

# PLANNING PROPOSAL

Blue Mountains  
Local Environmental Plan 2015  
(Draft Amendment 5)

## Heritage Review



December 2020 (Post Stage 2 public exhibition)  
Prepared by Blue Mountains City Council

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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 36 heritage conservation areas, 17 of which are newly created under Amendment 6 to Blue Mountains Local Environmental Plan 2015 (LEP 2015). The ongoing management of the LEP 2015 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 updating Council's heritage schedule has been sporadic due to Council's competing priorities, and then more recently delayed due to the required focus on preparing a Standard Instrument LEP for the Blue Mountains, and in 2020 the Blue Mountains Local Strategic Planning Statement.

Council has completed all the required stages for this substantial housekeeping review to carry forward heritage 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 Office in 2001 and part of the NSW Heritage Manual.

This planning proposal has been prepared in accordance with Division 3.4 of the *Environmental Planning and Assessment Act 1979* (EP&A Act) and the two documents prepared by the NSW Department of Planning, Industry and Environment (the Department) titled 'A Guide to Preparing Planning Proposals' (December 2018) and 'A Guide to Preparing Local Environment Plans' (December 2018).

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.

### *Outcomes following public exhibition*

Council has now concluded its two stages of consultation in regard to the proposed changes: targeted preliminary community consultation, (Stage 1) and then a formal public exhibition process (Stage 2). Following the review of the submissions received in the two stages of consultation, the planning proposal and the item details have been updated where relevant.

The consultation process is detailed later in this document, and the various Council reports and attachments included with this planning proposal (Attachments 1 through to 9) provide step by step processes and outcomes, including responses to submissions.

[Note on deferred matter: A report on the outcomes of the public exhibition was presented to the 29 September 2020 Council meeting, seeking adoption of the final draft of the planning proposal. The Council resolved at that meeting to adopt the planning proposal for draft Amendment 5, however, the proposed new listing of 27 Hope Street, Blaxland was resolved to be deferred from the planning proposal, until an independent heritage assessment determined the heritage significance of the property, under section 3.36(3) of the Environmental Planning and Assessment Act 1979. This item has now been independently

assessed, and is now re-included in the final Planning Proposal as a draft new heritage item as originally proposed. Documents relating to this independent assessment have been added to this planning proposal (Attachments 1e, 1f and 10h).

### *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 two attached schedules:

1. A schedule of the items with proposed changes and
2. A draft updated version of Schedule 5 to LEP 2015 with all changes incorporated (Attachments 5 and 6),

The changes will also be achieved by amending the relevant heritage maps consistent with the lots and addresses within Schedule 5. The relevant pdf maps for the heritage mapping have been separately uploaded to the Department's planning portal.

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). All heritage inventory sheets are included in the documents uploaded to the Department's planning portal.

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

1. **Proposed new heritage items (62 items);**
2. **Existing heritage items proposed to be deleted (31 items);**
3. **Proposed modified heritage items (287 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, 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 already have a local identifier (for example BH151 for an item in Blackheath) which is included as a column in the heritage schedule of LEP 2015. The new items also have a local identifier.

The changes proposed by the planning proposal are identified by underline and strikethrough text in the draft updated version of Schedule 5. 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	<del>Ribbons and Rainbows</del> <u>Brick cottage</u>	64 Govetts Leap Road	Lot 10, Section 2, DP 2904	Local	BH156
<u>Faulconbridge</u>	<u>Former Faulconbridge sawmill</u>	<u>Blue Mountains National Park</u>		<u>Local</u>	<u>FB049</u>
Katoomba	<del>Track Nellies Glen to Bonnie Doon Falls Reserves</del>	9-11 Narrow Neck Road <u>and 370-380 Great Western Highway</u>	Lot 3 DP 772152, Lots 100-101 DP 839530	Local	K079

## Heritage mapping

Proposed mapping changes fall into the following categories:

1. Proposed new heritage items, with new heritage mapping (brown shading) for the identified lots;
2. Existing heritage items with a mapping change proposed, with existing heritage mapping (brown shading) amended;
3. Items proposed to be deleted, with the heritage mapping (brown shading) deleted.

The draft planning proposal submitted for the gateway included screenshots of mapping for proposed changes to lots (new and proposed) in a before and after style presentation for each affected property. This presentation of mapping changes has now been superseded by the standard pdfs of the new mapping proposed to supersede the existing mapping.

### *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 rather indicate walking 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 approximately 12 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 in the LGA 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. Early consultation with the Department's GIS and mapping division indicated in-principle support for the proposal.

The relevant pdf maps for the heritage mapping have been separately uploaded to the Department's planning portal.

#### **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 new and modified 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 proposed to be modified* 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 5), 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**

### **Amendment 2 to LEP 2015**

A number of heritage items that would have necessarily been included in this planning proposal are on land that is currently still deferred from LEP 2015 (still zoned as Living-Conservation under LEP 2005) and therefore these 24 sites did not proceed to the public exhibition (Stage 2) of the planning proposal.

These sites were part of proposed Amendment 2 to LEP 2015 (the creation of the proposed R6 Residential Character Conservation zone) which has not progressed. Council continues to work with the Department on an appropriate planning solution for these important residential areas. Preliminary consultation has occurred for all these sites which were included in Stage 1 of the Heritage Review and the draft planning proposal. However, as at September 2020 these sites are still deferred from the LEP and are therefore not included. A schedule of these sites was separately identified in the draft planning proposal, but the schedule and the items are not included in this final draft.

### **Amendment 1 to LEP 2015**

We also note that certain land (31 heritage listed sites) was deferred from LEP 2015 during the early stages of the Heritage Review. This land was part of Amendment 1 to LEP 2015, which incorporated a range of issues requiring to be resolved after the making of LEP 2015. This amendment, Amendment 1 to LEP 2015, has now been made, and these 31 sites have continued to be included in this planning proposal. These sites were treated as included from the initial stages of this planning proposal, with the assumption that Amendment 1 would be made prior to the making of this amendment, Amendment 5, which is the case. A schedule of these sites was separately identified in the draft planning proposal but is not included in this final draft.

## 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. The current Heritage Review is an updating process to consolidate particular work that has been prepared over a number of years but not yet incorporated into the LEP. The Review incorporates the recommendations of several different studies now endorsed by the Council and consolidated into what is known as the Heritage Review.

#### **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. All listing recommendations were incorporated into LEP 1991.

##### *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 Stage 1 '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 all the recommendations were 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. A community-based heritage study in Faulconbridge in 2005 also provided a number of recommended listings for Faulconbridge however these did not proceed to new heritage listings.

##### *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 focused 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. Various gaps and anomalies arose from this period of study. One major study carried out was on the local walking track and reserve network by Jim Smith in 2010, which included a large number of recommendations.

### **Work following gazettal of LEP 2015 – the Heritage Review**

In 2015 Blue Mountains City Council resolved to finalise work on reviewing heritage matters that had been set aside due to the requirement to 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 (as detailed above and below).
2. Resolve information and mapping anomalies related to existing items.
3. Modify items in a minor way 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 and align details including curtilage and naming.
6. Prioritise items to ensure that items with full assessments can progress to potential new listings, and identify those to be deferred due to lack of sufficient assessment and historical information.

### **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. *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 10a).

- 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 10b).

- c. *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

One item from this Study was not protected by a heritage listing, and a recommendation to list the item remained outstanding. The Study is included as Attachment 10c.

- d. *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. Extensive work on the mapping of some of these items, particularly tracks, was carried out in association with Council's GIS staff.

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/consolidating the existing item. These superseded and superseding items are identified as such in the study results spreadsheet (Attachment 10d).

- e. *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 10e).

- 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 by John Low, local historian. This applies to 4 new items, and the modification of 4 existing items (Attachment 10f).

- 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 10g).

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 not incorporated as land zoned under 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 – Mount Victoria Railway Station items) and 27 existing items to be modified. This was an internal review and no report was produced. One item was again modified (mapping) upon recommendations from Heritage NSW in their submission to the public exhibition.

i. *Heritage Assessment of 27 Hope Street, Blaxland*, City Plan Heritage, November 2020.

Following the deferral of the proposed new heritage listing of 27 Hope Street, Blaxland, at the 29 September Council meeting, and a Council resolution from that meeting, an independent heritage review of the heritage significance of the property was carried out to determine heritage significance. This report is now included as Attachment 10h.

## **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 buildings in the LGA, to protect the interiors from the gap in protections that emerged from the Standard Instrument definition of a heritage item. 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 2013 community submissions was supported by Council. However, the Council chose to take a measured approach, and seek to list only those interiors that are 'publicly accessible'.

A large number of listing changes which are the subject of this Planning Proposal deal exclusively with the addition of the words 'and interiors' to the listing description. This process was then subject to individual review of properties where the issue was raised in submissions. A detailed methodology was created to inspect interiors and prepare detailed assessments of interior elements and significance. 52 building interiors were

inspected in Stage 1. Significantly less 'interiors submissions' were raised in Stage 2, and these were addressed in the same way as in Stage 1, with approximately 20 further inspections. The review of interiors and other inspections that occurred in the Stage 2 public exhibition is detailed in Attachment 4.

Properties which include the proposed addition of the words 'and interiors' to the listing description are identified as such in the schedule of proposed changes (Attachment 5).

#### *Naming convention changes*

A significant number of properties have a change proposed to the name of the item in the listing description. Many village centre shops have been previously listed under their tenancy/business name rather than the name or 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. Many items have long since had their tenancy name made redundant by changing tenancies.

Properties which include a proposed name change to the listing description are identified as such in the schedule of proposed changes included with the planning proposal (Attachment 5).

#### *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 are indicated as such in the schedule of proposed changes (Attachment 5).

#### *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.

Properties which include a minor update to the heritage inventory sheet are identified as such, as 'local knowledge' in the schedule of proposed changes included with the planning proposal (Attachment 5).

#### *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 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. Heritage NSW advised at the time in-principle support for the listing of items in the National Park on Council's LEP.

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 (former Heritage NSW).

## **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 the Local Environmental Plan in response to 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)?***

#### **Regional Plan**

The relevant regional strategy is "The Greater Sydney Region Plan – A Metropolis of Three Cities" (March 2018).

- The planning proposal is consistent with key direction Liveability, Objective 13: "Environmental heritage is identified, conserved and enhanced".
- The planning proposal also supports other 'Liveability' objectives, including Objective 12: 'Great places that bring people together'.
- The planning proposal also supports other key directions including 'Sustainability', Objective 28: "Scenic and cultural landscapes are protected".
- The planning proposal does not adversely impact upon other key directions and actions within Infrastructure and Collaboration, Liveability, Productivity and Sustainability.

The planning proposal is consistent with the Greater Sydney Region Plan, as updating Schedule 5 of the Blue Mountains LEP 2015 will ensure that the City's heritage is identified, conserved and enhanced.

#### **District Plan**

The relevant district plan is the "Western City District Plan" (March 2018)

- The planning proposal is consistent with Liveability, Planning Priority W6: "Creating and renewing great places and local centres, and respecting the District's heritage".
- The planning proposal also supports other 'Liveability' objectives, including Planning Priority W4: "Fostering healthy, creative, culturally rich and socially connected communities".
- The planning proposal also supports other planning priorities including, under 'Sustainability', Planning Priority W16: "Protecting and enhancing scenic and cultural landscapes".
- The planning proposal does not adversely impact upon other planning priorities and actions within Infrastructure and Collaboration, Liveability, Productivity and Sustainability.

The planning proposal is consistent with the Western City District Plan, as updating Schedule 5 of the Blue Mountains LEP 2015 will ensure the respect and protection of the City's heritage assets.

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

#### **Community Strategic Plan (CSP) 2035**

Blue Mountains City Council also has a Community Strategic Plan (CSP) 2035. This planning proposal is consistent with the overall objective for the CSP, to foster "a more sustainable and successful Blue Mountains by 2035, environmentally, socially and economically."

This planning proposal is consistent with the following Key Directions in the CSP as follows:

1. Protect – An Environmentally Responsible City
  - Values: Improve conservation and recognition of other cultural heritage assets in natural landscapes
  - Objective 2.3c: Improve the recognition and conservation of natural area heritage assets including Aboriginal, environmental and built assets in natural areas.
2. Live – A Liveable City
  - Values: Local heritage and places of natural, cultural and historical significance are retained and enhanced by the active use of appropriate conservation methods
  - Objective 4.3d: Preserve, maintain and enhance the City's unique character, and its built, natural and cultural heritage and local history
  - Specifically, Objective 4.3d above is associated with the following Council response in this key direction: "Complete Heritage Inventory Review for the Local Environmental Plan."
    - This proposed Amendment to the LEP responds to this action as a Council Response 2017-2021.

### **Local Strategic Planning Statement (LSPS), Blue Mountains 2040: Living Sustainably'**

The Blue Mountains has a new Local Strategic Planning Statement: 'Blue Mountains 2040: Living Sustainably', which was adopted by Council on 31 March 2020 and has been assured by the Greater Sydney Commission. This planning proposal is consistent with the heritage direction of the LSPS as follows:

- One of the key planning principles of the LSPS is: 'Protecting town and residential character', by 'the identification and conservation of locally significant character and heritage elements'.
- The LSPS states that 'the preservation of the City's overall character is consistently identified by the community as one of its highest priorities. The heritage, character and liveability of our villages are a source of local pride and identity. There is a particularly strong relationship between heritage and character in the Blue Mountains.'
- A key local planning priority is Priority 5: 'Conserving and enhancing heritage, character and liveability'.
  - Under Planning Priority 5, Medium-Term actions (2021-2025), Council will continue to carry out heritage reviews of local heritage listings within the Blue Mountains local government area, to update the Blue Mountains Local Environmental Plan (Action 5.15).
  - This planning proposal is not part of the LSPS as it has been substantially completed prior to the preparation of the LSPS; however the LSPS foreshadows a further stage of Heritage Review as noted above, which would continue on from the completed work of this Heritage Review, by identifying new areas of heritage investigation, and consolidation of gathered heritage knowledge.

### **LEP 2015**

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:

- <sup>1</sup> **Not Relevant:** This provision or planning instrument does not apply to land within the Amendment 5 to LEP 2015
- <sup>2</sup> **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.
- <sup>3</sup> **Justifiably Inconsistent:** This provision or planning instrument applies, and is considered to be locally inappropriate.

<u>State Environmental Planning Policies in force</u>		NOT RELEVANT <sup>1</sup>	CONSISTENT <sup>2</sup>	JUSTIFIABLY INCONSISTENT <sup>3</sup>
SEPP 19	Bushland in Urban Areas	✓		
SEPP 21	Caravan Parks	✓		
SEPP 33	Hazardous and Offensive Development	✓		
SEPP 36	Manufactured Home Estates	✓		
SEPP 47	Moore Park Showground	✓		
SEPP 50	Canal Estate Development	✓		
SEPP 55	Remediation of Land		✓	
SEPP 64	Advertising and Signage	✓		
SEPP 65	Design Quality of Residential Apartment Development	✓		
SEPP 70	Affordable Housing (Revised Schemes)	✓		
SEPP	(Aboriginal Land) 2019	✓		
SEPP	(Affordable Rental Housing) 2009		✓	
SEPP	(Building Sustainability Index: BASIX) 2004	✓		
SEPP	(Coastal Management) 2018	✓		
SEPP	(Concurrences and Consents) 2018	✓		
SEPP	(Educational Establishments and Child Care Facilities) 2017	✓		
SEPP	(Exempt and Complying Development Codes) 2008		✓	
SEPP	(Gosford City Centre) 2018	✓		
SEPP	(Housing for Seniors or People with a Disability) 2004	✓		
SEPP	(Infrastructure) 2007		✓	
SEPP	(Integration and Repeals) 2016	✓		
SEPP	(Koala Habitat Protection) 2019	✓		
SEPP	(Kosciuszko National Park – Alpine Resorts) 2007	✓		
SEPP	(Kurnell Peninsula) 1989	✓		
SEPP	(Mining, Petroleum Production and Extractive Industries) 2007	✓		
SEPP	(Miscellaneous Consent Provisions) 2007	✓		
SEPP	(Penrith Lakes Scheme) 1989	✓		
SEPP	(Primary Production and Rural Development) 2019	✓		
SEPP	(State and Regional Development) 2011	✓		
SEPP	(State Significant Precincts) 2005	✓		

<b>State Environmental Planning Policies in force</b>		<b>NOT RELEVANT<sup>1</sup></b>	<b>CONSISTENT<sup>2</sup></b>	<b>JUSTIFIABLY INCONSISTENT<sup>3</sup></b>
<b>SEPP</b>	(Sydney Drinking Water Catchment) 2011		✓	
<b>SEPP</b>	(Sydney Region Growth Centres) 2006	✓		
<b>SEPP</b>	(Three Ports) 2013	✓		
<b>SEPP</b>	(Urban Renewal) 2010	✓		
<b>SEPP</b>	(Vegetation in Non-Rural Areas) 2017	✓		
<b>SEPP</b>	(Western Sydney Employment Area) 2009	✓		
<b>SEPP</b>	(Western Sydney Parklands) 2009	✓		
<b>SEPP</b>	Sydney Regional Environmental Plan No. 20 Hawkesbury – Nepean River (No. 2 – 1997)		✓	
<b>DSEPP</b>	(State and Regional Development) 2011 – Water Treatment Facilities Amendment	✓		
<b>DSEPP</b>	(Short-term Rental Accommodation) 2019	✓		
<b>DSEPP</b>	(Remediation of Land)	✓		
<b>DSEPP</b>	(Environment) 2017	✓		

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 can 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 certain development under the Codes SEPP can be carried out on that site, but this planning proposal would not contravene the SEPP in any way.

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## **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.

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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*

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.

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## **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 (Section 9.1 Directions)

The following table provides a summary of the application and consistency with Section 9.1 Directions.

#### Note:

- <sup>1</sup> **Not Relevant:** This provision or planning instrument does not apply to land within the Draft Amendment 5 to DLEP 2015
- <sup>2</sup> **Consistent:** This provision or planning instrument applies; the Draft Amendment 5 to DLEP 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.

<b>Directions under Section 9.1(2)</b>		<b>NOT RELEVANT 1</b>	<b>CONSISTENT 2</b>	<b>JUSTIFIABLY INCONSISTENT 3</b>
<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		✓		
2.6 Remediation of Contaminated Land			✓	
<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 Regulated Airports and Defence Airfields		✓		
3.6 Shooting Ranges		✓		
3.7 Reduction in non-hosted short term rental accommodation period		✓		
<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			✓	

<b><u>Directions under Section 9.1(2)</u></b>		<b>NOT RELEVANT 1</b>	<b>CONSISTENT 2</b>	<b>JUSTIFIABLY INCONSISTENT 3</b>
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	Revoked	✓		
5.9	North West Rail Link Corridor Strategy	✓		
5.10	Implementation of Regional Plans		✓	
5.11	Development of Aboriginal Land Council land	✓		
<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	✓		
7.3	Parramatta Road Corridor Urban Transformation Strategy	✓		
7.4	Implementation of North West Priority Growth Area land Use and Infrastructure Implementation Plan	✓		
7.5	Implementation of Greater Parramatta Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	✓		
7.6	Implementation of Wilton Priority Growth Area Interim Land Use and Infrastructure Implementation Plan	✓		
7.7	Implementation of Glenfield to Macarthur Urban Renewal Corridor	✓		
7.8	Implementation of Western Sydney Aerotropolis Interim Land Use and Infrastructure Implementation Plan	✓		
7.9	Implementation of Bayside West Precincts 2036 Plan	✓		
7.10	Implementation of Planning Principles for the Cooks Cove Precinct	✓		

This planning proposal is consistent with all relevant Section 9.1(2) Ministerial Directions.

Comment on the relevant Directions is provided in the table below:

<b>Direction under S9.1(2)</b>	<b>Objectives</b>	<b>Consistency</b>
<b>1. <u>Employment and Resources</u></b> 1 July 2009 (Except for New Direction 1.2 effective 14 April 2016; Direction 1.1 effective 1 May 2017; New Direction 1.5 effective 28 February 2019)		
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 or lot sizes are proposed.		
<b>2. <u>Environment and Heritage</u></b> 1 July 2009 (Except for New Direction 2.6 effective 17 April 2020; Direction 2.5 effective 2 March 2016; Direction 2.1 and 2.4 effective 14 April 2016; Direction 2.2 effective 3 April 2018)		

2.1 Environmental Protection Zones	The objective of this direction is to protect and conserve environmentally sensitive areas.	Consistent.  The planning proposal is consistent with this direction as it relates to the application, amendment or removal of heritage listings for the listed items only and will not change any other provision or standard 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 facilitate the conservation of items that have been assessed to satisfy the NSW Heritage Council's criteria for heritage significance, by adding or amending items within Schedule 5 of LEP 2015. Items proposed to be removed are either proposed to be consolidated into larger listings, or no longer meet the criteria for heritage listing and are proposed to be deleted from Schedule 5 of LEP 2015.
2.6 Remediation of Contaminated Land	The objective of this direction is to reduce the risk of harm to human health and the environment.	Consistent.  The planning proposal is consistent with this direction as it does not seek to rezone or change the use of any land identified as contaminated land. Existing processes for identifying and remediating contaminated land still apply to relevant land in the Blue Mountains and are not proposed to change in relation to any land in the planning proposal.
<b>3. Housing, Infrastructure and Urban Development</b> 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; Direction 3.7 effective 15 February 2019)		
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	Consistent.  The planning proposal includes land within residential zones, but is consistent with the direction as the heritage changes proposed do not change other provisions applicable to that land. No development of land included in the planning proposal is proposed as part of the proposal.



	<p>infrastructure and services, and</p> <p>(c) to minimise the impact of residential development on the environment and resource lands.</p>	
3.3 Home Occupations	The objective of this direction is to encourage the carrying out of low-impact small businesses in dwelling houses.	<p>Consistent.</p> <p>This planning proposal does not preclude the carrying out of a home occupation.</p>
<b>4. Hazard and Risk</b> 1 July 2009 (Except for New Direction 4.2 effective 14 April 2016)		
4.4 Planning for Bushfire Protection	<p>The objectives of this direction are:</p> <p>(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</p> <p>(b) to encourage sound management of bush fire prone areas.</p>	<p>Consistent.</p> <p>The planning proposal is consistent with this direction as it relates only to certain heritage amendments to Schedule 5 of LEP 2015, does not propose any development, and will not change any other provision applicable to that land.</p> <p>As part of the consultation required by the Gateway Determination, consultation was carried out with the NSW Rural Fire Service, who did not make any comments or recommendations in regard to the planning proposal.</p>
<b>5. Regional Planning</b> 1 July 2009 (Except for New Direction 5.2 effective 3 March 2011; Direction 5.4 effective 21 August 2015; Direction 5.9 effective 30 September 2013; Direction 5.8 and 5.10 effective 14 April 2016; Direction 5.1 and 5.3 effective 1 May 2017; Direction 5.11 effective 6 February 2019)		
5.2 Sydney Drinking Water Catchment	The objective of this direction is to protect water quality in the Sydney drinking water catchment, and applies to the Blue Mountains local government area.	<p>Consistent.</p> <p>The planning proposal is consistent with this direction as it relates only to certain heritage amendments to Schedule 5 of LEP 2015, and will not change any other provision applicable to that land. No development is proposed, and no changes to ecological values are proposed.</p>
5.10 Implementation of Regional Plans	The objective of this direction is to give legal effect to the vision, land use strategy, goals, directions and actions contained in Regional Plans.	<p>Consistent.</p> <p>The planning proposal is consistent with this direction as it is consistent with the Greater Sydney Region Plan, (March 2018). Refer to Part 3,</p>

		Section B, (3), in this planning proposal for more detail.
<b>6. Local Planning</b> 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.	<p>Consistent.</p> <p>The planning proposal will not result in additional requirements for referral, consultation or concurrence of a development application to a Minister.</p> <p>Local heritage listings do by their nature require in some cases additional approvals from local (public) authorities for those properties, and the addition of proposed new items to Schedule 5 of LEP 2015 may increase the number of property owners required to consult with Council. However, the protection of culturally significant heritage within the LGA appropriately requires that the assessment of development include heritage considerations. The proposal is therefore justified and considered consistent.</p>
<b>7. Metropolitan Planning</b> 14 January 2015 Except for Direction 7.2 effective 22 September 2015; Direction 7.3: effective 9 December 2016; Direction 7.4: effective 15 May 2017; Direction 7.5: effective 25 July 2017; Direction 7.6: effective 5 August 2017; Direction 7.7: effective 22 December 2017; Direction 7.8: effective 20 August 2018; Direction 7.9: effective: 25 September 2018; Direction 7.10: effective 25 September 2018		
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.	<p>Consistent.</p> <p>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.</p> <p>The proposal is consistent with the Greater Sydney Region Plan (2018) and the Western City District Plan (2018).</p>

## 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 changes to

heritage listing status of the included properties. 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 heritage 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 of the heritage items for the benefit of the broader community.

The planning proposal is not expected to result in adverse economic effects. The built heritage of the LGA within the numerous historic towns and villages (in conjunction with the natural environment) is identified as a key driver for tourism to the Blue Mountains. This is a significant and positive contributor to the local economy.

#### **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 heritage items in Schedule 5 of LEP 2015. 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 was required by the gateway determination of 3 November 2017 to consult with the following agencies:

- Heritage NSW (formerly NSW Heritage Division)
  - Council liaised with the Office of Environment and Heritage and the NSW Heritage Division (now Heritage NSW) in the preliminary consultation phase (Stage 1). A submission was received providing in-principle support for the Heritage Review.
  - The NSW Heritage Division (now Heritage NSW) provided a further submission to the public exhibition (Stage 2), recommending a minor refinement to one item.
  - The Stage 2 submission included comments regarding two State-listed items where the names have not been aligned, and noted that Council had provided to the Division the reasons for this.
  - The Stage 2 submission recommended that mapping for one State-listed item retain parts of the locally-mapped curtilage.
  - The Stage 2 submission made no other comments, provided the proposal demonstrated robust heritage assessment and accuracy of information.
- NSW Rural Fire Service
  - The NSW Rural Fire Service provided a submission to the public exhibition. There were no specific objections, comments or recommendations in regard to the planning proposal.
- NSW Aboriginal Land Council
  - The NSW Aboriginal Land Council did not make a submission, or any comments, objections or recommendations.
- Local Aboriginal Land Councils
  - The Local Aboriginal Land Councils (Deerubbin) were consulted during preliminary consultation (Stage 1).

- Particular consultation occurred regarding Council and Crown lands affected by Schedule G of Council's ILUA (Indigenous Land Use Agreement) with the Gundungurra. The Gundungurra Consultative Committee proposed that an explanatory statement be added to those heritage items that are listed under Schedule G of the ILUA, as follows:  
*"Gundungurra Indigenous Land Use Agreement (Aboriginal heritage statement):  
This land is listed under Schedule G of the Gundungurra Indigenous Land Use Agreement (ILUA). The ILUA recognises the particular importance of certain land within the Blue Mountains Local Government Area to the Gundungurra Traditional Owners, and is a 10 year, legally binding agreement under the Native Title Act 1993. The information in this inventory sheet does not include the significance of this site to the Gundungurra Traditional Owners, and therefore does not represent a complete history, or represent the views of the Gundungurra ILUA Consultative Committee or the values they attribute to the land. The inventory sheet should be read as the European history only, and it is recognised that this history may have impacted on the Aboriginal cultural significance of the site."*
- During the public exhibition phase, additional lands were added to the ILUA. These sites were then added to the existing list of lands that formed the consultation material.
- Traditional Owners, Aboriginal Advisory Committee & Local Aboriginal Land Councils were consulted during the public exhibition (Stage 2), but did not make a submission, or any comments, objections or recommendations.
- Consultation remained open for over 60 days.

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

- Sydney Water – regarding existing listing Medlow Dam, Medlow Bath, and the proposed new listings of Greaves Creek Dam at Blackheath, and Cascade Creek Dams at Katoomba.
  - Sydney Water did not make any submissions to the Heritage Review in either phase.
  - However, a stage of late consultation occurred with Sydney Water's Heritage Advisor in conjunction with discussions between WaterNSW and Sydney Water, who share the responsibility of managing NSW's water-based utilities such as dams and reservoirs.
- Water NSW – regarding existing listing Medlow Dam, Medlow Bath, and the proposed new listings of Greaves Creek Dam at Blackheath, and Cascade Creek Dams at Katoomba.
  - Water NSW made a submission in the preliminary consultation phase, (Stage 1), expressing concern over the proposed listings of Greaves Creek Dam at Blackheath, and Cascade Creek Dams at Katoomba, as the items have shared infrastructure with Water NSW, and it is not clear how the listing would be managed between the two agencies.
  - The submission suggested general support for the two listings and acknowledgement of their heritage significance.
  - WaterNSW made a further submission to the public exhibition (Stage 2), and objected to the proposed heritage listing of two items, Greaves Creek Dam at Blackheath, and Cascade Creek Dams at Katoomba, for operational reasons.
  - Discussions have now occurred with Sydney Water (who have also been liaising with WaterNSW) and WaterNSW.

- Sydney Water have indicated through consultation that all parties agree in principle that the two new dams have heritage significance as part of the Blue Mountains Water Supply Group, and should be listed, but also have concerns over elements of significance, and management concerns. WaterNSW recently inspected the dam sites.
- Heritage listings would not prevent operational upgrades or changes, and generally would not impact future works which would be done under the Infrastructure SEPP as exempt development or development without consent. There would be some requirements to notify Council, and potential increases in heritage reports required to be carried out for identified items of significance.
- Following this consultation, Council believes the listings can proceed, with additional information proposed by Council to be added to the inventory sheets to clarify ongoing management concerns and the need for assessments and strategies to take place long term. Note some text was added following Stage 1, expressing the operational concerns of WaterNSW.
- Water NSW has been advised of the proposed listing, and have confirmed in writing support for proceeding.
- National Parks and Wildlife Service
  - National Parks and Wildlife Service made a joint submission in Stage 1 of the Heritage Review and did not express any objections to the proposal.
- RailCorp
  - See below
- Sydney Trains
  - Sydney Trains commented that RailCorp intended to decommission and remove the Woodford Railway Footbridge for operational reasons. This bridge is proposed to be added to an existing listing for the Woodford Memorial Park. The community is strongly supportive of the proposed listing. The listing of the Bridge is recommended to continue as part of the planning proposal.
- Crown lands
  - No submission received
- Department of Education
  - The Department of Education made a submission to Stage 1 of the Heritage Review, regarding the proposed listing of the interiors of their heritage public school buildings in the Blue Mountains local government area, and requested the buildings be inspected and assessed.
  - Council and the Department's heritage officers carried out a number of inspections, and agreed upon which buildings had significant interiors. The listing descriptions and heritage inventory sheets for those properties were then updated as part of Stage 1 outcomes.
- Department of Health
  - NSW Health made a submission to Stage 1 of the Heritage Review regarding the proposed listing of the interiors of Katoomba Hospital, and requested the building complex be inspected and assessed.
  - Council's heritage officer inspected the building complex and found the majority of the complex did not have significant interiors. The listing description and heritage inventory sheet were updated as part of Stage 1 outcomes.

## PART 4 MAPPING

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

Mapping has been prepared in accordance with the Standard Technical Requirements for LEP Maps published August 2017, Version 2.0. The proposed updated mapping has been separately uploaded to the Department of Planning, Industry and the Environment's planning portal.

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 (examples shown in Figures 1 and 2 below), and the use of polygons to indicate tracks in natural areas, superseding the previous convention of identifying by a single dot.

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 this planning proposal via separate upload to the planning portal.



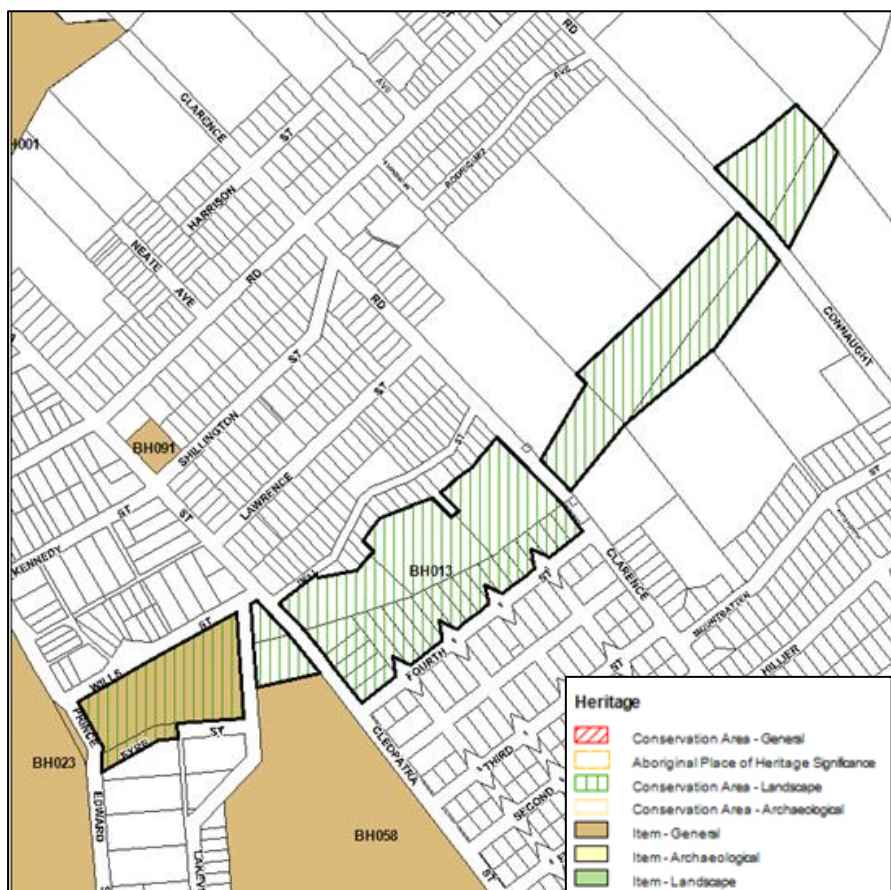


Figure 1: Proposed mapping convention example – landscape conservation area

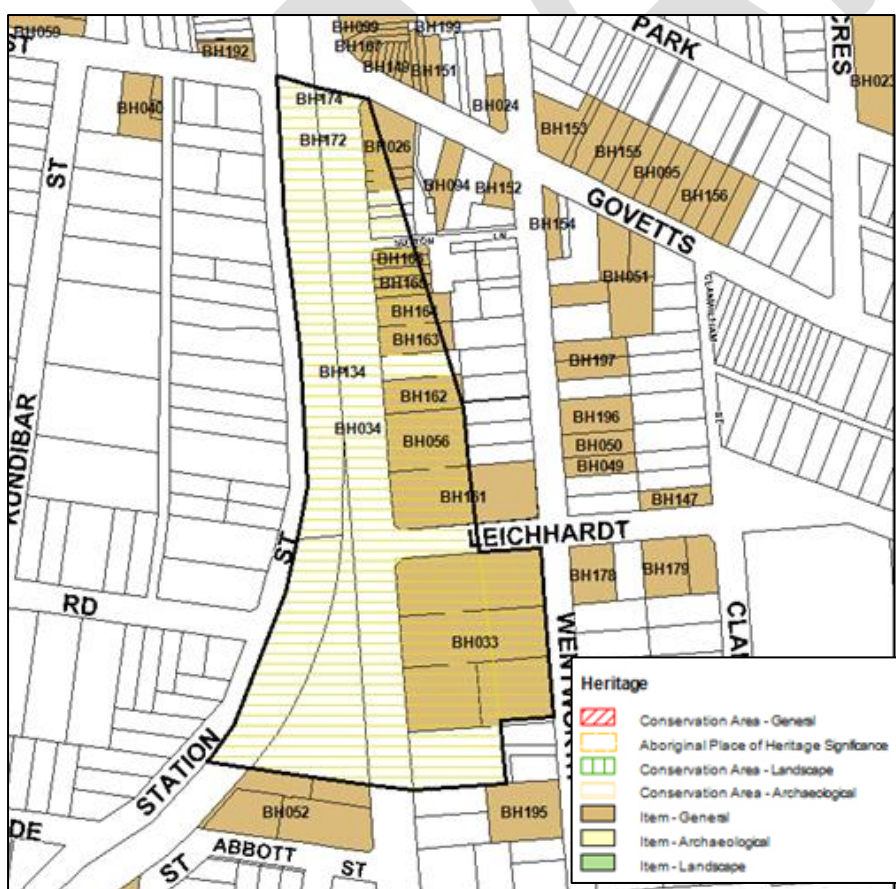


Figure 2: Proposed mapping convention example – archaeological conservation area

## 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 heritage property owners and the public to be informed and provide feedback and further information.

### *Stage 1 – Preliminary consultation*

A report was presented to Council on 25 October 2016, successfully seeking endorsement to proceed to Stage 1 preliminary consultation. Council completed Stage 1 – preliminary community consultation of the Heritage Review in 2017. The consultation period was from 16 November 2016 to 31 January 2017. As part of the Council's resolution of 2 February 2017 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", the advertised consultation period was extended by a further 4 weeks, to the 28 February 2017. The consultation was targeted and specifically sought submissions from affected property owners.

The details of the community consultation process formed part of the required Council reporting, and is described in detail in the Council reports that are attached to the planning proposal. In particular, the Council report of 28 June 2016 reported on the proposed community consultation strategy and was endorsed by Council (Attachment 8b).

Certain sites affected by Council's indigenous land use agreement (ILUA) were deferred from the initial consultation period with landowners 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. A Council report on the outcomes of the ILUA exhibition was presented on 28 March 2017 (Attachment 8d).

Letters were sent to each individual heritage item 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, which is included with the review of Stage 1 submissions (Attachment 8e).

### *Stage 2 – Public Exhibition*

Stage 2 consultation was the public exhibition of the planning proposal, as required by the Gateway Determination. The Gateway Determination required a 28-day public exhibition, however, Council decided to extend the consultation period to a six-week period.

The public exhibition was carried out between 7 March and 18 April 2018.

The public exhibition of the planning proposal necessitated a broader consultation in comparison to the targeted approach of the preliminary consultation of Stage 1. Council again notified in writing the property owners of sites included in the planning proposal as well as key local organisations with an interest in local heritage.

Advertisements were placed in the local paper at the commencement of the community consultation and several times during the exhibition, and just prior to the end of the consultation period.

A hard copy of the information relating to the proposal was available for viewing at the Katoomba, Springwood and Blaxland Libraries and at the Katoomba and Springwood headquarters. The information was placed on dedicated site on Council's Have Your Say website, still available at <https://yoursay.bmcc.nsw.gov.au/heritagereview>.

Sites affected by Council's indigenous land use agreement (ILUA) formed part of targeted Stage 2 consultation with the Gundungurra Consultative Committee (GCC). A private Have Your Say web page was set up to digitally access the relevant documents. Council's heritage officer and Council's Aboriginal Liaison Officer attended out of session meetings with the GCC to provide hard copies of the relevant documents, and request consultation and feedback. The extended consultation period was from 28 November 2018 to 1 May 2019.

Council received a total of 44 submissions in response to the public exhibition. Several late submissions were accepted. The full details of the submissions and Council's responses are detailed within the Council report of 29 September 2020, and the attachments to that report.

A number of minor changes were made to the planning proposal following the public exhibition. Two proposed new heritage items were removed from the proposal. No new items were added. The majority of changes were to the listings descriptions, mapping and heritage inventory sheet information of existing items or proposed new items.

At the Council meeting of 29 September, it was resolved to adopt the planning proposal for draft Amendment 5, however, the proposed new listing of 27 Hope Street, Blaxland, was deferred from the planning proposal, until an independent heritage assessment was carried out to determine heritage significance. This item has now been independently assessed, with the report recommendations presented to the 24 November 2020 Council meeting. The item is now re-included in the final Planning Proposal as originally proposed. Documents relating to this independent assessment have been added to this planning proposal (Attachments 1e, 1f and 10h).

## PART 6 PROJECT TIMELINE

Due to the two-stage consultation process, the large volume of properties and material involved in the proposed amendment, and competing priorities in Council's strategic planning team, the timeline for the making of the amendment has experienced delays. The project timeline below indicates the progress of the planning proposal, indicating the proposal is ready for finalisation.

	Plan-making step	Status
23 June 2015	Council report on draft Amendment 5 to LEP 2015 (Heritage Review) – endorse scope and methodology	Complete
28 June 2016	Council report on draft Amendment 5 to LEP 2015 (Heritage Review) – endorse 2-stage community consultation strategy	
25 October 2016	Council report on draft Amendment 5 to LEP 2015 (Heritage Review) – endorse Stage 1 consultation material	Complete
November 2016 – 3 May 2017	Stage 1 preliminary consultation in 3 separate stages	Complete
28 March 2017	Council report on draft Amendment 5 to LEP 2015 (Heritage Review) – report on ILUA consultation	Complete
May – September 2017	Response to submissions and changes to the proposal made following Stage 1 preliminary consultation	Complete
19 September 2017	Council report on draft Amendment 5 to LEP 2015 (Heritage Review) – endorse Draft Planning Proposal to send for gateway determination	Complete
October 2017	Gateway panel reviews draft Amendment 5 (Heritage Review) to LEP 2015	Complete
3 November 2017	Gateway determination issued, with 12 month time frame to 3 November 2018	Complete
November – March 2018	<i>Delays due to progressing time-sensitive Amendment 6 to LEP 2015 (Period Housing Conversion) – preparation of Draft Planning Proposal</i>	
January 2018	Amend planning proposal as per Gateway Determination (not required) State Agency consultation	Complete
March – April 2018	Community consultation - Public exhibition of the Draft Planning Proposal 7 March – 18 April	Complete
May – July 2018	<i>Delays due to progressing time-sensitive Amendment 6 to LEP 2015 (Period Housing Conversion) – Gateway determination received 17 May 2018 Public exhibition 30 May – 11 July 2018</i>	Complete

November 2018 – May 2019	ILUA consultation Stage 2 (part of public exhibition)	Complete
December 2018	Gateway extension request granted, extended to 13 December 2019	
September 2018 – August 2019	<p><i>Delays due to preparation of Local Strategic Planning Statement and supporting heritage and character study/statement</i></p> <p><i>Local Strategic Planning Statement made March 2020, including supporting studies:</i></p> <ul style="list-style-type: none"> <li>- <i>Local Character Study</i></li> <li>- <i>Local Character Statement</i></li> </ul>	
	<i>Amendment 6 (Period Housing Conversion) to LEP 2015 made 19 July 2019</i>	Complete
September – December 2019	Review submissions to draft Amendment 5 to LEP 2015 public exhibition	Complete
28 November 2019	Gateway extension request granted, extended to 12 June 2020	
January 2020	Preparation of final planning proposal	
March 2020	Gateway extension request due to bushfires and COVID-19. Gateway extension request granted extended to 30 October 2020	
29 September 2020	Council report on draft Amendment 5 to LEP 2015 (Heritage Review) presented to Council – changes following public exhibition. [One item (27 Hope Street Blaxland) deferred from Planning Proposal for independent heritage assessment.]	Complete
October 2020	Post-Exhibition Planning Proposal and supporting information is forwarded to the Department for final review and request that the Plan be made, noting one item is deferred.	In progress / superseded
November 2020	Independent heritage assessment of 27 Hope Street, Blaxland prepared.	Complete
24 November 2020	Independent heritage assessment of 27 Hope Street Blaxland carried out and reported to 24 November Council meeting. Deferred matter re-included in Planning Proposal	Complete
December 2020	Final draft Planning Proposal amended to re-include deferred item, and uploaded to the Department's planning portal.	In progress
Post-October 2020	The Minister considers the final draft of draft Amendment 5 to LEP 2015 and determines if the proposal can be made.	Pending
December 2020	Plan is made.	Pending



## PART 7 ATTACHMENTS

	Attachment
Council report of 29 September 2020 – report on public exhibition	1c
Council Minute 286 – 29 September 2020 Council meeting	1d
Council report of 24 November 2020 – report on independent heritage assessment of 27 Hope Street, Blaxland (deferred matter from 29 September)	1e
Council Minute 385 – 24 November 2020 Council meeting	1f
Attachment 1 to Council report – List of Recommendations from public exhibition	2
Attachment 2 to Council report – Response to Submissions	3
Enclosure 1 to Council report – Interiors and other Inspection Reports	4
(Enclosure 2 to Council report – Planning Proposal (this document))	n/a
Enclosure 3 to Council report – Schedule of Proposed Changes	5
Enclosure 4 to Council report – Updated version of Schedule 5	6
Enclosure 5 to Council report - Heritage Interiors - Fact Sheet	7
Enclosure 6 to Council report – Heritage Mapping to LEP 2015 - pdfs	8
<b>Previous Council reports:</b>	
Council report of 23 June 2015	9a
Council report of 28 June 2016	9b
Council report of 25 October 2016	9c
Council report of 28 March 2017	9d
Council report of 19 September 2017 – report on Stage 1 consultation outcomes, including Attachment A – response to Stage 1 submissions	9e
<b>Supporting studies:</b>	
<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>	10a
<i>Report on the Heritage Characteristics of Mount Wilson, Ian Jack Heritage Consulting with Pamela Hubert, Siobhan Lavelle and Colleen Morris, September 2004</i>	10b
<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>	10c
<i>LEP 1991 Consultant Review by Dr Jim Smith, April 2010</i>	10d
<i>Gap Analysis study, Blue Mountains City Council, 2010</i>	10e
<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>	10f
<i>The Great Western Road – from Lapstone to Mount Victoria, Sue Rosen Associates, September 2016</i>	10g
<i>Heritage Assessment of 27 Hope Street, Blaxland, City Plan Heritage, November 2020</i>	10h
Heritage inventory sheets organised by village (contained within 5 separate pdfs)	11