

# PLANNING PROPOSAL

Blue Mountains  
Local Environmental Plan 2015  
(Draft Amendment 3)

## Strategic Tourist Sites





## TABLE OF CONTENTS

|                                                          |           |
|----------------------------------------------------------|-----------|
| <b>INTRODUCTION</b>                                      | <b>3</b>  |
| <b>PART 1 OBJECTIVES OR INTENDED OUTCOMES</b>            | <b>7</b>  |
| <b>PART 2 EXPLANATION OF PROVISIONS</b>                  | <b>12</b> |
| <b>PART 3 JUSTIFICATION:</b>                             | <b>20</b> |
| SECTION A - A NEED FOR THE PLANNING PROPOSAL             | <b>20</b> |
| SECTION B - RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK | <b>21</b> |
| SECTION C - ENVIRONMENTAL, SOCIAL AND ECONOMIC IMPACT    | <b>35</b> |
| SECTION D - STATE AND COMMONWEALTH INTERESTS             | <b>36</b> |
| <b>PART 4 MAPPING</b>                                    | <b>37</b> |
| <b>PART 5 COMMUNITY CONSULTATION</b>                     | <b>38</b> |
| <b>PART 6 PROJECT TIMELINE</b>                           | <b>39</b> |
| <b>PART 7 ATTACHMENTS</b>                                | <b>40</b> |

## INTRODUCTION

This Planning Proposal explains the intent and justification for draft Amendment 3 (Strategic Tourist Sites) to LEP 2015.

This draft amendment applies to certain key strategic tourism sites in the City and aims to ensure that the local planning framework continues to encourage and facilitate tourism. This is being proposed to be done by:

- 1) Introducing zone SP3-Tourist
- 2) Rezoning key tourism sites in the City to zone SP3-Tourist
- 3) Making zoning and other changes to additional strategic tourist sites in the City

This planning proposal is seeking to implement recommendations from the Strategic Tourism and Recreation Study (the Stafford Report) and the outcomes from the non-statutory exhibition of the Strategic Tourism and Recreation Study Options Paper. The Stafford Report is Attachment 10 to this Planning Proposal.

### ***Background***

Tourism is a significant part of the Blue Mountains economy, and there are a number of strategic sites in the City with a long history of tourism uses. This planning proposal seeks to ensure that appropriate planning controls are in place for these sites to encourage and facilitate their continued operation.

This planning proposal arises from the Strategic Tourism and Recreation Planning Study (the Stafford Report) prepared as one of a suite of background studies to inform the preparation of a comprehensive LEP for the City.

This study included a number of recommendations to improve and better facilitate tourism in the Blue Mountains including the application of the SP3-Tourist zone to key tourism sites.

Because LEP 2015 was a translation of LEP 2005, LEP 1991, and LEP 4, there were recommendations in the Stafford Report that could not be incorporated at that time of its preparation, and Council resolved at the 23 October 2014 meeting to review the Stafford Report in relation to the SP3-Tourist zone as part of a future amendment to the principal LEP.

Following the adoption of LEP 2015, an options paper was prepared and placed on non-statutory exhibition to explore the options for implementing the recommendations of the Strategic Tourism and Recreation Planning Study.

This planning proposal has been prepared following the outcome of the exhibition of the options paper to implement recommendations from the Stafford report and address other key strategic tourism sites that were identified during the exhibition.

### ***The Strategic Tourism and Recreation Planning Study (The Stafford Report)***

The Strategic Tourism and Recreation Planning Study was prepared by The Stafford Group and Property Expeditors and is referred to as the 'Stafford Report'. The Council commissioned this report with the objective of addressing the need to encourage new and innovative tourism and recreation development, and to identify ways to address perceived constraints in the existing planning controls. At the time the Stafford Report was commissioned, Council was in the process of moving to a single comprehensive Local Environment Plan and was keen to ensure that any changes needed to help facilitate tourism and recreation development would be included.

The Stafford Report:

- Provided a general overview of the Blue Mountains including the role of the National Park in tourism to the Blue Mountains, and visitor statistics, which has seen some growth in the years since 2010, particularly in the domestic day market.

- Identified a number of key findings relating to the National Park and the growth in demand for multi-day tracks.
- Presented other key findings relate to the development priorities such as increasing the number of overnight visitors by providing greater range of accommodation styles and a greater number of recreational experiences and attractions.
- Discussed existing planning controls, which are perceived as limiting tourist and recreational uses and occasional events.
- Examined visitation rates, current and projected, of both the Blue Mountains and other regional tourism destinations.
- Considered the advantages, weaknesses and opportunities of the Blue Mountains region and provides a summary of the competitive advantages of the main NSW regional tourist areas including: The Hunter, Northern Rivers, Capital Country and the Illawarra.
- Expanded on the identified challenges (including but not limited to planning issues) to sustainable tourism development and identified means of converting these challenges to opportunities,
- Provided a number of specific recommendations for the consolidated LEP and DCP.
- Identified a number of sites which may offer the potential for tourism development, if zoned appropriately.
- Suggested using the SP3-Tourist zone to encourage tourism development and also suggested that some sites may be suitable to be routed through the State Significant Development planning pathway if it can be foreseen that Capital Investment Value would be greater than \$30M.

This planning proposal is seeking to implement the recommendations of the Stafford report regarding the introduction of the SP3-Tourist and the rezoning of specific sites.

### **Options Paper**

Council resolved at its meeting on 21 April 2015 to endorse a Strategic Tourism and Recreation Study Options Paper for the purposes of a non-statutory public exhibition.

The Options Paper considered the application of an SP3-Tourist zone on a limited number of the sites in line with the recommendations of the Stafford Report, including considerations for potential zone objectives and permissible land uses

The options paper contained a review of the sites identified in the Stafford Report as having potential option for rezoning to SP3-Tourist zone, where suitable. The sites specifically noted in the Report for further investigation are as follows:

- Blackheath Caravan Park
- The Rhododendron Garden (Blackheath)
- Vacant Land on Hat Hill Road, Blackheath
- Megalong Valley (no specific site listed)
- Hydro Majestic Hotel
- Katoomba Airfield
- Radiata Plateau
- Echo Point including:
  - a) 44-50 Echo Point Road (Echo Point Lookout)
  - b) Echo Point Motor Inn
  - c) Scenic World
- Leura Golf Course
- Breakfast Point and environs (Wentworth Falls)
- Wentworth Falls Lake
- Queen Victoria Hospital
- Former Lawson Golf Course
- South Lawson Park
- Lapstone Hill Reserve

One additional site was included in the review of specific sites, 'Khandala' 19 Birdwood Avenue, Katoomba in response to a submission made during the DLEP 2013 public exhibition process.

This Options Paper reviewed the fifteen with regards to the following information:

- Site description;
- Background;
- LEP 2015 zoning including tourism uses in that zone;
- Strategic Tourism and Recreation Planning Study development opportunities;
- Suitability for the SP3 Tourism Zone; and
- Options.

The non-statutory six week consultation period ran from 5 August to 16 September 2015. In total 114 submissions were received raising 384 issues and comments on all sites and the proposed new SP3-Tourist zone. A preliminary review of submissions was reported to Council on 8 December 2015, and a comprehensive review of submissions was reported to the 29 March 2016 Council meeting where Council resolved to prepare this planning proposal.

### **SP3-Tourist Zone**

The SP3-Tourist zone is being proposed to recognise at a zone level those sites that have a strong and long-term focus on tourism and which are unsuitable for future multiunit development.

The Blue Mountains is one of the most visited regions in NSW. The introduction of the Special Purpose zone for a select number of appropriate sites acknowledges the importance that tourism and tourism development have in the Blue Mountains and signifies a priority value within the land use system to these significant land uses.

It is not anticipated the SP3-Tourist zone would be used widely within the Local Government Area, but for those sites where it is an appropriate land use zone it will achieve the best land use and development outcomes.

Further, the use of a SP3-Tourist zone sets a clear indication that the strategic intent of a particular site or area is tourism focused and would in fact generally remove a number of currently permitted land uses that could impact on these types of future uses, such as residential uses including seniors housing or multiunit dwellings. The following key principles were used to guide the proposed application of the SP3-Tourist zone and the rationale for introducing it into the Blue Mountains LEP 2015:

- *Principle 1: Use only when a general Land Use Zone is not suitable*

Generally, where tourism is the focus of a particular location and the intended future use is to further develop those tourism uses, then it may be considered appropriate to apply the SP3-Tourist zone. However, the application of the SP3-Tourist zone removes other options for any development and is therefore quite a restrictive zone. Any potential future change to another land use, not permitted by the SP3-Tourist zone, would require a rezoning.

The role of a Special Purpose zone is to permit with consent a land use not generally accommodated within a wider zone, and it is not generally used to permit development without consent.

If a more general land use zone is available, and suitable, then the advice of the Department is to use that zone in preference to a Special Purpose zone. As an example, the R1 General Residential Zone in LEP 2015 is the equivalent to what was Village – Tourist Zone under LEP 2005. The Village–Tourist zone was new to LEP 2005 and aimed to facilitate appropriate development and redevelopment of land for tourism and related purposes in selected locations. The R1 General Residential zone in LEP 2015 performs the function of allowing a variety of land uses associated with the tourism industry, in addition to a mix of residential forms appropriate to the character attributes of each of the precincts where it is used, such as in Mount Victoria, Medlow Bath,

Katoomba and Leura. In many instances therefore, the best zone for a site with significant tourism operations will be the R1 General Residential zone, not the SP3-Tourist zone.

However where sites are unsuitable for the residential uses permissible in the R1 zone, and have a much more specific tourism focus, or play a significant strategic role in the tourism attraction of the Blue Mountains, then zone SP3-Tourist may be the most appropriate zone.

- *Principle 2: Site specific*

The SP3-Tourist zone is a Special Purpose zone in the Standard Instrument and used generally for specific sites. It is not appropriate for larger areas to be zoned Special Purpose as this would imply a lack of land use options within the general land use zone currently used. In such a case it would be considered a more appropriate action to introduce additional land uses into the existing land use zone already in that area.

- *Principle 3: Primary land use is, or will be, a significant tourist use*

Although the presence of a significant or long term tourism use on a site is not sufficient to warrant a SP3-Tourist zone if another land use zone is available, it is nonetheless a key factor. In particular, the presence of significant built infrastructure would be regarded as essential in the case of an established tourism land use.

The deliberation around applying a SP3-Tourist zone to vacant land is a more complex matter and would need to be considered in line with a detailed master plan for a site. The site should also have been identified as suitable for the SP3-Tourist Zone within a Council endorsed Strategic Tourism Strategy or Council endorsed Master Planning exercise.

In terms of future strategic planning, as identified in its Operational Plan, Council will be preparing an Economic Strategy, which will include setting directions for future tourism in the Blue Mountains. As an outcome of that process, it is expected that Council will identify programs and priorities for assessing the suitability of key sites or precincts that may be appropriate for new tourism development in collaboration with the community.

- *Principle 4: Generally a site located outside zoned town centres*

There is a hierarchy of land uses zones in a LEP and a Special Purpose zone sits outside that hierarchy. As explained above, the R1 General Residential zone is the most suitable zone for tourism land uses in most instances and is generally applied in close proximity to major transport nodes, such as a railway station. There is no merit in replacing the R1 zone with the SP3-Tourist zone in such a location. It is only outside the established town centre hierarchy of zones that the SP3-Tourist zone would have applicability.

- *Principle 5: Generally a site not suited for future multiunit development*

As described previously, the SP3-Tourist zone is a restrictive zone and there is no intention in LEP 2015 for this zone to include medium density land uses. Given the limited amount of land that is zoned under LEP 2015 for medium density it is not proposed that the SP3-Tourist zone would be used on a site that currently has a zone that permits medium density development.

## PART 1 OBJECTIVES OR INTENDED OUTCOMES

The objective of this draft LEP amendment is to ensure that the local planning framework continues to encourage and facilitate tourism in the City. In particular it seeks to recognise the important role that a number of key sites play in tourism in the City and ensure that the planning framework clearly articulates the strategic intent for the continuation of tourism uses on these sites.

This planning proposal applies to a number of sites, each with unique backgrounds and proposed planning changes. This section of the planning proposals summarises the intended outcome and proposed changes for each site.

For further information, a detailed review of each site is enclosed as part of the 15 November 2016 Council report (Attachment 11). Following endorsement by Council the proposed LEP mapping changes for each site will be attached to this planning proposal and referred to below.

In accordance with the conclusions and recommendations of the Strategic Tourism and Recreation Planning study, this planning proposal seeks to introduce zone SP3-Tourist into LEP 2015, and the following sites are proposed to be rezoned to SP3-Tourist zone, including modification to development standards and provisions:

**Blackheath Caravan Park** (63-65 and 67-69 Prince Edward Street, Blackheath)

- Currently zoned RE1 Public Recreation and R2 Low Density Residential Attachment 1

**Hydro Majestic** (52-88 Great Western Highway, Medlow Bath)\*

- Currently zoned E3 Environmental Management and E4 Environmental Living under LEP 2015, and part zoned Village Tourist under LEP 2005 (proposed zone R1 General Residential under draft Amendment 1 to LEP 2015) Attachment 2

**Scenic World** (2 Violet Street, Katoomba)

- Currently zoned RE2 Private Recreation and E2 Environmental Conservation (proposing to maintain E2) Attachment 3

**Fairmont Resort** (1 Sublime Point Road, Leura)

- Currently zoned RE2 Private Recreation and E2 Environmental Conservation (proposing to maintain E2) Attachment 4

*\*Part of site currently deferred from LEP 2015 and subject to draft amendment 1 to LEP 2015. Proposed to be removed from the planning proposal for draft amendment 1 and incorporated into LEP 2015 through this planning proposal*

The following sites were identified in submissions made during the non-statutory consultation period of the Options Paper and were considered in the report to the 29 March 2016 Council meeting. Rezoning and changes to development standards are proposed for these sites to reflect their current and intended future tourism role.

**Echo Point Motor Inn** (18 Echo Point Road, Katoomba)\*\*

- Currently zoned Living Conservation under 2005 (proposed R6 Residential Character in draft Amendment 2 to LEP 2015) Attachment 5
- Proposed to rezone to R1 General Residential

**Parklands** (132-174 Govetts Leap Road, Blackheath)

- Currently zoned E4 Environmental Living Attachment 6
- Proposed to rezone to R1 General Residential

**Church Missionary Society** (4-12 Violet Street, Katoomba)

- Currently zoned E4 Environmental Living and E2 Environmental Conservation Attachment 7
- Proposing to rezone to RE2 Private Recreation with additional permitted uses in Schedule 1

**School of Hotel Management** (74 Gladstone Road, 3 Chambers Road and 16-18 Fitzroy Street, Leura)\*\*

- Currently zoned Living Conservation under 2005 (proposed R6 Residential Character in draft Amendment 2 to LEP 2015) Attachment 8
- Proposed to rezone to R1 General Residential

**Waldorf Hotel** (20-28 Fitzroy Street, Leura)\*\*

- Currently zoned Living Conservation under 2005 (proposed R6 Residential Character in draft Amendment 2 to LEP 2015) Attachment 8
- Proposed to rezone to R1 General Residential

*\*\*Proposed to zone R6 Residential Character Conservation and currently the subject of draft amendment 2 to LEP 2015. As draft amendment 2 has not yet received a gateway determination it is proposed that the planning proposal for amendment 2 will be amended and resubmitted to the Department to remove those sites that will instead be included in this planning proposal. It should be noted that draft amendment 2 is dependent on the addition of a new zone, R6 Residential Character, to the standard instrument LEP and is therefore unlikely to be exhibited and made before draft amendment 3.*

*Note: A number of other sites were also raised in submissions to the exhibition of the Options Paper but were not considered appropriate for rezoning.*

In addition, two lots adjacent to Scenic World and the Church Missionary Society are proposed to be included in Katoomba Precinct 'RE2/SP3-KA20' to reflect the importance of their contribution to the character of the precinct. Changes to the height of building are proposed for the escarpment areas on these sites.

**Katoomba Precinct 'RE2/SP3-KA20'**

- 41 Violet Street, Katoomba Attachment 9
- 119 Cliff Drive, Katoomba.

## ***Summary of intended outcome for individual sites***

### **Blackheath Caravan Park and Lakeside Holiday Cabins (63-65 and 67-69 Prince Edwards Street, Blackheath)**

The Blackheath Caravan Park site is in a strategic location close to Memorial Park, Popes Glen Walk, and the Blackheath Town Centre. The current use on the site provides a lower cost form of tourism accommodation that contributes to the diversity of accommodation options in the Mountains. It is intended that the site continues to operate in its current form or for other tourism uses. The current zoning on the site provides for development of both tourism and non-tourism uses. To better reflect the existing uses on the site and the intended continuation of tourism uses on the site, in accordance with the conclusions and recommendations of the Strategic Tourism and Recreation Planning Study, zone SP3-Tourist is proposed for the site.

NB: Because Blue Mountains Council is the owner of the land on which the Caravan Park (67-69 Prince Edwards Street, Blackheath) is situated, a peer review of the justification and proposal to rezone the Blackheath Caravan Park was undertaken by Penrith City Council. This review supported the proposal and made a number of suggestions regarding other planning provisions and development controls for the site. (A copy of the Peer Review is in Attachment 11)

### **Hydro Majestic Hotel, 52-88 Great Western Highway, Medlow Bath**

The Hydro Majestic is an iconic historic hotel that has recently undergone redevelopment. It is situated in a unique and prominent location on the Great Western Highway at the edge of the escarpment overlooking the Megalong Valley. The site is not suitable for more intense forms of development such as residential accommodation, but it is considered important to recognise the tourism role of the site at a zoning level. Therefore the SP3-Tourist zone is proposed for that part of the Hydro Majestic currently zoned Village-Tourist under LEP 2005 and E3 Environmental Management and E4 Environmental Living under LEP 2015, to preserve the existing tourism use and enshrine in the planning framework that tourism uses are the strategic planning direction for the site. The part of the Hydro Majestic site currently zoned E2 Environmental Conservation under LEP 2015 is not the subject of this planning proposal.

### **Scenic World, 2 Violet Street, Katoomba**

Scenic World is a renowned international tourist destination for the Blue Mountains. The site has a long history of tourism uses and there has been significant investment into facilities on the site. The site is situated in a very sensitive location on the edge of the escarpment and National Park. The site is not suitable for more intense forms of development such as residential accommodation, but it is considered important to recognise the tourism role of the site at a zoning level. Therefore the SP3-Tourist zone is proposed for the part of the Scenic World site that is currently zoned RE2 Private Recreation to preserve the existing tourism use and enshrine in the planning framework that tourism uses are the strategic planning direction for the site. The part of the Scenic World site currently zoned E2 Environmental Conservation under LEP 2015 is not the subject of this planning proposal.

### **Fairmont Resort, 1 Sublime Point Road, Leura**

The Fairmont Resort is part of the Leura Golf Course. The site's location close to the National Park and an established recreation area, and outside of an established centre, means that it is important that the existing tourism is retained and development for non-tourism uses is prevented. It is therefore proposed to rezone that part of the Fairmont Resort site currently zoned RE2 Private Recreation to SP3-Tourist. The part of the site currently zoned E2 Environmental Conservation under LEP 2015 is not the subject of this planning proposal.

#### Echo Point Motor Inn, 18 Echo Point Road, Katoomba

The site currently contains existing tourist accommodation. Under LEP 2005, the site is zoned Living Conservation and during the exhibition of DLEP 2013 the site along with adjoining properties was exhibited as R6 Residential Character Conservation. The existing use would be prohibited. This planning proposal seeks to rezone the site to an appropriate land use zone which allows as permissible with consent the existing land use. The most appropriate land use zone in LEP 2015 is the R1 General Residential zone.

All land currently zoned Living Conservation under LEP 2005 and proposed to be zoned R6 Residential Character was deferred from the then DLEP 2013 and is currently subject to draft Amendment 2 (R6 Residential Character) to LEP 2015, including this site. The planning proposal is seeking to incorporate this site into LEP 2015 with the proposed R1 General Residential zoning and associated development controls, and modify the planning proposal for draft Amendment 2 to remove this site from that amendment.

#### International Hotel School, 74 Gladstone Road, Leura

The site currently contains existing tourist accommodation. Under LEP 2005, the site is zoned Living Conservation and during the exhibition of DLEP 2013 the site along with adjoining properties was exhibited as R6 Residential Character Conservation. The existing use would be prohibited. This planning proposal seeks to rezone the site to an appropriate land use zone which allows as permissible with consent the existing land use. The most appropriate land use zone is the R1 General Residential zone.

All land currently zoned Living Conservation under LEP 2005 and proposed to be zoned R6 Residential Character was deferred from the then DLEP 2013 and is currently subject to draft Amendment 2 (R6 Residential Character) to LEP 2015, including this site. The planning proposal is seeking to incorporate this site into LEP 2015 with the proposed R1 General Residential zoning and associated development controls, and modify the planning proposal for draft Amendment 2 to remove this site from that amendment.

#### Waldorf Leura Gardens Resort, 20-28 Fitzroy Street, Leura

The site currently contains existing tourist accommodation. Under LEP 2005, the site is zoned Living Conservation and during the exhibition of DLEP 2013 the site along with adjoining properties was exhibited as R6 Residential Character Conservation. The existing use would be prohibited. This planning proposal seeks to rezone the site to an appropriate land use zone which allows as permissible with consent the existing land use. The most appropriate land use zone is the R1 General Residential zone.

All land currently zoned Living Conservation under LEP 2005 and proposed to be zoned R6 Residential Character was deferred from the then DLEP 2013 and is currently subject to draft Amendment 2 (R6 Residential Character) to LEP 2015, including this site. The planning proposal is seeking to incorporate this site into LEP 2015 with the proposed R1 General Residential zoning and associated development controls, and modify the planning proposal for draft Amendment 2 to remove this site from that amendment.

#### Parklands, 132-174 Govetts Leap Road, Blackheath

Parklands is a site of approximately 105,600m<sup>2</sup> most of which is extensively landscaped and heritage listed. It is currently zoned E4 Environmental Living, but has an existing commenced approval for a mixed residential and tourism development including 42 living units with a Gross Floor Area of approximately 6,000m<sup>2</sup>. Tourism facilities were permissible on the site under LEP 1991 with a dwelling density control applied to the site.

This proposal seeks to rezone the site R1 General Residential to reflect the existing and approved tourism and residential uses on the site. An appropriate FSR will be applied to the site and local

provisions added to Part 6 to ensure the significant landscaped area of the site is maintained and a suitable dwelling density achieved. As per all R1 zoned areas, precinct objectives for the site will be added to Part 7 of the LEP which will be accompanied by more detailed development controls in Part G of DCP 2015.

Church Missionary Society, 4-12 Violet Street, Katoomba

The site currently contains facilities for conferences, seminars, functions, learning and retreats and includes short stay accommodation for up to 156 people. The current RE2 Private Recreation land use zone does not allow all of these existing uses as permissible with consent.

This proposal seeks to rezone the site from E4 Environmental Living to RE2 Private Recreation with tourism and visitor accommodation added as additional permitted uses in Schedule 1.

119 Cliff Drive and 41 Violet Street, Katoomba

It is proposed to include these two sites within the built character precinct, RE2/SP3-KA20, that also includes the Church Missionary Society and Scenic World sites which are addressed separately in this planning proposal. This is to ensure there are site specific objectives in the LEP, and more detailed controls in the DCP, that recognise the importance of these sites to the character of this important tourism precinct.

## PART 2 EXPLANATION OF PROVISIONS

To achieve the proposed outcomes, the planning proposal seeks to amend the LEP 2015 written instruments and maps, to introduce zone SP3-Tourist, rezone the sites detailed in Part 1, and modify the development standards and provisions which apply to these sites, including the addition of precinct objectives for all proposed SP3-Tourist and R1 General Residential zoned sites.

### WRITTEN INSTRUMENT SP3-Tourist zone

The following amendments are proposed to the written instrument of LEP 2015 to add the proposed zone SP3-Tourist zone.

#### Part 2

##### 2.1 Land use zones

The land use zones under this Plan are as follows:

##### Special Purpose Zones

SP1 Special Activities

SP2 Infrastructure

SP3 Tourist

##### Land Use Table

##### Zone SP3 Tourist

##### 1. Objectives of zone

- To provide for a variety of tourist-oriented development and related land uses.
- To provide tourist development compatible with the environmental, scenic and landscape qualities of the area.
- To enable other uses that complement tourist development without eroding the retail hierarchy of the local centres and villages
- To promote a high standard of urban design and amenity in a high quality landscape setting.

##### 2. Permitted without consent

Nil

##### 3. Permitted with consent

Amusement centre; Camping Ground; Caravan Park; Cellar door premises; Community Facility; Eco-tourist facility; Educational Facility; Entertainment Facility; Environmental Facility; Food and drink premises; Function centre; Information and education facility; Kiosk; Market; Recreation Area; Recreation facility (indoor); Recreation facility (major); Recreation facility (outdoor); Roads; Tourist and visitor accommodation.

##### 4. Prohibited

Any development not specified in item 2 or 3.

#### Part 6

##### 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.

## **Part 7**

### **7.2 Blackheath Precinct**

- (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 sites location as the interface between residential garden settings and natural bushland.
  - b) To control building heights to provide a scenically-appropriate backdrop to the neighbouring 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.
- (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.

### **7.6 Katoomba Precinct**

- (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.
- (20) The objectives for development on land identified as “Katoomba Precinct RE2/SP3-KA20” 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 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.

### **7.8 Leura Precinct**

- (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.

- (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.
  - 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.

## **7.9 Medlow Bath Precinct**

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

- (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.

## **Schedule 1 Additional permitted uses**

### **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

## **Schedule 5 Environmental Heritage**

The following heritage item listing should be inserted in the appropriate location:

|                      |                                                                                           |
|----------------------|-------------------------------------------------------------------------------------------|
| 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                                                                                     |

## Mapping Provisions

Following is a description of the proposed mapping changes for each site.

Please note that the attached maps are for communication purposes only. The relevant map tiles that will need to be amended have been listed for information and will be prepared in accordance with the Department's mapping guidelines following exhibition and adoption of this planning proposal.

\*The following map tiles will need to be created to map the provisions proposed in this draft amendment:

- FSR\_002F
- BCH\_002F
- BCH\_003C

| <b>Blackheath Caravan Park and Lakeside Holiday Cabins</b><br>(63-65 and 67-69 Prince Edwards Street, Blackheath) |                       |                                                                                                                              |                                                        |
|-------------------------------------------------------------------------------------------------------------------|-----------------------|------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------|
| Map tile                                                                                                          | Map type              | Current Provisions                                                                                                           | Proposed Provisions                                    |
| LZN_002FA                                                                                                         | Land Zoning Map       | RE1 Public Recreation (67-69 Prince Edward Street only), and<br>R2 Low Density Residential (63-65 Prince Edward Street only) | SP3-Tourist zone                                       |
| LSZ_002FA                                                                                                         | Lot Size Map          | 720m <sup>2</sup> (applied to 63-65 Prince Edward Street)                                                                    | No minimum lot size                                    |
| FSR_002FA                                                                                                         | Floor Space Ratio Map | 0.35:1 on 63-65 Prince Edward Street                                                                                         | 0.4:1 on 63-65 and 67-69 Prince Edward Street          |
| BCH_002FA                                                                                                         | Built Character Map   |                                                                                                                              | Identify as precinct<br>"Blackheath Precinct SP3-BH06" |

| <b>Hydro Majestic Hotel,</b><br>(52-88 Great Western Highway, Medlow Bath) |                             |                                                                                                                                                                      |                                                      |
|----------------------------------------------------------------------------|-----------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------|
| Map tile                                                                   | Map type                    | Current Provisions                                                                                                                                                   | Proposed Provisions                                  |
| LAP001                                                                     | Land Application Map        |                                                                                                                                                                      | Remove the deferred status on the site from the map* |
| LZN_002F<br>LZN_002G                                                       | Land Zoning Map             | Village Tourist under LEP 2005 (proposed R1 General Residential under draft Amendment 1 to LEP 2015),<br>E3 Environmental Management, and<br>E4 Environmental Living | SP3-Tourist zone                                     |
| LSZ_002F<br>LSZ_002G                                                       | Lot Size Map                | 720m <sup>2</sup> ; 1200m <sup>2</sup> and 10ha                                                                                                                      | No minimum lot size                                  |
| HOB_002F<br>HOB_002G                                                       | Height of Buildings map     | 8.0m                                                                                                                                                                 | 10m, 12m and 15m                                     |
| FSR_002F*<br>FSR_002G                                                      | Floor Space Ratio Map       |                                                                                                                                                                      | 0.4:1                                                |
| BCH_002F*<br>BCH_002G                                                      | Built Character Map         | "Medlow Bath Precinct R1-MB01"                                                                                                                                       | "Medlow Bath Precinct SP3-MB01"                      |
| HER_002F<br>HER_002G                                                       | Heritage                    |                                                                                                                                                                      | Show item MB002                                      |
| LAV_002F<br>LAV_002G                                                       | Lot Averaging Map           |                                                                                                                                                                      | Change in extent of lot averaging coverage           |
| SLV_002F<br>SLV_002G                                                       | Scenic Landscape Values Map |                                                                                                                                                                      | Change in extent of mapping                          |

|  |  |                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                        |
|--|--|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|  |  | As proposed with Draft Am. 1 exhibited on the: <ul style="list-style-type: none"> <li>Land reservation acquisition map</li> <li>Riparian lands and watercourses map</li> <li>Active street frontages map</li> <li>Natural resources – biodiversity map</li> <li>Natural resources – land map</li> <li>Key sites map</li> </ul> | Nothing changed from Draft Am. 1 for this site on the: <ul style="list-style-type: none"> <li>Land reservation acquisition map</li> <li>Riparian lands and watercourses map</li> <li>Active street frontages map</li> <li>Natural resources – biodiversity map</li> <li>Natural resources – land map</li> <li>Key sites map</li> </ul> |
|--|--|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

#### Scenic World

(2 Violet Street, Katoomba)

| Map tile | Map type               | Current Provisions     | Proposed Provisions                                                |
|----------|------------------------|------------------------|--------------------------------------------------------------------|
| LZN_003B | Land zoning map        | RE2 Private Recreation | SP3-Tourist zone                                                   |
| HOB_003B | Height of building map | 8m                     | 8m, 5.5m (for escarpment area), no height limit over E1 zoned land |
| BCH_003B | Built Character Map    |                        | Identify as part of Katoomba precinct "RE2/SP3-KA20"               |

#### Fairmont Resort

(1 Sublime Point Road, Leura)

| Map tile              | Map type                        | Current Provisions     | Proposed Provisions                                   |
|-----------------------|---------------------------------|------------------------|-------------------------------------------------------|
| LZN_002H<br>LZN_003C  | Land zoning map                 | RE2 Private Recreation | SP3-Tourist                                           |
| SLV_002H<br>SLV_003C  | Scenic and landscape values map |                        | Expand Protected Area – Escarpment to correct anomaly |
| BCH_002H<br>BCH_003C* | Built character map             |                        | Identify as Leura Precinct "SP3-LE07"                 |

#### Echo Point Motor Inn

(18 Echo Point Road, Katoomba)

| Map tile  | Map type                        | Current Provisions                                                                                  | Proposed Provisions                                            |
|-----------|---------------------------------|-----------------------------------------------------------------------------------------------------|----------------------------------------------------------------|
| LAP001    | Land Application Map            |                                                                                                     | Remove the deferred status on the site from the map*           |
| LZN_003BA | Land zoning map                 | Living Conservation under 2005 (proposed R6 Residential Character in draft Amendment 2 to LEP 2015) | R1 General Residential                                         |
| LSZ_003BA | Minimum lot size map            | DLEP 2013 exhibited as 1,200m <sup>2</sup>                                                          | 1,200m <sup>2</sup>                                            |
| HOB_003BA | Height of building map          | DLEP 2013 exhibited as 5.5m                                                                         | 5.5m (on southern part of site), 8m (on northern part of site) |
| FSR_003BA | Floor space ratio map           | DLEP 2013 exhibited with no FSR                                                                     | 0.5:1                                                          |
| SLV_003BA | Scenic and landscape values map | DLEP 2013 exhibited as all escarpment area                                                          | Escarpment area only to southern part of site                  |
| BCH_003BA | Built character map             |                                                                                                     | Identify as Katoomba Precinct "R1-KA19"                        |

|  |  |                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                             |
|--|--|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|  |  | <p>DLEP 2013 exhibited nothing mapped for this site on the:</p> <ul style="list-style-type: none"> <li>Land reservation acquisition map</li> <li>Heritage map</li> <li>Lot averaging map</li> <li>Riparian lands and watercourses map</li> <li>Active street frontages map</li> <li>Natural resources – biodiversity map</li> <li>Natural resources – land map</li> <li>Key sites map</li> </ul> | <p>Nothing proposed to be mapped for this site on the:</p> <ul style="list-style-type: none"> <li>Land reservation acquisition map</li> <li>Heritage map</li> <li>Lot averaging map</li> <li>Riparian lands and watercourses map</li> <li>Active street frontages map</li> <li>Natural resources – biodiversity map</li> <li>Natural resources – land map</li> <li>Key sites map</li> </ul> |
|--|--|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

#### **Parklands**

(132-174 Govetts Leap Road, Blackheath)

| Map tile  | Map type              | Current Provisions      | Proposed Provisions                       |
|-----------|-----------------------|-------------------------|-------------------------------------------|
| LZN_002FA | Land zoning map       | E4 Environmental Living | R1 General Residential                    |
| FSR_002FA | Floor space ratio map |                         | 0.06:1                                    |
| BCH_002FA | Built character map   |                         | Identify as Blackheath precinct "R1-BH07" |

#### **Church Missionary Society**

(4-12 Violet Street, Katoomba)

| Map tile | Map type              | Current Provisions      | Proposed Provisions                          |
|----------|-----------------------|-------------------------|----------------------------------------------|
| LZN_003B | Land zoning map       | E4 Environmental Living | RE2 Private Recreation                       |
| LSZ_003B | Minimum lot size map  | 1,200m <sup>2</sup>     | No minimum lot size                          |
| FSR_003B | Floor space ratio map |                         | 0.4:1                                        |
| LAV_003B | Lot averaging map     | "Area G – Clause 4.1F"  | Remove lot averaging                         |
| BCH_003B | Built character map   |                         | Identify as Katoomba precinct "RE2/SP3-KA20" |

#### **International Hotel Management School**

(74 Gladstone Road, 3 Chambers Road and 16-18 Fitzroy Street, Leura)

| Map tile | Map type                     | Current Provisions                                                                                  | Proposed Provisions                                                                                                    |
|----------|------------------------------|-----------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------|
| LAP001   | Land Application Map         |                                                                                                     | Remove the deferred status on the site from the map*                                                                   |
| LZN_002H | Land zoning map              | Living Conservation under 2005 (proposed R6 Residential Character in draft Amendment 2 to LEP 2015) | R1 General Residential                                                                                                 |
| LSZ_002H | Minimum lot size map         | DLEP 2013 exhibited as 1,200m <sup>2</sup>                                                          | 720m <sup>2</sup>                                                                                                      |
| HOB_002H | Height of building map       | DLEP 2013 exhibited as 6.5m                                                                         | 8m                                                                                                                     |
| FSR_002H | Floor space ratio            |                                                                                                     | 0.4:1                                                                                                                  |
| BCH_002H | Built character map          |                                                                                                     | Identify as Leura precinct "R1-LE08"                                                                                   |
| NRL_002H | Natural resources – land map | DLEP 2013 exhibited as part slope constraint area                                                   | Part slope constraint area (no change proposed from DLEP 2013 exhibited map)                                           |
|          |                              | DLEP 2013 exhibited nothing mapped for this site on the:                                            | Nothing proposed to be mapped for this site on the: <ul style="list-style-type: none"> <li>Land reservation</li> </ul> |

|  |  |                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                    |
|--|--|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|  |  | <ul style="list-style-type: none"> <li>• Land reservation acquisition map</li> <li>• Heritage map</li> <li>• Lot averaging map</li> <li>• Riparian lands and watercourses map</li> <li>• Scenic and Landscape Values map</li> <li>• Active street frontages map</li> <li>• Natural resources – biodiversity map</li> <li>• Key sites map</li> </ul> | <ul style="list-style-type: none"> <li>• acquisition map</li> <li>• Heritage map</li> <li>• Lot averaging map</li> <li>• Riparian lands and watercourses map</li> <li>• Scenic and Landscape Values map</li> <li>• Active street frontages map</li> <li>• Natural resources – biodiversity map</li> <li>• Key sites map</li> </ul> |
|--|--|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

**Waldorf Leura Gardens Resort**  
(20-28 Fitzroy Street, Leura)

| Map tile | Map type                     | Current Provisions                                                                                                                                                                                                                                                                                                                                                                                           | Proposed Provisions                                                                                                                                                                                                                                                                                                                                                                                     |
|----------|------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| LAP001   | Land Application Map         |                                                                                                                                                                                                                                                                                                                                                                                                              | Remove the deferred status on the site from the map*                                                                                                                                                                                                                                                                                                                                                    |
| LZN_002H | Land zoning map              | Living Conservation under 2005 (proposed R6 Residential Character in draft Amendment 2 to LEP 2015)                                                                                                                                                                                                                                                                                                          | R1 General Residential                                                                                                                                                                                                                                                                                                                                                                                  |
| LSZ_002H | Minimum lot size map         | DLEP 2013 exhibited as 1,200m <sup>2</sup>                                                                                                                                                                                                                                                                                                                                                                   | 720m <sup>2</sup>                                                                                                                                                                                                                                                                                                                                                                                       |
| HOB_002H | Height of building map       | DLEP 2013 exhibited as 6.5m                                                                                                                                                                                                                                                                                                                                                                                  | 9m                                                                                                                                                                                                                                                                                                                                                                                                      |
| FSR_002H | Floor space ratio            |                                                                                                                                                                                                                                                                                                                                                                                                              | 0.4:1                                                                                                                                                                                                                                                                                                                                                                                                   |
| BCH_002H | Built character map          |                                                                                                                                                                                                                                                                                                                                                                                                              | Identify as Leura precinct "R1-LE08"                                                                                                                                                                                                                                                                                                                                                                    |
| NRL_002H | Natural resources – land map | DLEP 2013 exhibited as part slope constraint area                                                                                                                                                                                                                                                                                                                                                            | Part slope constraint area (no change proposed from DLEP 2013 exhibited map)                                                                                                                                                                                                                                                                                                                            |
|          |                              | DLEP 2013 exhibited nothing mapped for this site on the: <ul style="list-style-type: none"> <li>• Land reservation acquisition map</li> <li>• Heritage map</li> <li>• Lot averaging map</li> <li>• Riparian lands and watercourses map</li> <li>• Scenic and Landscape Values map</li> <li>• Active street frontages map</li> <li>• Natural resources – biodiversity map</li> <li>• Key sites map</li> </ul> | Nothing proposed to be mapped for this site on the: <ul style="list-style-type: none"> <li>• Land reservation acquisition map</li> <li>• Heritage map</li> <li>• Lot averaging map</li> <li>• Riparian lands and watercourses map</li> <li>• Scenic and Landscape Values map</li> <li>• Active street frontages map</li> <li>• Natural resources – biodiversity map</li> <li>• Key sites map</li> </ul> |

| Katoomba Precinct 'RE2/SP3-KA20'<br>(41 Violet Street & 119 Cliff Drive, Katoomba) |                                                                                                                                                                          |                    |                                              |
|------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|----------------------------------------------|
| Map tile                                                                           | Map type                                                                                                                                                                 | Current Provisions | Proposed Provisions                          |
| LZN_003B                                                                           | Height of Building map                                                                                                                                                   | 8m                 | 8m, and 5.5m over escarpment area            |
| BCH_003B                                                                           | Built Character Map                                                                                                                                                      |                    | Identify as Katoomba precinct "RE2/SP3-KA20" |
|                                                                                    | <i>NB: This precinct incorporates the Scenic World and the Church Missionary Society sites. Mapping changes for these sites are listed under those individual sites.</i> |                    |                                              |

## PART 3 JUSTIFICATION:

### Section A - A Need for the Planning Proposal

#### 1. Is the planning proposal a result of any strategic study or report?

##### SP3-Tourist zone

Yes, the proposed introduction of the standard instrument zone SP3-Tourist zone into LEP 2015 is supported by the Strategic Tourism and Recreation Planning Study.

In 2011 the Council commissioned the Stafford Group to prepare a Strategic Tourism and Recreation Planning Study (also known as the Stafford Report), as part of the background work for a new Local Environmental Plan (LEP) for the Blue Mountains. The Stafford Report made a number of recommendations, including development possibilities for a number of specific sites in the Blue Mountains and suggested that Council may consider introducing a new tourist zone, specifically a SP3-Tourist zone.

Shortly after the 2011 report was finalised however, Council was directed to prepare a new Standard Instrument LEP. The approach taken by Council at the time was to maintain the existing planning provisions from previous LEPs when converting the existing LEPs into the mandatory Standard Instrument format. As a result, while some of the recommendations of the Stafford Report were able to be incorporated into LEP 2015, recommendations relating to specific sites and the application of an SP3-Tourist zone were not applied at that time, as these represented a change in policy for Council.

As part of the review of submissions process for (then) Draft LEP 2013 Council resolved on 23 October 2014 to commence a review of the Stafford Report. Accordingly a report was presented to Council on 21 April 2015 with an Options Paper for the purposes of a non-statutory public exhibition. This report presented a draft SP3-Tourist zone for comment, along with an assessment of fifteen (15) sites nominated in the Stafford Report for further consideration at a strategic level. One additional site was included as a request was made during the exhibition of then DLEP 2013 that the property be considered for SP3-Tourist zone.

##### Strategic Tourism sites

During the non-statutory exhibition of the Options Paper on the sites discussed in the Stafford report, a number of additional sites were raised in submissions as being suitable for rezoning to either SP3-Tourist zone or to another land use zone. These sites generally proposed to be rezoned to R1 General Residential which is a translation of the LEP 2005 Village Tourist zone

The proposed rezoning of sites listed below does not result from a specific report. However it does remove the reliance on 'existing use rights' for the continuation or redevelopment of the current use of these sites, which are generally prohibited under the current zonings of the sites.

These sites have not been subjected to community review and are included in the Planning Proposal in order to obtain this community feedback. Each site has established tourist uses. These sites include:

- Church Missionary Society (CMS) Conference Centre, 4-12 Violet street, Katoomba  
Proposed 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;
- Parklands, 132- 174 Govetts Leap Rd, Blackheath  
Proposed for R1 General Residential with appropriate development controls
- International Hotel School, 74 Gladstone Road, Leura and Waldorf Leura Gardens Resort, 20-28 Fitzroy Street, Leura  
Proposed for R1 General Residential with appropriate development controls

- 119 Cliff Drive and 41 Violet Street, Katoomba  
Proposed to include these two sites within the built character precinct, RE2/SP3-KA20, that also includes the Church Missionary Society and Scenic World sites

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

This amendment seeks to put in place more appropriate zonings and provisions for strategic tourism sites. This is been done through the introduction and application of the SP3-Tourist zone as well as the rezoning of sites to other zones currently existing in LEP 2015.

The sites subject to this planning proposal currently have zonings which do not support strategic tourism direction of the sites.

The best means of achieving the intended outcome has been considered on a site by site basis, based on the recommendations of The Stafford Report and the non-statutory exhibition of the Strategic Tourism and Recreation Study Options Paper.

Those sites with a very specific tourism focus are proposed to be zoned SP3-Tourist to protect these sites from development for non-tourism uses.

Other strategic tourism sites that are suitable for a broader range of uses are proposed to be rezoned primarily to R1 General Residential which supports the provision of a range of tourism and non-tourism uses.

By proposing these zoning changes this planning proposal aims to control the permissibility of land uses through land use zones rather than relying on existing use rights or by adding additional uses of schedule 1 where possible. This also ensures that zone and precinct objectives which apply to the subject sites are consistent with the current and desired future uses of the sites.

The approach proposed for each site is considered the best means for that site to reflect the historic, current, and desired future use of the site. This is to ensure that tourism uses are encouraged and facilitated by the planning framework, and also to provide flexibility where necessary to balance the City's tourism needs with other land use needs.

## ***Section B - Relationship to strategic planning framework***

### **3. Is the planning proposal consistent with the objectives and actions of the applicable regional or sub – regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?**

This planning proposal is consistent 'A Plan for Growing Sydney' (Sydney Metropolitan Plan), which seeks to encourage tourism through planning for land use needs.

LEP 2015 currently supports tourism uses across a range of zones, most notably in zone R1 General Residential which permits a broad range of residential and tourism uses.

In addition to current provisions in LEP 2015 which support tourism, to better ensure the continued tourism use of key sites, this planning proposal is seeking to introduce zone SP3-Tourist into LEP 2015 and to rezone certain sites which have a strong long-standing tourism focus to SP3-Tourist.

Given the restrictive nature of the SP3-Tourist zone, the selection of these sites was carefully considered based on a series of guiding principle. In addition to these sites, this planning proposal also seeks to rezone a number of sites which contain existing tourism to more appropriate zonings which reflect these existing uses.

These additional strategic tourist sites are primarily proposed to be rezoned to R1 General Residential. This approach ensures the need to support tourism is balanced with other land use needs, consistent with A Plan for Growing Sydney.

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

This planning proposal is consistent with Sustainable Blue Mountains 2025 and other adopted local strategic planning policies.

Sustainable Blue Mountains 2025 sets out 6 key directions for the City. This planning proposal aligns with the objectives and strategies for the following key directions:

- Using land
- Sustainable economy
- Looking after the environment

In line with Sustainable Blue Mountains 2025, this planning proposal seeks to ensure that the City's planning framework continues to support and encourage tourism, which plays a key role in the local economy, whilst balancing this with other land use needs and the need to protect the City's high quality natural environment.

Draft Amendment 3 to LEP 2015 is also seeking to implement recommendations provided in the Strategic Tourism and Recreation Planning Study commissioned by Council in 2011.

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

An analysis of the application and consistency of Draft Amendment 3 to LEP 2015 with all State Environmental Planning Policies (SEPP's) has been undertaken as summarised in the table below.

Please note that because the planning proposal considers both a new land use zone and rezoning for a number of diverse sites, the relevance of each SEPP may vary according to what is being considered.

Note:

- <sup>1</sup> **Not Relevant:** This provision or planning instrument does not apply to land within the Draft Amendment 3 to LEP 2015
- <sup>2</sup> **Consistent:** This provision or planning instrument applies; the Draft Amendment 3 to LEP 2015 meets the relevant requirements and is in accordance with the provision or planning instrument.
- <sup>3</sup> **Justifiably Inconsistent:** This provision or planning instrument applies, and is considered to be locally inappropriate.

| State Environmental Planning Policies in force |                                                                   | NOT RELEVANT <sup>1</sup> | CONSISTENT <sup>2</sup> | JUSTIFIABLY INCONSISTENT <sup>3</sup> |
|------------------------------------------------|-------------------------------------------------------------------|---------------------------|-------------------------|---------------------------------------|
| SEPP 1                                         | Development Standards                                             | ✓                         |                         |                                       |
| SEPP 14                                        | Coastal Wetlands                                                  | ✓                         |                         |                                       |
| SEPP 15                                        | Rural Landsharing Communities                                     | ✓                         |                         |                                       |
| SEPP 19                                        | Bushland in Urban Areas                                           | ✓                         |                         |                                       |
| SEPP 21                                        | Caravan Parks                                                     |                           | ✓                       |                                       |
| SEPP 26                                        | Littoral Rainforests                                              | ✓                         |                         |                                       |
| SEPP 29                                        | Western Sydney Recreation Area                                    | ✓                         |                         |                                       |
| SEPP 30                                        | Intensive Agriculture                                             | ✓                         |                         |                                       |
| SEPP 32                                        | Urban Consolidation (Redevelopment of Urban Land)                 | ✓                         |                         |                                       |
| SEPP 33                                        | Hazardous and Offensive Development                               | ✓                         |                         |                                       |
| SEPP 36                                        | Manufactured Home Estates                                         | ✓                         |                         |                                       |
| SEPP 39                                        | Spit Island Bird Habitat                                          | ✓                         |                         |                                       |
| SEPP 44                                        | Koala Habitat Protection                                          |                           | ✓                       |                                       |
| SEPP 47                                        | Moore Park Showground                                             | ✓                         |                         |                                       |
| SEPP 50                                        | Canal Estate Development                                          | ✓                         |                         |                                       |
| SEPP 52                                        | Farm Dams and Other Works in Land and Water Management Plan Areas | ✓                         |                         |                                       |
| SEPP 55                                        | Remediation of Land                                               |                           | ✓                       |                                       |
| SEPP 59                                        | Central Western Sydney Economic and Employment Area               | ✓                         |                         |                                       |
| SEPP 62                                        | Sustainable Aquaculture                                           | ✓                         |                         |                                       |
| SEPP 64                                        | Advertising and Signage                                           | ✓                         |                         |                                       |
| SEPP 65                                        | Design quality of Residential Apartment Development               |                           | ✓                       |                                       |
| SEPP 70                                        | Affordable Housing (Revised Schemes)                              | ✓                         |                         |                                       |
| SEPP 71                                        | Coastal Protection                                                | ✓                         |                         |                                       |
| SEPP                                           | (Affordable Rental Housing) 2009                                  |                           | ✓                       |                                       |
| SEPP                                           | (Building Sustainability Index: BASIX) 2004                       | ✓                         |                         |                                       |
| SEPP                                           | (Exempt and Complying Development Codes) 2008                     |                           | ✓                       |                                       |
| SEPP                                           | (Housing for Seniors or People with a Disability) 2004            |                           |                         | ✓                                     |
| SEPP                                           | (Infrastructure) 2007                                             | ✓                         |                         |                                       |
| SEPP                                           | (Kosciuszko National Park – Alpine Resorts) 2007                  | ✓                         |                         |                                       |
| SEPP                                           | (Kurnell Peninsula) 1989                                          | ✓                         |                         |                                       |
| SEPP                                           | (Mining, Petroleum Production and Extractive Industries) 2007     |                           |                         | ✓                                     |
| SEPP                                           | (Miscellaneous Consent Provisions) 2007                           | ✓                         |                         |                                       |

| State Environmental Planning Policies in force |                                                                                    | NOT RELEVANT <sup>1</sup> | CONSISTENT <sup>2</sup> | JUSTIFIABLY INCONSISTENT <sup>3</sup> |
|------------------------------------------------|------------------------------------------------------------------------------------|---------------------------|-------------------------|---------------------------------------|
| SEPP                                           | (Penrith Lakes Scheme) 1989                                                        | ✓                         |                         |                                       |
| SEPP                                           | (Rural Lands) 2008                                                                 | ✓                         |                         |                                       |
| SEPP                                           | (SEPP 53 Transitional Provisions) 2011                                             | ✓                         |                         |                                       |
| SEPP                                           | (State and Regional Development) 2011                                              | ✓                         |                         |                                       |
| SEPP                                           | (State Significant Precincts) 2005                                                 | ✓                         |                         |                                       |
| SEPP                                           | (Sydney Drinking Water Catchment) 2011                                             |                           | ✓                       |                                       |
| SEPP                                           | (Sydney Region Growth Centres) 2006                                                | ✓                         |                         |                                       |
| SEPP                                           | (Three Ports) 2013                                                                 | ✓                         |                         |                                       |
| SEPP                                           | (Urban Renewal) 2010                                                               | ✓                         |                         |                                       |
| SEPP                                           | (Western Sydney Employment Area) 2009                                              | ✓                         |                         |                                       |
| SEPP                                           | (Western Sydney Parklands) 2009                                                    | ✓                         |                         |                                       |
|                                                | Sydney Regional Environmental Plan No. 20 Hawkesbury – Nepean River (No. 2 – 1997) |                           | ✓                       |                                       |

This planning proposal is generally consistent with all relevant SEPPs. However, where a SEPP has been noted in the table above as either 'consistent' or 'justifiably inconsistent' a further explanation has been provided below detailing if this is related to the SP3-Tourist zone or a specific site and then how the SEPP has been addressed.

## SEPP 21 Caravan Parks

### Objective

This SEPP ensures that where caravan parks or camping grounds are permitted under an environmental planning instrument, movable dwellings, as defined in the Local Government Act 1993, are also permitted. The specific kinds of movable dwellings allowed under the Local Government Act in caravan parks and camping grounds are subject to the provisions of the Caravan Parks Regulation. The policy ensures that development consent is required for new caravan parks and camping grounds and for additional long-term sites in existing caravan parks. It also enables, with the council's consent, long-term sites in caravan parks to be subdivided by leases of up to 20 years.

### Response

The SP3-Tourist zone includes caravan park as a consent use and therefore the zone itself, and the sites to which it is to be applied, is consistent with this SEPP. In addition the Church Missionary Society site is being rezoned from E4 Environmental Living to RE2 private Recreation which permits caravan parks as a consent use.

The planning proposal is consistent with this SEPP.

## SEPP 44 Koala Habitat Protection

### Objective

This SEPP encourages the conservation and management of natural vegetation areas that provide habitat for koalas to ensure permanent free-living populations will be maintained over their present range. The policy provides the state-wide approach needed to enable appropriate development to continue, while ensuring there is ongoing protection of koalas and their habitat.

## **Response**

LEP 2015 ensures the protection of natural areas of vegetation through a range of control measures including protected areas. Protected areas are applied as relevant, in addition to zoning provisions. In addition to the mandatory clauses relating to the preservation of trees and vegetation, Blue Mountains LEP 2015 includes additional Local Provisions specifically addressing vegetation and fauna habitat. These clauses are clause 6.6 Protected Area - vegetation constraint area and clause 6.7 Protected Area – ecological buffer area. In addition to protecting identified and mapped significant vegetation, these clauses also apply to land which contains a significant vegetation community or rare species of flora, which may not currently be mapped or identified. These additional local clauses are not zone related and the proposal to rezone a site will not diminish the application of this SEPP.

The planning proposal is consistent with the SEPP.

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## **SEPP 55 Remediation of Land**

### **Objective**

This SEPP aims to provide a state wide planning approach to the remediation of contaminated land by reducing risk of harm to human health and to the environment and requires that a planning authority considered whether the land is contaminated, and if the land is contaminated, the planning authority is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for all the purposes for which land in the zone concerned is permitted to be used, and if the land requires remediation to be made suitable for any purpose for which land in that zone is permitted to be used.

### **Response**

The planning proposal includes one site with a known record of asbestos, the Blackheath Caravan Park. This is identified in Council records and any development application for the site would need to address this issue as part of the assessment process.

The planning proposal is consistent with the SEPP.

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## **SEPP 65 Design quality of Residential Apartment Development**

### **Objective**

This SEPP raises the design quality of residential apartment development across the state through the application of a series of design principles. It provides for the establishment of Design Review Panels to provide independent expert advice to councils on the merit of residential apartment development. The accompanying regulation requires the involvement of a qualified designer throughout the design, approval and construction stages.

### **Response**

All sites, except those proposed to be rezoned R1 General Residential are going from a zone where residential apartment development as land uses are generally prohibited to another land use zone where these land uses remain prohibited. There are however three sites being rezoned to R1 and residential apartment development will be a consent use in those zones. Any development application received for those sites would need to be meet the requirements of the SEPP if the proposed development meets the required criteria in the SEPP.

The planning proposal is consistent with the SEPP.

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## **SEPP (Affordable Rental Housing) 2009**

### **Objective**

This SEPP seeks to provide a consistent planning regime for the provision of affordable rental housing and is applicable to specified development for dual occupancies, multi dwelling housing or residential flat buildings, where permissible under the LEP.

### **Response**

All sites proposed for rezoning in the planning proposal are currently used for, and have a long history of use as, tourism uses and do not provide affordable rental housing. Rezoning these sites would not restrict or otherwise inhibit the application of this SEPP and is therefore consistent with the SEPP.

The planning proposal is consistent with the SEPP.

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## **SEPP (Exempt and Complying Development) 2008**

### **Objective**

This SEPP streamlines assessment processes for development that complies with specified development standards. The policy provides exempt and complying development codes that have State-wide application, identifying, in the General Exempt Development Code, types of development that are of minimal environmental impact that may be carried out without the need for development consent; and, in the General Housing Code, types of complying development that may be carried out in accordance with a complying development certificate.

### **Response**

Two of the sites proposed to be rezoned are going from a land use zone where the General Housing code would apply to one where it would not. These sites are the Blackheath Caravan Park and Hydro Majestic. These sites are currently used for, and have a long history of use as, tourism uses and the likelihood of the General Housing Code being used to facilitate a dwelling house under the SEPP is unlikely. Also, a number of the sites proposed to be rezoned to R1 would in fact now be subject to the SEPP where before they would not. Although, as noted previously, all sites proposed for rezoning have substantial tourism related development present.

The planning proposal is consistent with the SEPP.

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## **SEPP (Housing for Seniors or People with a Disability) 2004**

### **Objective**

This policy seeks to encourage the development of high quality accommodation for an ageing population and for people who have disabilities.

### **Response**

This policy applies to those sites currently zoned Village–Tourist, R2 Low Density Residential, E3 Environmental Management and E4 Environmental Living. However a number of these sites contain slope and grade restrictions as well as being on bushfire prone land. In addition, almost none of the proposed sites for rezoning would have access to the specified facilities required for the SEPP to apply.

While the proposed rezoning of a number of the sites would technically reduce the opportunity for increased diversity in residences that meet the needs of seniors, it is considered that the

SEPP would not be applicable and that there are sufficient grounds to support the inconsistency.

The planning proposal is therefore considered justifiably inconsistent with the SEPP.

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### **SEPP (Mining, Petroleum Production and Extractive Industries) 2007**

#### ***Objective***

This SEPP provides for the proper management and development of mineral, petroleum and extractive material resources for the social and economic welfare of the State. The Policy establishes appropriate planning controls to encourage ecologically sustainable development. Mining, Petroleum Production and Extractive Industries generally may be carried out on land where development for the purposes of agriculture or industry may be carried out (with or without development consent).

#### ***Response***

Under SEPP (Mining, Petroleum Production and Extractive Industries) 2007, development for the purpose of Mining, Petroleum production or Extractive industry is permissible with consent on land on which development for the purposes of agriculture or industry may be carried out (with or without development consent). Under the Standard Instrument, Agriculture means aquaculture, extensive agriculture, intensive livestock agriculture or intensive plant agriculture.

A number of the sites have current zonings of RE2 Private Recreation, E3 Environmental Management and/or E4 Environmental Living and these are zones under LEP 2015 that permit development for the purpose of either intensive plant agriculture and/or extensive agriculture, therefore this SEPP applies to those sites. Most of those sites are proposed to be rezoned to a land use zone in which no agricultural activity is permitted and this would have the effect of prohibiting Mining, Petroleum Production or Extractive Industries. However these sites currently have established long-term tourism uses that would not be compatible with mining as a land uses.

The planning proposal is therefore considered justifiably inconsistent with this direction. Reference may be made to actions arising from the consideration of Direction 1.3 for further information.

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### **SEPP (Sydney Drinking Water Catchment) 2011**

#### ***Objective***

The aims of this SEPP are to provide for healthy water catchments that will deliver high quality water while permitting development that is compatible with that goal. The Policy provides that a consent authority must not grant consent to a proposed development unless it is satisfied that the proposed development will have a neutral or beneficial effect on water quality. The Policy also aims to support the maintenance or achievement of the water quality objectives for the Sydney drinking water catchment.

#### ***Response***

Significant areas of the Blue Mountains LGA are within the Sydney Drinking catchment. LEP 2015 contains a number of specific clauses dealing with stormwater quality which apply independent of the zoning on the land. In addition, site specific controls are proposed to be included in Part 7 for each of the sites proposed to be rezoned to ensure that existing controls relating to the environment are retained.

The planning proposal is consistent with this SEPP.

## **SEPP Sydney Regional Environmental Plan No. 20 Hawkesbury – Nepean River (No. 2 – 1997)**

### ***Objective***

This SEPP integrates planning with catchment management to protect the river system. The impact of future land use is to be considered in a regional context. The plan covers water quality and quantity, environmentally sensitive areas, riverine scenic quality, agriculture, and urban and rural residential development. It controls development that has the potential to impact on the river environment. The plan applies to all parts of the catchment in the Sydney Region (15 local government areas - including the Blue Mountains), except for land covered by Sydney REP No. 11 - Penrith Lakes Scheme.

### ***Response***

While this planning proposal seeks to rezone land to promote a specific land use type (tourism) development controls will still apply in LEP 2015 that relate to the protection of environmentally sensitive areas and ensure water quality both on and off site meet the outcomes of the above policy.

The planning proposal is consistent with this SEPP.

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

The following table provides a summary of the application and consistency with Section 117 Directions.

Please note that because the planning proposal considers both a new land use zone and rezoning for a number of diverse sites, the relevance of each Direction may vary according to what is being considered.

### Note:

- <sup>1</sup> **Not Relevant:** This provision or planning instrument does not apply to land within the Draft Amendment 3 to LEP 2015
- <sup>2</sup> **Consistent:** This provision or planning instrument applies; the Draft Amendment 3 to LEP 2015 meets the relevant requirements and is in accordance with the provision or planning instrument.
- <sup>3</sup> **Justifiably Inconsistent:** This provision or planning instrument applies, and is considered to be locally inappropriate.

| Directions under Section 117(2)                         |                                                                                   | NOT RELEVANT 1 | CONSISTENT 2 | JUSTIFIABLY INCONSISTENT 3 |
|---------------------------------------------------------|-----------------------------------------------------------------------------------|----------------|--------------|----------------------------|
| <b>1. EMPLOYMENT AND RESOURCES</b>                      |                                                                                   |                |              |                            |
| 1.1                                                     | Business and Industrial Zones                                                     | ✓              |              |                            |
| 1.2                                                     | Rural Zones                                                                       | ✓              |              |                            |
| 1.3                                                     | Mining, Petroleum Production and Extractive Industries                            |                |              | ✓                          |
| 1.4                                                     | Oyster Aquaculture                                                                | ✓              |              |                            |
| 1.5                                                     | Rural Lands                                                                       | ✓              |              |                            |
| <b>2. ENVIRONMENT AND HERITAGE</b>                      |                                                                                   |                |              |                            |
| 2.1                                                     | Environmental Protection Zones                                                    |                | ✓            |                            |
| 2.2                                                     | Coastal Protection                                                                | ✓              |              |                            |
| 2.3                                                     | Heritage Conservation                                                             |                | ✓            |                            |
| 2.4                                                     | Recreation Vehicle Areas                                                          | ✓              |              |                            |
| 2.5                                                     | Application of E2 and E3 zones and environmental overlays in Far north Coast LEPs | ✓              |              |                            |
| <b>3. HOUSING, INFRASTRUCTURE AND URBAN DEVELOPMENT</b> |                                                                                   |                |              |                            |
| 3.1                                                     | Residential Zones                                                                 |                |              | ✓                          |
| 3.2                                                     | Caravan Parks and Manufactured Home Estates                                       |                | ✓            |                            |
| 3.3                                                     | Home Occupations                                                                  | ✓              |              |                            |
| 3.4                                                     | Integrating Land Use and Transport                                                |                | ✓            |                            |
| 3.5                                                     | Development Near Licensed Aerodromes                                              | ✓              |              |                            |
| 3.6                                                     | Shooting Ranges                                                                   | ✓              |              |                            |
| <b>4. HAZARD AND RISK</b>                               |                                                                                   |                |              |                            |
| 4.1                                                     | Acid Sulfate Soils                                                                | ✓              |              |                            |
| 4.2                                                     | Mine Subsidence and Unstable Land                                                 |                | ✓            |                            |
| 4.3                                                     | Flood Prone Land                                                                  |                | ✓            |                            |
| 4.4                                                     | Planning for Bushfire Protection                                                  |                | ✓            |                            |
| <b>5. REGIONAL PLANNING</b>                             |                                                                                   |                |              |                            |
| 5.1                                                     | Implementation of Regional Strategies                                             | ✓              |              |                            |
| 5.2                                                     | Sydney Drinking Water Catchments                                                  |                | ✓            |                            |
| 5.3                                                     | Farmland of State and Regional Significance on the NSW Far North Coast            | ✓              |              |                            |
| 5.4                                                     | Commercial and Retail Development along the Pacific Highway, North Coast          | ✓              |              |                            |
| 5.5                                                     | Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)      | ✓              |              |                            |

| Directions under Section 117(2) |                                                                               | NOT RELEVANT 1 | CONSISTENT 2 | JUSTIFIABLY INCONSISTENT 3 |
|---------------------------------|-------------------------------------------------------------------------------|----------------|--------------|----------------------------|
|                                 |                                                                               |                |              |                            |
| 5.6                             | Sydney to Canberra Corridor (Revoked 10 July 2008. See amended Direction 5.1) | ✓              |              |                            |
| 5.7                             | Central Coast (Revoked 10 July 2008. See amended Direction 5.1)               | ✓              |              |                            |
| 5.8                             | Second Sydney Airport: Badgerys Creek                                         | ✓              |              |                            |
| 5.9                             | North West Rail Link Corridor Strategy                                        | ✓              |              |                            |
| 5.10                            | Implementation of Regional Plan                                               | ✓              |              |                            |
| <b>6.</b>                       | <b>LOCAL PLAN MAKING</b>                                                      |                |              |                            |
| 6.1                             | Approval and Referral Requirements                                            |                | ✓            |                            |
| 6.2                             | Reserving Land for Public Purposes                                            |                | ✓            |                            |
| 6.3                             | Site Specific Provisions                                                      |                |              | ✓                          |
| <b>7.</b>                       | <b>METROPOLITAN PLANNING</b>                                                  |                |              |                            |
| 7.1                             | Implementation of A Plan for Growing Sydney                                   |                | ✓            |                            |
| 7.2                             | Implementation of Greater Macarthur Land Release investigation                | ✓              |              |                            |

This planning proposal is generally consistent with all relevant Section 117(2) Ministerial Directions and comment on relevant Directions. However, where a Direction has been noted as either 'consistent' or 'justifiably inconsistent' a further explanation has been provided below detailing if this is related to the SP3-Tourist zone or a specific site and then how the Direction has been addressed.

### Direction 1.3 Mining, Petroleum Production and Extractive Industries

#### Objective

- (1) *The objective of this direction is to ensure that the future extraction of State or regionally significant reserves of coal, other minerals, petroleum and extractive materials are not compromised by inappropriate development.*

#### Response

Development for the purpose of Mining, Petroleum production or Extractive industry is permissible with consent on land on which development for the purposes of agriculture or industry may be carried out (with or without development consent). Under the Standard Instrument, Agriculture means aquaculture, extensive agriculture, intensive livestock agriculture or intensive plant agriculture.

As previously discussed under the SEPP for Mining, Petroleum Production and Extractive Industries, a number of the sites have current zonings of RE2 Private Recreation, E3 Environmental Management and/or E4 Environmental Living and these are zones under LEP 2015 that permit development for the purpose of either intensive plant agriculture and/or extensive agriculture, therefore this SEPP applies to those sites. Most of those sites are proposed to be rezoned to a land use zone in which no agricultural activity is permitted and this would have the effect of prohibiting Mining, Petroleum Production or Extractive Industries. However these sites currently have established long-term tourism uses that would not be compatible with mining as a land uses.

The planning proposal is therefore considered justifiably inconsistent with this Direction.

Nonetheless, in keeping with the Direction, the Director-General of the Department of Primary Industries will be consulted and advice sought with regards to resources of coal, other minerals, petroleum or extractive material that are of either State or regional significance.

## Direction 2.1 Environmental Protection Zones

### **Objective**

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

### **Response**

This planning proposal seeks to introduce the SP3-Tourist zone into the LEP 2015. LEP 2015 is a best fit translation into the Standard instrument template of the zonings and provisions that existed previously. The SP3-Tourist zone represents a new policy direction and is intended to support strategic tourism and recreation development in accordance with the conclusions and recommendations of the Strategic Tourism and Recreation Planning Study.

The SP3 zone is an additional zone which will not be applied to any land that is zoned E2 Environmental conservation. It will however be applied to some sites with E3 Environmental Management zone and/or E4 Environmental Living zoning, however these zones currently allow a range of tourist and non-tourist land uses.

Sites that contain environmentally sensitive areas that are zoned SP3-Tourist will continue to be protected by the Protected Areas overlays. In addition controls relating to the protection of existing environmentally sensitive areas will be included within the precinct controls for the site.

The above approach provides a consistent framework for the application of zones and provisions across the City under LEP 2015.

The planning proposal is consistent with this Direction.

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## Direction 2.3 Heritage Conservation

### **Objective**

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

### **Response**

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

The heritage status of any item is not altered by draft Amendment 3 to LEP 2015.

The planning proposal is consistent with this Direction.

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## Direction 3.1 Residential Zones

### **Objectives**

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

### **Response**

This planning proposal applies to land that is either to be zoned SP3-Tourist, R1 General Residential or RE2-Private Recreation. While a number of the sites proposed for SP3-Tourist currently have a zone that permits residential development (primarily dwelling houses) each of those four sites has a substantial tourist development present and the potential for any residential development was already limited.

Sites proposed to be zoned R1 General Residential under LEP 2015 permit a range of residential development types, within the limitation of the individual site. The one site proposed to be rezoned from E4 Environmental Living to RE2 Private Recreation provides for an established tourism use on the site with limited residential development opportunity.

The planning proposal is therefore considered justifiably inconsistent with this Direction.

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### **Direction 3.2 Caravan Parks and Manufactured Home Estates**

#### **Objectives**

- (1) *The objectives of this direction are:*
- (a) *to provide for a variety of housing types, and*
  - (b) *to provide opportunities for caravan parks and manufactured home estates.*

### **Response**

This planning proposal seeks to introduce a new standard instrument zone into the Blue Mountains standard instrument LEP. The SP3-Tourist zone includes caravan parks as permissible with consent in the SP3-Tourist zone. This ensures that the sites with existing caravan parks retain a zone which facilitates the on-going operation of the existing caravan park.

The planning proposal is consistent with this Direction.

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### **Direction 3.4 Integrating Land Use and Transport**

#### **Objectives**

- (1) *The objective of this direction is to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:*
- (a) *improving access to housing, jobs and services by walking, cycling and public transport, and*
  - (b) *increasing the choice of available transport and reducing dependence on cars, and*
  - (c) *reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and*
  - (d) *supporting the efficient and viable operation of public transport services, and*
  - (e) *providing for the efficient movement of freight.*

### **Response**

The introduction of the SP3-tourist zone satisfies the objectives of this Ministerial Direction in that it supports major existing tourism and recreational development, and recognises specialised tourism centres providing significant employment and economic activity.

The planning proposal is consistent with this Direction.

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### **Direction 4.3 Flood Prone Land**

**Objectives**

- (1) *The objectives of this direction are:*
- (a) *to ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005, and*
  - (b) *to ensure that the provisions of an LEP on flood prone land is commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land.*

**Response**

This planning proposal includes 3 sites (Fairmont Resort; School of Hotel Management and the Waldorf) identified within a Floodplain Risk Management Plan, the South Leura Floodplain Risk Management Plan. All three of these sites are described as being above the Flood Planning Level.

The planning proposal is consistent with this Direction.

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**Direction 4.4 Planning for Bushfire Protection****Objectives**

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

**Response**

Blue Mountains LGA contains many allotments which are mapped as being within a bush fire area, and need to be considered against this Direction. However LEP 2015 in general includes consideration of the exposure to bush fire hazards in cl.1.2(i) – Aims of Plan, in zone objectives for E2 Environmental Conservation and E4 Environmental Living. The new SP3-Tourist zone, as well as all existing zones in LEP 2015, would need to meet the aims of the plan as above.

Nevertheless, on receipt of a gateway determination and prior to undertaking community consultation, the Commissioner of the NSW Rural Fire Service will be consulted and feedback incorporated into the planning proposal.

The planning proposal is consistent with this Direction.

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**Direction 5.2 Sydney Drinking Water Catchments****Objective**

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

**Response**

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

By ensuring that these provisions operate as intended, the impact of development on stormwater runoff into waterways, especially drinking water catchments, is minimised while permitting a reasonable level of development. All sites subject to this planning proposal will need to conform with the provisions relating to stormwater in LEP 2015.

The planning proposal is consistent with this Direction.

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### **Direction 6.3 Site Specific Provisions**

#### **Objective**

- (1) *The objective of this direction is to discourage unnecessarily restrictive site specific planning controls.*

#### **Response**

The above direction has been considered with regards to the specific sites included in the planning proposal for rezoning.

All sites included for rezoning in this planning proposal have significant tourism development present. LEP 2015 already provides for specific precinct based control as part of a place-based planning framework. While specific site controls have been introduced in LEP 2015 for a number of these sites, these controls recognise either existing built form and land uses on the sites, or to permit development that has been approved through the DA process, while providing additional development opportunities where appropriate.

The planning proposal is therefore considered justifiably inconsistent with this Direction.

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### **Direction 7.1 Implementation of A Plan for Growing Sydney**

#### **Objective**

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

#### **Response**

The intention of this Planning Proposal is to support tourism and recreation development in the Blue Mountains through the introduction of a specific standard instrument zone for tourism. In this regard the proposal is largely driven by the recommendations of a strategic planning study, commissioned by the Blue Mountains City Council in 2010, however the introduction of SP3-Tourist zone will enable Council to more specifically target tourism development, which is one of the state governments priority industries.

Furthermore, A Plan for Growing Sydney includes a number of objectives in relation to tourism and states that one of the priorities for the west Subregion is to:

*“Support and develop the visitor economy to maintain the role of the Greater Blue Mountains World Heritage Area as a nationally significant tourism destination, and the subregion’s role as a visitor gateway to regional NSW.”*

The planning proposal is consistent with this priority and this Direction.

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## **Section C - Environmental, Social and Economic Impact**

### **7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?**

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

Provisions in LEP 2015 recognise and seek to protect the environmental values that are present within the Blue Mountains LGA, including the world heritage values of the surrounding National Park system and the location of the Sydney Drinking Water Catchment within the LGA. Provisions include Protected Areas such as vegetation and

This planning proposal does not seek to change these provisions. As a result it is considered that the level of protection afforded to critical habitat, threatened species populations or ecological communities will be maintained as a result of this amendment.

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

Blue Mountains LEP 2015 contains strong controls for the protection of the environment, and nothing in this draft amendment seeks to diminish or contradict these provisions.

Furthermore the planning proposal introduces specific controls in Part 7 of LEP 2015 for each of the sites to ensure that the rezoning does not compromise the specific environmental, aesthetic, heritage values of the site and adjoining area.

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

Tourism is a significant component of the Blue Mountains economy. The proposed introduction of zone SP3-Tourist and the rezoning of strategic tourism sites recognises the importance of tourism to the Blue Mountains and provides certainty for the future of these sites.

This draft amendment would reduce the need for these sites to rely upon existing use rights for future redevelopment, and ensures that the strategic direction for these sites to continue to play a key role in the City's tourism economy is articulated in the planning framework.

There is not considered to be any likely social effects as a result of the planning proposal as it is primarily seeking to recognise the existing tourism uses on a range of sites. However, it may be considered that there is some social benefit in protecting the tourism role of particular sites, particularly if there is a strong history of tourism uses, where the community may have attached value to a site such as the Hydro Majestic.

## ***Section D - State and Commonwealth Interests***

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

This amendment seeks to rezone a number of existing tourism sites to reflect their existing use. Most of the sites are already significantly developed and unlikely to expand significantly in the near future. As such, this amendment will not generate any additional demand on infrastructure.

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

In accordance with Section 117 Direction 1.3 Mining, Petroleum Production and Extractive Industries, the Director-General of the Department of Primary Industries will be consulted and advice sought with regards to resources of coal, other minerals, petroleum or extractive material that are of either State or regional significance.

Further, in accordance with Clause 4 of Section 117 Direction 4.4 Planning for Bushfire Protection, the Commissioner of the NSW Rural Fire Service will also be consulted.

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

## **PART 4 MAPPING**

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

For the purpose of the gateway review and community consultation, maps showing the current and proposed mapped constraints and standards have been prepared for each site and are attached to the Council Report of 15 November 2016 (Attachment 11).

A description of these proposed mapping changes is included in Part 2 of this planning proposal and additional background information on each site is enclosed to the Council report of 15 November 2016 (Attachment 11).

## PART 5 COMMUNITY CONSULTATION

The formal consultation and exhibition process of this planning proposal will be conducted in accordance with the Gateway determination.

It should also be noted that the development of this planning proposal has been informed by previous community consultation as detailed below.

In 2011 the Council commissioned the Strategic Tourism and Recreation Planning Study (also known as the Stafford Report) as part of the background work for a new Local Environmental Plan (LEP) for the Blue Mountains. The Stafford Report made a number of recommendations, including development possibilities for a number of specific sites in the Blue Mountains and suggested that Council may consider introducing a new tourist zone, specifically the SP3 - Tourist zone.

Shortly after the 2011 report was finalised however, Council was directed to prepare a new Standard Instrument LEP. The approach taken by Council at the time was to maintain the existing planning provisions from previous LEPs when converting the existing LEPs into the mandatory Standard Instrument format. As a result, while some of the recommendations of the Stafford Report were able to be incorporated into LEP 2015, recommendations relating to specific sites and the application of an SP3-Tourist zone were not applied at that time, as these represented a change in policy for Council, rather than a translation of existing policy.

As part of the review of submissions process for the then Draft LEP 2013 Council resolved on 23 October 2014 to commence a review of the Stafford Report. Accordingly a report was presented to Council on 21 April 2015 with an Options Paper for the purposes of a non-statutory public exhibition. This report presented a draft SP3-Tourist zone for comment, along with an assessment of fifteen (15) sites nominated in the Stafford Report for further consideration at a strategic level. An additional site was included for a property that requested a SP3-Tourist zone during exhibition of then DLEP 2013.

The Options Paper and relevant background papers, including the Stafford Report and Department of Planning and Environment's Practice Notes on tourism and land uses, were available for viewing during a non-statutory six week consultation period from 5 August to 16 September 2015. In total 114 submissions were received which raised 384 issues and comments on all sites and the proposed new SP3-Tourist zone. A preliminary review of submissions received was contained in a Council Report of 8 December 2015.

A further report was brought before Council on 29 March 2016 where the outcomes of the non-statutory exhibition of the Strategic Tourism Options Paper were reviewed in details and it was 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;"*

*[Minute No. 78]*

This planning proposal has been prepared in accordance with the above resolution.

## PART 6 PROJECT TIMELINE

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

An anticipated project timeline is:

|                          |                                                                                                                                                                                                                                                                 |
|--------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 15 November 2016         | Planning Proposal reported to the Council                                                                                                                                                                                                                       |
| November – December 2016 | Gateway panel reviews draft Amendment 3 to LEP 2015<br>Gateway determination issued                                                                                                                                                                             |
| February 2017            | Community Consultation                                                                                                                                                                                                                                          |
| March 2017               | Council reviews submissions to draft Amendment 3 to LEP 2015                                                                                                                                                                                                    |
| April 2017               | Report prepared for the Council to consider the result of the community consultation including any changes to this amendment.<br><br>Planning Proposal and relevant supporting information is forwarded to the Department for final review.                     |
| May 2017                 | The Minister considers the final draft of draft Amendment 3 to LEP 2015 and determines if the proposal can be made.<br><br>The draft Amendment is returned to the Council.<br><br>Report prepared for the Council to consider the final draft of the amendment. |
| May 2017                 | Council considers the final draft of the Amendment<br><br>Final draft of the Amendment is returned to the Department requesting that the Minister make the plan.                                                                                                |
| June 2017                | Plan is notified.                                                                                                                                                                                                                                               |

## PART 7 ATTACHMENTS

|                                                                        | Attachment |
|------------------------------------------------------------------------|------------|
| Maps                                                                   |            |
| • Blackheath Caravan Park                                              | 1          |
| • Hydro Majestic Hotel                                                 | 2          |
| • Scenic World                                                         | 3          |
| • Fairmont Resort                                                      | 4          |
| • Echo Point Motor Inn                                                 | 5          |
| • Parklands                                                            | 6          |
| • Church Missionary Society                                            | 7          |
| • International Hotel Management School & Waldorf Leura Gardens Resort | 8          |
| • Katoomba Precinct 'RE2/SP3-KA20'                                     | 9          |
| Strategic Tourism and Recreation Study ( the Stafford Report)          | 10         |
| Council business paper and minutes 15 November 2016                    | 11         |