

PLANNING PROPOSAL

Blue Mountains
Local Environmental Plan 2015
(Draft Amendment 21)



Blue Mountains City Council Planning Proposal

Reclassification of Council Owned Lands (including Removal of Public Reserve Status and Rezoning of One Site)

Maintained By	City Planning Team			
Version	Purpose	Modifications Made	Date	Status
1.0	Local Planning Panel Advice	Nil	June 2024	Draft
1.1	Council Endorsement	Incorporate feedback from LPP and WaterNSW, Update information on Council interests for each parcel and final parcels confirmed for Reclassification	July 2024	Draft
1.2	Council Endorsement	Included WaterNSW letter as Supporting Documentation	July 2024	Draft
1.3	Public Exhibition	Incorporated feedback from RFS in Part 3 and included Council Report, Minutes and RFS letter as Supporting Documentation.	September 2024	Draft

July 2024

Prepared by Blue Mountains City Council

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Introduction

This planning proposal has been prepared to amend Blue Mountains LEP 2015 (LEP 2015) to reclassify the following parcels of land from Community Land to Operational Land:

- 75 Godson Avenue, Blackheath (Lot 99 DP 16449)
- 36 Great Western Highway, Wentworth Falls (Lot 312 DP 1122778)
- 19P Ross Street (Glen Lane), Glenbrook (Lot 2 DP 776552)
- 20A The Appian Way, Woodford (Lot 27 DP 9972)

In addition, the planning proposal also seeks to remove the public reserve status and rezone the land identified below from RE1 Public Recreation to C4 Environmental Living under LEP 2015:

- 36 Great Western Highway Wentworth Falls.

Part 1 Objectives or Intended Outcomes

The objective of this planning proposal is to facilitate the reclassification of Council owned land from Community Land to Operational land and extinguish trusts and encumbrances (where required) to allow for the future long-term operational use, lease or sale of Council owned land.

In addition, the planning proposal seeks to remove the public reserve status of the land at 36 Great Western Highway Wentworth Falls and rezone the land from RE1 Public Recreation to C4 Environmental Living. This is proposed to facilitate the sale of that land, which is surplus to Council's requirement for public open space.

The Council resolutions which endorsed the reclassification of the above lands are detailed below.

At its meeting of 27 September 2022, Council resolved [minute no. 262]:

1. *That the Council endorses the reclassification of fourteen (14) under-utilised sites identified in this report from Community Land to Operational Land in accordance with section 27 and section 30 of the Local Government Act 1993;*
2. *That the Council approves to prepare a planning proposal in accordance with Division 3.4 of the Environmental Planning & Assessment Act 1979, for the reclassification of the following Council sites from Community Land to Operational Land:*
 - *Lot 32 DP 8464 at 21 Kenny Street, Mount Victoria;*
 - *Lot 132 DP 7386 at 107 Great Western Highway, Blackheath;*
 - *Lot 133 DP 7386 at 108 Great Western Highway, Blackheath;*
 - *Lot 134 DP 7386 at 109 Great Western Highway, Blackheath;*
 - *Lot 146 DP 13813 at 29 Springfield Crescent, Springwood;*
 - *Lot 46 DP 218261 at 62-64 Singles Ridge Road, Winmalee;*

- Lot 8 DP 201146 at 16 Birdwood Avenue, Winmalee;
- Lot 3 DP 730388 at 23-25 Endeavour Drive, Winmalee;
- Lot 51 DP 1117055 at 585 Great Western Highway, Faulconbridge;
- Lot 2 DP 776552 at 19P Ross Street, Glenbrook;
- Lot 99 DP 16449 at 75 Godson Avenue, Blackheath;
- Lot A DP 435187 at 16 Miles Avenue, Katoomba;
- Lot 312 DP 1122778 at 36 Great Western Highway, Wentworth Falls; and
- Lot 8 DP 711773, Lot 1 DP 822262 and Lot 9 DP 711773 at 18-26 Power House Lane, Katoomba;

3. *That, upon completion of Planning Proposal, the Council will receive a report for consideration and endorsement prior to proceeding to the Gateway Determination process as per section 3.34 of the Environmental Planning and Assessment Act 1979.*

The sites that were identified in the above resolution have been the subject of an updated planning study by DFP Planning. Further, fauna and flora studies and an additional planning review have been carried out since the Council resolution. As a result, a number of sites subject to the 2022 Council resolution have been deferred from reclassification through this current Planning Proposal, warranting additional planning investigation before they can proceed.

An additional property at 20A The Appian Way, Woodford has been included in the Planning Proposal, as a result of a later Council resolution, outlined below.

At its meeting of 31 October 2023, Council resolved [Minute No. 219]

1. *That the Council submits an application to the Minister for Planning and Public Spaces for the reclassification of Council's community land known as 20A The Appian Way, Woodford being Lot 27 in DP 9972 to operational land as per Option Two (2) outlined in this report, subject to the owner agreeing to meet all reasonable application fee, survey and legal costs associated with this matter;*
2. *That the Council upon successful reclassification of Council land at 20A The Appian Way, Woodford grants an easement, via a Section 88B instrument under the Conveyancing Act 1919, in favour of the landowners of 22 Oakura Avenue, Woodford; and*
3. *That the Council authorises the Chief Executive Officer (or her delegate) to negotiate and finalise the details of an easement, via a Section 88B instrument under the Conveyancing Act 1919 and authorises the affixing of the Common Seal or execution of all relevant documents relating to this matter under Power of Attorney.*

Option 2, referenced in the above resolution, involved the submission of an application under Section 3.22 of the *Environmental Planning and Assessment Act 1979*, (EP&A Act) which allows for amendments of environmental planning instruments of a minor nature. The application was duly submitted; however the Department of Planning, Housing and Infrastructure have advised that the proposed reclassification could not proceed as a minor matter under section 3.22 of the EP&A Act. Therefore, the reclassification 20A The Appian Way, Woodford has been included in this Planning Proposal.

Part 2 Explanation of Provisions

The outcome sought will be facilitated by an amendment to the Blue Mountains LEP 2015 which involves the following:

- Amend Schedule 4, Part 1 of the *Blue Mountains Local Environmental Plan 2015* (no interests changed)
- Amend Schedule 4, Part 2 of the *Blue Mountains Local Environmental Plan 2015* (interests changed)
- Remove the Public Reserve status and rezone 36 Great Western Highway to C4 Environmental Living. In addition, introduce a 1200m² Minimum Subdivision Lot Size provision to this land.

Table 1: Schedule of amendments

LEP Provisions to be Amended	Property Details
Amend Schedule 4, Part 1 of the <i>Blue Mountains Local Environmental Plan 2015</i> (no interests changed)	<ul style="list-style-type: none">• 75 Godson Road, Blackheath• 19P Ross Street (Glen Lane) Glenbrook• 20A The Appian Way, Woodford
Amend Schedule 4, Part 2 of the <i>Blue Mountains Local Environmental Plan 2015</i> (interests changed)	<ul style="list-style-type: none">• 36 Great Western Highway, Wentworth Falls
Remove Public Reserve Status, Rezone from RE1 to C4, with addition of a minimum subdivision lot size of 1200m ² and inclusion within Area G – Cl 4.1F on the lot averaging map.	<ul style="list-style-type: none">• 36 Great Western Highway, Wentworth Falls

Part 3 Justification

Section A – Need for the Planning Proposal

1. Is the Planning Proposal a result of any Strategic Study or report?

The planning proposal is informed by a Land Use Study completed by DFP Planning in December 2023. This study addressed all proposed sites, except 20A Appian Road, Woodford. Additional planning investigations and Flora and Fauna Assessments of certain sites were also undertaken.

In relation to 20A Appian Way Woodford, the subject land is a drainage reserve, which was classified as Community Land upon the commencement of the *Local Government Act 1993* (LG Act). Due to the nature and continued function of the subject land as a drainage

easement, this classification needs amendment to ensure proper function of the property as operational land under the LG Act, including the capacity to grant an easement for access across the drainage reserve. This matter was identified during the preparation of this planning proposal and subsequently included.

The sites proposed for reclassification, and the reason for this reclassification, and rezoning where proposed, are outlined in the tables below. Supporting documentation (Appendix A) contains a summary of the strategic assessment of each site and the justification for its reclassification, and rezoning where proposed.

Table 2: Sites resolved by Council for reclassification, retention, long term lease or disposal, by Council

Site	Lot/DP	Reason for Reclassification
75 Godson Avenue Blackheath	Lot 99 DP 16449	Reclassification, to sell via open market for residential use consistent with the existing C4 zoning.
19 P Ross Street (Glen Lane) Glenbrook	Lot 2 DP 776552	Reclassification and retention by Council. To allow for use of the lot as an extension of Glen Lane, as originally intended when this lot was created. Land to be retained by Council.
20A Appian Road Woodford	Lot 27 DP 9972	Reclassification and retention by Council, consistent with its function as a drainage reserve. Granting of easement for access across the drainage reserve to landowners of 22 Oakura Avenue after reclassification. Drainage reserve to be retained by Council.

Table 3: Sites resolved by Council for reclassification, removal of Public Reserve Status, rezoning and disposal

Site	Lot/DP	Reason for Reclassification, Removal of Public Reserve Status and Rezoning
36 Great Western Highway Wentworth Falls	Lot 312 DP 1122778	Reclassification, removal of Public Reserve status, and rezoning and to C4 Environmental Living to dispose of surplus recreational land, through sale via open market for residential use consistent with the proposed C4 zoning.

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

The Planning Proposal is the only means of achieving the objectives and intended outcomes. The reclassification of land is required to meet both the requirements of the *Environmental Planning and Assessment Act 1979* and *Local Government Act 1993*, through the preparation of a Planning Proposal. The proposed rezoning must also occur via a Planning Proposal.

Section B – Relationship to strategic planning framework

3. *Is the planning proposal consistent with the objectives and actions of the applicable regional, sub-regional or district plan or strategy (including any exhibited draft plans or strategies)?*

This Planning Proposal is consistent with the Greater Sydney Region Plan (2018) and the Western City District Plan (2018), as outlined below.

A Metropolis of Three Cities – The Greater Sydney Region Plan

The Planning Proposal is consistent with the following planning priorities of the Greater Sydney Regional Plan (2018)

Table 2 – Consistency with Greater Sydney Region Plan objectives

Greater Sydney Region Plan	Consistency
Liveability Objective 6: Services and infrastructure to meet communities' changing needs	The strategic use of Council land through lease arrangements or the disposal of surplus land allows Council's resources to be better focussed on provision of services that do meet the current and future community needs.
Infrastructure and collaboration Objective 4. Infrastructure use is optimised	<p>The strategic use of Council land through lease arrangements or the disposal of surplus land optimises the provision and servicing of Council infrastructure.</p> <p>The reclassification of the Council drainage reserve is consistent with this objective by better allowing the management of the drainage reserve, as well as providing for lawful access to the existing dwelling on the adjoining site.</p>

Western City District Plan

The Planning Proposal is consistent with the following planning priorities of the Western City District Plan:

Table 3 – Consistency with Western City District Region Plan planning priorities

Western City District Plan	Consistency
Liveability Planning Priority W3 - Providing services and social infrastructure to meet people's changing needs	The strategic use of Council land through lease arrangements or the disposal of surplus land allows Council's resources to be better focussed on provision of services that do meet the current and future community needs.
Productivity Planning Priority W7 – Establishing the land use and transport structure to deliver a liveable, productive and sustainable Western Parkland City.	The reclassification of the Council drainage reserve is consistent with this objective by better allowing the management of the drainage reserve, as well as providing for lawful access to the existing dwelling on the adjoining site. The Proposal also adds to the land available for housing within the existing urban footprint of the LGA.

4. Is the Planning Proposal consistent with the local council's community plan or other local strategic plan?

Blue Mountains Community Strategic Plan 2035

The Planning Proposal is consistent with the Blue Mountains Community Strategic Plan 2035, including the following relevant objectives.

Table 4: Consistency with Blue Mountains Community Strategic Plan 2034

Key Direction	Objective	Consistency
Lead	Objective 1.1 – Council lives responsibly within its means and strengthens its financial sustainability	Reclassification to allow the highest and best use of land, enables generation of income to assist Council achieve the two Lead Objectives by strengthening Council's financial sustainability and removing the need for expenditure on surplus assets.
Lead	objective 1.3 – All levels of government provide value for money sustainable services and infrastructure	
Live	objective 4.3 – The impact of development on the natural and built environment is well managed	Implementation of the planning proposal will not adversely impact on the natural or built environment
Live	objective 1.3 – all levels of government provide value for money sustainable services and infrastructure.	The proposed Reclassification enables generation of income through the disposal or leasing of Council assets, strengthening Council's financial sustainability and removing the need for expenditure on surplus assets. This enables finances to be directed to higher priority services and infrastructure.
Thrive	Objective 6.3 – The City's infrastructure supports diverse and sustainable economic development	

Blue Mountains Local Strategic Planning Statement

The proposal is consistent with the Blue Mountains Local Strategic Planning Statement. It will result in the use of land for the highest and best use within a broader planning framework which requires sustainable development and protection of the World Heritage Area. Operational land classification allows the strategic use of land through leasing arrangements or divestment of surplus council land to enable support Council's funding of services and infrastructure.

5. *Is the planning proposal consistent with applicable State Environmental Planning Policies?*

The following table documents the application and consistency with all State Environmental Planning Policies (SEPPs)

Note:

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

<u>State Environmental Planning Policies in force</u>		NOT RELEVANT ¹	CONSISTENT ²	JUSTIFIABLY INCONSISTENT ³
SEPP	State Environmental Planning Policy (Biodiversity and Conservation) 2021		✓	
Chapter 4	Koala Habitat protection 2021 (considered in relation to sites containing bushland in Blackheath)	✓		
Chapter 6	Water Catchments (applies to 36 Great Western Highway Wentworth Falls)		✓	
SEPP	State Environmental Planning Policy (Exempt and Complying Development Codes) 2008	✓		
SEPP	State Environmental Planning Policy (Housing) 2021	✓		
SEPP	State Environmental Planning Policy (Industry and Employment) 2021	✓		
SEPP	State Environmental Planning Policy No 65 (Design Quality of Residential Apartment Development)	✓		
SEPP	State Environmental Planning Policy (Planning Systems) 2021	✓		
SEPP	State Environmental Planning Policy (Precincts- Central River City) 2021	✓		
SEPP	State Environmental Planning Policy (Precincts- Eastern Harbour City) 2021	✓		
SEPP	State Environmental Planning Policy (Precincts- Regional) 2021	✓		
SEPP	State Environmental Planning Policy (Precincts- Western Parkland City) 2021	✓		
SEPP	State Environmental Planning Policy (Primary Production) 2021	✓		
SEPP	State Environmental Planning Policy (Resilience and Hazards) 2021	✓		
SEPP	State Environmental Planning Policy (Resources and Energy) 2021	✓		
SEPP	State Environmental Planning Policy (Sustainable Buildings) 2022	✓		
SEPP	State Environmental Planning Policy (Transport and Infrastructure) 2021	✓		

As summarised in the above table, this Planning Proposal is consistent with all relevant SEPP's. A summary of compliance with applicable SEPPs is provided below.

State Environmental Planning Policy (Biodiversity and Conservation) 2021

This Planning Proposal is consistent with the Biodiversity and Conservation SEPP. This planning proposal does not contain provisions that would hinder the application of this SEPP. Part 6.5 of the SEPP specifically applies to the Sydney Drinking Water Catchment. Only 36 Great Western Highway Wentworth Falls is located within the Sydney Drinking Water Catchment, and as such, future development on the site will be required to demonstrate a neutral or beneficial effect on water quality.

6. *Is the planning proposal consistent with applicable Ministerial Directions (section 9.1 Directions) or key government priority? 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
- ² **Consistent:** This direction applies; LEP 2015 Draft Amendment meets the relevant requirements and is in accordance with the direction.
- ³ **Justifiably Inconsistent:** This direction applies, but LEP 2015 Draft Amendment does not meet all the requirements or may be inconsistent with this direction as outlined following the table.

Section 9.1 Ministerial Directions		NOT RELEVANT ¹	CONSISTENT ²	JUSTIFIABLY INCONSISTENT ³
1. PLANNING SYSTEMS				
1.1	Implementation of Regional Plans		✓	
1.2	Development of Aboriginal Land Council land	✓		
1.3	Approval and Referral Requirements	✓		
1.4	Site Specific Provisions	✓		
1.4A	Exclusion of Development Standards from Variation	✓		
1.5	Parramatta Road Corridor Urban Transformation Strategy	✓		
1.6	Implementation of North West Priority Growth Area Land Use and Infrastructure Implementation Plan	✓		
1.7	Implementation of Greater Parramatta Priority Growth Area Land Use and Infrastructure Implementation Plan	✓		
1.8	Implementation of Wilton Priority Growth Area Land Use and Infrastructure Implementation Plan	✓		
1.9	Implementation of Glenfield to Macarthur Urban Renewal Corridor	✓		
1.10	Implementation of Western Sydney Aerotropolis Plan	✓		
1.11	Implementation of Bayside West Precincts 2036 Plan	✓		
1.12	Implementation of Planning Principles for the Cooks Cove Precinct	✓		
1.13	Implementation of St Leonards and Crows Nest 2036 Plan	✓		
1.14	Implementation of Greater Macarthur 2040	✓		
1.15	Implementation of the Pyrmont Peninsula Place Strategy	✓		
1.16	North West Rail Link Corridor Strategy	✓		
1.17	Implementation of the Bays West Place Strategy	✓		
1.18	Implementation of the Macquarie Park Innovation Precinct	✓		
1.19	Implementation of Westmead Place Strategy	✓		
1.20	Implementation of the Camellia-Rosehill Place Strategy	✓		

Section 9.1 Ministerial Directions		NOT RELEVANT ¹	CONSISTENT ²	JUSTIFIABLY INCONSISTENT ³
1.21	Implementation of South West Growth Area Structure Plan	✓		
1.22	Implementation of the Cherrybrook Station Place Strategy	✓		
2. DESIGN AND PLACE				
3. BIODIVERSITY AND CONSERVATION				
3.1	Conservation Zones		✓	
3.2	Heritage Conservation	✓		
3.3	Sydney Drinking Water Catchments		✓	
3.4	Application of C2 and C3 Zones and Environmental Overlays in Far North Coast LEPs	✓		
3.5	Recreation Vehicle Areas	✓		
3.6	Strategic Conservation Planning	✓		
3.7	Public Bushland	✓		
3.8	Willandra Lakes Region	✓		
3.9	Sydney Harbour Foreshores and Waterways Area	✓		
3.10	Water Catchment Protection		✓	
4. RESILIENCE AND HAZARDS				
4.1	Flooding	✓		
4.2	Coastal Management	✓		
4.3	Planning for Bushfire Protection		✓	
4.4	Remediation of Contaminated Land	✓		
4.5	Acid Sulfate Soils	✓		
4.6	Mine Subsidence and Unstable Land	✓		
5. TRANSPORT AND INFRASTRUCTURE				
5.1	Integrating Land Use and Transport	✓		
5.2	Reserving Land for Public Purposes		✓	
5.3	Development Near Regulating Airports and Defence Airfields	✓		
5.4	Shooting Ranges	✓		
6. HOUSING				
6.1	Residential Zones		✓	
6.2	Caravan Parks and Manufactured Home Estates	✓		
7. INDUSTRY AND EMPLOYMENT				
7.1	Employment Zones	✓		
7.2	Reduction in non-hosted short-term rental accommodation period	✓		
7.3	Commercial and Retail Development along the Pacific Highway, North Coast	✓		
8. RESOURCES AND ENERGY ✓				
8.1	Mining, Petroleum Production and Extractive Industries	✓		
9. PRIMARY PRODUCTION ✓				
9.1	Rural Zones	✓		
9.2	Rural Lands	✓		
9.3	Oyster Aquaculture	✓		
9.4	Farmland of State and Regional Significance on the NSW Far North Coast	✓		

As summarised in the table above, this Planning Proposal is consistent with all relevant Directions by the Minister. Further detail on the relevant Directions is provided below.

Direction 1.1 Implementation of Regional Plans

As outlined in Section B, this planning proposal is consistent with the Greater Sydney Regional Plan and for the sites identified for disposal, makes a contribution to increased housing supply within the Blue Mountains LGA.

Direction 3.1 Conservation Zones

This Planning Proposal includes the rezoning of 36 Great Western Highway Wentworth Falls to C4 Environmental Living, consistent with the zoning of the surrounding land containing residential development. This site is clear of any native bushland and does not contain any environmentally sensitive land.

The site at 75 Godson Avenue is currently zoned C4 Environmental Living, and also does not contain any environmentally sensitive land. This site is part of an existing residential subdivision and is already zoned to permit this development. While some native vegetation has been retained on the site, Council's planning controls, applied at development application stage provide a suitable mechanism for balancing development and environmental considerations.

Direction 3.3 Sydney Drinking Water Catchments

36 Great Western Highway Wentworth Falls is located within the Sydney drinking water catchment. The site is serviced by reticulated water and sewerage, and there are no mapped water courses occurring on the site.

Consultation with WaterNSW has been undertaken as part of the preparation of this Planning Proposal. WaterNSW has advised that:

- WaterNSW has no objection to the Proposal
- Future development of the site would be capable of achieving the required neutral or beneficial effect on water quality.
- Their Strategic Land and Water Capability Assessment Map, based on the site being available for residential development has a water quality risk varying from Low over the majority of the site, to Moderate in the rear of the site.

Council has reviewed the water quality map provided and considers that the area of low water quality risk is extensive and is considered sufficient to allow for a dwelling and ancillary development under Council's Planning controls to be sited within the low-risk area. Traditionally the moderate risk area at the rear of the site would be used for outdoor space. This map is contained in the WaterNSW Response in Appendix F.

Direction 4.3 Planning for Bushfire Protection

The following land is currently mapped as bushfire prone land on Council's bushfire prone lands map and has been assessed against the provisions of the Ministerial Direction.

- 75 Godson Avenue Blackheath, which is currently zoned C4 Environmental Living, is designated as bushfire prone land. However recent development in the locality has removed the majority of vegetation within 100m of the site. Future development on the site will be able to comply with the applicable requirements for infill development in *Planning for Bushfire Protection 2019* (PBP 2019).
- 36 Great Western Highway Wentworth Falls, which is proposed to be rezoned C4 Environmental Living, will be able to comply with the requirements for rezoning and infill development under PBP 2019. Development since the preparation of the bushfire prone lands map has removed vegetation on and adjoining this site. A dwelling on the site can be located more than 100m from the nearest bushfire hazard.

- 20A The Appian Way, Woodford is also partly designated as bushfire prone (vegetation buffer). However, no form of development subject to PBP 2019 is possible in this narrow, drainage reserve.

Direction 5.2 Reserving Land for Public Purposes

This direction is relevant to the land at 136 Great Western Highway, Wentworth Falls.

Council as the relevant public authority will approve of the alteration, by removal of the public reserve status and rezoning from R1 Public Recreation of these properties by endorsing this Planning Proposal.

In accordance with 5.2(1) of the direction, this planning proposal requests approval of the Planning Secretary (or an officer of the Department nominated by the Secretary) to remove the reservation of land for public purposes from 36 Great Western Highway Wentworth Falls.

Direction 6.1 Residential Zones

75 Godson Avenue is currently zoned C4 Environmental Living. The proposed reclassification from community to operational land will enable use of the land for forms of residential development permitted in that zone. In addition, the proposed reclassification and rezoning of 36 Great Western Highway Wentworth Falls will enable use of the land for forms of residential development permitted in that zone. Both sites are located in existing residential areas and are fully serviced, making efficient use of existing infrastructure and services. Therefore, the Planning Proposal is considered to be consistent with Direction 6.1.

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?

No. None of the sites subject to this Planning Proposal contain critical habitat or threatened species, populations or ecological communities, or their habitats.

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

75 Godson Avenue, Blackheath

75 Godson Avenue contains some disturbed bushland but is already zoned C4 Environmental Living and does not contain any environmentally sensitive land. The lot was originally created as part of a residential subdivision and became Community Land as a result of its transfer to Council ownership due to unpaid rates.

Therefore, the reclassification and any potential subsequent sale is not considered to result in any environmental effects beyond those envisaged by the current C4 Environmental Living current zoning. As outlined in response to Ministerial Direction 4.3, future development on the site will be able to comply with current bushfire requirements in *Planning for Bushfire Protection 2019*.

Reclassification will enable the release for housing of an existing lot of serviced land already zoned for residential development.

36 Great Western Highway, Wentworth Falls

This land is proposed for reclassification from Community to Operational Land, removal of Public Reserve status and rezoning from RE1 Public Recreation to C4 Environmental Living. The site is surrounded by residential development and does not support land or environmental features such as a riparian area, sandstone outcropping or scheduled vegetation.

While currently zoned R1 Public Recreation, the site has not been used for this purpose.

The site was originally acquired as part of a “strategic area between towns”, with the category changed to “Environmental Preservation Area” in the mid-1970s. Prior to its acquisition, the site was residential land, and was zoned Recreation-Existing following its acquisition.

Council’s Local Environmental Study (BMCC 1997) and supporting fauna and flora assessment did not identify the parcel as being of high environmental value requiring specific protection. At its 3 June 2008 meeting, Council resolved to agree to compulsory acquisition of part of the site for road widening and a three-year lease of the remaining portion to the RTA for a site compound. The site and adjoining sites were used as an RMS

site office during the highway construction. The site was subsequently turfed and has remained a vacant lot. Under LEP 2005, the site was zoned Recreation-Open Space and is now zoned RE1 Public Recreation under LEP 2015.

The site is surrounded by other residential development and the Great Western Highway and plays no role in the maintenance of any environmental function in the locality, or the provision of public recreation. It has no recreational infrastructure or community use. The site is surplus to Council's open space and recreation requirements and the site is not identified in the *Open Space and Recreation Strategic Plan 2018-2028* for use as a playground or any other form of open space. It's small size and frontage to the Great Western Highway make it unsuitable for such uses. Council's strategy is to provide larger parks with diverse uses rather than small pocket parks with limited recreational opportunity.

The site is not listed on Council's Contaminated Land register, and it is considered suitable for residential development, consistent with the surrounding residential lots, which are zoned C4 Environmental Living. The Proposal contributes an additional lot to housing supply within the existing urban area, on a serviced lot.

19P Ross Street (Glen Lane), Glenbrook

19P Ross Street (Glen Lane), Glenbrook is part of a laneway required to be dedicated to Council as a condition of development consent (see assessment in Attachment A for further details).

No change is proposed to the laneway other than reclassification and no adverse environmental effects are anticipated to arise from the proposed reclassification.

20A The Appian Way, Woodford

This land is a Council owned drainage reserve. No change is proposed to the land other than reclassification and no adverse environmental effects are anticipated to arise from the proposed reclassification.

Section D – State and Commonwealth Interests

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

The planning proposal is for the reclassification of the identified land, with only 36 Great Western Highway Wentworth Falls also proposed for removal of its Public Reserve status and rezoning from RE1 Public Recreation to C4 Environmental Living. All necessary public infrastructure including water, sewer, electricity and vehicular access is available to this site. Importantly, vehicular access is available via a service road, ensuring safe access to and from the Great Western Highway.

75 Godson Avenue, Blackheath is currently zoned to permit forms of residential development. All necessary public infrastructure including water, sewer, electricity and vehicular access is available to these sites.

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

Referrals are required as follows:

1. Rural Fire Service - 75 Godson Avenue, Blackheath and 36 Great Western Highway Wentworth Falls– required referral to the NSW Rural Fire Service (RFS) before public exhibition of the Planning Proposal. Council's bushfire assessment confirms that both sites will be able to comply with the *Planning for Bush Fire Protection 2019*, and therefore it was considered unlikely that the RFS would object to the Planning Proposal. A response was provided on 27 September 2024 which advised that the RFS raised no concerns or issues with the Proposal. Appendix H contains the RFS response.
2. WaterNSW - 36 Great Western Highway Wentworth Falls was referred to WaterNSW as part of the preparation of the Planning Proposal. A response was received on 20 June 2024, which advised that WaterNSW has no objection to the Proposal and suggesting some minor amendments to the Proposal, which have been made. Appendix F contains the WaterNSW response.

Part 4 Mapping

The proposed reclassification applies to the entirety of each lot which forms part of the planning proposal. No reclassification map is proposed.

The proposed rezoning of 36 Great Western Highway Wentworth Falls requires an amendment to the following maps:

- Land Zoning Map – Change from RE1 Public Recreation to C4 Environmental Living.
- Lot Size Map – Apply a minimum subdivision lot size of 1200m², consistent with the surrounding C4 zoned land.
- Lot Averaging Map - Add site to *Area G – Cl 4.1F*, consistent with the surrounding C4 zoned land.

Refer to Appendix D for the proposed map changes.

Part 5 Community Consultation

The proposal will be made available for 28 days for community consultation following Gateway Determination and RFS Consultation and undertaken in accordance with any conditions made by the Gateway Determination.

Council will also facilitate a Public Hearing, as required by the Local Government Act 1993, following the conclusion of the public exhibition period.

Part 6 Project Timeline

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


Action	Timeframe
Planning Proposal to Local Planning Panel for comment	June 2024
Planning Proposal Reported to the Council	July 2024
Submission to DPHI for Gateway Determination	August 2024
Gateway Determination Issued	October 2024
Agency Consultation Completed	October - November 2024
Public Exhibition	November -December 2024
Public Hearing	January-February 2025
Post Exhibition Report to Council	March 2025
Finalisation and making of amendment	April-June 2025


Supporting Documentation

No.	Document
A.	Assessment of Land to Be Reclassified
B.	Statement of Council's Interest
C.	Reclassification Checklist (in accordance with Practice Note PN 16-001)
D.	LEP Amendment Maps
E.	Local Planning Panel Advice
F.	WaterNSW Consultation Response
G.	Council Report and Minutes
H.	Rural Fire Service Consultation Response


A. Assessment of Land to be Reclassified


75 Godson Avenue, Blackheath

Property Information		
Address of Property	75 Godson Avenue, Blackheath	
Lot & Deposited Plan No.	Lot 99, DP 16449	
Lot Size	664m ²	
Description	<p>Vacant land of size consistent with other lots in the surrounding residential subdivision. Vegetation on the site consists of grasses and small shrubs which predominately cover the entire site. Semi-mature and mature native vegetation is also scattered across the site. The site is surrounded by low density residential development.</p> <p>Site is designated as bushfire prone land.</p>	
Acquisition Details	In accordance with Council Meeting of 28 February 1985 - Minute 91, the site was originally transferred to Council due to unpaid rates.	
Current Zoning	C4 – Environmental Living	
Proposed Zoning	C4 – Environmental Living – no change to zoning	
Current Classification	Community	
Proposed Classification	Operational	
Classification History	Classified as Community land upon commencement of Local Government Act, 1993.	
Trusts & Interests in the Land	Interests in Land	Proposed Change of Interests
	Crown Grant	Retain.
Proposed Amendment	Reclassify the subject land from Community to Operational Land.	
Reason for Reclassification	The reclassification will allow for Council to dispose of the site, permitting it to be redeveloped as it was originally intended, for residential purposes. This is consistent with the surrounding locality, which consists of low-density residential development.	

Property Information		
Address of Property	36 Great Western Highway, Wentworth Falls	
Lot & Deposited Plan No.	• Lot 312 DP 1122778	
Lot Size	819.1m ²	
Description	<p>Vacant site, within an area of low-density residential dwellings are located, formerly used as a site office for the RMS during highway construction. The site now consists of mown grass and contains no bushland vegetation.</p> <p>The site has frontage to a service road and is separated from the Great Western Highway carriageway by a footpath and vegetated verge.</p> <p>There is an existing driveway crossing from the service road into the site on the northern end of the street frontage.</p> <p>The site is within the Sydney Water Drinking Catchment and designated as bushfire prone land.</p>	
Acquisition Details	Acquired through Area Improvement Program for Preservation in 1976.	
Current Zoning	RE1 Public Recreation	
Proposed Zoning	C4 Environmental Living	
Current Classification	Community Land	
Proposed Classification	Operational Land	
Classification History	Classified Community land upon commencement of Local Government Act, 1993	
Trusts & Interests in the Land	Interests in Land	Proposed Change of Interests
	Crown Grant	Retain
	D137463 D357261 These dealings relate to the original acquisition of the land by Council. The land is now in Council ownership and these dealings are no longer applicable.	Extinguish via a separate process
	Council intends to extinguish the Public Reserve status of this parcel via the reclassification process and prior to any sale.	
Proposed Amendment	Reclassify from Community to Operational Land, remove Public Reserve Status and rezone as identified above.	
Reason for Reclassification	Land is not used for public recreation purposes and is surplus to Council requirements. It is proposed to rezone the land and offer for public sale.	

19P Ross Street (Glen Lane), Glenbrook

Property Information		
Address of Property	19P Ross Street (Glen Lane), Glenbrook	
Lot & Deposited Plan No.	Lot 2, DP 776552	
Lot Size	340.3m ²	
Description	<p>The site contains a sealed road surface approximately 3.3m in width without a kerb or gutter. The site also contains remnant vegetation including two large trees.</p> <p>While the site presents as a service lane to the rear garden of 25 Ross Street, there are currently no formal arrangements permitting across the lot.</p>	
Acquisition Details	<p>Council acquired 19P Ross Street in March 1989, following granting of development consent to the then owners of 19 Ross Street Glenbrook in November 1985.</p> <p>Consent condition 3 of the 1985 Development Consent required the owner of 19 Ross Street to transfer the land that became 19P Ross Street to Council, free of cost.</p> <p>The site was transferred to Council on 02 March 1989, in accordance with this development consent.</p>	
Current Zoning	E1 Local Centre	
Proposed Zoning	E1 Local Centre – no change to zoning	
Current Classification	Community	
Proposed Classification	Operational	
Classification History	<p>When the NSW Local Government Act (1993) (LG Act) commenced operation, council was required to classify the land under that Act. Council originally classified the land as 'Operational'. However, following the precedent set in <i>Bathurst City Council v PWC Properties Pty Lt</i>, the land was deemed to be 'Community' land.</p>	
Trusts & Interests in the Land	Interests in Land	Proposed Change of Interests
	Crown Grant	Retain.
	Operational land classification will enable dedication as a road via a separate process.	
Proposed Amendment	Reclassify the subject land from Community to Operational Land	
Reason for Reclassification	The reclassification of the site would enable dedication of the land as public road or leasing or licensing the use of the land as an access way to the rear of the adjoining properties.	

Property Information		
Address of Property	20A The Appian Way Woodford	
Lot & Deposited Plan No.	L 27 DP 9972	
Lot Size	341m ²	
Description	<p>Thin parcel of partially vegetated land dedicated and used as a drainage easement for surrounding residential land and road reserves.</p> <p>The southern end of the easement is identified as bushfire prone land (vegetation buffer).</p>	
Acquisition Details	Under section 340c of the Local Government Act 1919, lot 27 in deposited plan 9972 was vested to council in fee simple by Ray Leslie Blencowe and Jean Patricia Blencowe for drainage purposes on the 13 th of February 1975.	
Current Zoning	C4 – Environmental Living	
Proposed Zoning	C4 – Environmental Living (no change)	
Current Classification	Community	
Proposed Classification	Operational	
Classification History	At the commencement of the Local Government Act the subject land did not meet the criteria of community land but was not included in Councils 1994 schedule of properties for classification as operation land. As per the Act, the land was classified as community land 1 year after commencement as it was not addressed under a resolution made by Council.	
Trusts & Interests in the Land	Interests in Land	Proposed Change of Interests
	Crown Grant	Retain
	DP400068 Land above described is road being Lot 26 in DP9972 Vide DP400068	Retain
	7027817: Part land resumed for drainage purposes vide Gaz. 21-2-1975 Fol 667 regards Lot 27 Lots 26-27 in DP9972	Retain
	Council has previously resolved that the Council upon successful reclassification of Council land at 20A The Appian Way, Woodford grants an easement across the land, via a Section 88B instrument under the Conveyancing Act 1919, in favour of the landowners of 22 Oakura Avenue, Woodford. This will occur via a separate process.	
Proposed Amendment	Reclassify the subject land from Community to Operational Land (LEP Schedule 4, part 2)	
Reason for Reclassification	To legally formalise access over the easement by adjoining property which the easement transects. As it is an active drainage easement it is not suitable for public access or recreation and will continue to be held by council for drainage purposes.	

B. Statement of Council's Interest – Certificates of Title

The Certificates of Title for each parcel have been obtained and are attached on the following pages.

See further detail on interests and trusts for each parcel in Appendix A.

75 Godson Avenue Blackheath



NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH

FOLIO: 99/16449

SEARCH DATE	TIME	EDITION NO	DATE
16/4/2024	3:52 PM	-	-

VOL 9594 FOL 185 IS THE CURRENT CERTIFICATE OF TITLE

LAND

LOT 99 IN DEPOSITED PLAN 16449
LOCAL GOVERNMENT AREA BLUE MOUNTAINS
PARISH OF BLACKHEATH COUNTY OF COOK
TITLE DIAGRAM DP16449

FIRST SCHEDULE

THE COUNCIL OF THE CITY OF BLUE MOUNTAINS (T K559804)

SECOND SCHEDULE (1 NOTIFICATION)

1 LAND EXCLUDES MINERALS AND IS SUBJECT TO RESERVATIONS AND
CONDITIONS IN FAVOUR OF THE CROWN - SEE CROWN GRANT(S)

NOTATIONS

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

glbmcc

PRINTED ON 16/4/2024

Obtained from NSW LRS on 16 April 2024 03:52 PM AEST

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* Any entries preceded by an asterisk do not appear on the current edition of the Certificate of Title. Warning: the information appearing under notations has not been formally recorded in the Register. GlobalX hereby certifies that the information contained in this document has been provided electronically by the Registrar General in accordance with Section 96B(2) of the Real Property Act 1900. Note: Information contained in this document is provided by GlobalX Pty Ltd, ABN 35 099 032 596, www.globalx.com.au an approved NSW Information Broker.

36 Great Western Highway Wentworth Falls



NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH

FOLIO: 312/1122778

SEARCH DATE	TIME	EDITION NO	DATE
17/4/2024	12:12 PM	-	-

LAND

LOT 312 IN DEPOSITED PLAN 1122778
AT WENTWORTH FALLS
LOCAL GOVERNMENT AREA BLUE MOUNTAINS
PARISH OF JAMISON COUNTY OF COOK
TITLE DIAGRAM DP1122778

FIRST SCHEDULE

THE COUNCIL OF THE CITY OF BLUE MOUNTAINS

SECOND SCHEDULE (3 NOTIFICATIONS)

- 1 LAND EXCLUDES MINERALS AND IS SUBJECT TO RESERVATIONS AND CONDITIONS IN FAVOUR OF THE CROWN - SEE CROWN GRANT(S)
- * 2 D137463 LAND EXCLUDES MINERALS (S.141 PUBLIC WORKS ACT, 1912)
- * 3 D357261 COVENANT

NOTATIONS

NOTE: CURRENT FOLIO IS VOLUME 5490 FOLIO 180 WHICH MUST BE PRODUCED WITH NEXT DEALING

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

glbmcc

PRINTED ON 17/4/2024

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Dealing - D137463 (36 Great Western Highway Wentworth Falls)

Reg: R780802 /Doc: DL D137463 /Rev: 04-Aug-1998 /Sts: BS.OK /Prt: 28-Apr-2009 14:42 /
 Ref: lg:blue-mbronotte /Src: W
 gs: ALL /Seq: 1 of 3

2009 2 25 PM 10:00

D137463
 CONVEYANCING ACT, 1919-1939.
 REAL PROPERTY ACT, 1900.

126
156
172

Notice of Resumption of Land subject to the provisions of the Real Property Act, 1900.

I STANLEY GORDON WATSON Assistant Crown Solicitor DO HEREBY CERTIFY that the copy Gazette Notification herunto annexed is a true copy of the Gazette Notification contained in the Government Gazette of the twelfth day of December one thousand nine hundred and forty one, declaring that the land therein described, being the land mentioned in the Schedule hereunder written, has been resumed. AND I REQUEST that you will deal with and give effect to the said Notification as if the same were a Memorandum of Transfer of the land therein described duly executed under the Real Property Act, 1900, and I, the said Stanley Gordon Watson HEREBY CERTIFY that this instrument is correct for the purposes of the Real Property Act, 1900, AND I FURTHER CERTIFY that I was appointed by writing dated the thirty first day of March, one thousand nine hundred and forty one under his hand and official seal by THE COMMISSIONER FOR MAIN ROADS to sign this Certificate on behalf of the said Commissioner and that I have received no notice or information of the revocation of such appointment.

SCHEDULE.

Lot	Section	Deposited Plan, or Name of Estate	Part or Whole	Volume	Folio
1	1	D.P. 526	Part	513	92
44, 45, 46	-	D.P. 7145		(1905)	106
49 to 55 (incl.)	-	" "	Part	(1905)	107
52 to 55 (incl.)	-	" "			
61 to 68 (incl.)	-	" "			
102 to 107 (incl.)	-	" "			
47 and 48	-	" "	Part	2713	174
28	-	" "	Part	4879	135
29	-	" "	Part	4828	105
60	-	" "	Part	4365	8
1 and 2	-	D.P. 1245	Part	3504	150
Portion 253	Parish Jamieson County Cook		Part	1838	226
Portion 252	do. do		Part	4044	159

PLAN REFILED IN PLAN 430665

marked being the lands delineated and edged red on the plan herunto annexed excepting however the parts of Lots 50 and 51 D.P. 7145 which although included in the area edged red in the said plan were not resumed by the above-mentioned Notification.

DATED this twenty fourth day of June, in the year of Our Lord

one thousand nine hundred and forty-two

SIGNED by the said STANLEY GORDON WATSON

in the presence of

No. 6. Bartly

Sydney

THE REGISTRAR GENERAL,
 SYDNEY.

5025 12.40

E. H. TORRILL, GOVERNMENT PRINTER.



[Published in Government Gazette No. 151 of 12th December, 1941.]

TRANSPORT (DIVISION OF FUNCTIONS) ACT,
1932-1940.

MAIN ROADS ACT, 1924-1939.

PROCLAMATION.

(L.F.)

WAKCHURST,
Governor.

I, the Right Honourable JOHN DE VREE, BARON WAKCHURST, Governor of the State of New South Wales, in the Commonwealth of Australia, with the advice of the Executive Council and by virtue of the provisions of the Transport (Division of Functions) Act, 1932-1940, and in pursuance of the provisions of the Main Roads Act, 1924-1939, do by this my Proclamation declare that so much of the land hereunder described as is Crown land is hereby appropriated, and so much thereof as is private property is hereby resumed under the provisions of the Public Works Act, 1912, for the purposes of the Main Roads Act, 1924-1939, and that the land hereunder described is hereby vested in the Commissioner for Main Roads, and I hereby further declare the land hereunder described to be a public road, and, in accordance with a recommendation of the Commissioner for Main Roads, the said land is hereby placed under the control of the Council of the Shire of Blue Mountains.

Signed and sealed at Sydney, this twenty-sixth day of November, 1941.

By His Excellency's Command,

W. E. DICKSON.

GOD SAVE THE KING!

DESCRIPTIONS OF THE LAND REFERRED TO.

All that piece or parcel of land situate in the Shire of Blue Mountains, parish of Jamieson, county of Cook and State of New South Wales, being part of lot 1, section 1, deposited plan 526: Commencing at the intersection of a south-western side of Great Western Highway with an eastern side of Kings-road; and bounded thence on the north-east by part of the south-western side of Great Western Highway aforesaid bearing 159 degrees 23 minutes 15 seconds 107 feet 2½ inches; thence generally on the south by 55 feet 5½ inches of the arc of a circle having a radius of 29 feet, the chord of which bears 260 degrees 3 minutes 15 seconds 39 feet 3¼ inches and the centre of which lies towards the south to the eastern side of Kings-road aforesaid; thence on the west by part of that side of that road bearing 360 degrees 37 minutes 15 seconds 107 feet 2½ inches to the point of commencement,—having an area of 5½ perches or thereabouts and said to be in the possession of Miss K. M. Macanough.

4 degrees 25 minutes 104 feet 9½ inches; thence on the north-east by a marked line bearing 154 degrees 54 minutes 35 seconds 116 feet 1 inch to the southern boundary of lot 29 aforesaid; thence on the south by part of that boundary of that lot bearing 270 degrees 39 minutes 40 seconds 57 feet 3½ inches to the point of commencement,—having an area of 4½ perches or thereabouts and said to be in possession of E. Myles and G. Hocking.

Also, all that piece or parcel of land situate in the Shire of Blue Mountains, parish of Jamieson, county of Cook and State of New South Wales, being part of lots 60 to 68 inclusive, part of lots 102 to 107 inclusive, deposited plan 7,145, and part of lots 1 and 2, deposited plan 1,245: Commencing at a point on an eastern side of Kings-road being the north-western corner of lot 107, deposited plan 7,145 aforesaid; and bounded thence on the west by part of the eastern side of that road bearing 260 degrees 38 minutes 408 feet 1½ inches to a south-western side of the former Great Western Highway; thence on the north-east by part of that side of that highway bearing 153 degrees 24 minutes 35 seconds 306 feet 5½ inches; thence generally on the south by 65 feet 3½ inches of the arc of a circle having a radius of 25 feet the chord of which bears 242 degrees 15 minutes 50 seconds 48 feet 6½ inches and the centre of which lies towards the south; thence on the north-east by marked lines bearing consecutively 160 degrees 7 minutes 5 seconds 379 feet 4½ inches, 160 degrees 7 minutes 5 seconds 86 feet 3½ inches, 160 degrees 15 minutes 70 feet 11¼ inches, 160 degrees 30 minutes 50 seconds 75 feet 7½ inches, 150 degrees 46 minutes 40 seconds 76 feet 11¼ inches and 154 degrees 54 minutes 35 seconds 147 feet 11¼ inches; thence generally on the north by 65 feet 7½ inches of the arc of a circle having a radius of 25 feet the chord of which bears 79 degrees 39 minutes 50 seconds 48 feet 4½ inches and the centre of which lies towards the north to the western side of Sheridan-street; thence on the east by part of that side of that street bearing 184 degrees 25 minutes 257 feet 4½ inches; thence on the south-west by marked lines bearing consecutively 334 degrees 54 minutes 35 seconds 285 feet 6½ inches, 336 degrees 46 minutes 40 seconds 80 feet 10½ inches, 340 degrees 30 minutes 50 seconds 86 feet 10½ inches, 344 degrees 15 minutes 80 feet 10½ inches and 345 degrees 7 minutes 5 seconds 168 feet 4½ inches to the northern boundary of lot 107, deposited plan 7,145 aforesaid; thence again on the south by part of that boundary of that lot bearing 270 degrees 39 minutes 40 seconds 51 feet 2 inches to the point of commencement,—having an area of 2 acres 11¼ perches or thereabouts and said to be in the possession of Mrs. L. Madgill and A. Little, Mrs. G. M. Beach and B. P. Jay.

Also, all that piece or parcel of land situate in the

abouts and said to be in the possession of Miss K.M. Macanous.

Also, all that piece or parcel of land situate in the Shire of Blue Mountains, parish of Jamieson, county of Cook and State of New South Wales, being part of lots 32 to 35 inclusive and part of lots 34 to 36 inclusive, deposited plan 7,145; Commencing at a point on a western side of the former Great Western Highway being the north-eastern corner of lot 53, deposited plan 7,145 aforesaid; and bounded thence on the east, north-east and again on the east by parts of western and south-western sides of that highway and part of the western side of Kings-road bearing consecutively 184 degrees 48 minutes 15 seconds 256 feet 12 inches, 158 degrees 20 minutes 15 seconds 258 feet 8 inches and 188 degrees 37 minutes 15 seconds 18 feet 2 inches; thence on the north-west by marked lines bearing 338 degrees 41 minutes 30 seconds 353 feet 34 inches and 334 degrees 54 minutes 35 seconds 431 feet 51 inches to the northern boundary of lot 32, deposited plan 7,145 aforesaid; thence on the north by part of that boundary of that lot bearing 90 degrees 39 minutes 40 seconds 88 feet 8 inches; thence again on the north-east and south-east by marked lines bearing consecutively 156 degrees 54 minutes 35 seconds 178 feet 10 inches, 109 degrees 54 minutes 35 seconds 21 feet 2 inches and 64 degrees 54 minutes 35 seconds 89 feet 5 inches to the point of commencement, having an area of 1 acre 84 perches or thereabouts and said to be in the possession of Mrs. L. Maden and A. Little, C. W. Maden and James Gibson.

Also, all that piece or parcel of land situate in the Shire of Blue Mountains, parish of Jamieson, county of Cook and State of New South Wales, being part of lots 28 and 29, deposited plan 7,145; Commencing at a point on an eastern side of Shortland-street being the south-western corner of lot 29 aforesaid; and bounded thence on the west by part of that side of that street bearing

Jay.

Also, all that piece or parcel of land situate in the Shire of Blue Mountains, parish of Jamieson, county of Cook and State of New South Wales, being part of portion 253, parish aforesaid; Commencing at the intersection of a south-eastern side of Dalrymple-avenue with a south-western side of Great Western Highway; and bounded thence on the north-east by part of that side of that highway bearing 146 degrees 52 minutes 40 seconds 72 feet 5 inches; thence on the east by part of the eastern side of Sandbox-road bearing 180 degrees 31 minutes 128 feet 2 inches; thence on the south-west by marked lines bearing 346 degrees 7 minutes 5 seconds 131 feet 9 inches and 347 degrees 48 minutes 35 seconds 92 feet 11 inches to the south-eastern side of Dalrymple-avenue aforesaid; thence on the north-west by part of that side of that avenue bearing 36 degrees 36 minutes 20 feet 6 inches to the point of commencement, having an area of 228 perches or thereabouts and said to be in possession of Mrs. L. Campbell.

And also, all that piece or parcel of land situate in the Shire of Blue Mountains, parish of Jamieson, county of Cook and State of New South Wales, being part of portion 232, parish aforesaid; Commencing at the intersection of a south-western side of Great Western Highway with a north-western side of Dalrymple-avenue; and bounded thence on the south-east by part of that side of that avenue bearing 249 degrees 30 minutes 70 feet; thence on the north-west by a marked line bearing 30 degrees 11 minutes 76 feet 12 inches to the south-western side of Great Western Highway aforesaid; thence on the north-east by part of that side of that highway bearing 146 degrees 35 minutes 40 seconds 48 feet 6 inches to the point of commencement, having an area of 5 perches or thereabouts and said to be in the possession of Bertram W. Ford.

(D.M.S. No. 44-1,187)

(5983)

This is the copy Gazette Notification referred to in the annexed Certificate.

Witness

H. McCarthy

L. J. J. J.

D137463

No. _____

Logged by
 State Crown Solicitor,
 237 Macquarie Street,
 Sydney.

NOTICE OF RESUMPTION.

for Public Road

Int Pers. 222 (P.H.) + 252 (P.H.)

Part Let/Sec 1 S.P. 526

Int Lets 1+2 S.P. 1245

4-Part Pers. Lts S.P. 7145

*Shire of the Mountains
 Mr James Cook
 (Name & receipt number & date)
 The Commissioner for Main Roads*

*Plans
 of*

Particulars entered in Register Book.

Vol.	Fol.	Vol.	Fol.	Vol.	Fol.
513	92	2713	174	128	105
1605	106	3604	130	128	106
1615	107	4044	139	4879	135
1638	22	4365	8		
<i>* 1st mortgage B908065 24</i>					

day of *September* 19*42*

at _____ minutes

o'clock in the */2* noon.

Per W. L. L. L.

Registrar General.

CONSENT OF MORTGAGEE.

I, release and discharge the land comprised in the within mortgage under Mortgage No. [blank] thereof but without prejudice to my rights and remedies as regards the balance of the land comprised in such mortgage.

Dated at this day of 19 }
Signed in my presence by Mortgagee.
who is personally known to me. }

MEMORANDUM AS TO NON-REVOCATION OF POWER OF ATTORNEY.

(To be signed at the time of executing the within instrument.)

Memorandum whereby the undersigned states that he has no notice of the revocation of the Power of Attorney registered No. Miscellaneous Register under the authority of which he has just executed the within transfer

Signed at the day of 19
Signed at the place and on the date above mentioned, in the presence of—

FORM OF DECLARATION BY ATTESTING WITNESS.

Appeared before me at the day of one thousand
nine hundred and forty the attesting witness to this instrument,
and declared that he personally knew the person
signing the same, and whose signature thereto he has attested; and that the name purporting to be such signature of the said is own handwriting, and that he was of sound mind and freely and voluntarily signed the same.

i This form is not appropriate in cases of delegation by trustees.

j Strike out unnecessary words. Add any other matter necessary to show that the power is effective.

k May be made before either Registrar-General, Deputy Registrar-General, a Notary Public, J.P., or Commissioner for Affidavits. Not required if the instrument itself be made or acknowledged before one of these parties.

MEMORANDUM OF TRANSFER OF

part of Lot 46 D.P. 7145 Great Western Highway (Subject to covenant)
Shire Blue Mountains
Parish Stanley Claude Bridge County Transferee.

DOCUMENTS LODGED HEREWITH.

To be filled in by person lodging dealing.

Nature	No.	Reg'd Propr., M's por., etc.
<u>6/1</u>	<u>1605/106</u>	<u>m 110 partly cancelled</u>
<u>Contract with delegate necessary for present attache</u>		
<u>ALA</u>		

Particulars entered in Register Book, Vol 1605 Fol. 106
107

the 15th day of April 1945
at minutes 4 o'clock in the after noon.

Registrar-General.

PROGRESS RECORD.

	Initials	Date
Sent to Survey Branch...		
Received from Records...	<u>10 15/2 D</u>	
Draft written ...	<u>28 22.3.45</u>	
Draft examined...	<u>28 28.3.45</u>	
Diagram prepared	<u>28 28.3.45</u>	
Diagram examined	<u>28 28.3.45</u>	
Draft forwarded	<u>28 28.3.45</u>	
Supt. of Engravers	<u>28 28.3.45</u>	
Cancellation Clerk	<u>28 28.3.45</u>	
Vol. <u>5430</u> Fol. <u>180</u>		
Diagram Fee		
Additional Folio		

If the parties be resident without the State, but in any other part of the British Dominions, the instrument must be signed or acknowledged before the Registrar-General or Recorder of Titles of such Possession, or before any Justice, Notary Public, Justice of the Peace for New South Wales, or Commissioner for taking affidavits for New South Wales, or the Mayor or Chief Officer of any municipal or local government corporation of such part, or Justice of the Peace for such part, or the Governor, Government Resident, or Chief Secretary of such part or such other person as the Chief Justice of New South Wales may appoint.

If resident in the United Kingdom then before the Mayor or Chief Officer of any corporation or a Notary Public.

If resident at any foreign place then the parties should sign or acknowledge before a British Minister, Ambassador, Envoy, Minister Charge d'Affaires, Secretary of the Embassy or Legation, Consul-General, Consul, Vice-Consul, Acting-Consul, Pro-Consul, or Consular Agent, who should affix his seal of office, or the attesting witness may make a declaration of the due execution thereof before one of such persons (who should sign and affix his seal to such declaration), or such other person as the said Chief Justice may appoint.

Attention is specially directed to the provisions relating to the attestation of instruments executed by members of the Forces.

The fees are:—Lodgment fee 12/6 (includes endorsement on first certificate), and 2/6 for each additional certificate included in the Transfer, and £1 for every new Certificate of Title issued upon a Transfer on sale for a consideration of not more than £1,000, and £1 5s. for a new Certificate of Title in every other case. Additional fees, however, may be necessary in cases involving more than a simple diagram or more than six folios of engrossing.

Tenants in common must receive separate Certificates.
If part only of the land is transferred a new Certificate must issue for that part, and the old Certificate will be retained in the Office. A new Certificate may be taken out for the residue if desired.

LEAVE THESE SPACES FOR DEPARTMENTAL USE.

19P Ross Street (Glen Lane) Glenbrook



NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH

FOLIO: 2/776552

SEARCH DATE	TIME	EDITION NO	DATE
16/4/2024	3:52 PM	1	26/6/1989

LAND

LOT 2 IN DEPOSITED PLAN 776552
AT GLENBROOK
LOCAL GOVERNMENT AREA BLUE MOUNTAINS
PARISH OF STRATHDON COUNTY OF COOK
TITLE DIAGRAM DP776552

FIRST SCHEDULE

THE COUNCIL OF THE CITY OF BLUE MOUNTAINS

SECOND SCHEDULE (1 NOTIFICATION)

1 LAND EXCLUDES MINERALS AND IS SUBJECT TO RESERVATIONS AND
CONDITIONS IN FAVOUR OF THE CROWN - SEE CROWN GRANT(S)

NOTATIONS

UNREGISTERED DEALINGS: NIL

*** END OF SEARCH ***

glbmcc

PRINTED ON 16/4/2024

Obtained from NSW LRS on 16 April 2024 03:52 PM AEST

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20A Appian Road Woodford



NEW SOUTH WALES LAND REGISTRY SERVICES - TITLE SEARCH

FOLIO: AUTO CONSOL 7189-214

SEARCH DATE	TIME	EDITION NO	DATE
15/5/2024	5:15 PM	-	-

VOL 7189 FOL 214 IS THE CURRENT CERTIFICATE OF TITLE

LAND

LAND DESCRIBED IN SCHEDULE OF PARCELS
AT WOODFORD
LOCAL GOVERNMENT AREA BLUE MOUNTAINS
PARISH OF LINDEN COUNTY OF COOK
TITLE DIAGRAM DP9972

FIRST SCHEDULE

THE COUNCIL OF THE CITY OF BLUE MOUNTAINS (T G492274)

SECOND SCHEDULE (2 NOTIFICATIONS)

- 1 LAND EXCLUDES MINERALS AND IS SUBJECT TO RESERVATIONS AND CONDITIONS IN FAVOUR OF THE CROWN - SEE CROWN GRANT(S)
- * 2 LAND ABOVE DESCRIBED IS ROAD BEING LOT 26 IN DP9972 - VIDE DP400068

NOTATIONS

7027817 NOTE: PART LAND RESUMED FOR DRAINAGE PURPOSES VIDE GAZ.
21-2-1975 FOL. 667 AS REGARDS LOT 27

UNREGISTERED DEALINGS: NIL

SCHEDULE OF PARCELS

LOTS 26-27 IN DP9972.

*** END OF SEARCH ***

glbmcc

PRINTED ON 15/5/2024

Obtained from NSW LRS on 15 May 2024 05:15 PM AEST

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* Any entries preceded by an asterisk do not appear on the current edition of the Certificate of Title. Warning: the information appearing under notations has not been formally recorded in the Register. GlobalX hereby certifies that the information contained in this document has been provided electronically by the Registrar General in accordance with Section 96B(2) of the Real Property Act 1900. Note: Information contained in this document is provided by GlobalX Pty Ltd, ABN 35 099 032 596, www.globalx.com.au an approved NSW Information Broker.

C. Reclassification Checklist (Practice Note PN 16-001)

The current and proposed classification of the land?

All parcels of land are currently classified as 'Community Land' under the *Local Government Act 1993*. It is proposed to reclassify the sites to 'Operational Land' under the *Local Government At 1993*.

Whether the land is a 'public reserve' (as defined in the *Local Government Act 1993*)

36 Great Western Highway is defined as a 'public reserve' in the *Local Government Act 1993* as detailed in Appendix A – Assessment of Land to Be Reclassified.

The strategic and site-specific merits of the reclassification and evidence to support this

Addressed throughout the Planning Proposal.

Whether the planning proposal the result of a strategic study or report

Addressed under Part 3 Section A – Is the Planning Proposal a result of any Strategic Study or report?

Whether the planning proposal is consistent with Council's Community Plan or other local strategic plan?

Addressed under Part 3 Section B – Relationship to Strategic Planning Framework

A summary of Council's interests in the land including how and when the land was first acquired, if Council does not own the land, the owner's consent and the nature of any trusts, etc

This information is discussed in Appendix A – Assessment of Land to be Reclassified and Appendix B – Statement of Council's Interests. Council owns all land parcels proposed to be reclassified.

Whether an interest in land proposed to be discharged, and if so, an explanation of the reasons why

Addressed in Appendix B – Statement of Council's Interests

The effect of the reclassification

This information is discussed in Appendix A – Assessment of Land to be Reclassified and Section C – Environmental, Social and Economic Impact.

Evidence of public reserve status or relevant interest or lack thereof applying to the land (e.g. electronic title searches, notice in Government Gazette, trust documents)

This information is discussed Appendix B – Statement of Council's Interests.

Current use(s) of the land, and whether uses are authorised or unauthorised.

This information is discussed in Appendix A – Assessment of Land to be Reclassified.

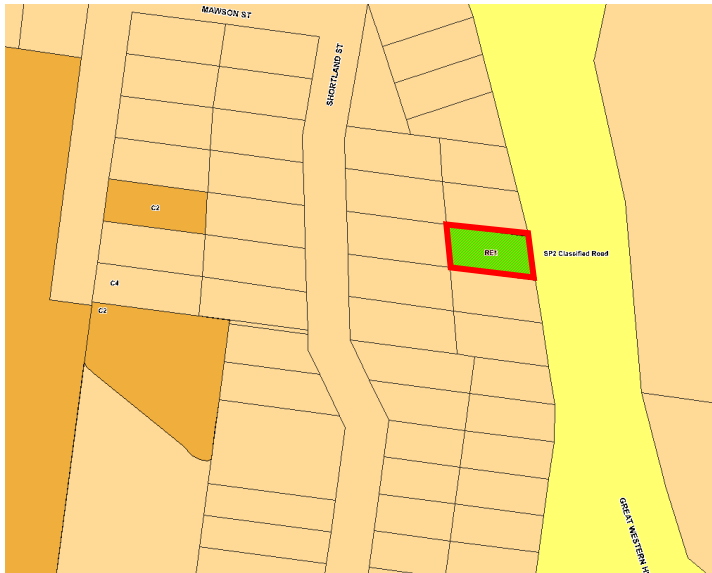
Current or proposed lease or agreements applying to the land, together with their duration, terms and controls


There are no current or proposed lease or agreements applying to any of these lands.

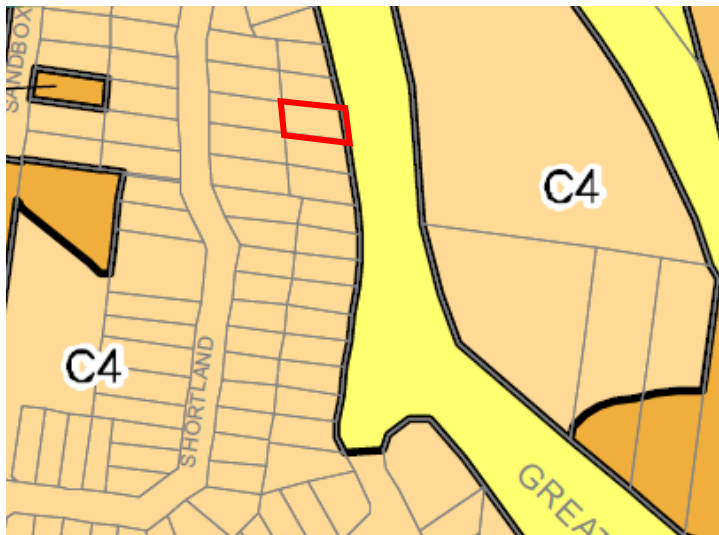
D. LEP Amendment Maps


1. Land Zoning Map

Current Zoning – RE1 Public Recreation



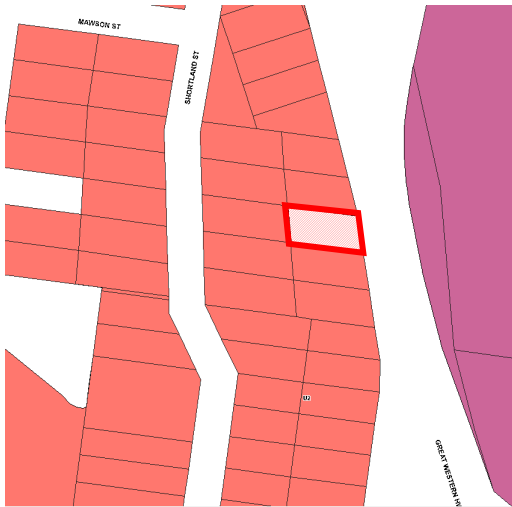
 Proposed Zoning – C4 Environmental Living



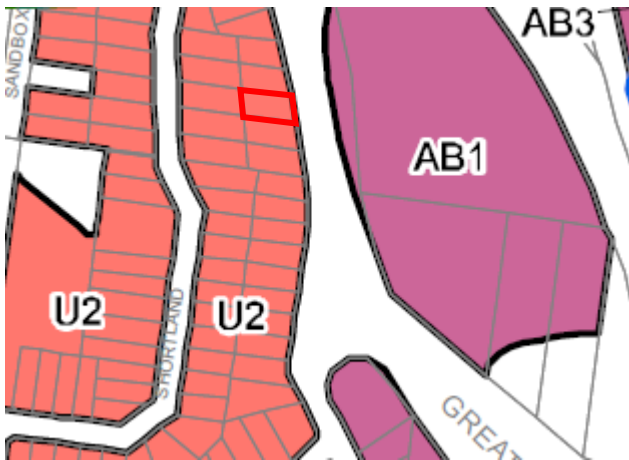
 36 Great Western Highway Wentworth Falls

2. Lot Size Map

Current Minimum Lot size (not specified)



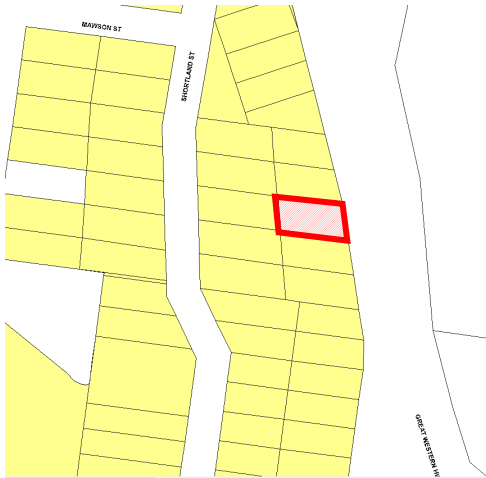
Proposed Minimum Lot Size – U2 – 1200m² as for surrounding properties



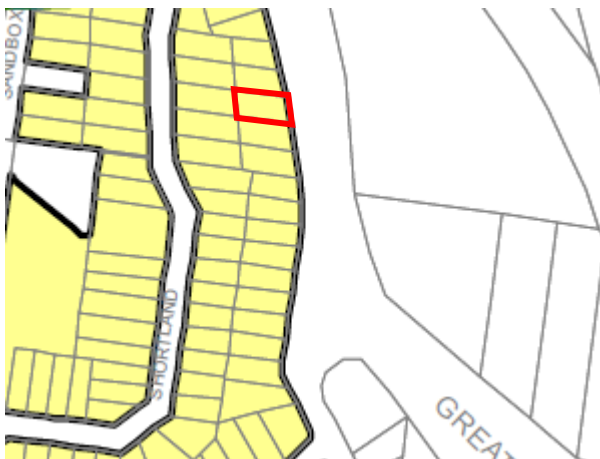
 36 Great Western Highway Wentworth Falls

3. Lot Averaging Map

Current Lot Averaging Map (currently not included due to RE1 Zoning)



Proposed Lot Averaging Map



36 Great Western Highway

E. Local Planning Panel Comments

As required by section 9.1 of the *Environmental Planning and Assessment Act, 1979*, the draft Planning Proposal was referred to the Blue Mountains Local Planning Panel (the Panel) for advice. The Panel considered the matter at its meeting of 24 June 2024. The Planning Proposal was updated to address the recommendations of the Local Planning Panel.

Reference: F15567
Determination

Blue Mountains Local Planning Panel (LPP) 27 May 2024

2.4 PLANNING PROPOSAL – Blue Mountains Local Environmental Plan 2015 – Draft Amendment 21 – Reclassification of Council Owned Lands, Including Removal of Public Reserve Status and Rezoning of One of the Reclassified Sites.

Site inspected	No
Relevant considerations	<p>(a) the provisions of—</p> <p>(i) any environmental planning instrument, and</p> <p>(ii) any proposed instrument that is or has been the subject of public consultation under this Act and that has been notified to the consent authority (unless the Planning Secretary has notified the consent authority that the making of the proposed instrument has been deferred indefinitely or has not been approved), and</p> <p>(iii) any development control plan, and</p> <p>(iiia) any planning agreement that has been entered into under section 7.4, or any draft planning agreement that a developer has offered to enter into under section 7.4, and</p> <p>(iv) the regulations (to the extent that they prescribe matters for the purposes of this paragraph), that apply to the land to which the development application relates,</p> <p>(b) the likely impacts of that development, including environmental impacts on both the natural and built environments, and social and economic impacts in the locality,</p> <p>(c) the suitability of the site for the development,</p> <p>(d) any submissions made in accordance with this Act or the regulations,</p> <p>(e) the public interest.</p> <p>Refer to Council's assessment report for details.</p>
Material considered	<ol style="list-style-type: none"> 1. Council report for Planning Proposal - Blue Mountains Local Environmental Plan 2015 – Draft Amendment 21 2. Draft Planning Proposal – LEP 2015 Amendment 21
Council recommendation	That the Blue Mountains Local Planning Panel supports the Draft Planning Proposal Amendment 21 to the Blue Mountains Local Environmental Plan 2015 reclassifying various parcels of Council owned land from Community to Operational.

DETERMINATION

Panel decision –	That the Blue Mountains Local Planning Panel supports the Draft Planning Proposal Amendment 21 to the Blue Mountains Local Environmental Plan 2015 reclassifying various parcels of Council owned land from Community to Operational, and the rezoning of one of these parcels from R1 Public Recreation to C4 Environmental Living.
-------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Panel advice	<p>The Panel considered and discussed issues for each site relating to recreation use, community expectations, bushfire protection, flora & fauna significance, Aboriginal artefacts and other issues. The Panel considered the Council's processes to date were thorough and satisfactory.</p> <p>The Panel considered that the Planning Proposal has local merit and is consistent with regional and local strategies and plans.</p>
---------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

The Panel advises the following:	
a)	<p>The Council continue its processes to seek reclassification of the following sites from Community to Operational Land in accordance with Section 27 and 30 of the Local Government Act 1993:</p> <ul style="list-style-type: none">• 75 Godson Avenue, Blackheath (Lot 99 DP 16449)• 36 Great Western Highway Wentworth Falls (Lot 312 DP 1122778)• 585 Great Western Highway, Faulconbridge (Lot 51 DP 1117055)• 19P Ross Street, Glenbrook (Lot 2 DP 776552)• 20A The Appian Way, Woodford (Lot 27 DP 9972)
b)	<p>Remove the Public Reserve status and rezone the following sites from RE1 Public Recreation to C4 Environmental Living:</p> <ul style="list-style-type: none">• 36 Great Western Highway Wentworth Falls (Lot 312 DP 1122778) <p>The background and justification for this draft LEP amendment is provided in the Planning Proposal (Attachment 1).</p>
The Panel further advises:	
<ul style="list-style-type: none">• Council should highlight and emphasise how this planning proposal fulfils the housing supply requirements of the State Government.• The public exhibition process will seek views from the public on the recreational expectations of these sites• Council should further emphasise the local and strategic merit in the Planning Proposal. The wording of the consistency with the planning framework should be less generic and more specific to the individual sites.• Council should add any qualitative or quantitative information on the recreational use of the sites to the Planning Proposal which in turn justifies that reclassification is appropriate.	

Advice date	24 June 2024
Votes	N/A

F. WaterNSW Response



20 June 2024

Contact: Stuart Little
Telephone: 0436 948 347
Our ref: D2024/48173

Ms Debbie Pinfold
Senior Strategic Planner
Blue Mountains City Council
Locked Bag 1005
PO Box 81
KATOOMBA NSW 2780

Proposed Reclassification and Rezoning – 36 Great Western Highway Wentworth Falls

Dear Ms Pinfold,

I refer to your email of 29 May concerning a draft Planning Proposal that seeks to amend the Blue Mountains Local Environmental Plan 2015 (LEP) to reclassify five (5) parcels of land from Community Land to Operational Land. We note that the Proposal also seeks to rezone land at 36 Great Western Highway Wentworth Falls (Lot 312 DP 1122778) from RE1 Public Recreation to C4 Environmental Living and introduce a minimum lot size (MLS) of 1200m² for the site. The land at 36 Great Western Highway Wentworth Falls lies within the Sydney Drinking Water Catchment (SDWC) whereas the other four sites lie outside the catchment. We note that the proposed new proposed zoning and MLS arrangement for 36 Great Western Highway is consistent with the C4 zoning of the surrounding residential land, north, south and west of the site. WaterNSW has no objection to the Proposal.

With reference to State Environmental Planning Policy (Biodiversity and Conservation) 2021, the Planning Proposal (P. 11) notes that any future development would be required to have a neutral or beneficial effect (NorBE) on water quality. We agree with this statement and note that Part 6.5 of the SEPP specifically applies to the SDWC.

Ministerial Direction 3.3 Sydney Drinking Water Catchment applies to Planning Proposals that affect land within the SDWC. The Proposal (P. 12) notes that it is consistent with Direction 3.3, and that future development of the site would be capable of achieving a NorBE outcome. We agree with this statement. However, the Proposal (P.13) needs to be updated to refer to WaterNSW rather than Sydney Water.

The response to Direction 3.3 would further benefit by noting that the site is serviced by reticulated sewerage and water. No mapped watercourses occur on the site. A Strategic Land and Water Capability Assessment map (Attachment 1), based on the site being available for residential development reveals that the water quality risk across the site varies from LOW to MODERATE. Areas with a LOW risk have a HIGH capability for the proposed use whereas areas with MODERATE risk have a MODERATE capability.

If you have any questions regarding this letter, please contact Stuart Little at stuart.little@waterNSW.com.au.

Yours sincerely,

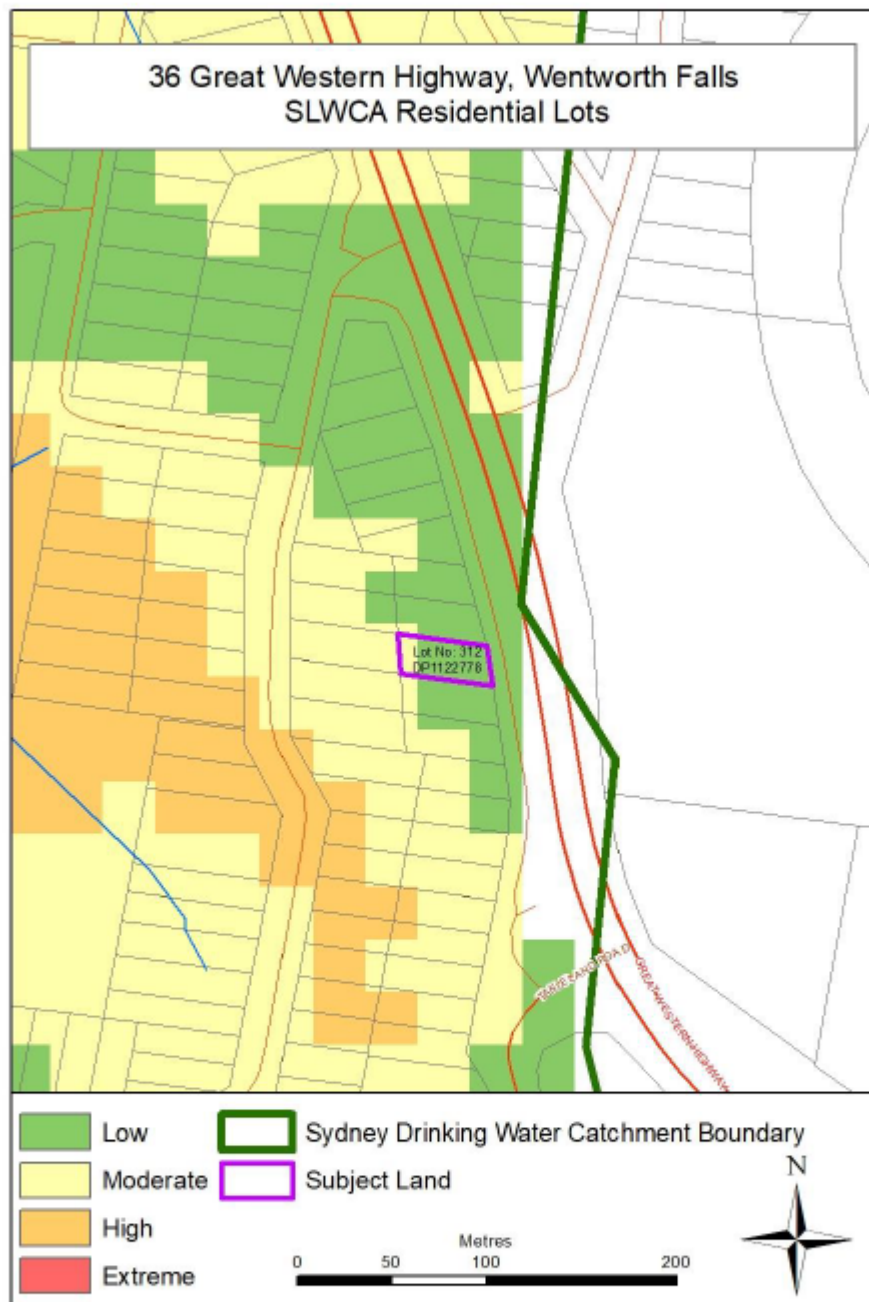
A handwritten signature in black ink, appearing to read "Alison Kniha".

ALISON KNIHA
Environmental Planning Assessments & Approvals Manager

WaterNSW ABN 21 147 934 787
169 Macquarie Street Parramatta NSW 2150
PO Box 398, Parramatta NSW 2124
t. 1300 662 077 e. Customer.Helpdesk@waterNSW.com.au

WaterNSW | We're at the source

ATTACHMENT 1 - Strategic Land and Water Capability Assessment Map



Map 1. Strategic Land and Water Capability Assessment for 36 Great Western Highway Wentworth Falls.

G. Council Report and Minutes

LIVE

Item 10, Ordinary Meeting, 30.07.24

ITEM NO: 10

SUBJECT: RECLASSIFICATION OF COUNCIL OWNED LAND

FILE NO: F15404 - 24/92486

Delivery Program Link

Principal Activity: Live

Service: City Wide Strategic Planning Service

Recommendations:

1. That Council notes the outcome of planning investigations into the fifteen (15) sites previously identified for potential reclassification from Community Land to Operational Land, and endorse the subsequent planning recommendations, being to:
 - a) Proceed with the reclassification of four (4) sites, as detailed in the report;
 - b) Further investigate five (5) sites to resolve planning matters such that these sites may be reclassified at a future date
 - c) Not proceed with the reclassification of five (5) sites due to the environmental sensitivity of these land parcels;
 2. That, for those sites recommended for reclassification at this time, the Council endorses the draft Planning Proposal for Blue Mountains Local Environmental Plan 2015 Amendment 21 (Reclassification of Council Owned Land) to be submitted to the Department of Planning and Environment (the Department) requesting a Gateway Determination in accordance with the Environmental Planning and Assessment Act 1979;
 3. That the Council notes the advice provided by the Local Planning Panel (Attachment 2) on the draft Planning Proposal for Blue Mountains Local Environmental Plan 2015 Amendment 21 (Reclassification of Council Owned Land) as included within this report;
 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 public exhibition period and public inquiry to enable consideration of submissions made to Blue Mountains Local Environmental Plan 2015 (Amendment 21); and
 6. That the Council delegates to the CEO or her delegate the authority to make minor amendments to the adopted draft Blue Mountains Local Environmental Plan 2015 (Amendment 21) 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 proposals.
-

Report by A/Director Environment & Planning Services:**Reason for report**

This report informs Council of the outcomes of planning investigations into the proposed reclassification of fourteen (14) underutilised parcels of Council land and one (1) drainage reserve, from Community Land to Operational Land in accordance with Section 27 and Section 30 of the Local Government Act 1993.

The report also seeks the Council's endorsement of the Planning Proposal prepared for those parcels of land recommended as suitable for reclassification at this time.

Background

At its meeting of 27 September 2022, Council considered a report on the reclassification of Council land and resolved:

1. *"That the Council endorses the reclassification of fourteen (14) under-utilised sites identified in this report from Community Land to Operational Land in accordance with section 27 and section 30 of the Local Government Act 1993;*
2. *That the Council approves to prepare a planning proposal in accordance with Division 3.4 of the Environmental Planning & Assessment Act 1979, for the reclassification of the following Council sites from Community Land to Operational Land:*
 - Lot 32 DP 8464 at 21 Kenny Street, Mount Victoria;
 - Lot 132 DP 7386 at 107 Great Western Highway, Blackheath;
 - Lot 133 DP 7386 at 108 Great Western Highway, Blackheath;
 - Lot 134 DP 7386 at 109 Great Western Highway, Blackheath;
 - Lot 146 DP 13813 at 29 Springfield Crescent, Springwood;
 - Lot 46 DP 218261 at 62-64 Singles Ridge Road, Winmalee;
 - Lot 8 DP 201146 at 16 Birdwood Avenue, Winmalee;
 - Lot 3 DP 730388 at 23-25 Endeavour Drive, Winmalee;
 - Lot 52 DP 1117055 at 585 Great Western Highway, Faulconbridge;
 - Lot 2 DP 776552 at 19P Ross Street, Glenbrook;
 - Lot 99 DP 16449 at 75 Godson Avenue, Blackheath;
 - Lot A DP 435187 at 16 Miles Avenue, Katoomba;
 - Lot 312 DP 1122778 at 36 Great Western Highway, Wentworth Falls; and
 - Lot 8 DP 711773, Lot 1 DP 822262 and Lot 9 DP 711773 at 18-26 Power House Lane, Katoomba; and
3. *That, upon completion of Planning Proposal, the Council will receive a report for consideration and endorsement prior to proceeding to the Gateway Determination process as per section 3.34 of the Environmental Planning and Assessment Act 1979."*

[Minute no. 262]

It is noted that a correction is required to the street address of Lots 132, 133 and 134 in DP 2786 Blackheath. The street address of each of these lots is 107-111 Great Western Highway. A correction is also required for 585 Great Western Highway, Faulconbridge. This property is Lot 51 in DP 1117055. The corrected details are used in the remainder of this report.

Council also separately considered a report on the reclassification of a Council drainage reserve at 20A The Appian Way Woodford at its meeting of 23 October 2023, and resolved:

1. *"That the Council submits an application to the Minister for Planning and Public Spaces for the reclassification of Council's community land known as 20A The Appian Way, Woodford being Lot 27 in DP 9972 to operational land as per Option Two (2) outlined*

in this report, subject to the owner agreeing to meet all reasonable application fee, survey and legal costs associated with this matter;

2. *That the Council upon successful reclassification of Council land at 20A The Appian Way, Woodford grants an easement, via a Section 88B instrument under the Conveyancing Act 1919, in favour of the landowners of 22 Oakura Avenue, Woodford; and*
3. *That the Council authorises the Chief Executive Officer (or her delegate) to negotiate and finalise the details of an easement, via a Section 88B instrument under the Conveyancing Act 1919 and authorises the affixing of the Common Seal or execution of all relevant documents relating to this matter under Power of Attorney."*

[Minute no. 219]

Option Two (2), as referenced in Minute no. 219 (1), proposed that the reclassification of 20A The Appian Way Woodford proceed via submission of an application under Section 3.22 of the *Environmental Planning and Assessment Act 1979*, (EP&A Act). This section allows for amendments of Environmental Planning Instruments (including a *Local Environmental Plan*) of a minor nature. However, the Department of Planning, Housing and Infrastructure advised that the proposed reclassification would not be considered a minor amendment under section 3.22 of the EP&A Act. Therefore, the reclassification of 20A The Appian Way, Woodford will now be pursued via Planning Proposal as included in this report.

Planning Investigation Process

The fifteen (15) land parcels proposed for reclassification under the above-mentioned resolutions were subject to further planning investigations, to ensure that all legislative requirements were considered, and the land was fit for purpose for the intended future land use. These investigations included:

- Flora and Fauna assessments, where recommended by the initial independent Land Use Study.
- Supplementary planning assessments.
- Assessment against State Government Planning Proposal criteria and the LEP Practice note PN 16-001 – Classification and Reclassification of public land through a local environmental plan.

The recommendations from this planning investigation are that:

- Four (4) parcels are suitable for reclassification at this time.
- Five (5) parcels are potentially suitable if the identified planning issues can be resolved.
- The remaining 6 land parcels are unsuitable to proceed to reclassification, primarily due to the environmental constraints identified on these sites.

Attachment 1 provides a more detailed outline of the planning investigation results and recommended outcomes for each of the parcels.

Land Identified as Suitable for Reclassification and Draft Planning Proposal

The following parcels have been identified as suitable for reclassification from Community to Operational land:

- 75 Godson Avenue, Blackheath (Lot 99 DP 16449)
- 36 Great Western Highway, Wentworth Falls (Lot 312 DP 1122778)
- 19P Ross Street (Glen Lane), Glenbrook (Lot 2 DP 776552)
- 20A The Appian Way, Woodford (Lot 27 DP 9972)

A draft Planning Proposal has been prepared to amend Blue Mountains LEP 2015 (LEP 2015) to reclassify the above parcels of land, and is included at Enclosure 1 to this report.

With reference to the land at 36 Great Western Highway, the following additional changes and amendments are included in the draft planning proposal:

- Removal of the public reserve status, and
- Rezoning of the land from RE1 Public Recreation to C4 Environmental Living under LEP 2015.

As part of the rezoning of 36 Great Western Highway, Wentworth Falls, the following consequential LEP amendments are also proposed for that land as part of the draft Planning Proposal:

- a minimum subdivision lot size development standard of 1200m² is proposed to be applied to the site, via an amendment to the LEP 2015 Lot Size Map. This minimum subdivision lot size is consistent with that applied to the surrounding sites which are zoned C4 Environmental Living.
- The Lot Averaging provisions of Clause 4.1F in LEP 2015, which currently apply to surrounding C4 zoned lands, are proposed to be extended to include the site, through an amendment to the LEP 2015 Lot Averaging Map, to include the site within land mapped as Area G – Clause 4.1F.

Local Planning Panel advice

As required by section 9.1 of the *Environmental Planning and Assessment Act, 1979*, the draft Planning Proposal was referred to the Blue Mountains Local Planning Panel (the Panel) for advice. The Panel considered the matter at its meeting of 24 June 2024.

The Panel supported the proposed reclassification of the five nominated parcels of land, as well as the proposed removal of public reserve status and rezoning of 36 Great Western Highway, Wentworth Falls, noting also that the public exhibition process will seek views from the public on the recreational expectations of these sites. The panel also advised that the Planning Proposal should more specifically highlight the consistency of the proposal with the planning framework, including an emphasis on how the proposal fulfils the housing supply requirements.

The Planning Proposal has been updated to include the additional information recommended by the Local Planning Panel. The full Panel advice is provided at Attachment 2 to this report.

Timeline for LEP Amendment

Should the Council endorse the draft Planning Proposal, a Gateway Determination will be sought from the Department of Planning, Housing and Infrastructure.

It is expected that the public exhibition is likely to occur in November-early December 2024. A Public Hearing regarding the reclassification is also required, which is then likely to take place in late January-February 2025.

It is therefore anticipated that the final report back to Council outlining the results of the public exhibition and the public hearing would occur in mid-2025.

Land Parcels Requiring Further Planning Investigation

Of the fifteen (15) land parcels the subject of planning investigations for potential reclassification, the following land could not proceed as part of the current Planning Proposal, until planning issues identified during the current phase of the reclassification project are resolved.

- Lot 132 DP 7386 at 107-111 Great Western Highway, Blackheath;
- Lot 133 DP 7386 at 107-111 Great Western Highway, Blackheath;
- Lot 134 DP 7386 at 107-111 Great Western Highway, Blackheath;

- 585 Great Western Highway, Faulconbridge (Lot 51 DP 1117055)
- Lot 46 DP 218261 at 62-64 Singles Ridge Road, Winmalee;

The three lots comprising site at 107-111 Great Western Highway, Blackheath were considered for both reclassification from Community to Operational Land and rezoning to permit residential development. However, to enable rezoning for residential purposes, the site must be able to comply with the bushfire requirements set out in Ministerial Direction 4.3 *Planning for Bushfire Protection*. Further investigation is required to confirm whether compliance can be achieved.

The site at 62-64 Singles Ridge Road, Winmalee was also proposed for both reclassification from Community to Operational Land, and rezoning to C4 Environmental Living. However, the site adjoins an active quarry and is mapped under LEP 2015 as an Extractive Transition Area. Rezoning for residential use is unlikely to comply with the applicable requirements of the *State Environmental Planning Policy (Resources and Energy) 2021*. This is a complex site, and while it has long been the Council's intention to dispose of this surplus land, further investigations into alternative land use options are required before this site could proceed to reclassification and rezoning.

The site at 585 Great Western Highway, Faulconbridge was proposed for reclassification from Community to Operational Land. However further negotiation with Transport for NSW is required, to resolve future use opportunities, before this site can proceed to reclassification.

These sites have therefore not been included in the draft Planning Proposal.

Land Identified as Unsuitable for Reclassification

Five of the fifteen land parcels, following a detailed planning investigation, are not considered appropriate for reclassification from Community to Operational Land, due to the environmental sensitivity of these sites. These sites include:

- 21 Kenny St, Mount Victoria
- 29 Springfield Avenue, Springwood
- 16 Birdwood Avenue, Winmalee
- 23-25 Endeavour Drive, Winmalee
- 18-26 Power House Lane, Katoomba
- 16 Miles Avenue, Katoomba

These sites have therefore not been included in the draft Planning Proposal. Given the sensitivity of these sites, the land use planning recommendation is to rezone most of these land parcels to C2 Environmental Conservation. Such rezonings do not form part of the current Planning Proposal and can be considered at a future date.

It should be noted that 16 Miles Avenue, Katoomba is a deferred matter under LEP 2015. Any reclassification or rezoning of this site should be part of a future translation of the remaining deferred lands from LEP 2005 into LEP 2015.

Sustainability assessment

Effects	Positive	Negative
Environmental	The sites proposed to proceed to reclassification have been assessed as resulting in an acceptable environmental impact as outlined in the planning proposal and Attachment 1. Removal of the identified highly environmental sensitive sites from the reclassification proposal ensures there is no adverse impact. Those sites requiring further assessment will only proceed where the environmental impact is acceptable.	Nil
Social	Proceeding with the Planning Proposal allows for a higher use of the identified sites, including the provision of additional housing on some sites. The Ross Lane reclassification allows for legal access to private land. Reclassification of the drainage reserve at 20A The Appian Way enables legal access to an existing dwelling house.	Nil
Economic	Reclassification of the selected sites to operational will allow Council to divest or manage the sites resulting in potential income.	Nil
Governance	Reclassifying the selected sites to operational land will give the Council the ability to deliver on its strategic and economic outcomes. Reclassification processes will be carried out in accordance with the EPA&A Act 1979 and Local Government Act 1993.	Nil

Financial implications

There are no financial implications for the Council in adopting the recommendations in this report. The preparation and processing of planning proposals to keep the Council's local planning framework up to date is covered under the current budget.

Legal and risk-management issues for the Council

There are no foreseeable legal issues or risks associated with the reclassification of the sites.

External consultation

This report recommends endorsing the draft Planning Proposal for draft Amendment 21 to LEP 2015 to be submitted for Gateway Review to proceed to public exhibition. Community consultation will be undertaken in line with the requirements of the Council's Community Participation Plan and the Gateway Determination. Further, as required by the LG Act 1993, the proposed reclassification will be subject to a public hearing.

Alignment with Delivery Program and/or Operational Plan

The recommendations in this report are consistent Delivery Program 2022–2026 - Key Direction 4, Strategy 4.1: 4.1a *Foster appropriate investment and development to support revitalisation of towns, villages and key visitor destination sites.*

Conclusion

This report presents the findings of the planning investigation over 15 land parcels to determine the planning merit in reclassification of these sites from Community to Operational land. In accordance with the results of this investigation, a draft Planning Proposal (LEP Amendment) has been prepared to proceed with the reclassification for four (4) of these land parcels. Further investigation is required to determine whether other listed land parcels are appropriate for future reclassification.

It is recommended that the Council endorse the draft Planning Proposal – Amendment 21 to LEP 2015 to be submitted to the NSW Department of Planning, Housing and Infrastructure for Gateway Review. Subject to a favorable Gateway Determination, the Planning Proposal will be placed on public exhibition in line with Council's Community Participation Plan and the Gateway Determination conditions. Following public exhibition and a public hearing being held, a report will be brought back to Council on the outcomes of exhibition and the steps required to finalise the LEP amendment.

ATTACHMENTS/ENCLOSURES

1	Council Meeting Version 1.2- Draft PLANNING PROPOSAL - LEP 2015 amendment 21 - reclassification of council owned land(4)	24/138083	Enclosure
2	Attachment 1 to Council Report	24/138056	Attachment
3	Attachment 2 - Final LPP Determination - Reclassification Planning Proposal - 24 June 2024	24/138058	Attachment

Hoare
Schreiber
West
van Opdorp
Redshaw

MINUTE NO. 178

10. 24/92486. Reclassification of Council Owned land

A MOTION was MOVED by Councillors Myles and Fell:

1. That Council notes the outcome of planning investigations into the fifteen (15) sites previously identified for potential reclassification from Community Land to Operational Land, and endorse the subsequent planning recommendations, being to:
 - a) Proceed with the reclassification of four (4) sites, as detailed in the report;
 - b) Further investigate five (5) sites to resolve planning matters such that these sites may be reclassified at a future date
 - c) Not proceed with the reclassification of five (5) sites due to the environmental sensitivity of these land parcels;
2. That, for those sites recommended for reclassification at this time, the Council endorses the draft Planning Proposal for Blue Mountains Local Environmental Plan 2015 Amendment 21 (Reclassification of Council Owned Land) to be submitted to the Department of Planning and Environment (the Department) requesting a Gateway Determination in accordance with the Environmental Planning and Assessment Act 1979;
3. That the Council notes the advice provided by the Local Planning Panel (Attachment 2) on the draft Planning Proposal for Blue Mountains Local Environmental Plan 2015 Amendment 21 (Reclassification of Council Owned Land) as included within this report;
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 public exhibition period and public inquiry to enable consideration of submissions made to Blue Mountains Local Environmental Plan 2015 (Amendment 21); and
6. That the Council delegates to the CEO or her delegate the authority to make minor amendments to the adopted draft Blue Mountains Local Environmental Plan 2015 (Amendment 21) 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 proposals.

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

For
Councillors Greenhill
Fell
Myles

Against
Councillors

Hollywood
Hoare
Schreiber
West
van Opdorp
Redshaw

MINUTE NO. 179

11. 24/113966. Fire & Rescue NSW Inspection Report - Section 9.32(4) EP&A Act - Springwood Nursing Home, 373-387 Great Western Highway Springwood

A MOTION was MOVED by Councillors Myles and Fell:

1. That the Council notes the content of this report and in particular the Inspection Report at Attachment 1, received from Fire & Rescue NSW dated 5 June 2024, relating to Springwood Nursing Home at 373-287 Great Western highway Springwood and the recommendations contained therein; and
2. That Fire & Rescue NSW be advised of the action taken by the Council in response to the concerns raised.

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

For	Against
Councillors	Councillors
Greenhill	
Fell	
Myles	
Hollywood	
Hoare	
Schreiber	
West	
van Opdorp	
Redshaw	

MINUTE NO. 180

12. 24/124774. Blue Mountains Local Heritage Assistance Fund Update

A MOTION was MOVED by Councillors Myles and Fell:

1. That the Council notes the successful completion of projects under the Blue Mountains Local Heritage Assistance Fund 2023-2024, which has provided assistance to members of the community in caring for their heritage properties;
2. That the Council proceeds to implement the Local Heritage Assistance Fund 2024-2025, and the project outcomes be reported to Council upon completion; and
3. That the Council continues to apply for grant funding from the NSW Government for the implementation of the Local Heritage Assistance Fund in future years.

H. RFS Response



RFS



Blue Mountains City Council
Locked Bag 1005
KATOOMBA NSW 2780

Your reference: (REF-3076) PP-2024-1700
Our reference: SPI20240829000162

ATTENTION: Kelsey Neumann

Date: Friday 27 September 2024

Dear Sir/Madam,

**Strategic Planning Instrument
Rezoning - Planning Proposal
Amendment to Blue Mountains Local Environmental Plan 2015**

I refer to your correspondence dated 27/08/2024 inviting the NSW Rural Fire Service (NSW RFS) to comment on the above Strategic Planning document.

The NSW RFS has considered the information submitted and provides the following comments.

The RFS has considered the information submitted and subsequently raise no concerns or issues in relation to bush fire subject to compliance of future development on bush fire prone land with the relevant requirements of *Planning for Bush Fire Protection 2019*.

For any queries regarding this correspondence, please contact Willem Paton on 1300 NSW RFS.

Yours sincerely,

Bryce Pascoe
**Supervisor Development Assessment & Plan
Built & Natural Environment**

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Postal address

NSW Rural Fire Service
Locked Bag 17
GRANVILLE NSW 2142

Street address

NSW Rural Fire Service
4 Murray Rose Ave
SYDNEY OLYMPIC PARK NSW 2127

T (02) 8741 5555
F (02) 8741 5550
www.rfs.nsw.gov.au