

# **PLANNING PROPOSAL:**

## **‘The Clarendon’, 68 Lurline Street, Katoomba and Heritage Housekeeping Amendments**

Blue Mountains Local Environmental Plan 2015  
(Draft Amendment 23)



*The Clarendon, 1927. Source: Blue Mountains Historical Society*

**December 2024**

**Prepared by Blue Mountains City Council**

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## INTRODUCTION

This Planning Proposal explains the intended effect of and justification for proposed amendments to Schedule 5 of Blue Mountains Local Environmental Plan 2015 (LEP 2015) and the LEP heritage maps. The amendment proposes to add one (1) new heritage item and to modify the details of thirteen (13) other existing heritage items to correct minor, non-significant errors.

This planning proposal has been prepared in accordance with the *Environmental Planning and Assessment Act 1979* (EP&A Act) and the Department of Planning and Environment publication, *NSW Local Environmental Plan Making Guideline* (August 2023).

## Background

### The Clarendon, 68 Lurline Street, Katoomba

The Clarendon is a significant building on the edge of the Katoomba town centre.

The heritage significance of the Clarendon, as detailed in the draft Short form Statement of Significance, taken from the draft heritage inventory sheet prepared by Council, is as follows:

*The Clarendon is of local significance as a guesthouse and entertainment venue operating continuously for one hundred years, since its opening in 1923. It holds historical, associational, aesthetic, rarity, representative, and strong social values that are important to Katoomba and the Blue Mountains.*

*The Clarendon is representative of the 1920s heyday of guesthouse and tourism growth in the Blue Mountains. Its social value and rarity are linked to the continuous entertainment provided to guests and locals alike, including live jazz music, dancing, tennis tournaments, a nightclub, theatre and performance. The guesthouse is a landmark within the streetscape and for its distinctive combination of Interwar aesthetic styles and typologies. The success of the guesthouse and entertainment venue has relied on the commitment of its owners and lessees, Mr and Mrs WN Leslie, Joseph and Friedl Goddard, Bob and Annette Charter, as well as notable performer Reg Livermore AO.*

### Interim Heritage Order

The Clarendon is not currently included as a local heritage item under the Blue Mountains Local Environmental Plan 2015 or listed within any Heritage Conservation Area. It is noted that the site is located within the vicinity of other listed heritage items and within close proximity of the two adjacent heritage conservation areas, K159 Central Katoomba Urban Conservation Area, and K168 Katoomba South Heritage Conservation Area.

During May 2024, it was identified that the site had been the subject of significant unauthorised works, of which the Council had been notified and had been reported in local media (namely the Blue Mountains Gazette).

The Interim Heritage Order provisions of the *Heritage Act 1977* allow for interim protections to be put in place where a site is considered at risk of harm and is considered by the Council to have (or is likely to have) local heritage significance. Section 25 of the Heritage Act specifically references the making of an Interim Heritage Order where the Council considers that a building or place is (or may be found to be following investigation) of local significance and is being or is likely to be harmed. Both of these circumstances are true for The Clarendon at 68 Lurline Street, Katoomba.

Council, exercising its compliance functions, is separately addressing the issue of unauthorised works through appropriate legislative mechanisms, and SafeWork NSW has attended the site to address asbestos management, which was identified by Council.

At the Ordinary Council Meeting of 30 July 2024, Blue Mountains City Council (the Council) resolved to place an Interim Heritage Order (IHO) on 'The Clarendon' at 68 Lurline Street,

Katoomba (subject site), to ensure that the building is protected for a period of up to 12 months, to enable appropriately detailed heritage assessments to be undertaken, to determine whether or not the site should be listed as a local heritage item on the Blue Mountains Local Environmental Plan. The IHO was listed in the NSW Government Gazette, on Friday 2 August 2024 (Listing Number LC-2024-296-9) and will be in place and have effect for twelve (12) months.

Following the gazettal of the Interim Heritage Order, Council fulfilled its requirements under Section 28 of the Heritage Act 1977, including local notifications on both Council's website and the Blue Mountains Gazette. Notification was provided to the property owner, including the IHO and supporting information.

### Independent heritage assessment

The Council resolved as part of Minute no.182 of the 30 July 2024 Ordinary Council Meeting and as required by the terms of the IHO to carry out an independent heritage assessment of the site, to determine its appropriateness for inclusion in Schedule 5 of LEP 2015.

The heritage consultancy firm Architectural Projects were commissioned by Council to prepare an Independent Heritage Assessment of The Clarendon to fully assess the heritage significance of the site and building and determine if a heritage listing of the subject property is warranted.

The assessment found that the building meets the threshold for listing as a local heritage item under five of the seven criteria identified under "Assessing Heritage Significance": Guidelines for assessing places and objects against the Heritage Council of NSW criteria", (Department of Planning, 2023): historic, associational, aesthetic, social, and rarity and representative significance at a local level, and as such is suitable for inclusion in LEP 2015 as a local heritage item.

### Assessment of Significance

The below summary of the assessment of significance, extracted from Section 5.3, pages 67-74 of the independent heritage assessment by Architectural Projects, identifies those five criteria for heritage significance at a local level:

#### Criterion (a) Historic Significance:

- *The Clarendon reflects the growth of the tourism industry in the Blue Mountains in the period of post WWI prosperity.*
- *The Clarendon has important historical significance in the evolution and development of Katoomba as a popular holiday destination in the Blue Mountains in the early 20th century.*
- *The Clarendon is one of the longest-running guesthouses in Katoomba, having operated continually, now over 100 years.*
- *The Clarendon has been a social focus in the upper blue mountains, providing tennis tournaments, live music, dancing, nightclub, theatre and cabaret for 100 years.*
- *The Clarendon is an example of the successful adaption of the Interwar guesthouse to remain viable through the tough times following the depression and WWII.*

#### Criterion (b) Associational Significance:

- *The Clarendon has strong historic associations with the first leaseholders Mr and Mrs WN Leslie, who operated and managed the guest house from its opening in 1923 until 1936... WN Leslie was a well-known figure in Katoomba between the wars.*
- *The Clarendon has strong historic associations with Swiss restaurateurs Joseph Goddard and Friedl Goddard, who owned and operated guesthouse from 1959-1978. The Goddards oversaw the transformation of the 1923 guesthouse into the sophisticated Clarendon-Swiss Inn, developing a continental dining experience, and the popular basement nightclub with live music and dancing.*
- *The Clarendon has strong historic associations with owners and managers Bob and Annette Charter, who oversaw the flourishing of The Clarendon as a home of the performing arts in*

*Katoomba in the period 1978-2003. Bob Charter reinvigorated the live music scene in Katoomba with the Blue Mountains Music Festival since 1996 and remains prominent.*

- *The Clarendon has strong associations with the work of performer Reg Livermore AO, who from 1985-2001 performed regularly at The Clarendon... Livermore was awarded the AO for outstanding achievement and service.*

Criterion (c) Aesthetic Significance:

- *The Clarendon ...can be considered a fine example of a Katoomba inter-war guesthouse in a prominent position with landmark qualities.*
- *The 1923 building is a distinctive design solution for a guesthouse that clearly shows the hand of an architect. The façade has an unusual composition combining three bold bands of external finishes...*
- *The aesthetic considerations for the design and internal fitout for the new Clarendon guesthouse were evident in the commissioning of the well-known department store, 'Bebarfalds' in Sydney.*

Criterion (d) Social Significance:

- *The Clarendon has provided entertainment to guests and locals since its opening in 1923 as evidenced in newspaper articles describing live jazz music, dancing, and tennis tournaments drawing large crowds.*
- *The Clarendon has been recognized locally as a small entertainment venue, theatre and popular place for live music and other performances, and enjoys a reputation as an iconic music venue and theatre space, to include the regionally important music festival...*
- *The Clarendon is known, used and valued by the local community as a longstanding guesthouse and entertainment venue. The attachment of the Blue Mountains community to the site has been demonstrated at various stages including the sale of the building in 2003 and 2013 and following recent unauthorised works 2024.*

Criterion (f) Rarity

- *The Clarendon is one of the few surviving examples of Interwar Guesthouses in Katoomba that has continued to operate as such.*
- *The Clarendon is one of the only known examples of an Interwar Guesthouse in the Upper Blue Mountains with continuity of the entertainment function through the years.*
- *The use of river stones in the wall finish was a feature of some of the more rustic earthy bungalows of Jolly and Peddle Thorp but is unusual in a guesthouse.*
- *The chequerboard parquet flooring in the original Ballroom is a rare and distinctive feature of the interior.*

Criterion (g) Representativeness

- *The Clarendon is a fine representative example of an inter-war period guesthouse, with associated entertainment facilities that is moderately intact.*
- *The Clarendon is representative of the 1920s heyday of the Guesthouse in Katoomba and in NSW. It possessed key features of the typology with architectural features deriving from the popular Interwar bungalow styles.*

The independent assessment recommendation for heritage listing aligns with Council's own assessment prepared to support the Interim Heritage Order.

Both heritage assessments are appended to this Planning Proposal.

### Recommendation for Local Heritage Listing

Due to the abovementioned historic, associational, aesthetic, social, and rarity and representative significance of The Clarendon at a local level, Architectural Projects notes that The Clarendon “is suitable for inclusion on the LEP as a local Heritage item.” (page 5, Section 1.0 Executive Summary).

Considering the current change via unauthorised works and a current development application for significant changes to the building and site, the listing of The Clarendon, including its interiors, as a local heritage item, is imperative to ensuring that the landmark presence, Interwar aesthetic and continued social values of the site are retained. Therefore, its listing within Blue Mountains Local Environmental Plan 2015, Schedule 5 is recommended.

### **Heritage Review processes and Minor Housekeeping Amendments**

#### Background to Heritage Review

The Blue Mountains local government area (LGA) is reliant on its heritage for contributions to local character, tourism and its economy, and has approximately 1000 items of local heritage significance, both heritage items and heritage conservation areas. Council is committed to maintaining the accuracy and integrity of the heritage inventory of the Blue Mountains LGA, to support its role as a local government heritage manager.

Council maintains a live list of heritage properties and sites of heritage interest, with the intention of undertaking cyclical reviews and updates of the heritage inventory. Items can be added to this list through identification of properties via community interest or consultation, heritage studies and Heritage Impacts Statements or Conservation Management Plans being prepared, or the identification of errors more generally. Heritage listings may regularly require updating through new information, new development or other changes identified.

A significant update to Schedule 5 of LEP 2015 was finalised in 2019, as Amendment 5 (Heritage Review) to LEP 2015, and the conversion of Period Housing Areas under that LEP to heritage conservation areas, Amendment 6 to LEP 2015.

Consistent with previous heritage amendments, proposed changes to Schedule 5 of LEP 2015 are identified through three categories, new items, deleted items and modified items. This practice is continued with the current proposed amendment.

As part of the proposed listing of The Clarendon as a new local heritage item, minor housekeeping amendments to a small number of items are proposed, to correct previously identified errors and to streamline future heritage amendments.

#### Minor housekeeping amendments

There are thirteen (13) housekeeping amendments which cover a range of minor discrepancies, clarifications and amendments regarding existing items listed within the Blue Mountains LEP 2015 (LEP 2015).

These housekeeping amendments make corrections to the names, addresses, property descriptions or the Heritage Maps of existing heritage items.

Further details regarding these changes are provided within the tables within *Part 2 Explanation of Provisions* of this report.

## PART 1 OBJECTIVES AND INTENDED OUTCOMES

The key objective of this planning proposal is to include 'The Clarendon and interiors' at 68 Lurline Street, Katoomba as a local heritage item within Schedule 5 Environmental Heritage of Blue Mountains Local Environmental Plan 2015 (LEP 2015).

Suburb	Item Name	Current address	Property description	Item Type	Item no
Katoomba	The Clarendon and interiors	68 Lurline Street	L1 DP 900750	Local	K172

The proposal also includes minor changes to a number of existing heritage items for the purposes of housekeeping amendments. These are limited to minor corrections associated with listing descriptions, addresses, mapping extents and lot and DP descriptions.

The heritage and housekeeping amendments are intended to provide protection for the identified heritage values of The Clarendon and its interiors, and to improve the overall operation, accuracy, and interpretation of the heritage provisions within the Blue Mountains LEP 2015.

## PART 2 EXPLANATION OF PROVISIONS

The objectives of the planning proposal will be achieved by amending Schedule 5 Environmental Heritage and the Heritage Maps of *Blue Mountains Local Environmental Plan 2015*.

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

1. Proposed new heritage items (1 item).
2. Proposed modified heritage listings (13 items).

### New Heritage Listing

The following item is proposed to be added to Schedule 5 Part 1 of Blue Mountains LEP 2015. It is accompanied by an independent heritage assessment (Attachment D) and inventory sheet (Attachment E), which provide further information regarding its heritage significance.

Item Type	Item Name	Current address and property description	Suburb	Proposed change and justification
Local	The Clarendon and Interiors	68 Lurline Street Katoomba (L1 DP 900750)	Katoomba	<p>This item is recommended as a new item in Schedule 5 Part 1 of Blue Mountains LEP 2015 and inclusion on the heritage map.</p> <p>The Clarendon is a significant building on the edge of the Katoomba Town Centre.</p> <p>Council commissioned an independent heritage assessment to confirm the heritage significance of the site and building. This assessment found that the building has historic, associational, aesthetic, social, rarity and representative significance at a local level, and as such is suitable for inclusion on the LEP as a local heritage item.</p> <p>For more information regarding this item, refer to the attached independent heritage assessment (Attachment D) and inventory sheet (Attachment E).</p>

### Modified Heritage Listings

The following existing items in Schedule 5 of the Blue Mountains LEP 2015 are proposed to be amended including corrections to item names, addresses, property descriptions and Heritage Maps.

These corrections are intended to improve accuracy and interpretation of the listings.

Each of the below changes which include an amendment to the Heritage Maps are also identified in Attachment G – Heritage Mapping.



Item ID	Item Name	Current address and property description	Suburb	Proposed change and justification
BELL007	Bell Railway Station and interiors	79P Chifley Road (PTT. MS 448.3090)	Bell	Update address to '80 Chifley Road'.  Update property description to 'Lot 1011, DP 1202977'.  The property address and description have been amended since the site's listing. Update to match the current address and property description.
BH173	Shop buildings adjacent to the station and interiors	266 Great Western Highway (Lot 1, DP 776285)	Blackheath	Update address to '255P Great Western Highway'.  Update address (property description) to 'Lot 103, DP 1167899'.  The property address and description have been amended since the site's listing. Update to match the current address and property description.
BH082	Gowan-Brae and garden	24 Shipley Road and 15-15A Staveley Parade (Lot 1, DP 954706; Lots 9 and 10, Section 6, DP 1941)	Blackheath	Update address to '15-15A Staveley Parade and 24 Shipley Road'.  Amend to clarify the main property address being off Staveley Parade.
BH208	Greaves Creek Dam	4 Walls Cave Road  (Part of Lots 1-4, DP 109609)	Blackheath	Update property description to 'Lots 1-3 and Part of Lot 4, DP109609'.  Update to mapping of the item from a dot to indicate entire Lot/ DP.
K049	Blue Mountains District Anzac Memorial Hospital	173-179 and 181 Great Western Highway and 1A and 1W Woodlands Road (Lots A and B, DP 317552; Lots 1 and 2, DP 131070; Lots 3 and 7, DP 1066824; Lot A, DP 397571)	Katoomba	Update address to '173-181 Great Western Highway'.  Error has been identified. Minor address update to match current property details.

Item ID	Item Name	Current address and property description	Suburb	Proposed change and justification
K144	Federation Bungalow	150-152 Lurline Street (Lot 101, DP 606828)	Katoomba	Update address to '150 Lurline Street'.  Error has been identified. Minor address update to match current property details.
K119	House	312 Katoomba Street (Lot A, DP 346541)	Katoomba	Update address to '312A Katoomba Street'.  Update property description to 'Lot B, DP346541'.  Mapping and addressing errors found – referring to the neighbouring property.  Mapping also to be updated. Details provided in Attachment G.
K162	Cascade Creek Dams	100–130 Mort Street,  (Part Lot 1, DP 1041345 and all the piece or parcel of land in the local government area of Blue Mountains, Parish of Blackheath, County of Cook being all the land up to the full supply level of Upper Cascade Dam as defined by a contour RL 975.88 metres above Australian Height Datum within the Katoomba Special Area, which is an area of approximately 21.5 hectares owned by the Crown)	Katoomba	Update address to '100-130 Mort Street and part of 15 North Street'  Update property description to 'Part Lot 1, DP 1041345; Lot 15 DP 1220708'.  Update to mapping of the item from a dot to provide a clear indication of the site's heritage curtilage.
LA103	Early timber shop building and interiors and former residence and interiors	170–174 Leura Mall (Lot A, DP 306845)	Leura	Update address to '170 Leura Mall'.  Update property description to 'Lot 1, DP 1303602'.

Item ID	Item Name	Current address and property description	Suburb	Proposed change and justification
				<p>Update of property address and description due to a subdivision. No. 170-174 Leura Mall was approved for a one into two lot subdivision in 2024 (Council reference S/50/2023).</p> <p>Mapping also to be updated. Details provided in Appendix G.</p>
WL001	St Columba's College (buildings and interiors, grounds, gates and remains of Elmhurst)	168 Hawkesbury Road (Lots 2 and 3, DP 133438)	Springwood	<p>Update property description to 'Lot 7, DP 1227293'.</p> <p>Update to property description due to subdivision. No. 168 Hawkesbury Road was approved for a 2 into 37 lot subdivision in 2015 (Council reference S/30/2013). This was a staged approval with stages 1 &amp; 2 completed.</p> <p>Mapping also to be updated. Details provided in Attachment G.</p>
K133	Steining	116 Lurline Street (Lot 2, Section 1, DP 2410)	Katoomba	<p>The map still identifies the address as 125 Lurline Street. The address and property description were updated in Schedule 5 in a previous amendment; however, the map was not changed.</p> <p>Mapping to be updated. Details provided in Appendix G.</p>
WF110	Anderson Buildings and Interiors	1-8 Station Street (Lots 1 and 2, DP 1017741; Lots A and B, DP 413449)	Wentworth Falls	<p>Update address to '1-3, 4-6, 7, 8 Station Street'. Amend to clarify the understanding as multiple properties within the Anderson Building and Interiors listing.</p> <p>Mapping to be updated. Note that the mapping for item WF111 will also be updated. Details provided in Appendix G.</p>
WL005	Former Newgrove Farm and interiors	14-28 White Cross Road	Winmalee	Update address to '2-28 White Cross Road'.

Item ID	Item Name	Current address and property description	Suburb	Proposed change and justification
		(Lot 201, DP 1115166)		<p>Update property description to 'Lot 100, DP 1268525'.</p> <p>Update to reduce the curtilage around the heritage item to remove the larger site curtilage which has been significantly altered and understanding of the former farm area largely lost. This amendment will also reduce confusion, in regards to the larger shopping complex located on the subject site.</p> <p>Mapping to be updated. Details provided in Appendix G.</p>

## PART 3 JUSTIFICATION

### Section A - Need for the Planning Proposal

**1. *Is the planning proposal a result of an endorsed LSPS, strategic study or report?***

Yes, the planning proposal has been initiated by Council and supports a number of actions in the LSPS (endorsed in 2020). In particular 'Planning Priority 5 – Conserving and enhancing heritage, character and liveability'.

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

Yes, a Planning Proposal is the only means of listing a new heritage item and updating existing items.

### Section B - Relationship to strategic planning framework

**3. *Will the planning proposal give effect to the objectives and actions of the applicable regional or district plan or strategy (including any exhibited draft plans or strategies)?***

This Planning Proposal is not inconsistent with the Greater Sydney Region Plan (2018), the Western City District Plan (2018) and is consistent with the Blue Mountains 2040; Living Sustainably, Council's Local Strategic Plan Statement.

*A Metropolis of Three Cities – The Greater Sydney Region Plan*

A Metropolis of Three Cities is the first Regional Plan developed by the Greater Sydney Commission. The Plan provides a vision and actions for managing growth in Greater Sydney and enhancing its status as a global city. The Plan envisions Sydney as three cities connected by transport links. The Blue Mountains is located in the Western City.

The Planning Proposal is consistent with the following objectives of the Greater Sydney Region Plan:

**Table 2 – Consistency with Greater Sydney Region Plan objectives**

Greater Sydney Region Plan	Consistency
Liveability Objective 13 – Environmental heritage is identified, conserved and enhanced	The planning proposal strengthens protection of environmental heritage by reviewing Schedule 5 heritage items and ensuring the descriptions, addresses and mapping are current and accurate and by adding a new item, giving it legal protection.

*Western City District Plan*

The Western City District Plan provides subregional objectives which stem from the Greater Sydney Region Plan. The document also provides a list of Planning Priorities, these priorities work together to create a liveable, vibrant Western City.

The Planning Proposal is consistent with the following planning priority 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 W6 – Creating and renewing great places and local centres, and respecting the Districts heritage.	<p>The Planning Proposal is consistent with Action No. 21 of the District Plan to Identify, conserve and enhance environmental heritage by</p> <ul style="list-style-type: none"> <li>a. Engaging with the community early in the planning process to understand heritage values and how they contribute to the significance of the place.</li> </ul> <p>The planning proposal intends to review the current schedule 5 heritage items and mapping and add a new item, giving it legal protection.</p>

**1. Is the planning proposal consistent with a council LSPS that has been endorsed by the Planning Secretary or GCC, or another endorsed local strategy or strategic plan?**

Yes, the planning proposal is consistent with Blue Mountains LSPS, Community Strategic Plan and Blue Mountains Heritage Strategy, as assessed below.

Local Strategies	Assessment
Blue Mountains Local Strategic Planning Statement	<p>The LSPS sets out the community shaped vision and local planning priorities for the use of land in the Blue Mountains over the next 20 years. The LSPS includes Local Planning Priority 5:</p> <p><i>Conserving and enhancing heritage, character and liveability.</i></p> <p>The planning proposal ensures accurate documentation and recording of heritage items, which is fundamental to protecting these valued assets.</p> <p>The planning proposal is consistent with the Blue Mountains LSPS.</p>
Blue Mountains Community Strategic Plan	<p>The Blue Mountains CSP, endorsed by Council, identifies the community's main priorities and aspirations and sets the broad strategic direction for Council's long term planning documents. The CSP includes strategy 4.1b:</p> <p><i>Preserve, maintain and enhance the City's unique character, local history and its built, natural and cultural heritage.</i></p> <p>The proposed planning proposal would serve to improve the administration and interpretation of heritage items in the Blue Mountains.</p>

	The planning proposal is consistent with the Blue Mountains Community Strategic Plan.
Blue Mountains Heritage Strategy	<p>The Blue Mountains Heritage Strategy set out a framework for heritage management within the Blue Mountains. The strategy includes Action 3.2:</p> <p><i>Council will continue to protect heritage items and areas of heritage significance by listing those items and areas on the Local Environmental Plan and will commence a new heritage review of local heritage listings to update the Blue Mountains Local Environmental Plan.</i></p> <p>The planning proposal is consistent with the Blue Mountains Heritage Strategy.</p>

**5. Is the planning proposal consistent with any other applicable State and regional studies or strategies?**

No other State or regional studies or strategies are applicable to this planning proposal.

**6. Is the planning proposal consistent with other applicable SEPPs?**

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

Note:

- <sup>1</sup> **Not Relevant:** This SEPP does not apply to land within LEP 2015 Draft Amendment
- <sup>2</sup> **Consistent:** This SEPP applies; LEP 2015 Draft Amendment meets the relevant requirements and is in accordance with the SEPP.
- <sup>3</sup> **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.

<b>State Environmental Planning Policies in force</b>		<b>NOT RELEVANT<sup>1</sup></b>	<b>CONSISTENT<sup>2</sup></b>	<b>JUSTIFIABLY INCONSISTENT<sup>3</sup></b>
SEPP	State Environmental Planning Policy (Biodiversity and Conservation) 2021	✓		
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	✓		

<b><u>State Environmental Planning Policies in force</u></b>		<b>NOT RELEVANT <sup>1</sup></b>	<b>CONSISTENT <sup>2</sup></b>	<b>JUSTIFIABLY INCONSISTENT <sup>3</sup></b>
<b>SEPP</b>	<b>State Environmental Planning Policy (Precincts- Western Parkland City) 2021</b>	✓		
<b>SEPP</b>	<b>State Environmental Planning Policy (Primary Production) 2021</b>	✓		
<b>SEPP</b>	<b>State Environmental Planning Policy (Resilience and Hazards) 2021</b>	✓		
<b>SEPP</b>	<b>State Environmental Planning Policy (Resources and Energy) 2021</b>	✓		
<b>SEPP</b>	<b>State Environmental Planning Policy (Sustainable Buildings) 2022</b>	✓		
<b>SEPP</b>	<b>State Environmental Planning Policy (Transport and Infrastructure) 2021</b>	✓		

This Planning Proposal is consistent with all relevant SEPP's. A summary of compliance with certain SEPP's is provided below.

### **SEPP Exempt and Complying Codes 2008**

This Planning Proposal is consistent with the State Environmental Planning Policy (Exempt and Complying Development) 2008 (Codes SEPP). The Codes SEPP does not permit exempt or complying development on land which is identified as an item of environmental heritage in an environment planning instrument or on land which an environmental heritage item so identified is located.

The proposed heritage listing of 'The Clarendon and Interiors' at 68 Lurline Street, Katoomba would exclude the undertaking of complying development on this property.

Thirteen (13) other properties would be affected by the proposed heritage amendments. However, these properties are already subject to existing heritage listings, preventing the undertaking of complying development. Notwithstanding, four of the proposed modified heritage listings reduce the area affected by the listing. This is due to approved subdivisions or a change of the curtilage of the heritage items. These four modified heritage listings will increase opportunities for complying development on the affected properties, subject to compliance with the other relevant provisions of the Codes SEPP.

### **SEPP Housing 2021**

This Planning Proposal is consistent with the Housing SEPP. With respect to complying development permitted under the Housing SEPP, the proposed heritage amendments would exclude one property from carrying out such development.

For development permitted with consent under the Housing SEPP, the proposed heritage and housekeeping amendments to the Blue Mountains LEP 2015 would not affect the land use zoning or permissible land uses of any property within the Blue Mountains. As such, the proposed amendments would not affect the operation of Housing SEPP provisions which permit the development of residential land uses such as boarding houses, group homes, residential flat buildings or seniors housing.



**7. Is the planning proposal consistent with applicable Ministerial Directions (Section 9.1 Directions) or key government priority?**

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

**Note:**

- <sup>1</sup> **Not Relevant:** This direction does not apply to land within LEP 2015 Draft Amendment
- <sup>2</sup> **Consistent:** This direction applies; LEP 2015 Draft Amendment meets the relevant requirements and is in accordance with the direction.
- <sup>3</sup> **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.

<b>Section 9.1 Ministerial Directions</b>		<b>NOT RELEVANT <sup>1</sup></b>	<b>CONSISTENT <sup>2</sup></b>	<b>JUSTIFIABLY INCONSISTENT <sup>3</sup></b>
<b>1. PLANNING SYSTEMS</b>				
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	✓		
1.21	Implementation of South West Growth Area Structure Plan	✓		
1.22	Implementation of the Cherrybrook Station Place Strategy	✓		
<b>2. DESIGN AND PLACE</b>				
<b>3. BIODIVERSITY AND CONSERVATION</b>				
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	✓		

<b>Section 9.1 Ministerial Directions</b>		<b>NOT RELEVANT<sup>1</sup></b>	<b>CONSISTENT<sup>2</sup></b>	<b>JUSTIFIABLY INCONSISTENT<sup>3</sup></b>
<b>4. RESILIENCE AND HAZARDS</b>				
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	✓		
<b>5. TRANSPORT AND INFRASTRUCTURE</b>				
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	✓		
5.5	High Pressure Dangerous Good Pipelines			
<b>6. HOUSING</b>				
6.1	Residential Zones	✓		
6.2	Caravan Parks and Manufactured Home Estates	✓		
<b>7. INDUSTRY AND EMPLOYMENT</b>				
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	✓		
<b>8. RESOURCES AND ENERGY</b>				
8.1	Mining, Petroleum Production and Extractive Industries	✓		
<b>9. PRIMARY PRODUCTION</b>				
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	✓		

This Planning Proposal is consistent with all relevant Directions by the Minister as detailed below.

#### Direction 1.1 Implementation of Regional Plans

As outlined in Section B, this planning proposal is consistent with the Greater Sydney Regional Plan, particularly the liveability objectives. The proposal seeks to improve the overall operation, accuracy, and interpretation of the Blue Mountains LEP 2015 by ensuring that environmental heritage is properly identified, conserved and enhanced.

#### Direction 3.2 Heritage Conservation

This planning proposal is consistent with the objective of this direction, being *to conserve items, objects and places of environmental heritage significance and indigenous heritage significance*.

Blue Mountains LEP 2015 contains provisions to ensure that existing environmental heritage items, areas, objects or places are conserved. The planning proposal intends to meet this objective by adding one (1) new item to Schedule 5 and correcting current inaccuracies in thirteen (13) heritage listings and making changes to the LEP heritage mapping. The new listing of The Clarendon at 68 Lurline Street Katoomba will give the

item statutory protection and require any development application on, or in the vicinity of the site, to consider and manage and heritage impacts.

The planning proposal is considered to be consistent with this Direction.

### Direction 3.3 Sydney Drinking Water Catchment

The new item, being The Clarendon, and many revised heritage items in this Planning Proposal are within the Sydney Water Catchment. The planning proposal does not seek to change the zoning or permissible land uses on the sites subject to this amendment. The proposed amendment does not impact on the ability of future development applications to achieve a neutral or beneficial effect on water quality.

Council has commenced consultation with WaterNSW, with the draft Planning Proposal being referred on 4 December 2024.

WaterNSW provided initial feedback, seeking amendments to the curtilage of two existing local heritage items, being Greaves Creek Dam (BH208) and Cascade Creek Dam (K162) on the relevant heritage maps. This follows from previous correspondence from Water NSW in 2022 as part of an earlier heritage review.

Council's heritage staff have undertaken a review of the proposed mapping and property description amendments and have no objection given the minor nature of these changes. These items and proposed changes are included in the list of proposed changes to Schedule 5 of LEP 2015 and the LEP heritage maps (as referenced in Part 2 of the Planning Proposal).

WaterNSW have advised that other than the abovementioned issue with the dams listings, the remaining items do not raise any issues for WaterNSW. The agency has requested a further consultation opportunity when the planning proposal is publicly exhibited, in relation to the dams.

### Direction 4.3 Planning for Bushfire Protection

Many of the items identified to be revised in this Planning Proposal are located on Bush fire Prone Land. The planning proposal does not increase or enable development on bushfire land and will not change any other provision applicable to that land. As such, it is consistent with this direction.

## **Section C - Environmental, Social and Economic Impact**

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

The planning proposal will not impact any critical habitat, threatened species, populations or ecological communities, or their habitats as a result of any changes to heritage listing status of the included properties. The level of protection afforded to critical habitat, threatened species populations or ecological communities will be maintained as a result of this amendment.

### **9. Are there any other likely environmental effects of the planning proposal and how are they proposed to be managed?**

There are no environmental effects envisaged as a result of the inclusion or amendment of the identified heritage items in Schedule 5 in LEP 2015.

### **10. Has the planning proposal adequately addressed any social and economic effects?**

This planning proposal has positive social effects in accurately recognising and protecting the local cultural heritage significance of the heritage items for the benefit of the broader community.

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

#### **Section D – Infrastructure (Local, State and Commonwealth)**

##### **11. Is there adequate public infrastructure for the planning proposal?**

The proposed amendments sought in this planning proposal will not require the provision of additional public infrastructure.

#### **Section E –State and Commonwealth Interests**

##### **12. What are the views of state and federal public authorities and government agencies consulted in order to inform the Gateway determination?**

Should the Planning Proposal proceed to public exhibition, consultation with agencies nominated by the Department of Planning, Housing and Infrastructure will be carried out in accordance with the requirements of a Gateway Determination.

## **PART 4 MAPPING**

The planning proposal seeks to amend the Blue Mountains LEP 2015 Heritage Mapping.

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

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

As noted in Part 3, the mapping includes the mapping of one (1) proposed new item and in some cases, modifying the mapping of eight (8) existing items.

The mapping changes are included in this planning proposal via separate upload to the planning portal.

## **PART 5 COMMUNITY CONSULTATION**

The Planning Proposal and draft LEP amendments will be publicly exhibited for a period of least 28 days or in accordance with the Gateway Determination and Council's Community Participation Plan. Notification will be in accordance with the directions of the Gateway Determination. Notification of the Proposal will also be placed in the local newspaper and the exhibition material available made available on Council's Have Your Say website as well as hard copies at Council's customer service centres.

At the conclusion of the exhibition period, a report will be presented to Council detailing the submissions received and any further changes proposed in response to submissions.

## PART 6 PROJECT TIMELINE

Stage	Timeframe	
Report to Council on proposed Interim Heritage Order over The Clarendon, 68 Lurline Street, Katoomba	30 July 2024	Complete
Government Gazettal of Interim Heritage Order over The Clarendon, 68 Lurline Street, Katoomba	<b>2 August 2024</b>	Complete
Preparation and finalisation of independent heritage assessment of The Clarendon	September-October 2024	Complete
Report to Council on results of independent heritage assessment of The Clarendon	26 November 2024	Complete
Consideration of draft Amendment 23 to LEP 2015 by the Local Planning Panel	18 Dec 2024	Complete
Consultation with WaterNSW	Nov-Dec 2024	Complete
Consideration of draft Amendment 23 to LEP 2015 by Council at Ordinary Council Meeting of 28 January 2025	28 Jan 2025	Complete
Council decision to proceed with Gateway application	28 Jan 2025	Complete
Gateway determination	February / March 2025	Projected
Commencement and completion of public exhibition period	March / April 2025	Projected
Post-exhibition review and consideration of submissions	April / May 2025	Projected
Council meeting to resolve to proceed with final draft Amendment 23 to LEP 2015	May / June 2025	Projected
Submission to the Department for Finalisation	May / June 2025	Projected
Gazettal of LEP amendment	2 August 2025 (IHO requires listing to be made by 2 August 2025)	Projected

## PART 7 ATTACHMENTS

Attachment

### Document

Report to Council – 'Interim Heritage Order – The Clarendon, Lurline Street Katoomba', Ordinary Meeting, 30 July 2024	A
Attachment to 30 July 2024 Council report, Draft heritage inventory sheet for The Clarendon, prepared by Council's heritage team	B
Report to Council – 'The Clarendon – Report on Independent Heritage Assessment, Ordinary Meeting, 26 November 2024	C
Independent Heritage Assessment – 'The Clarendon' 68 Lurline Street, Katoomba prepared by Architectural Projects, October 2024	D
Revised Draft - The Clarendon and Interiors Heritage Inventory Sheet	E
Track changes to Schedule 5 of Blue Mountains LEP 2015	F
Heritage Mapping excerpts from LEP 2015 Heritage Mapping	G
Consultation letter from WaterNSW dated 6 January 2025	H
Report to Council – 'Amendment 23 to LEP 2015 – The Clarendon and Heritage Housekeeping Planning Proposal', Ordinary Meeting, 28 January 2025	I
Blue Mountains City Council Minutes of Ordinary Meeting of Council, 28 January 2025, Minute 12	J