

PLANNING PROPOSAL

Blue Mountains
Local Environmental Plan 2015
(Draft Amendment 14)



Housekeeping Mapping Amendment

**Prepared for Local Planning Panel, Council & Gateway Consideration
March 2021**

Prepared by Blue Mountains City Council

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PART 1 OBJECTIVES OR INTENDED OUTCOMES

The purpose of this planning proposal is to make a housekeeping mapping amendment to Blue Mountains Local Environmental Plan 2015 (LEP 2015). The proposal seeks an amendment to correct mapping anomalies that have been identified since LEP 2015 came into effect.

LEP 2015 contains 41 map tiles, 15 map themes, and a total of approximately 400 individual map sheets. This is significantly more tiles and themes than most LGAs. This is due in part to the settlement pattern of the Blue Mountains, but also the significance of the natural setting of the City and the importance of mapping of environmental constraints.

Since the making of LEP 2015, a number of minor mapping anomalies were identified. Following the identification of these mapping anomalies, a thorough review of the LEP 2015 maps was undertaken. This planning proposal is the result of this review which followed a comprehensive and methodical approach to identify potential anomalies, researching the history and characteristics of each site, reviewing and then making recommendations for the necessary amendments for each site. Each site and recommendation has been peer reviewed by senior staff. This planning proposal is the result of this review.

The errors and anomalies identified are typically a result of changes made during the finalisation of LEP 2015 following public exhibition, and include but are not limited to:

- Provisions that were amended for one map theme without subsequent amendments made to other map themes
- Inconsistent application of provisions to land containing zone SP2 Infrastructure (typically RMS owned land related to the Highway widening)
- Inconsistencies resulting from the translation of multiple LEPs (and associated mapping) into LEP 2015
- Historic mapping inconsistencies (translated into LEP 2015) that have been identified and following a review have been included in this amendment.

The proposed changes are corrections consistent with Council policy and will restore Council's intent to transfer provisions from former LEPs into the standardised format LEP 2015.

Blue Mountains City Council strives to provide current, complete and accurate information and this draft amendment seeks to achieve this objective and intended outcome.

PART 2 EXPLANATION OF PROVISIONS

Mapping of LEP provisions is a primary resource for land information used by residents, staff and the public to view and ascertain provisions applying to a parcel of land. The accuracy of the mapping is fundamental to this valuable resource and to maintaining trust in the mapping.

When preparing LEP 2015, it was Council's primary intent to transfer provisions from a previous LEP (LEP 1991 or LEP 2005) into the standardised format. As outlined since the making of LEP 2015, a number of anomalies have been identified. This planning proposal seeks to restore any inconsistencies in the mapping where a provision was not correctly transferred.

As outlined, this planning proposal is the result of a comprehensive review of the LEP 2015 maps. **The proposed amendments are detailed in Attachment 1.** This attachment includes a detailed assessment of each identified issue that has resulted in a recommended mapping amendment.

In addition to the mapping amendments Council proposes one amendment to the written instrument. This amendment is minor as it correcting the reference to a precinct in Part 7 of LEP 2015 for the land at 10-14 Civic Place Katoomba.

The proposed mapping amendments in Attachment 1 are grouped by map theme, and includes copies of the legislation LEP 2015 maps marked with the location of each identified issue and proposed change. For each identified issue there is a complete set of maps for each noting if there is an amendment proposed for each map theme for the subject parcels.

Due to the extent of corrections proposed, each issue (parcel or group of parcels) has been allocated an assessment number. This assessment number has been allocated for the purpose of this planning proposal only and it is used to assist with identification and ordering of the information. The identification and review of anomalies commenced shortly after LEP 2015 came into effect and the collation of the data has been an extensive and intensive process that involved staff from a number of branches across the council.

It should be noted that the assessment numbers are not necessarily consecutive due to instances where potential issues were identified but following detailed peer review were found to be correct or requiring further detailed review and therefore are not included in this amendment. Several additional anomalies were identified late in the process and have been included.

To organise the extensive data necessary to document the mapping anomalies and corrections, they have been grouped based on the highest order mapping theme for which the anomaly was originally identified. The locations grouped in this amendment are ordered based on map theme in the following manner:

- SECTION 1 Land Zoning - Locations 1 to 10;
- SECTION 2 Lot Size - Locations 11 to 40;
- SECTION 3 Height of Building - Location 41 to 70;
- SECTION 4 Floor Space Ratio - Location 71 to 80;
- SECTION 5 Lot Averaging - Location 81 to 90; and
- SECTION 6 Built Character - Location 91 to 100.

Table 1 below lists each location included in this amendment, the assessment number and the theme and page number reference for each proposed mapping amendment and detailed assessment (Attachment 1).

Table 1 – List of sites included in this planning proposal arranged by village.

Including a reference number for the detailed assessment included as Attachment 1 and a summary of the issue for each location.

Assmt No.	LOCALITY	ADDRESS/LOCATION	Summarised origin of issue
11	*** BELL	5-7 Bells Line of Road & adjacent sites	Lot Size LEP 2015 correction
1	* BLACKHEATH	16-24 Prince George Rd	Zone LEP 2005 correction
2	BLACKHEATH	NP adjacent to, and including part of No. 3 Evans Lookout Rd	Zone LEO 2015 anomaly
3	BLACKHEATH	24, 26 & 28 Brightlands Rd	Zone LEP 2015 anomaly
4	BLACKHEATH	Unnamed road off Valley View Road	Zone LEP 2015 anomaly
13	BLACKHEATH	174-184, 191, 199-201; 193-197 & 183-189 Shipley Road	Lot Size LEP 2015 anomaly
14	BLACKHEATH	Woodside Avenue and St Elmo Street	Lot Size LEP 2015 anomaly
16	BLACKHEATH	140 Station Street and 6 Bradley Street	Lot Size LEP 2015 anomaly
17	BLACKHEATH	44 Forest Park Road West	Lot Size LEP 2015 anomaly
43	BLACKHEATH	Sutton Lane & Stockade Place	Height of Building LEP 2015 anomaly
44	BLACKHEATH	12 Forest Park Road	Height of Building LEP 2015 anomaly
37	BULLABURRA	338W- 341W GWH + part railway corridor	Lot Size LEP 2015 anomaly
38	* BULLABURRA	52-58 & 60 Kent Street	Lot Size LEP 1991 correction
55	FAULCONBRIDGE	645 – 648 and 654 GWH	Height of Building LEP 2015 anomaly
9	* GLENBROOK	25A Cowdery Street and 26 Burfitt Parade	Zone LEP 2005 correction
63	GLENBROOK	2, 4, 6, 8, 10 Ranch Avenue	Height of Building LEP 2015 anomaly
75	GLENBROOK	1 Wascoe St	Floor Space Ratio LEP 2015 anomaly
32	HAZELBROOK	Area north Mt View Road	Lot Size LEP 2015 anomaly
52	HAZELBROOK	4 & 6 Rosedale Avenue and 191 GWH	Height of Building LEP 2015 anomaly
59	HAZELBROOK	5 Clear View Rd & 147 – 151 GWH	Height of Building LEP 2015 anomaly
60	HAZELBROOK	1 Falcon St, 164 & 166-181 GWH	Height of Building LEP 2015 anomaly
5	KATOOMBA	44-50 Echo Point Road	Zone LEP 2015 anomaly
10	KATOOMBA	102 Cliff Drive	Zone LEP 2015 anomaly
15	KATOOMBA	Land north of Mini-Haha Road	Lot Size LEP 2015 anomaly
18	** KATOOMBA	38-48 Carlton Street and 51-61 Peckmans Road	Lot Size LEP 2015 correction
20	KATOOMBA	111, 113 Mort Street and adjacent road reserve	Lot Size LEP 2015 anomaly
45	KATOOMBA	273 Bathurst Road	Height of Building LEP 2015 anomaly
72	** KATOOMBA	3 Lilianfels Avenue	Floor Space Ratio LEP 2015 correction
84	** KATOOMBA	119 – 133 Twynam Street	Lot Averaging LEP 2015 correction

Assmt No.	LOCALITY	ADDRESS/LOCATION	Summarised origin of issue
85	** KATOOMBA	24 & 26-30 Glenwattle Street	Lot Averaging LEP 2015 correction
91	KATOOMBA	Renaissance Centre 10-14 Civic Place	Built Character LEP 2015 correction
71	KATOOMBA	Katoomba Street and adjacent road reserves	Floor Space Ratio LEP 2015 anomaly
30	LAWSON	Multiple lots along the highway & Badgerys Crescent	Lot Size LEP 2015 anomaly
31	LAWSON	1 Queens Road and 241 GWH	Lot Size LEP 2015 anomaly
35	LAWSON	26-44 Somers Street	Lot Size LEP 2015 anomaly
53	LAWSON	8-22 Park Street	Height of Building LEP 2015 anomaly
64	LAWSON	304 Great Western Highway	Height of Building LEP 2015 anomaly
73	LAWSON	Staples Street and adjacent road reserves	Floor Space Ratio LEP 2015 anomaly
92	LAWSON	Various properties Yileena Ave, Honour Ave & Benang Street	Built Character LEP 2015 anomaly
6	LEURA	116 Sublime Point Road	Lot Size LEP 2015 correction
22	LEURA	Part Mount Hay Road	Lot Size LEP 2015 anomaly
46	LEURA	1 Queens Road, 2, 2A & 2B Kings Road	Height of Building LEP 2015 anomaly
50	LEURA	19-211 Fitzroy Street	Height of Building LEP 2015 anomaly
86	** LEURA	22 Denison Street & 19 Davidson Road	Lot Averaging LEP 2015 correction
7	LINDEN	162-164 Glossops Road	Zone LEP 2015 anomaly
54	LINDEN	Part 783-789 GWH	Height of Building LEP 2015 anomaly
19	MEDLOW BATH	1-5, 9-15 & 45-51 Foy St and 132, 136, 154, 156 & 160-168 GWH	Lot Size LEP 2015 anomaly
42	MEDLOW BATH	16-56 Station Street	Height of Building LEP 2015 anomaly
83	MEGALONG VALLEY	381 Nellies Glen Road & Six Foot Track	Lot Averaging LEP 2015 anomaly
28	MOUNT IRVINE	2-58 Bowens Creek Road	Lot Size LEP 2015 anomaly
41	MOUNT VICTORIA	4 & 8-34 Darling Causeway	Height of Building LEP 2015 anomaly
39	* MOUNT VICTORIA	20 Benson Road	Lot Size LEP 1991 correction
29	MOUNT WILSON	National Park (north Farrer Street)	Lot Size LEP 2015 anomaly
81	MOUNT WILSON	The Avenue, Mount Irvine Road & Waterfall Road	Lot Averaging LEP 2015 anomaly
87	MOUNT WILSON	1-9 Phelps Road	Lot Averaging LEP 2015 anomaly
57	SPRINGWOOD	1-17 Park Avenue	Height of Building LEP 2015 anomaly
74	SPRINGWOOD	Raymond Road & adjacent road reserves	Floor Space Ratio LEP 2015 anomaly
56	SPRINGWOOD & WINMALEE	multiple lots between 4 & 456 Hawkesbury Road	Height of Building LEP 2015 anomaly
58	VALLEY HEIGHTS	21-31 Tayler Road	Height of Building LEP 2015 anomaly
62	WARRIMOO	4-14, 32-48, 5-43 Florabella Street and 45 The Avenue	Height of Building LEP 2015 anomaly

Assmt No.	LOCALITY	ADDRESS/LOCATION	Summarised origin of issue
23	WENTWORTH FALLS	37 Henderson Road	Lot Size LEP 2015 anomaly
24	* WENTWORTH FALLS	Part 15 and part 13 Bellevue Road	Lot Size LEP 2005 correction
25	WENTWORTH FALLS	Land adjacent to 3 Sandbox Road	Lot Size LEP 2015 anomaly
26	WENTWORTH FALLS	Land adjacent to 158-170 GWH	Lot Size LEP 2015 anomaly
27	WENTWORTH FALLS	95 & 120 Great Western Highway & 40 Railway Parade	Lot Size LEP 2015 anomaly
47	WENTWORTH FALLS	74 Falls Road	Height of Building LEP 2015 anomaly
48	WENTWORTH FALLS	215-229 Tablelands Road	Height of Building LEP 2015 anomaly
49	WENTWORTH FALLS	1 Tablelands Road and 38 & 40 GWH	Height of Building LEP 2015 anomaly
51	WENTWORTH FALLS	59 Wentworth Street	Height of Building LEP 2015 anomaly
8	* WOODFORD	26 Old Bathurst Road	Zone LEP 2015 correction
36	WOODFORD	112, 110W, 109W, 108W, 107W GWH + 78-79 Railway Parade	Lot Size LEP 2015 anomaly
61	WOODFORD	7 Taylor Road	Height of Building LEP 2015 anomaly

* Notes a correction to an anomaly from LEP 1991 or LEP 2005

** Notes correction to include Lot Averaging provision inadvertently omitted from final Amendment 1 maps

*** Correction to transfer development potential not captured in Amendment 10 (Consolidation)

Abbreviations used throughout the planning proposal including on the attachments.

LAP	Land Application Map
LZN	Land Zoning Map
LSZ	Lot Size Map
HOB	Height of Buildings Map
FSR	Floor Space Ratio Map
LRA	Land Reservation Map
HER	Heritage Map (this theme is subject to separate review)
LAV	Lot Averaging Map
WCL	Riparian Lands and Watercourses Map
SLV	Scenic and Landscape Values Map
MRA	Mineral Resource Area Map
BCH	Built Character Map
ASF	Active Street Frontages Map
NRB	Natural Resources – Biodiversity Map
NRL	Natural Resources – Land Map
KYS	Key Sites Map

It should be noted that where an anomaly relates to one provision, such as the minimum lot size, there are frequently subsequent provisions that also need to be updated. These 'consequential' amendments have increased the number of maps to be amended significantly.

Table 2 below, depicts the 110 maps which are proposed to be amended as part of this planning proposal. The blue squares indicate a map with an amendment proposed in this draft planning proposal.

Table 2 – Matrix of LEP 2015 maps proposed to be amended

Each coloured square represents a map with at least one change proposed

Map Tile	THEME														
	LAP	LZN	LSZ	HOB	FSR	LRA	LAV	WCL	SLV	MRA	BCH	ASF	NRB	NRL	KYS
001															
001B															
001C															
002A															
002B															
002C															
002D															
002E															
002F															
002FA															
002G															
002H															
003															
003A															
003B															
003BA															
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004A															
005B															
005BA															
005C															
005E															
005EA															
005F															
005G															
006A															
006B															
006C															
006D															
006E															

The proposed changes are corrections consistent with Council policy and will restore Council's intent to transfer provisions from former LEP's into LEP 2015. During the review, some sites were noted that had historical anomalies originating from a previous LEP, these are listed and summarised below:

- (No. 1) 16-24 Prince George Road Blackheath. There is a narrow section of this property is incorrectly identified on maps as being road reserve. The best method to correct this LEP 2005 anomaly is to include it in this amendment.
- (No. 6) 116 Sublime Point Road Leura. A development application was lodged and approved for this site coinciding with the creation of maps for LEP 2015. The detailed site reviews undertaken for the DA are a more accurate depiction of the site characteristics. Including this allotment accurately updates Council mapping records.
- (No. 8) 26 Old Bathurst Road Woodford. The anomaly on this allotment was highlighted following a detailed on-site review of the flora and fauna undertaken as part of an assessment for an application for a dwelling. The mapped vegetation did not align with the vegetation on the ground. With knowledge of recent and accurate vegetation provisions it is proposed via this amendment to accurately depict the site constraints which includes zones.
- (No. 9) 25A Cowdery Street and 26 Burfitt Parade Glenbrook. These two parcels of land were originally owned by Sydney Rail but have been in private ownership for more than 20 years and dwellings exist on both allotments. The LEP 2005 zone Regional Transport Corridor (Rail) was transferred to the equivalent LEP 2015 zone of SP2 (Rail) Infrastructure. The best method to correct this LEP 2005 anomaly is to include these allotments in this amendment.
- (No. 11) 5-7 Bells Line of Road Bell. This land is included to correct a unique anomaly resulting from Amendment 10 (Consolidation) whereby the only method to reinstate previous development potential is to amend the Lot Size map.
- (No. 24) Part 15 and 13 Bellevue Road Wentworth Falls. This anomaly from LEP 2005 was transferred into LEP 2015. An area of the allotment was subdivided for the purpose of a road however transfer to a public road did not occur and the land remains in private ownership. A subdivision of the land was approved by the Council in 2017. The best method to correct this anomaly from LEP 2005 is to include it in this amendment.
- (No. 38) 52-58 & 60 Kent Street Bullaburra. There was a boundary adjustment at this location in 1990 and the Consolidation provision on LEP 1991 maps followed the older boundaries and these were transferred in LEP 2015. The best method to correct this LEP 1991 anomaly is to include this land in this amendment.
- (No. 39) 20 Benson Road Mount Victoria. This property has a consolidation provision which includes the road reserve. The anomaly originated in LEP 1991 and the provision was transferred into LEP 2015. This anomaly came to Council's attention and is intended to be corrected in this amendment.
- (No. 72) 3 Lilianfels Avenue Katoomba. This allotment was zoned Residential Bushland Conservation in LEP 1991. In the review of DLEP 2013 the zone was amended by Council resolution to R1 General Residential however the resolution did not note the Floor Space Ratio and this oversight was inadvertently omitted from Amendment 1. The inclusion of the Floor Space Ratio will correct this oversight.
- (No. 84) 119-133 Twynam Street Katoomba. The Lot Averaging provision was inadvertently omitted from these allotments in Amendment 1 maps.
- (No. 85) 24 & 26-30 Glenwattle Street Katoomba. The Lot Averaging provision was inadvertently omitted from these allotments in Amendment 1 maps.
- (No. 86) 22 Denison Street & 19 Davidson Road Leura. The Lot Averaging provision was inadvertently omitted from these allotments in Amendment 1 maps.

PART 3 JUSTIFICATION

Section A - A Need for the Planning Proposal

This planning proposal is for a housekeeping mapping amendment to LEP 2015. It is seeking only to correct anomalies on maps.

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

No, this planning proposal does not necessitate a strategic study or report because it is not seeking to change planning policy.

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

Yes, an amendment to the LEP to correct the identified anomalies is the best means of achieving the objectives or intended outcomes.

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 Greater Sydney Regional Plan and exhibited draft strategies)?

This planning proposal seeks only to make a housekeeping mapping amendment to LEP and is not inconsistent with the Greater Sydney Region Plan (2018) and the Western City District Plan (2018). The amendment seeks to correct anomalies identified on maps which improves the accuracy of the maps.

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

This planning proposal only seeks to make a housekeeping amendment to LEP maps and is not inconsistent with the Sustainable Blue Mountains 2025 and Blue Mountains 2040 (Local Strategic Planning Statement) or other adopted local strategic planning policies. The amendment seeks only to correct mapping anomalies to further improve the accuracy of the mapping.

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

The following table documents the analysis undertaken of the application and consistency of LEP 2015 Draft Amendment 14 with all State Environmental Planning Policies (SEPPs) and relevant Sydney Regional Environmental Plans (SREPs).

Note:

- ¹ **Not Relevant:** This SEPP or SREP does not apply to land within LEP 2015 Draft Amendment 11
- ² **Consistent:** This SEPP or SREP applies; LEP 2015 Draft Amendment 11 meets the relevant requirements and is in accordance with the SEPP or SREP.
- ³ **Justifiably Inconsistent:** This SEPP or SREP applies; LEP 2015 Draft Amendment 11 does not meet all the requirements or may be inconsistent with this SEPP or SREP as outlined following the table

State Environmental Planning Policies in force		NOT RELEVANT¹	CONSISTENT²	JUSTIFIABLY INCONSISTENT³
SEPP	Aboriginal Lands 2019	✓		
SEPP	Activation Precincts 2020	✓		
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	Koala Habitat Protection 2020		✓	
SEPP	Kosciuszko National Park-Alpine Resorts 2007	✓		
SEPP	Kurnell Peninsula 1989	✓		
SEPP	Major Infrastructure Corridors 2020	✓		
SEPP	Mining, petroleum Production and Extractive Industries 2007	✓		
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	✓		
SEPP70	Affordable Housing (Revised Schemes)	✓		
SEPP	Penrith Lakes Scheme 1989	✓		
SEPP	Primary Production and Rural Development 2019		✓	
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	Vegetation in Non-Rural Areas 2017	✓		
SEPP	Western Sydney Aerotropolis	✓		
SEPP	Western Sydney Employment Area 2009	✓		
SEPP	Western Sydney Parklands 2009	✓		

This planning proposal is consistent with all the relevant SEPPs as detailed below.

SEPP (Affordable Rental Housing) 2009

- This planning proposal is consistent with the Affordable Rental Housing SEPP as the intention is to correct mapping anomalies identified since the introduction of LEP 2015 as well as five anomalies recently identified that were transferred from previous LEP's. Some of the sites included in the proposal fall within the SEPP affected land, in particular, the sites in Blackheath township are included to correct minor boundary anomalies and the sites at Glenbrook are seeking to change the zone from SP2 (Rail) zone to a residential zone reflecting the current land uses.

SEPP (Infrastructure) 2007

- This planning proposal is consistent with the Infrastructure SEPP as the intention is to correct mapping anomalies identified since the introduction of LEP 2015. A number of the anomalies included in this amendment will be applying a consistent approach to provisions, in particular lot size and building height which was inconsistently applied to land in zone SP2 (Road) and land adjoining this zone. Council's approach is to delete all provisions from land in zone SP2 (Road) and SP2 (Rail) and to include all relevant provision on land in a zone with development potential. The same approach has been applied to land identified for acquisition by RMS.

A site at 162-164 Glossop Road Linden (No. 7) which contains infrastructure owned and used by Sydney Water Corporation, was inadvertently zoned partly E1 National parks and nature reserves. Sydney Water Corporation confirmed the correct zone should be SP2 (Water supply) over the whole of this land.

SEPP (Koala Habitat Protection) 2020

- This planning proposal is consistent with the Koala Habitat Protection SEPP as nothing in this planning proposal seeks to contradict or diminish the operation of this SEPP. Koala habitat trees are identified as included in several vegetation communities found in the Blue Mountains, these habitat tree species are *Eucalyptus tereticornis*, *Eucalyptus punctata* and *Eucalyptus viminalis*. There are 3 locations where it is proposed to change or decrease the area of zone E2 Environmental Conservation zone and these are summarised below:-
 - (No. 6) 116 Sublime Point Road Leura – a dwelling was approved on this land prior to the commencement of LEP 2015 and the made maps include land in zone E2 Environmental Conservation over the approved and constructed dwelling and developed area of the land. The development assessment reviewed and considered the vegetation prior to approval being issued. The land is now developed and it is proposed to change the zone from E2 Environmental Conservation to E4 Environmental Living where approved development has occurred.
 - (No. 7) 162-164 Glossops Road Linden – this land is owned by Sydney Water and is developed with water supply infrastructure. The proposed zone change from E1 – National Parks and Nature Reserves to SP2 (Water Supply) accurately reflects the use of the land.
 - (No. 8) 26 Old Bathurst Road Woodford – the vegetation on this land was reviewed in detail as part of a development application assessment and the proposed alteration accurately reflects the vegetation identified on this land.

SEPP 55 (Remediation of Land)

- This planning proposal is consistent with the Remediation of Land SEPP. This planning proposal includes changes to zones at certain locations only where anomalies have been identified. Two sites are proposed to be rezoned from SP2 (Rail) to E4 Environmental Living and a summary of the proposed change is noted below:-
 - (No. 9) 25A Cowdery Street and 26 Burfitt Parade Glenbrook – both these allotments are developed with a dwelling. In the case of 25 Cowdery Street, Council records show the dwelling existed in 1999, however the dwelling predates this by several decades. It is understood the dwelling was previously a Rail Lease to the owners. No. 26 Burfitt Parade also had a dwelling in 1999 and in 2011 Council approved alterations and additions to the existing dwelling. The proposed zone change reflects the actual and long term land use of the land.

SEPP (Primary Production and Rural Development) 2019

- This planning proposal is consistent with the Primary production and Rural Development SEPP. Several parcels of land included in this proposal are in a rural zone.
 - (No. 13) The minimum lot size was inadvertently omitted from several parcels of land in Shipley Road Blackheath.
 - (No. 83) The lot averaging provision was incorrectly applied to land in the vicinity of the Six Foot Track in Megalong Valley
 - (No. 81) The lot averaging provision was incorrectly applied to road reserves in Mount Wilson.

This planning proposal is seeking to correct inadvertent anomalies.

SEPP (Sydney Drinking Water Catchment) 2011

- This planning proposal is consistent with the Drinking Water Catchment SEPP. It proposes to make a housekeeping mapping amendment to LEP 2015 by reinstating provisions that were inadvertently incorrectly transferred to LEP 2015 or by correcting anomalies to five parcels of land that were transferred from previous LEP's. Some of the land included in this mapping amendment is within the Sydney Drinking Water Catchment. A key element of LEP 2015 is the recognition and protection of the Blue Mountains National Park and environment which surround the urban areas of the City, including the Sydney drinking water catchment. Nothing in this planning proposal seeks to contradict or diminish these provisions.

SEPP (Western Sydney Aerotropolis) 2020

- This planning proposal does not include any land within the Land Application Map.

SREPP No.20 Hawkesbury-Nepean River (No.2 – 1997)

- This planning proposal is consistent with the SREP 20. It only proposes to make housekeeping mapping amendments to LEP 2015. A key element of LEP 2015 is the recognition and protection of the Blue Mountains National Park and environment which surround the urban areas of the City, including strong stormwater controls. Nothing in this planning proposal seeks to contradict or diminish these provisions.

6. Is the planning proposal consistent with applicable Directions by the Minister (previous s.117) Directions

The following table provides a summary of the application and consistency with Directions by the Minister.

Note:

¹ **Not Relevant:** This direction does not apply to land within LEP 2015 Draft Amendment 11

² **Consistent:** This direction applies; LEP 2015 Draft Amendment 11 meets the relevant requirements and is in accordance with the direction.

³ **Justifiably Inconsistent:** This direction applies, but LEP 2015 Draft Amendment 11 does not meet all the requirements or may be inconsistent with this direction as outlined following the table.

Directions by the Minister (previous s 117(2))		NOT RELEVANT¹	CONSISTENT²	JUSTIFIABLY INCONSISTENT³
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 Management	✓		
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		✓	
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 Regulated Airports and Defence Airfields	✓		
3.6	Shooting Ranges	✓		
3.7	Reduction in non-hosted short term rental accommodation period	✓		
4. HAZARD AND RISK				
4.1	Acid Sulfate Soils	✓		
4.2	Mine Subsidence and Unstable Land		✓	
4.3	Flood Prone Land		✓	
4.4	Planning for Bushfire Protection		✓	
5. REGIONAL PLANNING				
5.2	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	✓		
5.9	North West Rail Link Corridor Strategy	✓		
5.10	Implementation of Regional Plans	✓		
5.11	Development of Aboriginal Land Council land	✓		
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		✓	

<u>Directions by the Minister (previous s 117(2))</u>		NOT RELEVANT 1	CONSISTENT 2	JUSTIFIABLY INCONSISTENT 3
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 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	✓		
7.11	Implementation of St Leonards and Crows Nest 2036 Plan	✓		
7.12	Implementation of Greater Macarthur 2040	✓		
7.13	Implementation of Pyrmont Peninsula Place Strategy	✓		

This planning proposal is consistent with all relevant the Directions by the Minister as detailed below.

Direction 1.1 Business and Industrial Zones

Objectives

(1) The objectives of this direction are to:

- (a) encourage employment growth in suitable locations,
- (b) protect employment land in business and industrial zones, and
- (c) support the viability of identified centres.

Where this direction applies

(2) This direction applies to all relevant planning authorities. When this direction applies

(3) This direction applies when a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed business or industrial zone (including the alteration of any existing business or industrial zone boundary).

What a relevant planning authority must do if this direction applies

(4) A planning proposal must:

- (a) give effect to the objectives of this direction,
- (b) retain the areas and locations of existing business and industrial zones,
- (c) not reduce the total potential floor space area for employment uses and related public services in business zones,
- (d) not reduce the total potential floor space area for industrial uses in industrial zones, and
- (e) ensure that proposed new employment areas are in accordance with a strategy that is approved by the Secretary of the Department of Planning and Environment.

Consistency

(5) A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Secretary of the Department of Planning and Environment (or an officer of the Department nominated by the Secretary) that the provisions of the planning proposal that are inconsistent are:

- (a) justified by a strategy which:
 - (i) gives consideration to the objective of this direction, and
 - (ii) identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), and
 - (iii) is approved by the Secretary of the Department of Planning and Environment, or
- (b) justified by a study (prepared in support of the planning proposal) which gives consideration to the objective of this direction, or
- (c) in accordance with the relevant Regional Strategy, Regional Plan or Sub-Regional Strategy prepared by the Department of Planning and Environment which gives consideration to the objective of this direction, or
- (d) of minor significance.

Response

There are number of locations within a business or industrial zone where corrections are proposed. In each instance amendments are proposed to correct errors or omissions inadvertently made during the preparation of LEP 2015 maps. There will be no change to the current position with respect to land uses or floor spaces in business or industrial zones. The amendments proposed on land in business or industrial zones are noted below along with a summary of the proposed change:-

- (No. 43) Sutton Lane and Stockade Place Blackheath – the building height provision was incorrectly applied to land in a road reserve. The proposed amendment does not alter the current position with respect to land uses, minimum lot sizes, development density or any other provision.
- (No. 53) 8-22 Park Street Lawson – the building height provision was inadvertently omitted from this parcel of land. It is proposed to correct this oversight and include a building height of 15m which is consistent with other land in zone B7 – Business Park and the Council resolution. The proposed amendment does not alter the current position with respect to land uses, minimum lot sizes, development density or any other provision.
- (No. 71) Katoomba Street and adjacent roads Katoomba – the floor space ratio provision was incorrectly applied to land in a road reserve. The proposed amendment does not alter the current position with respect to land uses, minimum lot sizes, development density or any other provision.
- (No. 73) Staples Street and adjacent roads Lawson – the floor space ratio provision was incorrectly applied to land in a road reserve. The proposed amendment does not alter the current position with respect to land uses, minimum lot sizes, development density or any other provision.
- (No. 74) Raymond Road and adjacent roads Springwood – the floor space ratio provision was incorrectly applied to land in a road reserve. The proposed amendment does not alter the current position with respect to land uses, minimum lot sizes, development density or any other provision.

This planning proposal is consistent with Direction 1.1 Business and Industrial zones.

1.2 Rural Zones

Objective

(1) *The objective of this direction is to protect the agricultural production value of rural land.*

Where this direction applies

(2) (a) *Clause 4(a) of this direction applies to all relevant planning authorities.*

(b) *Clause 4(b) of this direction applies in the following local government areas*

(3) *This direction applies when a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed rural zone (including the alteration of any existing rural zone boundary). What a relevant planning authority must do if this direction applies*

(4) *A planning proposal must:*

(a) *not rezone land from a rural zone to a residential, business, industrial, village or tourist zone.*

(b) *not contain provisions that will increase the permissible density of land within a rural zone (other than land within an existing town or village).*

Consistency

(5) *A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are:*

(a) *justified by a strategy which:*

(i) *gives consideration to the objectives of this direction,*

(ii) *identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), and*

(iii) *is approved by the Director-General of the Department of Planning, or*

(b) *justified by a study prepared in support of the planning proposal which gives consideration to the objectives of this direction, or*

(c) *in accordance with the relevant Regional Strategy, Regional Plan or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of this direction, or*

(d) *is of minor significance.*

Response

There are four locations within a rural zone where corrections are proposed. In each instance amendments are proposed to correct errors or omissions inadvertently made during the preparation of LEP 2015 maps. There will be no change to the current zone or zone boundary. The amendments proposed on land in a rural zones are noted below along with a summary of the proposed change:-

- (No. 13) 5 properties Shipley Road Blackheath – the minimum lot size provision was inadvertently omitted from these allotments and it is proposed to include a 5000m² MLS which transfers the MLS provision from the previous LEP.
- (No. 81) various roads Mt Wilson – the Lot Averaging provision was inadvertently included on road reserves. The proposed amendment does not alter the current zones.
- (No. 83) various allotments in the Megalong Valley – the Lot Averaging provision was incorrectly shown on certain allotments. The proposed amendment does not alter the current zones.
- (No. 87) 1-9 Phelps Road Mt Wilson is subject to a lot averaging provision however map LAV_001 was missed when maps were prepared.

This planning proposal is consistent with Direction 1.2 Rural zones.

Direction 2.1 Environmental Protection Zones

Objective

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

Where this direction applies

(2) *This direction applies to all relevant planning authorities.*

When this direction applies

(3) *This direction applies when a relevant planning authority prepares a planning proposal.*

What a relevant planning authority must do if this direction applies

(4) *A planning proposal must include provisions that facilitate the protection and conservation of environmentally sensitive areas.*

(5) *A planning proposal that applies to land within an environment protection zone or land otherwise identified for environment protection purposes in a LEP must not reduce the environmental protection standards that apply to the land (including by modifying development standards that apply to the land). This requirement does not apply to a change to a development standard for minimum lot size for a dwelling in accordance with clause (5) of Direction 1.5 "Rural Lands".*

Consistency

(6) *A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are:*

(a) *justified by a strategy which:*

(i) *gives consideration to the objectives of this direction,*

(ii) *identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), and*

(iii) *is approved by the Director-General of the Department of Planning, or*

(b) *justified by a study prepared in support of the planning proposal which gives consideration to the objectives of this direction, or*

(c) *in accordance with the relevant Regional Strategy, Regional Plan or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of this direction, or*

(d) *is of minor significance.*

Response

This planning proposal seeks to correct mapping anomalies. There are a number of parcels that include land in an environmental zone and the following land in an environmental includes a change of zone:-

- (No. 2) National Park adjacent to, and No. 3 Evans Lookout Road Blackheath – land now owned and included in the Blue Mountains National Park was incorrectly zoned E4 Living Conservation. There is also a minor zoning anomaly on the adjoining property at 3 Evans Lookout Road.
- (No. 3) 24-28 Brightlands Road Blackheath – there is an anomaly whereby the zone and other provisions do not align with the allotment boundaries. There is no change to the intended landuses or other provisions.
- (No. 4) Unnamed road off Valley View Road Blackheath – this small section of road was proposed to be zoned R6 Residential Character Conservation however land in zone Living – Conservation in LEP 2005 has been deferred. Upon reviewing the land it was considered more appropriate to zone this land E3 Environmental Management the same as the adjoining land.
- (No. 5) 44-50 Echo Point Road Katoomba – there is a minor mapping anomaly of land in zone E1 – National Parks and Nature Reserves which will be corrected to E2 – Environmental Conservation.
- (No. 6) 116 Sublime Point Road Leura – a dwelling was approved on this land immediately prior to the preparation of maps and the zone and provisions are mapped across the approved and now constructed dwelling. It is proposed to adjust the zone E2 Environmental Conservation to exclude the dwelling and approved developed land.
- (No. 7) part 162-164 Glossop Road Linden was attributed the zone E1 National Parks and Nature Reserves however the land is owned by Sydney Water and is developed with water supply infrastructure. The proposed zone is SP2 Water Supply.
- (No. 8) 26 Old Bathurst Road Woodford – this vegetation on this land was reviewed on site by Council's environmental officers while assessing an application. The officers determined that the mapping of the vegetation was incorrect and the zoning has been accordingly adjusted in accordance with Council zoning protocols.
- (No. 9) 25A Cowdery Street & 26 Burfitt Parade Glenbrook – these properties were originally owned by the railways and have a SP2 (Rail) zone. Dwelling exist on each parcel and have been privately owned for several decades. The proposed zone is E4 Environmental Living.
- (No. 39) 20 Benson Road Mt Victoria – this property has the road reserve included in the consolidation provision in LEP 1991 and was transferred into LEP 2015. This anomaly came to Council's attention recently and a comprehensive review of the history revealed

that the consolidation provision was incorrectly applied to the land. The consolidation provisions in LEP 2015 were recently amended (Amendment 10 to LEP 2015) however Council was, at that time, correcting an anomaly with the text of the clause to reinstate provision intent that was not correctly transferred. The provision at this location was correctly transferred, however the provision was incorrect in LEP 1991.

This planning proposal is consistent with Direction 2,1 Environmental Protection zones.

Direction 2.3 Heritage Conservation

Objective

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

Where this direction applies

- (2) *This direction applies to all relevant planning authorities.*

When this direction applies

- (3) *This direction applies when a relevant planning authority prepares a planning proposal.*

What a relevant planning authority must do if this direction applies

- (4) *A planning proposal must contain provisions that facilitate the conservation of:*

- (a) *items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance to an area, in relation to the historical, scientific, cultural, social, archaeological, architectural, natural or aesthetic value of the item, area, object or place, identified in a study of the environmental heritage of the area,*
- (b) *Aboriginal objects or Aboriginal places that are protected under the National Parks and Wildlife Act 1974, and (c) Aboriginal areas, Aboriginal objects, Aboriginal places or landscapes identified by an Aboriginal heritage survey prepared by or on behalf of an Aboriginal Land Council, Aboriginal body or public authority and provided to the relevant planning authority, which identifies the area, object, place or landscape as being of heritage significance to Aboriginal culture and people.*

Consistency

- (5) *A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that:*

- (a) *the environmental or indigenous heritage significance of the item, area, object or place is conserved by existing or draft environmental planning instruments, legislation, or regulations that apply to the land, or*
 - (b) *the provisions of the planning proposal that are inconsistent are of minor significance.*
-

Response

A number of the sites are heritage listed no change to the status with respect to heritage is proposed. Council is finalising a heritage review which is occurring independently of this proposal.

This planning proposal is consistent with Direction 2.3 Heritage Conservation.

Direction 2.6 Remediation of Contaminated Land

Objective

- (1) *The objective of this direction is to reduce the risk of harm to human health and the environment by ensuring that contamination and remediation are considered by planning proposal authorities.*

Where this direction applies

- (2) *This direction applies to:*

- (a) *land that is within an investigation area within the meaning of the Contaminated Land Management Act 1997,*
- (b) *land on which development for a purpose referred to in Table 1 to the contaminated land planning guidelines is being, or is known to have been, carried out,*
- (c) *the extent to which it is proposed to carry out development on it for residential, educational, recreational or childcare purposes, or for the purposes of a hospital – land:*
 - (i) *in relation to which there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out, and*
 - (ii) *on which it would have been lawful to carry out such development during any period in respect of which there is no knowledge (or incomplete knowledge).*

When this direction applies

- (2) *This direction applies when a planning proposal authority prepares a planning proposal applying to land specified in paragraph (2).*

What a planning proposal authority must do if this direction applies

- (4) *A planning proposal authority must not include in a particular zone (within the meaning of the local environmental plan) any land specified in paragraph (2) if the inclusion of the land in that zone would permit a change of use of the land, unless:*
- (a) *the planning proposal authority has considered whether the land is contaminated, and*
 - (b) *if the land is contaminated, the planning proposal 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*
 - (c) *if the land requires remediation to be made suitable for any purpose for which land in that zone is permitted to be used, the planning proposal authority is satisfied that the land will be so remediated before the land is used for that purpose. In order to satisfy itself as to paragraph (4)(c), the planning proposal authority may need to include certain provisions in the local environmental plan.*
- (5) *Before including any land specified in paragraph (2) in a particular zone, the planning proposal authority is to obtain and have regard to a report specifying the findings of a preliminary investigation of the land carried out in accordance with the contaminated land planning guidelines.*

Response

This planning proposal seeks to correct anomalies identified since LEP 2015 was made. There is no land within this proposal which is known to have a use which is, or was potentially contaminating.

Land at 25A Cowdery Street and 26 Burfitt Street Glenbrook are currently in zone SP2 (Rail) and were originally owned by the railway. The land has been used for residential purposes in excess of 20 years.

This planning proposal is consistent with Direction 2.6 Remediation of contaminated land.

3.1 Residential Zones Objectives

Objectives

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

When this direction applies

- (3) *This direction applies when a relevant planning authority prepares a planning proposal that will affect land within:*
- (a) *an existing or proposed residential zone (including the alteration of any existing residential zone boundary),*
 - (b) *any other zone in which significant residential development is permitted or proposed to be permitted.*

What a relevant planning authority must do if this direction applies

- (4) *A planning proposal must include provisions that encourage the provision of housing that will:*
- (a) *broaden the choice of building types and locations available in the housing market, and*
 - (b) *make more efficient use of existing infrastructure and services, and*
 - (c) *reduce the consumption of land for housing and associated urban development on the urban fringe, and*
 - (d) *be of good design.*
- (5) *A planning proposal must, in relation to land to which this direction applies:*
- (a) *contain a requirement that residential development is not permitted until land is adequately serviced (or arrangements satisfactory to the council, or other appropriate authority, have been made to service it), and*
 - (b) *not contain provisions which will reduce the permissible residential density of land.*

Consistency

- (6) *A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are:*
- (a) *justified by a strategy which:*
 - (i) *gives consideration to the objective of this direction, and*
 - (ii) *identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), and*
 - (iii) *is approved by the Director-General of the Department of Planning, or*
 - (b) *justified by a study prepared in support of the planning proposal which gives consideration to the objective of this direction, or*
 - (c) *in accordance with the relevant Regional Strategy, Regional Plan or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of this direction, or*
 - (d) *of minor significance.*

Response

There is no land in a residential zone included in this proposal where a change of zone is proposed. This planning proposal does not change zone objectives or permissible land uses.

This planning proposal is consistent with Direction 3.1 Residential zone objectives.

3.4 Integrating Land Use and Transport

Objectives

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

When this direction applies

- (3) *This direction applies when a relevant planning authority prepares a planning proposal that will create, alter or remove a zone or a provision relating to urban land, including land zoned for residential, business, industrial, village or tourist purposes.*

What a relevant planning authority must do if this direction applies

- (4) *A planning proposal must locate zones for urban purposes and include provisions that give effect to and are consistent with the aims, objectives and principles of:*
- (a) *Improving Transport Choice – Guidelines for planning and development (DUAP 2001), and (b) The Right Place for Business and Services – Planning Policy (DUAP 2001).*

Consistency

- (5) *A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are:*
- (a) *justified by a strategy which:*
 - (i) *gives consideration to the objective of this direction, and*
 - (ii) *identifies the land which is the subject of the planning proposal (if the planning proposal relates to a particular site or sites), and*
 - (iii) *is approved by the Director-General of the Department of Planning, or*
 - (b) *justified by a study prepared in support of the planning proposal which gives consideration to the objective of this direction, or*
 - (c) *in accordance with the relevant Regional Strategy, Regional Plan or Sub-Regional Strategy prepared by the Department of Planning which gives consideration to the objective of this direction, or*
 - (d) *of minor significance.*

Response

This planning proposal seeks only to correct mapping anomalies identified since LEP 2015 was made. Changes to zoning are minor and correct anomalies. This planning proposal is consistent with Direction 3.4 land use and transport.

Direction 4.3 Flood Prone Land

Objectives

(1) *The objectives of this direction are:*

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

Where this direction applies

(2) *This direction applies to all relevant planning authorities that are responsible for flood prone land within their LGA.*

When this direction applies

(3) *This direction applies when a relevant planning authority prepares a planning proposal that creates, removes or alters a zone or a provision that affects flood prone land.*

What a relevant planning authority must do if this direction applies

- (4) *A planning proposal must include provisions that give effect to and are consistent with the NSW Flood Prone Land Policy and the principles of the Floodplain Development Manual 2005 (including the Guideline on Development Controls on Low Flood Risk Areas).*
- (5) *A planning proposal must not rezone land within the flood planning areas from Special Use, Special Purpose, Recreation, Rural or Environmental Protection Zones to a Residential, Business, Industrial, Special Use or Special Purpose Zone.*
- (6) *A planning proposal must not contain provisions that apply to the flood planning areas which:*
 - (a) *permit development in floodway areas,*
 - (b) *permit development that will result in significant flood impacts to other properties,*
 - (c) *permit a significant increase in the development of that land,*
 - (d) *are likely to result in a substantially increased requirement for government spending on flood mitigation measures, infrastructure or services, or*
 - (e) *permit development to be carried out without development consent except for the purposes of agriculture (not including dams, drainage canals, levees, buildings or structures in floodways or high hazard areas), roads or exempt development.*
- (7) *A planning proposal must not impose flood related development controls above the residential flood planning level for residential development on land, unless a relevant planning authority provides adequate justification for those controls to the satisfaction of the Director-General (or an officer of the Department nominated by the Director-General).*
- (8) *For the purposes of a planning proposal, a relevant planning authority must not determine a flood planning level that is inconsistent with the Floodplain Development Manual 2005 (including the Guideline on Development Controls on Low Flood Risk Areas) unless a relevant planning authority provides adequate justification for the proposed departure from that Manual to the satisfaction of the Director-General (or an officer of the Department nominated by the Director-General).*

Consistency

- (9) *A planning proposal may be inconsistent with this direction only if the relevant planning authority can satisfy the Director-General (or an officer of the Department nominated by the Director-General) that:*
 - (a) *the planning proposal is in accordance with a floodplain risk management plan prepared in accordance with the principles and guidelines of the Floodplain Development Manual 2005, or*
 - (b) *the provisions of the planning proposal that are inconsistent are of minor significance.*

Response

Some of the sites included in this amendment are within flood study area however this proposal seeks to correct anomalies identified since the introduction of LEP 2015. Any development occurring on land included in this amendment will require consent including considering matters such as possible flooding.

This planning proposal is consistent with Direction 4.3 Flood prone land.

Direction 4.4 Planning for Bushfire Protection

Objectives

(1) *The objectives of this direction are:*

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

Where this direction applies

(2) *This direction applies to all local government areas in which the responsible Council is required to prepare a bush fire prone land map under section 146 of the Environmental Planning and Assessment Act 1979 (the EP&A Act), or, until such a map has been certified by the Commissioner of the NSW Rural Fire Service, a map referred to in Schedule 6 of that Act.*

What a relevant planning authority must do if this direction applies

- (4) *In the preparation of a planning proposal the relevant planning authority must consult with the Commissioner of the NSW Rural Fire Service following receipt of a gateway determination under section 56 of the Act, and prior to undertaking community consultation in satisfaction of section 57 of the Act, and take into account any comments so made,*
- (5) *A planning proposal must:*
 - (a) *have regard to Planning for Bushfire Protection 2006,*
 - (b) *introduce controls that avoid placing inappropriate developments in hazardous areas, and*
 - (c) *ensure that bushfire hazard reduction is not prohibited within the APZ.*
- (6) *A planning proposal must, where development is proposed, comply with the following provisions, as appropriate:*
 - (a) *provide an Asset Protection Zone (APZ) incorporating at a minimum:*
 - (i) *an Inner Protection Area bounded by a perimeter road or reserve which circumscribes the hazard side of the land intended for development and has a building line consistent with the incorporation of an APZ, within the property, and*
 - (ii) *an Outer Protection Area managed for hazard reduction and located on the bushland side of the perimeter road,*
 - (b) *for infill development (that is development within an already subdivided area), where an appropriate APZ cannot be achieved, provide for an appropriate performance standard, in consultation with the NSW Rural Fire Service. If the provisions of the planning proposal permit Special Fire Protection Purposes (as defined under section 100B of the Rural Fires Act 1997), the APZ provisions must be complied with,*
 - (c) *contain provisions for two-way access roads which links to perimeter roads and/or to fire trail networks,*
 - (d) *contain provisions for adequate water supply for fire fighting purposes,*
 - (e) *minimise the perimeter of the area of land interfacing the hazard which may be developed,*
 - (f) *introduce controls on the placement of combustible materials in the Inner Protection Area*

Response

This amendment includes multiple sites across all area of the local government area. There are sites that fall within a bushfire area however the proposal seeks to correct anomalies and reinstate mapping provisions that were not accurately transferred.

This draft amendment is consistent with Ministerial Direction 4.4 Planning for Bushfire Protection, and the Commissioner of the NSW RFS will be consulted as prescribed by the Gateway Determination.

Direction 5.2 Sydney Drinking Water Catchment

Objective

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

Where this Direction applies

- (2) *This Direction applies to the Sydney drinking water catchment in the following local government areas:*

Blue Mountains	Kiama	Sutherland
Campbelltown	Lithgow	Upper Lachlan
Cooma Monaro	Oberon	Wingecarribee
Eurobodalla	Palerang	Wollondilly
Goulburn Mulwaree	Shoalhaven	Wollongong

When this Direction applies

- (3) *This Direction applies when a relevant planning authority prepares a planning proposal that applies to land within the Sydney drinking water catchment.*

What a relevant planning authority must do if this Direction applies

- (4) *A planning proposal must be prepared in accordance with the general principle that water quality within the Sydney drinking water catchment must be protected, and in accordance with the following specific principles:*
- (a) *new development within the Sydney drinking water catchment must have a neutral or beneficial effect on water quality, and*
 - (b) *future land use in the Sydney drinking water catchment should be matched to land and water capability, and*
 - (c) *the ecological values of land within a Special Area that is:*
 - (i) *reserved as national park, nature reserve or state conservation area under the National Parks and Wildlife Act 1974, or*
 - (ii) *declared as a wilderness area under the Wilderness Act 1987, or*
 - (iii) *owned or under the care control and management of the Sydney Catchment Authority, should be maintained.*
- (5) *When preparing a planning proposal that applies to land within the Sydney drinking water catchment, the relevant planning authority must:*
- (a) *ensure that the proposal is consistent with State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011, and*
 - (b) *give consideration to the outcomes of the Strategic Land and Water Capability Assessment prepared by the Sydney Catchment Authority, and*
 - (c) *zone land within the Special Areas owned or under the care control and management of Sydney Catchment Authority generally in accordance with the following:*

<i>Land</i>	<i>Zone under Standard Instrument (Local Environmental Plans) Order 2006</i>
<i>Land reserved under the National Parks and Wildlife Act 1974</i>	<i>E1 National Parks and Nature Reserves</i>
<i>Land in the ownership or under the care, control and management of the Sydney Catchment Authority located above the full water supply level</i>	<i>E2 Environmental Conservation</i>
<i>Land below the full water supply level (including water storage at dams and weirs) and operational land at dams, weirs, pumping stations etc.</i>	<i>SP2 Infrastructure (and marked "Water Supply Systems" on the Land Zoning Map)</i>

and

- (d) *consult with the Sydney Catchment Authority, describing the means by which the planning proposal gives effect to the water quality protection principles set out in paragraph (4) of this Direction, and*
- (e) *include a copy of any information received from the Sydney Catchment Authority as a result of the consultation process in its planning proposal prior to the issuing of a gateway determination under section 56 of the Environmental Planning and Assessment Act 1979.*

Consistency

- (6) *A planning proposal may be inconsistent with the terms of this Direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are of minor significance.*

Response

- This planning proposal seeks to make a housekeeping mapping amendment to LEP 2015 by reinstating provisions that were inadvertently incorrectly transferred to LEP 2015 or making minor corrections. Some of the land included in this mapping amendment is within the Sydney Drinking Water Catchment. A key element of LEP 2015 is the recognition and protection of the Blue Mountains National Park and environment which surround the urban areas of the City, including the Sydney drinking water catchment. Nothing in this planning proposal seeks to contradict or diminish these provisions.

This planning proposal is consistent with Direction 5.2 Sydney Drinking Water Catchment.

Direction 6.3 Site Specific Provisions

Objective

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

Where this direction applies

(2) This direction applies to all relevant planning authorities.

When this direction applies

(3) This direction applies when a relevant planning authority prepares a planning proposal that will allow a particular development to be carried out.

What a relevant planning authority must do if this direction applies

(4) A planning proposal that will amend another environmental planning instrument in order to allow a particular development proposal to be carried out must either:

(a) allow that land use to be carried out in the zone the land is situated on, or

(b) rezone the site to an existing zone already applying in the environmental planning instrument that allows that land use without imposing any development standards or requirements in addition to those already contained in that zone, or

(c) allow that land use on the relevant land without imposing any development standards or requirements in addition to those already contained in the principal environmental planning instrument being amended.

(5) A planning proposal must not contain or refer to drawings that show details of the development proposal.

Consistency

(6) A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that the provisions of the planning proposal that are inconsistent are of minor significance.

Response

This planning proposal seeks to correct mapping anomalies identified since LEP 2015 came into effect.

No changes are proposed to site specific provision. This planning proposal is consistent with Direction 6.3 Site specific provisions.

Direction 6.2 Reserving Land for Public Purposes

Objectives

(1) *The objectives of this direction are:*

- (a) *to facilitate the provision of public services and facilities by reserving land for public purposes, and*
- (b) *to facilitate the removal of reservations of land for public purposes where the land is no longer required for acquisition.*

Where this direction applies

(2) *This direction applies to all relevant planning authorities.*

When this direction applies

(3) *This direction applies when a relevant planning authority prepares a planning proposal. What a relevant planning authority must do if this direction applies*

- (4) *A planning proposal must not create, alter or reduce existing zonings or reservations of land for public purposes without the approval of the relevant public authority and the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General).*
- (5) *When a Minister or public authority requests a relevant planning authority to reserve land for a public purpose in a planning proposal and the land would be required to be acquired under Division 3 of Part 2 of the Land Acquisition (Just Terms Compensation) Act 1991, the relevant planning authority must:*
 - (a) *reserve the land in accordance with the request, and*
 - (b) *include the land in a zone appropriate to its intended future use or a zone advised by the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General), and*
 - (c) *identify the relevant acquiring authority for the land.*
- (6) *When a Minister or public authority requests a relevant planning authority to include provisions in a planning proposal relating to the use of any land reserved for a public purpose before that land is acquired, the relevant planning authority must:*
 - (a) *include the requested provisions, or*
 - (b) *take such other action as advised by the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) with respect to the use of the land before it is acquired.*
- (7) *When a Minister or public authority requests a relevant planning authority to include provisions in a planning proposal to rezone and/or remove a reservation of any land that is reserved for public purposes because the land is no longer designated by that public authority for acquisition, the relevant planning authority must rezone and/or remove the relevant reservation in accordance with the request.*

Consistency

- (8) *A planning proposal may be inconsistent with the terms of this direction only if the relevant planning authority can satisfy the Director-General of the Department of Planning (or an officer of the Department nominated by the Director-General) that:*
 - (a) *with respect to a request referred to in paragraph (7), that further information is required before appropriate planning controls for the land can be determined, or*
 - (b) *the provisions of the planning proposal that are inconsistent with the terms of this direction are of minor significance.*

Response

This direction applies to a number of the sites included in this proposal. Details are provided below:

- (No. 1) 16-24 Prince George Street Blackheath is a narrow section of land deferred from LEP 2015 and currently unzoned in LEP 2005. This land is now privately owned and was formerly part of the Blackheath Bowling Club. This proposal is seeking to correct this mapping anomaly by changing the zone to RE2 Private Recreation.
- (No. 2) 3 Evans Lookout Road Blackheath is privately owned and has approved residential outbuildings and was inadvertently zoned E1 National parks and nature reserves. The land adjacent to the east, which is part of the Blue Mountains National Park, was inadvertently zoned E4 Environmental Living. It is proposed to correct these mapping oversights in the proposal.
- (No. 3) 24, 26-28 Brightlands Road Blackheath is included in this planning proposal to correct this mapping anomaly by aligning the zone and other provisions with the registered cadastre.
- (No. 4) Unnamed road off Valley View Road Blackheath is a section of Council road reserve that is deferred from LEP 2015. It is proposed to zone this section of land E3 Environmental Management, a zone which adjoins to the north.
- (No. 5) 44-50 Echo Point Road Katoomba is included as there are two minor anomalies with the zone boundary. The land is owned by the Crown and a small section of this land is inadvertently shown in zone E1 National parks and nature reserves.
- (No. 7) 162-164 Glossop Road Linden is owned by Sydney Water Corporation and is developed with infrastructure supporting the water supply. Part of this land was inadvertently included in zone E1 National parks and nature reserves. Sydney Water Corporation were contacted and confirmed they would like the land to be zoned SP2 (Water supply).
- (No. 9) 25A Cowdery Street Glenbrook. Council is proposing to rezone this land from SP2 (Rail) to E4 Environmental Living. The land has been in private ownership since 2015 when it was purchased from Rail Corporation NSW following a long term lease.

The land contains a dwelling and has been used for residential purposes for approximately 50 years. The proposed zone reflects the previous and current land use of the site.

- (No. 9) 26 Burfitt Parade Glenbrook. Council is proposing to rezone this land from SP2 (Rail) to E4 Environmental Living. This land has been in private ownership since 2010 purchased from Rail Corporation NSW. The proposed zone aligns with the current land use of the site.

Each of the sites noted above are either minor corrections to the zone boundaries or proposing a correction to align the zone with the current land use.

There are a number of alterations proposed to land in zone SP2 (road). It is Council's intent, in this amendment, to apply a consistent approach to land that is wholly or partly in zone SP2 (road) or identified for acquisition by RMS on the Land Reservation Application maps. There are many parcels of land along the Great Western Highway that are partly in zone SP2 and partly E4 Environmental Living and provisions are inconsistently applied.

Council is proposing to remove provisions, such as lot size and building height, from any land in zone SP2 (Road) and SP2 (Rail) and to apply relevant provisions to land in a zone that has development potential. It is intended that provisions will be applied to the zone and may not follow allotment boundaries. There are many parcels of land in the Blue Mountains with split zones and this application is consistent with the overarching approach to zone and other provisions.

This planning proposal is consistent with Direction 6.2 Reserving land for public purposes.

Direction 7.1 Implementation of A Plan for Growing Sydney

Objective

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

When this direction applies

(3) This direction applies when a Relevant Planning Authority prepares a planning proposal.

What a Relevant Planning Authority must do if this direction applies

(4) Planning proposals shall be consistent with:

(a) the NSW Government's A Plan for Growing Sydney published in December 2014.

Response

This draft amendment is consistent with Ministerial Direction 7.1 Implementation of *A Plan for Growing Sydney*. This planning proposal seeks to make a housekeeping amendment to the maps which correct minor anomalies, reinstate a mapped provision inadvertently altered in the transition to LEP 2015 or to make changes to align a zone or other provision with the land use.

The proposal is consistent with the Greater Sydney Region Plan (2018) and the Western City District Plan (2018).

7.8 Implementation of the Western Sydney Aerotropolis Plan

Objective

(1) *The objective of this direction is to ensure development within the Western Sydney Aerotropolis is consistent with the Western Sydney Aerotropolis Plan dated September 2020.*

Where this direction applies

(2) *This direction applies to Blacktown City Council, Blue Mountains City Council, Camden Council, Campbelltown City Council, Fairfield City Council, Liverpool City Council, Penrith City Council and Wollondilly Shire Council.*

When this direction applies

(3) *This direction applies when a relevant planning authority prepares a planning proposal for land the subject of the State Environmental Planning Policy (Western Sydney Aerotropolis) 2020 (SEPP). This includes any land to which clause 5 of the SEPP applies.*

What a Relevant Planning Authority must do if this direction applies

(4) *A planning proposal is to be consistent with the Western Sydney Aerotropolis Plan approved by the Minister for Planning and as published on 10 September 2020 on the website of the Department of Planning, Industry and Environment.*

Consistency

(5) *A planning proposal may be inconsistent with this direction only if the relevant planning authority can satisfy the Secretary of the Department of Planning, Industry & Environment (or an officer of the Department nominated by the Secretary), that:*

(a) the provisions of the planning proposal that are inconsistent are of minor significance, and

(b) the planning proposal achieves the overall intent of the Western Sydney Aerotropolis Plan and does not undermine the achievement of its objectives, planning principles and priorities for the Western Sydney Aerotropolis.

Response

There are no sites included in this amendment which are on the Land Application Map noted in clause 5 of the SEPP (Western Sydney Aerotropolis).

Section C - Environmental, Social and Economic Impact

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

There is very little likelihood that critical habitat, threatened species, populations or ecological communities, or their habitats will be affected as a result of this Planning Proposal as it seeks only to make a housekeeping mapping amendment reinstating provisions, or correcting anomalies identified on LEP 2015 maps. LEP 2015 contains strong controls for the protection of the environment, and nothing in this draft amendment seeks to contradict or diminish these provisions

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

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

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

This planning proposal seeks to make a housekeeping amendment to LEP 2015. There will be no social or economic effect as a result of this planning proposal. It is proposed to correct minor mapping anomalies.

Section D - State and Commonwealth Interests

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

This planning proposal only seeks to make a housekeeping mapping amendment to LEP 2015. Nothing proposed in this planning proposal would increase pressure on existing infrastructure or generate demand for additional public infrastructure.

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

Consultation with State and Commonwealth public authorities will be undertaken in accordance with the gateway determination. It is not anticipated there would be anything contained in the proposed in this housekeeping amendment that would be a significant concern to State or Commonwealth authorities.

PART 4 MAPPING

This is a housekeeping mapping amendment. As outlined in part 2, 110 LEP 2015 maps are proposed to be amended. The majority of the amendments are minor in nature. The extent of maps proposed to be amended is due in part to the number consequential changes proposed – where a change to one provision requires changes to provisions on other map themes. The maps will be prepared in accordance with the requirements published by the Department of Planning. .

All the proposed mapping changes are shown in Attachment 1.

PART 5 COMMUNITY CONSULTATION

Council will undertake agency and community consultation as prescribed in the Gateway Determination and in accordance with the community consultation requirements noted in *A guide to preparing local environmental plans*.

PART 6 PROJECT TIMELINE

A nominal time period for the preparation, exhibition, and making of the amendment is:

Planning Proposal reported to the Local Planning Panel for comment	January 2021
Planning Proposal reported to the Council	February 2021
Submission of planning proposal to DP&E for 'gateway review' of draft Amendment 14 to LEP 2015	March 2021
Gateway determination issued	April 2021
RFS consultation required by Ministerial Direction 4.4	April-May 2021
Public exhibition of draft Amendment 14 to LEP 2015*	May-June 2021
Council review of submissions to draft Amendment 14 to LEP 2015	July 2021
Report prepared for the Council to consider the result of the community consultation including any changes to this amendment.	September 2021
Planning Proposal and relevant supporting information forwarded to the Department of Planning for final review	
Draft Amendment 14 to LEP 2015 to be made	December 2021

* Public exhibition will be undertaken in accordance with Department and Council guidelines and will avoid a national holiday period or be extended as appropriate.

PART 7 Attachments

Attachment 1	Proposed Mapping Amendments
Attachment 2	Local Planning Panel Report and Minutes
Attachment 3	Council Report and (unconfirmed) Minutes