



New South Wales

Blue Mountains Local Environmental Plan 2015 (Amendment No 3)

under the

Environmental Planning and Assessment Act 1979

The following local environmental plan is made by the local plan-making authority under the *Environmental Planning and Assessment Act 1979*.

ANN-MAREE CARRUTHERS

As delegate for the Greater Sydney Commission

Blue Mountains Local Environmental Plan 2015 (Amendment No 3)

under the

Environmental Planning and Assessment Act 1979

1 Name of Plan

This Plan is *Blue Mountains Local Environmental Plan 2015 (Amendment No 3)*.

2 Commencement

This Plan commences on the day on which it is published on the NSW legislation website.

3 Land to which Plan applies

This Plan applies to all land to which *Blue Mountains Local Environmental Plan 2015* applies.

4 Maps

The maps adopted by *Blue Mountains Local Environmental Plan 2015* are amended or replaced, as the case requires, by the maps approved by the local plan-making authority on the making of this Plan.

Schedule 1 Amendment of Blue Mountains Local Environmental Plan 2015

[1] Clause 2.1 Land use zones

Insert in appropriate order in clause 2.1:

SP3 Tourist

[2] Land Use Table

Insert in appropriate order in the Land Use Table:

Zone SP3 Tourist

1 Objectives of zone

- To provide for a variety of tourist-oriented development and related uses.
- To provide tourist development that is compatible with the environmental, scenic and landscape qualities of the area.
- To enable other uses that complement tourist development without eroding the retail hierarchy of the local centres and villages.
- To promote a high standard of urban design and amenity in a high-quality landscape setting.
- To protect, manage and restore areas of high ecological, scientific, cultural or aesthetic values.

2 Permitted without consent

Environmental protection works

3 Permitted with consent

Amusement centres; Building identification signs; Business identification signs; Camping grounds; Caravan parks; Cellar door premises; Community facilities; Eco-tourist facilities; Educational establishments; Entertainment facilities; Environmental facilities; Food and drink premises; Function centres; Information and education facilities; Kiosks; Markets; Recreation areas; Recreation facilities (indoor); Recreation facilities (major); Recreation facilities (outdoor); Roads; Tourist and visitor accommodation

4 Prohibited

Any development not specified in item 2 or 3

[3] Clause 4.3A Exceptions to the maximum floor space ratio and height of buildings

Insert after clause 4.3A (8):

- (9) Development consent may be granted to the erection of a building on land at 119 Cliff Drive, Katoomba, being Lot 5, DP 222736, that exceeds the maximum height shown for the land on the Height of Buildings Map if the consent authority is satisfied that:
 - (a) the part of the building that exceeds that maximum height is not visible from any of the following:
 - (i) Cliff Drive,
 - (ii) any public place,

- (iii) Blue Mountains National Park, and
- (b) the building has a height of no more than 10 metres.

[4] Clause 7.2 Blackheath Precinct

Insert after clause 7.2 (5):

- (6) The objectives for development on land identified as “Blackheath Precinct R1-BH06” on the Built Character Map are as follows:
 - (a) to ensure that established historic gardens are retained and landscape settings are re-established as part of any development of land, including development involving major alterations and additions,
 - (b) to minimise and mitigate the impact of development as viewed from any public place, including the adjoining public reserve to the north of the land,
 - (c) to minimise and mitigate the impact of development on land in Zone E2 Environmental Conservation,
 - (d) to preserve and re-establish native bushland in those areas adjoining land in Zone E2 Environmental Conservation where it is consistent with the protection of assets from bush fire,
 - (e) to ensure that development is dispersed across the land to achieve a landscaped park setting.

[5] Clause 7.6 Katoomba Precinct

Insert after clause 7.6 (18):

- (19) The objectives for development on land identified as “Katoomba Precinct R1-KA19” on the Built Character Map are as follows:
 - (a) to retain the mature trees on the land and retain and enhance the garden setting as viewed from Echo Point Road and Forester Road,
 - (b) to provide on-site parking that does not dominate the street frontage and that is integrated with the design of surrounding garden areas,
 - (c) to ensure that development complements and is sympathetic to the heritage significance of neighbouring heritage items and areas,
 - (d) to promote high levels of residential amenity for any future residents and existing neighbouring properties.
- (20) The objectives for development on land identified as “Katoomba Precinct RE2/SP3-KA20” on the Built Character Map are as follows:
 - (a) to minimise and mitigate the impact of development on land in Zone E1 National Parks and Nature Reserves and Zone E2 Environmental Conservation,
 - (b) to minimise and mitigate the impact of development as viewed from any public place, including but not limited to Echo Point,
 - (c) to protect the amenity of adjacent residential areas,
 - (d) to maintain existing pedestrian access between the Scenic World site and existing walking tracks in the adjoining national park.

[6] Clause 7.8 Leura Precinct

Insert after clause 7.8 (6):

- (7) The objectives for development on land identified as “Leura Precinct SP3-LE07” on the Built Character Map are as follows:
 - (a) to minimise and mitigate the impact of development on land in Zone E1 National Parks and Nature Reserves and Zone E2 Environmental Conservation,
 - (b) to minimise and mitigate the impact of development as viewed from any public place, including but not limited to the Blue Mountains National Park.
- (8) The objectives for development on land identified as “Leura Precinct R1-LE08” on the Built Character Map are as follows:
 - (a) to ensure that established gardens are retained or landscape settings are re-established as part of any development of the land, including development involving major alterations and additions,
 - (b) to provide on-site parking that does not dominate the street frontage and that is integrated with the design of surrounding garden areas,
 - (c) to promote high levels of residential amenity for any future residents and existing neighbouring properties.

[7] Clause 7.9

Omit the clause. Insert instead:

7.9 Medlow Bath Precinct

The objectives for development on land identified as “Medlow Bath Precinct SP3-MB01” on the Built Character Map are as follows:

- (a) to encourage development that complements and is sympathetic to the heritage significance of the Hydro Majestic,
- (b) to encourage development that maintains the Hydro Majestic as the predominant feature in the precinct,
- (c) to minimise the impact of development on escarpment areas,
- (d) to minimise and mitigate the impact of development on land in Zone E2 Environmental Conservation,
- (e) to enhance the traditional streetscape character and gardens that contribute to the attraction of the area for residents and visitors,
- (f) to provide for low-impact development adjacent to residential areas and areas with special ecological, scientific or aesthetic values.

[8] Part 8

Insert after Part 7:

Part 8 Site specific provisions

8.1 Preservation of certain existing landscaped area

- (1) The objective of this clause is to preserve the existing landscaped area on the land to which this clause applies.
- (2) This clause applies to land at 132–174 Govetts Leap Road, Blackheath, being Lot 1, DP 840261.

- (3) Development consent must not be granted to development on land to which this clause applies unless at least 75% of the land will be preserved as pervious area.
- (4) In this clause:
pervious area means any part of a site on which water infiltrates into the subsoil, excluding any area of land used as a driveway or any other hard surface (other than rainwater tanks, unroofed areas of spaced decking and swimming pools).

[9] Schedule 1 Additional permitted uses

Insert at the end of the Schedule:

17 Use of certain land at 4–12 Violet Street, Katoomba

- (1) This clause applies to land at 4–12 Violet Street, Katoomba, being Lot 1, DP 1034347 (other than land within Zone E2 Environmental Conservation).
- (2) Development for the purpose of tourist and visitor accommodation is permitted with development consent.

18 Use of certain land at 67–69 Prince Edward St, Blackheath

- (1) This clause applies to land at 67–69 Prince Edward St, Blackheath, being Lots 1 and 2, Sec 16, DP 758115 and Lots 8–10, DP 131091.
- (2) Development for the purpose of an eco-tourist facility is permitted with development consent.

19 Use of certain land at 74 Gladstone Road, 3 Chambers Road and 16–18 and 20–28 Fitzroy Street, Leura

- (1) This clause applies to land at 74 Gladstone Road, 3 Chambers Road and 16–18 and 20–28 Fitzroy Street, Leura, being Lots 3 and 8–14, Sec 1, DP 4305, Lots A–D, DP 385345, Lot 1, DP 1116868, Lot 1, DP 940336, Lot 2, DP 184184, Lot 3, DP 1097665, Lot A, DP 315787 and Lot A, DP 414796.
- (2) Development for the purpose of an educational establishment is permitted with development consent.