



PLANNING PROPOSAL

Blue Mountains
Local Environmental Plan 2015
(Draft Amendment 6)

Period Housing to Heritage Conservation Areas



September 2018 (Post-Exhibition version)
Prepared by Blue Mountains City Council

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PART 1 INTRODUCTION AND OBJECTIVES OF THE PLANNING PROPOSAL

Introduction

The Blue Mountains local government area contains a large number of heritage significant properties, with 893 existing heritage items and 19 existing heritage conservation areas. The identification and protection of properties with heritage significance is important to the Blue Mountains community, with statutory protection being the primary mechanism to retain the established historic character of heritage-significant buildings and the village environments.

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, areas of housing stock identified as from the Victorian, Edwardian, Federation, and Inter-War periods have been considered a distinctive character area element, with protection under Council's Period Housing Area clauses in LEP 2005. The Period Housing Area clauses were part of a suite of planning protections in LEP 2005 that sought to protect local established character.

During the preparation of the Standard Instrument LEP the Blue Mountains the Council was required by the Department of Planning and Environment (the Department) to convert existing Period Housing Areas into heritage conservation areas. However, due to the extent of work required for these areas to be meaningfully reviewed and the time limit to prepare the LEP, this conversion could not occur as part of LEP 2015. Consequently, the Period Housing Area clauses were carried over into LEP 2015, with a sunset clause that required the conversion of the Period Housing areas into heritage conservation areas by 16 February 2019.

Council has now completed a pair of complementary reports, commissioned in 2014 and 2017, to assess the heritage value of the existing Period Housing Areas. The 2014 report found that the existing Period Housing Areas had high values for conversion to heritage conservation areas. The 2017 report reviewed the previously-recommended boundaries to the recommended heritage conservation areas, and carried out extensive fieldwork to assess the contributory values of properties within the proposed boundaries. The 2017 report includes draft heritage inventory sheets to support the proposed new heritage conservation areas.

As a precautionary approach and due to the February 2019 deadline on the sunset clause, this planning proposal seeks only to convert existing Period Housing lots into heritage conservation areas where values have been confirmed. Extensions to the converted heritage conservation areas, as recommended in the consultant report, do not form part of this proposal and may be progressed at a future stage.

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 which is part of the NSW Heritage Manual.

This planning proposal has been prepared in accordance with Section 3.3 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 Environmental Plans* (August 2016).

The Period Housing conversion is limited to the immediate need to create new heritage conservation areas before the February 2019 deadline. Council has already prepared a Heritage Review which covers changes to existing and proposed heritage items. The Heritage Review planning proposal has progressed to a gateway determination and will shortly be put on public exhibition, prior to exhibiting this Period Housing conversion planning proposal. The

two heritage-related planning proposals are running concurrently and are not expected to impact each other.

The zoning applying to the sites is not proposed to change as a result of this planning proposal.

Objective

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 the relevant maps – the Built Character maps and the Heritage Conservation maps - of the Blue Mountains Local Environmental Plan 2015 (LEP 2015).

The aims of the planning proposal are:

- The retention of existing protections for 'Period Housing Areas' through conversion to heritage conservation areas;
- The recognition and clarification of heritage significance; and
- The long-term conservation of the cultural heritage of the Blue Mountains.

PART 2 EXPLANATION OF PROVISIONS

LEP 2015

LEP 2015 Schedule 5 Environmental heritage

The objectives of the planning proposal will be achieved by amending Schedule 5 *Environmental heritage* of LEP 2015, by adding 17 new heritage conservation areas to Part 2 *Heritage conservation areas* of the Schedule.

Listing of a heritage conservation area occurs within Part 2 of 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.

Local or state significance is identified for each heritage conservation area. All proposed new and modified heritage conservation areas are of local significance.

All heritage items and heritage conservation areas in the Blue Mountains LGA have a local identifier which is included in the column in the heritage schedule of LEP 2015 that identifies its location on the heritage map.

The following 17 new heritage conservation areas are proposed:

Name of Heritage Conservation Area	Identification on Heritage Map	Significance
Blackheath Village and Setting	Shown in red hatching and marked 'BH212'	Local
Hat Hill Road	Shown in red hatching and marked 'BH213'	Local
Blackheath West	Shown in red hatching and marked 'BH214'	Local
Lookout Hill	Shown in red hatching and marked 'BH215'	Local
Katoomba South	Shown in red hatching and marked 'K168'	Local
Crown Village	Shown in red hatching and marked 'K169'	Local
Grimley Estate	Shown in red hatching and marked 'K170'	Local
Norths Estate	Shown in red hatching and marked 'K171'	Local
Leura North	Shown in red hatching and marked 'LA105'	Local
Leura South	Shown in red hatching and marked 'LA106'	Local
Village of Brasfort	Shown in red hatching and marked 'WF119'	Local
Westbourne Avenue	Shown in red hatching and marked 'WF120'	Local

Hays Nature Reserve Link	Shown in red hatching and marked 'LN084'	Local
Railway Parade East	Shown in red hatching and marked 'H028'	Local
Moorecourt Avenue	Shown in red hatching and marked 'SP071'	Local
Macquarie Road West	Shown in red hatching and marked 'SP072'	Local
Glenbrook	Shown in red hatching and marked 'G061'	Local

Two existing heritage conservation areas are proposed to be modified, by amending the name of the heritage conservation area. The name change is indicated below by underline text.

Name of Heritage Conservation Area	Identification on Heritage Map	Significance
Macquarie Road <u>East</u>	Shown in red hatching and marked 'SP056'	Local
Railway Parade <u>West</u>	Shown in red hatching and marked 'H008'	Local

LEP 2015 mapping

The Built Character maps will be amended by the deletion of all Period Housing mapping (shaded in brown fill on the Built Character map). The Heritage Conservation maps will be amended by the addition of red hatching and red boundary polygons to the proposed new heritage conservation areas. Preliminary mapping has been prepared and is attached to this planning proposal (Attachment 3).

Two existing heritage conservation areas are proposed to be modified, by amending the mapping extents for the conservation area.

Name of Heritage Conservation Area	Identification on Heritage Map	Significance
Central Mount Victoria	Shown in red hatching and marked 'MV023'	Local
Macquarie Road <u>East</u>	Shown in red hatching and marked 'SP056'	Local

39 lots were recommended to be removed by the 2018 study. Following the public exhibition process, two further lots are proposed to be removed from the proposed heritage conservation areas. The two lots are 92 Camp Street, Katoomba (within the Crown Village HCA, Katoomba (K169), and 98 Macquarie Road, Springwood, within the Macquarie Road HCA, Springwood (SP056). Justification for the removal of the lots forms part of the submission review document attached to this planning proposal.

The removed lots are as follows:

- Katoomba – 1 lot (public exhibition submission)
- Leura – 2 lots (results of 2018 study)
- Hazelbrook – 10 lots (results of 2018 study)
- Springwood, Macquarie Road East HCA – 5 lots (results of 2018 study (4) and public exhibition submission (1))
- Springwood, Macquarie Road West HCA – 22 lots (results of 2018 study)
- Glenbrook HCA – 1 lot (results of 2018 study)

These changes are indicated on the preliminary mapping attached to this planning proposal, which has been updated post-exhibition (Attachment 3).

Road reserves

Road reserves may be included in heritage conservation areas depending upon the streetscape values. Various road reserves have been identified as significant streetscapes that contribute to the character of the proposed heritage conservation areas and are intended to be included in the conservation areas.

These road reserves have generally been included within the heritage conservation areas in this planning proposal. However, some road reserves are adjacent deferred land (zoned Living – Conservation and subject to the planning proposal currently with the DPE - Amendment 2 to LEP 2015). These road reserves will not be included in the current mapping boundaries of this planning proposal but are indicated for information as intended to form part of the future inclusion of the deferred land once Amendment 2 is resolved.

Supporting heritage inventory sheets

All proposed new heritage conservation areas included in the planning proposal have a draft heritage inventory sheet to support the heritage listing. Existing heritage inventory sheets for existing heritage conservation areas will be updated in line with proposed changes.

The information and assessment in the heritage inventory sheets has been carried out by a qualified heritage consultant with extensive experience in the heritage of the local area. The consultant carried out the preliminary study in 2014 which identified statements of significance for the proposed new HCAs, and the same consultant prepared full draft heritage inventory sheets based on the preliminary information gathered for the 2014 report, and finalised as part of the 2017 report following extensive field work.

The information and assessment in the heritage inventory sheets has been subject to peer review from Council's heritage specialist.

Heritage inventory sheets have been prepared for all 17 proposed new heritage conservation areas, (detailed in the table above) to be added to the Schedule (Attachment 4).

Three existing heritage conservation areas are proposed to be modified, by amending the heritage inventory sheets for the conservation area (Attachment 4). Although heritage inventory sheet changes are non-statutory, being information updates only, it is considered important to include these changes in the planning proposal and exhibition. These two heritage conservation areas also have minor statutory changes proposed to name and/or mapping.

Name of Heritage Conservation Area	Identification on Heritage Map	Significance
Central Mount Victoria	Shown in red hatching and marked 'MV023'	Local
Railway Parade West	Shown in red hatching and marked 'H008'	Local
Macquarie Road East	Shown in red hatching and marked 'SP056'	Local

Following the public exhibition process, two heritage inventory sheets are proposed to have minor amendments. The two inventory sheets are Lookout Hill HCA, Blackheath, and Glenbrook HCA, Glenbrook. The updated versions of the inventory sheets are included with this planning proposal. Information regarding the reason for the changes is included in the submission review document attached to this planning proposal.

Consequential amendments to LEP 2015

Notwithstanding the proposed new heritage provisions as detailed above, a number of consequential amendments to LEP 2015 are also required to ensure that Period Housing is completely removed from the LEP. These changes will affect the written instrument and maps.

The proposed removal of the Period Housing provisions requires the following **major** changes:

1. Deletion of Clause 6.18 *Period Housing area* of the written instrument, and
2. The removal of Period Housing from the Built Character mapping (currently identified by brown shading to affected lots).

These changes are mandated by the 'sunset clause' that repeals Clause 6.18. The sunset clause is provided within Clause 6.18(7). The clause 'ceases to have effect' and thus the clause is required to be deleted.

The mapping on the Built Character map (identified as brown shading) will therefore become redundant and identification of Period Housing Areas will be removed from the Built Character mapping.

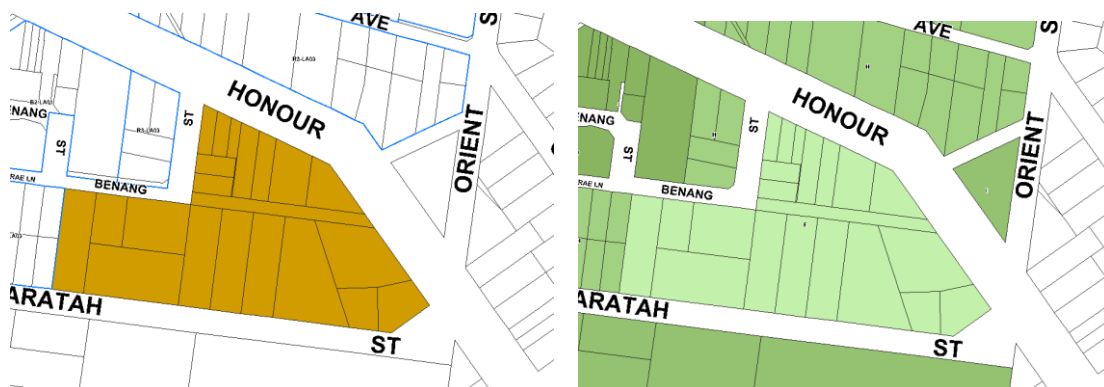
The proposed removal of the Period Housing provisions also requires the following **minor** changes:

1. *Height of Buildings mapping*: The Height of Buildings mapping currently provides a lower maximum building height of 6.5 metres for land identified as Period Housing compared to the surrounding land which is not Period Housing. This differentiates Period Housing lots (which have an identified single-storey character) from the surrounding land irrespective of various zonings. The zones are generally R2 Low Density Residential and E4 Environmental Living. Surrounding land has a higher maximum height of buildings of 8 metres in the above zones, but in some cases, surrounding heights are 9m (B2 zone), 10m (IN2 zone) and 12m (IN1 zone).

Refer to the example images provided below for clarification.

The draft planning proposal contemplated the removal of the 6.5 metre maximum building height to allow a more merit-based assessment of development within heritage conservation areas (and also proposed the deletion of the height of buildings exceptions in Clause 4.3A(4) – see below).

However, following issues raised in the public exhibition, internal discussions and a review of current development applications in Period Housing Areas in South Katoomba as case studies, the 6.5 metre maximum height of buildings is proposed to be generally retained on the Height of Buildings mapping. The retention of the existing maximum building height of 6.5 metres for these areas is consistent with the 'translation' approach which began with the preparation of LEP 2015 and the conversion to the Standard Instrument format. The Period Housing Conversion is part of this translation approach or 'conversion' that underpinned moving to more standardised provisions.



Existing Period Housing area in Lawson town centre, and the accompanying existing modifications to the Height of Buildings mapping for the same area, showing the 6.5 metre maximum building height within the Period Housing Area (pale green) and the 8 metre height maximum building height of surrounding lots (darker green).

The submission review document provides additional discussion of building heights addressing submitter concerns, and is attached to this planning proposal.

Certain 41 lots removed from the proposal

The only exceptions to the retention of the 6.5 metre maximum building height are the 41 lots proposed to be removed as part of the proposal, as they have been determined not to meet the criteria for conversion to heritage conservation areas.

39 lots were recommended for removal by the 2018 study, and 2 further lots are proposed to be removed following the review of submissions from the public exhibition.

The Height of Buildings maps will be modified to remove the 6.5 metre building height on most of these 41 lots. Note one lot is in the IN2 Light Industrial zone with an existing height maximum of 10 metres. This will not change. The remaining 40 lots will then revert to the height of the surrounding zoning.

LEP map tiles showing these changes to the Height of Buildings mapping are included in this planning proposal.

2. Clause 4.3A Exceptions to the maximum floor space ratio and height of buildings, subclause 4.3A (4) :

Clause 4.3A provides for exceptions to the maximum floor space ratio and height of buildings. Subclause 4.3A (4) allows for an increase in the maximum building height on land identified as within Period Housing Areas subject to meeting parts (a) to (d) of the clause.

- (4) Development consent may be granted to a building on land identified as “Period housing area” on the Built Character Map that exceeds the maximum height shown for the land on the Height of Buildings Map if the consent authority is satisfied that the building:
- (a) is located within an area that has a predominant presence of 2-storey dwelling houses, and
 - (b) incorporates a design that minimises its apparent bulk when viewed from a public road, and
 - (c) provides for a roof form and pitch that is consistent with the predominant form of traditional housing stock within the surrounding area, and
 - (d) has a height of no more than 8 metres.

In the exhibited Planning Proposal it was proposed that Clause 4.3(4) be deleted, with no exceptions necessary, as the height of buildings within the new HCAs would be amended on the Height of Buildings mapping to be consistent with the surrounding zoning, generally 8 metres.

However, following the review of submissions (relating to concerns over building heights), a review of current development applications where 8m heights are proposed using this exceptions clause, and further consideration, it is considered more appropriate to retain the lower 6.5m maximum height of buildings on the mapping, and therefore retain the accompanying role and function of the flexibility of this clause. This continues the ‘translation’ approach, begun with the preparation of LEP 2015 and the conversion to the Standard Instrument format, for the Period Housing Conversion.

The amended clause firstly converts the words ‘period housing area’ to a reference to the heritage conservation areas. However consideration needed to be given to the mechanism required to identify each new HCA in the clause, such as through a table. The preferred approach instead is to refer to the residential zones in which the exception could be applied. This would need to apply to all existing and proposed HCAs, as separating existing and proposed HCAs is only possible through a tabulation at a scale not appropriate for an LEP clause. Some parts of existing HCAs are therefore included under this clause for the first time. An investigation was carried out to assess the implications of this proposed change. Overall, the impacts are anticipated to be minimal. Detail of the investigation is provided in the following paragraphs.

In the first instance, the zones for existing HCAs in town centres are mostly B2 Local Centre and are not proposed to be captured by the amended clause. Further, lands zoned R3 Medium Density Residential within existing HCAs have current height limits of 8m, and in some cases 9m, so this zone does not require inclusion in the clause. Further, land zoned R2 Low Density Residential or E4 Environmental Living within existing HCAs already has an existing height limit of 8m and while the clause would apply it would effect no change.

Only land zoned R1 General Residential within existing HCAs with a height limit of 6.5m would be impacted. The only affected lots identified are in Mount Victoria. There are 37 lots, or 25 properties, affected. Of these, only 8 are viewed as potentially concerning, with possible adverse impacts to buildings and settings from a future two-storey development. (Note these 8 lots are all heritage items, with a mix of single- and two-storey buildings and settings, mostly in Station Street). While the amended clause would apply to these eight properties, it is considered the detailed assessment of any proposal utilising this clause against Council’s general provisions, in combination with the heightened consideration required by heritage provisions, would likely result in an acceptable development outcome.

It is further noted that some existing heritage conservation areas contain deferred land under Amendment 2 of LEP 2015 (the proposed R6 zone). These lots are zoned Living-Conservation under LEP 2005. The maximum height of buildings in this zone is 6.5m. It is anticipated that when these deferred lots are brought into LEP 2015, the 6.5m maximum height of buildings for the zone will be retained.

Overall it is considered an acceptable outcome to amend the clause in the manner proposed to maintain current levels of flexibility, for height of buildings, in those PHAs being converted to HCAs.

Thus the amended Clause 4.3A would read:

“Development consent may be granted to a building on land in a heritage conservation area zoned R1 *General Residential*, R2 *Low Density Residential* or E4 *Environmental Living* that exceeds the maximum building height shown for the land on the Height of Buildings Map if the consent authority is satisfied that the building:

- (a) Is located within an area that has a predominant presence of 2-storey dwelling houses, and
- (b) Incorporates a design that minimises its apparent bulk when viewed from a public road, and
- (c) Provides a roof form and pitch that is consistent with the predominant form of traditional housing stock within the surrounding area, and
- (d) Has a height of no more than 8 metres.”

3. *Clause 7.6 Katoomba precinct:* Part 7 of LEP 2015 provides additional local clauses for the development of village centres. The additional clauses generally relate to the precincts outlined in blue on the Built Character mapping. Part 7.6 relates to Katoomba and contains a reference to Period Housing as follows: “ (a) to encourage a range of housing types that are sympathetic in design and form to the surrounding historical cottages on land identified as “Period Housing Area” on the Built Character map.”

This clause is proposed to be amended as follows: “(a) to encourage a range of housing types that are sympathetic in design and form to the surrounding historical cottages.”

(11) The objectives for development on land identified as “Katoomba Precinct R3-KA11” on the Built Character Map are as follows:

- (a) to encourage a range of housing types that are sympathetic in design and form to the surrounding historical cottages on land identified as “Period Housing Area” on the Built Character Map,
- (b) to enhance pedestrian linkages to Station Street.

Period Housing lots in existing heritage conservation areas

Some existing Period Housing lots are located within existing heritage conservation areas. This occurs in Mount Victoria (approximately 40 lots), Wentworth Falls (5 lots), Hazelbrook (9 lots), and Springwood (7 lots).

Where Period Housing lots are located within an existing heritage conservation area, these lots will remain covered by the existing heritage conservation provisions, and the Period Housing affecting the lots deleted, with no further action regarding these lots required. Note the lower Height of Buildings mapping associated with these lots will be retained. This planning proposal applies to these lots to the extent that they will be deleted from the Built Character map (with all other Period Housing lots).

Land not progressing to new heritage conservation areas

Some lots that are currently Period Housing are proposed to be deleted, where they do not meet the criteria for heritage conservation areas. These lots occur in Leura (2 lots), Hazelbrook (10 lots), Springwood (26 lots), Glenbrook (1 lot).

These lots are identified on maps attached to this planning proposal at Part 9.

Sites deferred from LEP 2015

A large number of lots affected by the proposed conversion of existing Period Housing Areas to heritage conservation areas are currently deferred from LEP 2015. The approach proposed to manage the inclusion of these items is outlined below.

Land deferred from LEP 2015 (Amendment 1)

Certain lands which form part of this planning proposal are deferred from LEP 2015 until Amendment 1 to LEP 2015 is made. This means these lands continue to be regulated by LEP 2005, including Period Housing provisions in that instrument. Proposed Amendment 1 to LEP 2015 seeks to integrate these lands into LEP 2015. This amendment has been exhibited and at the time of writing is with the DPE for final review. It is anticipated that Amendment 1 will be made prior to the finalisation of this planning proposal, and that these affected lots under Amendment 1 will be reintegrated into LEP 2015. Thus those lots included in Amendment 1 which are also subject to this planning proposal have been included.

The maps attached to this planning proposal at Part 8 indicate the lots which are currently deferred out of LEP 2015 as Amendment 1 to LEP 2015, and the name of the proposed heritage conservation area which will apply to these lots.

Should Amendment 1 not be made prior to the finalisation of the planning proposal by Council, deferred sites will be removed from the planning proposal and amending plan.

Land deferred from LEP 2015 (Amendment 2 - proposed R6 zone)

Land zoned Living – Conservation under LEP 2005 and proposed to be zoned R6 – Residential Character Conservation were deferred from LEP 2015. This means these lands continue to be regulated by LEP 2005, including Period Housing provisions in that instrument. Proposed Amendment 2 to LEP 2015 seeks to integrate these lands into LEP 2015, and the affected lots are intended to be part of the proposed new heritage conservation areas at that time. However, given that Amendment 2 has not proceeded to Gateway Determination, these properties do not form part of this planning proposal.

PART 3 JUSTIFICATION

Section A - Need for the planning proposal

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

Yes. The Department directed Blue Mountains City Council to convert existing Period Housing Areas to heritage conservation areas in 2012 as part of the translation of LEP 2005 into the Standard Instrument format. As a result of this requirement Council commissioned a preliminary study, the 'Review of Period Housing Areas in the Blue Mountains' by Paul Davies Heritage Architects dated January 2014. This study confirmed broadly that the existing Period Housing Areas met the assessment criteria for conversion.

However, the finalisation of the conversion of the Period Housing Areas was delayed due to timing constraints associated with the preparation of the new LEP. Strategic heritage work continued in parallel to the finalisation of the new LEP 2015, resulting in the Heritage Review (draft Amendment 5), which deals with heritage item changes, and this current planning proposal, draft Amendment 6 of LEP 2015, dealing with prioritised heritage conservation area changes.

In 2017 a more detailed study was carried out, building on and consolidating the work of the earlier report. The objective of this study was to clarify the 2014 recommended boundaries to the proposed new heritage conservation areas, and to carry out detailed contributory mapping of each affected lot. This second report was carried out by the same consultant to ensure efficiency and consistency of assessment, and involved intensive fieldwork to record values and ensure accuracy of recommendations.

The assessments and methodologies of the two reports are based on the heritage industry standards for assessment of heritage conservation areas (under the relevant state heritage assessment criteria), and current heritage best practice (which includes the identification and mapping of individual contributions). The research included comparison of existing conditions with the 1943 SIX map aerials where available, and identified the subdivision patterns of early estates.

Summary background – Period Housing Areas

Period Housing Areas are a form of protected area that evolved during the preparation of LEP 2005. The final LEP was supported by extensive background studies, commissioned to support a sophisticated suite of planning controls. These included new zonings unique to the Blue Mountains, protected areas (including Period Housing), town centre precinct controls and other detailed environmental provisions appropriate for the values of the LGA.

Character was the subject of a number of studies, including the Residential Character Studies of 2000 and 2002. Six residential character types were identified in the 2002 Residential Character Study: Bushland Dominant Areas; Visually Prominent Areas; Garden Setting; Dominant Landscape Setting; Visually Significant Streetscapes and Areas of Older Housing.

Areas of Older Housing were characterised as 'residential areas that are dominated by housing that pre-dates 1946'. Identified risks included demolition and unsympathetic infill. These areas were then recommended to become Period Housing Areas, part of a suite of protected areas, which were all environmentally-based (such as Slope, Vegetation Constraint, Ecological Buffer, Escarpment Area) with the exception of the Period Housing Areas.

Other character elements were given protection via zoning controls to ensure control of inappropriate redevelopment such as unsympathetic uses, subdivision and dwellings with large site coverage. The Living-Conservation zone was created to manage properties with an identified character of Garden Setting and Dominant Landscape Setting. The Living-Conservation zoning and the Period Housing Area protections ensured that historic built form, streetscape values, and landscape and garden settings were given due protection through the suite of controls.

The conversion of Period Housing Areas to heritage conservation areas will continue to ensure that heritage-significant areas, including dwellings, their garden settings and the established and mature streetscapes, continue to be preserved and considered carefully in any future development.

The studies of 2014 and 2017 have confirmed the heritage values of the proposed new heritage conservation areas, in terms of the standard assessment criteria of the state government, including their integrity and intactness. The draft heritage inventory sheets demonstrate the assessment and satisfaction of the various heritage criteria for each area.

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. The existing Period Housing protections will become obsolete after 16 February 2019 due to the sunset clause built into Clause 6.18(7) of LEP 2015. The planning proposal seeks statutory protection in the form of heritage conservation areas to replace the Period Housing Area controls.

This strategic heritage planning is consistent with the broader objective of LEP 2015, to conserve the environmental heritage of the Blue Mountains. Reviewing and updating Council's heritage schedule in accordance with new information is the accepted method for protection of 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)?*

Yes. The planning proposal is consistent with the objectives and actions of the relevant regional and sub–regional strategies.

A Plan for Growing Sydney, December 2014

A Plan for Growing Sydney is the relevant regional strategy. Heritage is an aspect considered under Goal 3 Direction 3.4, "To promote Sydney's heritage, arts and culture".

Local environmental plans are identified as the principal legal instrument to deliver the subregional plan, including the protection of local heritage. This planning proposal is consistent with the delivery framework for the regional plan.

Under Goal 3 Direction 3.4 Action 3.4.4, the Plan identifies the ongoing need for "heritage studies (to) identify buildings and places to be listed as heritage items or heritage conservation areas in a Local Environmental Plan to enable their ongoing protection and management". [p.93] This planning proposal is consistent with this Action.

Greater Sydney Region Plan, March 2018

The Draft Greater Sydney Region Plan has objectives under Part 4 Liveability for the conservation and enhancement of environmental heritage. One of the ten directions for the Plan is 'A city of great places' and includes Objective 13, which seeks to ensure that "Environmental heritage is conserved and enhanced".

The planning proposal is consistent with Objective 13 of the Plan, as it seeks to ensure that the heritage-significant environments of Blue Mountains villages are protected and their character preserved. This is consistent with the Liveability directions, to make 'a city of great places' and 'a city for people'.

The planning proposal is part of the "heritage identification, management and interpretation ... so that heritage places can be experienced by current and future generations". [GSRP p.77]

Western City District Plan, March 2018

The Draft Western City District Plan identifies at the outset the importance of the "World Heritage-listed landscapes, with a sprinkling of towns and centres that combine village charm and heritage character". [DWCDP p.3]

Part 3 Liveability of the Plan identifies planning priority W6, "Creating and renewing great places and local centres and respecting the District's heritage".

The planning proposal contributes to the identification of strong village character and heritage significance, with the intention of providing ongoing statutory protection for these areas. This protection will assist in preservation of heritage values, and allow for sympathetic change within the new HCAs.

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

Blue Mountains Community Strategic Plan 2035, June 2017

The Blue Mountains Community Strategic Plan 2035 is the local strategic plan. The values identified include heritage, with an outcome of "improving conservation and recognition of other cultural heritage assets in natural landscapes" ('other' refers to cultural heritage beyond the World Heritage Area and Aboriginal cultural heritage, that is the European built and landscape cultural heritage) [p.29].

The conservation of cultural heritage is identified within key direction "Live – a liveable city", which seeks to ensure that "places of natural, cultural and historical significance are retained and enhanced by the active use of appropriate conservation methods" [p.44-45].

'Live' Objective 4.3 includes Strategy 4.3.d, "to preserve, maintain and enhance the City's unique character, and its built, natural and cultural heritage and local history". This is accompanied by a Council response requirement to complete the Heritage Inventory Review for the Local Environment Plan. This planning proposal is consistent with the strategic heritage work of updating Council's Local Environmental Plan to ensure adequate protections for items and areas identified as of heritage significance.

Cultural heritage conservation is also identified as a key direction within 'Thrive – an economically sustainable city', which identifies the "heritage character within the Blue Mountains towns, villages, built and natural landscapes", and seeks to ensure that opportunities provided by the heritage character of the Blue Mountains towns are realised.

'Thrive' Objective 6.2 seeks to create for the Blue Mountains "a strong identity that builds on the natural and built heritage".

The planning proposal is consistent with the objectives and strategies of the Community Strategic Plan 2035 as it seeks to protect the heritage of the unique village and town character.

Blue Mountains Local Environmental Plan 2015

The planning proposal is consistent with the following aims of 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.

The planning proposal represents a conversion, or translation, of an 'additional local provision' under LEP 2015 to the standard protections available via the standard instrument format. There is no change in policy intent. In this way, the planning proposal is consistent with existing land use policy.

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

An analysis of the application and consistency of Amendment 6 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 proposed Amendment 6 to LEP 2015
- ² **Consistent:** This provision or planning instrument applies to proposed Amendment 6 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	✓		

State Environmental Planning Policies in force		NOT RELEVANT¹	CONSISTENT²	JUSTIFIABLY INCONSISTENT³
SEPP 65	Design Quality of Residential Apartment Development	✓		
SEPP 70	Affordable Housing (Revised Schemes)	✓		
SEPP 71	Coastal Protection	✓		
SEPP	(Affordable Rental Housing) 2009		✓	
SEPP	(Building Sustainability Index: BASIX) 2004	✓		
SEPP	(Exempt and Complying Development Codes) 2008		✓	
SEPP	(Housing for Seniors or People with a Disability) 2004		✓	
SEPP	(Infrastructure) 2007		✓	
SEPP	(Kosciuszko National Park – Alpine Resorts) 2007	✓		
SEPP	(Kurnell Peninsula) 1989	✓		
SEPP	(Mining, Petroleum Production and Extractive Industries) 2007	✓		
SEPP	(Miscellaneous Consent Provisions) 2007	✓		
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)		✓	
SEPP	(Vegetation in Non-Rural Areas) 2017	✓		
DSEPP 66	Integration of Land Use and Transport	✓		
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	Environment	✓		

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.

No changes have been made post-exhibition that would affect this assessment.

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 not inconsistent with the aims of the SEPP. The designation of heritage status to properties within new heritage conservation areas reinstates protections under SEPP Affordable Rental Housing 2009 that were in place before the 16 February 2016 when LEP 2005 was in force.

Period Housing Areas had 'Protected Area' status under LEP 2005 thus restricting some forms of development otherwise available under SEPP Affordable Rental Housing 2009. When LEP 2015 came into force on 16 February 2016, the 'Protected Area' status was removed. This was a function of the limitations of the Standard Instrument format rather than a change in policy intent.

Reinstating the restrictions on development undertaken under the SEPP Affordable Rental Housing 2009 is appropriate, is consistent with policy intent and is consistent with the assessed heritage values of the new heritage conservation areas.

SEPP Exempt and Complying Development 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 not inconsistent with the aims of the SEPP. The designation of heritage status to properties within new heritage conservation areas reinstates protections under SEPP Exempt and Complying Development Codes 2008 that were in place before 16 February 2016 when LEP 2005 was in force.

Period Housing Areas had 'Protected Area' status under LEP 2005 thus restricting some forms of development otherwise available under SEPP Exempt and Complying Development Codes 2008. When LEP 2015 came into force on 16 February 2016, the 'Protected Area' status was removed. This was a function of the limitations of the Standard Instrument format rather than a change in policy intent.

Reinstating the restrictions on development undertaken under the SEPP Exempt and Complying Development Codes 2008 is appropriate, is consistent with policy intent and is consistent with the assessed heritage values of the new heritage conservation areas.

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 not inconsistent with the aims of the SEPP. The designation of heritage status to properties within new heritage conservation areas reinstates protections under SEPP Infrastructure 2007 that were in place before the 16 February 2016 when LEP 2005 was in force.

Period Housing Areas had 'Protected Area' status under LEP 2005 thus restricting some forms of development otherwise available under SEPP Infrastructure 2007. When LEP 2015 came into force on 16 February 2016, the 'Protected Area' status was removed. This was a function of the limitations of the Standard Instrument format rather than a change in policy intent.

Reinstating the restrictions on development undertaken under the SEPP Infrastructure 2007 is appropriate, is consistent with policy intent and is consistent with the assessed heritage values of the new heritage conservation areas.

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 proposed Draft Amendment 6 to DLEP 2015
- ² **Consistent:** This provision or planning instrument applies; Draft Amendment 6 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			✓	
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			✓	

<u>Directions under Section 117(2)</u>		NOT RELEVANT 1	CONSISTENT 2	JUSTIFIABLY INCONSISTENT 3
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		✓		
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		✓		

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:

No changes have been made post-exhibition that would affect this assessment.

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 areas.	Consistent. The planning proposal is consistent with this direction as it relates to the application or amendment of heritage protections for the identified areas

		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 creation of new heritage conservation areas that have been assessed to satisfy the NSW Heritage Council's criteria for heritage significance.
3. <u>Housing, Infrastructure and Urban Development</u> 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. <u>Hazard and Risk</u> 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 bush fire prone areas, and	Consistent. The planning proposal is consistent with this direction as it relates to the application and amendment of heritage protections for the identified areas only and will not change any other provision applicable to that land.

	(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 and amendment of heritage protections for the identified areas 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 already required by the by the <i>Heritage Act 1977</i> or the 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 or amendment of the identified heritage conservation areas 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 areas of local cultural heritage significance for the benefit of the community.

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 have 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 and amendment of the identified items in Schedule 5 of LEP 2015. The proposal 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 consulted with the NSW Rural Fire Service as part of the consultation process prior to public exhibition. No objections were raised to the proposal, and no recommendations or changes were included in the response received.

Council consulted with the Office of Environment and Heritage (OEH) NSW Heritage Division as part of the public exhibition process. No objections were raised to the proposal, which was supported in principle. The Heritage Division recommended that “a suitably qualified and experienced heritage professional be engaged to review the heritage provisions of the LEP and ensure that environmental heritage, including archaeology, is adequately protected.”

This was clarified with the Division in further discussion. The recommendation stemmed from the robust nature of the Period Housing clause in LEP 2015, which provides both general and specific guidance on protections. Council is however limited by the model standard heritage provisions of the standard instrument which cannot be altered. This precludes providing further LEP protections for heritage conservation areas. However, Council’s DCP has existing detailed provisions on heritage conservation, which provides detailed objectives and controls for heritage conservation areas. Further work on the protections for Blue Mountains’ heritage is foreshadowed by future peer review of the 2018 study and ongoing strategic heritage review work which includes a review of heritage DCP provisions.

The following state agencies were flagged for consultation; however, only Sydney Water (2 properties), Sydney Trains/RailCorp (1 property) and the Department of Education (1 property) owned property affected by the proposal.

- 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.

Roads and Maritime Services (3 properties) and the NSW Police Force (1 property) also owned land affected by the proposal.

Letters were sent to all affected property owners, including the agencies as noted above. Phone discussions occurred with Sydney Water and NSW Police in regard to their properties and the impacts of the proposal. Both agencies were sent copies of the fact sheets; they did not subsequently make submissions.

The planning proposal process has now been completed in terms of the consultation requirements with public authorities identified in the Gateway Determination.

PART 4 MAPPING

This planning proposal will require amendment to many of the 38 map tiles for the Built Character and Heritage Conservation maps that cover the Blue Mountains LGA. Period Housing mapping will be removed from the Built Character maps, and new heritage conservation area mapping will be added to the Heritage Conservation maps.

Consequential amendments require that some of the Height of Buildings map tiles be amended (modification of certain building maximums for lots being excluded from the conversion process).

Mapping changes have been prepared in accordance with the Standard Technical Requirements for LEP maps, Version 2.0, dated August 2017 produced by the Department of Planning and Environment. The finalised maps are submitted to the Department following the consultation period. Two additional lots are proposed to be excluded from the conversion process to heritage conservation areas following the public exhibition. Detail on these changes is provided in the review of submissions document.

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

Where land is deferred under Amendment 2 to LEP 2015 (the proposed R6 zone), that land will continue to be zoned as Living – Conservation and protected as Period Housing under LEP 2005 until such time as Amendment 2 to LEP 2015 is progressed. When Amendment 2 is resolved, it is anticipated that land with Period Housing protections under LEP 2005 will be translated and become additions to the new heritage conservation areas proposed by this planning proposal. These lots will be subject to a future planning proposal for conversion to heritage conservation areas.

LEP map tiles are included with this planning proposal that reflect the proposed mapping changes:

1. Relevant Heritage Conservation mapping with the proposed new heritage conservation areas.
2. Relevant Height of Buildings mapping showing the 40 lots not proposed to be converted to heritage conservation areas where the building height maximum of that lot has reverted to the surrounding zoning maximum building height.

The mapping changes are included in the planning proposal (Attachment 3).

PART 5 COMMUNITY CONSULTATION

The recent Heritage Review carried out by Blue Mountains City Council (Amendment 5 to LEP 2015) engaged the community in a two-stage consultation process with targeted engagement with specific property owners. In the case of this planning proposal, a two-stage consultation process is not considered necessary, as the intent of the initiative is the conversion, or translation, of existing protections into a new instrument rather than a substantive change in policy.

The requirement of the Department via the sunset clause within Clause 6.18 (7) of LEP 2015, to make the conversion of Period Housing Areas to heritage conservation areas, is clear and subject to critical time constraints.

A Gateway Determination was received on 17 May 2018 from the Department confirming approval to proceed to public exhibition. The required minimum exhibition period was 28 days. However a longer public exhibition period of six weeks, from the 30 May to 11 July 2018, was held. Late submissions were accepted.

Engagement actions

- Notification letters were sent to each property owner affected by the proposed changes, providing information about the changes. Council sent out approximately 1600 letters prior to the commencement of the exhibition.
- Notification letters were sent to a list of relevant historical societies.
- Notification letters were sent to Council's asset management team and a meeting was held to discuss the changes.
- Notification letters were sent to the Heritage Advisory Committee, and a presentation was made at the Committee meeting.
- The exhibition material comprised of:
 - February Council report and resolution
 - Draft Planning Proposal to amend LEP 2015 (Amendment No. 6)
 - Draft mapping changes to LEP 2015 maps
 - Draft heritage inventory sheets for each proposed new HCA
 - Recent supporting studies from 2014 and 2018
 - Background studies
 - Fact sheets (2)

The exhibition material was available for the exhibition period on Council's Have Your Say website, and at Council offices and libraries. Note the exhibition material is still available on Council's Have Your Say webpage by searching 'period housing' in the search function.

- Advertisements were placed in the Gazette every week of the exhibition, including a larger quarter page ad at the commencement of the exhibition.
- Fact sheets (2) were developed during the consultation period, based on the most common questions from enquirers. Fact sheets are 'About the Period Housing Conversion' and 'Developing in a Heritage Conservation Area'. Once the fact sheets were finalised, they were sent to all enquirers and submitters by post or email. They were also sent to the Heritage Advisory Committee. The fact sheets were also uploaded to the Have Your Say website during the exhibition period. The fact sheets are attached to this report at Attachment 1.

Submissions

Twenty-eight (28) submissions were received during the public exhibition period, from a diverse cross-section of the community. Property owners formed the majority of the submitters, but interested individuals also made a variety of supportive or neutral submissions. The Blue Mountains Branch of the National Trust made a supportive submission, and a local planning consultant made a submission.

Summary of recommended changes following submissions

As a result of the submissions the following changes are proposed:

- Two (2) lots are now excluded from the proposed new heritage conservation areas. These are 92 Camp Street, Katoomba and 98 Macquarie Road, Springwood. The mapping has been adjusted to reflect these changes.
- Minor changes have been made to the following heritage inventory sheets:
 - Lookout Hill HCA, Blackheath – addition of information on the sculptor of the statue in Neate Park, Arthur Murch;
 - Glenbrook HCA, Glenbrook – addition and amendment of historical details relating to various former shops, shopkeepers, and uses.
- The draft planning proposal has been amended to retain the 6.5m maximum height of buildings on the Height of Buildings mapping to LEP 2015. Note the 41 properties that are not proceeding to heritage conservation areas will have the 6.5m height limit removed (in 40 cases).

A full assessment and detailed response to each of the 28 submissions is attached to this planning proposal at Attachment 9.

PART 6 PROJECT TIMELINE

The planning proposal includes a significant number of properties and Council anticipates an ongoing high level of community interest. The timeframes are also highly constrained.

Plan-making step	Estimated completion
February 2018	Planning proposal reported to the Council
March – April 2018	Gateway panel reviews draft Amendment 6 to LEP 2015
April 2018	Gateway determination issued
May 2018	Amend planning proposal as per Gateway Determination (if required) State Agency consultation
June – August 2018	Community consultation (length to be confirmed)
September – October 2018	Council reviews submissions to draft Amendment 5 to LEP 2015
November 2018 18 September 2018	Report presented to the Council to consider the result of the community consultation including any changes made. <i>Note we are ahead of schedule at this time in terms of the draft timetable.</i>
November 2018 September 2018	Post-Exhibition planning proposal and relevant supporting information is forwarded to the Department for final review.
December 2018 – January 2019 October 2018 – November/December 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.
January – February 2019	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.
February 2019	Plan is notified.

PART 7 ATTACHMENTS

	Attachment
Council report 18 September 2018 and resolution	1
Council report 27 February 2018 and resolution	2
Draft updated LEP map tiles	3
Supporting draft heritage inventory sheets for HCAs:	4
<i>Central Mount Victoria Village (MV023) [modify existing HCA]</i>	
<i>Blackheath Village and its setting HCA, Blackheath (BH212)</i>	
<i>Hat Hill Road HCA, Blackheath (BH213)</i>	
<i>Blackheath West HCA, Blackheath (BH214)</i>	
<i>Lookout Hill HCA, Blackheath (BH215) (updated September 2018)</i>	
<i>Katoomba South HCA, Katoomba (K168)</i>	
<i>Crown Village HCA, Katoomba (K169)</i>	
<i>Grimley Estate HCA, Katoomba (K170)</i>	
<i>Norths Estate HCA, Katoomba (K171)</i>	
<i>Leura North HCA, Leura (LA105)</i>	
<i>Leura South HCA, Leura (LA106)</i>	
<i>Village of Brasfort HCA, Wentworth Falls (WF119)</i>	
<i>Westbourne Avenue HCA, Wentworth Falls (WF120)</i>	
<i>Hays Nature Reserve Link HCA, Lawson (LN083)</i>	
<i>Railway Parade West HCA, Hazelbrook (H008) [modify existing HCA]</i>	
<i>Railway Parade East HCA, Hazelbrook (H028)</i>	
<i>Macquarie Road East, Springwood (SP056) [modify existing HCA]</i>	
<i>Moorecourt Avenue HCA, Springwood (SP071)</i>	
<i>Macquarie Road West HCA, Springwood (SP072)</i>	
<i>Glenbrook HCA, Glenbrook (G061) (updated September 2018)</i>	
Supporting studies:	
Period Housing Report 2014	5
Period Housing Report 2017	6
Fact sheets x 2	7
Review of public exhibition submissions	8

PART 8 AMENDMENT 1 MAPS

The following maps indicate lands affected by Amendment 1 to LEP 2015. This land forms part of this planning proposal, but is currently deferred from LEP 2015 until Amendment 1 to LEP 2015 is made. It is anticipated that Amendment 1 will be made prior to the finalisation of this planning proposal, and that these affected lots under Amendment 1 will be reintegrated into LEP 2015.



Amendment 1 land (shown in pink) in South Katoomba (north section) – proposed to be part of Katoomba South Heritage Conservation Area



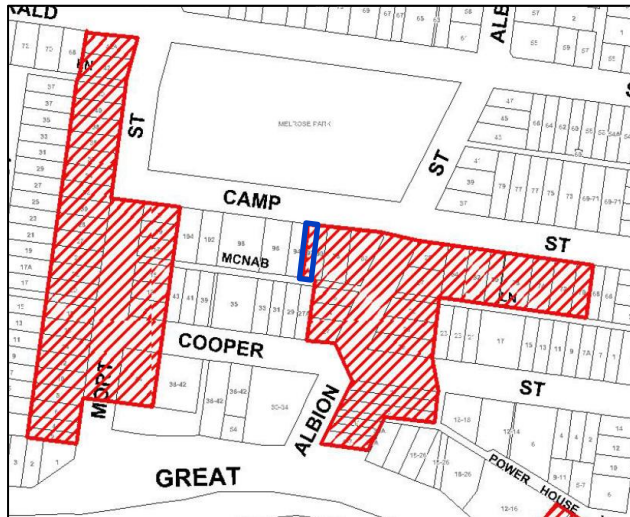
Amendment 1 land (shown in pink) in South Katoomba (south section) – proposed to be part of Katoomba South Heritage Conservation Area



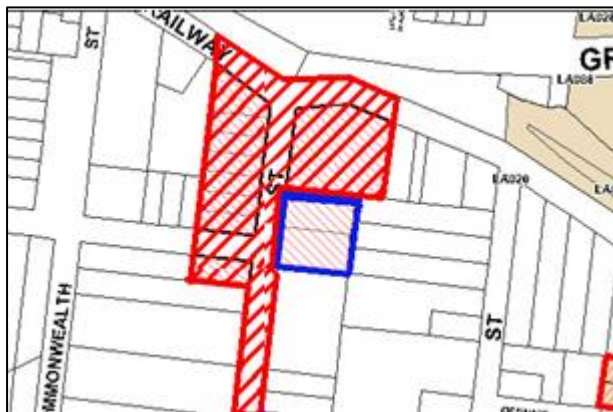
Amendment 1 land (shown in pink) in Leura– proposed to be part of Leura South Heritage Conservation Area

PART 9 LOTS NOT PROGRESSING TO HERITAGE CONSERVATION AREAS

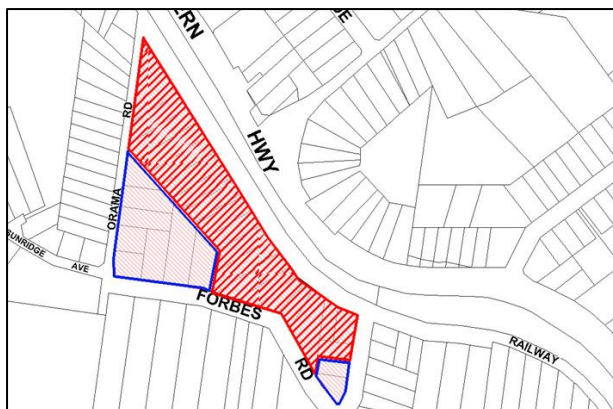
The following maps identify lots currently identified as within Period Housing areas that are not progressing to the new heritage conservation areas as they do not meet the heritage criteria for heritage conservation areas. The affected lots are indicated in blue outline.



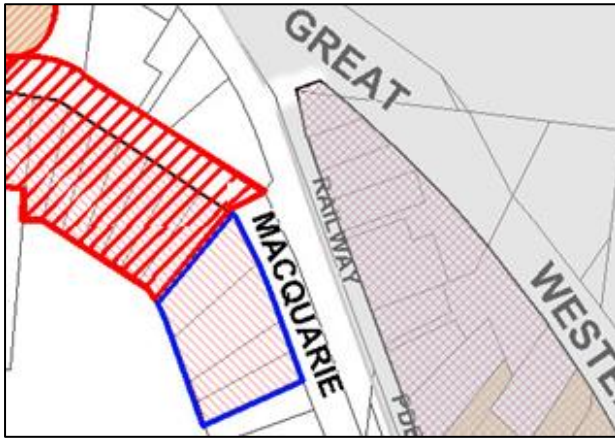
1 lot to be deleted at 92 Camp Street, Katoomba following public exhibition



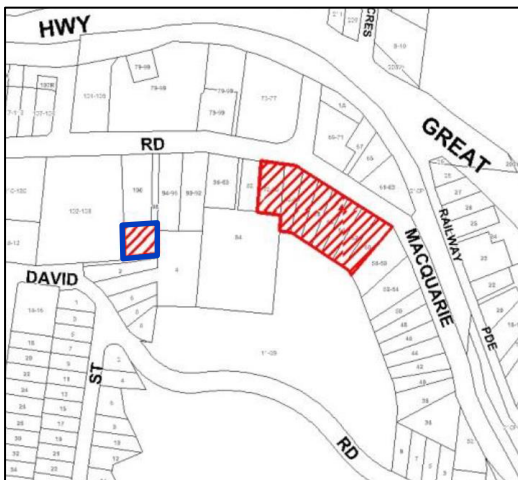
2 lots to be deleted in Murray Street, Leura



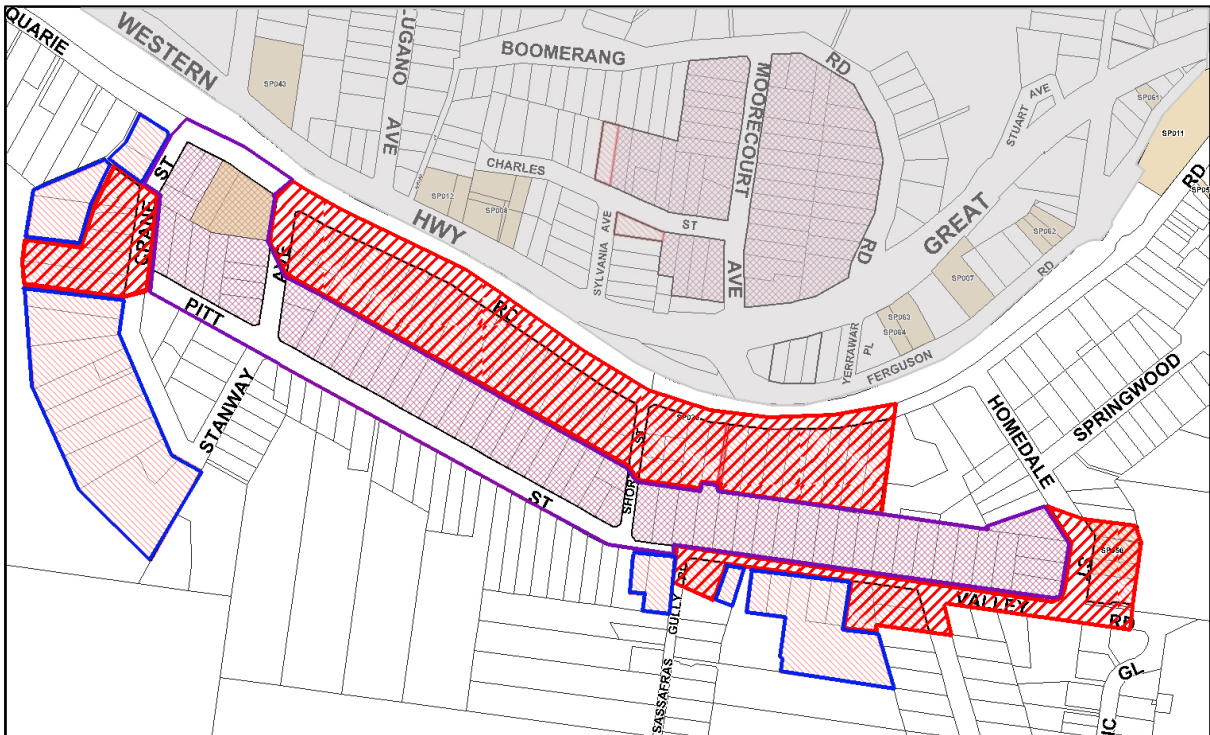
10 lots to be deleted in Orama Road and Forbes Road, Hazelbrook



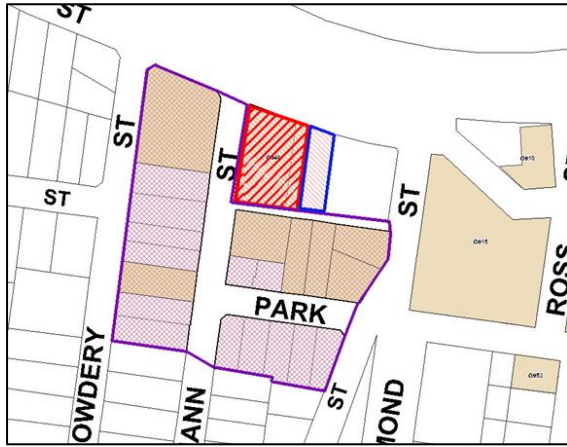
4 lots to be deleted in Macquarie Road, Springwood (note purple shaded lots are deferred due to Amendment 2 to LEP 2015)



1 lot to be deleted at 98 Macquarie Road, Springwood following public exhibition



22 lots to be deleted in Crane Street and Valley Road, Springwood (note purple shaded lots are deferred due to Amendment 2 to LEP 2015)



1 lot to be deleted in Wascoe Street, Glenbrook (note purple shaded lots are deferred due to Amendment 2 to LEP 2015)