

6 January 2025

Contact: Stuart Little
Telephone: 0436 948 347
Our ref: D2024/134296

Ms Jane Hetherington
Senior Strategic Planner
Blue Mountains City Council
Locked Bag 1005
Katoomba NSW 2780

RE: Consultation on Draft Planning Proposal – The Clarendon and Heritage Housekeeping amendments

Dear Ms Hetherington,

Thank you for your emails of 4 and 18 December 2024 referring the Draft Planning Proposal for '*The Clarendon' and Heritage Housekeeping Amendments* for our consideration and advice. The Proposal seeks to add a new item to Schedule 5 of the Blue Mountains Local Environmental Plan 2015 (LEP) and modify the details of thirteen (13) other existing heritage items to correct minor, non-significant errors and improve clarity.

We provide this advice on the latest version of the document (provided to us on 18 December 2024) which includes new mapping of the curtilages for the current heritage listings for Cascades Creek Dam (Item K162) and Greaves Creek Dam (Item BH208), which we own and manage. These listings are currently depicted in the heritage maps of the LEP by points rather than polygons. We note that the proposed mapping aligns with the mapping information we have provided to Council with regard to these items.

Cascades Creek Dams

The Proposal seeks to update the property description of Cascades Creek Dams as well as update the mapping from a point to a polygon. The address is proposed to be updated to reference part of 15 North Street as well as 100-130 Mort Street (as currently exists) while the property description is to be simplified to read 'Part Lot 1, DP 1041345; Lot 15 DP 1220708'.

We note and agree that the proposed change in mapping reflects the mapping we have provided to Council. However, if the new proposed property description progresses, it won't match the mapping.

In terms of the property description, we agree to including the reference to 'Part Lot 1 DP 1041345' (as currently occurs), however we are unable to locate Lot 15 DP 1220708 on the cadastre. Earlier advice from our Property Team in 2020 advised that they were unable to identify the presence and location of Lot 15. We believe that Lot 15 does not exist and that the southern portion of the mapped area actually covers a multitude of lots (please see Attachment 1 for relevant snip). This is why the current Schedule 5 property description has been crafted to read the way it does, referring to the full supply level (FSL) of the Upper Cascade Dam rather than the property description including references to parts of all the affected lots.

In light of the above, we do not support the proposed change in the property description and corresponding change in address for the Cascades Creek Dams listing. We request that the current property and address description to remain as currently stated in the LEP.

Greaves Creek Dam

For the Greaves Creek Dam listing, it is proposed to update the mapping from a dot to indicate the 'entire Lot/DP' of the area. We note and agree that the proposed change in mapping reflects the mapping we have provided to Council. The Planning Proposal describes the proposed change and justification as being 'Update to mapping of the item from a dot to indicate entire Lot/DP' (i.e. Lots 1-4 DP 109609). Having further checked the mapping against the property description, the Planning Proposal should also include a slight refinement to the property description to clarify that the listing concerns all Lots 1-3 and Part of Lot 4 DP 109609 rather than 'Part of Lots 1-4' as currently occurs.

Other

We have reviewed the information having regard to s 9.1 Ministerial Direction 3.3 Sydney Drinking Water Catchment and any implications for our land and assets. Most of the sites occur within (or partly within) the Sydney Drinking Water Catchment. The Proposal notes that it is consistent with Direction 3.3. We agree with this conclusion and make the following additional comments:

- The Proposal includes reference to the consultation that has already occurred with WaterNSW regarding the Greaves Creek Dam and Cascades Creek Dam listings, and the resulting inclusion of the amendments proposed for these items. We note and support that statement made.
- Strategic Land and Water Capability (SLWCA) maps are not relevant to the Planning Proposal in this instance given that the Proposal only concerns heritage amendment updates.
- New heritage listings generally reduce the availability of the 'complying development' pathway. For those heritage items on private land, new development will have to pass through the full Part 4 *Environmental Planning and Assessment Act 1979* development assessment process. This in turn means that Parts 6.2 and 6.5 of State Environmental Planning Policy (Biodiversity and Conservation) 2021 will apply, including the requirement for new development to have a neutral or beneficial effect (NorBE) on water quality. The Proposal helps protect water quality by ensuring that the NorBE test is not bypassed in the development assessment process.
- Other than the Cascades Creek Dams and Greaves Creek Dams listings, the remaining items do not implicate WaterNSW land or assets.
- The Introduction to the Proposal could be amended to indicate that changes to the associated heritage maps are required. Also, while the Proposal later flags that changes to such maps are required for the modifications to the *existing* listings, the 'Proposed change and justification' for the 'The Clarendon' (P. 8) should also indicate that a change to the relevant heritage map is required.

We would like to work with Council to reconcile the property description for the Cascades Creek Dams listing before the Proposal goes to Gateway. We also request that we be further consulted when the Proposal is publicly exhibited so we know how the property descriptions for our land and assets are being put forward.

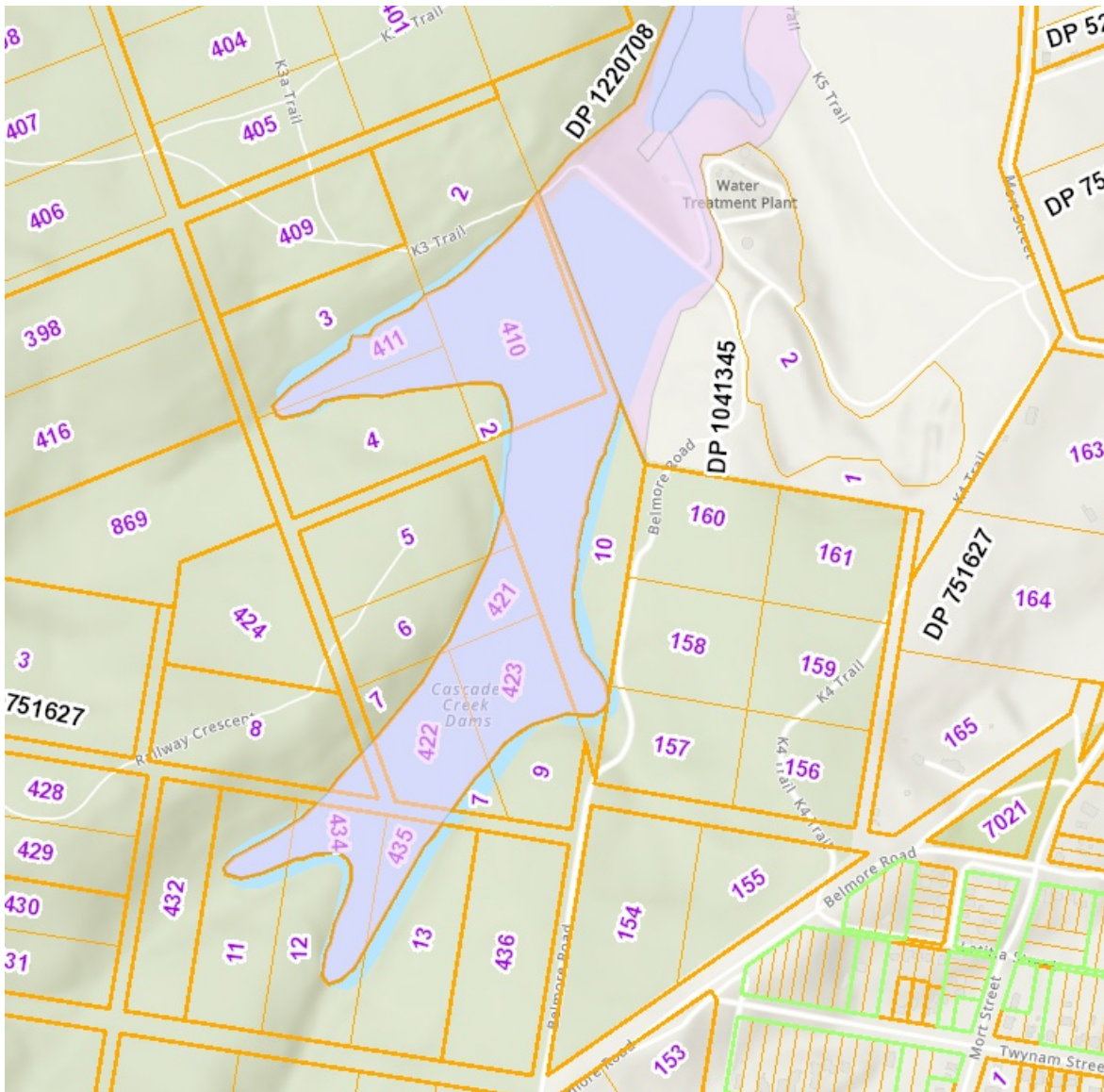
Should you have any questions regarding this letter, please contact Stuart Little (stuart.little@waterNSW.com.au).

Yours sincerely,



ALISON KNIHA
Environmental Planning Assessments & Approvals Manager

ATTACHMENT 1. Cascades Creek Dams



Map 1. Snip of Cadastre showing the multiplicity of Lots implicating the Upper Cascades Creek Dam area of the Cascades Creek Dams listing.