



New South Wales

Blue Mountains Local Environmental Plan 2015 (Amendment No 11)

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*.

ROSEMARY DILLON, CHIEF EXECUTIVE OFFICER
BLUE MOUNTAINS CITY COUNCIL
As delegate for the local plan-making authority

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1 Name of Plan

This Plan is *Blue Mountains Local Environmental Plan 2015 (Amendment No 11)*.

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

Schedule 1 Amendment of Blue Mountains Local Environmental Plan 2015

[1] Clause 6.25 Dwelling houses on land in Zone E2

Insert “that is contiguous to the dwelling house” after “ancillary development” in clause 6.25(2).

[2] Clause 6.25(2)(b)

Omit “within 10 metres of the boundary of the”. Insert instead “on a lot that contains”.

[3] Clause 6.25(2)(b)

Insert “(*non-Environmental Conservation land*)” after “Living”.

[4] Clause 6.25(2)(ba) and (bb)

Insert after clause 6.25(2)(b)—

- (ba) the development, except development for the purpose of a driveway, sewerage system or asset protection zone, will be located within 10 metres of the boundary of the land in Zone E2 Environmental Conservation and non-Environmental Conservation land, and
- (bb) any clearing of vegetation on land in Zone E2 Environmental Conservation for the establishment of an asset protection zone is appropriate, because—
 - (i) there is no practicable alternative to the clearing in relation to the design, type and site coverage of the development, including measures required to protect life and property from the threat of bush fire, and
 - (ii) the clearing is reasonably necessary to protect the dwelling house from the threat of bush fire, and
 - (iii) the clearing is designed and sited to avoid or minimise an adverse environmental impact.

[5] Schedule 1 Additional permitted uses

Omit “within 2 years after the commencement of this Plan,” from clause 4(3)(a).

[6] Schedule 1, clause 4(3)(b)

Omit “has been substantially”. Insert instead “will be”.

[7] Schedule 2 Exempt development

Omit “(When this Plan was made this Schedule was blank)”. Insert instead—

Fences on land in Zone E4 Environmental Living

- (1) Must be on land in Zone E4 Environmental Living.
- (2) Must not be on a lot, or along a common boundary of a lot, that contains a heritage item or a draft heritage item.
- (3) Must not be along the boundary of, or within the setback area of, a primary or secondary road within a heritage conservation area or draft heritage conservation area.
- (4) Must not be on a flood control lot.
- (5) Must not be higher than 1.8m above ground level (existing).

- (6) Must not be of masonry construction to a height that is more than 1.2m above ground level (existing).
- (7) Despite subclauses (5) and (6), if the fence is erected on a sloping site and stepped to accommodate the fall in the land—
 - (a) a fence that is required to be not more than 1.2m above ground level (existing) must not be more than 1.5m above ground level (existing) at each step, and
 - (b) a fence that is required to be not more than 1.8m above ground level (existing) must not be more than 2.2m above ground level (existing) at each step.
- (8) If it includes an entrance gate—must not have a gate that opens outwards.
- (9) If it is located in a core koala habitat or potential koala habitat within the meaning of the *State Environmental Planning Policy (Koala Habitat Protection) 2020* or in a movement corridor used by koalas—must be constructed or installed in accordance with any relevant council policy or guideline under that Policy.
- (10) If it is located on bush fire prone land—must be constructed of non-combustible materials or hardwood.
- (11) If it is constructed of metal components—must be of low reflective, factory pre-coloured materials.
- (12) Must not be an electrical fence or use barbed wire.
- (13) If located along the boundary of, or within the setback area to, a primary or secondary road—
 - (a) must not be more than 1.2m above ground level (existing), and
 - (b) must be open for at least 20% of the area of the fence that is more than 40mm above ground level (existing), with any individual solid element of the fence above this height being no more than 350mm in width with a minimum aperture of 25mm.
- (14) If a lot has a frontage to a secondary road or roads, subclause (13) only applies to 50% of the length of all contiguous secondary road boundaries, measured from the corner with the primary road boundary.
- (15) Subclause (13)(b) does not apply to the part of the fence along the side boundary and within the setback area to the primary road.

Rainwater tanks (above ground) on land in Zone E4 Environmental Living

- (1) Must be on land in Zone E4 Environmental Living.
- (2) Maximum number—2 per lot.
- (3) Must not have a capacity more than 10,000L.
- (4) If the tank has a height of more than 1.8m above ground level (existing)—must be located at least 900mm from each lot boundary.
- (5) Must be located behind the building line of any road frontage.
- (6) Must not rest on the footings of an existing building for support.
- (7) Must not require cut and fill of more than 1m below or above ground level (existing).
- (8) Must be fitted with a screened rain head designed to ensure self-cleaning and prevent leaf litter entering into the water tank.

- (9) Must be fitted with a first-flush device incorporating an automatic resetting valve that causes initial run-off rainwater to bypass the tank.
- (10) Must be constructed or installed with inlets and outlets designed to prevent mosquitoes breeding in it.
- (11) Must have its overflow connected to an existing stormwater drainage system that does not discharge to an adjoining property or cause a nuisance to adjoining owners.
- (12) Must have a sign affixed to it with a statement to the effect that the water in the tank is rainwater.
- (13) Must be located in the rear yard if it is constructed or installed on or in a heritage item or a draft heritage item.
- (14) Pumps attached to the development must be housed in an enclosure that is soundproofed.
- (15) If reticulated water is provided to the lot, the development must not be interconnected with any system supplying drinking water to the lot unless it complies with the relevant water authority's requirements.