

Blue Mountains Local Environmental Plan No 4 (1982 EPI 14)

[1982-14]



New South Wales

Status Information

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Authorisation

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File last modified 10 November 2023

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New South Wales

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Blue Mountains Local Environmental Plan No 4 (1982 EPI 14)



New South Wales

Part 1 Preliminary

1 Name of plan

This plan may be cited as *Blue Mountains Local Environmental Plan No 4*.

2 Aims, objectives etc

This plan aims to promote the orderly and economic development of the City of Blue Mountains in a manner consistent with the need to protect the environment, and to protect and promote the use and development of land for arts and cultural activity, including music and other performance arts.

3 Land to which this plan applies

This plan applies to certain land within the City of Blue Mountains, being that land shown on the Map, within the meaning of *Blue Mountains Local Environmental Plan 2005*, by distinctive colouring as “Area subject to LEP 4”.

4 Relationship to other environmental planning instruments

This plan repeals—

- (a) *Interim Development Order No 28—City of Blue Mountains*, and
- (b) Blue Mountains Local Environmental Plans Nos 1, 2, 3, 5, 6 and 7.

5 Arrangement

This plan is divided as follows—

Part 1—Preliminary—*c/l* 1-8

Part 2—General restrictions on development of land—*c/l* 9

Part 3—Special provisions—*c/l* 10-61

Division 1—*Dwelling-houses and Boarding-houses—c/l* 10-14

Division 2—*Residential Flat Buildings*—c/l 15-20

Division 3—*Business and Commercial Uses*—c/l 21-29

Division 4—*Rural Uses*—c/l 30, 31

Division 5—*Subdivision of Land*—c/l 32-35

Division 6—*Building and Development Generally*—c/l 36-47

Division 7—*Roads*—c/l 48, 49

Division 8—*Development in Escarpment Preservation Areas*—c/l 50-55

Division 9—*Development on Reserved Land*—c/l 56, 57

Division 10—*Other uses and General*—c/l 58-61

Schedules

6 Interpretation

- (1) In this plan except in so far as the context or subject-matter otherwise indicates or requires—

appointed day means the day on which this plan takes effect.

arterial road includes—

- (a) any proposed road indicated on the map by a broken red band between broken black lines, and
- (b) any proposed widening of an existing road indicated on the map by a broken red band between a firm black line and a broken black line.

community centre means—

- (a) a public library, rest rooms or meeting rooms owned or leased by the council, and
- (b) a building or place so owned or leased and used for—
 - (i) the provision of public health services or other like services, or
 - (ii) indoor recreation, child minding or other like activities.

community land means land classified as community land within the meaning of the [Local Government Act 1993](#).

council means the Council of the City of Blue Mountains.

escarpment preservation area means land shown on the map by black cross-

hatching.

guest house means a building used for the purpose of providing guest accommodation and may include a refreshment room, but does not include a boarding-house, holiday cabin, motel or residential flat building.

holiday cabin means a dwelling used, constructed or adapted to be used for the provision of holiday accommodation only, being one of a group of similar dwellings erected on an allotment of land or allotments of land in the same ownership.

operational land means land classified as operational land within the meaning of the [Local Government Act 1993](#).

plant depot means a building or place used for the parking or servicing of moveable plant by the owner or lessee of that building or place in the pursuit of an occupation or business carried on by him at some other location.

reception establishment means a building or place used for the purpose of gain, for social functions or receptions and the like.

recreation area means—

- (a) a children’s playground,
- (b) an area used for sporting activities or sporting facilities,
- (c) an area used by the council to provide recreational facilities for the physical, cultural or intellectual welfare of the community,
- (d) an area used by a body of persons associated together for the purposes of the physical, cultural or intellectual welfare of the community to provide recreational facilities for those purposes,

but does not include a racecourse or showground.

residential flat building Class 1 means a residential flat building containing 2 or more dwellings in a group such as are commonly known as group houses, villa homes, town houses, terrace buildings and the like.

retirement village means housing in the form of a group of residential flat buildings which are intended to be used as a permanent residence for persons aged 55 years or over.

storey means a floor of a building other than—

- (a) a floor used principally for storage, or
- (b) a floor used wholly or partly for parking.

the map means the map marked “*Blue Mountains Local Environmental Plan No 4*”, as amended by the maps marked as follows—

Editorial note—

The amending maps are not necessarily listed in the order of gazettal. Information about the order of gazettal can be determined by referring to the Historical notes at the end of the plan.

Blue Mountains Local Environmental Plan No 9

“Blue Mountains Local Environmental Plan No 10”

Blue Mountains Local Environmental Plan No 11

“Blue Mountains Local Environmental Plan No 14”

“Blue Mountains Local Environmental Plan No 15”

“Blue Mountains Local Environmental Plan No 16”

Blue Mountains Local Environmental Plan No 21

Blue Mountains Local Environmental Plan No 22

Blue Mountains Local Environmental Plan No 24

Blue Mountains Local Environmental Plan No 25

Blue Mountains Local Environmental Plan No 26

Blue Mountains Local Environmental Plan No 27

Blue Mountains Local Environmental Plan No 28

Blue Mountains Local Environmental Plan No 30

Blue Mountains Local Environmental Plan No 31

Blue Mountains Local Environmental Plan No 32

Blue Mountains Local Environmental plan No 34

Blue Mountains Local Environmental Plan No 35

Blue Mountains Local Environmental Plan No 36

Blue Mountains Local Environmental Plan No 39

Blue Mountains Local Environmental Plan No 40

Blue Mountains Local Environmental Plan No 42

Blue Mountains Local Environmental Plan No 43

Blue Mountains Local Environmental Plan No 44

Blue Mountains Local Environmental Plan No 45

Blue Mountains Local Environmental Plan No 46

Blue Mountains Local Environmental Plan No 47

Blue Mountains Local Environmental Plan No 48

Blue Mountains Local Environmental Plan No 51

Blue Mountains Local Environmental Plan No 52 (other than the land marked "Deferred")

Blue Mountains Local Environmental Plan No 53

Blue Mountains Local Environmental Plan No 54

Blue Mountains Local Environmental Plan No 55 (except so much of the map so marked as depicts deferred land)

Blue Mountains Local Environmental Plan No 57

Blue Mountains Local Environmental Plan No 61

Blue Mountains Local Environmental Plan No 62

Blue Mountains Local Environmental Plan No 64

Blue Mountains Local Environmental Plan No 69

Blue Mountains Local Environmental Plan No 72

Blue Mountains Environmental Plan No 74

Blue Mountains Local Environmental Plan No 77

Blue Mountains Local Environmental Plan No 79

Blue Mountains Local Environmental Plan No 81

Blue Mountains Local Environmental Plan No 87

Blue Mountains Local Environmental Plan No 89

Blue Mountains Local Environmental Plan No 94

Blue Mountains Local Environment Plan No 99

Blue Mountains Local Environmental Plan No 103

Blue Mountains Local Environmental Plan No 107

Blue Mountains Local Environmental Plan No 108 Sheet 1

Blue Mountains Local Environmental Plan No 112

Blue Mountains Local Environmental Plan No 117

Blue Mountains Local Environmental Plan No 119

Blue Mountains Local Environmental Plan No 123

Blue Mountains Local Environmental Plan No 132

Blue Mountains Local Environmental Plan No 136

Blue Mountains Local Environmental Plan No 142

Blue Mountains Local Environmental Plan No 144

Blue Mountains Local Environmental Plan No 147

Blue Mountains Local Environmental Plan No 148

Sydney Regional Environmental Plan No 10—(Blue Mountains Regional Open Space)

Sydney Regional Environmental Plan No 10—(Blue Mountains Regional Open Space) (Amendment No 1)

- (2) In this plan, except in so far as the context or subject-matter otherwise indicates or requires, a reference—
- (a) to a building or place used for a purpose includes a reference to a building or place intended to be used for the purpose,
 - (b) to a map is a reference to a map deposited in the office of the council and a copy of which is deposited in the office of the Department, and
 - (c) to land within a zone specified in Column 1 of the Table to clause 9 is a reference to land shown on the map in the manner indicated in that Column of that Table as the means of identifying land of the zone so specified.
- (3) A reference in this plan to a floor of a building is a reference to a floor of a building which is or is proposed to be constructed at a different level from any other floor of the building, but where separate and adjacent levels within a dwelling or dwelling-house are separated by a height of not more than 2 400 millimetres, those levels shall be treated as a single floor.
- (4) The matter “W.S. & D.”, where appearing on the map, means the Metropolitan Water

Sewerage and Drainage Board.

(5) Notes included in this plan do not form part of this plan.

7 Model Provisions

(1) Subject to subclause (2), the *Environmental Planning and Assessment Model Provisions 1980* (in this clause referred to as **the Model Provisions**), except clauses 7, 8, 15, 16, 17, 28, 30, 33 and 36, are adopted for the purposes of this plan.

(2) For the purposes of this plan—

(a) paragraph (a) of the definition of **home occupation** in clause 4 (1) of the Model Provisions shall be read and construed as if the words “, except where such registration is required by reason only of the installation and use in the dwelling-house or dwelling of not more than 1 electric motor having a capacity of not more than 370 watts” were inserted immediately after the matter “1962”,

(b) clause 5 of the Model Provisions shall be deemed to be amended—

(i) by omitting clause 5 (2) (c), and

(ii) by inserting after clause 5 (2) the following subclause—

(2A) Where an application referred to in subclause (2) is made to the consent authority, it—

(a) shall submit to the Traffic Authority of New South Wales particulars of the application forthwith after its receipt by the consent authority, and

(b) shall not consent to the application unless it has considered any representations made to it by the Traffic Authority of New South Wales within 21 days of the date on which the particulars were submitted to that Authority under paragraph (a).

(c) the reference in clause 18 of the Model Provisions to the appointed day shall be read and construed as a reference to 27 January 1961, and

(d) clause 23 of the Model Provisions does not apply to land within Zone No 3 (c).

8 Consent authority

The council is the consent authority for the purposes of this plan.

9A Exceptions to development standards

(1) The objectives of this clause are as follows—

- (a) to provide an appropriate degree of flexibility in applying certain development standards to particular development,
 - (b) to achieve better outcomes for and from development by allowing flexibility in particular circumstances.
- (2) Development consent may, subject to this clause, be granted for development even though the development would contravene a development standard imposed by this or any other environmental planning instrument. However, this clause does not apply to a development standard that is expressly excluded from the operation of this clause.
- (3) Development consent must not be granted to development that contravenes a development standard unless the consent authority is satisfied the applicant for development consent has demonstrated that—
- (a) compliance with the development standard is unreasonable or unnecessary in the circumstances, and
 - (b) there are sufficient environmental planning grounds to justify the contravention of the development standard.

Note—

The *Environmental Planning and Assessment Regulation 2021* requires the development application to be accompanied by a document setting out the grounds on which the applicant seeks to demonstrate the matters in paragraphs (a) and (b).

- (4) The consent authority must keep a record of its assessment carried out under subclause (3).
- (5) (Repealed)
- (6) Development consent must not be granted under this clause for a subdivision of land in Zone 1 (a1) Rural “A1”, Zone 1 (a2) Rural “A2”, Zone 1 (a3) Rural “A3”, Zone 1 (b) Rural “B”, Zone 1 (c1) Rural “C1”, Zone 1 (c2) Rural “C2”, Zone 1 (c3) Rural “C3”, Zone 1 (d) Rural “D” or Zone 7 (e) Environment Protection if—
- (a) the subdivision will result in 2 or more lots of less than the minimum area specified for such lots by a development standard, or
 - (b) the subdivision will result in at least one lot that is less than 90% of the minimum area specified for such a lot by a development standard.
- (7) (Repealed)
- (8) This clause does not allow development consent to be granted for development that would contravene any of the following—

- (a) a development standard for complying development,
- (b) a development standard that arises, under the regulations under the Act, in connection with a commitment set out in a BASIX certificate for a building to which *State Environmental Planning Policy (Building Sustainability Index: BASIX) 2004* applies or for the land on which such a building is situated.

9B Savings provisions relating to development applications

- (1) A development application made, but not finally determined, before the commencement of *State Environmental Planning Policy Amendment (Exceptions to Development Standards) 2023* must be determined as if that policy had not commenced.
- (2) A development application made, but not finally determined, before the commencement of *State Environmental Planning Policy Amendment (Flood Planning) 2023* must be determined as if that policy had not commenced.

Part 2 General restrictions on development of land

9 Carrying out of development

Except as otherwise provided in this plan, the purposes—

- (a) for which development may be carried out without development consent,
- (b) for which development may be carried out—
 - (i) only with development consent, but where that consent cannot be refused, and
 - (ii) subject to such conditions as may be imposed under section 91 of the Act,
- (c) for which development may be carried out only with development consent, and
- (d) for which development is prohibited,

on land within each of the zones specified in Column 1 of the Table to this clause are respectively shown opposite thereto in Columns 2, 3, 4 and 5 of that Table.

Table

Column 1	Column 2	Column 3	Column 4	Column 5
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Zone and colour or other indication on the map	Purposes for which development may be carried out without development consent	Purposes for which development may be carried out subject to such conditions as may be imposed under the Act	Purposes for which development may be carried out only with development consent	Purposes for which development is prohibited
1 (a1) Rural "A1" Light brown.	Agriculture	Any purpose other than those included in Column 3 or 5.	Abattoirs; advertising structures; car repair stations; commercial premises (other than caravan parks, picnic grounds or veterinary establishments); gas holders; generating works; industries (other than extractive industries, home industries, offensive or hazardous industries or rural industries); motor showrooms; recreation areas; recreation facilities; residential flat buildings; service stations; shops (other than general stores, or kiosks within caravan parks or picnic grounds); stock and sale yards; tourist facilities; transport terminals.	

<p>1 (a2) Rural "A2" Light brown with dark red edging and lettered 1 (a2).</p>	<p>Agriculture</p>	<p>Any purpose other than those included in Column 3 or 5.</p>	<p>Advertising structures; car repair stations; commercial premises (other than caravan parks, picnic grounds or veterinary establishments); industries (other than extractive industries or home industries, offensive or hazardous industries or rural industries); motor showrooms; plant depots; recreation areas; recreation facilities; residential flat buildings; shops (other than general stores, or kiosks within caravan parks or picnic grounds); tourist facilities.</p>
<p>1 (a3) Rural "A3" Light brown with dark red edging and lettered 1 (a3).</p>	<p>Agriculture</p>	<p>Development (other than buildings or structures) ordinarily incidental to dwelling-houses; forestry; landscaping; purposes ancillary or incidental to the use of land as open space; utility installations (other than gas holders or generating works).</p>	<p>Any purpose other than those included in Column 2 or 4.</p>

1 (b) Rural "B" Light brown with red edging and lettered 1 (b).

Agriculture

Any purpose other than those included in Column 3 or 5.

Abattoirs; advertising structures; boarding-houses; bulk stores; car repair stations; child care centres; clubs; commercial premises; community centres; educational establishments gas holders; general stores; generating works; guest houses; helipads; heliports; holiday cabins; hospitals; hotels; industries (other than home industries or rural industries); institutions; junk yards; liquid fuel depots; mines; motels; motor showrooms; parking (other than in association with a permissible use); places of assembly; places of public worship; plant depots; professional consulting rooms; public buildings; reception establishments; recreation areas; recreation establishments; recreation facilities refreshment rooms; residential flat buildings; retail plant nurseries; roadside stalls; sawmills; service stations; shops; stock and sale yards; tourist facilities; transport terminals; warehouses.

1 (c1) Rural "C1"
Light brown with
red edging and
lettered 1 (c1).

Agriculture

Any purpose
other than
those included
in Column 2 or
5.

Abattoirs; advertising structures; car repair stations; commercial premises (other than caravan parks, picnic grounds or veterinary establishments); gas holders; generating works; heliports; industries (other than home industries or rural industries); junk yards; liquid fuel depots; mines; motor showrooms; recreation areas; recreation facilities; residential flat buildings; sawmills; service stations; shops (other than general stores, or kiosks within caravan parks or picnic grounds); stock and sale yards; tourist facilities; transport terminals.

1 (c2) Rural "C2"
Light brown with
dark red edging
and lettered 1 (c2).

Agriculture

Any purpose
other than
those included
in Column 2 or
5.

Abattoirs; advertising structures; car repair stations; commercial premises (other than caravan parks, picnic grounds or veterinary establishments); gas holders; generating works; heliports; industries (other than home industries or rural industries); junk yards; liquid fuel depots; mines; motor showrooms; recreation areas; recreation facilities; residential flat buildings; sawmills; service stations; shops (other than general stores, or kiosks within caravan parks or picnic grounds); stock and sale yards; tourist facilities; transport terminals.

1 (c3) Rural "C3".
Light brown with
dark red edging
and lettered 1 (c3).

Dwelling-
houses;
general stores;
guest houses;
home
occupations;
utility
installations
(other than gas
holders and
generating
works).

Any purpose other than
those included in Column
4.

1 (d) Rural "D".
Light brown with
dark red edging
and lettered 1 (d).

Any purpose
other than
those included
in Column 5.

Abattoirs; car repair
stations; commercial
premises; gas holders;
generating works; hotels;
industries (other than
home industries or rural
industries); junkyards;
liquid fuel depots; mines;
motels; motor showrooms;
parking (other than in
association with a
permissible use); plant
depots; residential flat
buildings; roadside stalls;
sawmills; service stations;
shops; stock and sale
yards; transport terminals;
warehouses.

RESIDENTIAL
ZONES:

2 (a1) Residential
"A1" Light scarlet.

Any purpose
other than
those included
in Column 5.

Abattoirs; advertising structures; agriculture (other than horticulture); boarding-houses; bulk stores; car repair stations; clubs; commercial premises; extractive industries; forestry; gas holders; generating works; guest houses; helipads; heliports; holiday cabins; hotels; industries (other than home industries); institutions; junk yards; liquid fuel depots; mines; motels; motor showrooms; parking (other than in association with a permissible use); places of assembly; plant depots; reception establishments; recreation areas; recreation establishments; recreation facilities; refreshment rooms; residential flat buildings (other than residential flat buildings being units for aged persons); retail plant nurseries; roadside stalls; sawmills; service stations; shops; stock and sale yards; tourist facilities; transport terminals; warehouses.

2 (a2) Residential
"A2" Light scarlet
with dark red
edging and lettered
2 (a2).

Any purpose
other than
those included
in Column 5.

Abattoirs; advertising structures; agriculture (other than horticulture); boarding-houses; bulk stores; car repair stations; clubs; commercial premises; extractive industries; forestry; gas holders; generating works; guest houses; helipads; heliports; holiday cabins; hotels; industries (other than home industries); institutions; junk yards; liquid fuel depots; mines; motels; motor showrooms; parking (other than in association with a permissible use); places of assembly; plant depots; reception establishments; recreation areas; recreation establishments; recreation facilities; refreshment rooms; residential flat buildings (other than residential flat buildings being units for aged persons); retail plant nurseries; roadside stalls; sawmills; service stations; shops; stock and sale yards; tourist facilities; transport terminals; warehouses.

2 (b1) Residential
"B1" Light scarlet
with dark red
edging and lettered
2 (b1).

Any purpose
other than
those included
in Column 5.

Abattoirs; advertising structures; agriculture (other than horticulture); bulk stores; car repair stations; clubs; commercial premises; extractive industries; forestry; gas holders; generating works; heliports; helipads; holiday cabins; hotels; industries (other than home industries); institutions; junk yards; liquid fuel depots; mines; motels; motor showrooms; parking (other than in association with a permissible use); places of assembly; plant depots; reception establishments; recreation areas; recreation establishments; recreation facilities; refreshment rooms; residential flat buildings (other than residential flat buildings Class "1" or residential flat buildings being units for aged persons); retail plant nurseries; roadside stalls; sawmills; service stations; shops; stock and sale yards; tourist facilities; transport terminals; warehouses.

2 (b2) Residential
"B2" Light scarlet
with dark red
edging and lettered
2 (b2).

Any purpose
other than
those included
in Column 5.

Abattoirs; advertising structures; agriculture (other than horticulture); bulk stores; car repair stations; clubs; commercial premises; extractive industries; forestry; gas holders; generating works; heliports; helipads; holiday cabins; hotels; industries (other than home industries); institutions; junk yards; liquid fuel depots; mines; motels; motor showrooms; parking (other than in association with a permissible use); places of assembly; plant depots; reception establishments; recreation areas; recreation establishments; recreation facilities; refreshment rooms; residential flat buildings (other than residential flat buildings Class "1" or residential flat buildings being units for aged persons); retail plant nurseries; roadside stalls; sawmills; service stations; shops; stock and sale yards; tourist facilities; transport terminals; warehouses.

<p>2 (c1) Residential “C1” Light scarlet with dark red edging and lettered 2 (c1).</p>	<p>Any purpose other than those included in Column 5.</p>	<p>Abattoirs; advertising structures; agriculture (other than horticulture); bulk stores; car repair stations; clubs; commercial premises (other than those referred to in Schedule 1); extractive industries; forestry; gas holders; generating works; heliports; helipads; holiday cabins; hotels; industries (other than home industries); institutions; junk yards; liquid fuel depots; mines; motor showrooms; parking (other than in association with a permissible use); places of assembly; plant depots; reception establishments; recreation establishments; recreation areas; recreation; facilities; refreshment rooms; retail plant nurseries; roadside stalls; sawmills; service stations; shops; stock and sale yards; tourist facilities; transport terminals; warehouses.</p>
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2 (c2) Residential
"C2" Light scarlet
with dark red
edging and lettered
2 (c2).

Any purpose
other than
those included
in Column 5.

Abattoirs; advertising structures; agriculture (other than horticulture); bulk stores; car repair stations; clubs; commercial premises (other than those referred to in Schedule 1); extractive industries; forestry; gas holders; generating works; heliports; helipads; holiday cabins; hotels; industries (other than home industries); institutions; junk yards; liquid fuel depots; mines; motor showrooms; parking (other than in association with a permissible use); places of assembly; plant depots; reception establishments; recreation areas; recreation establishments; recreation facilities; refreshment rooms; retail plant nurseries; roadside stalls; sawmills; service stations; shops; stock and sale yards; tourist facilities; transport terminals; warehouses.

2 (d) Residential
“D” Light scarlet
with dark red
edging and lettered
2 (d).

Any purpose
other than
those included
in Column 5.

Abattoirs; advertising
structures; agriculture
(other than horticulture);
bulk stores; car repair
stations; clubs;
commercial premises
(other than caravan parks,
picnic grounds or purposes
referred to in Schedule 1);
extractive industries;
forestry; gas holders;
generating works;
heliports; industries (other
than home industries);
institutions; junk yards;
liquid fuel depots; mines;
motor showrooms; parking
(other than in association
with a permissible use);
plant depots; recreation
areas; roadside stalls;
sawmills; service stations;
shops (other than kiosks
within caravan parks or
picnic grounds) stock and
sale yards; tourist
facilities; transport
terminals; warehouses.

BUSINESS ZONES:

3 (a) Business
General. Light blue.

Any purpose
other than
those included
in Column 5.

Abattoirs; agriculture;
boarding-houses; caravan
parks; car repair stations;
dwelling-houses (other
than those used in
conjunction with
commercial premises or
shops); educational
establishments; extractive
industries; forestry; gas
holders; generating works;
guest houses; hospitals;
industries referred to in
Schedule 2; institutions;
junk yards; liquid fuel
depots; mines; plant
depots; rag collecting and
dealing; recreation areas;
recreational
establishments; residential
flat buildings (other than
those constructed over
commercial premises or
shops); roadside stalls;
sawmills; stock and sale
yards; transport terminals
(other than airline
terminals or bus stations).

3 (b) Business
Neighbourhood.
Dark blue.

Advertising structures;
child care centres;
commercial premises (other than rag collecting and rag dealing);
commercial signs;
community centres;
drainage;
dwelling-houses and dwellings attached to and used in conjunction with commercial premises;
purposes referred to in Schedule 3;
public buildings;
parking in association with a permissible use; purposes ancillary or incidental to the use of land as open space;
roads;
reception establishments;
recreation establishments;
recreation facilities;
shops; utility installations (other than gas

Any purpose other than those included in Column 4.

3 (c) Business
Automotive. Light
blue with dark red
edging and lettered
3 (c).

holders or
generating
works).

Advertising
structures;
auto
electricians'
workshops;
automotive
spare parts
sales; car
repair stations;
car washing;
child care
centres;
dwelling-
houses and
dwellings
attached to
and used in
conjunction
with a building
used for a
purpose
specified in this
Column; home
industries;
motor
showrooms;
purposes
ancillary or
incidental to
the use of land
as open space;
parking in
association
with a
permissible
use; roads;
service
stations; tyre
sales; utility
installations
(other than gas
holders or
generating
works).

Any purpose other than
those included on Column
4.

3 (d) Business
Special. Light blue
with dark red
edging and lettered
3 (d).

Advertising
structures;
commercial
premises;
commercial
signs; dwelling-
houses
attached to
and used in
conjunction
with a building
used for a
purpose
specified in this
Column; health
care
professional
rooms; home
industries;
home
occupations;
light industries
(other than
those referred
to in Schedule
2 and having a
gross floor area
not exceeding
300 square
metres); motor
showrooms;
public
buildings;
purposes
referred to in
Schedule 3;
shops utility
installations;
warehouses.

Any purpose other than
those included in Column
4.

INDUSTRIAL
ZONES:

4 (a) Industrial General. Purple.	Any purpose other than those included in Column 5.	Abattoirs; agriculture; airline terminals; boarding- houses; commercial premises (other than auction rooms, builders supplies, rag collecting and dealing and timber yards); dwelling-houses or dwellings (other than those used in conjunction with an industry and situated on the same land as the industry); educational establishments; extractive industries; forestry; guest houses; hospitals; hotels; institutions; mines; motels; offensive or hazardous industries; places of assembly; places of public worship; reception establishments; recreation areas; recreation establishments; refreshment rooms; roadside stalls; shops (other than those referred to in Schedule 4); stock and sale yards; tourist facilities.
4 (b) Industrial Light. Purple with dark red edging and lettered 4 (b).	Car repair stations; light industry; public buildings; utility installations; warehouses.	Any purpose other than those included in Column 4.

**SPECIAL USES
ZONES:**

<p>5 (a) Special Uses "A" Yellow.</p>	<p>The particular purpose indicated by scarlet lettering on the map.</p>	<p>Any purpose ancillary or incidental to the particular purpose indicated on the map; drainage; roads; utility installations (other than gas holders or generating works).</p>	<p>Any purpose other than those included in Column 3 or 4.</p>
<p>5 (b) Special Uses "B" Blue Purple.</p>		<p>Railways; drainage; any purpose ancillary or incidental to the use of land as open space; car parking; roads; utility installations (other than gas holders or generating works).</p>	<p>Any purpose other than those included in Column 4.</p>
<p>5 (c) Special Uses "C" Yellow with dark scarlet edging and lettered 5 (c).</p>	<p>Water catchment.</p>	<p>Any purpose ancillary or incidental to water catchment; agriculture; dwelling-houses; drainage; extractive industries; forestry; utility installations (other than gas holders or generating works).</p>	<p>Any purpose other than those included in Column 3 or 4.</p>

5 (d) Special Uses
“D”. Yellow with
dark scarlet edging
and lettered 5 (d).

RECREATION
ZONES:

6 (a) Recreation
Existing. Dark
green.

The particular
purpose indicated by
lettering on the
map. Any purpose other than
those included in Column
4.

Agriculture;
camping areas;
caravan parks;
children’s
playgrounds;
drainage; drill
grounds;
forestry;
gardens; parks;
picnic grounds;
public baths;
public reserves;
racecourses;
roads;
showgrounds; sportsgrounds;
uses or buildings
associated with
those purposes
which are
under the care,
control and
management
of the Council;
utility
installations
(other than gas
holders or
generating
works). Any purpose other than
those included in Column
4.

6 (b) Recreation Proposed. Light green with dark green edging.	Agriculture; children's playgrounds; drainage; drill grounds; forestry; gardens; parks; public baths; public reserves; roads; sportsgrounds; uses or buildings associated with those purposes which are under the care, control and management of the Council; utility installations (other than gas holders or generating works).	Any purpose other than those included in Column 4.
6 (c) Recreation Private. Dark green with yellow edging.	Bowling greens; golf courses; recreation areas; recreation establishments; recreation facilities; utility installations (other than gas holders or generating works).	Any purpose other than those included in Column 4.

<p>6 (d) Recreation Special Purposes (National Park). Uncoloured with dark green edging.</p>	<p>Aboriginal areas; historic sites; national parks; nature reserves; State recreation areas.</p>	<p>Any purpose other than those included in Column 3.</p>
<p>6 (e) Recreation (Special Purposes). Dark green and lettered 6 (e).</p>	<p>Bushfire hazard control, gardening and landscaping (which does not involve the erection of buildings).</p>	<p>Bushfire hazard control, gardening and landscaping (which involves the erection of buildings); clubs; drainage; educational establishments; Any purpose other than those included in Column 2 or 4. places of assembly; racecourses; recreation areas; recreation establishments; recreation facilities; refreshment rooms; tourist facilities.</p>
<p>7 (e) Environment Protection. Orange with dark red edging and lettered 7 (e).</p>	<p>Landscaping; roads; utility installations (other than gas holders and generating works).</p>	<p>Any purpose other than those included in Column 4.</p>

RESERVATIONS:

<p>9 (a) Special Purposes Reservation. Yellow with green edging and scarlet lettering.</p>	<p>The particular purpose indicated by scarlet lettering on the map.</p>	<p>Any purpose ordinarily incidental or subsidiary to the purpose referred to in Column 3; drainage; open space; roads; utility installations (other than gas holders or generating works).</p>	<p>Any purpose other than those included in Column 3 or 4.</p>
<p>9 (b) Arterial Roads. Reservation. Red and white bands between (i) a firm black line and a broken black line, or (ii) broken black lines.</p>	<p>Arterial roads; arterial road widening.</p>	<p>Drainage, utility installations (other than gas holders or generating works).</p>	<p>Any purpose other than those included in Column 2 or 4.</p>
<p>9 (c) Local Roads. Grey between (i) a firm black line and a broken black line, or (ii) broken black line.</p>	<p>Local roads; local road widening.</p>	<p>Drainage; utility installations (other than gas holders or generating works).</p>	<p>Any purpose other than those included in Column 2 or 4.</p>

9 (d) Local Open Space. Reservation. Light green.	Public parks and public recreation.	Children's playgrounds; drainage; drill grounds; gardens; public baths; roads; sportsgrounds; uses or buildings associated with those purposes which are under the care, control and management of the Council; utility installations (other than gas holders or generating works).	Any purpose other than those included in Column 2 or 4.
9 (e) Regional Open Space. Uncoloured with black edging and lettered "R".		Bushfire hazard reduction works; bushland regeneration; drainage works; picnic facilities; roads; utility installations; walking tracks.	Any purpose other than those included in Column 4.

Part 3 Special provisions

Division 1 Dwelling-houses and boarding-houses

10 Dwelling-houses in Zone No 1 (a1), 1 (a2), 1 (b), 1 (c2), 1 (c3), 1 (d), 2 (a1), 2 (a2), 2 (b1), 2 (b2), 2 (c1), 2 (c2), or 2 (d)

- (1) Except as provided by subclauses (3) and (4), a person shall not erect a dwelling-house on an allotment of land within Zone No 1 (a1), 1 (a2), 1 (b), 1 (c2), 1 (c3), 1 (d), 2 (a1), 2 (a2), 2 (b1), 2 (b2), 2 (c1), 2 (c2) or 2 (d), unless that allotment—
- (a) is an allotment created by a subdivision, consent to which has been given in accordance with clause 32,

- (b) is an allotment created after the appointed day in accordance with a subdivision approved before that day,
 - (c) being an allotment of land within Zone No 1 (c2), is an allotment created by the amalgamation of all adjoining allotments of land held in the same ownership at 22 August 1980, into a single allotment.
- (2) A person shall not, without the consent of the council, erect a dwelling-house on an allotment of land within Zone No 1 (c1) unless that allotment has an area of not less than 2 000 square metres and a frontage of not less than 32 metres.
 - (3) One dwelling-house may, with the consent of the council, be erected on each allotment within Zone No 1 (a1), 1 (a2), 1 (b), 1 (c3), 1 (d), 2 (a1), 2 (a2), 2 (b1), 2 (b2), 2 (c1), 2 (c2) or 2 (d), where the allotment was in existence immediately before the appointed day.
 - (4) Nothing in this clause operates to prohibit the erection, with the consent of the council of a second dwelling-house on any land on which a dwelling-house is already erected if the firstmentioned dwelling-house is intended to wholly replace the secondmentioned dwelling-house.

10A Dwelling-houses—certain land

- (1) This clause applies to land contained in DP 23365 and DP 27617, Heather Glen Road, Winmalee, as shown by distinctive colouring on the map marked “*Blue Mountains Local Environmental Plan No 16*” deposited in the office of the council.
- (2) Notwithstanding the provisions of clause 10 (2), a person may, with the consent of the council, erect a dwelling-house on an allotment of land to which this clause applies which is less than 2 000 square metres in area and has a frontage of less than 32 metres; provided that allotment is one allotment held in single ownership as at 5 July 1983.

10B What is exempt and complying development?

- (1) Development of minimal environmental impact listed in Schedule 1 to *Development Control Plan No 33* as adopted by the Council on 24 August 1999 is **exempt development**, despite any other provision of this plan.
- (2) Development listed in Schedule 2 to *Development Control Plan No 33* as adopted by the Council on 24 August 1999 is **complying development** if—
 - (a) it is local development of a kind that can be carried out with consent on the land on which it is proposed, and
 - (b) it is not an existing use, as defined in section 106 of the Act.
- (3) Development is exempt or complying development only if it complies with the

development standards and other requirements applied to the development by *Development Control Plan No 33* as adopted by the Council on 24 August 1999.

- (4) A complying development certificate issued for any complying development is to be subject to the conditions for the development specified in *Development Control Plan No 33* adopted by the Council, as in force when the certificate is issued.

11 Boarding-houses

A boarding-house shall not be erected or used on any allotment of land which—

- (a) being an allotment of land within Zone No 2 (b1), 2 (b2), 2 (c1), 2 (c2) or 2 (d), has—
- (i) an area of less than 1 000 square metres,
 - (ii) a depth of less than 28 metres, and
 - (iii) a width at the front alignment of the building of less than 18.5 metres, or
- (b) being an allotment of land within Zone No 1 (a1), 1 (a2), 1 (c1) or 1 (c2), as an area of less than 4 hectares.

11A Bed and breakfast establishments

- (1) In this clause—

bed and breakfast establishment means a dwelling-house used by its permanent residents (including the owner) to provide short-term paid accommodation (which may include meals) and includes ancillary buildings within the curtilage of the dwelling-house.

- (2) Short-term accommodation shall be provided at a bed and breakfast establishment for no more than six visitors at any one time.
- (3) A dwelling-house must not be used as a bed and breakfast establishment unless it is connected to a reticulated sewerage system.
- (4) Notwithstanding any other provision of this plan, a person may, with the consent of the council, carry out development of a dwelling-house for the purpose of a bed and breakfast establishment.

12 Exhibition homes

- (1) Subject to subclause (2), a dwelling-house erected on land within Zone No 2 (a1), 2 (a2), 2 (b1), 2 (b2), 2 (c1), 2 (c2), or 2 (d) may be used as an exhibition home, but only with the consent of the council.
- (2) The council shall not grant consent as referred to in subclause (1) in respect of a dwelling-house erected on land having a major road frontage.

13 Rural workers' dwellings

- (1) In this clause, **rural workers' dwellings** means dwelling-houses used for the accommodation of persons employed or engaged for the purposes of agriculture by the owner of an allotment of land within Zone No 1 (a1), 1 (a2), 1 (c2) or 1 (d).
- (2) Notwithstanding clause 10, the council may consent to the erection of more than one dwelling-house on an allotment of land referred to in subclause (1), but only where the additional dwelling-houses are rural workers' dwellings.
- (3) The number of dwelling-houses erected on an allotment of land referred to in subclause (1) shall not exceed the dividend arrived at by dividing the area of the allotment in hectares by 10 and ignoring any remainder.

14 (Repealed)

Division 2 Residential flat buildings

15 Residential flat buildings in Zone No 2 (b1) or 2 (b2)

A residential flat building Class 1 shall not be erected or used on land within Zone No 2 (b1) or 2 (b2) which has—

- (a) an area of less than 700 square metres,
- (b) a depth of less than 28 metres, and
- (c) a width of the front alignment of the building of less than 20 metres.

16 Residential flat buildings in Zone No 2 (c1), 2 (c2) or 2 (d)

A residential flat building shall not be erected or used on land within Zone No 2 (c1), 2 (c2) or 2 (d) which has in the case of—

- (a) a single storey building—
 - (i) an area of less than 700 square metres,
 - (ii) a depth of less than 30.5 metres, and
 - (iii) a width at the front alignment of the building of less than 18.5 metres, or
- (b) a two-storey building—
 - (i) an area of less than 1 000 square metres,
 - (ii) a depth of less than 30.5 metres, and
 - (iii) a width at the front alignment of the building of less than 21.5 metres.

17 Height restriction on residential flat buildings

A person shall not erect on land a residential flat building having a height of more than—

- (a) in the case of land within Zone No 2 (b1)—1 storey,
- (b) in the case of land within Zone No 2 (b2), 2 (c1), 2 (c2), or 2 (d)—2 storeys.

18 Provision of services

No development for the purposes of a residential flat building shall be carried out on any land until a reticulated water supply and sewerage service is available to that land.

19 Residential flat buildings—density control

(1) In this clause—

landscaped area, in relation to a site area, means that part of the site area not occupied by any building or buildings, except for swimming pools or open air recreation facilities, which part is to be predominantly landscaped by way of the planting of gardens, lawns, shrubs or trees and is available for use and enjoyment by the occupants of the building erected on the site area, but does not include so much of the site area as is used for driveways, parking areas, drying yards or private courtyards.

- (2) The council shall not consent to the erection or use of a residential flat building on land within a zone specified in Column 1 of the Table to this clause unless the area of the site area of the allotment is not less than the area calculated by multiplying the number of dwellings contained in the residential flat building by the area specified opposite that zone in Column 2 of that Table.
- (3) The council shall not consent to the erection or use of a residential flat building on land within a zone specified in Column 1 of the Table to this clause unless the area of the landscaped area of the allotment is not less than the area calculated by multiplying the number of dwellings contained in the residential flat building by the area specified opposite that zone in Column 3 of that Table.

Table

Column 1	Column 2	Column 3
Zone	Site area in respect of each dwelling in a residential flat building (in square metres)	Landscaped area in respect of each dwelling in a residential flat building (in square metres)
2 (b1)	400	190
2 (b2)	380	180

2 (c1)	260	120
2 (c2)	200	90
2 (d)	200	90

20 Residential flat buildings—parking

- (1) A residential flat building (other than units for aged persons) shall not be erected or used, unless provision is made within the site for—
 - (a) a number of parking spaces calculated at the rate of 1.75 parking spaces, each space being not less than 5.5 metres by 2.6 metres, for each dwelling within the building, and
 - (b) proper vehicular access to each parking space.
- (2) In the case of units for aged persons, there shall be provided as many parking spaces, each having dimensions of not less than 5.5 metres by 2.6 metres, as the council may require, having regard to the location of the building in relation to public transport and the availability of alternative car parking facilities, being not less than one such space for each 10 dwellings, but the council may not require the provision of more than one such space for each 5 dwellings.

Division 3 Business and commercial uses

21 Advertising structures

The council may, on land within Zone No 1 (a1), 1 (a2), 1 (b), 1 (c1), 1 (c2), 1 (c3) or 1 (d), erect advertising structures if the structures are designed for the purpose of directing the travelling public to tourist areas.

22 Commercial development in Zone No 2 (c1), 2 (c2) or 2 (d)

Notwithstanding the provisions of Part 2, the council shall not consent to the carrying out, on land within Zone No 2 (c1), 2 (c2) or 2 (d), of development for the purpose referred to in Schedule 1, if in the opinion of the council, the development will involve—

- (a) interference with the amenity of the locality by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit, oil or otherwise,
- (b) the display of goods, whether in a window or otherwise,
- (c) the exhibition of any notice, advertisement or sign, other than a notice or sign not exceeding 0.8 square metre in size exhibited on a building to indicate the name and occupation of the occupier of that building, or
- (d) the employment of more than 3 persons.

23 General stores

A general store shall not be erected or used on land within Zone No 1 (a1), 1 (a2), 1 (c1), 1 (c2), 1 (c3) or 1 (d), unless that land is distant more than 1 600 metres from any building being lawfully used for the purposes of a general store and from land in respect of which the council has approved the erection of a general store, where that approval is still in force.

24 Holiday cabins

- (1) The council shall not consent to the erection or use of holiday cabins unless—
 - (a) it is satisfied that those holiday cabins will be available for use for temporary accommodation only, and
 - (b) those holiday cabins have a common access to a public road.

25 Hotels

A hotel shall not be erected on a site of land within—

- (a) Zone No 1 (a1), 1 (a2), 1 (c1) or 1 (c2), if the site has an area of less than 4 hectares, or
- (b) Zone No 2 (d) or 3 (a), if the site has—
 - (i) an area of less than 6 000 square metres, and
 - (ii) a frontage to any road of less than 38 metres.

26 Motels—minimum site areas

A person shall not carry out development for the purpose of a motel on any land which has an area—

- (a) in the case of land within Zone No 1 (a1), 1 (a2), 1 (c1) or 1 (c2), of less than 4 hectares,
- (b) in the case of land within Zone No 2 (c1), 2 (c2) or 2 (d), of less than 1 400 square metres, or
- (c) in the case of land within Zone No 3 (a), of less than 1 000 square metres.

27 Motels—other site requirements

- (1) This clause applies to development for the purpose of a motel on land within Zone No 2 (c1), 2 (c2) or 2 (d).
- (2) A motel containing—
 - (a) 1 storey, shall not occupy more than 25 per cent of the site area, or

(b) 2 or more storeys, shall not occupy more than 20 per cent of the site area.

(3) Subject to subclause (4), a person shall not erect or use a motel on any site if the distance between a wall of any building on the site and the side or rear boundary of the site is less than 3 metres.

(4) The minimum distance referred to in subclause (3) between—

(a) a side wall of a building on a site and the side boundary of the site, or

(b) the rear wall of a building on a site and the rear boundary of the site,

shall be deemed to be increased by a distance equivalent to one-third of the distance, if any, by which the height of that wall exceeds 3 metres.

28 Motels—density controls

(1) This clause applies to development for the purpose of a motel on land within Zone No 2 (c1), 2 (c2) or 2 (d).

(2) The maximum number of residential units that may be contained in a motel erected on land to which this clause applies shall not exceed the highest whole number calculated at the following rate applicable in respect of the motel—

(a) if the motel consists of a single storey building, one unit for each 140 square metres of the site area, or

(b) if the motel consists of a building having more than one storey, one unit for each 120 square metres of the site area.

29 Service stations and car repair stations

A person shall not carry out development for the purposes of a service station or a car repair station on land having an area of less than 1 000 square metres.

Division 4 Rural uses

30 Rural uses

(1) Except as provided by subclause (2), a person shall not use land within Zone No 1 (a1), 1 (a2), 1 (b), 1 (c1), 1 (c2), 1 (c3) or 1 (d), for a purpose included in Column 4 of the Table to clause 9 with respect to that zone, unless that land has an area of not less than 4 hectares.

(2) Subclause (1) does not operate to prohibit the use of land within a zone specified in that subclause for the purpose of a community centre, child care centre, dwelling-house, guest house, home industry, home occupation, plant nursery, professional consulting rooms, public buildings, public purposes, refreshment rooms, roadside stalls, utility installations, any purpose ancillary or incidental to the use of that land as

open space or the purpose of agriculture.

31 Restrictions on building etc in Zone No 1 (a1), 1 (a2), 1 (b), 1 (c1), 1 (c2) or 1 (d)

A person shall not erect a building or carry out a work on land within Zone No 1 (a1), 1 (a2), 1 (b), 1 (c1), 1 (c2) or 1 (d), for the purpose of goat keeping, pig-keeping, poultry farming, animal boarding, animal breeding or animal training establishments or veterinary establishments, without the consent of the council.

Division 5 Subdivision of land

32 General restriction on subdivision

A person shall not subdivide land to which this plan applies without the consent of the council.

33 Subdivision in certain zones

- (1) This clause applies to land within Zone No 1 (a1), 1 (a2), 1 (b), 2 (a1), 2 (b1), 2 (b2), 2 (c1), 2 (c2) or 2 (d).
- (2) The council may consent to the subdivision of land only if, in the case of land within—
 - (a) Zone No 1 (a1) or 1 (b), each separate allotment created thereby has—
 - (i) an area of not less than 40 hectares,
 - (ii) a ratio of depth to frontage satisfactory to the council, and
 - (iii) in the case of land within Zone No 1 (b) which has a frontage to a main or an arterial road, a frontage of not less than 300 metres,
 - (b) Zone No 1 (a2), each separate allotment created thereby has—
 - (i) an area of not less than 120 hectares, and
 - (ii) a ratio of depth to frontage satisfactory to the council, or
 - (c) Zone No 2 (a1), 2 (b1), 2 (b2), 2 (c1), 2 (c2) or 2 (d), each separate allotment created thereby has—
 - (i) if the allotment is not hatchet-shaped, an area of not less than 700 square metres,
 - (ii) if the allotment is hatchet-shaped, an area of not less than 1 100 square metres,
 - (iii) a ratio of depth to frontage satisfactory to the council, and
 - (iv) a frontage of not less than 18.5 metres.

- (3) Notwithstanding subclause (2) (a), the council may consent to the subdivision of land within Zone No 1 (a1) shown edged blue on the map into allotments of not less than 8 000 square metres if those allotments have ratio of depth to frontage satisfactory to the council.
- (4) Notwithstanding subclause (2) (c), the council shall not consent to the subdivision of land within Zone No 2 (a1) shown edged blue on the map into allotments of less than 1 160 square metres.
- (5) For the purposes of subclause (2) (c) (ii), in calculating the area of a hatchet-shaped allotment, the area of any access corridor shall be disregarded.

34 Further restriction on certain land within Zone No 1 (a3), 1 (c1), 1 (c2), 1 (c3), 2 (a2) or 7 (e)

The council shall not consent to the subdivision of land within Zone No 1 (a3), 1 (c1), 1 (c2), 1 (c3), 2 (a2) or 7 (e).

34A Subdivision within Zone No 9 (e)

The council shall not consent to the subdivision of land within Zone No 9 (e) unless the subdivision is for the purpose of consolidation or boundary adjustment.

35 Consent not required in certain cases

- (1) In this clause, **existing holding** means—
 - (a) except as provided by paragraph (b)—the area of a lot, portion or parcel of land as it was at the appointed day, or
 - (b) where, as at the appointed day, a person owned 2 or more adjoining or adjacent lots, portions or parcels of land, the aggregation of the areas of those lots, portions or parcels as they were as at the appointed day.
- (2) Nothing in this plan prevents the subdivision of land for any one or more of the following purposes—
 - (a) to open a public road (not involving the creation of an allotment referred to in clause 33),
 - (b) to enlarge the area of an existing holding by amalgamating that existing holding with one or more other existing holdings,
 - (c) to consolidate allotments of land within Zone No 1 (c1) into allotments of not less than 2 000 square metres, or
 - (d) to consolidate a number of contiguous existing holdings within Zone No 1 (c2) into a single allotment.

35A Subdivision of certain land at Winmalee

- (1) This clause applies to the land shown within Zone No 1 (d) on the map marked “*Blue Mountains Local Environmental Plan No 36*”.
- (2) The council may consent to the subdivision of the land to which this clause applies only if—
 - (a) in the case of the land being Portions 76–82, Part Portions 83 and 84, and Lots 1 and 2, Deposited Plan 564595, situated west of the intersection of Singles Ridge Road and Heather Glen Road—each allotment created thereby has a road frontage of not less than 50 metres, and
 - (b) in the case of any other land to which this clause applies—each allotment created thereby has a road frontage of not less than 70 metres.

Division 6 Building and development generally

36 Building lines along main or arterial roads

- (1) Except as provided by subclause (2), a building shall not, on land which is within a zone specified in Column 1 of the Table to this clause and which has a frontage to a main or an arterial road, be erected within the distance, specified in Column 2 of that Table opposite that zone, from the alignment or proposed alignment, as shown on that map, of the main or arterial road.

Table

Column 1	Column 2
Zone	Distance (in metres) from alignment or proposed alignment
1 (b)	30
2 (a1), 2 (a2), 2 (b1), 2 (b2), 2 (c1), 2 (c2), 2 (d), 4 (a) or 4 (b)	18

- (2) The council may, if in its opinion—
 - (a) the exceptional physical characteristics of the site render it necessary or expedient so to do, or
 - (b) no traffic hazard or situation of ribbon development is or is likely to be created thereby,consent to the erection on land of a building at a distance, in the case of land—
 - (c) within Zone No 1 (b), of not less than 10 metres, or
 - (d) being land other than land within Zone No 1 (b), 3 (a), 3 (b) or 3 (c), of not less

than 8 metres,

from the nearest alignment or proposed alignment of a main or arterial road.

37 Use of land differently zoned

- (1) Where one part of an allotment of land is within one zone and another part is within another zone, the council may, notwithstanding any provision of this plan to the contrary, consent to the use of one such part for the purposes of access to the other part.
- (2) Subclause (1) does not apply to an allotment of land having a major road frontage.

38 Floor space of buildings

- (1) In this clause—

Blaxland West means that part of the Town of Blaxland bounded by the Great Western Highway, Station, Hope and View Streets.

building, in relation to land within Zone No 2 (a1), 2 (a2), 2 (b1), 2 (b2), 2 (c1), 2 (c2) or 2 (d), does not include a dwelling-house or residential flat building.

site means the land the subject of a development application, including any part of the land reserved or dedicated for a public purpose.

- (2) The ratio of the total floor space of any building or buildings erected or proposed to be erected on land within a zone, specified in Column 1 of the Table to this clause, to the site area of that land shall not exceed the ratio set out opposite that zone in Column 2 of the Table.

Table

Column 1	Column 2
Zone	Floor space ratio
2 (a1), 2 (b1) or 2 (a2)	0.35:1
2 (b2) or 2 (c1)	0.6:1
2 (c2) or 2 (d)	0.75:1
3 (a) at Katoomba or Springwood	2:1
3 (a) except at Katoomba, Springwood or Blaxland West	1:1
3 (a) at Blaxland West	0.5:1
3 (b), 3 (c), 3 (d), 4 (a) or 4 (b)	0.5:1

39 Height of buildings

A person shall not erect a building on land within—

- (a) Zone No 2 (b1), if, at any point, that building contains more than 1 storey above ground level, or
- (b) a zone other than Zone No 2 (b1), if that building contains more than 2 storeys above ground level.

40 Utility services

- (1) Except as provided by subclause (2), no development shall be carried out on any land unless and until arrangements satisfactory to the council have been made for the provision to that land of a reticulated water supply, drainage and electricity services and the disposal of sewage.
- (2) The council may consent to the development of land for the purpose of a dwelling-house where no reticulated water supply is available if there is provided on the site water storage facilities having a capacity of not less than 30 000 litres.

41 Advertisement of certain applications

Pursuant to section 30 (4) of the Act, the provisions of sections 84, 85, 86, 87 (1) and 90 of the Act apply to and in respect of development on land within—

- (a) Zone No 2 (a1), 2 (a2), 2 (b1) or 2 (b2) for the purposes of a child care centre, home industry, hospital or place of public worship,
- (b) Zone No 2 (c1), for a purpose referred to in paragraph (a) or Schedule 1, or for the purposes of a motel,
- (c) Zone No 2 (c2), for a purpose referred to in paragraph (a) or Schedule 1, or for the purposes of a club, motel, place of assembly or reception establishment,
- (d) Zone No 2 (d), for a purpose referred to in paragraph (a) or Schedule 1, or for the purposes of a club, motel, place of assembly or reception establishment, or
- (e) Zone No 2 (b1), 2 (b2), 2 (c1), 2 (c2) or 2 (d), for the purposes of a residential flat building,

in the same way as those provisions apply to and in respect of designated development.

42 Assessment of certain factors

The council shall not consent to the carrying out of any development on land to which this plan applies, unless it has made an assessment of—

- (a) whether satisfactory arrangements have been made to reduce the risk of fire spreading on the site on which the development is intended to be carried out, onto the

site from land adjoining the site or from the site on to land adjoining the site,

- (b) whether arrangements, satisfactory to the council, have been made to reduce the risk of subsidence, slip or flooding of the land to which the proposed development relates,
- (c) the effect, if any, which the development will or is likely to have on any item of the environmental heritage, within the meaning of clause 58, and any other building or site which the council considers to be of scientific or historic interest,
- (d) the height of any building in the locality,
- (e) where the development is intended to be carried out on land (other than land within the escarpment preservation area) whether, having regard to the topography of the land the type and extent of existing trees and vegetation, adequate provision has been made, in the opinion of the council, to preserve the visual amenity of the locality, and
- (f) whether adequate provision has been made, in the opinion of the council, for access on to the land from a public road.

42A Assessment of certain additional factors in Zone No 9 (e)

- (1) This clause applies to land within Zone No 9 (e).
- (2) The council shall not consent to the carrying out of development on land to which this clause applies unless, in addition to those matters listed in clause 42 that are of relevance, it has made an assessment of—
 - (a) the extent to which the land will be disturbed or modified by works and vehicular access associated with the development,
 - (b) the extent to which the land has been previously disturbed or modified with particular regard to—
 - (i) weed infestation,
 - (ii) drainage,
 - (iii) clearing, and
 - (iv) construction,
 - (c) the adequacy of measures to safeguard and rehabilitate the environment,
 - (d) the feasibility of situating the development away from ridge tops or escarpment edges,
 - (e) whether consideration has been given to an alternative site for the development,
 - (f) whether consideration has been given to an alternative method of carrying out the

development,

- (g) whether adequate measures have been or will be taken with respect to the proper disposal of sewage, and
- (h) land capability and soil erosion hazard.

43 Assessment of certain applications

The council shall, in respect of an application under the Act for its consent to the carrying out of development on land within view of any waterway or adjacent to any main or arterial road, railway, public reserve, or on land within Zone No 6 (a), 6 (b), 6 (c), 6 (d), 6 (e) or 9 (d), make an assessment of the probable aesthetic appearance of the proposed building or work or that land when used for the proposed purpose and viewed from that waterway, main or arterial road, railway, public reserve or land so zoned.

43A Certain development of land within Zone No 6 (a) or 6 (e)

In considering whether to grant consent to the carrying out of development on any land within Zone No 6 (a) or 6 (e), the council shall take into account—

- (a) the necessity for the proposed development on the land,
- (b) the impact of the proposed development on the existing or likely future use of the land, and
- (c) the necessity to retain the land for its existing or likely future use.

43B Assessment of the impact of development adjacent to Zone No 9 (e)

The council shall, when considering an application to carry out development on land adjacent to land within Zone No 9 (e), make an assessment of the impact of that development on the aesthetic, historical, natural, scenic and scientific attributes of the land within that zone.

44 (Repealed)

45 Local building lines

- (1) The council may, by resolution, fix a line (in this clause called a **local building line**) in respect of any land fronting any river, creek, lake, lagoon, escarpment or cliff edge.
- (2) A local building line shall, when fixed in accordance with subclause (1), be marked upon a plan or clearly described in the resolution and the plan or resolution shall be available for inspection by the public during the office hours of the council.
- (3) The council may alter or abolish any local building line where the levels, depth or other exceptional features of the site make it necessary or expedient to do so.

- (4) A building shall not be erected between a local building line and the river, creek, lake, lagoon, escarpment or cliff edge in respect of which the line is fixed.

46 (Repealed)

47 Tree preservation

- (1) Where it appears to the council that it is expedient for the purpose of securing amenity, of preserving existing amenity or of protecting the natural environment, it may, for that purpose and by resolution, make an order (a **tree preservation order**) and may, by like resolution, rescind or vary any such order.
- (2) A tree preservation order may prohibit the ring-barking, cutting down, topping, lopping, pruning, root-pruning, removing, placement of soil within the root zone, injuring or wilful destruction of any tree or trees specified in the order except with the consent of the council and any such consent may be given subject to such conditions as the council thinks fit.
- (3) A tree preservation order may relate to any tree or trees or to any specified class, type or description of trees on land described particularly or generally by reference to the local government area of the City of Blue Mountains or any divisions of the area.
- (4) The council must, as soon as practicable after the making of a tree preservation order, cause notice of the making of the order to be published in the Gazette and in a newspaper circulating in the locality in which the land described in the order is situated.
- (5) A person who contravenes or causes or permits to be contravened a tree preservation order after it has been published in the Gazette is guilty of an offence.
- (6) It is a sufficient defence to proceedings under this clause relating to the ring-barking, cutting down, topping, lopping, pruning, root-pruning, removal, placement of soil within the root zone, injury or wilful destruction of a tree to prove—
 - (a) that the tree was dead and that tree was not a “likely habitat tree” within the meaning of this clause, or
 - (b) that the tree posed an imminent danger to property or life, or
 - (c) that taking the action was reasonably necessary to protect human life, buildings or other property from imminent danger from a bush fire burning in the vicinity of the land on which the tree was situated.
- (7) For the purposes of this clause, **likely habitat tree** means any tree naturally occurring (being native vegetation or remnant native vegetation) which has developed hollows in the trunks or limbs, and which is suitable for nesting birds, arboreal marsupials (such as possums) or native placental mammals (such as bats) or which is supporting the growth of locally indigenous or endemic epiphytic plants (such as

orchids).

47A Demolition requires development consent

The demolition of a building or work may be carried out only with development consent.

Note—

If the demolition of a building or work is identified in an applicable environmental planning instrument, such as this plan or *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*, as exempt development, the Act enables it to be carried out without development consent.

47B Temporary use of land

- (1) The objective of this clause is to provide for the temporary use of land if the use does not compromise future development of the land, or have detrimental economic, social, amenity or environmental effects on the land.
- (2) Despite any other provision of this plan, development consent may be granted for development on land in any zone for a temporary use for a maximum period of 52 days (whether or not consecutive days) in any period of 12 months.
- (3) Development consent must not be granted unless the consent authority is satisfied that—
 - (a) the temporary use will not prejudice the subsequent carrying out of development on the land in accordance with this plan and any other applicable environmental planning instrument, and
 - (b) the temporary use will not adversely impact on any adjoining land or the amenity of the neighbourhood, and
 - (c) the temporary use and location of any structures related to the use will not adversely impact on environmental attributes or features of the land, or increase the risk of natural hazards that may affect the land, and
 - (d) at the end of the temporary use period the land will, as far as is practicable, be restored to the condition in which it was before the commencement of the use.
- (4) Despite subclause (2), the temporary use of a dwelling as a sales office for a new release area or a new housing estate may exceed the maximum number of days specified in that subclause.
- (5) Subclause (3)(d) does not apply to the temporary use of a dwelling as a sales office mentioned in subclause (4).

47C Conversion of fire alarms

- (1) This clause applies to a fire alarm system that can be monitored by Fire and Rescue NSW or by a private service provider.

- (2) The following development may be carried out, but only with development consent—
- (a) converting a fire alarm system from connection with the alarm monitoring system of Fire and Rescue NSW to connection with the alarm monitoring system of a private service provider,
 - (b) converting a fire alarm system from connection with the alarm monitoring system of a private service provider to connection with the alarm monitoring system of another private service provider,
 - (c) converting a fire alarm system from connection with the alarm monitoring system of a private service provider to connection with a different alarm monitoring system of the same private service provider.
- (3) Development to which subclause (2) applies is complying development if it consists only of—
- (a) internal alterations to a building, or
 - (b) internal alterations to a building together with the mounting of an antenna, and any support structure, on an external wall or roof of a building so as to occupy a space of not more than 450mm × 100mm × 100mm.
- (4) A complying development certificate for any such complying development is subject to a condition that any building work may only be carried out between 7.00 am and 6.00 pm on Monday to Friday and between 7.00 am and 5.00 pm on Saturday, and must not be carried out on a Sunday or a public holiday.
- (5) In this clause—

private service provider means a person or body that has entered into an agreement that is in force with Fire and Rescue NSW to monitor fire alarm systems.

47D Standards that cannot be used to refuse consent—playing and performing music

- (1) The consent authority must not refuse consent to development in relation to licensed premises on the following grounds—
- (a) the playing or performance of music, including the following—
 - (i) the genre of music played or performed, or
 - (ii) whether the music played or performed is live or amplified, or
 - (iii) whether the music played or performed is original music, or
 - (iv) the number of musicians or live entertainment acts playing or performing, or
 - (v) the type of instruments played,

- (b) whether dancing occurs,
 - (c) the presence or use of a dance floor or another area ordinarily used for dancing,
 - (d) the direction in which a stage for players or performers faces,
 - (e) the decoration to be used, including, for example, mirror balls, or lighting used by players or performers.
- (2) The consent authority must not refuse consent to development in relation to licensed premises on the grounds of noise caused by the playing or performance of music, if the consent authority is satisfied the noise may be managed and minimised to an acceptable level.
- (3) In this clause—
- licensed premises*** has the same meaning as in the *Liquor Act 2007*.

47E Flood planning

- (1) The objectives of this clause are as follows—
- (a) to minimise the flood risk to life and property associated with the use of land,
 - (b) to allow development on land that is compatible with the flood function and behaviour on the land, taking into account projected changes as a result of climate change,
 - (c) to avoid adverse or cumulative impacts on flood behaviour and the environment,
 - (d) to enable the safe occupation and efficient evacuation of people in the event of a flood.
- (2) Development consent must not be granted to development on land the consent authority considers to be within the flood planning area unless the consent authority is satisfied the development—
- (a) is compatible with the flood function and behaviour on the land, and
 - (b) will not adversely affect flood behaviour in a way that results in detrimental increases in the potential flood affectation of other development or properties, and
 - (c) will not adversely affect the safe occupation and efficient evacuation of people or exceed the capacity of existing evacuation routes for the surrounding area in the event of a flood, and
 - (d) incorporates appropriate measures to manage risk to life in the event of a flood, and
 - (e) will not adversely affect the environment or cause avoidable erosion, siltation,

destruction of riparian vegetation or a reduction in the stability of river banks or watercourses.

- (3) In deciding whether to grant development consent on land to which this clause applies, the consent authority must consider the following matters—
- (a) the impact of the development on projected changes to flood behaviour as a result of climate change,
 - (b) the intended design and scale of buildings resulting from the development,
 - (c) whether the development incorporates measures to minimise the risk to life and ensure the safe evacuation of people in the event of a flood,
 - (d) the potential to modify, relocate or remove buildings resulting from development if the surrounding area is impacted by flooding or coastal erosion.
- (4) A word or expression used in this clause has the same meaning as it has in the Considering Flooding in Land Use Planning Guideline unless it is otherwise defined in this clause.
- (5) In this clause—

Considering Flooding in Land Use Planning Guideline means the *Considering Flooding in Land Use Planning Guideline* published on the Department’s website on 14 July 2021.

flood planning area has the same meaning as it has in the Flood Risk Management Manual.

Flood Risk Management Manual means the *Flood Risk Management Manual*, ISBN 978-1-923076-17-4, published by the NSW Government in June 2023.

47F Canal estate development prohibited

- (1) Canal estate development is prohibited on land to which this Plan applies.
- (2) In this clause—

canal estate development has the same meaning as in the standard instrument prescribed by the [Standard Instrument \(Local Environmental Plans\) Order 2006](#).

Division 7 Roads

48 (Repealed)

49 Restrictions on development in respect of certain road proposals

- (1) Where, on the map, a proposed new alignment of a road is shown by a broken black line with the words “Proposed new alignment”, the council shall not consent to the

erection of a building or the carrying out of a work on land between the existing alignment of the road and the proposed new alignment, but nothing in this subclause prevents the council from consenting to development being carried out on that land for the purpose of what, in the opinion of the council, are minor and not substantial repairs and improvements required for permitting the reasonable preservation and temporary use of a building or work.

(2) (Repealed)

(3) If the road proposed to be realigned is a main road, the council must not consent to the carrying out of those repairs and improvements unless it has taken into consideration—

(a) the effect which the erection of the building or the carrying out of the work will, or (in the opinion of the council) is likely to, have on—

(i) the future construction of the road or bridge to the proposed new alignment, and

(ii) traffic flow and traffic safety, and

(b) the estimated cost of carrying out the development and the change likely to be caused by the development having been carried out in the value of the land situated between the existing and the proposed alignments.

Division 8 Development in escarpment preservation areas

50 Application of Division

This Division applies to all land in an escarpment preservation area.

51 Interpretation

In this Division—

external surfaces, in relation to a building or work, includes the external walls and cladding (if any) thereon, external doors, external door and window frames, columns, roofs, fences, and any other surface of the building or work visible from the exterior of that building or work.

prescribed materials means dark toned or dark coloured materials of low reflective quality or materials which are painted or similarly treated with dark toned or dark coloured paint or pigment of low reflective quality.

52 Consent required for certain development

(1) Notwithstanding any other provision of this plan, a person shall not, without the consent of the council, carry out any development on land within an escarpment preservation area or clear any such land of vegetation or trees.

- (2) For the purpose of the council's proper consideration of an application for—
- (a) consent to the development of land within an escarpment preservation area, the council may require the applicant to furnish plans and details showing—
 - (i) the type and location of the existing vegetation on the site,
 - (ii) the proposed landscaping of the site in relation to the buildings or works proposed to be erected or carried out, and
 - (iii) the number, type and location of trees and shrubs which are to be retained or planted on the site, or
 - (b) consent to the clearing, on land within an escarpment preservation area, of vegetation or trees, the council may require the applicant to furnish plans and details showing—
 - (i) the extent of the proposed clearing of the site,
 - (ii) the extent of any landscaping of the site which is proposed to be carried out, and
 - (iii) the number, type and location of trees and shrubs which are to be retained or planted on the site.

53 Assessment of certain matters

The council shall not consent to the carrying out of development on land to which this Division applies, unless it has made an assessment of—

- (a) the types of materials to be used in any proposed building or work,
 - (b) the height of any proposed building, and
 - (c) the proportion of the site which is to be covered by any building,
- to which the development application relates.

54 Restrictions on building

- (1) A person shall not erect a building on land within an escarpment preservation area, if that building—
- (a) has a height, when measured from any point on the building to the natural ground level of the site immediately below that point, of more than 8 metres,
 - (b) occupies more than 55 per cent of the area of the site, or
 - (c) except as provided by subclause (2) or (3), has external surfaces of other than prescribed materials.

- (2) Subclause (1) (c) does not—
- (a) operate to prohibit the use of materials other than prescribed materials, if the use of those other materials is necessary for the purpose of complying with *Ordinance No 70* made under the *Local Government Act 1919*, or
 - (b) apply where, in the opinion of the council, the use of a material other than a prescribed material would, by reason of the topography of the site, have no detrimental effect on the visual appearance of the escarpment.
- (3) The council may consent to—
- (a) the alteration or enlargement of—
 - (i) an existing building, or
 - (ii) a building ancillary to an existing building,on land within an escarpment preservation area, if the existing building or the building ancillary to the existing building has external surfaces of other than prescribed materials, or
 - (b) the use of the external surface of a building, on land within an escarpment preservation area, of materials other than prescribed materials, if the total surface area of those materials does not exceed 10 per cent of the external surface area of the building.
- (4) In subclause (3), **existing building** means a building lawfully erected at any time prior to the making, after the appointed day, of a development application in respect of the land on which the building is erected.

55 Use of prescribed materials

A material which is a prescribed material shall not be used in connection with the carrying out of development on land to which this Division applies unless, in the opinion of the council, that material blends with the landscape of the site and its surroundings.

Division 9 Development on reserved land

56 Building etc not to be erected without consent on reserved land

- (1) This clause applies to land within Zone No 9 (a), 9 (b), 9 (c), 9 (d) or 9 (e).
- (2) Except as provided by subclauses (4) and (5), a person shall not, on land to which this clause applies, erect a building or carry out or alter a work of a permanent character or make or alter a permanent excavation other than a building or a permanent work or a permanent excavation required for or incidental to the purpose for which the land is reserved.

- (3) A person shall not carry out any development upon land to which this clause applies so as to render it unfit for the purpose for which it is reserved.
- (4) Where it appears to the council that the purpose for which land is reserved under Part 2 cannot be carried into effect within a reasonable time after the appointed day or the day on which it first becomes so reserved, whichever is the later day, the owner of the land may, with the consent of the council, erect a building or carry out or alter a work of a permanent character or make or alter a permanent excavation on that land.
- (5) Nothing in this clause shall operate to prohibit the erection of a fence on any land reserved under Part 2 or the erection or construction on the land, with the consent of the council, of any utility installation.

57 Acquisition of land

- (1) The owner of any land within Zone No 6 (b), 9 (a), 9 (b), 9 (c) or 9 (d) upon which the erection of any building or the carrying out or alteration of any work of a permanent character or the making or alteration of any permanent excavation is prohibited, except for or incidental to a purpose for which the land is so zoned, and the owner of any land so zoned, in respect of which the council has refused its consent pursuant to clause 56 (3) may, by notice in writing, require the council to acquire that land.
- (2) Upon receipt of a notice referred to in subclause (1), the council shall acquire the land to which the notice relates.

57A Acquisition of land within Zone No 9 (e) by corporation

- (1) The owner of any land within Zone No 9 (e) may, by notice in writing, require the corporation to acquire that land.
- (2) Upon receipt of a notice referred to in subclause (1), the corporation shall acquire the land to which the notice relates.

Division 10 Other uses

58 Heritage conservation

- (1) The aims and objectives of this clause are to identify and protect the Blue Mountains' natural and cultural heritage.
- (2) In this clause—

alter, in relation to a heritage item or to a building or work within a Heritage Conservation Area, means change the inside or outside of the heritage item, building or work, but does not include changes that maintain the existing detail, fabric, finish or appearance outside of the heritage item, building or work.

conservation plan means a document establishing the heritage significance of a

heritage item or of a building within a Heritage Conservation Area and identifying all the steps needed to be taken to retain that significance in its future use and development. In preparing the conservation plan, regard is to be had to the publications “*The Conservation Plan*” by James Semple Kerr, The National Trust of Australia (NSW), 3rd ed 1990 and “*The Illustrated Burra Charter*” by P Marquis-Kyle and M Walker; Australia ICOMOS Inc., 1992, copies of which are deposited in the offices of the council.

demolition means the damaging, defacing, destruction, pulling down or removal of a heritage item, building, work, relic or place in whole or in part.

Heritage Conservation Area means land to which this plan applies that consists of, or is included in, an area identified as such on the Map and in Schedule 2 to [Blue Mountains Local Environmental Plan 1991](#).

heritage item means a building, work, relic, tree or place of heritage significance situated on land to which this plan applies and identified in Schedule 2 to [Blue Mountains Local Environmental Plan 1991](#).

heritage significance means historic, scientific, cultural, social, archaeological, architectural, natural or aesthetic significance.

Map has the same meaning as in [Blue Mountains Local Environmental Plan 1991](#).

relic means any deposit, object or material evidence which is over 50 years old relating to settlement.

- (3) A person shall not, without the consent of the Council, in respect of a building, work, relic, place or tree that is a heritage item—
- (a) demolish or alter the building or work, or
 - (b) damage or move the relic, or excavate for the purpose of exposing or moving the relic, or
 - (c) damage or despoil the place or tree, or
 - (d) damage or remove any tree or horticultural feature on the land on which the building, work or relic is situated or on the land which comprises the place.
- (4) A person shall not, without the consent of the Council, in respect of a Heritage Conservation Area—
- (a) demolish or alter a building or work within the area, or
 - (b) damage or move a relic, or excavate for the purpose of exposing or moving a relic, within the area, or

(c) damage or despoil a place, tree or other horticultural feature within the area.

(5) The Council shall not grant consent to a development application in respect of—

(a) a heritage item, or

(b) development likely to affect a heritage item, or

(c) development in a Heritage Conservation Area,

unless it has assessed the effect that the development would have on the heritage significance of the heritage item or Heritage Conservation Area.

Note—

The website of the Heritage Branch of the Department of Planning has publications that provide guidance on assessing the impact of proposed development on the heritage significance of items (for example, *Statements of Heritage Impact*).

(6), (7) (Repealed)

(8) The council may grant consent to development, other than subdivision, for any purpose, of a building that is a heritage item or is within a Heritage Conservation Area, or of the land on which the building is erected, even though development for that purpose would otherwise be prohibited by this plan, if it is satisfied that—

(a) the proposed development would not adversely affect—

- the heritage significance of the building or Heritage Conservation Area,
- the amenity of any Heritage Conservation Area within which the building is situated, or
- the heritage significance and amenity of the surrounding neighbourhood, and

(b) where the building is a heritage item—

- the heritage item will be most appropriately conserved if used for the proposed development, and
- a conservation plan, prepared for the heritage item, supports the proposed development.

58A Protected Areas

(1) The aims and objectives of this clause are to establish 3 different kinds of Protected Areas and, with respect to those areas—

(a) **Environmental Constraint Area**

- (i) To protect environmentally sensitive land and areas of high scenic value in the City.

- (ii) To provide a buffer around areas of ecological significance.
- (iii) To restrict development on land that is inappropriate by reason of its physical characteristics or bushfire risk.

(b) Escarpment Area

- (i) To preserve and enhance the natural environmental and visual significance of the escarpment system of the Blue Mountains.
- (ii) To limit the presence of buildings and works in the escarpment area and to limit the impact of buildings on the perception of the escarpment as a significant natural feature.
- (iii) To limit the proportion of hard surfaces in the escarpment area and to provide for the restoration of all degraded areas and their return to a natural habitat.

(c) Water Supply Catchment Area

- (i) To protect the City's water supply.
- (ii) To maintain the quality of the natural environment.

- (2) This clause applies to land to which this plan applies shown on the Map, within the meaning of *Blue Mountains Local Environmental Plan 1991*, in a distinctive manner and by the following annotations—

Environmental Constraint Area

Escarpment Area

Water Supply Catchment Area

- (3) In this clause—

storey is any separate floor within a building, but does not include—

- (a) a floor of a building used exclusively for the purpose of car-parking, storage, laundry facilities or similar purposes, or any combination of such purposes, where the ceiling level of that floor is not more than 1 metre above finished ground level at any point, or
- (b) storage or living space within the roof void.

- (4) The development criteria for the following Protected Areas are—

(a) Environmental Constraint Area

The Council shall not consent to development in a Protected Area—Environmental Constraint Area, unless it is satisfied, by means of a detailed environmental

assessment, that the development will not compromise the objectives of the Protected Area.

(b) Escarpment Area

- (i) The Council shall not consent to any development involving the clearing of trees in an area designated as Protected Area—Escarpment Area, unless it is satisfied, by means of an assessment of the landscape and environmental impact of the proposed development, that the visual and ecological effects of the proposed clearing will not compromise the Protected Area—Escarpment Area objective.
- (ii) No building, other than of single storey construction, shall be erected in a Protected Area—Escarpment Area if it protrudes above the vegetation canopy of the immediate locality, or the height of adjacent buildings.

(c) Water Supply Catchment Area

- (i) Any development consent must include a provision which requires that satisfactory arrangements be made with the Water Board for the provision of water and sewerage facilities.
- (ii) Within a Protected Area—Water Supply Catchment Area, the Council shall not consent to any development that requires effluent disposal unless the development is to be connected to a reticulated sewerage system.
- (iii) The Council may grant development consent for the erection of a dwelling house served by an effluent pump-out system on a lot that existed at the appointed day where the sewer is not available. This provision does not extend to dual occupancy.

59 Suspension of certain laws etc

- (1) For the purpose of enabling development to be carried out in accordance out in accordance with this plan (as in force when the development is carried out) or in accordance with a consent granted under the Act—
 - (a) in relation to any development—
 - (i) section 314 (1) (c) of the *Local Government Act 1919*, and
 - (ii) Schedule 7 to that Act,
 - (b) in relation to development carried out in accordance with the clause 14, section 37 of the *Strata Titles Act 1973*, and
 - (c) in relation to the development of land within any zone, other than Zone No 2 (a1), 2 (a2), 2 (b1), 2 (b2), 2 (c1), 2 (c2) or 2 (d), any covenant, agreement or

instrument imposing a restriction as to the erection or use of the buildings for certain purposes or as to the use of land for certain purposes,

to the extent necessary to serve that purpose, shall not apply to any such development.

- (2) Pursuant to section 28 of the Act, before the making of this Plan—
 - (a) the Governor approved of subclause (1),
 - (b) the Minister for the time being administering the provisions of the *Local Government Act 1919* referred to in that subclause concurred in writing in the recommendation for the approval of the Governor of subclause (1) in so far as that subclause relates to those provisions, and
 - (c) the Minister for the time being administering the provision of the *Strata Titles Act 1973* referred to in that subclause concurred in writing in the recommendation for the approval of the Governor of subclause (1) in so far as that subclause relates to that provision.

59A Development near the boundary of adjoining zones

- (1) This clause applies to land which is within 10 metres of a boundary between any 2 zones.
- (2) Subject to subclause (3), development may, with the consent of the council, be carried out on land to which this clause applies for any purpose for which development may be carried out in the adjoining zone on the other side of the boundary.
- (3) The council shall not consent to the carrying out of development referred to in subclause (2) unless the carrying out of the development is desirable, in the opinion of the council, due to planning, design, ownership, servicing or similar requirements relating to the development of land to which this plan applies.

60 Development for certain additional purposes

- (1) Nothing in this plan prevents a person, with the consent of the council, from carrying out development on land referred to in Schedule 7 for a purpose specified in relation to that land in that Schedule, subject to such conditions, if any, as are so specified.
- (2) Subclause (1) does not affect the application, to or in respect of development to which that subclause applies, of such of the provisions of this plan as are not inconsistent with that subject or with a consent granted by the council in respect of the development.

60A, 61 (Repealed)

61AA Development of certain land at Blaxland (Great Western Highway near Hope Street) for integrated housing

(1) This clause applies to land situated at 108 Great Western Highway, Blaxland, as shown edged heavy black on the map marked “*Blue Mountains Local Environmental Plan No 126*” deposited in the office of the Council.

(2) In this clause—

community scheme subdivision means subdivision of land under the [Community Land Development Act 1989](#).

integrated housing development means development that consists of—

- (a) the community scheme subdivision of land into 5 or more allotments, and
- (b) the erection of a single dwelling-house on each of the allotments created by that subdivision.

site coverage ratio, for the land to which this clause applies, means the ratio of the total of the gross floor areas of all dwelling-houses that are or will be situated within a site to the total area of the site.

- (3) Integrated housing development may be carried out on the land to which this clause applies, but only with the consent of the Council.
- (4) Clause 33 (which sets minimum areas for allotments) does not apply to land to which this clause applies.
- (5) The Council must not grant consent to the carrying out of integrated housing development on land to which this clause applies unless it is satisfied that—
 - (a) each allotment created by the community scheme subdivision on which a dwelling-house and courtyard will be erected has an area of 260 m² or more, and
 - (b) the development makes adequate provision with respect to the privacy of each proposed dwelling-house, and
 - (c) the development makes adequate provision with respect to natural light for each proposed dwelling-house, and
 - (d) the site coverage ratio for the land will not exceed 0.15:1, and
 - (e) adequate arrangements can be made for the provision of water, sewerage and drainage services for each proposed dwelling-house, and
 - (f) the maximum number of dwelling-houses that will be erected on the land is 43, and

(g) no building will be erected at a distance of less than 14 metres from the nearest alignment or proposed alignment of a main arterial road.

- (6) The Council may impose on any consent granted by it to the carrying out of integrated housing development on land to which this clause applies a condition to the effect that the development will include a lot, owned by the community association and known as community property, on which facilities will be constructed for the exclusive use of the community association.

61A Certain development at Leura (Fitzroy Street and Gladstone Road)

- (1) This clause applies to land in the vicinity of Fitzroy Street and Gladstone Road, Leura, as shown edged heavy black on Sheet 1 of the map marked "*Blue Mountains Local Environmental Plan No 28*".
- (2) Clause 39 does not operate so as to prohibit the erection of a building on the land to which this clause applies where that building does not exceed 8.5 metres in height above ground level.
- (3) The council shall not consent to the carrying out, on the land to which this clause applies, of development for the purpose of a retirement village if the number of dwellings in the retirement village exceeds 77.

61B Certain development at Leura (McLachlan Road)

- (1) This clause applies to land in the vicinity of McLachlan Road, Leura, as shown edged heavy black on Sheet 2 of the map marked "*Blue Mountains Local Environmental Plan No 28*".
- (2) (Repealed)
- (3) In considering whether to grant consent to the carrying out of development on land to which this clause applies, the council must take into consideration—
- (a) the likely effect of the development on the visual environment,
 - (b) the likely effect of the development on the natural environment,
 - (c) without limiting the generality of paragraph (b), the likely effect of the development, both during construction and operation, on the natural environment by reason of alteration to the flow of ground water and emission of pollutants, and
 - (d) the likely effect of the development with regard to the social and economic welfare of the City of Blue Mountains.

62 Certain development at Leura

- (1) (Repealed)

- (2) In considering whether to grant consent to the carrying out of development on land to which *Blue Mountains Local Environmental Plan No 12* applies, the council must take into consideration—
- (a) the likely effect of the development on the visual environment,
 - (b) the likely effect of the development on the natural environment,
 - (c) without limiting the generality of paragraph (b), the likely effect of the development, both during construction and operation, on the natural environment by reason of alteration to the flow of ground water and emission of pollutants, and
 - (d) the likely effect of the development with regard to the social and economic welfare of the city of Blue Mountains.

63 Development of certain land at Shipley Plateau

The Council shall not consent to the carrying out of development on that part of the land in Centennial Glen Road in DP 12669 or DP 29886 which is within Zone No 1 (c3) unless the area of the allotment on which the development is proposed to be carried out is not less than 1 000 square metres.

64 Development of certain land at King's Tableland

- (1) Notwithstanding the provisions of clause 34, a person may, with the consent of the council—
- (a) subdivide land within Zone No 2 (a2) on part portion 512, Hordern Road, into 4 allotments, or
 - (b) subdivide land within Zone No 1 (c3) on portion 152, Tableland Road, into allotments of not less than 2 hectares.
- (2) The council shall not consent to the carrying out of development on the land comprising lot 22, DP 624458, and lots 65–68, DP 23367, Tableland Road, unless the area of the allotment on which the development is proposed to be carried out is not less than 3 000 square metres.

65 Development of certain land at Wentworth Falls

- (1) This clause applies to part of portion 26, Great Western Highway, Wentworth Falls, as shown edged heavy black on the map marked "*Blue Mountains Local Environmental Plan No 79*".
- (2) The council may grant consent—
- (a) to the carrying out of development, on so much of the land to which this clause applies as is within Zone No 1 (c3), for the purposes of a recreational establishment (flora and fauna park), and

- (b) to access being provided from the Great Western Highway, over that part of the land zoned Environment Protection, to the land referred to in paragraph (a).
- (3) The council shall not grant consent to an application to carry out development on the land to which this clause applies unless—
 - (a) it is satisfied that the visual impact of the development will not prejudice the planning principles recommended for the future of the area, being a visual and environmental buffer between Bullaburra and Wentworth Falls, and
 - (b) it is satisfied that run-off from hard surfaces is disposed of and treated so that no adverse environmental effect occurs, and
 - (c) it is satisfied that adequate arrangements have been made for traffic safety on the Great Western Highway, Wentworth Falls, by restricting entry to, and exit from, the land to left-hand turn movements, and
 - (d) any development is connected to the Water Board sewer.
- (4) The council shall not grant consent to the development referred to in subclause (2) after the expiration of 12 months from the day on which *Blue Mountains Local Environmental Plan No 79* takes effect.
- (5) Nothing in subclause (4) shall prevent the council from granting consent to the carrying out of alterations or extensions to, or the rebuilding of, a building or place being used for a purpose for which consent has been granted under subclause (2) (a).

65A Certain development at Katoomba (Great Western Highway near Camp Street)

- (1) This clause applies to land on the Great Western Highway, Katoomba, being part Lots 9, 10, 11, 12 and 14, Sec 1, DP 3381; part Lots A and B, DP 396209; part Lot 14, DP 925593, as shown edged heavy black on sheet 1 of the map marked "*Blue Mountains Local Environmental Plan No 107*" deposited in the office of the council.
- (2) The council is not to grant consent to the carrying out of development on land to which this clause applies for purposes other than a single dwelling house on each lot unless the council is satisfied that—
 - (a) the Water Board has previously provided certification to the council that the sewage treatment plant serving this area has the capacity to accommodate the additional development, and
 - (b) direct vehicular access from the Great Western Highway will not be provided to or from the land.

66 Development of certain land at Glenbrook

- (1) This clause applies to lots 11 and 12, DP 610979, Cross Street and lot A, DP 954056

and lot 2, Section 31, Glen Street, Glenbrook, being land generally bounded by Ross Street, Cross Street, Glen Street and Burfitt Parade.

- (2) The Council may grant consent to the carrying out of development on the land to which this clause applies for the purposes of an integrated development incorporating retail and office space, restaurant and gallery facilities, town house style residential development and associated car parking.
- (3) The Council may not grant consent to an application to carry out development on the land to which this clause applies unless—
 - (a) the design and appearance of the development preserves the existing village atmosphere of the business area,
 - (b) the development presents an integrated and sympathetic design, and
 - (c) the site layout ensures the maximum retention of the mature trees on the land, particularly those along Ross Street.
- (4) The Council may not grant consent to the development referred to in subclause (2) after the expiration of 12 months from the day on which *Blue Mountains Local Environmental Plan No 85* took effect.
- (5) Nothing in subclause (4) prevents the Council from granting consent to the carrying out of alterations or extensions to, or the rebuilding of, a building or place being used for a purpose for which consent has been granted under subclause (2).

66A Development of certain land at Glenbrook for integrated housing

- (1) This clause applies to 3 parcels of contiguous land in the vicinity of Knapsack Street, McCauley Crescent, Mount Street and Lucasville Road, Glenbrook, each of which is shown edged heavy black on the map marked "*Blue Mountains Local Environmental Plan No 118*" deposited in the office of the council.
- (2) In this clause—

floor space ratio—

 - (a) for a dwelling house, means the ratio of the gross floor area of the dwelling-house to the area of the allotment on which it is or will be situated, or
 - (b) for a parcel of land to which this clause applies, means the ratio of the total of the gross floor areas of all dwelling-houses that are or will be situated within the parcel to the total of the areas of all allotments within the parcel on which dwelling-houses are or will be situated.

integrated housing development means—

- (a) the subdivision of land into 5 or more allotments, and

- (b) the erection of not more than one dwelling-house on each allotment created by that subdivision.
- (3) Integrated housing development of land to which this clause applies may be carried out, but only with the consent of the council.
- (4) Clause 33 (which sets minimum areas for allotments) does not apply to land to which this clause applies.
- (5) The council must not grant consent to integrated housing development of land to which this clause applies unless it is satisfied that—
 - (a) each allotment created by the development and on which a dwelling-house will be erected has an area of 400 square metres or more, and
 - (b) the development makes adequate provision with respect to the privacy of each proposed dwelling-house, and
 - (c) the development makes adequate provision with respect to natural light for each proposed dwelling-house, and
 - (d) the floor space ratio for each proposed dwelling-house will not exceed 0.5:1, and
 - (e) the floor space ratio for each parcel of land to which this clause applies will not exceed 0.4:1, and
 - (f) adequate arrangements can be made for the provision of water, sewerage and drainage services for each proposed dwelling-house.
- (6) For the purpose of allowing integrated housing development on land to which this clause applies, the rear boundaries of allotments on the periphery of that land may be adjusted with the consent of the council so as to reduce the size of those allotments, despite clause 33.

66B Development of certain land at Springwood for integrated housing

- (1) This clause applies to land situated between Bland Road and George Street Springwood as shown edged heavy black on the map marked "*Blue Mountains Local Environmental Plan No 121*" deposited in the office of the Council.
- (2) In this clause **floor space ratio**, for the parcel of land to which this clause applies means the ratio of the total of the gross floor areas of all dwelling houses that are or will be situated within the parcel of the total of the areas of all lots within the parcel on which dwelling-houses are or will be situated.

lot means a lot as defined in The *Strata Titles Act 1973*.

- (3) Development may with the consent of the Council, be carried out on the land to which this clause applies for the purposes of—

- (a) subdivision, under the *Strata Titles Act 1973*, into 5 or more lots, and
 - (b) the erection of a single dwelling-house on each of the lots erected by that subdivision.
- (4) The Council must not grant consent to any such development unless it is satisfied that—
- (a) the average lot size created by the strata subdivision, on which a dwelling-house and court yard may be erected will be not less than 353m², and
 - (b) the development makes adequate provision with respect to the privacy of each proposed dwelling-house, and
 - (c) the development makes adequate provision with respect to natural light for each proposed dwelling-house, and
 - (d) the floor space ratio for the whole of the land to which this clause applies will not exceed 0.35:1, and
 - (e) adequate arrangements can be made for the provision of water, sewerage and drainage services for each proposed dwelling-house, and
 - (f) the maximum number of dwelling-houses that will be erected on the subject land is 13, and
 - (g) no building will be erected at a distance of less than 10 metres from the nearest alignment or proposed alignment of a main or arterial road.
- (5) Clause 33 (which sets minimum areas for allotments) does not apply to land to which this clause applies.

67 Development of certain land at Blackheath

- (1) This clause applies to Lot 1, DP 911334, Lot 1, DP 911760, DP 911652, Part Lot 1, DP 909231 and DP 942534, Corner Hat Hill Road and Wentworth Street, Blackheath, as shown edged heavy black on the map marked "*Blue Mountains Local Environmental Plan No 94*".
- (2) The council shall not grant consent to an application for the subdivision of the land to which this clause applies unless the two heritage buildings located on that land and identified in the council's heritage register deposited in the office of the council are retained within one allotment created by such subdivision.

68 Reclassification of community land as operational land

The land referred to in Schedule 8 is reclassified from community land to operational land.

69 Development of certain land at Katoomba

- (1) This clause applies to land in Narrow Neck Road, Glencoe Road, Cliff Drive and Acacia Street, Katoomba, being the part of the land shown edged heavy black on the map marked "*Blue Mountains Local Environmental Plan No 112*" that is also shown hatched or cross-hatched on that map.
- (2) A person may, with the consent of the council, carry out development for the purposes of tourist facilities and residential flat buildings Class 1 on the land to which this clause applies.
- (3) However, development for those purposes may be carried out on the part of the land that is shown cross-hatched on the map referred to in subclause (1) only if—
 - (a) an amount of the land shown hatched on that map (equivalent to the amount of the cross-hatched land developed for those purposes) is not so developed, and
 - (b) the council is satisfied that the topography of the land is such that no other land is suitable for development for those purposes.
- (4) If development for those purposes is carried out on the cross-hatched land, the council is not to grant consent to a subsequent application for consent to carry out development for those purposes on the hatched land.

69A Development on Katoomba Town Approach Precinct

- (1) This clause applies to land comprising Lot 3, DP 705910, Lots 12 and 13, DP 236340, Lot 4, DP 656607 and Lots 51 and 52, DP 827236 having frontage to Goldsmith Place, Myra Place and the Great Western Highway, Katoomba, as shown edged heavy black on the map marked "*Blue Mountains Local Environmental Plan No 144*" and referred to in this clause as the ***Katoomba Town Approach Precinct***.
- (2) Notwithstanding any other provision of this plan, development for the purpose of the following is prohibited on the Katoomba Town Approach Precinct—

bulk stores; district supermarkets; drive-in take-away food shops; fast food outlets; motor showrooms; service stations; warehouses.
- (3) Consent must not be granted to development on the Katoomba Town Approach Precinct unless the development proposed to be carried out—
 - (a) complies, to the satisfaction of the consent authority, with the precinct objectives in achieving the precinct vision statement as identified in subclause (4), and
 - (b) complies with the building envelope requirements as identified in subclause (5), and
 - (c) is consistent, to the satisfaction of the consent authority, with the design

considerations as identified in subclause (6).

(4) Desired future character statement—

(a) Precinct vision statement.

Located adjacent to the primary road and rail corridors, this precinct experiences substantial redevelopment of sites and operates as both a “gateway” and transport interchange for the Katoomba town centre. New development supports this gateway role by presenting urban design of the highest quality that contributes to a positive first experience of Katoomba. This, together with a mix of land uses that support the role of the town centre, entices passing traffic to enter the town.

Trading over extended hours, development provides passive surveillance and improved public safety and amenity.

The precinct’s interchange role is supported by providing additional car parking opportunities, coach parking and convenient pedestrian access to the town centre. While offering high levels of accessibility to both pedestrian and vehicles, potential conflicts between the two are minimised.

(b) Precinct objectives.

- (i) To promote urban forms of the highest design quality and incorporate strong “gateway” and “town entry” urban design elements.
- (ii) To encourage a mix of land uses that support and contribute to the role of the Katoomba town centre.
- (iii) To promote the economic viability of the Katoomba town centre.
- (iv) To minimise conflicts between pedestrians and vehicles.
- (v) To promote pedestrian linkages to the Yeaman Bridge and through the railway underpass.
- (vi) To maintain important views to the town centre of Katoomba.

(5) Building envelope—

(a) Building height.

- (i) No point of any building is to exceed a height of 12 metres above natural ground level other than a building within 15 metres of the Great Western Highway boundary which may have a height of not more than 12 metres above natural ground level or 8 metres above the level of the adjacent Great Western Highway footpath, whichever is the greater.

- (ii) Notwithstanding subparagraph (i), a building may have a height of not more than 10 metres above footpath level at the corner of the Great Western Highway and the Yeaman Bridge intersection if the building element, which may include floor space, is designed to form a “gateway/entry” to the Katoomba town centre.
 - (iii) The height restrictions referred to in subparagraphs (i) and (ii) do not apply to architectural features incorporated into the building design.
- (b) Development density.
 - (i) The maximum floor space ratio for development is 1.5:1.
 - (ii) Notwithstanding subparagraph (i), the maximum floor space ratio for development is 2:1 if the development provides, where the site adjoins the Yeaman Bridge, a public pedestrian access between Goldsmith Place and the Bridge, and incorporates any one or more of the following to the satisfaction of the consent authority—
 - (A) significantly enhanced public domain,
 - (B) significantly enhanced pedestrian amenity,
 - (C) public places and plazas.
- (6) Design considerations—
 - (a) Active street frontages.
 - (i) Active street frontages are to be provided along Goldsmith Place and the eastern boundary of the precinct.
 - (ii) Visible and interactive uses are to be provided and distributed regularly along a minimum of 65 per cent of the frontage of the land to Goldsmith Place.
 - (iii) Development adjoining the eastern boundary is to enable casual surveillance of Myra Place.
 - (b) Built form and finishes.
 - (i) Long elevations of any building are to present varied heights and forms.
 - (ii) Exterior surfaces of walls visible from public places are not to be left blank, unadorned or unarticulated.
 - (iii) Roof forms are to conceal mechanical plant and equipment and present well when viewed from adjacent sites.
 - (iv) Gateway or entry statements are to be provided at the corner and frontage of the Great Western Highway and the Yeaman Bridge.

- (v) All parking areas and delivery docks are to be concealed from public view.
- (c) Pedestrian amenity and safety.
 - (i) Where a development site fronts or adjoins both the Yeaman Bridge and Goldsmith Place, public pedestrian access is to be provided between the two areas.
 - (ii) Awnings or colonnades are to be provided to the entire length of public footpaths and pedestrian areas along the Goldsmith Place frontage.
 - (iii) Pathways are to minimise conflicts between vehicles and pedestrians.
 - (iv) Clear sight lines are to be provided along pedestrian areas.
 - (v) Appropriate levels of lighting are to be provided to all pedestrian areas. All lightfittings are to have a form and character that is consistent with that of any building in the precinct that is adjacent to those areas.
- (d) Vehicular access.

Vehicular access to or egress from the development is not to be provided directly to or from the Great Western Highway or the Yeaman Bridge.

(7) In this clause—

active street frontage means a street frontage with interactive spaces between the building frontage and adjacent footpaths, road reserves or other public spaces that—

- (a) provide interesting stimuli and activity for pedestrians to observe, thereby enhancing their experience of the village or town centre, or
- (b) enhance pedestrian safety and amenity through the provision of casual surveillance afforded by occupants.

district supermarket means a building or place used for the purpose of selling, exposing or offering for sale by retail or hire, goods, merchandise or material, with a gross floor area in excess of 1500 square metres.

drive-in take-away food shop means a building or place used for the purpose of selling prepared food to the public for consumption off the premises and that provides a service to customers while they remain within a motor vehicle, but does not include a building or place elsewhere defined in this clause.

fast food outlet means a building or place used for the purpose of selling prepared food in a form for immediate consumption where—

- (a) payment for the food is required before the food is consumed, and
- (b) the food is prepared and sold from a standard menu and in specialised packaging,

whether or not facilities are provided for the food to be consumed on the premises or taken away.

Schedule 1

(Clauses 9, 22 and 41)

Agency offices (other than T.A.B.)

Arts and crafts gallery

Beauty salons

Dressmaking

Friendly and benefit societies

Health Studios

Instrument repairing

Ladies and gent's hairdresser

Library

Photographic studio

Professional offices

Professional consulting rooms

Silk screen printer

Tailoring

Tutorial college

Watch repairing

Schedule 2

(Clause 9)

Agricultural machinery manufacture

Aluminium products manufacture

Asbestos cement products manufacture

Bag and sack (textile) manufacture

Boiler manufacture

Brick, tile, pipe and pottery manufacture

Cement manufacture
Cement products manufacture
Electric machinery manufacture (heavy)
Extractive industry
Fibrous plaster manufacture
Fireclay products
Glass products manufacture
Grain milling
Hardboard manufacture
Heavy engineering
Hot mix (bitumen) manufacture
Machinery manufacture (heavy)
Match manufacture
Metal founding
Motor body building
Motor vehicles manufacture and assembly
Motor vehicle wrecking
Offensive or hazardous industry
Paint and varnish manufacture
Panel beating and spray painting
Plastic manufacture
Ready-mix concrete manufacture
Sawmilling
Steel products manufacture (heavy)
Stone cutting and crushing
Wire manufacture

Schedule 3

(Clause 9)

Beauty salons
Boot and shoe repairing
Bread, cake or pastry manufacture
Dressmaking
Dry cleaning and dyeing agency
Hairdressing salons
Home industries
Lending library
Maintenance and repair of electrical appliances and fittings
Photographic studios
Professional consulting rooms
Refreshment rooms
Self-service coin-operated laundry
Service station
Tailoring

Schedule 4

(Clause 9)

Chemist's shop
Confectionary shop and milk bar
Fish and chip shop
Fruit shop
Newsagent's shop
Opportunity shop
Smallgoods and sandwich shop
Tobacconist and hairdresser's shop

Schedules 5, 6 (Repealed)

Schedule 7 Development for certain additional purposes

(Clause 60)

Portion 325, Parish of Strathdon, off Bunbinla Avenue, Mount Riverview—extensions and alterations to existing scout hall.

Lots 5, 6, 16, 17 and part of lots 4 and 18, section 8, DP 707, Great Western Highway, Katoomba, as shown edged heavy black on the map marked “*Blue Mountains Local Environmental Plan No 6*”—restoration of the existing building situated on the site and the incorporation of a refreshment room and public bar within the restored building.

Portion 367 and part of portions 88, 153 and 366, Parish of Jamison, part of lots 9 and 10, section 2, DP 4305, part of a closed road and part of a public road off McLachlan Road, Leura, as shown edged heavy black on the map marked “*Blue Mountains Local Environmental Plan No 12*”—development for the purposes of a hotel, convention centre, manager’s residence and associated tourist facilities (within the meaning of the *Environmental Planning and Assessment Model Provisions 1980*), subject to the following conditions—

- (a) if the development is carried out in stages, the convention centre and its associated tourist facilities shall be incorporated in the first stage,
- (b) maximum building heights shall be—
 - (i) 14 metres above natural ground level, measured along the central ridge of the site, for buildings located to the east of a line fixed by the Council 290 metres east of McLachlan Road, as shown on the lastmentioned map, and
 - (ii) 16 metres above ground level, measured above the central ridge of the site, for buildings located west of the line so fixed,

having regard to the contour plans supplied to the Council by XRM Design Group and numbered 414507.

Lot 21, DP 630821, Hume Road, Lapstone, as shown edged heavy black on the map marked “*Blue Mountains Local Environmental Plan No 13*”, deposited in the office of the council—dwellings erected or created in accordance with clause 14 (3), where the owner of the land upon which the dwelling is erected or created will not occupy either of the dwellings.

Lot 1, DP 1175, and lots 2 and 3, DP 519961, section 8A, Kanimbla Street, Katoomba, as shown edged heavy black on the map marked “*Blue Mountains Local Environmental Plan No 20*” deposited in the office of the council—market garden.

Lot 5, DP 260042, corner of Great Western Highway and Everton Road, Falconbridge, as shown edged heavy black on the map marked “*Blue Mountains Local Environmental Plan No 18*”—a refreshment room, reception establishment and heritage centre within the building and grounds of the property known as “Everton House” (being an item of the environmental heritage within the meaning of clause 58 (1)) where the privacy and amenity of residents on adjoining land is protected to the satisfaction of the council.

Portion 8, Parish of Jamison, Yester Road, Wentworth Falls, as shown edged heavy black on the map

marked “*Blue Mountains Local Environmental Plan No 23*”—subdivision into 3 allotments, 1 of which is to be dedicated as a public reserve.

Portion 367 and part of portions 88, 153, 366, Parish of Jamison, part of lots 9 and 10, section 2, DP 4305, part of a closed road and part of a public road off McLachlan Road, Leura, as shown edged heavy black on Sheet 2 of the map marked “*Blue Mountains Local Environmental Plan No 28*”—development for the purpose of an hotel, convention centre, manager’s residence and associated tourist facilities (within the meaning of the [Environmental Planning and Assessment Model Provisions 1980](#)), subject to the following conditions—

- (a) if the development is carried out in stages, the convention centre and its associated tourist facilities shall be incorporated in the first stage,
- (b) the maximum building heights shall be—
 - (i) 14 metres above natural ground level, measured along the central ridge of the site, for buildings located to the east of a line fixed by the council 290 metres east of McLachlan Road, as shown on Sheet 2 of the lastmentioned map, and
 - (ii) 16 metres above ground level, measured above the central ridge of the site, for buildings located west of the line so fixed,

having regard to the contour plans supplied to the council by XRM Design Group and numbered 414507.

Lots 1 and 2, DP 635360, Great Western Highway, South Blaxland, as shown edged heavy black on the map marked “*Blue Mountains Local Environmental Plan No 29*”—dwellings erected or created in accordance with clause 14 (3), where the owner of the land upon which the dwelling is erected or created is not required to occupy any of the dwellings.

Lot 9, DP 12057, Station Street, Katoomba, as shown coloured yellow with the words “COMMUNITY CENTRE” in scarlet lettering on the map marked “*Blue Mountains Local Environmental Plan No 30*” deposited in the office of the council—clubs, not being clubs registered under the [Registered Clubs Act 1976](#).

Portion 8, Parish of Jamison, Yester Road, Wentworth Falls, as shown edged heavy black on the map marked “*Blue Mountains Local Environmental Plan No 32*”—subdivision into 3 allotments, one of which is to be dedicated as public reserve.

Lot 4, DP 546199, Cleopatra Street, Blackheath, as shown edged heavy black on the map marked “*Blue Mountains Local Environmental Plan No 33*”—a boarding-house and refreshment room within the building known as “Cleopatra” and the site of the building.

Lots 3 and 4, section 2, DP 2898, Honour Avenue, Lawson, as shown edged heavy black on the map marked “*Blue Mountains Local Environmental Plan No 37*” refreshment room.

Lot I, DP 576927, Hawkesbury Road, Winmalee, as shown edged heavy black on the map marked “*Blue Mountains Local Environmental Plan No 38*”—service station.

Lots 1 and 2, DP 12057, part of the land within DP 976855 and lots 4, 5, 6 and 7, DP 708667, as shown edged heavy black on the map marked “*Blue Mountains Local Environmental Plan No 40*”—shops

within the existing building erected on the land on the date *Blue Mountains Local Environmental Plan No 40* took effect.

Lots 3, 4 and 5, DP 7400, Leura Mall, Leura and lot 1, DP 946800, Grose Street, Leura, as shown edged heavy black on the map marked "*Blue Mountains Local Environmental Plan No 41*"—refreshment rooms within the existing buildings erected on the land at the date on which *Blue Mountains Local Environmental Plan No 41* took effect.

Part of lots 15–18, lot 19, and lots 25–27, DP 2873, Station Street, Medlow Bath, as shown edged heavy black on the map marked "*Blue Mountains Local Environmental Plan No 50*"—arts and crafts gallery.

The Old Police Station, R 95927, Macquarie Road, Springwood, as shown edged heavy black on the map marked "*Blue Mountains Local Environmental Plan No 49*"—community centre and public building.

Lot 1, DP 603618, Mt Blackheath Road, Blackheath—subdivision of the land into 2 allotments and the erection of a single dwelling-house on those parts of the allotments so created that are within Zone 1 (a2).

Lot 2, DP 599103, Mt Blackheath Road, Blackheath—subdivision of the land into 2 allotments and the erection of a single dwelling-house on those parts of the allotments so created that are within Zone 1 (a2).

Lot 1, DP 548898, Mt Blackheath Road, Blackheath—subdivision of the land into 2 allotments and the erection of a single dwelling-house on each allotment so created that is within Zone No 1 (a2).

Lot 2, DP 533697, Mt Blackheath Road, Blackheath—subdivision of the land into 5 allotments and the erection of a single dwelling-house on each allotment so created.

Lot 1, DP 328231, Mt Blackheath Road, Blackheath—subdivision of the land into 2 allotments and the erection of a single dwelling-house on each allotment so created that is within Zone No 1 (a2).

Portion 42, Parish of Kanimbla, Shipley Road, Blackheath—subdivision of the land into 2 allotments and the erection of a single dwelling-house on each allotment so created that is within Zone No 1 (a2).

Lot 2, DP 324227, Shipley Road, Blackheath—subdivision of the land into 3 allotments and the erection of a single dwelling-house on each allotment so created that is within Zone No 1 (a2).

Lot 1, DP 604880, Shipley Road, Blackheath—subdivision of the land into 2 allotments and the erection of a single dwelling-house on each allotment so created that is within Zone No 1 (a2).

Lot 1, DP 605123, Wascoe Street, Glenbrook, as shown edged heavy black on the map marked "*Blue Mountains Local Environmental Plan No 58*"—refreshment room.

Lot C, DP 418359, Great Western Highway and lot 1, DP 515272, Tableland Road, Wentworth Falls, as shown edged heavy black on the map marked "*Blue Mountains Local Environmental Plan No 56*"—refreshment room and holiday cabins.

Lot 1, DP 562101, Hilton Road, Springwood—development for the purpose of subdivision into two allotments.

Part of portion 295, Parish of Strathdon, St Johns Road, Blaxland, as shown edged heavy black,

coloured dark green and marked “6 (a)” on the map marked “*Blue Mountains Local Environmental Plan No 48*”—recreation areas.

Land on the corner of Henry Street and the Great Western Highway, Lawson, being land contained in Certificate of Title, volume 6799, folio 122, and lot 2, section 5, DP 2700, Great Western Highway Lawson—service station and associated facilities.

Lots 4, 5 and 6, DP 2936, and known as No 284 Great Western Highway, Blackheath, as shown edged heavy black on the map marked “*Blue Mountains Local Environmental Plan No 65*”—restoration and conservation of the existing building situated on the site and the use of the building for the purposes of a guest house.

Lot 2, DP 586996, Mitchell’s Pass, Blaxland—subdivision of such of the land as is within Zone 7 (e) Environmental Protection.

Lot 1, DP 509825, Hawkesbury Road, Winmalee, as shown edged heavy black on the map marked “*Blue Mountains Local Environmental Plan No 67*”—the manufacture and assembly of computer based musical and technical instruments and associated products.

Lots A and B, DP 393076, Railway Parade, Leura, as shown edged heavy black on the map marked “*Blue Mountains Local Environmental Plan No 70*”—guest house.

Lot 2, DP 515852, Lilianfels Avenue, lots A and B, DP 413869, Lilianfels Avenue, lots 35 and 36, DP 583598, Lilianfels Avenue, lot 26, DP 10924, Lilianfels Avenue, lots 27, 28, 29, DP 10924, Echo Point Road, lots 30, 31, 32 and 33, DP 10924, Panorama Drive, lot 1, DP 516594, Panorama Drive, Katoomba, as shown edged heavy black on the map marked “*Blue Mountains Local Environmental Plan No 75*”—refreshment room, guesthouse and ancillary guest facilities, subject to the following conditions—

- (a) buildings may comprise 3 storeys above the natural ground level for buildings located to the west of Lilianfels House on lot 2, DP 515852, Lilianfels Avenue, lots A and B, DP 413869, Lilianfels Avenue, lots 35 and 36, DP 583598, Lilianfels Avenue, lot 26, DP 10924, Lilianfels Avenue, lot 1, DP 516594, Panorama Drive, Katoomba, but any other building must be erected in compliance with clause 39.
- (b) (Repealed)

Lot 133, DP 9244, Great Western Highway, Warrimoo, as shown edged heavy black on the map marked “*Blue Mountains Local Environmental Plan No 71*”—extensions to the existing real estate agency.

Lot B, DP 377708, and known as No 1 Railway Parade, Medlow Bath, as shown edged heavy black on the map marked “*Blue Mountains Local Environmental Plan No 73*”—museum, craft shop and refreshment room.

Lot 1, DP 176436, and lots 1, 2 and 3, section 5, DP 2455, Mount York Road, Mount Victoria—refreshment room and guest house, within the historic homestead “Closeburn House”.

Land being lots 51, 52 and 53, DP 28426, and lots 1 and 2, DP 207627, corner of Great Western Highway and Layton Avenue, Blaxland, as shown edged heavy black on map marked “*Blue Mountains Local Environmental Plan No 76*”—refreshment room and service station.

Lots 110 and 111, DP 702335, and known as No 504 Hawkesbury Road, Winmalee, as shown edged heavy black on the map marked "*Blue Mountains Local Environmental Plan No 80*"—medical centre and associated carparking.

Lot part 4, DP 3977, corner of the Great Western Highway and East View Avenue, Leura, as shown edged heavy black on the map marked "*Blue Mountains Local Environmental Plan No 78*"—conference centre, where consent is granted not later than 12 months after the day on which *Blue Mountains Local Environmental Plan No 78* took effect.

Land being Lot 10, Section 15, DP 975288, 17 Cooper Street, Katoomba, as shown edged heavy black on the map marked "*Blue Mountains Local Environmental Plan No 82*"—place of public worship.

Lots 8–12, DP 711773, Power House Lane, Katoomba as shown edged heavy black on the map marked "*Blue Mountains Local Environmental Plan No 83*"—place of assembly, educational establishment.

Lot 4, DP 263346, and known as No 102 Victoria Street, Katoomba, as shown edged heavy black on map marked "*Blue Mountains Local Environmental Plan No 84*"—base for commercial horse riding.

Lots 10–14, section 1, DP 11078, New Street, Lawson, as shown edged heavy black on map marked "*Blue Mountains Local Environmental Plan No 86*"—community centre and place of assembly.

Land being Portions 320 and 321, Lot 356, DP 704601 and Part of Reserve No 78592, Hare Street, Glenbrook, as shown edged heavy black on map marked "*Blue Mountains Local Environmental Plan No 88*"—club, being Glenbrook Bowling and Recreation Club, and associated parking.

Lots 1 and 2, DP 586 and Lot B, DP 396860 and known as No 207 Station Street, Blackheath, as shown edged heavy black on map marked "*Blue Mountains Local Environmental Plan No 91*"—Place of Assembly (Meditation Cells).

Land, being Portion 23, Railway Parade, Wentworth Falls, as shown edged heavy black on the map marked "*Blue Mountains Local Environmental Plan No 92*"—creation of 2 lots and erection of a dwelling-house—so as to allow a dwelling-house on each lot.

Lots 7, 8 and 9, Section 24, DP 759075, Nos 67–77 Wilson Street, Wentworth Falls, as shown edged heavy black on map marked "*Blue Mountains Local Environmental Plan No 93*"—guest house and conference facilities.

Land being Lot A, DP 388162, Lot 3, DP 726048 and Lot 1, DP 935529, No 3 Badgery Crescent, Lawson, as shown edged heavy black on the map marked "*Blue Mountains Local Environmental Plan No 97*"—refreshment room.

Lot 1, DP 576927, known as No 281 Hawkesbury Road, Winmalee, as shown edged heavy black on the map marked "*Blue Mountains Local Environmental Plan No 96*"—retail premises if the amount of the floor space of the premises used for retailing does not exceed by more than 112 square metres the floor space so used at the commencement of *Blue Mountains Local Environmental Plan No 96*.

Parts lots 1 and 2, DP 801750, Tusculum Road, Valley Heights, as shown edged heavy black on the map marked "*Blue Mountains Local Environmental Plan No 109*"—development for the purposes of a community centre (which means a building or place used for the physical, social, cultural or intellectual development or welfare of the local community) and includes a museum subject to the condition that the Council shall not consent to the carrying out of any such development until

arrangements have been made with the Water Board that are satisfactory to that Board for the provision of water and sewerage services to the land.

Lots 7, 8 and 9, DP 759075, Nos 71–77 Wilson Street, Wentworth Falls, as shown edged heavy black on map marked “*Blue Mountains Local Environmental Plan No 113*” conversion, or replacement, of all or part of the building on the land at the commencement of *Blue Mountains Local Environmental Plan No 113*, for the purposes of a tourist facility comprising self-contained units managed within a neighbourhood title under the [Community Land Management Act 1989](#) on the condition that the final building have equivalent floor space to the building on the land at that commencement.

Part of Lot B, DP 331251, part of Lot B, DP 336264 and part of Lot Part 11, Section 6, DP 1175 Grose Street, Leura as shown edged heavy black on sheet 2 of the map marked “*Blue Mountains Local Environmental Plan No 108*”—parking and pedestrian access.

Lot 27, DP 2946, 171 Lurline Street, Katoomba, as shown edged heavy black on the map marked “*Blue Mountains Local Environmental Plan No 128*”—refreshment room.

Lots 1–3, DP 119198, No 25 Whitton Street, Katoomba, as shown edged heavy black on the map marked “*Blue Mountains Local Environmental Plan No 129*”—any development allowed by Column 4 of the Table to Clause 9 in Zone No 4 (a).

Lot 101, DP 773457, No 211 Explorers Road, Lapstone, as shown edged heavy black on the map marked “*Blue Mountains Local Environmental Plan No 130*”—residential flat building.

Lot 1, DP 826909, Ferguson Road, Springwood, as shown edged heavy black on the map marked “*Blue Mountains Local Environmental Plan No 135*”—veterinary establishment.

Lot 1, DP 801786, Great Western Highway, Valley Heights, as shown edged heavy black on the map marked “*Blue Mountains Local Environmental Plan No 134*”—recreation facility comprised of an aquatic centre and associated retail outlet and parking deposited in the office of Council.

Lots 1, 2, and 4, DP 226942, Macquarie Road, Springwood, as shown edged yellow on the map marked “*Blue Mountains Local Environmental Plan No 132*”—bowling club and ancillary uses.

Lots A & B DP 373366 and Lot 10 DP 6645, corner of Great Western Highway and Mt York Road, Lots 8 and 9 DP 6645, Mt York Road, Lot 7 DP 6645, corner of Mt York Road and Matlock Street, Lot 6 DP 6645, Matlock Street and Lots 11 and 12 DP 6645 Great Western Highway, Mount Victoria, as shown edged heavy black on the map marked “*Blue Mountains Local Environmental Plan No 141*”—development for the purpose of an integrated service station, refreshment room and convenience store.

So much of Lot 1, DP 937525, Macquarie Road, Springwood, as is shown edged heavy black, coloured yellow and lettered “Parking” on the map marked “*Blue Mountains Local Environmental Plan No 136*”—recreation area.

Lot 1, DP 773302, corner of Whitton Street and Camp Street, Katoomba, as shown edged dark red on the map marked “*Blue Mountains Local Environmental Plan No 142*”—bulk store, bulky goods showroom, child care centre, club, community centre, educational establishment, place of assembly, place of public worship, recreation area, recreation facility, retail plant nursery, telecommunications facility, transport terminal, veterinary establishment, subject to the following conditions—

(a) the council must not consent to a development application for a child care centre, club, community

centre, educational establishment, place of assembly, place of public worship, recreation area, recreation facility or retail plant nursery unless it has considered a detailed site contamination investigation report prepared by an accredited site auditor in accordance with *Contaminated Land: Planning guidelines for contaminated land* issued by the Department of Urban Affairs and Planning and the Environment Protection Authority,

- (b) the council must not consent to a development application for a transport terminal unless it has considered the following reports prepared by persons with appropriate qualifications in the relevant field of expertise—
- (i) a traffic impact report detailing proposed travel routes to and from the site, the impact of the proposed development on the Great Western Highway and the local road system, and the capacity of the local road system to accommodate the proposed traffic movements,
 - (ii) a noise (acoustic) report detailing the impact of the proposed development on properties along proposed travel routes and surrounding the site.

1–7 Rusden Mall (Lots 45–50 and 82, DP 223966) and 174–178 Rusden Road (Lot 1, DP 618474 and Lots 1 and 2 DP 803588), Mount Riverview, comprising part of an existing shopping centre (Rusden Mall), as shown edged heavy black on the map marked “*Blue Mountains Local Environmental Plan No 143*”—place of public worship.

28–30 Lawson Road, Springwood (Lot 221, DP 594810), as shown edged heavy black on the map marked “*Blue Mountains Local Environmental Plan No 146*”—place of public worship.

Schedule 8 Operational land

(Clause 68)

Land shown edged heavy black and cross-hatched, hatched or unhatched on the map marked “*Blue Mountains Local Environmental Plan No 112*”.

Lots 1, 2 and 4, DP 226942, Macquarie Road, Springwood, as shown edged in yellow on the map marked “*Blue Mountains Local Environmental Plan No 132*”.

Lot 1, DP 937525, Macquarie Road, Springwood, as shown edged heavy black on the map marked “*Blue Mountains Local Environmental Plan No 136*”.

Part of 178 Rusden Road (part of Lot 2, DP 803588), Mount Riverview, as shown edged heavy black on the map marked “*Blue Mountains Local Environmental Plan No 149*”.