



Enclosures

Planning Proposal for the SP3
Tourist Zone

Site Assessments
(enclosure 1 part a)

Meeting: 15 November, 2016

INDEX FOR SITE ASSESSMENTS

Name and Address	SITE
Blackheath Caravan Park & Lakeview Holiday Park 67-69 & 63-65 Prince Edward Street, Blackheath	01-BCP
Hydro Majestic 52-88 Great Western Highway, Medlow Bath	02-HM
Scenic World 2 Violet Street, Katoomba	03-SW
Fairmont Resort 1 Sublime Point Road, Leura	04-FR
Echo Point Motor Inn 18 Echo Point Road, Katoomba	05-EPMI
Parklands 132-174 Govetts Leap Road, Blackheath	06-PKL
Church Missionary Society 4-12 Violet Street, Katoomba	07-CMS
International Hotel Management School & Waldorf Leura Gardens Resort 74 Gladstone Road, 3 Chalmers Road, 16-18 Fitzroy Street and 20-28 Fitzroy Street, Leura	08-HMS
Katoomba Precinct 'RE2/SP3-KA20' 119 Cliff Street and 41 Violet Street, Katoomba	09-VSP

PREVIOUS RESOLUTION OF THE COUNCIL

At the Ordinary Meeting on the 29 March 2016, the Council resolved:

- "1. That the Council notes the results of the non-statutory exhibition of the Options Paper on the review of the Strategic Tourism and Recreation Planning Study;*
- 2. That the Council receives a further report and Planning Proposal within three (3) months on the following:*
 - a) The introduction of a SP3-Tourist zone for LEP 2015 and suite of permissible uses;*
 - b) The sites considered as suitable for any SP3-Tourist zone;*
 - c) Other sites raised during exhibition considered suitable for rezoning for the purpose of supporting tourism;*
- 3. That the Council adopts the recommendations in the Enclosure which are to form the basis of the Planning Proposal to be brought before Council; and*
- 4. That the Council seeks an independent planning review of Blackheath Caravan Park at 67-69 Prince Street, Blackheath to be included in the future report to Council."*

[Minute No. 78]

That Enclosure included a recommendation for Blackheath Caravan Park & Lakeview Holiday Park as follows:

"That Blackheath Caravan Park at 67-69 and Lakeview Holiday Park at 63-65 Prince Edward Street, Blackheath be included in a Planning Proposal for consideration as a SP3-Tourist zone.

That Council examine opportunities to create greater linkages between the recreation facilities and opportunities within the immediate area, including Memorial Park, the Caravan park and Popes Glen Reserve."

OUTCOME OF NON-STATUTORY EXHIBITION OF STRATEGIC TOURISM OPTIONS PAPER

This site was one of the sites specifically discussed in the Strategic Tourism and Recreation Planning Study and was therefore included in the Options Paper which was exhibited for a period of six weeks at the end of 2015.

During that non-statutory exhibition of the Options Paper, twelve submissions were received regarding this site. Eleven submissions supported the option to retain the zoning as exhibited in 2013, the now current zoning, while one submission supported the option to amend the zoning to zone SP3-Tourist. The property owner of 63-65 Prince Edward Street, Blackheath did not make a submission.

Of the twelve submitters, eleven did not support the application of SP3-Tourist zone for the area and their reasons included recreation, amenity, and environmental issues. However, the majority of the issues raised with the application of a SP3-Tourist zone would be able to be addressed through the following measures:

- Additional new objectives for the SP3-Tourist zone that any development in the zone is to be compatible with environmental, scenic and landscape qualities of an area;

- Each site or area with a SP3-Tourist zone will have an identified precinct in Part 7 of LEP 2015 with specific objectives pertaining to desired environmental, design and land use outcomes for that site or area; and
- Each site or area will have Height of Building and Floor Space Ratio map specific to that site or area that will ensure any future development would be of an appropriate scale and intensity.

A detailed review of the submissions was presented in the report to the 29 March 2016 Council Meeting.

ASSESSMENT

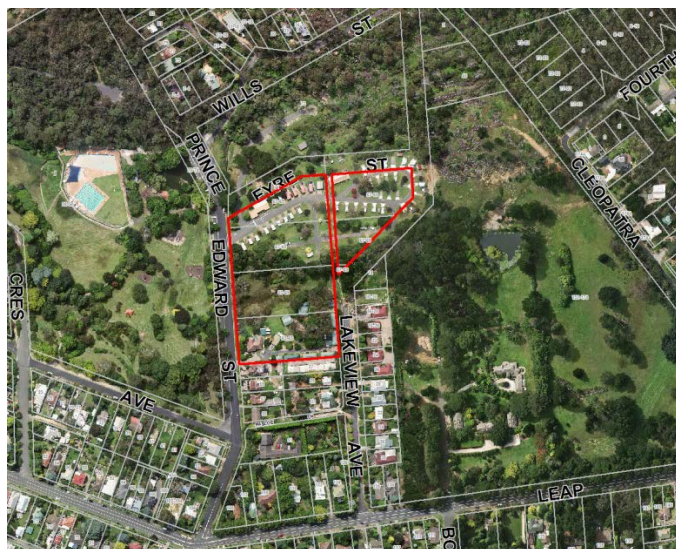


Figure 1 – Locality Map

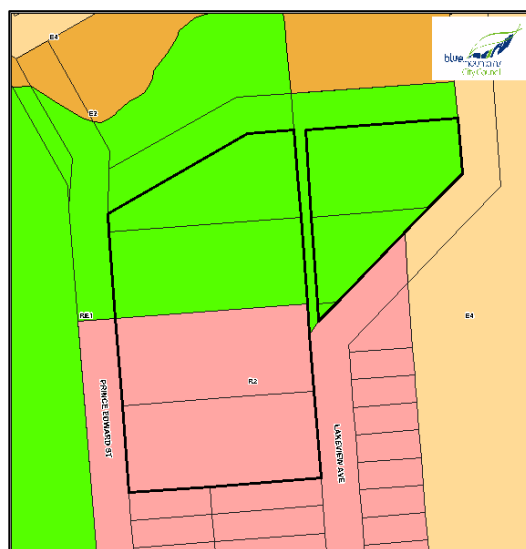


Figure 2 – Current Zones

The site (Figure 1) consists of seven (7) lots with a total site area of approximately 2.46 hectares and consists of both private and council owned land. The council owned land is currently zoned RE1 Public Recreation (shown as green in Figure 2) and the privately owned land is zoned R2 Low Density Residential (shown as pink in Figure 2). The Council owned land is classified as operational land. The area was one of fifteen locations identified by the Stafford Report as being suitable for further investigation, which was undertaken and contained in the Options Paper. One of the Options identified for this site was applying a SP3-Tourist zone.

The area of Blackheath Caravan Park and Lakeview Holiday Park would seem appropriate for the SP3-Tourist zone through its strategic location adjacent to an established recreation area in Memorial Park as well as being located at the start of the Popes Glen walk. The current zoning in this area does not ensure a long term future as a tourism land use as each site could be redeveloped for a range of non-tourism uses. The use of SP3-Tourist zone for the Blackheath Caravan Park and Lakeview Holiday Park would set a clear strategic outcome for the area that would ensure any new development would be tourism focused.

These lots are substantially developed with a Caravan Park and Holiday Cabins. The proposed provisions are intended to reflect existing tourism uses and current controls while ensuring that the any future development on the site aligns with the proposed strategic direction for the site as proposed by the Strategic Tourism and Recreation Planning Study.

INDEPENDENT PEER REVIEW

As Council owns the land at 67-69 Prince Edward Street, Blackheath, an independent peer review was undertaken by Penrith City Council of the assessment and proposal to rezone the site to SP3-Tourist as resolved at the 29 March 2016 Council meeting.

This review found that the approach taken "...to be evidence based and has followed sound planning process" and that the procedures followed were appropriate and in accordance with relevant legislation.

Penrith City Council made the following recommendations:

- *The Planning Proposal should clearly identify the land uses (beyond the mandated uses in the Standard Instrument LEP) and identify how they support tourism and recreation on those sites and how each site is appropriate for each other those uses.*
- *The Planning Proposal should clearly identify the proposed height of buildings and floor space ratios (plus any other development standards) and any additional local provisions for Part 7 of the LEP.*
- *A Draft Development Control Plan (Draft DCP) could be prepared and exhibited to manage any future development. It is suggested the Draft DCP consider, amongst other relevant controls, setbacks to address the recommendation of the Stafford Report relating to the Blackheath Caravan Park's proximity to residential development. The Stafford Report recommended that the site would require a buffer zone beside nearby properties and have a lower height [so as] not to be obtrusive.*
- *A Master Plan for the sites identified for the SP3-Tourist zone could also be prepared to provide the next stages of encouraging tourism development within these sites.*
- *The Planning Proposal should be supported by relevant studies and/or adequate justification (e.g. Traffic Study, Tourism Strategy, a flood study, etc.) to address the concerns raised in the non-statutory consultation period.*

In response to these recommendations:

- The planning proposal for draft Amendment 3 will specify the permissible uses proposed to be included in the SP3-Tourist zone
- The planning proposal will also specify the proposed provisions for the site including floor space ratio and height of building.
- It is intended that a draft amendment to DCP 2015 be prepared for public exhibition concurrently with the planning proposal which will include site specific development controls for all sites proposed to be zoned SP3-Tourist.
- It is not considered necessary to prepare a Masterplan for the site at this stage as no redevelopment is proposed. The rezoning of the site is intended to reflect the existing use and strategic direction for the site, rather than facilitate a particular development outcome.
- The proposal has been informed by the Strategic Planning and Recreation Study and any necessary technical studies to support the proposal will be prepared in accordance with any directions of the gateway determination.

Following the outcome of this independent peer review the planning proposal for draft Amendment 3 is proposed to include the rezoning of the Blackheath Caravan Park site to SP3-Tourist as previously resolved at the 29 March 2016 Council meeting.

PROPOSED CHANGES

Land zone (LZN)

The current zoning of the site is RE1 Public Recreation on the Council owned land, and R2 Low Density Residential on the two privately owned lots. The proposal seeks to rezone all seven lots to zone SP3-Tourist. These lots are currently used, and have a long standing history of use, for the purpose of tourism. Rezoning the site to SP3-Tourist zone ensures that any future development is also tourism based.

Lot size (LSZ)

The current minimum lot size requirement is 720m² over the privately owned lots, no lot size over the council owned land. The proposal is to remove lot size as a control in the SP3-Tourist zone because land in the SP3-Tourist zone cannot be developed for the purpose of residential uses.

Height of Buildings (HOB)

The current building height control across the site of 8m is proposed to be retained. No change proposed.

Floor Space Ratio (FSR)

The current FSR provision on the privately owned lots is 0.35:1. No FSR is currently applied to the five Council owned lots on the north of the site. The proposed FSR across the entire site is 0.4:1. The intention is to allow some redevelopment for tourism purposes in line with the conclusions and recommendations of the Strategic Tourism study, without over developing the site.

Land Reservation Acquisition (LRA)

Does not apply to this site. No change to this provision.

Heritage (HER)

Does not apply to this site. No change to this provision, however as the site adjoins Heritage items being Memorial Park (BH 023) and the Grounds of Parklands (BH058) any development would be required to consider the impact on those adjoining heritage items as part of the development assessment process.

Lot Averaging (LAV)

Does not apply to this site. No change to this provision.

Riparian Lands and Watercourses (RLW)

Does not apply to this site. No change to this provision.

Scenic and Landscape Values (SLV)

Does not apply to this site. No change to this provision.

Built Character (BCH)

This site is not currently mapped on the Built Character Map. All land proposed to be zoned SP3-Tourist is also proposed to be mapped on the Built Character Map as a village Precinct with precinct objectives included in Part 7 of the LEP. It is proposed that this site be identified as Blackheath Precinct 'SP3-BH06'. Further discussion on the content of the precinct objectives for the site are provided later in this section of the site assessment.

Active Street Frontages (ASF)

Does not apply to this site. No change to this provision.

Natural Resources – Biodiversity (NRB)

Does not apply to this site. No change to this provision.

Natural Resources – Land (NRL)

The site is currently identified on the Protected Area – Slope Constraint Area (>20%). Protected Areas recognize land based constraints and are not zone dependent. This provision remains unchanged.

Key Sites (KYS)

Does not apply to this site. No change to this provision.

In addition to the site specific mapping provisions discussed above, there are a number of clauses within the LEP which are zone based. The following applicable clauses and their application to the site would be affected as a result of the proposed rezoning.

4.1AA Minimum subdivision lot size for community title schemes

This clause applies to that part of the site zoned R2 Low Density Residential. It is intended to ensure that land is not fragmented by subdivisions that would create additional dwelling entitlements. This clause will not apply to land in the proposed SP3-Tourist zone, as the SP3- tourist zone does not permit any type of residential dwelling.

4.1D Subdivision of land in recreation zones for public purposes

The objective of this clause is to enable the subdivision of land in recreation zones for public purposes. This clause currently applies to the five Council owned lots adjoining the Memorial Park to the north. This clause will no longer apply to these lots, and the lots may be subdivided under the provisions of the SP3-Tourist zone, however the resulting lots may only be used for tourism and tourism related uses.

6.17 Consideration of character and landscape

The objective of this clause is to promote the design of residential properties that are consistent with, or enhance, the established character of the buildings, gardens and streetscapes of the villages in the Blue Mountains and applies to land in a residential

or environment protection zone. This clause currently applies to the two privately owned lots zoned R2 Low Density Residential. Under the proposal this clause will no longer be applicable. However, as the site will be mapped on the Built Character Map, clause 6.19 Design Excellence will apply to the entire site. The objective of this clause is to deliver a high standard of architectural and urban design within the village centres of the Blue Mountains.

Part 7 Additional local clauses – development in villages

As stated above, it is proposed that this site be mapped on the Built Character Map identified as “Blackheath Precinct SP3-BH06”. The purpose of part 7 is to ensure that development on the land identified is consistent with the objectives for that development. The zone objectives that apply currently have been reviewed and objectives specifically relevant to the site and the site context have been included in the precinct objectives below.

The proposed objectives for “Blackheath Precinct SP3-BH06 are as follows:

- a) To ensure that landscaping is incorporated in the design of the development which reflects the site’s location as the interface between residential garden settings and natural bushland.
- b) To control building heights to provide a scenically-appropriate backdrop to the adjoining watercourse and scheduled vegetation and to follow the line of hillside topography.
- c) To protect the amenity of neighbouring residential properties.
- d) To provide on-site parking that does not dominate the street frontage, and that is integrated with the design of the surrounding garden areas
- e) To minimise the impact of development on watercourse buffers in the locality.

These objectives are specific to this site and are in addition to the zone objectives.

RECOMMENDATIONS

- BCP.01 That the Blue Mountains LEP 2015 Land Zoning Map LZN_002FA be amended as shown in LEP 2015 Draft Amendment 3 - Mapping Provisions - Site 01-BCP, Section 1 Land Zoning, on Map 1.2 Proposed
- BCP.02 That the Blue Mountains LEP 2015 Minimum Lot Size Map LSZ_002FA be amended as shown in LEP 2015 Draft Amendment 3 - Mapping Provisions - Site 01-BCP, Section 2 Lot Size, on Map 2.2 Proposed
- BCP.03 That the Blue Mountains LEP 2015 Floor Space Ratio Map FSR_002FA be amended as shown in LEP 2015 Draft Amendment 3 - Mapping Provisions - Site 01-BCP, Section 4 Floor Space Ratio, on Map 4.2 Proposed
- BCP.04 That the Blue Mountains LEP 2015 Built Character Map BCH_002FA be amended as shown in LEP 2015 Draft Amendment 3 - Mapping Provisions - Site 01-BCP, Section 1. Built Character, on Map 10.2 Proposed
- BCP.05 That the Blue Mountains LEP 2015 Part 7.2 Blackheath Precinct be amended as follows:

- (6) The objectives for development on land identified as “Blackheath Precinct SP3-BH06” on the Built Character Map are as follows:
- a) To ensure that landscaping is incorporated in the design of the development which reflects the site’s location as the interface between residential garden settings and natural bushland.
 - b) To control building heights to provide a scenically-appropriate backdrop to the adjoining watercourse and scheduled vegetation and to follow the line of hillside topography.
 - c) To protect the amenity of neighbouring residential properties.
 - d) To provide on-site parking that does not dominate the street frontage, and that is integrated with the design of the surrounding garden areas
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 - a) The introduction of a SP3-Tourist zone for LEP 2015 and suite of permissible uses;*
 - b) The sites considered as suitable for any SP3-Tourist zone;*
 - c) Other sites raised during exhibition considered suitable for rezoning for the purpose of supporting tourism;*
- 3. That the Council adopts the recommendations in the Enclosure which are to form the basis of the Planning Proposal to be brought before Council; and*
- 4. That the Council seeks an independent planning review of Blackheath Caravan Park at 67-69 Prince Street, Blackheath to be included in the future report to Council."*

[Minute No. 78]

That Enclosure included a recommendation for Hydro Majestic as follows:

"That the Village-Tourist, E3 and E4 zoning and provisions part of the Hydro Majestic site at 52-88 Great Western Highway, Medlow Bath be included in a Planning Proposal for consideration as a SP3-Tourist zone.

That the zone boundary between E2 Environmental Conservation and the proposed SP3-Tourist zone be amended to remove any E2 zone encroachment over buildings, with E2 to be retained on other parts of the site."

OUTCOME OF NON-STATUTORY EXHIBITION OF STRATEGIC TOURISM OPTIONS PAPER

This site was one of the sites specifically discussed in the Strategic Tourism and Recreation Planning Study and was therefore discussed in the Options Paper, which was exhibited for a period of six weeks at the end of 2015.

During that non-statutory exhibition of the Options Paper eleven submissions relating to this specific site were received. Eight submissions supported the option to retain the zoning as it was exhibited in the then draft LEP 2013, and three submissions supported the option to rezone the site to zone SP3-Tourist. The property owner did not lodge a submission in relation to the Hydro Majestic, but did in relation to other properties in which they have an interest.

While the majority of submissions supported the retention of the now current zoning of Village Tourist for the part of the site zoned under LEP 2005, and E3 Environmental Management and E4 Environmental Living for the part of the site zoned under LEP 2015, there was some support for rezoning the site to zone SP3-Tourist. The matters raised by those submissions which did not support the SP3-Tourist zone on the site would generally be able to be addressed through the following measures:

- Additional new objectives for the SP3-Tourist zone that any development in the zone is to be compatible with environmental, scenic and landscape qualities of an area;
- Each site or area with a SP3-Tourist zone will have an identified precinct in Part 7 of LEP 2015 with specific objectives pertaining to desired environmental, design and land use outcomes for that site or area;
- Each site or area will have Height of Building and Floor Space Ratio specific to that site or area that will ensure any future development would be of an appropriate scale and intensity.

A detailed review and response to the submissions was presented in the report to the 29 March 2016 Council Meeting.

ASSESSMENT

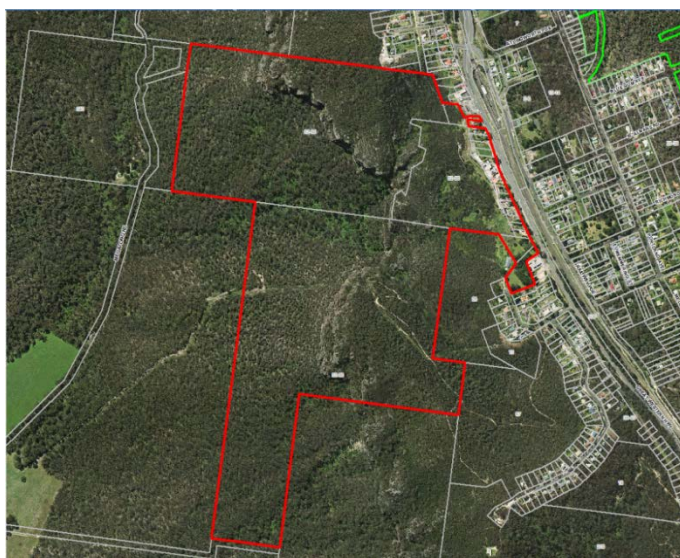


Figure 1 – Locality Map



Figure 2 – Current LEP 2015 Zone
(Area of site deferred from LEP 2105 zoned Village Tourism under LEP 2005)

Tourism has been the focus of the site since the property was developed at the turn of the twentieth century and more recently a significant investment has been made in the tourism infrastructure. The site (Figure 1) is therefore, unlikely to be redeveloped for a purpose other than tourism in the foreseeable future.

The current zoning on the site includes Village-Tourist under LEP 2005 (proposed as zone R1 General Residential in LEP 2015 draft Amendment 1 and shown as white in Figure 2), as well as RU4 Primary Production Small Lots (shown as light brown in Figure 2), E3 Environmental Management and E4 Environmental Living (two shades of light yellow in Figure 2) with the majority of the site zoned E2 Environmental Conservation (dark yellow in Figure 2) under LEP 2015.

The Village-Tourist zoning applies to the lots adjoining the Great Western Highway and permits development, such as Multi-dwelling houses, Residential flat buildings and Boarding houses that are not considered suitable for the site. These lots are deferred out of LEP 2015 as a result of mapping anomalies and were exhibited in 2015 as part of draft Amendment 1 to LEP 2015, proposed to be zoned R1 General Residential which is a translation of the LEP 2005 Village Tourist zone.

The E3 Environmental Management zone applies to a narrow strip of land between the hotel development and land zoned E2 Environmental Conservation at the top of the escarpment. This land has generally been cleared and is used for access and servicing to the western side of the hotel. The E3 zone also permits a range of uses including non-tourism uses which are not necessarily suitable for the site.

The E4 Environmental Living zone applies to three lots with frontages to the Great Western Highway and adjoining the Village-Tourist zone. Permissible development under the current zoning includes dwelling houses and secondary dwellings which would not be regarded as the most appropriate form of development on these lots.

It is proposed the SP3-Tourist under LEP 2015 only apply to those areas of the site zoned Village-Tourist under LEP 2005, E3 Environmental Management and E4 Environmental Living under LEP 2015. The part of the site currently zoned E2 Environmental Conservation under LEP 2015 will remain so zoned.

The Department of Planning and Environment Practice Notes advise that the SP3-Tourist zone should be only used where other zones are not appropriate.

As described above, the site of the Hydro Majestic has been used for tourism for over a century. The current LEP 2005 and LEP 2015 zonings are not seen as the most appropriate for the site given the range of non-tourism related land uses permitted. The application of a SP3-Tourist zone is considered more appropriate.

Any application of a SP3-Tourist zone would also address concerns over escarpment views and the environment by the mapping of appropriate development standards in LEP 2015, and provision of precinct objectives in Part 7 of LEP 2015 for this specific site. As noted previously, the area of the site containing the greatest amount of environmentally sensitive land is proposed to remain zoned E2 Environmental Conservation.

Applying zone SP3-Tourist to the site would remove a range of currently permitted land uses that are seen as incompatible with the area while continuing the tourism focus on the site.

These lots are substantially developed with a Hotel. The proposed provisions are intended to reflect existing tourism uses and current controls while ensuring that the any future development on the site aligns with the proposed strategic direction for the site as proposed by the Strategic Tourism and Recreation Planning Study.

PROPOSED CHANGES

Land zone (LZN)

As noted above, the proposal seeks to retain the E2 Environmental Conservation zone on that part of the site and rezone to zone SP3-tourist the parts of the site currently zoned:

- Village Tourist under LEP 2005;
- E3 Environmental Management
- E4 Environmental Living

As discussed above, part of the site is deferred out of LEP 2015. The affected parts are those lots zoned Village Tourist under LEP 2005 and proposed as R1 General Residential in draft Amendment 1 to the LEP 2015. It is proposed that this part of the site be removed from draft Amendment 1 and instead be included in the planning proposal for draft amendment 3.

Lot size (LSZ)

In Amendment 1 to LEP 2015, the lots proposed to be zone R1 General Residential were exhibited as having a lot size of 720m². Lot size across the rest of the site proposed to be rezoned to SP3-tourist zone varies from 1200m² to 10ha. The proposal is to remove lot size as a control in the SP3-Tourist zone. The removal of lot size in the SP3-Tourist zone is unlikely to have a negative impact as the site cannot be developed for the purpose of residential uses.

Height of Buildings (HOB)

The current height of building control across the majority of the site is 8.0m, with lots adjoining the residential properties to the north and south having a maximum building height of 5.5m.

To ensure that the existing Hydro Majestic Hotel remains the most visually prominent element on the site, whilst still facilitating it's expansion and potential future development on the site, it is proposed that the maximum building height will vary across the site in relation to existing building heights as follows:

- 10m over the central part of the site that is the Casino, Fine Dining Room, and Hargravia,
- 12m over the Function Centre and Delmonte Hallway and Majestic Ballroom on the southern part of the site;
- 12m over the Belgravia Lobby and Belgravia Building on the northern side of the Casino;
- 15m across the parts of the site which contains the New Mark Foy wing on the northern part of the site;
- 15m across the parts of the site which contains Delmonte on the south.
- 5.5m on lots on the northern and southern site boundaries to continue to preserve the amenity of adjoining properties.

Floor Space Ratio (FSR)

In Amendment 1 to LEP 2015, the lots proposed to be zone R1 General Residential were exhibited as having a FSR of 0.4:1. The proposed FSR 0.4:1 is to be applied to that part of the site proposed as SP3-Tourist zone.

Land Reservation Acquisition (LRA)

Does not apply to this site. No change to this provision.

Heritage (HER)

The site contains multiple Heritage items including the Hydro Majestic (MB002). Part of heritage item Hydro Majestic (MB002) is located on the land deferred out of LEP

2015. The proposal seeks to amend the Heritage maps to include item Hydro majestic (MB002) on the land currently deferred out of LEP 2015.

Lot Averaging (LAV)

As discussed above, part this site was included in LEP 2015 draft Amendment 1. The LAV mapping is proposed to be as exhibited for LEP 2015 draft Amendment 1.

Riparian Lands and Watercourses (RLW)

Does not apply to this site. No change to this provision.

Scenic and Landscape Values (SLV)

Scenic and Landscape Values (SLV) are identified for those lots adjacent to the Great Western Highway. This proposal seeks to apply the SLV to those lots deferred out of LEP 2015 and to extend the SLV mapping to be consistent with adjoining lots to the north and south.

Built Character (BCH)

This provision does not currently apply to this site, however it was proposed in LEP 2015 draft Amendment 1 that the parts of the site zoned Village – Tourist under LEP 2005 be mapped on Built Character Map as Village Precinct 'R1-MB01'. All land on the site proposed to be rezoned to zone SP3-Tourist is proposed to be mapped on the Built Character Map as Village Precinct 'SP3-MB01'. This would mean that the area identified on the Built Character map will be extended from what was previously exhibited in draft Amendment 1. Further discussion on the content of the precinct objectives for the site are provided later in this section of the site assessment.

Active Street Frontages (ASF)

Does not apply to this site. No change to this provision.

Natural Resources – Biodiversity (NRB)

The site is currently identified on the Protected Area – vegetation constraint Area and the Fauna Corridor. Protected Areas recognize land based constraints and are not zone dependent. This provision remains unchanged.

Natural Resources – Land (NRL)

The site is currently identified on the Protected Area – Slope Constraint Area (>20%). Protected Areas recognize land based constraints and are not zone dependent. This provision remains unchanged.

Key Sites (KYS)

Does not apply to this site. No change to this provision.

In addition to the site specific mapping provisions discussed above, there are a number of clauses within the LEP which are zone based. The following applicable clauses and their application to the site would be affected as a result of the proposed rezoning.

4.1AA Minimum subdivision lot size for community title schemes

This clause currently applies to that part of the site zoned E3 Environmental Management and E4 Environmental Living and would apply to the part of the site zoned Village Tourist under LEP 2005 if it was translated into LEP 2015 to zone R1 General Residential as proposed in draft Amendment 1. The purpose of the clause is to ensure that land is not fragmented by subdivisions that would create additional dwelling entitlements. This clause will not apply to land in the proposed SP3-Tourist zone, however as the SP3-Tourist zone does not permit any type of residential dwelling there will be no negative impact as a result of the proposed rezoning removing the application of this clause to the site.

4.1A Minimum subdivision lot size for strata plan schemes in certain rural and environment protection zones

The objective of this clause is to ensure that land to which this clause applies is not fragmented by subdivisions that would create additional dwelling entitlements, and in relation to this site is currently applicable to land in the E3 Environmental Management and E4 Environmental Living zones that is used, or is proposed to be used, for tourist and visitor accommodation. As this proposal seeks to rezone those parts of the site to the SP3 zone, this clause will no longer apply. However, as the SP3- tourist zone does not permit any type of residential dwelling there will be no negative impact as a result of the proposed rezoning removing the application of this clause to the site.

4.1B Minimum lot sizes for dual occupancies

This clause seeks to achieve planned residential density in certain zones, and would apply to that part of the site proposed to be zoned R1 General Residential in Amendment 1 to LEP 2015. This clause will not apply to the site under this planning proposal. The part of the site to which this clause applies is fully developed for the purpose of a hotel therefore this clause is not relevant.

4.1C Exceptions to minimum subdivision lot sizes for certain residential development.

This clause would apply to that part of the site proposed to be zoned R1 General Residential in Amendment 1 to LEP 2015. This clause will not apply under the proposal to rezone part of the site to SP3-Tourist zone. There is no impact as a result of this proposal as the affected part of the site is fully developed with a hotel.

4.1E Subdivision of land in certain environment protection zones

This clause applies to that part of the site zoned E3 Environmental Management and E4 Environmental Living. The proposal seeks to rezone this land to SP3-Tourist. The part of the site zoned E3 Environmental Management is located between the Hydro majestic buildings and land zoned as E2 Environmental conservation, and is general used as access to the rear of the property. Because the site is developed as a hotel and is unlikely to be subdivided there will be no negative impact as a result of the proposed rezoning removing the application of this clause to the site.

4.1F Cluster housing on land in certain environment protection zones

This clause applies to the site under the current zoning however cluster housing is not a permissible use in the SP3 zone and this clause will not be applicable.

4.4A Site coverage and landscaped area

This clause applies to land in the E3 Environmental Management and E4 Environmental Living zones and is designed to manage site coverage for the purpose of retaining landscaped areas that contribute to the landscape setting and catchment health of the area. This clause does not apply to land zoned SP3, however the proposed floor space ratio and maximum building height controls in conjunction with the proposed precinct objectives will provide an alternative means of controlling site coverage of any future development.

4.4B Principal development area

This clause applies to land in the E3 Environmental Management and E4 Environmental Living zones to ensure that there is a developable area on all lots resulting from a subdivision. The clause will not apply to land in the SP3 zone. However, as the SP3- tourist zone does not permit any type of residential dwelling there will be no negative impact as a result of the proposed rezoning removing the application of this clause to the site.

6.17 Consideration of character and landscape

The objective of this clause is to promote the design of residential properties that are consistent with, or enhance, the established character of the buildings, gardens and streetscapes of the villages in the Blue Mountains and applies to land in a residential or environment protection zone. This clause currently applies to the site. Under this proposal this clause will no longer be applicable, however that part of the site proposed to be zoned SP3- Tourist zone will be identified as a precinct on the Built Character Map and clause 6.19 Design Excellence will apply instead. The objective of this clause is to deliver a high standard of architectural and urban design within the village centres of the Blue Mountains. Therefore there will be no negative impact as a result of the proposed rezoning removing the application of this clause to the site.

Part 7 Additional local clauses – development in villages

The zone objectives that apply currently have been reviewed and objectives specifically relevant to the site and the site context have been included in the precinct objectives below.

In LEP 2015 draft Amendment 1 part of the site was proposed to be identified in LEP 2015 7.9 Medlow Bath Precinct as 'R1-MB01'. The objectives proposed are as follows:

- (a) to encourage development that complements and is sympathetic to the heritage significance of the Hydro Majestic,
- (b) to encourage development that maintains the Hydro Majestic as the predominant feature in the precinct,
- (c) to minimise the impact of development on escarpment areas.

These precinct objections are proposed to be retained, and the precinct is now proposed to be identified as "Medlow Bath Precinct SP3- MB01". The proposal seeks to extend the precinct to include land currently zoned E3 Environmental Management and E4 Environmental Living. In addition to the current precinct objectives, the proposal seeks to add the following objectives to the precinct objectives :

- (d) To minimise and mitigate the impact of development on land in Zone E2 Environmental Conservation.
- (e) To enhance the traditional streetscape character and gardens that contribute to the attraction of the area for residents and visitors.
- (f) To provide for low-impact development adjacent to areas with special ecological, scientific or aesthetic values.

RECOMMENDATIONS

- HM.01 That draft Amendment 1 (deferred Matters) to LEP 2015 be modified to remove the land at 52-88 Great Western Highway, Medlow Bath (the Hydro Majestic) and that Council notify the Department of Planning and Environment that the land is no longer part of that process
- HM.02 That the Blue Mountains LEP 2015 Land Application Map LAP001 be amended to delete the "Deferred Matter" notation for 52-88 Great Western Highway, Medlow Bath
- HM.03 That the Blue Mountains LEP 2015 Land Zoning Map LZN_002F & LZN_002G be amended as shown in LEP 2015 Draft Amendment 3 - Mapping Provisions - Site 02-HM, Section 1 Land Zoning, on Map 1.3 Proposed
- HM.04 That the Blue Mountains LEP 2015 Lot Size Map LSZ_002F & LSZ_002G be amended as shown in LEP 2015 Draft Amendment 3 - Mapping Provisions - Site 02-HM, Section 2 Lot Size, on Map 2.3 Proposed
- HM.05 That the Blue Mountains LEP 2015 Height of Buildings Map HOB_002F & HOB_002G be amended as shown in LEP 2015 Draft Amendment 3 - Mapping Provisions - Site 02-HM, Section 3 Height of Building, on Map 3.3 Proposed
- HM.06 That the Blue Mountains LEP 2015 Floor Space Ratio Map FSR_002F & FSR_002G be amended as shown in LEP 2015 Draft Amendment 3 - Mapping Provisions - Site 02-HM, Section 4 Floor Space Ratio, on Map 4.3 Proposed
- NB: Map tile FSR_002F will need to be created to map the proposed provisions*
- HM.07 That the Blue Mountains LEP 2015 Heritage Map HER_002F & HER_002G be amended as shown in LEP 2015 Draft Amendment 3 - Mapping Provisions - Site 02-HM, Section 6 Heritage, on Map 6.3 Proposed
- HM.08 That the Blue Mountains LEP 2015 Schedule 5 be amended to include the following heritage item listing

Suburb	Medlow Bath
Item	Hydro Majestic

Address	52-88 Great Western Highway
Property Description	L 8-22 DP 2450; L 2 DP 334630; L 20 DP 25570; L 2 DP 133410; L 1 DP 133407; L 1 DP 113904
Significance	Local
Item no	MB002

HM.09 That the Blue Mountains LEP 2015 Lot Averaging Map LAV_002F & LAV_002G be amended as shown in LEP 2015 Draft Amendment 3 - Mapping Provisions - Site 02-HM, Section 7 Lot Averaging, on Map 7.3 Proposed

HM.10 That the Blue Mountains LEP 2015 Scenic Landscape Values Map SLV_002F & SLV_002G be amended as shown in LEP 2015 Draft Amendment 3 - Mapping Provisions - Site 02-HM, Section 9 Scenic and Landscape Values, on Map 9.3 Proposed

HM.11 That the Blue Mountains LEP 2015 Built Character Map BCH_002F & BCH_002G be amended as shown in LEP 2015 Draft Amendment 3 - Mapping Provisions - Site 02-HM, Section 10 Built Character, on Map 10.3 Proposed

NB: Map tile BCH_002F will need to be created to map the proposed provisions

HM.12 That no change to provisions are mapped for all other LEP 2015 maps for land at 52-88 Great Western Highway, Medlow Bath as shown in LEP 2015 Draft Amendment 3 - Mapping Provisions - Site 02-HM

HM.13 That the Blue Mountains LEP 2015 Part 7.9 Medlow Precinct be amended as follows:

The objectives for development on land identified as "Medlow Bath Precinct SP3-MB01" on the Built Character Map are as follows:

- (a) to encourage development that complements and is sympathetic to the heritage significance of the Hydro Majestic,
- (b) to encourage development that maintains the Hydro Majestic as the predominant feature in the precinct,
- (c) to minimise the impact of development on escarpment areas.
- (d) to minimise and mitigate the impact of development on land in Zone E2 Environmental Conservation.
- (e) to enhance the traditional streetscape character and gardens that contribute to the attraction of the area for residents and visitors.
- (f) to provide for low-impact development adjacent to areas with special ecological, scientific or aesthetic values.

PREVIOUS RESOLUTION OF THE COUNCIL

At the Ordinary Meeting on the 29 March 2016, the Council resolved:

- "1. That the Council notes the results of the non-statutory exhibition of the Options Paper on the review of the Strategic Tourism and Recreation Planning Study;*
- 2. That the Council receives a further report and Planning Proposal within three (3) months on the following:*
 - a) The introduction of a SP3-Tourist zone for LEP 2015 and suite of permissible uses;*
 - b) The sites considered as suitable for any SP3-Tourist zone;*
 - c) Other sites raised during exhibition considered suitable for rezoning for the purpose of supporting tourism;*
- 3. That the Council adopts the recommendations in the Enclosure which are to form the basis of the Planning Proposal to be brought before Council; and*
- 4. That the Council seeks an independent planning review of Blackheath Caravan Park at 67-69 Prince Street, Blackheath to be included in the future report to Council."*

[Minute No. 78]

That Enclosure included a recommendation for Scenic World as follows:

"That the RE2 zoning and provisions part of the Scenic World site at 2 Violet Street, Katoomba be included in a Planning Proposal for consideration as a SP3-Tourist zone."

OUTCOME OF NON-STATUTORY EXHIBITION OF STRATEGIC TOURISM OPTIONS PAPER

The site was one of fifteen locations identified by the Stafford Report as being suitable for further investigation, which was undertaken and contained in the Options Paper.

During that non-statutory exhibition of the Options Paper eleven submissions relating to this specific site were received. Six submissions supported the option to retain the current zoning and provisions, which at the time were still in draft form as exhibited in the then DLEP 2013. Five submissions supported rezoning the site from zone RE2 Private Recreation to zone SP3-Tourist. The property owner did lodge a submission.

Of the submitters that did not support the application of SP3-Tourist zone for the area their reasons included recreation, amenity and environmental issues. However, the majority of the issues raised with the application of a SP3-Tourist zone would be able to be addressed through the following measures:

- Additional new objectives for the SP3-Tourist zone that any development in the zone is to be compatible with environmental, scenic and landscape qualities of an area;
- Each site or area with a SP3-Tourist zone will have an identified precinct in Part 7 of LEP 2015 with specific objectives pertaining to desired environmental, design and land use outcomes for that site or area; and
- Each site or area will have Height of Building and Floor Space Ratio map specific to that site or area that will ensure any future development would be of an appropriate scale and intensity.

A detailed review of the submissions was presented in the report to the 29 March 2016 Council Meeting.

ASSESSMENT

The site consists of a single lot with split zoning (Figure 1). The northern section of the site, which contains the Scenic World development is zoned RE2 Private Recreation (shown as light green on Figure 2) and the southern part of the site is zoned E2 Environmental Conservation (shown as yellow on Figure 2).

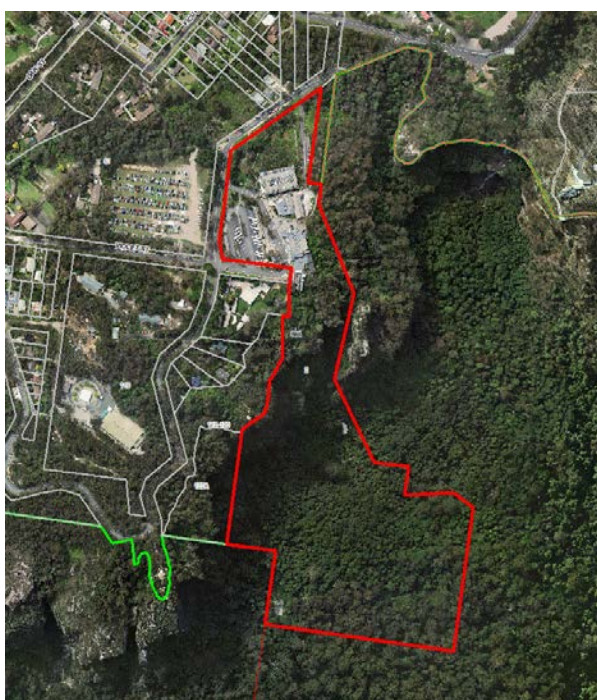


Figure 1 – Locality Map

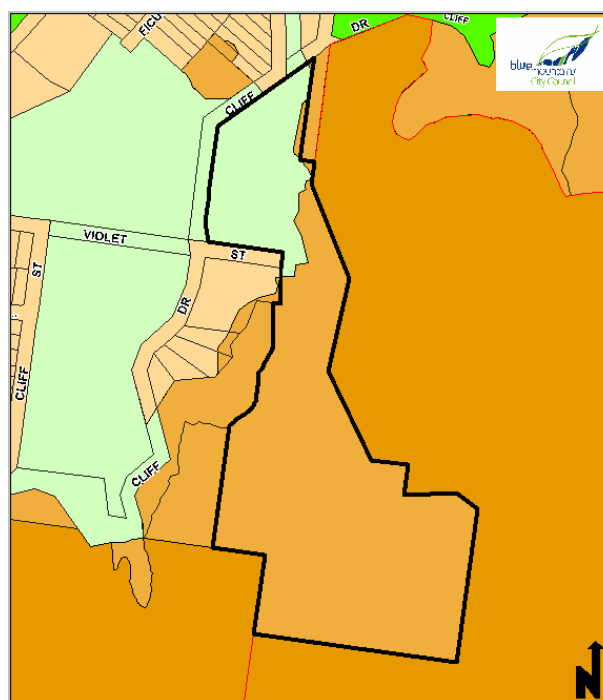


Figure 2 – Current Zones

The site has a long history of use for tourism and there has been significant recent investment in infrastructure upgrades. It is therefore likely to remain a tourism facility for the foreseeable future. The site is located outside the village centre and so less likely to impact on established commercial centres, but it is located on the edge of the National Park, which provides 'market appeal'.

The use of a SP3-Tourist zone on the site would set a clear strategic direction for the area that would ensure any new development would remain tourism focused. It is only prospected that the SP3-Tourist zone apply to that part of the land currently zoned RE2 Private Recreation. The part of the land zoned E2 Environmental Conservation will remain so zoned.

As stated above, this site is substantially developed with existing approvals. The proposed provisions are intended to reflect current approved controls and controls considered appropriate for the proposed zone.

PROPOSED CHANGES

Land zone (LZN)

The proposal seeks to retain the E2 Environmental Conservation zone on that part of the site and rezone the part of the site zoned RE2 Private Recreation to SP3-Tourist zone. This will make the existing uses on the site permissible with consent rather than any future redevelopment having to rely upon existing use rights.

Lot size (LSN)

No change to this provision. Does not apply to this site.

Height of Buildings (HOB)

The current control is 8.0m across the entire site. It is proposed that the maximum building height be 5.5m on those parts of the site mapped on the Scenic and Landscape Values Map. This is consistent with the principle used in the preparation of LEP 2015 for setting building height controls on land mapped as having Scenic and Landscape Value.

Floor Space Ratio (FSR)

The current FSR is 0.4:1, no change is proposed to this provision.

Land Reservation Acquisition (LRA)

No change to this provision. Does not apply to this site

Heritage (HER)

No change to this provision. This site does contain heritage items (K003 and K045) and is within a Heritage Conservation Area (K007).

Lot Averaging (LAV)

No change to this provision. Does not apply to this site

Riparian Lands and Watercourses (RLW)

No change to this provision. Does not apply to this site

Scenic and Landscape Values (SLV)

The site contains land identified as being Protected Area – Escarpment. No change to this provision.

Built Character (BCH)

This site is not currently mapped on the Built Character Map. It is proposed that all land zoned SP3-Tourist is to be mapped on the Built Character Map as a village Precinct with precinct objectives to be included in Part 7 of the LEP. It is proposed that this site be identified as part of Village Precinct 'RE2/SP3-KA20' which will also include the Church Missionary Society site at 4-12 Violet Street, and the adjacent sites at 41

Violet Street and 119 Cliff Drive, Katoomba . Further discussion on the content of the precinct objectives for the site are provided later in this section of the site assessment.

Active Street Frontages (ASF)

No change to this provision. Does not apply to this site.

Natural Resources – Biodiversity (NRB)

The site contains land identified as being Protected Area – Ecological Buffer Area and Fauna Corridor. No change to this provision.

Natural Resources – Land (NRL)

The site contains land identified as being Protected Area – Slope Constraint Area (> 20%). No change to this provision.

Key Sites (KYS)

No change to this provision. Does not apply to this site.

In addition to the site specific mapping provisions discussed above, there are a number of clauses within the LEP which are zone based. The following applicable clauses and their application to the site would be affected as a result of the proposed rezoning.

4.1D Subdivision of land in recreation zones for public purposes

The objective of this clause is to enable the subdivision of land in recreation zones for public purposes and applies to land in the RE2 Private Recreation zone. This clause will not apply under the proposal to rezone the site to SP3-Tourist zone. It is unlikely to have any effect as the site is already significantly developed for tourism uses.

Part 7 Additional local clauses – development in villages

As stated above, it is proposed that this site be mapped on the Built Character Map as part of the precinct identified as “Katoomba Precinct RE2/SP3-KA20”. The purpose of part 7 is to ensure that development on the land identified is consistent with the objectives for that development. The proposed objectives for the Katoomba Precinct RE2/SP3-KA20 are as follows:

- a) To minimise and mitigate the impact of development on land in Zone E2 Environmental Conservation and E1 National Park.
- b) To minimise and mitigate the impact of development as viewed from any public place, including but not limited to Echo Point.
- c) To protect the amenity of adjacent residential areas.

These objectives are specific to these the Scenic World site and are in addition to the SP3- Tourist zone objectives.

RECOMMENDATIONS

- SW.01 That the Blue Mountains LEP 2015 Land Zoning Map LZN_003B be amended as shown in LEP 2015 Draft Amendment 3 - Mapping Provisions - Site 03-SW, Section 1 Land Zoning, on map 1.2 Proposed
- SW.02 That the Blue Mountains LEP 2015 Height of Buildings Map HOB_003B be amended as shown in LEP 2015 Draft Amendment 3 - Mapping Provisions - Site 03-SW, Section 3 Height of Buildings, on map 3.2 Proposed
- SW.03 That the Blue Mountains LEP 2015 Built Character Map BCH_003B be amended as shown in LEP 2015 Draft Amendment 3 - Mapping Provisions - Site 03-SW, Section 10 Built Character, on map 10.2 Proposed
- SW.04 That the Blue Mountains LEP 2015 Part 7.6 Katoomba Precinct be amended to add the following:
- (20) *The objectives for development on land identified as "Katoomba Precinct RE2/SP3-KA20" on the Built Character Map are as follows:*
- a) *To minimize and mitigate the impact of development on land in Zone E2 Environmental Conservation and E1 National Park.*
 - b) *To minimize and mitigate the impact of development as viewed from any public place, including but not limited to Echo Point.*
 - c) *To protect the amenity of adjacent residential areas.*

PREVIOUS RESOLUTION OF THE COUNCIL

At the Ordinary Meeting on the 29 March 2016, the Council resolved:

- "1. That the Council notes the results of the non-statutory exhibition of the Options Paper on the review of the Strategic Tourism and Recreation Planning Study;*
- 2. That the Council receives a further report and Planning Proposal within three (3) months on the following:*
 - a) The introduction of a SP3-Tourist zone for LEP 2015 and suite of permissible uses;*
 - b) The sites considered as suitable for any SP3-Tourist zone;*
 - c) Other sites raised during exhibition considered suitable for rezoning for the purpose of supporting tourism;*
- 3. That the Council adopts the recommendations in the Enclosure which are to form the basis of the Planning Proposal to be brought before Council; and*
- 4. That the Council seeks an independent planning review of Blackheath Caravan Park at 67-69 Prince Street, Blackheath to be included in the future report to Council."*

[Minute No. 78]

That Enclosure included a recommendation for the Fairmont Resort as follows:

"That the RE2 zoning and provisions on L1 DP 718860 and L1 DP720795 (1 Sublime Point Road) be included in a Planning Proposal for consideration as a SP3-Tourist zone."

OUTCOME OF NON-STATUTORY EXHIBITION OF STRATEGIC TOURISM OPTIONS PAPER

This site was one of the sites specifically discussed in the Strategic Tourism and Recreation Planning Study and was therefore included in the Options Paper which was exhibited for a period of six weeks at the end of 2015. It should be noted that the Strategic Tourism and Recreation Planning Study refers to the site as the Leura Golf Course, however all discussions and recommendations relate to that part of the site which is the Fairmont Resort.

During that non-statutory exhibition of the Options Paper seven submissions relating to this specific site. The property owners did not lodge a submission. Of the seven submitters, five did not support the application of SP3-Tourist zone for the area and their reasons ranged from predominantly environmental issues, to tourism and the SP3-Tourist zone in general. However, the majority of the issues raised with the application of the SP3-Tourist zone on the site would be able to be addressed through the following measures:

- Additional new objectives for the SP3-Tourist zone that any development in the zone is to be compatible with environmental, scenic and landscape qualities of an area;
- Each site or area with a SP3-Tourist zone will have an identified precinct in Part 7 of LEP 2015 with specific objectives pertaining to desired environmental, design and land use outcomes for that site or area;
- Each site or area will have Height of Building and Floor Space Ratio map specific to that site or area that will ensure any future development would be of an appropriate scale and intensity.

A detailed review and response to the submissions was presented in the report to the 29 March 2016 Council Meeting.

ASSESSMENT

The site consists of two lots with a total site area of approximately 9.4 hectares (Figure 1). It is currently predominantly zoned RE2 Private Recreation (shown as light green in Figure 2) with a small area of the site zoned E2 Environmental Conservation (shown as yellow in Figure 2)



Figure 1 – Locality Map

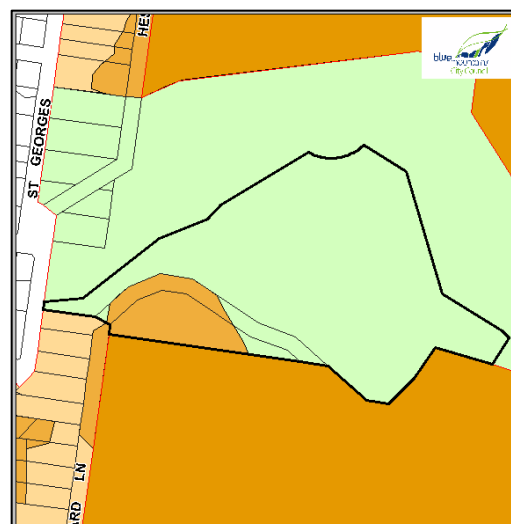


Figure 2 – Current Zones

The Fairmont site is seen as an appropriate site for the SP3-Tourist zone because of its strategic location adjacent to an established recreation area, its location on the edge of the National Park, distance from an established centre and its long history of tourism focus.

The current zoning of the site does not ensure a long term future as a tourism land use as the site could be redeveloped for a range of non-tourism uses. The use of any SP3-Tourist zone for the Fairmont would set a clear strategic outcome for the site that would ensure any new development would be tourism focused which aligns with the conclusions and recommendations of the Strategic Tourism and Recreation Planning Study.

PROPOSED CHANGES

Land zone (LZN)

The current zoning on the site is RE2 Private Recreation and E2 Environmental Conservation. The proposal seeks to rezone that part of the site zoned RE2 Private Recreation to SP3-Tourist zone. That part of the site currently zoned E2 will remain as E2 Environmental Conservation.

Lot size (LSZ)

No lot size applies to the site currently. No change is proposed.

Height of Buildings (HOB)

The current control across the site is 8.0m. No change is proposed to this provision.

Floor Space Ratio (FSR)

The current FSR across the site is 0.4:1. No change is proposed to this provision.

Land Reservation Acquisition (LRA)

Does not apply to this site. No change to this provision.

Heritage (HER)

Does not apply to this site. No change to this provision. However, as the site is located in the vicinity of a Heritage Conservation Area being the Jamison Valley (K007) any development would be required to consider the impact on those adjoining heritage items as part of the development assessment process.

Lot Averaging (LAV)

Does not apply to this site. No change to this provision.

Riparian Lands and Watercourses (RLW)

The start of a watercourse is mapped on the southern border of the site. The zoning across this part of the site is E2 Environmental Conservation. The proposal retains the E2 zoning on the site as it is currently mapped. No change to this provision.

Scenic and Landscape Values (SLV)

The majority of that part of the site currently zoned RE2 Private Recreation, is land identified as Protected Area – Escarpment except for a small portion of the site which adjoins land mapped as being Protected Area – Escarpment. This is an anomaly, and the proposal seeks to extend the Protected Area – Escarpment across this small portion of the site to correct it.

Built Character (BCH)

This site is not currently mapped on the Built Character Map. It is proposed that all land zoned SP3-Tourist is to be mapped on the Built Character Map as a village Precinct with precinct objectives to be included in Part 7 of the LEP. It is proposed that this site be identified as Village Precinct 'SP3-LE07'. Further discussion on the content of the precinct objectives for the site is provided later in this section of the site assessment.

Active Street Frontages (ASF)

Does not apply to this site. No change to this provision.

Natural Resources – Biodiversity (NRB)

This site has been identified as containing Protected Area – Vegetation Constraint Area and Protected Area – Ecological Buffer Area. No change to this provision.

Natural Resources – Land (NRL)

This site has been identified as containing Protected Area – Slope Constraint Area (>20%). No change to this provision.

Key Sites (KYS)

Does not apply to this site. No change to this provision.

In addition to the site specific mapping provisions discussed above, there are a number of clauses within the LEP which are zone based. The following applicable clauses and their application to the site would be affected as a result of the proposed rezoning.

4.1D Subdivision of land in recreation zones for public purposes

The objective of this clause is to enable the subdivision of land in recreation zones for public purposes and applies to the site under the current RE2 Private Recreation zoning. This clause will not apply to the site under the proposed SP3-Tourism zoning and the site may be subdivided as no minimum lot size is proposed for any land to be zoned SP3-tourist zone. However the site is fully developed and is therefore unlikely to be subdivided.

6.19 Design excellence

The objective of this clause is to deliver a high standard of architectural and urban design within the village centres of the Blue Mountains and applies to land shown edged heavy blue on the Built Character Maps. This clause does not currently apply to the site, however as all land zoned SP3-tourist zone will be identified as a village precinct on the Built Character Maps, this clause will take effect for any future development on the site.

Part 7 Additional local clauses – development in villages

As stated above, it is proposed that this site be mapped on the Built Character Map as the precinct identified as “Leura Precinct SP3-LE07”. The purpose of part 7 is to ensure that development on the land identified is consistent with the objectives for that development. The proposed objectives for the Leura Precinct SP3-LE07 are as follows:

- a) To minimise and mitigate the impact of development on land in Zone E2 Environmental Conservation and Blue Mountains National Park.
- b) To minimise and mitigate the impact of development as viewed from any public place, including the Blue Mountains National Park.

RECOMMENDATIONS

- FR.01 That the Blue Mountains LEP 2015 Land Zoning Map LZN_002H & LZN_003C be amended as shown in LEP 2015 Draft Amendment 3 - Mapping Provisions - Site 04-FR, Section 1 Land Zoning, on Map 1.2 Proposed
- FR.02 That the Blue Mountains LEP 2015 Scenic and Landscape Values Map SLV_002H & SLV_003C be amended as shown in LEP 2015 Draft Amendment 3 – Mapping Provisions - Site 04-FR, Section 9 Scenic and Landscape Values, on Map 9.2 Proposed

- FR.03 That the Blue Mountains LEP 2015 Built Character Map BCH_002H & BCH_003C be amended as shown in LEP 2015 Draft Amendment 3 – Mapping Provisions - Site 04-FR, Section 10 Built Character, on Map 10.2 Proposed

NB: Map tile BCH_003C will need to be created to map the proposed provisions

- FR.04 That the Blue Mountains LEP 2015 Part 7.8 Leura Precinct be amended to add the following:

- (7) The objectives for development on land identified as “Leura Precinct-SP3-LE07” on the Built Character Map are as follows:
- a) To minimise and mitigate the impact of development on land in Zone E2 Environmental Conservation and Blue Mountains National Park.
 - b) To minimise and mitigate the impact of development as viewed from any public place, including the Blue Mountains National Park.

PREVIOUS RESOLUTION OF THE COUNCIL

At the Ordinary Meeting on the 29 March 2016, the Council resolved:

- "1. That the Council notes the results of the non-statutory exhibition of the Options Paper on the review of the Strategic Tourism and Recreation Planning Study;*
- 2. That the Council receives a further report and Planning Proposal within three (3) months on the following:*
 - a) The introduction of a SP3-Tourist zone for LEP 2015 and suite of permissible uses;*
 - b) The sites considered as suitable for any SP3-Tourist zone;*
 - c) Other sites raised during exhibition considered suitable for rezoning for the purpose of supporting tourism;*
- 3. That the Council adopts the recommendations in the Enclosure which are to form the basis of the Planning Proposal to be brought before Council; and*
- 4. That the Council seeks an independent planning review of Blackheath Caravan Park at 67-69 Prince Street, Blackheath to be included in the future report to Council."*

[Minute No. 78]

That Enclosure included a recommendation for the Echo Point Motor Inn as follows:

"That Echo Point Motor Inn 18 Echo Point Road, Katoomba, be included in a Planning Proposal for consideration as R1 General Residential zone and removed from LEP 2015 as a Deferred Matter if commenced under that Planning Proposal."

OUTCOME OF NON-STATUTORY EXHIBITION OF STRATEGIC TOURISM OPTIONS PAPER

This site was one of the sites specifically discussed in the Strategic Tourism and Recreation Planning Study and was therefore included in the Options Paper exhibited for a period of six weeks at the end of 2015.

During that non-statutory exhibition of the Options Paper, four submissions were lodged in relation to the zoning on Echo Point Motor Inn. Half of the submissions supported rezoning the zoning the site to R1 General Residential and the other half supported retaining the proposed R6 Residential Character Conservation zoning exhibited in DLEP 2013. The two submissions that stated a preferred option to retain the zoning as exhibited did not provide any comment. The property owner did not lodge a submission.

A detailed review and response to the submissions was presented in the report to the 29 March 2016 Council Meeting.

ASSESSMENT

The site (Figure 1) is currently deferred from LEP 2015 and remains zoned Living Conservation under LEP 2005. It is currently included in LEP 2015 draft Amendment 2 (Residential Character Conservation) proposed to be zoned R6 Residential Character, which is the new zone proposed as a translation of the LEP 2005 Living Conservation zone.

A motel would not a permissible use under the R6 Residential Character zone. Although the Echo Point Motor Inn can continue to operate, and could redevelop in the future using

existing use rights, amending the zoning to reflect the existing uses on the site is proposed, especially as this property is the only non-residential development in the area of LEP 2005 Living Conservation zoned land in which it is situated.

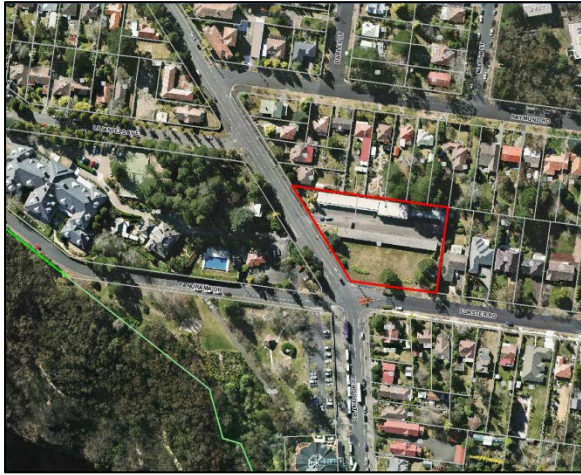


Figure 1 – Locality Map

The site is substantially developed with a Motel and there is sufficient justification to rezone the site to zone R1 General Residential in conjunction with suitable provisions. The proposed provisions are intended to reflect existing tourism uses and current controls while ensuring that the controls permit a degree of land use flexibility for any future development.

This proposal would require the site to be removed from LEP 2015 draft Amendment 2 and proposed to be added to LEP 2015 through the planning proposal process for LEP 2015 draft Amendment 3.

PROPOSED CHANGES

Land zone (LZN)

The current zoning on the site is Living conservation under LEP 2005. The proposal seeks to rezone the site to zone R1 General Residential. Rezoning the site to R1 General Residential would make the existing use on the site 'permitted with consent', and would provide for a range of tourism and residential land uses in keeping with the surrounding development pattern.

Lot size (LSZ)

The current minimum lot size is 1200m². Proposal is to retain minimum lot size as 1200m². No change is proposed but a resolution is required to incorporate in LEP 2015.

Height of Buildings (HOB)

The current maximum building height across the site is 5.5m. It is proposed to increase the maximum building height to 8m across the northern part of the site and retain it at 5.5m along the southern part of the site. The justification for this proposed split height of building control is as follows:

- The 8m maximum building height is consistent with the adjoining R1 General Residential zone applied to 'Lilianfels'
- The site currently contains a two-story building in the north-east corner of the site. The roof line of that building is just visible from Forester Road, and it is therefore considered that the visual impact of an 8m building height along the northern boundary of this site will be minimal.
- An 8m high building control will not result in overshadowing of adjoining properties as the 8.0m high control is to the south of the adjoining properties.
- The 5.5m building height control along the southern boundary reduces the visual impact of development as viewed from Forester Road and Echo Point Road.
- The 5.5m building height control along the southern boundary is consistent with development to the south of the site.

Floor Space Ratio (FSR)

No FSR applies to this site currently. The proposed FSR is 0.5:1, which is consistent with the FSR on other land zoned R1 General Residential in the immediate area.

Land Reservation Acquisition (LRA)

Does not apply to this site. No change to this provision.

Heritage (HER)

Does not apply to this site. No change to this provision, however as the site is located in the vicinity of heritage items, being 'Lilianfels and grounds' (K038) (currently deferred from LEP 2015 and listed under LEP 2005) and the 'Lilianfels Park' (K018) any development would be required to consider the impact on those adjoining heritage items as part of the development assessment process.

Lot Averaging (LAV)

Does not apply to this site. No change to this provision.

Riparian Lands and Watercourses (RLW)

Does not apply to this site. No change to this provision.

Scenic and Landscape Values (SLV)

Currently the entire site is land identified as Protected Area – escarpment. It is proposed to apply this to only to the southern part of the site.

Built Character (BCH)

This site is not currently mapped on the Built Character Map. However, all land zoned R1 General Residential under LEP 2015 is mapped on the Built Character Map as a village Precinct with precinct objectives included in Part 7 of the LEP. It is proposed that this site be identified as Village Precinct 'R1-KA19'. Further discussion on the content of the precinct objectives for the site are provided later in this section of the site assessment.

Active Street Frontages (ASF)

Does not apply to this site. No change to this provision.

Natural Resources – Biodiversity (NRB)

Does not apply to this site. No change to this provision.

Natural Resources – Land (NRL)

Does not apply to this site. No change to this provision.

Key Sites (KYS)

Does not apply to this site. No change to this provision.

In addition to the site specific mapping provisions discussed above, there are a number of clauses within the LEP which are zone based. The following clauses would apply to the site if it was to be zoned R6 Residential Character as proposed in DLEP 2013 and draft Amendment 2 to LEP 2015. This review considers the implications the rezoning the site to R1 General Residential would have for the application of these clauses and how this would affect the outcome for the site.

4.1AA Minimum subdivision lot size for community title schemes

This clause applies to zone R1 General Residential and was also proposed to apply to zone R6 Residential Character in DLEP2013.

4.1B Minimum lot sizes for dual occupancies

The clause applies to land zoned R1 General Residential but is unlikely to be relevant as the site is fully developed as a Motel and unlikely to redevelop for the purpose of a dual occupancy.

4.1C Exceptions to minimum subdivision lot sizes for certain residential development

The objective of this clause is to encourage housing diversity without adversely impacting on residential amenity. The clause applies to all land in the R1 zone but is unlikely to be relevant as the site is fully developed as a Motel.

4.3A Flexibility in the height of buildings and floor space ratio (DLEP 2013)

The objective of this clause is to provide flexibility in the application of building height and floor space ratio standards. This clause was proposed to apply to land in zone R6 Residential Character Conservation in DLEP 2013. This clause would not be applicable to the site under the proposed zone R1 General Residential. Instead changes to the maximum building height are proposed as discussed which reflect the existing built form of development on the site and the surrounding area.

DLEP 2013 Clause (not contained in LEP 2015) 4.4B Setback for development in Zone R6 Residential Character Conservation Zone

The objective of this clause was to manage setbacks of building to ensure development consistent with established patterns. This clause is not contained in LEP 2015 because all areas proposed to be zoned R6 Residential Character Conservation have been deferred out of LEP 2015. However, the provisions of this clause are proposed to be generally incorporated into the objectives and development controls for this site.

Part 7 Additional local clauses – development in villages

As stated above, it is proposed that this site be mapped on the Built Character Map as the precinct identified as “Katoomba Precinct R1-KA19”. The purpose of Part 7 is to ensure that development on the land identified is consistent with the objectives for that development. The proposed objectives for the Katoomba Precinct R1-KA19 are as follows:

- a) To retain the mature trees on the site and retain and enhance the garden setting as viewed from Echo Point road and Forester Road.
- b) To provide on-site parking that does not dominate the street frontage and that is integrated with the design of surrounding garden areas.
- c) To ensure that development complements and is sympathetic to the heritage significance of neighbouring heritage items and areas.
- d) To promote high levels of residential amenity for any future residents and existing neighbouring properties.

RECOMMENDATIONS

- EPMI.01 That draft Amendment 2 (R6 Residential Character) to LEP 2015 be modified to remove the land at 18 Echo Point Road, Katoomba and that Council notify the Department of Planning and Environment that the is no longer part of that process
- EPMI.02 That the Blue Mountains LEP 2015 Land Application Map LAP001 be amended to delete the “Deferred Matter” notation for 18 Echo Point Road, Katoomba
- EPMI.03 That the Blue Mountains LEP 2015 Land Zoning Map LZN_003BA be amended as shown in LEP 2015 Draft Amendment 3 - Mapping Provisions - Site 05-EPMI, Section 1 Land Zoning, on Map 1.3 Proposed
- EPMI.04 That the Blue Mountains LEP 2015 Lot Size Map LSZ_003BA be amended as shown in LEP 2015 Draft Amendment 3 - Mapping Provisions - Site 05-EPMI, Section 1 Land Zoning, on Map 2.3 Proposed
- EPMI.05 That the Blue Mountains LEP 2015 Height of Building Map HOB_003BA be amended as shown in LEP 2015 Draft Amendment 3 - Mapping Provisions - Site 05-EPMI, Section 3 Height of Building, on Map 3.3 Proposed
- EPMI.06 That the Blue Mountains LEP 2015 Floor Space Ratio Map FSR_003BA be amended as shown in LEP 2015 Draft Amendment 3 - Mapping Provisions - Site 05-EPMI, Section 4 Floor Space Ratio, on Map 4.3 Proposed

- EPMI.07 That the Blue Mountains LEP 2015 Scenic and Landscape Values Map SLV_003BA be amended as shown in LEP 2015 Draft Amendment 3 - Mapping Provisions - Site 05-EPMI, Section 9 Scenic and Landscape Values, on Map 9.3 Proposed
- EPMI.08 That the Blue Mountains LEP 2015 Built Character Map BCH_003BA be amended as shown in LEP 2015 Draft Amendment 3 - Mapping Provisions - Site 05-EPMI, Section 10 Built Character, on Map 10.3 Proposed
- EPMI.09 That no provisions are mapped for all other LEP 2015 maps for land at 18 Echo Point Road, Katoomba as shown in LEP 2015 Draft Amendment 3 - Mapping Provisions - Site 02-HM
- EPMI.10 That the Blue Mountains LEP 2015 Part 7.6 Katoomba Precinct be amended to add the following:
- (19) *The objectives for development on land identified as "Katoomba Precinct R1-KA19" on the Built Character Map are as follows:*
- a) *To retain the mature trees on the site and retain and enhance the garden setting as viewed from Echo Point road and Forester Road.*
 - b) *To provide on-site parking that does not dominate the street frontage and that is integrated with the design of surrounding garden areas.*
 - c) *To ensure that development complements and is sympathetic to the heritage significance of neighbouring heritage items and areas.*
 - d) *To promote high levels of residential amenity for any future residents and existing neighbouring properties.*

PREVIOUS RESOLUTION OF THE COUNCIL

At the Ordinary Meeting on the 29 March 2016, the Council resolved:

- "1. That the Council notes the results of the non-statutory exhibition of the Options Paper on the review of the Strategic Tourism and Recreation Planning Study;*
- 2. That the Council receives a further report and Planning Proposal within three (3) months on the following:*
 - a) The introduction of a SP3-Tourist zone for LEP 2015 and suite of permissible uses;*
 - b) The sites considered as suitable for any SP3-Tourist zone;*
 - c) Other sites raised during exhibition considered suitable for rezoning for the purpose of supporting tourism;*
- 3. That the Council adopts the recommendations in the Enclosure which are to form the basis of the Planning Proposal to be brought before Council; and*
- 4. That the Council seeks an independent planning review of Blackheath Caravan Park at 67-69 Prince Street, Blackheath to be included in the future report to Council."*

[Minute No. 78]

That Enclosure included recommendations for Parklands as follows:

"That Parklands at 132-174 Govetts Leap Road, Blackheath be included in a Planning Proposal for consideration for R1 General Residential zoning with appropriate development controls."

OUTCOME OF NON-STATUTORY EXHIBITION OF STRATEGIC TOURISM OPTIONS PAPER

This site was not one of sites specifically discussed in the Strategic Tourism and Recreation Planning Study and was not therefore included in the Options Paper.

However, during the non-statutory exhibition of the Options Paper at the end of 2015, a submission raised this site for consideration for rezoning to a more appropriate zone. In summary, the submission requested rezoning to the site R1 General Residential because LEP 1991 (Amendment 5) allowed for Tourist Accommodation and Bed & Breakfast accommodation on the site, and that the proposed zoning under Draft LEP 2013 does not permit tourist development which is in contradiction with LEP 1991, nor would it reflect the current approved DA on the site and the existing and historical use of the site.

A submission on this site was also previously received during public exhibition of DLEP 2013 which requested a change in zoning to R1-General Residential. At the time it was noted that

"The operation of an approval to a different use is not in and of itself justification for a zoning change but must be considered in collaboration with surrounding zoning patterns, land uses and future intent of the area. On these grounds it is not considered sufficient to consider a change from the currently proposed E4 zoning."

However in considering the submission made on the site to the Options Paper, and bearing in mind the proposal to rezone the adjoining property (Blackheath Caravan Park) to the west of the site to SP3-Tourist zone, it was considered appropriate to review the potential application of zone R1 General Residential to this site.

A detailed review and response to the submission was presented in the report to the 29 March 2016 Council Meeting.

ASSESSMENT



Figure 1 – Locality Map

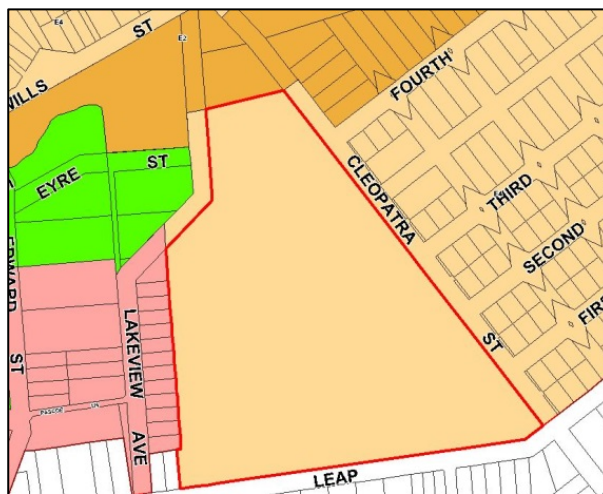


Figure 2 – Current Zone (E4 Environmental Living)

The site (Figure 1) is approximately 105,600m² and is extensively landscaped. The majority of the landscaped area is listed as a heritage item. The site adjoins residential development on three sides with a Public Reserve abutting the northern boundary. It is located within 800m of Blackheath village centre.

Bed and Breakfast establishment was a permissible use in the Residential Bushland Conservation zone under LEP 1991 and continues as such under LEP 2015. Amendment 5 to LEP 1991 introduced the land use of Tourist Facilities to the site and Development Control Plan (DCP No. 15 Parklands, Govetts Leap Road Blackheath) also applied to the site. In 2007, a development consent for a two stage mixed development for mixed residential and tourist development was approved and commenced.

The zone of the site should be consistent with the existing and approved use on the site, with corresponding development standards and provisions that will ensure an appropriate outcome for the site for any future development applications.

The proposal is to rezone the site from zone E4 Environmental Living (shown as light yellow in Figure 2) to zone R1 General Residential to make a variety of tourism and residential uses permissible on the site.

In proposing to change the zoning of the site, the development standards that apply to the site need to be carefully considered to ensure that it is not overdeveloped and that the heritage significance of the garden setting of the site is preserved.

The current zone E4 Environmental Living means the site is subject to strict site coverage and landscape area controls. These do not apply to land zoned R1 General Residential.

The built form and density of R1 General Residential zoned land is typically controlled through FSR, Height and Minimum Lot Size controls.

Parklands is a unique site because of its size and the importance of maintaining its garden setting. This means the FSR and minimum lot size controls typical in other zone R1 General Residential areas of the city are not appropriate for the site. An FSR consistent with the approved development yield on the site is therefore proposed.

Because of the size of the site and the need to retain a significant amount of open space to preserve the historic garden setting the required landscaped area will be quite large, and conversely the proposed permissible FSR will be quite low. There are however precedents for similar planning controls in other LGAs where very a low FSR is applied to very large sites.

It is common in areas with very large allotments to not apply an FSR, such as in rural areas. This is because the range of permissible uses would typically only result in developments of a limited scale. However in this instance, the proposed R1 zone permits a broad range of uses that without appropriate planning controls in place could result in development of a significant scale inappropriate for the site.

It is also not proposed that this site be subject to significant subdivision which would erode its garden setting. To prevent this, a large minimum lot size requirement is proposed. However to permit the development of dwellings on the site with an integrated subdivision, exceptions to the minimum lot size are proposed, with a restriction on the maximum dwelling density that can be achieved on the site.

Other R1 areas in the City are planned to develop to a greater density than is appropriate for Parklands which is unique because of its historic garden setting. Whilst the proposed R1 zone is the appropriate zoning to facilitate the uses envisaged for the site, additional development standards and provisions are necessary in response to the unique characteristics of the site. Because of this, site specific site coverage and landscaped area controls are also proposed

It is not proposed that any change in the zoning would result in an intensification of the land use and site specific development controls such as Height of Building and Floor Space Ratio have been reviewed and are proposed on that basis. Those additional controls which apply to E4 Environmental Living zoned land that are not applicable to R1 General Residential zoned land, also need to be addressed.

PROPOSED CHANGES

Land zone (LZN)

Currently zoned E4 Environmental Living. Proposed zone R1 General Residential to reflect existing and approved uses on the site.

Lot size (LSZ)

Current lot size is 10ha. No change proposed.

Height of Buildings (HOB)

Current maximum building height control is 8m. No change proposed.

Floor Space Ratio (FSR)

This control does not currently apply to the site because the extent of development in areas zoned E4 Environmental Living is controlled through site coverage and landscaped area provisions. These provisions would not apply if the site is zoned R1 General Residential, so an FSR of 0.07:1 is proposed to limit the extent of development on the site consistent with the approved DA for the site and the current site coverage and landscaped area provisions which apply to the site.

Land Reservation Acquisition (LRA)

Does not apply to this site. No change proposed.

Heritage (HER)

The site contains a heritage item BH058, the Grounds of Parklands. No change proposed.

Lot Averaging (LAV)

Does not apply to this site. No change proposed.

Riparian Lands and Watercourses (RLW)

Does not apply to this site. No change proposed.

Scenic and Landscape Values (SLV)

Does not apply to this site. No change proposed.

Built Character (BCH)

This site is not currently mapped on the Built Character Map. However, all land zoned R1 General Residential under LEP 2015 is mapped on the Built Character Map as a Village Precinct with precinct objectives included in Part 7 of the LEP. It is proposed that this site be identified on the Built Character Map as "Blackheath Precinct-R1-BH07". Further discussion on the content of the precinct objectives for the site are provided later in this section of the site assessment.

Active Street Frontages (ASF)

Does not apply to this site. No change proposed.

Natural Resources – Biodiversity (NRB)

The north-west corner of the site is mapped as Protected Area – Ecological Buffer Area. No change proposed.

Natural Resources – Land (NRL)

The central part of the site is mapped as Protected Area – Slope Constraint Area (>20%). No change proposed.

Key Sites (KYS)

Does not apply to this site. No change proposed

In addition to the site specific mapping provisions discussed above, there are a number of clauses within the LEP which are zone based. The proposed change to the zone R1 General Residential from E4 Environmental Living also requires consideration of the impact on those clauses in LEP 2015 that currently apply and control development on the site. The following applicable clauses and their application to the site would be affected as a result of the proposed rezoning as discussed below.

Clause 4.1AA Minimum subdivision lot size for community title scheme

This clause applies to land in zone E4 Environmental Management, however the proposal to rezone the site to R1 General Residential does not affect the application of this clause as the clause also applies to land in the R1 General Residential zone.

Clause 4.1A Minimum subdivision lot size for strata plan schemes in certain rural and environment protection zones

This clause applies to land in the E4 Environmental Living zone and does not apply to land in the R1 General Residential zone. The objective of this clause is to ensure that land to which this clause applies is not fragmented by subdivisions that would create additional dwelling entitlements. The removal of the application of this clause to this site will not have any effect as the minimum lot size applicable to the site is 10ha.

Clause 4.1B Minimum lot sizes for dual occupancies

The objective of this clause is to achieve planned residential density in certain zones. This clause does not apply under the current E4 Environmental Living zoning. The clause does apply to land zone R1 General Residential and specifies that land may be subdivided for the purpose of a Dual Occupancy to create a lot of a size less than the minimum shown on the Lot Size Map. The site is currently developed for tourism and residential uses at a greater density than a dual occupancy so this clause is unlikely to be relevant to the site.

Clause 4.1C Exceptions to minimum subdivision lot sizes for certain residential development

The objective of this clause is to encourage housing diversity without adversely impacting on residential amenity and applies to land in the R1 General Residential zone. This clause would allow excessive subdivision of the site. To prevent this it is proposed that a new local provision is added that limits the overall dwelling density of the site. This would work in conjunction with Clause 4.1C to allow small lots with dwellings on them to be created on the site but only in a limited number.

Clause 4.1E Subdivision of land in certain environment protection zones

The clause applies to this site as a result of the current E4 Environmental Living zoning, however nothing in this clause overrides the provisions of the minimum lot size. The mapped minimum lot size prevents subdivision on this site, and as discussed, under the proposed rezoning to R1 General Residential Clause 4.1C and

proposed site specific local provisions will only allow subdivision concurrently with the erection of a dwelling, and only to a maximum dwelling density for the site.

Clause 4.4A Site Coverage and Landscaped Area

This clause currently applies to the site. The purpose of the clause is to manage the site coverage of development and to retain landscaped areas to contribute to the landscape setting and catchment health of the area. Under the proposal to rezone the site to R1 General Residential this clause would no longer apply. The landscaped setting of the site is proposed to be protected instead by limiting the extent of development through FSR and proposed site specific local provisions which will require a certain extent of landscaped area to be maintained.

Clause 4.4B Principal Development Area

The objective of this clause is to ensure that there is a developable area on all lots resulting from a subdivision in zones E3 Environmental Management and E4 Environmental Living. This clause is not currently relevant to the site because the minimum lot size prevents further subdivision. Rezoning the site to R1 General Residential and the proposed associated provisions would only allow subdivision currently with the construction of dwellings on the resulting lots, so principal development area controls would not be necessary.

Part 6 Additional local provisions

As discussed, to ensure the proposed rezoning does not result in overdevelopment of the site a site specific local provision is proposed to be added to control the maximum dwelling density and minimum landscaped area on the site. This would work in conjunction with the proposed FSR standard and existing subdivision controls to limit the extent of development on the site.

Part 7 Additional local clauses – development in villages

As stated above, it is proposed that this site be mapped on the Built Character Map as “Blackheath Precinct R1-BH07”. The purpose of Part 7 is to ensure that development on the land identified is consistent with the objectives for that development. The proposed objectives for “Blackheath Precinct R1- BH07” are as follows:

- a) To ensure that established historic gardens are retained and landscape settings are re-established as part of any development of land, including development involving major alterations and additions.
- b) To minimise and mitigate the impact of development as viewed from any public place, including the adjoining Public Reserve to the north.
- c) To minimise and mitigate the impact of development on land in Zone E2 Environmental Conservation.
- d) To preserve and re-establish native bushland in those areas adjoining land zoned E2 Environmental Conservation where consistent with the protection of assets from bush fire.

These objectives are in addition to the R1 zone objectives.

RECOMMENDATIONS

- PKL.01 That the Blue Mountains LEP 2015 Land Zoning Map LZN_002FA be amended as shown in LEP 2015 Draft Amendment 3 - Mapping Provisions - Site 06-PKL, Section 1 Land Zoning, on Map 1.2 Proposed
- PKL.02 That the Blue Mountains LEP 2015 Floor Space Ratio Map FSR_002FA be amended as shown in LEP 2015 Draft Amendment 3 - Mapping Provisions - Site 06-PKL, Section 4 Floor Space Ratio, on Map 4.2 Proposed
- PKL.03 That the Blue Mountains LEP 2015 Built Character Map BCH_002FA be amended as shown in LEP 2015 Draft Amendment 3 - Mapping Provisions - Site 06-PKL, Section 10 Built Character, on Map 10.2 Proposed
- PKL.04 That no change to provisions are mapped for all other LEP 2015 maps for land at 132-174 Govetts Leap Road, Blackheath as shown in LEP 2015 Draft Amendment 3 - Mapping Provisions - Site 06-PKL
- PKL.05 That the Blue Mountains LEP 2015 Part 6 Additional Local Provisions be amended to add

6.32 Development at Parklands, 132-174 Govetts Leap Road, Blackheath

- 1) This clause applies to land at 132-174 Govetts Leap Road, Blackheath, being Lot 1 DP 840261
 - 2) Development consent must not be granted on land to which this clause applies unless the landscaped area is at least 93%
 - 3) Development consent must not be granted on land to which this clause applies for the purposes of residential accommodation unless the dwelling density of the site does not exceed 4 Dwellings/Ha.
- PKL.06 That the Blue Mountains LEP 2015 Part 7.2 Blackheath Precinct be amended to add the following:
- (7) The objectives for development on land identified as "Blackheath Precinct R1-BH07" on the Built Character Map are as follows:
 - a) To ensure that established historic gardens are retained and landscape settings are re-established as part of any development of land, including development involving major alterations and additions
 - b) To minimise and mitigate the impact of development as viewed from any public place, including the adjoining Public Reserve to the north.
 - c) To minimise and mitigate the impact of development on land in Zone E2 Environmental Conservation.
 - d) To preserve and re-establish native bushland in those areas adjoining land zoned E2 Environmental Conservation where consistent with the protection of assets from bush fire.

PREVIOUS RESOLUTION OF THE COUNCIL

At the Ordinary Meeting on the 29 March 2016, the Council resolved:

- "1. That the Council notes the results of the non-statutory exhibition of the Options Paper on the review of the Strategic Tourism and Recreation Planning Study;*
- 2. That the Council receives a further report and Planning Proposal within three (3) months on the following:*
 - a) The introduction of a SP3-Tourist zone for LEP 2015 and suite of permissible uses;*
 - b) The sites considered as suitable for any SP3-Tourist zone;*
 - c) Other sites raised during exhibition considered suitable for rezoning for the purpose of supporting tourism;*
- 3. That the Council adopts the recommendations in the Enclosure which are to form the basis of the Planning Proposal to be brought before Council; and*
- 4. That the Council seeks an independent planning review of Blackheath Caravan Park at 67-69 Prince Street, Blackheath to be included in the future report to Council."*

[Minute No. 78]

That Enclosure included recommendations for the Church Missionary Society (CMS) Conference Centreas follows:

"That 4-12 Violet Street, Katoomba be included in a Planning Proposal for consideration for RE2 Private Recreation zoning with tourist and visitor accommodation permitted through an additional use listing in Schedule 1, a Floor Space Ratio for the site and Locality Management Controls."

OUTCOME OF NON-STATUTORY EXHIBITION OF STRATEGIC TOURISM OPTIONS PAPER

This site was not one of the sites specifically discussed in the Strategic Tourism and Recreation Planning Study and was not therefore included in the Options Paper. However, during the non-statutory exhibition of the Options Paper at the end of 2015, one submission was lodged that requested that the CMS Conference Centre site at 2 Violet Street, be zoned RE2 Private Recreation with tourist and visitor accommodation permitted as an additional use in Schedule 1.

In considering the submission made on the site to the Options Paper, and bearing in mind the proposal to rezone the adjoining property (Scenic World) to SP3-Tourist zone, it was considered appropriate to review the potential rezoning of this site.

A detailed review and response to the submission was presented in the report to the 29 March 2016 Council Meeting.

ASSESSMENT

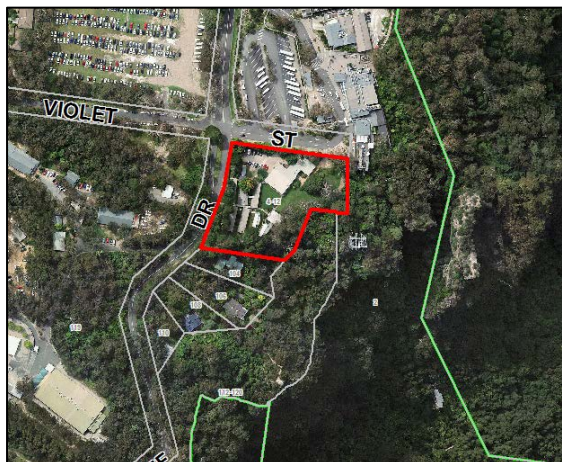


Figure 1 – Locality Map

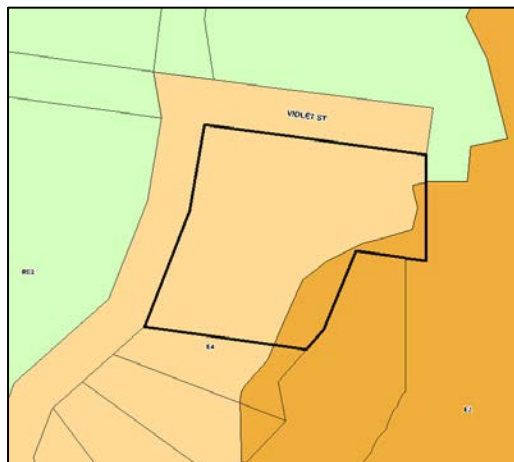


Figure 2 – Current Zone

The Church Missionary Society NSW and ACT Ltd have been operating at the 4-12 Violet Street site (Figure 1) for over 100 years and provide facilities for conferences, seminars, functions, learning and retreats and includes short stay accommodation for up to 156 people. These existing uses are not permissible under the current E4 Environmental Living zone (shown as light yellow in Figure 2) on the site, and any future redevelopment would need to rely on existing use rights.

The RE2 Private Recreation zone would only have the following existing uses currently operating on the site listed in the land use zone: Function Centre and Places of public worship. The request to also add tourist and visitor accommodation permitted as an additional use in Schedule 1 would make all the existing uses on the site permissible with consent. There is no intent to rezone the part of the site currently zoned E2 Environmental Conservation (shown as dark yellow in Figure 2).

It is acknowledged that the site opposite at 119 Cliff Drive, Katoomba has this same RE2 Private Recreation zoning and permissibility through Schedule 1 Additional Permitted Uses as is being proposed for the Church Missionary Society site. There is strategic and planning merit in taking the same approach for this site as it operates a similar use in a similar location.

The site has a long history as tourist accommodation and there is merit in applying a similar zoning and additional land use permissibility as applied to 119 Cliff Drive, Katoomba. It is not intended that the change in the zoning, and applicable clauses and provisions would result in an intensification of development on the site

To guide future development and to recognise the importance of the locality it is considered appropriate the precinct objectives and accompanying DCP locality management controls be developed for this site and the surrounding area including the Scenic World site and 2 Violet Street and 119 Cliff Drive, Katoomba.

PROPOSED CHANGES

Land zone (LZN)

As noted above, the proposal seeks to retain the E2 Environmental Conservation zone on that part of the site and only rezone the part of the site zoned E4 Environmental Living to zone RE2 Private Recreation. The proposed zone recognises a number of existing uses on the site and better reflects the intended future outcome for the site. As discussed later, it is also proposed that tourist and visitor accommodation is included as an additional permitted use on this site in Schedule 1 of LEP 2015.

Lot size (LSZ)

Current lot size is 1,200m². In keeping with other RE2 sites this will be changed to no Minimum Lot size being shown..

Height of Buildings (HOB)

Current control is 5.5m. No change proposed.

Floor Space Ratio (FSR)

This control does not currently apply to the site. There are a number of sites across the mountains zoned RE2 Private Recreation with an FSR of 0.4:1, including the adjoining sites with an RE2 Private Recreation zone. Therefore the application of an FSR of 0.4:1 is proposed consistent with the controls for these surrounding RE2 Private Recreation zoned sites.

Land Reservation Acquisition (LRA)

Does not apply to this site. No change proposed.

Heritage (HER)

The site does not contain any heritage item or conservation area. No change proposed. The site does abut both heritage items and Conservation areas and any future development on the site would need to consider any impact the development may have on these heritage items and conservation areas.

Lot Averaging (LAV)

The site is identified on the LAV map, which indicates that clause 4.1 F "Cluster housing on land in certain environment protection zones" applies to the site. As the proposal seeks to change the zoning from an environmental zone to a recreation zone, this clause will no longer be relevant to the site as the recreational zones do not permit development for the purpose of a dwelling house. It is proposed to amend the LAV map to remove the site from 'Area G- clause 4.1F'.

Riparian Lands and Watercourses (RLW)

Does not apply to this site. No change proposed.

Scenic and Landscape Values (SLV)

This site is identified on the SLV map as containing Protected Area – Escarpment. No change proposed.

Built Character (BCH)

This provision does not currently apply to this site, however this site adjoins Scenic World to the north and the Katoomba Christian Convention Centre to the west. These two sites along with the subject site provide a range of tourist facilities that make this an important tourism precinct. Rather than consider the impact of each individual site on its own, these sites should be considered together.

It is proposed that this site be included on the Built Character Map identified as “Katoomba Precinct- RE2/SP3-KA20” which will also include the Scenic World site at 2 Violet Street, and the adjoining sites at 119 Cliff Drive and 41 Violet Street, Katoomba. Further discussion on the content of the precinct objectives for the site are provided later in this section of the site assessment.

Active Street Frontages (ASF)

Does not apply to this site. No change proposed

Natural Resources – Biodiversity (NRB)

The majority of this site is mapped as containing Protected Area – Ecological Buffer Area. No change proposed.

Natural Resources – Land (NRL)

There are parts of site is mapped as containing Protected Area – Slope Constraint Area (>20%). No change proposed.

Key Sites (KYS)

Does not apply to this site. No change proposed

The proposed change to the RE2 Private Recreation Zone from E4 Environmental Living also requires consideration of the impact on those clauses in LEP 2015 that currently apply and control development on the site. The following relevant clauses are discussed briefly below:

Clause 4.1AA Minimum subdivision lot size for community title scheme

This clause applies to land in zone E4 Environmental Management, and ensures that development for a subdivision creating additional dwelling entitlement may not be less than the minimum lot size shown on the Lot Size Map. The proposal to rezone the site to RE2 Private Recreation Zone will prohibit development for dwelling houses, therefore this clause will no longer apply to the site. There is no negative impact as a result of the proposal.

Clause 4.1A Minimum subdivision lot size for strata plan schemes in certain rural and environment protection zones

This clause applies to land in the E4 Environmental Living zone and does not apply to land in the RE2 Private Recreation zone. The impact of the proposal is that development may be subdivided for strata plan schemes for tourist and visitor accommodation. However this is unlikely given that the site is already significantly developed.

Clause 4.1D Subdivision of land in recreation zones for public purposes

This clause does not currently apply to the site. This clause will become applicable under the proposal is to rezone the site to a recreation zone, meaning any future development for subdivision and the development will be required to demonstrate some type of public benefit.

Clause 4.1E Subdivision of land in certain environment protection zones

The clause currently applies to this site as a result of the current E4 zoning. Under the proposal this clause will no longer apply however, clause 4.1D *Subdivision of land in recreation zones for public purposes* will take effect instead as discussed above

Clause 4.1F Cluster housing on land in certain environment protection zones

Under the proposal this clause will no longer be applicable, which is appropriate given that the site is substantially developed for tourism uses and is not intended for residential purposes.

Clause 4.4A Site Coverage and Landscaped Area

This clause currently applies to the site under the current E4 Environmental Living zoning. The purpose of the clause is to manage the site coverage extent of landscaped area that contributes to the landscape setting and catchment health of the area. The clause prescribes the maximum site cover and is applied on a sliding scale. Whilst this clause will no longer apply to the site if rezoned to RE2 Private Recreation, the extent of development will be controlled through the proposed FSR, consistent with other sites zoned RE2 Private Recreation.

Clause 4.4B Principal Development Area

The objective of this clause is to ensure that there is a developable area on all lots resulting from a subdivision in zones E3 Environmental Management and E4 Environmental Living. This clause is not currently relevant to the site because it is significantly developed for tourism uses and not likely to be subdivided for residential purposes. Rezoning the site to RE2 Private Recreation this clause would no longer apply but there would be no impact because residential uses would not be permitted.

Part 7 Additional local clauses – development in villages

As stated above, it is proposed that this site and surrounding sites be mapped on the Built Character Map as “Katoomba Precinct RE2/SP3-KA20”. The purpose of part 7 is to ensure that development on the land identified is consistent with the objectives for that development. The proposed objectives for “Katoomba Precinct RE2/SP3-KA20” are as follows:

- a) To minimise and mitigate the impact of development on land in Zone E2 Environmental Conservation and E1 National Park.
- b) To minimise and mitigate the impact of development as viewed from any public place, including but not limited to Echo Point.
- c) To protect the amenity of adjacent residential areas.

These proposed objectives are in addition to the RE2 Private Recreation zone objectives.

Schedule 1 Additional permitted uses

The proposed rezoning from E4 Environmental to RE2 Private Recreation will allow as permissible with consent a range of existing uses. However, the site also operates Tourist and visitor accommodation, which is not a permissible use in the proposed zone. This proposal seeks to amend LEP 2015 Schedule 1 to add tourist and visitor accommodation as permitted with development consent on the site. This is consistent with the approach taken for the adjoining sites at 41 Violet Street and 119 Cliff Drive, Katoomba.

RECOMMENDATIONS

- CMS.01 That the Blue Mountains LEP 2015 Land Zoning Map LZN_003B be amended as shown in LEP 2015 Draft Amendment 3 - Mapping Provisions - Site 07-CMS, Section 1 Land Zoning, on Map 1.2 Proposed
- CMS.02 That the Blue Mountains LEP 2015 Minimum Lot Size Map LSZ_003B be amended as shown in LEP 2015 Draft Amendment 3 - Mapping Provisions - Site 07-CMS, Section 1 Land Zoning, on Map 2.2 Proposed
- CMS.03 That the Blue Mountains LEP 2015 Floor Space Ratio Map FSR_003B be amended as shown in LEP 2015 Draft Amendment 3 - Mapping Provisions - Site 07-CMS, Section 4 Floor Space Ratio, on Map 4.2 Proposed
- CMS.04 That the Blue Mountains LEP 2015 Lot Averaging Map LAV_003B be amended as shown in LEP 2015 Draft Amendment 3 - Mapping Provisions - Site 07-CMS, Section 7 Lot Averaging, on Map 7.2 Proposed
- CMS.05 That the Blue Mountains LEP 2015 Built Character Map BCH_003B be amended as shown in LEP 2015 Draft Amendment 3 - Mapping Provisions - Site 07-CMS, Section 10 Built Character, on Map 10.2 Proposed
- CMS.06 That the Blue Mountains LEP 2015 Part 7.6 Katoomba Precinct be amended to add the following:
 - (20) *The objectives for development on land identified as "Katoomba Precinct RE2/SP3-KA20" on the Built Character Map are as follows:*
 - a) *To minimize and mitigate the impact of development on land in Zone E2 Environmental Conservation and E1 National Park.*
 - b) *To minimize and mitigate the impact of development as viewed from any public place, including but not limited to Echo Point.*
 - c) *To protect the amenity of adjacent residential areas.*

CMS.07 That the Blue Mountains LEP 2015 Schedule 1 be amended to add the following:

16 Use of certain land at 4-12 Violet Street, Katoomba

- 1) This clause applies to land at 4-12 Violet Street, Katoomba, being Lot 1, DP 1034347.*
- 2) Development for the purpose of tourist and visitor accommodation is permitted with development consent*

Note: Numbering of item may change subject to removal of another Schedule 1 item as part of this amendment.

PREVIOUS RESOLUTION OF THE COUNCIL

At the Ordinary Meeting on the 29 March 2016, the Council resolved:

- “1. That the Council notes the results of the non-statutory exhibition of the Options Paper on the review of the Strategic Tourism and Recreation Planning Study;
2. That the Council receives a further report and Planning Proposal within three (3) months on the following:
 - a) The introduction of a SP3-Tourist zone for LEP 2015 and suite of permissible uses;
 - b) The sites considered as suitable for any SP3-Tourist zone;
 - c) Other sites raised during exhibition considered suitable for rezoning for the purpose of supporting tourism;
3. That the Council adopts the recommendations in the Enclosure which are to form the basis of the Planning Proposal to be brought before Council; and
4. That the Council seeks an independent planning review of Blackheath Caravan Park at 67-69 Prince Street, Blackheath to be included in the future report to Council.”

[Minute No. 78]

That Enclosure included recommendations for the International School of Management and Waldorf Leura Gardens Resort as follows:

“That the International Hotel School at 74 Gladstone Road, Leura and the Waldorf Leura Gardens Resort at 20-28 Fitzroy Street, Leura be included in a Planning Proposal for consideration for R1-General Residential zoning with appropriate development controls.”

OUTCOME OF NON-STATUTORY EXHIBITION OF STRATEGIC TOURISM OPTIONS PAPER

These sites were not specifically discussed in the Strategic Tourism and Recreation Planning Study and were not therefore included in the Options Paper. During the non-statutory exhibition of the Options Paper at the end of 2015, a number of submissions raised additional sites for consideration for rezoning to a more appropriate zone. Two submissions were received regarding these two sites summarized as follows:

- Seeking an amendment to the relevant LEP's to permit the following uses on the site with consent: Tourist accommodation, Function Centre, Restaurant, Educational establishment and Multi-dwelling housing. The purpose of this submission is to seek Council's support for correcting the existing zoning.
- Claiming the site downgraded in terms of permissible uses and relies on existing use rights which is having an effect on ability to finance changes

A detailed review and response to the submissions was presented in the report to the 29 March 2016 Council Meeting.

ASSESSMENT

These two sites (Figure 1) and adjoining properties are zoned Living Conservation under LEP 2005 (shown as white on Figure 2). During the translation of LEP's into the Standard

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Instrument, Council proposed a new Standard Instrument zone, the R6 Residential Character zone as the 'best fit' translation of the LEP 2005 Living Conservation zone. The area is currently deferred from LEP 2015 pending a decision by the Department of Planning on the proposed R6 Residential Character zone as part of draft Amendment 2 to LEP 2015.



Figure 1 – Locality Map

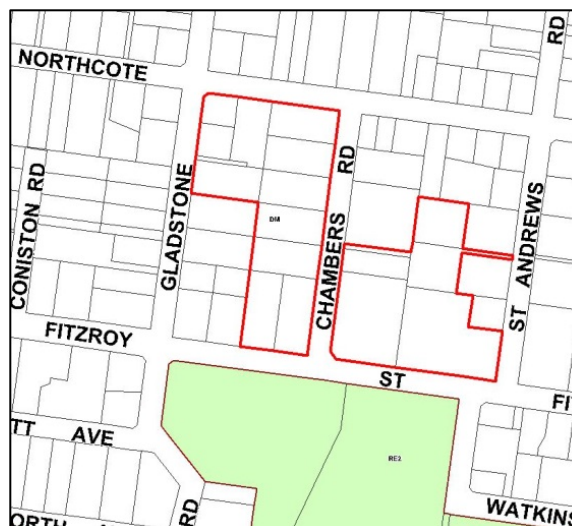


Figure 2 – Deferred out of LEP 2015 - current Zone Living Conservation under LEP 2005

These two sites, the International Hotel Management School and the Waldorf Leura Gardens Resort are being considered together as the intention is that they operate in conjunction to offer complementary facilities. The International Hotel Management School has approval to operate as an Educational Establishment. The Waldorf Leura Gardens Resort will provide on-site accommodation for full time international students, with excess capacity being given over to 'off-the-street' guests. Ancillary uses include a Restaurant or café and a Function Centre.

Under LEP 2005 the existing uses on the sites are prohibited in the Living Conservation zone. The Waldorf Resort site contains a motel/reception establishment which dates back to 1964 and would rely upon existing use rights for any future redevelopment. The International Hotel School which operates as an educational establishment would also rely upon existing use rights for any future redevelopment.

While the ability to redevelop utilising 'existing use rights' under the Environmental Planning and Assessment Act 1979 was acknowledged, one of the submissions received during the Options Paper exhibition on the site states that the "funding options are adversely affected by the zoning (which prohibits the uses)".

One submission suggests that an alternative is to amend Schedule 1, to allow the existing uses as additional permitted uses. However, a draft Department of Planning practice note advises that "Schedule 1 should only be used in exceptional circumstances where it can be demonstrated that no other acceptable solution will progress the matter."

Rezoning offers an opportunity to accommodate the range of existing uses as permissible with consent. The most appropriate zone in LEP 2015 would be R1 General residential which is intended to "meet a range of housing needs in addition to providing opportunities for

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tourist orientated development within a predominantly residential area". The permissible uses in the R1 General residential zone include Function centres; Restaurants or cafes, Tourist and visitor accommodation and Multi-dwelling houses. Therefore, the existing and intended uses, being a mix of residential and non-residential use, are a compatible fit with the objectives and permissible uses of the R1 General Residential zone.

The site is also used as an Educational establishment. This use is permitted with consent in the R1 General residential zone under the provisions of the State Environmental Planning Policy (Infrastructure) 2007.

The R1 General residential zone is therefore, on review, the most appropriate zone for the site. These sites are substantially developed and the proposed provisions are intended to reflect the extent of development on the sites and where possible be consistent with other zone R1 General Residential areas in the City.

PROPOSED CHANGES**Land zone (LZN)**

Amend the zoning on both sites from Living Conservation under LEP 2005 to R1 General Residential under LEP 2015.

Lot size (LSZ)

The current lot size is 1200m², proposed lot size is 720m². This reduced lot size is consistent with the R1 General Residential zone generally.

Height of Buildings (HOB)

The building height control previously proposed on both sites and the surrounding area in DLEP 2013 was 6.5m, consistent with other areas proposed to be translated into zone R6 Residential Character from zone Living Conservation under LEP 2005. It is proposed that the maximum building height control for the sites be amended to reflect the approved development on the sites as follows:

- a. International Hotel Management School.
Existing approval on the International Hotel Management School site allows for 3 storeys. Therefore the proposed maximum building height for the site is 9m, which allows for the existing approved development but also considers the site's context. being surrounded by low rise single dwelling houses.
- b. Waldorf Leura Gardens Resort
Existing approval on the Waldorf allows for 2 storeys. The proposed maximum building height the site is 8m, which accommodates the existing approved development (2 storeys) but also provides opportunities to vary the ceiling heights and the roof pitch.

Floor Space Ratio (FSR)

The FSR in areas zoned R1 General Residential is generally between 0.4:1 and 0.7:1. Existing approvals on these sites include development with an FSR of 0.25:1 on the International Hotel Management School site, and an FSR of 0.35:1 on the Waldorf Leura Garden Resort site. The proposed FSR of 0.4:1 provides a small amount of

additional development opportunities within the range of what is consistent with other zone R1 General Residential areas.

Land Reservation Acquisition (LRA)

No change to this provision. Does not apply to these sites.

Heritage (HER)

No change to this provision. The sites do not contain heritage items or conservation areas, however the Waldorf adjoins a heritage item, LA061, which is deferred out of LEP 2015.

Lot Averaging (LAV)

No change to this provision. Does not apply to these sites

Riparian Lands and Watercourses (RLW)

No change to this provision. Does not apply to these sites

Scenic and Landscape Values (SLV)

No change to this provision. Does not apply to these sites

Built Character (BCH)

This site is not currently mapped on the Built Character Map. However, all land zoned R1 General Residential under LEP 2015 is mapped on the Built Character Map as a village Precinct with precinct objectives included in Part 7 of the LEP. It is proposed that this site be identified as Leura Precinct 'R1-LE08'. Further discussion on the content of the precinct objectives for the site is provided later in this section of the site assessment.

Active Street Frontages (ASF)

No change to this provision. Does not apply to these sites

Natural Resources – Biodiversity (NRB)

No change to this provision. Does not apply to these sites

Natural Resources – Land (NRL)

No change to this provision. Part of these sites were exhibited in DLEP 2013 as Protected Area – Slope Constraint Area and there is no change proposed to the extent of the mapping shown.

Key Sites (KYS)

No change to this provision. Does not apply to these sites

In addition to the site specific mapping provisions discussed above, there are a number of clauses within the LEP which are zone based. The following clauses would apply to the site if it was to be zoned R6 Residential Character as proposed in DLEP 2013 and draft Amendment 2 to LEP 2015. This review considers the implications the rezoning the site to R1 General Residential would have for the application of these clauses and how this would affect the outcome for the site.

4.1AA Minimum subdivision lot size for community title schemes

This clause applies to land in the R1 General Residential land and is intended to ensure that land is not fragmented by subdivisions that would create additional dwelling entitlements.

4.1B Minimum lot size for dual occupancies

This clause applies to land in the R1 General Residential land and to achieve planned residential density in certain zones. The application of this clause to the site is unlikely to have any effect as both sites are substantially developed with established land uses.

4.1C Exceptions to minimum subdivision lot sizes for certain residential development

The objective of this clause is to encourage housing diversity without adversely impacting on residential amenity and applies to land in the R1 General Residential zone. The application of this clause to the site is unlikely to have any effect as both sites are substantially developed with established land uses.

4.3A Flexibility in the height of buildings and floor space ratio (DLEP 2013)

The objective of this clause is to provide flexibility in the application of building height and floor space ratio standards. This clause was proposed to apply to land in zone R6 Residential Character Conservation in DLEP 2013. This clause would not be applicable to the site under the proposed zone R1 General Residential. Instead changes to the maximum building height are proposed as discussed which reflect the existing built form of development on the site and the surrounding area.

Part 7 Additional local clauses – development in villages

As stated above, it is proposed that these two sites be mapped on the Built Character Map identified as “Leura Precinct-R1-LE08”. The purpose of part 7 is to ensure that development on the land identified is consistent with the objectives for that development. The proposed objectives for the Leura Precinct-R1-LE08 are as follows:

- a) To ensure that established gardens are retained or landscape settings are re-established as part of any development of land, including development involving major alterations and additions.
- b) To provide on-site parking that does not dominate the street frontage and that is integrated with the design of surrounding garden areas.
- c) To promote high levels of residential amenity for any future residents and existing neighbouring properties.

These objectives are specific to these two sites and are in addition to the zone objectives.

RECOMMENDATIONS

- HMS.01 That draft Amendment 2 (Residential Character) to LEP 2015 be modified to remove the land at 74 Gladstone Road, 3 Chambers Road, 16-18 Fitzroy Street and 20-28 Fitzroy Street, Leura and that Council notify the Department of Planning and Environment that the is no longer part of that process
- HMS.02 That the Blue Mountains LEP 2015 Land Application Map LAP001 be amended to delete the "Deferred Matter" notation for 74 Gladstone Road, 3 Chambers Road, 16-18 Fitzroy Street and 20-28 Fitzroy Street, Leura
- HMS.03 That the Blue Mountains LEP 2015 Land Zoning Map LZN_002H be amended as shown in LEP 2015 Draft Amendment 3 - Mapping Provisions - Site 08-HMS, Section 1 Land Zoning, on Map 1.3 Proposed
- HMS.04 That the Blue Mountains LEP 2015 Lot Size Map LSZ_002H be amended as shown in LEP 2015 Draft Amendment 3 - Mapping Provisions - Site 08-HMS, Section 2 Lot Size, on Map 2.3 Proposed
- HMS.05 That the Blue Mountains LEP 2015 Height of Building Map HOB_002H be amended as shown in LEP 2015 Draft Amendment 3 - Mapping Provisions - Site 08-HMS, Section 3 Height of Building, on Map 3.3 Proposed
- HMS.06 That the Blue Mountains LEP 2015 Floor Space Ratio Map FSR_002H be amended as shown in LEP 2015 Draft Amendment 3 - Mapping Provisions - Site 08-HMS, Section 4 Floor Space Ratio, on Map 4.3 Proposed
- HMS.07 That the Blue Mountains LEP 2015 Built Character Map BCH_002H be amended as shown in LEP 2015 Draft Amendment 3 - Mapping Provisions - Site 08-HMS, Section 10 Built Character, on Map 10.3 Proposed
- HMS.08 That the Blue Mountains LEP 2015 Natural Resources Land Map NRL_002H be amended as shown in LEP 2015 Draft Amendment 3 - Mapping Provisions - Site 08-HMS, Section 13 Natural Resources Land, on Map 13.3 Proposed
- HMS.09 That no provisions are mapped for all other LEP 2015 maps for land at 74 Gladstone Road, 3 Chambers Road, 16-18 Fitzroy Street and 20-28 Fitzroy Street, Leura as shown in LEP 2015 Draft Amendment 3 - Mapping Provisions - Site 08-HMS
- HMS.10 That the Blue Mountains LEP 2015 Part 7.9 Leura Precinct be amended to add the following:
- (8) *The objectives for development on land identified as "Leura Precinct-R1-LE08" on the Built Character Map are as follows:*
- a) *To ensure that established gardens are retained or landscape settings are re-established as part of any development of land, including development involving major alterations and additions.*

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- b) *To provide on-site parking that does not dominate the street frontage and that is integrated with the design of surrounding garden areas.*
- c) *To promote high levels of residential amenity for any future residents and existing neighbouring properties.*

PREVIOUS COUNCIL RESOLUTION

There are no previous Council resolutions related to these two lots as they were not part of the Strategic Tourism Options Paper exhibition and were not considered in the post exhibition review reported to Council 29 March 2016. The need to review the provisions applying to these sites and develop precinct controls for the area was identified during the assessment of the adjoining sites.

BACKGROUND

These two sites (Figure 1) are currently zoned RE2 Private Recreation (shown as light green in Figure 2), with tourism and visitor accommodation as additional permitted uses in Schedule 1. There is also a small area of zone E2 Environmental Conservation land on 41 Violet Street (shown as mid yellow in Figure 2).

The sites were previously zoned Living - Bushland Conservation under LEP 2005, and although this zone was generally translated into zone E4 Environmental Living, RE2 Private Recreation was considered to be more appropriate given site characteristics and existing uses.



Figure 1 – Locality Map

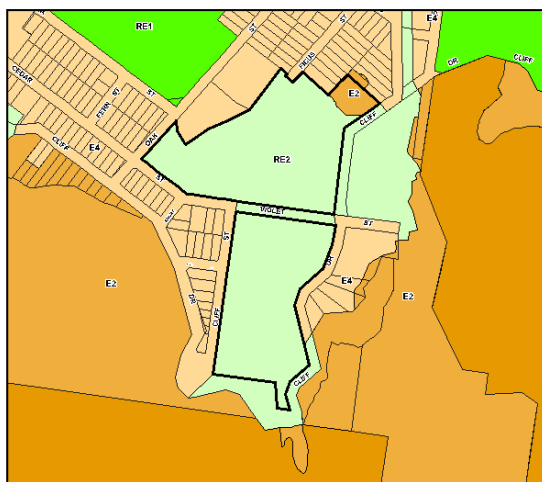


Figure 2 – Current LEP 2015 Zone

ASSESSMENT

These two additional lots (119 Cliff Drive and 41 Violet Street, Katoomba) were not within the list of sites specifically discussed in the Strategic Tourism and Recreation Planning Study and were not therefore included in the Options Paper. These sites were also not raised in submissions to the Options paper.

The need to review the provisions applying to these sites and to develop precinct controls for the area was identified during the assessment of the adjoining Scenic World and Church Missionary Society sites.

Only minor changes to the development controls and provisions for the site are proposed. These sites are proposed to be included in draft Amendment 3 primarily to add precinct objectives for the area which would be accompanied by site specific controls in DCP 2015.

PROPOSED CHANGES

Land zone (LZN)

Current zone is RE2 Private Recreation. No change

Lot size (LSZ)

Current lot size is 1,200m². No change proposed.

Height of Buildings (HOB)

Current control is 8m. Part of the site is mapped as Protected Area - Escarpment on the Scenic and Landscape Values Map. Generally the maximum building height in areas identified as being Protected Area - Escarpment is 5.5m. It is proposed to amend the height of building controls the site to 5.5m for those areas mapped as Protected Area - Escarpment on the Scenic and Landscape Values Map consistent with this approach.

Floor Space Ratio (FSR)

This control does not currently apply to these sites. It is not proposed to be added. The extent of development will instead be controlled through DCP 2015 Part G Locality Management controls

Land Reservation Acquisition (LRA)

Does not apply to this site. No change proposed.

Heritage (HER)

These two lots do not contain any heritage item or conservation area. No change proposed. One of the lots, 119 Cliff Drive adjoins a Heritage Conservation Area and development on the site would need to consider any impact the development may have on these conservation areas.

Lot Averaging (LAV)

Does not apply to these lots. No change proposed.

Riparian Lands and Watercourses (RLW)

Does not apply to this site. No change proposed.

Scenic and Landscape Values (SLV)

This site is identified on the SLV map as containing Protected Area – Escarpment. No change proposed.

Built Character (BCH)

These sites are not currently mapped on the Built Character Map. However these lots adjoin the Scenic World and Church Missionary Society Centre to the east. These two sites along with the subject lots have a long history of tourism uses and all contribute

to the character and function of the area. It is therefore appropriate to consider them as a single precinct. It is proposed that these lots along with the Scenic World site and the Church Missionary Society site be included on the Built Character Map as "Katoomba Precinct- RE2/SP3-KA20". Further discussion on the content of the precinct objectives for the site are provided later in this section of the site assessment.

Active Street Frontages (ASF)

Does not apply to this site. No change proposed

Natural Resources – Biodiversity (NRB)

The lot at 119 Cliff Drive is not identified as containing any Protected Areas, however the lot at 41 Cliff Drive is mapped as containing both Protected Area – Ecological Buffer Area and Protected Area – vegetation constraint area. No change proposed.

Natural Resources – Land (NRL)

Both lots are mapped as containing Protected Area – Slope Constraint Area (>20%). No change proposed.

Key Sites (KYS)

Does not apply to this site. No change proposed

No change is proposed to the zoning of these sites so there will be no impact on the application of zone based provisions in LEP 2015 to the site. It is only proposed that precinct objectives be added for these sites.

Part 7 Additional local clauses – development in villages

This proposal seeks to apply precinct objectives to the site and identify the site on the Built Character Map as "Katoomba Precinct RE2/SP3-KA20 as discussed above. The purpose of part 7 is to ensure that development on the land identified is consistent with the objectives for that development. These two lots at 119 Cliff Drive and 41 Violet Street, Katoomba, and the adjoining sites at 2 Violet Street and 4-12 Violet Street, Katoomba, are proposed to be identified as "Katoomba Precinct RE2/SP3-KA20" on the Built Character Map with the following objectives:

- a) To minimise and mitigate the impact of development on land in Zone E2 Environmental Conservation and E1 National Park.
- b) To minimise and mitigate the impact of development as viewed from any public place, including but not limited to Echo Point.
- c) To protect the amenity of adjacent residential areas.

These proposed objectives are in addition to the RE2 zone objectives.

RECOMMENDATIONS

NB: Please refer to individual site assessments for Sites 03-SW (Scenic World) and 07-CMS (Church Missionary Society) for recommendations concerning these two sites within the 'Violet Street Precinct'

- VSP.01 That the Blue Mountains LEP 2015 Height of Buildings Map HOB_003B be amended as shown in LEP 2015 Draft Amendment 3 - Mapping Provisions - Site 09-VSP, Section 3 Height of Buildings, on map 3.2 Proposed
- VSP.02 That the Blue Mountains LEP 2015 Built Character Map BCH_003B be amended as shown in LEP 2015 Draft Amendment 3 - Mapping Provisions - Site 09-VSP, Section 10 Built Character, on map 10.2 Proposed
- VSP.03 That the Blue Mountains LEP 2015 Part 7.6 Katoomba Precinct be amended to add the following:
- (20) *The objectives for development on land identified as "Katoomba Precinct RE2/SP3-KA20" on the Built Character Map are as follows:*
- a) *To minimize and mitigate the impact of development on land in Zone E2 Environmental Conservation and E1 National Park.*
 - b) *To minimize and mitigate the impact of development as viewed from any public place, including but not limited to Echo Point.*
 - c) *To protect the amenity of adjacent residential areas.*