



New South Wales

# **Blue Mountains Local Environmental Plan Amendment (Complying Development) 2022**

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*.

**ADRIAN HOHENZOLLERN**  
As delegate for the Minister for Planning

## **Blue Mountains Local Environmental Plan Amendment (Complying Development) 2022**

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### **1 Name of Plan**

This Plan is *Blue Mountains Local Environmental Plan Amendment (Complying Development) 2022*.

### **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 in Zones R1, R2 and R3 under *Blue Mountains Local Environmental Plan 2015*.

## Schedule 1 Amendment of State Environmental Planning Policy (Exempt and Complying Development Codes) 2008

### [1] Schedule 3 Complying development codes—variations

Omit “Zone R2 Low Density Residential” from the matter relating to City of Blue Mountains.

Insert instead “Zone R1 General Residential, Zone R2 Low Density Residential or Zone R3 Medium Density Residential”.

### [2] Schedule 3, matter relating to City of Blue Mountains

Omit “This variation to the Low Rise Housing Diversity Code ceases to have effect at the end of 2 October 2023.” wherever occurring.

### [3] Schedule 3, matter relating to City of Blue Mountains

Omit clause 3B.23A(3).

### [4] Schedule 3, matter relating to City of Blue Mountains

Insert in appropriate order in Column 2—

The Low Rise Housing Diversity Code is varied in its application by inserting the following subclauses in clause 3B.15, in appropriate order—

- (2B) At least 40% of the parent lot area must consist of pervious area.
- (6) In this clause—
  - hard surface** does not include the following—
    - (a) rainwater tanks,
    - (b) unroofed areas of spaced decking,
    - (c) swimming pools.

**pervious area** means part of a lot on which water infiltrates into the subsoil, excluding—

- (a) an area of land used as a driveway, or
- (b) another hard surface.

The Low Rise Housing Diversity Code is varied in its application by inserting the following subclauses in clause 3B.27, in appropriate order—

- (2B) At least 40% of the parent lot area must consist of pervious area.
- (6) In this clause—
  - hard surface** does not include the following—
    - (a) rainwater tanks,
    - (b) unroofed areas of spaced decking,
    - (c) swimming pools.

**pervious area** means part of a lot on which water infiltrates into the subsoil, excluding—

- (a) an area of land used as a driveway, or
- (b) another hard surface.

The Low Rise Housing Diversity Code is varied in its application by omitting clause 3B.35 and inserting instead—

**3B.35 Floor space ratio**

The maximum floor space ratio for a building on a parent lot is the maximum floor space ratio for the building under the *Blue Mountains Local Environmental Plan 2015*.

The Low Rise Housing Diversity Code is varied in its application by inserting the following after clause 3B.40(2A)—

- (2B) At least 40% of the parent lot area must consist of pervious area.

The Low Rise Housing Diversity Code is varied in its application by inserting the following in clause 3B.40(6), in alphabetical order—

**hard surface** does not include the following—

- (a) rainwater tanks,
- (b) unroofed areas of spaced decking,
- (c) swimming pools.

**pervious area** means part of a lot on which water infiltrates into the subsoil, excluding—

- (a) an area of land used as a driveway, or
- (b) another hard surface.