by the Council, and land that has been placed under the care and control of the Council, is defined as public land. Under the Local Government Act 1993 (LG Act), all public land must be classified as either *community* or *operational* land.

The general position is that there are no special restrictions on Council powers to manage, develop or dispose of operational land, subject to the provisions of relevant planning instruments. Conversely, community land cannot be sold or otherwise disposed of by Council. A plan of management (POM) must be prepared for community land which must

identify purposes for which the land may be used. Any future use of the land must be consistent with the POM.

Operational land can be reclassified to community land by council resolution after public submissions have been invited. However, reclassifying community land to operational is more complex and involves the preparation of a local environmental plan (LEP), and the carrying out of a public hearing.

The first step in creating a new or amending LEP is the preparation of a planning proposal. A planning proposal is a document that explains the intended effect of the proposed LEP and the justification for making it. Following Council approval, the planning proposal is forwarded to the Minister for Planning and Infrastructure and a Gateway Determination is issued, specifying whether the planning proposal is to proceed and, if so, in what circumstances.

This report seeks Council's approval of a planning proposal to commence the reclassification of certain public lands in Katoomba and Leura. The subject land, of which there are four sites, is classified as community land. The planning proposal seeks to reclassify each site to operational land for the reasons discussed in the body of this report.

Site 1 – Pioneer Place, 38-40 Parke Street, Katoomba (Southern Parcels)

Site 1 is made up of two parcels at the southern end of Pioneer Place, Katoomba. Pioneer Place is a Council owned and managed car park and has vehicular access from Katoomba, Waratah and Parke Streets. The two parcels have a combined area of approximately 1,285 sqm and are situated between the existing Coles supermarket to the west and Liquorland to the east, as demonstrated in Figure 1.

Background and justification

At the Ordinary Meeting of the Council on 21 June 1994, it was resolved to classify certain land owned by Blue Mountains City Council pursuant to Section 25 of the LG Act [Minute No. 330]. The resolution classified a series of parcels as operational, including many of the parcels identified below in Figure 2. Legal advice found that this resolution was void where parcels were acquired or developed using funds raised through the Katoomba Town Improvement Levy Fund (KTIL). As a result, these parcels are classified as community land.

More recently, at the Ordinary Meeting of the Council on 22 November 2011, it was resolved to proceed with an LEP amendment (Amendment 23) to reclassify 17 parcels of land in Pioneer Place [Minute No.472]. Amendment 23 sought to reclassify the land from community to operational to facilitate elements of a proposed supermarket redevelopment and to allow Council the flexibility to make infrastructure and public domain improvements associated with the Masterplan for Pioneer Place.

The 2 parcels that form Site 1 are situated adjacent and to the south of the land reclassified through Amendment 23. The public hearing report for Amendment 23 recommended that Council reclassify these southern parcels to operational to ensure consistency in the classification of all land in this section of Pioneer Place.

Furthermore, reclassifying Site 1 from community to operational provides the Council with greater flexibility in terms of managing Pioneer Place car park as it will not be subject to the restrictions resulting from some lots being classified as community land. Reclassification of the land will also allow registration of an easement for an awning associated with the adjacent supermarket development.

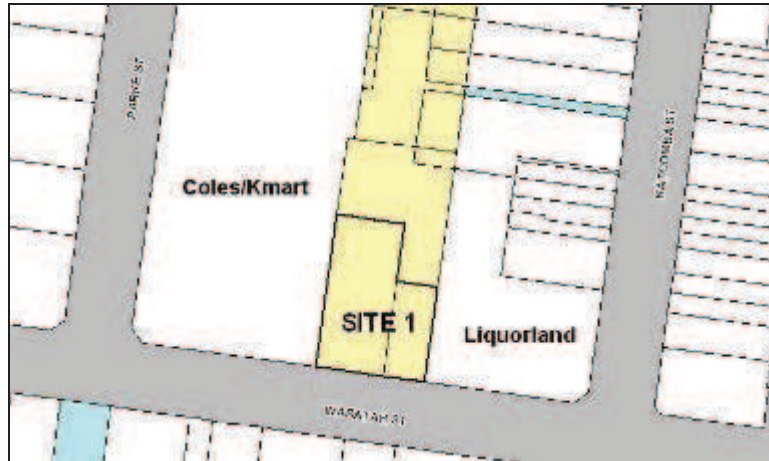


Figure 1: Site 1 – Pioneer Place (Southern Parcels)

Site 2 - Pioneer Place, 38-40 Parke Street, Katoomba (Northern Parcels)

Site 2 is made up of 23 parcels at the northern end of Pioneer Place, Katoomba. Like Site 1, the northern parcels of Pioneer Place form part of the Council owned and managed car park with vehicular access from Katoomba, Waratah and Parke Streets. The 23 parcels have a combined area of approximately 7,159 sqm and are situated to the south of the Cultural Centre (under construction) and adjacent to Katoomba Fair (Franklins), as demonstrated in Figure 2.

Background and justification

At the Ordinary Meeting of the Council on 21 June 1994, it was resolved to classify certain land owned by Blue Mountains City Council pursuant to Section 25 of the LG Act [Minute No. 330]. The resolution classified a series of parcels as operational, including many of the parcels identified below in Figure 2. Legal advice found that this resolution was void where parcels were acquired or developed using funds raised through the Katoomba Town Improvement Levy Fund (KTIL). As a result, these parcels are classified as community land.

Site 2 is subject to a second phase of Master planning for Pioneer Place where an operational classification will allow Council the flexibility to make infrastructure and public domain improvements in line with Masterplan outcomes.

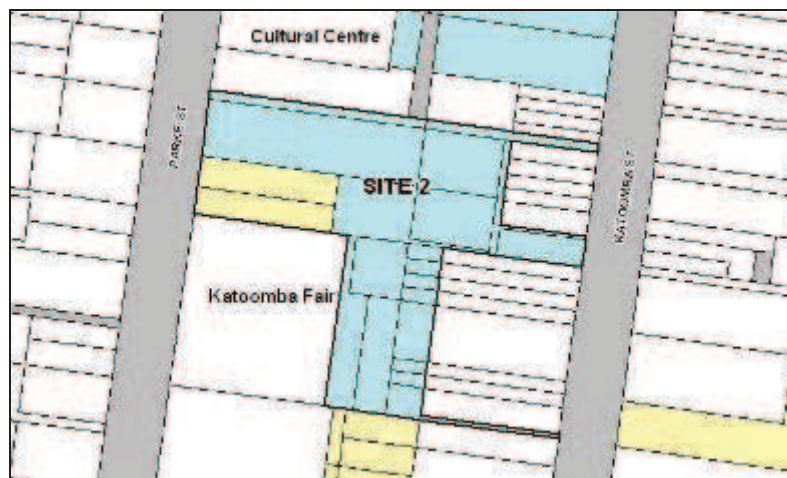


Figure 2: Site 2 – Pioneer Place (Northern Parcels)

Site 3 - Drainage Reserve 36R Kanimbla St, Leura

Site 3 comprises a Council drainage reserve at 36R Kanimbla St, Leura. The drainage reserve is made up of a single parcel approximately 1,377 sqm in area and is situated

between a block of residential premises fronting Clarence Street and a block of parcels (some developed, others not) fronting an unmade length of Commonwealth Street, as demonstrated in Figure 3.

Background and justification

The drainage reserve currently provides an informal access for the dwellings erected at 38 Kanimbla Street and 9-11 Commonwealth Street as there are no alternative means to access these sites due to unformed portions of Kanimbla and Commonwealth Streets. Blue Mountains LEP 2005 states that consent shall not be granted to the carrying out of development that requires vehicular access unless provision has been made for legally constituted access onto the land from a public road, a requirement which effectively renders undeveloped parcels on Commonwealth St sterile.

Legal advice received on this matter indicates that Council cannot legally formalise the access arrangement for these properties by granting a right of carriageway over the drainage reserve because of the community land classification. In this regard, it is appropriate that the land be reclassified to operational to allow formalisation of access arrangements. Formalising the access will not require construction of a road, nor is it likely to affect the site's function as a drainage reserve.



Figure 3: Site 3 – Drainage Reserve 36R Kanimbla St, Leura

Site 4 - Studleigh Place, 152-154 Katoomba Street, Katoomba

Site 4 comprises a single parcel currently developed for car parking and known as Studleigh Place. The site has frontages to Katoomba and Lurline Streets with vehicular access from Katoomba Street. A public amenities block is situated towards the Katoomba Street frontage. The site is roughly 2,553 sqm in area and sits between the Uniting Church and Telstra sites to the north and St Canices to the south, as demonstrated in Figure 4.

Background and justification

In May 1959, Council purchased the western portion of this site (fronting Katoomba Street) for parking. With the commencement of the Local Government Act 1993, this land took up a community land classification. In August 2007, the Council resolved to purchase the rear of this block (eastern portion fronting Lurline Street) for the purposes of increasing parking provision in the short term and to provide further development opportunities in the future. The land acquired was subsequently classified as operational. The Katoomba Charrette Report and Town Centre Strategy identifies Studleigh Place and the neighbouring Telstra site as a crucial 'hole' in the urban fabric of Katoomba Town Centre where there is opportunity for development that will activate the street frontage. This land must be classified as operational before development can occur and before access to future development on the rear portion can be formalised.

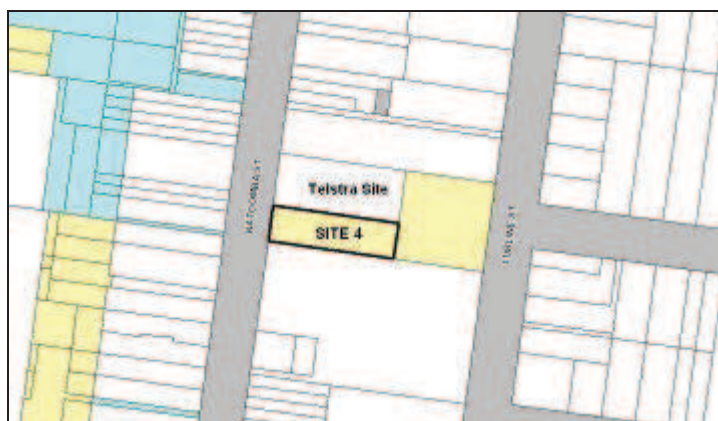


Figure 4: Site 4 – Studleigh Place, 152-154 Katoomba Street, Katoomba

Moving forward

As explained earlier in the report, the planning proposal is the first step in creating or amending an LEP. The planning proposal for the reclassification of the various lots described in this report has been prepared in accordance with Department of Planning and Infrastructure (DoPI) guidelines and is included as an enclosure to this report. With the approval of the Council, the planning proposal will be forwarded to the DoPI for Gateway Determination, commencing the LEP process.

Sustainability Assessment – Site 1 & 2

Effects	Positive	Negative
Environmental	Reclassification will allow the efficient delivery of Masterplan outcomes which will improve amenity, safety and functionality of the Pioneer Place parking facility.	Nil
Social	Reclassification will allow the efficient delivery of Masterplan outcomes which will improve accessibility and safety of the Pioneer Place parking facility for pedestrians, the disabled, elderly and frail.	Nil
Economic	Reclassification will allow the efficient delivery of Masterplan outcomes which will improve amenity, functionality, accessibility and safety of the Pioneer Place parking facility which could possibly encourage increased visitation to the area, resulting more economic activity for businesses proximate to Pioneer Place.	Nil
Governance	Reclassifying these sites to operational will give Council will the ability to deliver on strategic outcomes established in the Pioneer Place Masterplan (both Stage 1 and the forthcoming Stage 2).	Nil

Sustainability Assessment – Site 3

Effects	Positive	Negative
Environmental	Nil	Nil
Social	Reclassification, thus allowing registration of an easement for access, is a fair equitable outcome for affected landholders whose land currently legally inaccessible.	Nil
Economic	Nil	Nil

Effects	Positive	Negative
Governance	Reclassifying the land allows Council to act on legal advice to formalise access to affected properties. This is considered an equitable outcome for affected landowners.	Nil

Sustainability Assessment – Site 4

Effects	Positive	Negative
Environmental	Reclassification will allow Council to develop the site, improving the urban fabric of Katoomba Street by eliminating gaps in the streetscape.	Nil
Social	Reclassification will allow Council to develop the site for potential residential, retail and commercial uses, which will have the effect of generating employment opportunities and accommodation in the area.	Nil
Economic	Reclassification will allow Council to develop the site for potential residential, retail and commercial uses, which will result in direct economic gain for Council and stimulate economic activity through the operation new businesses.	Nil
Governance	Reclassifying these sites to operational will give Council will the ability to deliver on strategic outcomes established in the Katoomba Town Centre Charrette outcomes report.	Nil

Financial implications for the Council

There is a cost associated with managing a reclassification process as it is a process that necessitates background investigations, preparation of Council reports and dialogue with the DoPI. There is also a cost associated with undertaking the requisite public hearing. It is anticipated the reclassification will cost roughly \$4,000 to process, a figure which can be accommodated within existing budget

Legal and risk management issues for the Council

There are no foreseeable legal or risk management issues associated with the reclassification of the four subject sites.

External consultation

The gateway determination issued by the DoPI will prescribe the level and nature of community and public authority consultation that is required. Legislation requires that a public hearing is undertaken where community land is being reclassified to operational.

Conclusion

The attached planning proposal seeks to reclassify four Council owned sites in Leura and Katoomba from *community land* to *operational land*. The justification for reclassifying each of these sites has been discussed in the body of this report. Among other things, an operational classification provides Council with the ability to deliver on a number of strategic objectives established by the Pioneer Place Masterplan (Stage 1 and forthcoming Stage 2) and Katoomba Town Centre Charrette Outcomes Report. In this regard, it is recommended that the Council commence the process to reclassify the subject land by forwarding the enclosed planning proposal to the DoPI for Gateway Determination.

ATTACHMENTS/ENCLOSURES

1	Planning Proposal - Draft Amendment 25 - Reclassification of land in Katoomba and Leura	12/8832	Attachment
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Attachment 1 - Planning Proposal - Draft Amendment 25 - Reclassification of land in Katoomba and Leura



PLANNING PROPOSAL

**Blue Mountains Local
Environmental Plan 2005 –
Draft Amendment 25**

**Reclassification of land in
Katoomba, Leura**

*March 2012
F07449 – 12/8832*

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INTRODUCTION

The preparation of a planning proposal is the first step in preparing a Local Environmental Plan (LEP). In this case, it is the first step in preparing an amending LEP to Blue Mountains LEP2005. A planning proposal is a document that explains the intended effect of the proposed LEP and the justification for making it.

This planning proposal has been prepared in accordance with Section 55 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and Department of Planning Guidelines 'A guide to preparing local environmental plans' and 'A guide to preparing planning proposals'. It addresses matters that must be considered to deliver an amending LEP that reclassifies certain parcels in Katoomba and Leura from community land to operational land.

The Sites

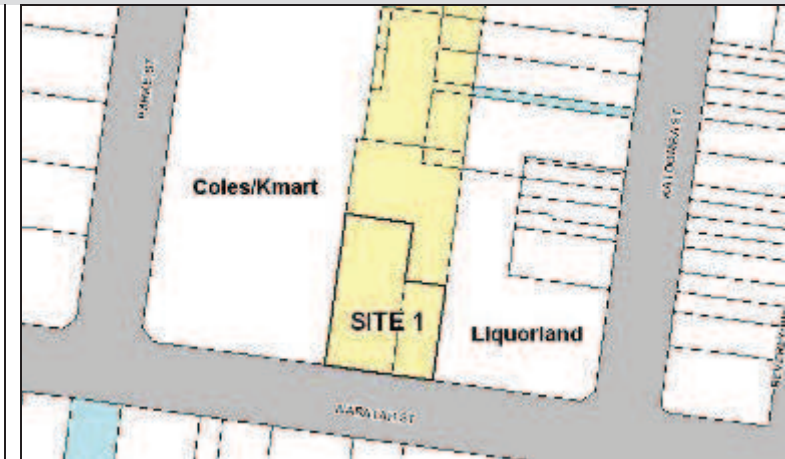
The Planning Proposal applies to four sites in the Local Government Area, described below.

Site	Address	Number of parcels	Lot and DP
1	Pioneer Place, 38-40 Parke Street, Katoomba (Southern Parcels)	2	Lot 1 DP 506174 Lot 2 DP 621621
2	Pioneer Place, 38-40 Parke Street, Katoomba (Northern Parcels)	23	Lot 2 DP 580297 Lots 1, 3, 5, 7, 9, 11, 13, 15, 55 DP 239909 Lot 2 DP 585560 Lot 4 DP 598367 Lots A, B, C DP 388574 Lots 1, 2 DP 1110749 Lot 26 Section 2 DP 692 Part lot 24 Section 2 DP692 Lot 29 DP 1126688 Lots 1, 2 DP 1110584 Lot 1 DP 940365
3	Drainage Reserve 36R Kanimbla St, Leura	1	Lot 15 DP 8715
4	Studleigh Place, 152- 154 Katoomba Street	1	Part Lot 102 DP 1152617

SITE 1 - Pioneer Place, 38-40 Parke Street, Katoomba (Southern Parcels)

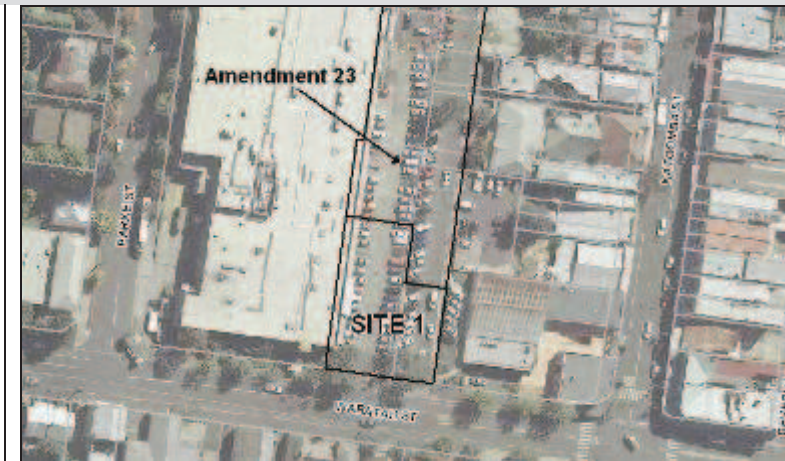
Site Analysis

Site 1 is made up of two parcels at the southern end of Pioneer Place, Katoomba. Pioneer Place is a Council owned and managed car park and has vehicular access from Katoomba, Waratah and Parke Streets. The two parcels have a combined area of approximately 1,285 sqm and are situated between the existing Coles supermarket to the west and Liquorland to the east.



Background

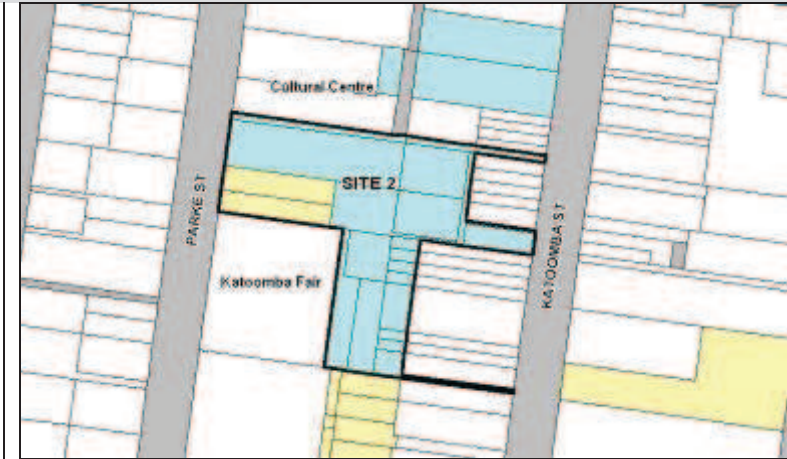
At the ordinary meeting of 22 November 2011, the Council resolved to proceed with an amendment (Amendment 23) to reclassify 17 parcels of land in Pioneer Place. Amendment 23 sought to reclassify land from community to operational to facilitate elements of a proposed supermarket redevelopment and to allow Council the flexibility to make infrastructure and public domain improvements associated with the Masterplan for Pioneer Place. The 2 parcels that form Site 1 are situated adjacent and to the south of the land reclassified through Amendment 23. The public hearing report for Amendment 23 recommended that Council reclassify the southern parcels to operational to ensure consistency. Furthermore, reclassifying Site 1 from community to operational will provide Council will greater flexibility in terms of managing Pioneer Place car park.



SITE 2 - Pioneer Place, 38-40 Parke Street, Katoomba (Northern Parcels)

Site Analysis

Site 2 is made up of 23 parcels at the northern end of Pioneer Place, Katoomba. Like Site 1, the northern parcels of Pioneer Place form part of the Council owned and managed car park with vehicular access from Katoomba, Waratah and Parke Streets. The 23 parcels have a combined area of approximately 7,159 sqm and are situated to the south of the Cultural Centre (under construction) and adjacent to Katoomba Fair (Franklins).



Background

At the ordinary meeting of 21 June 1994, the Council resolved to classify certain land owned by Blue Mountains City Council pursuant to Section 25 of the Local Government Act 1993. The resolution classified a series of parcels as operational, including many of the parcels within Site 2 and which are subject to this proposal. Legal advice later found that this resolution was void where parcels were acquired or developed using funds raised through the Katoomba Town Improvement Levy Fund (KTIL). As a result, these parcels are classified as community land. Site 2 is subject to a second phase of Masterplanning for Pioneer Place where an operational classification will allow Council the flexibility to make infrastructure and public domain improvements in line with Masterplan outcomes.



SITE 3 - Drainage Reserve 36R Kanimbla St, Leura

Site Analysis

Site 3 comprises a drainage reserve at 36R Kanimbla St, Leura. The drainage reserve is made up of a single parcel approximately 1,377 sqm in area and is situated between a block of residential premises fronting Clarence Street and a block of parcels (some developed, others not) fronting an unmade length of Commonwealth Street.



Background

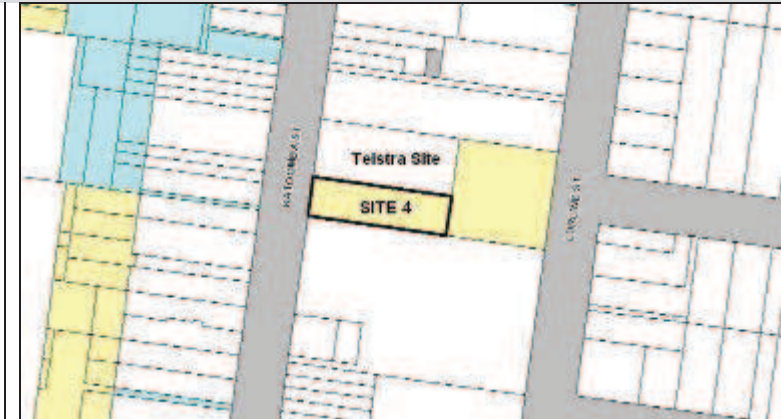
The drainage reserve currently provides an informal access for the dwellings erected at 38 Kanimbla Street and 9-11 Commonwealth Street as there are no alternative means to access these sites due to unformed portions of Kanimbla and Commonwealth Streets. Blue Mountains LEP 2005 states that consent shall not be granted to the carrying out of development that requires vehicular access unless provision has been made for legally constituted access onto the land from a public road, a requirement which effectively renders undeveloped parcels on Commonwealth St sterile. Legal advice received on this matter indicates that Council is not able formalise the access arrangement for these properties by granting a right of carriageway over the drainage reserve because of the community classification. In this regard, it is appropriate that the land be reclassified to operational to allow formalisation of access arrangements.



SITE 4 - Studleigh Place, 152-154 Katoomba Street

Site Analysis

Site 4 comprises part of a single parcel currently developed for car parking and known as Studleigh Place. The site has frontages to Katoomba and Lurline Streets with vehicular access from Katoomba Street. A public amenities block is situated towards the Katoomba Street frontage. The site is roughly 2,553 sqm in area and sits between the Uniting Church and Telstra sites to the north and St Canices to the south.



Background

In May 1959, Council purchased the western portion of this site (fronting Katoomba Street) for parking. With the commencement of the Local Government Act 1993, this land took up a community land classification. In August 2007, the Council resolved to purchase the rear of this block (eastern portion fronting Lurline Street) for the purposes of increasing parking provision in the short term and to provide further development opportunities in the future. The land acquired was subsequently classified as operational. The Katoomba Charrette Report and Town Centre Strategy identifies Studleigh Place and the neighbouring Telstra site as a crucial 'hole' in the urban fabric of Katoomba Town Centre where there is opportunity for development that will activate the street frontage. This land must be classified as operational before development can occur and before access to future development on the rear portion can be formalised.



PART 1 – OBJECTIVES OR INTENDED OUTCOMES

The objectives of the planning proposal to reclassify the subject land are as follows:

- 1) **Site 1 & Site 2:** To reclassify land from community to operational to provide Council with greater flexibility to manage and maintain the Pioneer Place parking facility; including more flexibility to make public domain and general infrastructure improvements and to incorporate elements associated with the Masterplan for Pioneer Place.
- 2) **Site 3:** To reclassify land from community to operational so that access over the Council owned drainage reserve to existing dwellings and otherwise sterile land can be formalised.
- 3) **Site 4:** To reclassify land from community to operational to provide Council with greater flexibility to manage and maintain the Studleigh Place parking facility and to allow future development of the land, consistent with proposals put forward in the Katoomba Charrette and Town Centre Strategy.

PART 2 – EXPLANATION OF PROVISIONS

The following explanation provides an explicit statement of how the intended outcome described in Part 1 will be achieved.

Blue Mountains LEP 2005 is being amended by the insertion of the relevant parcel descriptions under Part 1 of Schedule 7. This schedule identifies land that has been classified or reclassified as operational land. Where interests have changed (for example, where easements are proposed to be extinguished) the land will be identified in Part 2 of Schedule 7, along with a description of the interest that has changed.

PART 3 – JUSTIFICATION

In the case of LEPs which are being prepared solely to classify or reclassify public land, the Director General of Planning has issued a set of requirements as to the specific matters that must be addressed in the justification for the planning proposal. In accordance with these requirements, this section sets out the case for changing the classification of the subject land as set out in Part 1.

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

The proposed reclassification of Sites 1 and 2 is the result of numerous Council reports relating to parking and functionality issues associated with the Council owned public car

park, Pioneer Place, and is also closely related to the Master Planning exercise currently being undertaken as a means to address these issues.

In the case of Site 4 the planning proposal responds to the recommendations put forward in the Katoomba Charrette Report and Town Centre Strategy which include implementing development of the site at both the Katoomba and Lurline Street frontages.

The planning proposal also responds to an isolated case (Site 3) where legal advice indicates that the subject land should be reclassified so that access to existing dwellings can be formalised.

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

The proposal to reclassify each of the 4 sites is consistent with Blue Mountains City Council's Community Plan – *Sustainable Blue Mountains 2025*. The planning proposal works towards achieving a number of objectives contained in this Plan including strengthening the liveability and vibrancy of towns and villages and providing integrated, accessible and sustainable choices for moving around. These objectives align with the 2010 NSW State Plan.

C. If the provisions of the planning proposal include the extinguishment of any interests in the land, an explanation of the reasons why the interests are proposed to be extinguished.

The following table identifies interests in the land that are proposed to be discharged through the reclassification process. The table also provides a reason for the extinguishing the identified interest.

Table 1: Interests to be extinguished

Site	Parcel Description	Interest to be extinguished	Reason for extinguishment
Site 2	Lot C in DP 388574	A18527 – This parcel is affected by a right of way, 1.22 wide along the parcel's southern boundary.	This lot and the land benefited by the right of way is now owned by Council and operates as a public parking facility, effectively rendering the right of way obsolete.
	Lot B in DP 388574	A69294 – This parcel benefits from a right of way, 1.22 & 2.44. This right of way is located on Lot 1 & 2 in DP 1110584.	This lot and the land affected by the right of way is now owned by Council and operates as a public parking facility, effectively rendering the right of way obsolete.
	Lot A in DP 388574	A69294 – This parcel benefits from a right of way, 1.22 & 2.44. This right of way is located on Lot 1 & 2 in DP 1110584.	This lot and the land affected by the right of way is now owned by Council and operates as a public parking facility, effectively rendering the right of way obsolete.
	Lots 1 & 2 in DP	652852 – This parcel benefits from a right of	These lots and the land affected by the right of way is now owned by Council and

	1110749	way, 1.22 & 2.44. This right of way is located on Lot 1 & 2 in DP 1110584.	operates as a public parking facility, effectively rendering the right of way obsolete.
	Lots 1, 2 DP 1110584	652852 – These parcels are affected by a right of way, 1.22 & 2.44.	These lots and the land benefitted by the right of way are now owned by Council and operate as a public parking facility, effectively rendering the right of way obsolete.
		A18527 – These parcels are affected by a right of way, 1.22 & 2.44.	These lots and the land benefitted by the right of way are now owned by Council and operate as a public parking facility, effectively rendering the right of way obsolete.
		A69294 – These parcels are affected by a right of way, 1.22 & 2.44.	These lots and the land benefitted by the right of way are now owned by Council and operate as a public parking facility, effectively rendering the right of way obsolete.
	Lot 1 in DP 940365	A18527 – This parcel benefits from a right of way, 1.22 wide along the southern boundary of Lot C in DP 388574 and a right of way, 1.22 & 2.44 wide within Lots 1 & 2 in DP 1110584.	This lot and the land affected by the right of way is now owned by Council and operates as a public parking facility, effectively rendering the right of way obsolete.
Site 4	Lot 102 DP 1152617	N208777 – This parcel is affected by a lease to BMCC	The land affected by the lease to Council is now owned by Council and as such it is redundant.

The following table identifies interests in that land that are proposed to be retained despite the reclassification of the land.

Table 2: Interests to remain

Site	Parcel Description	Interest to remain
Site 1	Lot 1 DP 506174	V289860 – Lease to New World Properties Pty Ltd (lease transferred to Gembond Pty Ltd vide dealing 7256346) for basement car park. DP787996 – Parcel is affected by an easement for support, variable width. DP787996 – Parcel is affected by an easement for overhanging roof 0.5 metres wide, 2.6 metres wide and 0.47 metres wide.
Site 2	Lot 2 DP 580297	H453560 – Parcel is affected by a right of footway, 1.83 metres wide benefitting Lot 18 in DP 239909 being 143 Katoomba Street.
	Lot 2 in DP 585560	H325317 – Parcel is affected by an easement for electricity purposes, 3.05 metres wide shown in DP 585560.
	Lot 55 in DP 239909	H824597 – Parcel is affected by an easement for electricity purposes, 6.096 metres wide.
	Lot 4 in DP 598367	R323949 – Covenant. Point 2 in the covenant implies that the land is not to be used otherwise than for a public car park.

	Lot 26 of Section 2 in DP 692	H787976 – Easement for electricity purposes
	Lots 1, 2 DP 1110584	634862 – Parcel is affected by a right of way, 1.22 & 2.44 metres wide benefitting Lot 1 in DP 938643. 657443 – Parcel is affected by a right of way, 1.22 & 2.44 metres wide benefitting Lot 1 in DP 114361. 657444 – Parcel is affected by a right of way, 1.22 & 2.44 metres wide benefitting Lot 1 in DP 900878. A63275 – Parcel is affected by a right of way, 1.22 & 2.44 metres wide benefitting Lot 1 in DP 943710. A69295 – Parcel is affected by a right of way, 1.22 & 2.44 metres wide benefitting Lot 1 in DP 525651.
Site 4	Lot 102 DP 1152617	J18549 – Parcel affected by an easement for drainage 2.44 metres wide. DP1152617 – Parcel affected by an easement for electricity purposes 2 metres wide. DP1152617 – Parcel affected by an easement to drain water 2.5 metres wide.

D. The concurrence of the landowner, where the land is not owned by the relevant planning authority.

Blue Mountains City Council is the owner of all the subject parcels of land.

PART 4 – COMMUNITY CONSULTATION

The Council will undertake exhibition of the planning proposal in accordance with the Gateway Determination.