



New South Wales

# **Blue Mountains Local Environmental Plan 2005 (Amendment No 5)**

under the

Environmental Planning and Assessment Act 1979

I, the Minister for Planning, make the following local environmental plan under the *Environmental Planning and Assessment Act 1979*. (P97/00010/S69)

FRANK SARTOR, M.P.,  
Minister for Planning

## 2008 No 49

Clause 1 Blue Mountains Local Environmental Plan 2005 (Amendment No 5)

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# Blue Mountains Local Environmental Plan 2005 (Amendment No 5)

under the

Environmental Planning and Assessment Act 1979

### 1 Name of plan

This Plan is *Blue Mountains Local Environmental Plan 2005 (Amendment No 5)*.

### 2 Aims of plan

This Plan aims:

- (a) to include the land to which this Plan applies in the planning framework of *Blue Mountains Local Environmental Plan 2005 (the **Principal Plan**)* by rezoning it from partly Zone No 5 (d) Special Uses “D” and Zone No 6 (c) Recreation Private under *Blue Mountains Local Environmental Plan No 4* to Recreation—Private under the Principal Plan, and
- (b) to ensure that development on that land enhances existing residential development, meets the needs of current and future residents and responds to the land’s surroundings in an established character precinct of Leura, and
- (c) to establish a precinct that allows the development of accessible housing in accordance with specific design requirements to meet the above aims, and
- (d) in respect of the former Leura Golf Clubhouse:
  - (i) to discontinue its identification as a heritage item, based on a review of its heritage significance, and
  - (ii) to ensure its retention and maintenance for use as a community facility and in recognition of its contribution to the streetscape character of the locality.

### 3 Land to which plan applies

This Plan applies to the land shown by distinctive colouring, edging and annotation on the map marked “Blue Mountains Local Environmental Plan 2005 (Amendment No 5)” deposited in the offices of the Council and being 19–21 Fitzroy Street, Leura (Lot 1, DP 718861).

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**4 Amendment of Blue Mountains Local Environmental Plan 2005**

*Blue Mountains Local Environmental Plan 2005* is amended as set out in Schedule 1.

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Schedule 1 Amendments

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### Schedule 1 Amendments

(Clause 4)

#### [1] Schedule 4 Locality management within Recreation Zones

Insert after Division 2 of Part 1:

#### **Division 3      Leura Precinct RP-LE01—Former Golf Clubhouse Precinct**

##### **1 Consideration of precinct**

- (1) This Division applies to land shown edged heavy black on the locality plan below, named “Leura Precinct RP-LE01—Former Golf Clubhouse Precinct” and shown by distinctive edging and annotated “RP-LE01” on Map Panel A (referred to in this Division as the *Former Leura Golf Clubhouse Precinct*).



**Leura Precinct RP-LE01—Former Leura Golf Clubhouse Precinct**

- (2) Consent must not be granted to development on land to which this Division applies unless the proposed development:
  - (a) is consistent, to the satisfaction of the consent authority, with the precinct objectives in achieving the precinct vision statement set out in clause 2, and
  - (b) complies with the building envelope requirements set out in clause 3, and
  - (c) complies with the character preservation requirements set out in clause 4, and

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- (d) is consistent, to the satisfaction of the consent authority, with the design considerations set out in clause 5.

### 2 Desired future character

#### (1) Precinct vision statement

Formerly the site of the Leura Golf Clubhouse and Bowling Club, which has its origins in the early twentieth century, the Former Leura Golf Clubhouse Precinct is in an area of Leura recognised for its streetscape character, landscaped garden setting and areas of older housing. The site has a prominent position on the tourist route between the Leura town centre and Sublime Point.

Development in the precinct accommodates accessible housing and a range of services and facilities to meet the needs of residents. Future housing development should contribute to providing a quality living environment for older people, with access to necessary services and facilities. As the focal element of the precinct, the former Leura Golf Clubhouse should be retained as a facility for residents and in recognition of its contribution to the streetscape.

The precinct contributes to the character of the locality by establishing a landscape setting and gardens within building setbacks and common open space. Buildings respect the scale and architectural form of surrounding development through articulated roof forms and floor plans and by presenting a generally single-storey appearance.

#### (2) Precinct objectives

- (a) To enable the provision of accessible housing with a building form and scale consistent with residential character in the locality and utilising the facilities provided by the former Leura Golf Clubhouse.
- (b) To ensure the retention and enhancement of the former Leura Golf Clubhouse for use as a community facility and in recognition of its contribution to the streetscape character of the locality.
- (c) To minimise the impact of development on the environment and on residential amenity through appropriate siting and design of buildings.
- (d) To maintain and improve streetscape character by establishing a landscaped garden setting, consistent with the settings of residential and other land uses in the locality.

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### 3 Building envelope

#### (1) Building height

- (a) A maximum building height of 6.0m and a maximum height at eaves of 4.5m applies to any building:
  - (i) fronting Fitzroy Street, or
  - (ii) that is on a lot adjoining the Living—Conservation zone if the building, or any part of the building, is within 12m of the boundary with that zone, or
  - (iii) within 50m of the southernmost boundary of the Former Leura Golf Clubhouse Precinct.
- (b) A maximum building height of 8m and a maximum height at eaves of 6.5m applies to any building other than a building specified in paragraph (a).
- (c) The height of a building fronting Fitzroy Street may be measured from the finished ground level of the bowling green (rather than from street level):
  - (i) if measuring from that level is necessary to preserve the landscape setting of the building or to enhance the relationship of the building to Fitzroy Street by limiting the visual prominence of its roof structure, and
  - (ii) provided that the building will have a single-storey appearance from Fitzroy Street.

#### (2) Building setback

- (a) Buildings fronting Fitzroy Street must have a setback of not less than 12m and not more than 15m.
- (b) Buildings fronting Gladstone Road must have a setback of not less than 8m.
- (c) No buildings may be located between the former Leura Golf Clubhouse and Fitzroy Street, in an area extending 10m from the outermost walls of the Clubhouse.
- (d) A building on land that adjoins the Living—Conservation zone or the golf course must have:
  - (i) if the building has a building height of 6m or less—an average setback of not less than 4.5m, or
  - (ii) if the building has a building height greater than 6m—an average setback of not less than 6m.

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- (e) A building may only be located within 50m of the southernmost boundary of the Former Leura Golf Clubhouse Precinct if the building:
  - (i) has a setback of at least 10m from that boundary, and
  - (ii) maintains adequate view lines from each adjoining property on land in the Living—Conservation zone to the golf course, and
  - (iii) contains no more than two dwellings, and
  - (iv) provides a transition in terms of bulk, scale and form between development within the precinct and the housing forms on land in the adjoining Living—Conservation zone.

### (3) Site coverage

- (a) Except as provided by paragraph (b), the maximum site coverage for buildings (including ancillary buildings, swimming pools and tennis courts) is 30 per cent of the total precinct area.
- (b) The maximum site coverage for buildings located within 50m of Fitzroy Street is 1,000 square metres (excluding the site coverage of any building existing on the appointed day).
- (c) The minimum area to be retained as soft, pervious or landscaped areas (excluding hard surfaces) is 55 per cent of the total precinct area.

### (4) Development density

- (a) The maximum floor space ratio for development is 0.4:1.
- (b) When calculating floor space ratio for the purposes of paragraph (a), the consent authority may exclude up to 50 per cent of the gross floor area of the former Leura Golf Clubhouse (calculated as at the appointed day) in order to encourage the retention of the Clubhouse as a common facility for residents and an integral component of the streetscape.

## 4 Character preservation

- (1) In its consideration of the matters set out in Division 3 (Character and landscape assessment) of Part 3 of this Plan in connection with an application for consent to carry out development for the purposes of a building fronting Fitzroy Street, the consent



authority must consider whether the building will reflect architectural features that are typical of Blue Mountains cottages.

- (2) Buildings fronting Fitzroy Street must:
  - (a) have an individual dwelling identity and street address, and
  - (b) not exceed 15m in width or depth, and
  - (c) have a landscape setting that enables planting to the front and sides of each building, and
  - (d) incorporate articulated floor plans and roof forms, and
  - (e) incorporate shady eaves and verandahs.
- (3) Development on land in the Former Leura Golf Clubhouse Precinct must not have a detrimental effect on the contribution of the former Leura Golf Clubhouse to the streetscape and character of the locality.
- (4) Consent for development on land in the Former Leura Golf Clubhouse Precinct may be granted subject to a condition that requires the creation of a restrictive or positive covenant that provides for the retention and continued maintenance of the former Leura Golf Clubhouse, but this subclause does not:
  - (a) limit the kinds of conditions that may be imposed on a development consent, or
  - (b) allow conditions to be imposed on a development consent otherwise than in accordance with the Act.
- (5) Consent must not be granted for development involving the demolition of the exterior, or part of the exterior, of the former Leura Golf Clubhouse unless the consent authority is satisfied that the building, or part of the building, proposed for demolition, is:
  - (a) structurally unsound (on the basis of documentary evidence), and
  - (b) not economically repairable (on the basis of documentary evidence prepared by a suitably qualified person that demonstrates that the cost of the repair would exceed the value of the repaired building).

## **5 Design considerations**

- (1) **Built form and landscape setting**
  - (a) Built forms must provide a transition from larger buildings in the centre of the Former Leura Golf Clubhouse Precinct

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to domestic scale cottages, as viewed from the golf course and any public place.

- (b) Except as provided by paragraph (c), buildings must have pitched tiled roofs, with materials and form that complement the former Leura Golf Clubhouse.
- (c) Low pitched decked roofs are permissible to internal roof areas of buildings if they are not visible from a public place or from adjacent properties.
- (d) Soil within the Fitzroy Street front building setback must be remediated to provide a deep planting zone, which must be planted to provide a garden setting that will make a significant contribution to the streetscape within 10 to 15 years.
- (e) Buildings should reflect the principles of water sensitive urban design.
- (f) A landscaped screen sufficient to separate the site from existing residential properties on land in the Living—Conservation zone and the golf course must be provided along the perimeter of the shared boundaries.
- (g) Buildings must not reduce solar access below 3 hours between the hours of 9am to 3pm on 21 June for any dwellings existing on the appointed day.
- (h) A variety of heights and forms must be incorporated, and varied setbacks encouraged.

### (2) Vehicular access

- (a) Vehicular access to the precinct must be limited to a single point of access to Fitzroy Street.
- (b) Vehicular access, parking and garages for dwellings fronting Fitzroy Street must be located to the rear of the former bowling green to minimise visibility from the street.

### [2] Schedule 6 Heritage

Omit the following matter from under the heading “**Leura**” in Part 1 (Heritage Items) of the Schedule:

19–21 Fitzroy Street	Former Leura Golf Club House	LA032
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Amendments

Schedule 1

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**[3] Dictionary**

Insert in appropriate order in the definition of *the Map*:

Blue Mountains Local Environmental Plan 2005 (Amendment No 5).