

PLANNING PROPOSAL

Blue Mountains
Local Environmental Plan 2015
(Draft Amendment 5)

Heritage Review



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PART 1 INTRODUCTION AND OBJECTIVES OF THE PLANNING PROPOSAL

Introduction

The identification and protection of items evaluated as being of heritage significance is highly valued by the Blue Mountains community. The LGA contains 893 heritage items and 19 heritage conservation areas. The ongoing management of the heritage inventory includes the accurate documentation and recording of these items, and is seen as fundamental to protecting these valued assets.

Blue Mountains City Council has had an ongoing program of reviewing its heritage since the early 1980s and updating relevant LEPs as required. Since 2005, work on the Heritage Review has been sporadic due to Council's competing priorities and more recently due to the required focus on preparing a Standard Instrument LEP for the Blue Mountains.

Council has now completed a substantial housekeeping review to carry forward recommendations outstanding from previous heritage studies, to correct errors and to update information.

The identification and assessment of heritage significance has been established through assessments using the criteria contained in the document titled *Assessing Heritage Significance* produced by the Heritage Division in 2001 and part of the NSW Heritage Manual.

This planning proposal has been prepared in accordance with Section 55 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and the two documents prepared by the NSW Department of Planning and Environment titled *A Guide to Preparing Planning Proposals* (August 2016) and *A Guide to Preparing Local Environment Plans* (August 2016).

Council has recently conducted preliminary community consultation in regard to the proposed changes. Following the review of the submissions received, the proposal details have been updated where relevant. The consultation process is detailed in the various Council reports attached to the planning proposal (Attachments 5a-5d), and the response to the submissions is detailed in a document presented to Council (Attachment 2).

The Heritage Review applies to heritage items only. Heritage conservation areas and Aboriginal heritage places do not form part of the current Heritage Review proposed changes.

The zoning and development standards applying to the sites are not proposed to change as a result of this planning proposal.

Objectives

The objective of this planning proposal is to conserve the cultural heritage of the Blue Mountains, by amending Schedule 5 *Environmental heritage* (the heritage schedule) and relevant heritage maps (the heritage mapping) of the Blue Mountains Local Environmental Plan 2015 (LEP 2015).

The aims of the planning proposal are:

- The recognition and clarification of heritage significance;
- The statutory protection of items of heritage significance; and
- The long-term conservation of the cultural heritage of the Blue Mountains.

PART 2 EXPLANATION OF PROVISIONS

The objectives of the planning proposal will be achieved by amending Schedule 5 *Environmental heritage* of LEP 2015, as summarised in the attached schedules of proposed changes (Attachment 3), and by amending the relevant heritage maps consistent with Schedule 5 (Attachment 11).

The proposal to make changes to LEP 2015 heritage schedule and heritage mapping are supported by new or modified heritage inventory sheets for the affected properties (Attachment 10).

The individual items included in this proposal fall into the following categories:

1. Proposed new heritage items (67 Items);
2. Proposed deleted heritage items (33 items);
3. Proposed modified heritage items (305 items).

LEP 2015

Heritage schedule

Listing of a heritage item occurs within Schedule 5 of the LEP. The format is prescribed by the standards of the Department of Planning and Environment (the Department) and the changes will align with the format of the current LEP 2015 schedule.

The listing will identify each site by its suburb, a brief listing description, address and the real property description (relevant lot/DPs). Items in the Blue Mountains National Park, the Great Western Highway or the Council road reserve do not have real property descriptions identified. Items in the railway corridor generally do have lot and DPs identified.

Local or state significance is identified for each property. All proposed new items and items proposed to be deleted are of local significance. All modified items are of local significance, although some items are also listed on the State Heritage Register.

All heritage items in the Blue Mountains LGA also have a local identifier which is included as a column in the heritage schedule of LEP 2015.

The changes proposed by the planning proposal are identified by underline and strikethrough text. This method was used in the preliminary consultation period to assist property owners in understanding the changes. An example of new and modified items in the schedule is shown below.

SUBURB	NAME	ADDRESS	LOT/DP		LOCAL ID
Blackheath	Shop fronts <u>and interiors</u>	22 Govetts Leap Road	Lot A, DP 370171	Local	BH151
Blackheath	Ribbons and Rainbows <u>Brick cottage</u>	64 Govetts Leap Road	Lot 10, Section 2, DP 2904	Local	BH156
<u>Faulconbridge</u>	Former <u>Faulconbridge sawmill</u>	<u>Blue Mountains National Park</u>		<u>Local</u>	<u>FB049</u>
<u>Katoomba</u>	Track - Nellies Glen to Bonnie Doon Falls	9-11 Narrow Neck Road <u>and 370-380 Great Western</u>	Lot 3 DP 772152, Lots 100-101 DP 839530	Local	K079

SUBURB	NAME	ADDRESS	LOT/DP		LOCAL ID
	<u>Reserves</u>	<u>Highway</u>			

Heritage mapping

Proposed mapping changes fall into the following categories:

1. Proposed new heritage items, with a preliminary image of the new mapped area included in the planning proposal;
2. Existing heritage items with a mapping change proposed, with preliminary images indicating existing and proposed mapping to highlight the change;
3. Items proposed to be deleted, with no mapping including in the planning proposal.

Mapping changes to complex 'natural' items

Many large and/or complex items in 'natural' areas are currently mapped as a dot / small circle. Work done by Council on mapping of walking tracks has facilitated the updating of these dots to track polygons, which improves the understanding of the location and scope of these items.

Landscape conservation area mapping

The Blue Mountains LGA has 'natural' areas with cultural landscape values, including scenic views, lookouts, industrial remnants, walking tracks and reserves. The Heritage Review proposes a change to the mapping conventions of some of these areas to better indicate the heritage values, through representation as 'landscape conservation areas' as expressed in the Standard Instrument mapping legend. Currently no items are mapped as landscape conservation areas.

Archaeological conservation area mapping

The LGA also has a highly significant road corridor, the Great Western Highway or 'Great Western Road' dating from the colonial period. The Heritage Review seeks to better identify archaeological remains dating from early exploration and settlement in or adjacent the road corridor through the mapping convention of an 'archaeological conservation area', represented as a yellow hatched area, consistent with the Standard Instrument mapping conventions and legend. Consultation with the Department's GIS and mapping division indicated in-principle support for the proposal.

A large number of heritage items in the Heritage Review have no mapping change proposed at all. The mapping for these items is not included in the planning proposal as there is no mapping change.

The mapping changes are included in the planning proposal (Attachment 11).

Heritage inventory sheets

All proposed new and existing heritage items included in the planning proposal have a heritage inventory sheet to support the heritage listing included in the planning proposal. The information and assessment in the heritage inventory sheets has been carried out by qualified heritage consultants with extensive experience in the heritage of the local area.

Where new items are proposed, the information and assessment in the heritage inventory sheets has been subject to peer review from two of Council's heritage specialists. Where a

previously deleted item is proposed to be reinstated, a peer review was sought from the original consultant to endorse the updated assessment.

Preparation of the heritage inventory sheets has been carried out as follows:

- Proposed new heritage items have a heritage inventory sheet prepared either by a consultant for Council or by one of Council's heritage specialists. A full assessment is included and the inventory sheets have been recently prepared and/or peer reviewed.
- Items proposed to be deleted have an existing heritage inventory sheet, many of which are limited in detail. These heritage inventory sheets have not been reviewed or updated.
- Existing heritage items have an existing heritage inventory sheet. In some cases and as resources permit, these inventory sheets have been recently updated with improved information and assessments.

Some changes included in the planning proposal are non-statutory and are updates to information in the inventory sheet only. It was considered best practice to include these changes in the Heritage Review to provide the community opportunity to comment. These proposed non-statutory changes are also included in this planning proposal as they form part of the Review documentation. These changes are noted in the schedule of proposed changes (Attachment 3), relating to existing modified items, as 'minor update', reflecting the status of the change as non-statutory.

The heritage inventory sheets are attached to this planning proposal (Attachment 10). The heritage inventory sheets constitute a large quantity of documentation; accordingly, the sheets are arranged by village for ease of location.

Sites deferred from LEP 2015

A number of heritage items included in this planning proposal are on sites deferred from LEP 2015. The approach proposed to manage the inclusion of these items is outlined below.

Amendment 1 to LEP 2015

This proposal includes 31 items on sites currently deferred from LEP 2015 and included in Amendment 1 to LEP 2015. These items are identified in the attached schedules of proposed changes (Attachment 3).

Amendment 1 is currently with the Department for final review and should be made prior to the finalisation of this amendment. It is anticipated that the re-integration of these sites into the heritage schedule and heritage mapping of LEP 2015 will be straightforward and that Amendment 1 will be finalised prior to the finalisation of this amendment.

As such, the Amendment 1-affected items are included in this planning proposal, and form part of the proposed changes to the heritage schedule and heritage mapping. Inventory sheets are included.

The items on sites included in Amendment 1 that are currently deferred out of LEP 2015 are identified as such in the attached schedules of proposed changes (Attachment 3) and in a separate attachment (Attachment 8).

Amendment 2 to LEP 2015

A further 24 items are located on sites deferred from LEP 2015 and included in Amendment 2 (the proposed R6 zone). Sites included in Amendment 2 are currently zoned Living-Conservation under LEP 2005. Council has proposed that such land be zoned R6 Residential Character Conservation and the Department is considering Council's request.

Sites deferred from LEP 2015 due to Amendment 2 are not included in this planning proposal due to the uncertainty regarding the timing for the resolution of the proposed R6 zone. Preliminary consultation has occurred for all deferred sites included in the Heritage Review.

The items on sites included in Amendment 2 are deferred out of LEP 2015 and are identified as such in the attached schedules of proposed changes (Attachment 3) and in a separate attachment (Attachment 8).

PART 3 JUSTIFICATION

Section A - A Need for the Planning Proposal

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

Yes. The Heritage Review is the result of a number of studies carried out between 2004 and 2017. Thus the Review is an updating process to consolidate particular work that has been prepared over a number of years but not incorporated into the LEP. The Review incorporates several different studies now endorsed by the Council and consolidated into what is known as the Heritage Review 2017.

Summary background - heritage work previously undertaken by Council

LEP 1991

Council's first major heritage study was the "Blue Mountains Heritage Study" in 1983 by Croft and Associates and Meredith Walker, the inventory sheets of which underpinned Council's first heritage schedule, through the listing of approximately 700 heritage items in Schedule 2 of LEP 1991. The study provided a broad scope upon which to base future studies and direction.

LEP 2005

In 1992 Council engaged Tropman and Tropman Architects to review Council's heritage inventory, one of numerous studies incorporated into the Local Environmental Study which supported the preparation of Draft LEP 1997. Draft LEP 1997 was subject to a public hearing presided over by Commissioner Carleton who required further studies be prepared and the draft Plan be re-exhibited. The commenced heritage review was then streamlined into a three-stage heritage review process dividing the study into the following:

- Stage 1 – the 'urban areas' of the city from Lapstone to Mt Victoria;
- Stage 2 - a detailed investigation of ten core village areas deferred from Stage 1; and
- Stage 3 –the outlying areas generally covered by LEP 1991.

The Tropman and Tropman study focussed on the 'urban areas' of the City from Lapstone to Mt Victoria but was not completed due to funding and technical issues. In 1999 Ian Jack et al. was engaged to complete the study which satisfied Stage 1 and was incorporated into LEP 2005.

A number of further studies, primarily by Ian Jack, encompassed Stage 2 of the study. This work was completed and the inventory sheets underpinned the addition of new heritage items and conservation areas to Schedule 6 of LEP 2005. However areas such as Mount Wilson were outside the village areas and the study results deferred.

Anomalies remaining from LEP 1991 and LEP 2005

The finalisation of LEP 2005 and a subsequent Amendment concluded the work of Stages 1 and 2. Certain anomalies (for example land zoned under both LEP 1991 and LEP 2005) relating to the work on the heritage schedule for LEP 2005 remained, and these items were scheduled for future action and resolution.

LEP 2005 focussed on town-centre locations and in parts overlapped the land to which LEP 1991 applied and hence heritage listings under that instrument. As a result, some 300-odd heritage items were 'brought over' to LEP 2005 with the rezoning of land under LEP 2005.

Approximately 90 items listed in the heritage schedule of LEP 1991 were not 'brought over' and their heritage status repealed by the new zoning maps of LEP 2005,

although they remained listed in the schedule to LEP 1991. These items were technically 'deleted' from Council's heritage inventory.

In 2010 the work on Stage 3 of the three-stage heritage review process – the review of outlying areas covered by LEP 1991 was commenced, but was not completed due to the work preparing the Standard Instrument LEP that became LEP 2015.

Work following gazettal of LEP 2015 – the Heritage Review 2017

In 2015 Blue Mountains City Council resolved to finalise work on reviewing heritage matters that had been set aside due to the requirement to the prepare the Standard Instrument LEP. A number of heritage-related tasks were identified by Council to complete the Heritage Review, including:

1. Peer review and progress as appropriate the recommendations of previous studies (detailed below).
2. Resolving information and mapping anomalies related to existing items.
3. Modify items in light of new information provided by the community.
4. Peer review the lapsed items from LEP 1991.
5. Review the local listings of state-listed items to clarify details including curtilage and naming.
6. Prioritise items to progress to potential listing/change in status and those to be deferred due to lack of information or clarity.

Studies and decisions supporting the planning proposal

Proposed changes to Council's heritage inventory were identified as early as 2004 but the incorporation of those changes was delayed by the finalisation of LEP 2005 and then the work on the Standard Instrument.

When work recommenced in 2015, a number of studies existed with recommendations remaining to be implemented (a – f below). Further strategic review, peer review of items and a small study were also incorporated into the proposed changes (g – h below).

- a. *Draft Report on Heritage Items in Faulconbridge suggested for addition to the Blue Mountains City Council Heritage Register by Faulconbridge residents*, by Ian Jack Heritage Consulting in conjunction with Pamela Hubert and Colleen Morris, March 2005

This report commissioned by Council identifies potential heritage items based on community input, with a number of new items proposed. This applies to 8 proposed new items (Attachment 7a).

- b. *Report on the Heritage Characteristics of Mount Wilson* by Ian Jack, Pamela Hubert, Siobhan Lavelle and Colleen Morris, September 2004

This report commissioned by Council was a heritage review of the village of Mount Wilson, which were lands contained within LEP 1991 at the time. A number of new items were proposed, as well as a number of deleted items. This applies to 7 proposed new items and 3 items proposed to be deleted (Attachment 7b).

- c. *LEP 1991 Consultant Review* by Dr Jim Smith, April 2010

Council carried out an audit of the items contained within LEP 1991 in 2010. Part of this audit included engaging a specialist local historian with unique expertise in the Blue Mountains walking tracks to review the items in the heritage schedule of LEP

1991. The consultant proposed new items, modifications to existing items, and the consolidation/superseding of a number of items. Most of the items affected by the review were natural-based items. Not all recommendations were carried out due to a number of complications including the large size of some proposed listing areas, and some proposed listings of public walking tracks that cross private property boundaries.

The study results carried forward included 16 proposed new items, 20 items proposed to be deleted, and 45 existing items to be modified. The existing items proposed to be deleted were generally a result of a new item superseding the existing item. These superseded and superseding items are identified as such in the study results spreadsheet attached to the planning proposal (Attachment 7c).

d. *Gap Analysis study*, Blue Mountains City Council, 2010

In 2010 Council carried out an audit of the items contained within LEP 1991. This included Council staff carrying out a gap analysis, comparing the listings of other groups and agencies against the existing schedules of LEP 1991 and LEP 2005. This resulted in the identification of several new items that were listed on other agencies' registers but not listed on Council's LEP (Attachment 7d).

e. *Watering the Gee-Gees, A survey of Blue Mountains Horse Troughs, Part 1*, Blue Mountains History Journal No. 6 2015, and *Watering the Gee-Gees, A survey of Blue Mountains Horse Troughs, Part 2*, Blue Mountains History Journal No. 7 2017

Council proposes new listings of a number of horse troughs in the LGA. There are a number of existing listings for horse troughs. New listings are supported by inventory sheets based on this study. This applies to 4 new items, and the modification of x existing items (Attachment 7e).

f. *The Great Western Road – from Lapstone to Mount Victoria*, Sue Rosen Associates, September 2016

No statutory heritage changes resulted from this report in this planning proposal. The report was prepared as a result of the Heritage Review in order to commence a more detailed consideration of the relationships between items along the Highway. The report is anticipated to create a foundation for future interpretation strategies within villages (Attachment 7f).

g. *Peer review of deleted items*, by Blue Mountains City Council, 2015

Council carried out a peer review of the 93 items deleted from LEP 1991 by the repealing of heritage listings on that land incorporated into LEP 2005. The review was internal and no report was produced. It resulted in 8 items being considered for reinstatement on Council's heritage inventory (one of which was removed from the proposal during Stage 1 consultation). Due to the contentious nature of re-listing, the items proposed to be reinstated were then peer reviewed by the original consultant who had prepared the heritage inventory sheet (in 3 cases) and also a second heritage consultant.

h. *Review of state-listed item local listings*, by Blue Mountains City Council, 2015

Council undertook a review of the local listings of state items, particularly in terms of naming and mapping. A number of changes are proposed to local listings to align better with the state significance. This applies to 2 items proposed to be deleted (superseded by consolidation into another listing) and 27 existing items to be modified. This was an internal review and no report was produced.

Other assessments, considerations and decisions relating to proposed changes

Interiors

Council received a number of submissions during the preparation of the Standard Instrument LEP (DLEP 2013) that related to Schedule 5 of the LEP. Consideration of the more complex of these submissions was deferred to the current Heritage Review. Submissions from two local historical societies requested Council seek to list the interiors of publicly accessible buildings in the LGA. This approach has been taken by several other Councils in the Sydney region who also have significant numbers of heritage listings, and who have listed all heritage building interiors. The approach in the submissions was supported by Council; hence, a large number of heritage changes deal exclusively with the addition of the words 'and interiors' to the listing description. This process is explained in more detail in the Council report of 19 September 2017, particularly in regard to the submissions received, the submission review process undertaken, and the response to those submissions.

Properties which include the proposed addition of the words 'and interiors' to the listing description are identified in the schedule of proposed changes included with the planning proposal (Attachment 3).

Naming convention changes

A significant number of properties have a change proposed to the listing description. Many village centre shops have been previously listed under their tenancy/business name rather than the name of the building or a description of the building or item. Changes in the planning proposal reflect the updating of item names to better describe the significance or name of the item.

Properties which include a proposed name change to the listing description are identified in the schedule of proposed changes included with the planning proposal (Attachment 3).

Miscellaneous items

A number of other proposed heritage changes have evolved from heritage assessments held by Council or carried out by Council, or an audit of the inventory. Heritage assessments include: incorporating the detail provided in existing Conservation Management Plans (CMPs), existing inventory sheets prepared by previous consultants but not carried forward, new assessments, and changes in response to submissions. Some deletions are proposed due to consolidation of an existing item, or an existing duplication. These items are:

Proposed new items:

- Former Faulconbridge sawmill, Blue Mountains National Park, Faulconbridge – FB049 (new assessment)
- Knapsack Reserve, 31 Great Western Highway, Glenbrook – G060 (existing CMP)
- Lennox Bridge Quarry, 31 Great Western Highway, Glenbrook – G058 (existing assessment)
- Pulpit Hill and Environs, Great Western Highway, Nellies Glen Road and Pulpit Hill Road, Katoomba – K166 (existing CMP)
- Lapstone Monocline Group, Yellomundee Regional Park, Scarratt Park, Mitchell's Pass, Lapstone Railway Station, Lapstone/Hawkesbury Heights/Glenbrook – L006 (existing assessment)
- Douglass Square, Great Western Highway and Honour Avenue, Lawson – LN079 (existing assessment)
- Early timber shop and residence and interiors, 170-174 Leura Mall, Leura – LA103 (new assessment)

- Stonehaven, 126 Nellies Glen Road, Megalong Valley – MG025 (existing assessment)

Existing items to be deleted:

- Haviland Street Group, 1, 3, and 5-7 Haviland Avenue, Blackheath – BH177 (duplication)
- Stonehurst, 1 Sir Henrys Parade, Faulconbridge (consolidation into Faulconbridge House listing)
- Clarinda Cottage, 1 Wigram Road, Faulconbridge (consolidation into Faulconbridge House listing)
- Railway Parade Group, 46, 47, 49 and 51 Railway Parade, Hazelbrook – H026 (duplication)
- Wascoe Street retaining wall, Wascoe Street road reserve – LA020 (new assessment)
- Mount Victoria Railway Rest House, Main Western Railway, Mount Victoria – MV035 (consolidation of listings to align with State listing)
- Station Master's Cottage Site, Main Western Railway, Mount Victoria – MV034 (consolidation of listings to align with State listing)
- Weatherboard cottage, 24 Station Street, Mount Victoria – MV081 (item has been demolished)
- Pair of houses, 14, 16-17 Railway Parade, Springwood – SP047 (duplication)

Existing items to be modified:

- Site of Blackheath Stockade and the Western Road, 197 to 236 Great Western Highway, Blackheath – BH034 (updated assessment)
- Wilson Park Water Feature (Map of Australia), Wilson Park, St Bernards Avenue, Lawson – LN081 (updated assessment from DLEP 2013 submission)
- Woodford Academy Archaeological Site Group (formerly Twenty Mile Hollow lock-up site), Great Western Highway and Woodford Avenue, Woodford – WD004 (changes in response to submissions)

Local knowledge

Some proposed items changes result from the provision of information or requests for changes from the community. These are generally minor changes to historical information or physical description. These changes all relate to existing items to be modified, and are indicated in the schedule of proposed changes as 'local knowledge'.

Process for items in or partially within the Blue Mountains National Park

Where items located within the National Park are of interest and significance for the residents of the Blue Mountains, or relate to historical themes of the Blue Mountains, these items have been listed in the past, and continue to be proposed for inclusion in Council's LEP under the above criteria. Some existing items such as walking tracks are located both in the National Park and within the LGA.

National Parks and Wildlife Service (NPWS) were included in the preliminary consultation and provided in-principle support for the changes as part of a group submission from NPWS, the Office of Environment and Heritage and the NSW Heritage Division.

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

The planning proposal is the best means of achieving the objectives. Reviewing and updating Council's local heritage inventory in accordance with new information is the accepted method for protecting sites of heritage significance.

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)?***

The relevant regional strategy is “A Plan for Growing Sydney” (December 2014). The planning proposal is assessed against the four goals contained within the strategy below:

Goal 1: A competitive economy with world-class services and transport

This planning proposal will not adversely impact on the directions and actions identified in the strategy to achieve a competitive economy and transport system.

Goal 2: A city of housing choice, with homes that meet our needs and lifestyles

This planning proposal will have no impact on Blue Mountain’s ability to meet the housing and employment targets and accordingly, the planning proposal is not inconsistent with this goal.

Goal 3: A great place to live with communities that are strong, healthy and well connected

This planning proposal will not adversely impact on the directions and actions identified in the strategy.

Goal 4: A sustainable and resilient city that protects the natural environment and has a balanced approach to the use of land

This planning proposal will not adversely impact on the directions and actions identified regarding the natural environment and sustainability.

The relevant district plan is “Draft District West Plan” (November 2016)

Under the Draft West District Plan, *Liveability Priority 7: conserve heritage and unique local characteristics*, requires relevant planning authorities to “*protect Aboriginal, cultural and natural heritage and places, spaces and qualities.*”

The planning proposal is consistent with this priority as Schedule 5 will be current and include items considered to have heritage value worthy of conserving and heritage listing.

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

The Blue Mountains Community Strategic Plan is titled “Sustainable Blue Mountains 2025”. This planning proposal is consistent with the following objectives within the community strategic plan:

- Key Direction 2 – Values, Aspirations & Aims “*Our cultural and built heritage is important.*” and “*The City is comprised of 27 separate towns and villages, each with a distinctive character reflecting the varied climate, terrain and heritage of the area. Community pride and the unique historical features of many towns and villages contribute to the social and cultural richness of the City of Blue Mountains.*”
- Community Priorities 2012 Community Survey “*1. (top priority): Maintain heritage and town character*”
- Using Land Objective 2.2 “*The impact of development on the natural and built environment is managed and the city’s unique character retained*” and the strategy to achieve this objective is “*c. Preserve and maintain the City’s unique character, and its built, natural and cultural heritage and local history*”

The planning proposal is consistent with the following aims of the LEP 2015:

- (e) *to conserve and enhance, for current and future generations, the ecological integrity, environmental heritage and environmental significance of the Blue Mountains,*
- (f) *to identify and conserve the distinct Aboriginal and European cultural heritage of the built forms and landscapes of the Blue Mountains,*
- (j) *to identify and retain the diverse built and landscape elements that contribute to the character and image of the Blue Mountains,*

The planning proposal is consistent with these objectives as the updating of Schedule 5 of LEP 2015 will contribute to the conservation of the cultural heritage of recognised heritage places.

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

An analysis of the application and consistency of Amendment 5 to LEP 2015 with all State Environmental Planning Policies (SEPPs) has been undertaken below.

Note:

- ¹ **Not Relevant:** This provision or planning instrument does not apply to land within the Amendment 5 to LEP 2015
- ² **Consistent:** This provision or planning instrument applies Amendment 5 to LEP 2015 and meets the relevant requirements and is in accordance with the provision or planning instrument.
- ³ **Justifiably Inconsistent:** This provision or planning instrument applies, and is considered to be locally inappropriate.

<u>State Environmental Planning Policies in force</u>		NOT RELEVANT¹	CONSISTENT²	JUSTIFIABLY INCONSISTENT³
SEPP 1	Development Standards	✓		
SEPP 14	Coastal Wetlands	✓		
SEPP 19	Bushland in Urban Areas	✓		
SEPP 21	Caravan Parks	✓		
SEPP 26	Littoral Rainforests	✓		
SEPP 30	Intensive Agriculture	✓		
SEPP 33	Hazardous and Offensive Development	✓		
SEPP 36	Manufactured Home Estates	✓		
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 62	Sustainable Aquaculture	✓		
SEPP 64	Advertising and Signage	✓		
SEPP 65	Design quality of Residential Flat Development	✓		
D SEPP 66	Integration of Land Use and Transport	✓		
SEPP 70	Affordable Housing (Revised Schemes)	✓		
SEPP 71	Coastal Protection	✓		
SEPP	(Affordable Rental Housing) 2009		✓	
SEPP	(Building Sustainability Index: BASIX) 2004	✓		
SEPP	(Exempt and Complying Development Codes) 2008		✓	
SEPP	(Housing for Seniors or People with a Disability) 2004		✓	
SEPP	(Infrastructure) 2007		✓	
SEPP	(Kosciuszko National Park – Alpine Resorts) 2007	✓		

State Environmental Planning Policies in force		NOT RELEVANT¹	CONSISTENT²	JUSTIFIABLY INCONSISTENT³
SEPP	(Kurnell Peninsula) 1989	✓		
SEPP	(Mining, Petroleum Production and Extractive Industries) 2007	✓		
SEPP	(Penrith Lakes Scheme) 1989	✓		
SEPP	(Rural Lands) 2008	✓		
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	✓		
SEPP	Sydney Regional Environmental Plan No. 20 Hawkesbury – Nepean River (No. 2 – 1997)		✓	
DSEPP	(Application of Development Standards) 2004	✓		
DSEPP	Draft State Environmental Planning Policy (Competition) 2010	✓		
DSEPP	Draft Education and Child Care	✓		
DSEPP	Draft Infrastructure	✓		
DSEPP	Advertising & Signage	✓		
DSEPP	Coastal	✓		
DSEPP	Amendment to Koala Habitat Protection	✓		
DSEPP	Vegetation	✓		

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 how the SEPP has been addressed.

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 is consistent with this SEPP as it does not seek to change the permissible land uses on the sites subject to this amendment.

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

The planning proposal is consistent with the aims of the policy. The heritage designation of properties may alter whether development under the ARH SEPP may be carried out on that site, but this planning proposal would not contravene the SEPP in any way.

SEPP Exempt and Complying Codes 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

The planning proposal is consistent with this SEPP. The heritage designation of properties may alter whether development under the Codes SEPP may be carried out on that site, but this planning proposal would not contravene the SEPP in any way.

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

The planning proposal is consistent with the aims of this policy.

SEPP Infrastructure 2007

Objective

This policy seeks to provide a state wide planning approach to the management of land for various State Agencies and local authorities for uses that are seen as regular and maintenance related.

Response

The planning proposal is consistent with the aims of this policy. The heritage designation of properties may alter whether development under the Infrastructure SEPP may be carried out on that site, or require additional consultation, but this planning proposal would not contravene the SEPP in any way.

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

The planning proposal does not seek to change the zoning or permissible land uses on the sites subject to this amendment. The planning proposal is consistent with the aims of this policy.

SEPP Sydney Regional Environmental Plan No. 20 Hawkesbury-Nepean River

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

The planning proposal is consistent with the aims of the policy and will have no adverse impacts on the Hawkesbury-Nepean River.

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

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

Note:

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

<u>Directions under Section 117(2)</u>		NOT RELEVANT 1	CONSISTENT 2	JUSTIFIABLY INCONSISTENT 3
1. EMPLOYMENT AND RESOURCES				
1.1 Business and Industrial Zones			✓	
1.2 Rural Zones			✓	
1.3 Mining, Petroleum Production and Extractive Industries			✓	
1.4 Oyster Aquaculture		✓		
1.5 Rural Lands			✓	
2. ENVIRONMENT AND HERITAGE				
2.1 Environmental Protection Zones			✓	
2.2 Coastal Protection		✓		
2.3 Heritage Conservation			✓	
2.4 Recreation Vehicle Areas		✓		
2.5 Application of E2 and E3 Zones and Environmental Overlays in Far North Coast LEPs		✓		
3. HOUSING, INFRASTRUCTURE AND URBAN DEVELOPMENT				
3.1 Residential Zones			✓	

<u>Directions under Section 117(2)</u>		NOT RELEVANT 1	CONSISTENT 2	JUSTIFIABLY INCONSISTENT 3
3.2	Caravan Parks and Manufactured Home Estates	✓		
3.3	Home Occupations		✓	
3.4	Integrating Land Use and Transport	✓		
3.5	Development Near Licensed Aerodromes	✓		
3.6	Shooting Ranges	✓		
4.	HAZARD AND RISK			
4.1	Acid Sulfate Soils	✓		
4.2	Mine Subsidence and Unstable Land	✓		
4.3	Flood Prone Land	✓		
4.4	Planning for Bushfire Protection	✓		
5.	REGIONAL PLANNING			
5.1	Implementation of Regional Strategies	✓		
5.2	Sydney Drinking Water Catchments		✓	
5.3	Farmland of State and Regional Significance on the NSW Far North Coast	✓		
5.4	Commercial and Retail Development along the Pacific Highway, North Coast	✓		
5.5	Revoked	✓		
5.6	Revoked	✓		
5.7	Revoked	✓		
5.8	Second Sydney Airport: Badgerys Creek	✓		
5.9	North West Rail Link Corridor Strategy	✓		
5.10	Implementation of Regional Plans		✓	
6.	LOCAL PLAN MAKING			
6.1	Approval and Referral Requirements		✓	
6.2	Reserving Land for Public Purposes	✓		
6.3	Site Specific Provisions	✓		
7.	METROPOLITAN PLANNING			
7.1	Implementation of A Plan for Growing Sydney		✓	
7.2	Implementation of Greater Macarthur Land Release Investigation	✓		
7.3	Parramatta Road Corridor Urban Transformation Strategy	✓		
7.4	Implementation of North West Priority Growth Area land Use and Infrastructure Implementation Plan	✓		

This planning proposal is consistent with all relevant Section 117(2) Ministerial Directions and comment on the relevant Directions is provided in the table below:

Direction under S117	Objectives	Consistency
1. <u>Employment and Resources</u> 1 July 2009 (Except for new Direction 1.2 effective 14 April 2016 and 1.1 effective 1 May 2017) This planning proposal is consistent with the Directions in this category as no zones are proposed to be changed and no changes to land uses are proposed.		
2. <u>Environment and Heritage</u> 1 July 2009 (Except for new Direction 1.2 effective 14 April 2016 and 1.1 effective 1 May 2017)		
2.1 Environmental Protection Zones	The Objective is to protect and conserve environmentally sensitive	Consistent. The planning proposal is consistent with this direction as it relates to the

	areas.	application, amendment or removal of heritage listing for the listed items only and will not change any other provision applicable to that land.
2.3 Heritage Conservation	The objective of this direction is to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance	Consistent. The planning proposal is consistent with this direction and it will result in the conservation of items that have been assessed to satisfy the NSW Heritage Council's criteria for heritage significance. Items that do not comply with the NSW Heritage Council's criteria will be amended or removed as required.
3. Housing, Infrastructure and Urban Development 1 July 2009 (Except for new Direction 3.6 effective 16 February 2011, Direction 3.1, 3.2, 3.4 and 3.5 effective 14 April 2016)		
3.1 Residential Zones	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.	Consistent. The planning proposal applies to items and places that comply with the NSW Heritage Council's criteria and it does not change other provisions applicable to that land.
3.3 Home Occupations	The objective of this direction is to encourage the carrying out of low-impact small businesses in dwelling houses.	Consistent. This planning proposal does not preclude the carrying out of a home occupation
4. Hazard and Risk 1 July 2009 (Except for new Direction 3.6 effective 16 February 2011, Direction 3.1, 3.2, 3.4 and 3.5 effective 14 April 2016)		
4.4 Planning for Bushfire Protection	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	Consistent. The planning proposal is consistent with this direction as it relates to the application, amendment or removal of heritage listing for the listed items only and will not change any other provision applicable to that land.

	bush fire prone areas, and (b) to encourage sound management of bush fire prone areas.	
5. Regional Planning 1 July 2009 (Except for new Direction 5.2 effective 3 March 2011, Direction 5.9 effective 30 September 2013, Direction 5.4 effective 21 August 2015, Direction 5.8 and 5.10 effective 14 April 2016, Direction 5.1 and 5.3 effective 1 May 2017)		
5.2 Sydney Drinking Water Catchment	The objective of this Direction is to protect water quality in the Sydney drinking water catchment	Consistent. The planning proposal is consistent with this direction as it relates to the application, amendment or removal of heritage listing for the listed items only and will not change any other provision applicable to that land.
6. Local Planning 1 July 2009		
6.1 Approval and Referral Requirements	The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.	Consistent. The planning proposal will not result in additional requirements for referral, consultation or concurrence of a development application to a Minister or public authority in addition to those required by the by Heritage Act or Office of Environment and Heritage.
7. Metropolitan Planning 14 January 2015 (Except for Direction 7.2 effective 22 September 2015) 19 December 2016 15 May 2017		
7.1 Implementation of a Plan for Growing Sydney	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.	Consistent. The planning proposal will not adversely affect the directions and actions outlined in the strategy to achieve the four goals relating to economy, housing, environment and community.

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?

The planning proposal will not impact any critical habitat, threatened species, populations or ecological communities, or their habitats as a result of any change to the heritage listings. 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?

There are no environmental effects envisaged as a result of the inclusion, amendment or deletion of the identified items in Schedule 5 in LEP 2015.

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

This planning proposal has positive social effects in accurately recognising and protecting the local cultural heritage significance

The planning proposal is not expected to result in adverse economic effects. A review of numerous studies undertaken around Australia and the world looking at the effect of heritage listing on the value of houses has found the impact to be negligible. Other factors such as proximity to schools and public transport and household attributes such as number of bedrooms and parking spaces have been shown to the greater influence on price than heritage listing.

Section D - State and Commonwealth Interests

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

The planning proposal relates to the inclusion, amendment or deletion of the identified items in Schedule 5 of LEP 2015. There it is not expected to generate additional demand for public infrastructure or services.

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

Council liaised with the Office of Environment and Heritage and the NSW Heritage Division, who provided a submission to the preliminary consultation, providing in-principle support for the Heritage Review. Council will continue consultation with the Office of Environment and Heritage and the NSW Heritage Division.

Public service authorities, including but not limited to, will be notified as follows:

- Sydney Water
- Water NSW
- National Parks and Wildlife Service
- RailCorp
- Sydney Trains
- Crown lands
- Department of Education
- Department of Health
- Any other agency that owns or manages land included in this planning proposal.

The planning proposal is in draft stage; this section will be completed following further consultation with the public authorities identified in the Gateway Determination.

PART 4 MAPPING

This planning proposal will require amendment to many of the 38 heritage map tiles that cover the Blue Mountains LGA.

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 at the conclusion of the consultation.

The planning proposal does not seek to alter the zoning, height of buildings, floor space ratio, natural resources or any other LEP 2015 maps.

As noted in Part 3, the mapping includes the mapping of proposed new items, removing the mapping from items proposed to be deleted, and in some cases, modifying the mapping of existing items.

Further changes include the use of landscape conservation areas and archaeological conservation areas to better indicate the values of those items, and the use of polygons to indicate tracks in natural areas.

Changes to the existing heritage mapping have been made on Council's GIS database. An extract from the proposed LEP 2015 maps, showing examples of the use of the landscape conservation area and archaeological conservation area are shown below.

The mapping changes are included in the planning proposal (Attachment 11).

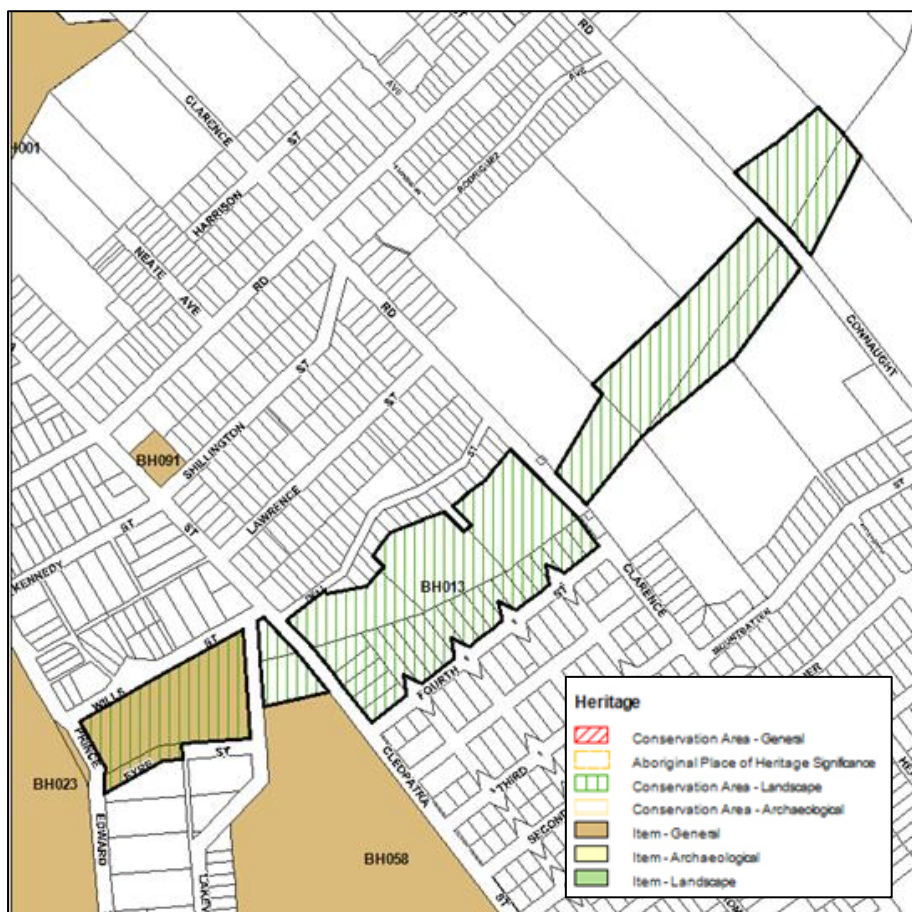


Figure 1: Proposed mapping convention example – landscape conservation area

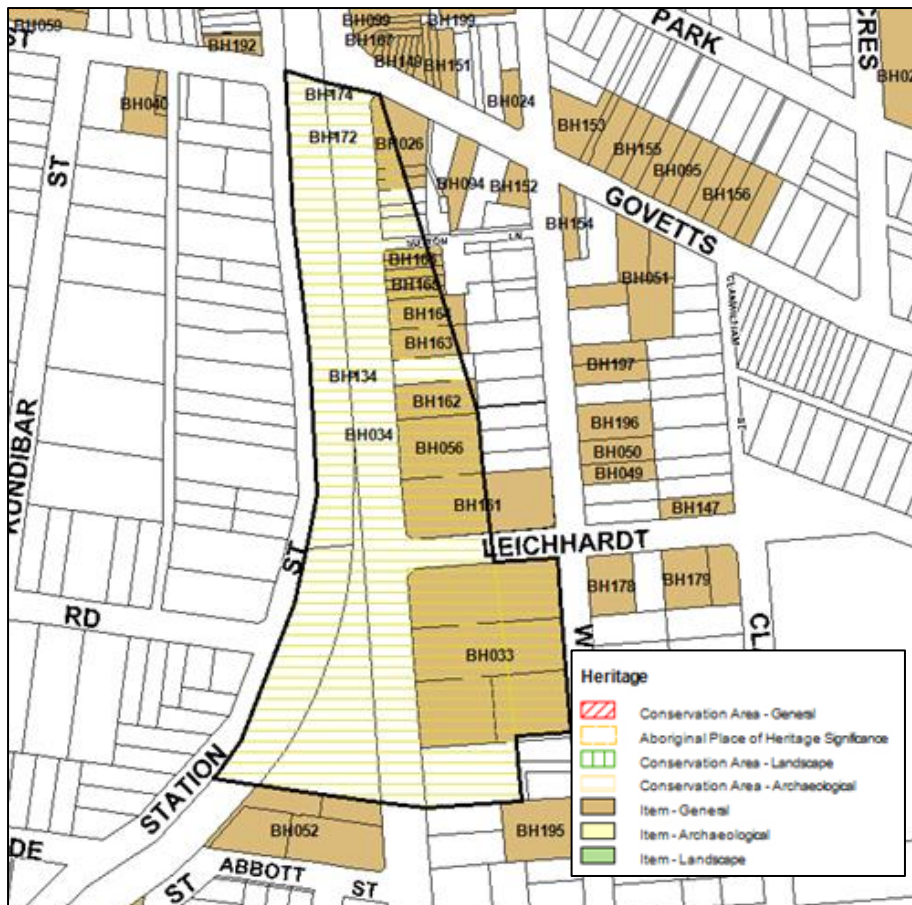


Figure 2: Proposed mapping convention example – archaeological conservation area

PART 5 COMMUNITY CONSULTATION

Council has elected to carry out a two-stage consultation process to ensure consolidated community support for the changes and the maximum opportunity for the public to be informed and provide feedback and further information.

Stage 1

Council has completed Stage 1 – preliminary community consultation of the Heritage Review. The consultation period extended from 16 November 2016 to 31 January 2017, but was extended by a Council resolution to 28 February 2017. The consultation was targeted and specifically sought submissions from affected property owners.

Certain sites affected by Council's indigenous land use agreement (ILUA) were deferred from the initial consultation period to allow consultation with the Gundungurra Tribal Groups between 6 December 2016 and 23 February 2017. Those deferred sites were then exhibited between the 5 April 2017 and 3 May 2017.

Letters were sent to each individual property owner describing the various changes and attaching the relevant inventory sheets and maps. Hard copies were made available at each of the Council's libraries and headquarters. Digital copies were available on Council's Have Your Say website. A dedicated email and phone number was provided to take enquiries and submissions. A notice regarding the extension period for submissions was posted in the Blue Mountains Gazette.

100 submissions were received in Stage 1. Outcomes were generally positive. There was significant interest in clarifying the impacts of the 'interiors' listing. 52 site visits were carried out by invitation by or with the permission of property owners, primarily to inspect interiors. The outcomes of the Stage 1 consultation process form part of the report presented to the Council meeting of 19 September (Attachment 1).

The details of the community consultation process form part of Council reporting, and are described in detail in the Council reports that are attached to the planning proposal. The Council report of 28 June 2016 reported on the proposed community consultation strategy and was endorsed by Council (Attachment 5b). The Council report of 19 September 2017 provided details on the outcome of the Stage 1 community consultation (Attachment 1). The review of submissions to the Heritage Review is included (Attachment 2).

Stage 2

Stage 2 consultation is envisaged to be a broader consultation in comparison to the targeted approach of Stage 1. Council's resolution of 2 February 2017 seeks to "include measures in the consultation strategy to increase outreach through various media to encourage people to contribute memories, memorabilia and/or views to proposed items under review".

Council will use a similar process to Stage 1 to inform and engage the community. Council will again notify in writing the property owners of sites included in this planning proposal as well as key local organisations with an interest in local heritage.

Advertisements will be placed in the local paper at the commencement of the community consultation. A hard copy of the information relating to the proposal will be available for viewing at the Katoomba, Springwood and Blaxland Libraries and at the Katoomba and Springwood headquarters. The information will be placed on Council's Have Your Say website. Public consultation will be carried out for a minimum of 28 days; however Council may elect to carry out consultation for a longer period.

The Gateway Determination will confirm community consultation requirements and specify any additional consultations of the planning proposal.

PART 6 PROJECT TIMELINE

The planning proposal includes a significant number of properties and Council anticipates an ongoing high level of community interest.

Plan-making step	Estimated completion
September 2017	Planning Proposal reported to the Council
October – November 2017	Gateway panel reviews draft Amendment 5 (Heritage Review) to LEP 2015
December 2017	Gateway determination issued
January 2018	Amend planning proposal as per Gateway Determination (if required) State Agency consultation
February – April 2018	Community consultation (length to be confirmed)
May - June 2018	Council reviews submissions to draft Amendment 5 to LEP 2015
July 2018	Report presented to the Council to consider the result of the community consultation including any changes made.
August – September 2018	Post-Exhibition planning proposal and relevant supporting information is forwarded to the Department for final review.
September – October 2018	The Minister considers the final draft of draft Amendment 5 to LEP 2015 and determines if the proposal can be made. The draft Amendment is returned to the Council.
November 2018	Council considers the final draft of the Amendment Final draft of the Amendment is returned to the Department requesting that the Minister make the plan.
December 2018	Plan is notified.

PART 7 ATTACHMENTS

	Attachment
Council business paper and minutes 19 September 2017	1
Attachment A to Council report – response to submissions	2
Attachment B to Council report – schedule of proposed changes	3
Council resolution of 19 September 2017	4
Previous Council reports:	
Council report of 25 October 2016	5a
Council report of 28 June 2016	5b
Council report of 23 June 2015	5c
Council report of 28 March 2017	5d
Heritage Interiors - fact sheet, August 2017	6
Supporting studies:	
<i>Heritage Items in Faulconbridge suggested for addition to the Blue Mountains City Council Heritage Register by Faulconbridge residents, Ian Jack Heritage Consulting with Pamela Hubert and Colleen Morris, March 2005</i>	7a
<i>Report on the Heritage Characteristics of Mount Wilson, Ian Jack Heritage Consulting with Pamela Hubert, Siobhan Lavelle and Colleen Morris, September 2004</i>	7b
<i>Springwood, Blaxland and Hazelbrook Core Village Areas Heritage Assessment Final Report, Ian Jack Heritage Consulting with Pamela Hubert, Siobhan Lavelle and Colleen Morris, January 2005</i>	7c
<i>LEP 1991 Consultant Review by Dr Jim Smith, April 2010</i>	7d
<i>Gap Analysis study, Blue Mountains City Council, 2010</i>	7e
<i>Watering the Gee-Gees, A survey of Blue Mountains Horse Troughs, Part 1, Blue Mountains History Journal No. 6 2015, and Watering the Gee-Gees, A survey of Blue Mountains Horse Troughs, Part 2, Blue Mountains History Journal No. 7 2017</i>	7f
<i>The Great Western Road – from Lapstone to Mount Victoria, Sue Rosen Associates, September 2016</i>	7g
Sites deferred from planning proposal	8
Sites not proceeding to planning proposal	9
Heritage inventory sheets organised by village	10
Mapping – new and modified items	11