

ITEM NO: 13

SUBJECT: PLANNING PROPOSAL FOR BLUE MOUNTAINS LEP 2015 DRAFT  
AMENDMENT 14 (HOUSEKEEPING AMENDMENT - MAPPING)

FILE NO: F12701 - 20/237838

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**Delivery Program Link**

*Principal Activity:* Using Land

*Service:* Land Use Management

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**Recommendations:**

1. *That the Council notes the advice provided by the Local Planning Panel on the Draft Planning Proposal for Blue Mountains Local Environmental Plan 2015 Amendment 14;*
  2. *That the Council endorses the Draft Planning Proposal for Blue Mountains Local Environmental Plan 2015 Amendment 14 prepared in accordance with the provisions of Section 3.33 of the Environmental Planning and Assessment Act 1979;*
  3. *That the Council refers the Draft Planning Proposal to the Department of Planning, Industry and Environment requesting a Gateway Determination in accordance with the Environmental Planning and Assessment Act 1979;*
  4. *That the Council processes the Planning Proposal in accordance with the Gateway Determination issued under the provisions of Section 3.34 of the Environmental Planning and Assessment Act 1979;*
  5. *That the Council receives a report, subject to Gateway determination, at the conclusion of the notification period to enable consideration of submissions made to Blue Mountains Local Environmental Plan 2015 (Amendment 14); and*
  6. *That the Council delegates to the CEO or her delegate the authority to make minor amendments to the adopted Draft Blue Mountains 14 Local Environmental Plan 2015 (Amendment 14) that may arise after the formal adoption by the Council of this planning proposal, subject to such amendments maintaining the policy intent of the draft proposal.*
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**Report by Director Environment & Planning Services:**

**Reason for report**

The reason for this report is to seek endorsement to submit the Planning Proposal (enclosure 1) for draft Amendment 14 to Blue Mountains Local Environmental Plan 2015 (LEP 2015 Amendment 14).

**Background**

This Planning Proposal seeks to make a housekeeping amendment to mapping within LEP 2015 maps to correct errors and anomalies identified since LEP 2015 came into effect. The Draft Planning Proposal is Enclosure 1 to this report. The Local Planning Panel has provided advice as required by Section 9.1 of the EP&A Act 1979 and raised no issue with the draft planning proposal proceeding to Gateway Review.

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 environmental constraints.

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

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
- Inconsistencies in the 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

### **Draft Planning Proposal**

This draft planning proposal seeks to make changes to 110 of Council's LEP 2015 maps. Many of these are 'consequential' amendments due to changes to the provisions for one map theme being linked to provisions for other map themes which subsequently need to be amended. This has significantly increased the number of maps to be amended.

A detailed assessment of each identified error or anomaly was undertaken, and is attached to the draft planning proposal. To manage the scale of the mapping review, each identified issue has been allocated an identifying number and grouped based on the map theme to which it relates. The assessment of identified issues are grouped and numbered as follows:

- SECTION 1 Land Zoning – Assessment No.'s 1 to 10;
- SECTION 2 Lot Size – Assessment No.'s 11 to 40;
- SECTION 3 Height of Building – Assessment No.'s 41 to 70;
- SECTION 4 Floor Space Ratio – Assessment No.'s 71 to 80;
- SECTION 5 Lot Averaging – Assessment No.'s 81 to 90; and
- SECTION 6 Built Character – Assessment No.'s 91 to 100.

It should be noted that issue numbers may not be consecutive due to some identified matters found to be correct and therefore are not included in this amendment.

In addition to the mapping amendments Council proposes one minor amendment to the written instrument (Assessment No. 91). This amendment will correct the reference to a precinct in Part 7.6 (12) of LEP 2015 from "Katoomba Precinct R3-KA12" to "Katoomba Precinct R1/R3-KA12".

To assist in identifying individual sites or areas that are subject to this amendment, Table 1 below lists all affected locations by suburb and address (or location where it affects a large number of sites). The table also provides the corresponding assessment number which can be viewed in the attachment to the planning proposal (Enclosure 1).

**Table 1 – List of sites included in the Planning Proposal arranged by village.**

- \* Notes a correction to an anomaly from LEP 1991 or LEP 2005
- \*\* Notes correction to include Lot Averaging provision omitted from final Amendment 1 maps
- \*\*\* Correction to transfer development potential not captured in Amendment 10 (Consolidation)

<b>Assessment No.</b>	<b>LOCALITY</b>	<b>ADDRESS/LOCATION</b>	<b>Summary of issue/change</b>
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 LEP 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

<b>Assessment No.</b>	<b>LOCALITY</b>	<b>ADDRESS/LOCATION</b>	<b>Summary of issue/change</b>
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
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 Glossop 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

Assessment No.	LOCALITY	ADDRESS/LOCATION	Summary of issue/change
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
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

### Next steps

If endorsed as recommended, the Planning Proposal will be forwarded to the Department of Planning, Infrastructure and Environment (the Department) requesting a Gateway Determination. Following receipt of the Gateway Determination, Council officers will undertake State Agency and community consultation as required. The Gateway Determination will prescribe which agencies must be consulted on the Planning Proposal. It should be noted that the NSW Rural Fire Service is always required to be consulted prior to community consultation.

For public exhibition, owners of all land affected by the Planning Proposal will be formally notified by mail. The period of exhibition will be in line with the requirements of the Gateway Determination and Council's Community Participation Plan.

Following State agency consultation and public exhibition, council officers will review the comments received and prepare a report back to Council. The purpose of this report will be to advise Council of the outcome of this consultation, any proposed changes to the proposal post exhibition and seek adoption of the final planning proposal.

**Sustainability Assessment**

<b>Effects</b>	<b>Positive</b>	<b>Negative</b>
Environmental	This amendment seeks to correct anomalies that will result in correct and accurate mapping which assists landowners and Council officers.	Nil
Social	Nil	Nil
Economic	Nil	Nil
Governance	The Planning Proposal will follow the Gateway process for consulting and review.	Nil

**Financial implications for the Council**

All costs including staff time and resources required in the processing of this LEP amendment are accommodated within existing operational budgets.

**Legal and risk management issues for the Council**

There are no identified legal risk or management implications for the Council in the processing or making of this LEP amendment. To amend an LEP in the manner proposed, maintaining policy intent, reduces any potential risk for Council to be challenged due to incorrect mapping.

**External consultation**

External consultation has not yet been conducted however it will be undertaken as prescribed in the Gateway Determination issued by the Department. This will include notification to all affected land owners.

**Conclusion**

Draft Amendment 14 to LEP 2015 (enclosure 1) has been prepared to correct mapping anomalies and errors identified as part of a thorough review of LEP mapping. It is recommended that Council endorse the planning proposal for this draft LEP amendment to be submitted to the Department of Planning, Industry and Environment for Gateway Review under Section 3.34 of the Environmental Planning and Assessment Act, 1979.

A Gateway Determination is required for this draft planning proposal to proceed to public exhibition. As outlined in this report, State agency consultation and public exhibition will be conducted in line with the requirements of the Gateway Determination and Council's Community Participation Plan. Following which a report will be brought back to Council detailing the outcomes of this consultation and seeking adoption of the finalised Planning Proposal.

**AUTHOR:** Simon Porter, Statutory Planning Program Leader  
Erica Duffy, Senior Strategic Planner

**AUTHORISERS:** Will Langevad, Director Environment & Planning Services  
Kim Barrett, Manager, City Planning  
Rosemary Dillon, Chief Executive Officer

MINUTE NO. 54

**13. 20/237838. Planning Proposal for Blue Mountains LEP 2015 Draft Amendment 14 (Housekeeping Amendment - Mapping)**

A MOTION was MOVED by Councillors Van der Kley and Hollywood:

1. That the Council notes the advice provided by the Local Planning Panel on the Draft Planning Proposal for Blue Mountains Local Environmental Plan 2015 Amendment 14;
2. That the Council endorses the Draft Planning Proposal for Blue Mountains Local Environmental Plan 2015 Amendment 14 prepared in accordance with the provisions of Section 3.33 of the Environmental Planning and Assessment Act 1979;
3. That the Council refers the Draft Planning Proposal to the Department of Planning, Industry and Environment requesting a Gateway Determination in accordance with the Environmental Planning and Assessment Act 1979;
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5. That the Council receives a report, subject to Gateway determination, at the conclusion of the notification period to enable consideration of submissions made to Blue Mountains Local Environmental Plan 2015 (Amendment 14); and
6. That the Council delegates to the CEO or her delegate the authority to make minor amendments to the adopted Draft Blue Mountains 14 Local Environmental Plan 2015 (Amendment 14) that may arise after the formal adoption by the Council of this planning proposal, subject to such amendments maintaining the policy intent of the draft proposal.

Upon being PUT to the Meeting, the MOTION was CARRIED, the vote being UNANIMOUS:

<b>For</b>	<b>Against</b>
Councillors	Councillors
Greenhill	
Christie	
Fell	
Myles	
Hollywood	
Van der Kley	
McGregor	
Bowling	
Brown	
Foenander	
Hoare	
Schreiber	

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