Existing zoning map requested 9/6/10.

blue mountains City Council

Community & Corporate Group

Our Reference File: F06001; 10/74901

25 May 2010

Mr Peter Goth
Regional Director, Sydney West
Department of Planning
Locked Bag 5020
PARRAMATTA NSW 2124

Dear Mr Goth

SUBJECT **Planning Proposal for Blue Mountains Local Environmental Plan 2005 (Amendment No. 18) in accordance with Section 56 of the Environmental Planning & Assessment Act 1979, seeking Gateway Determination**

Blue Mountains City Council resolved on 18 May 2010 to commence the process to amend Blue Mountains Local Environmental Plan 2005 to rezone certain land within the Leura Golf Course.

The attached Planning Proposal has been prepared for the subject LEP in accordance with section 55 of the *Environmental Planning & Assessment Act 1979* and the Department of Planning's guides titled, "*A guide to preparing local environmental plans*' and '*A guide to preparing planning proposals*'.

Blue Mountains City Council requests the Gateway Determination from the Minister on the Planning Proposal in accordance with section 56 of the Act.

Should you have any questions in regards to the Planning Proposal please contact Council's Strategic Planning Officer Erica Duffy on (02) 4780 5663.

Yours faithfully

Erica Duffy
Senior Strategic Planner
City Planning Branch

2 Civic Place Locked Bag 1005 Katoomba NSW 2780 **T** 02 4780 5000 **F** 02 4780 5555
E council@bmcc.nsw.gov.au **DX** 8305 Katoomba www.bmcc.nsw.gov.au
ABN 52 699 520 223

blue mountains City Council

PLANNING PROPOSAL

FOR

rezoning part of Leura Golf Course

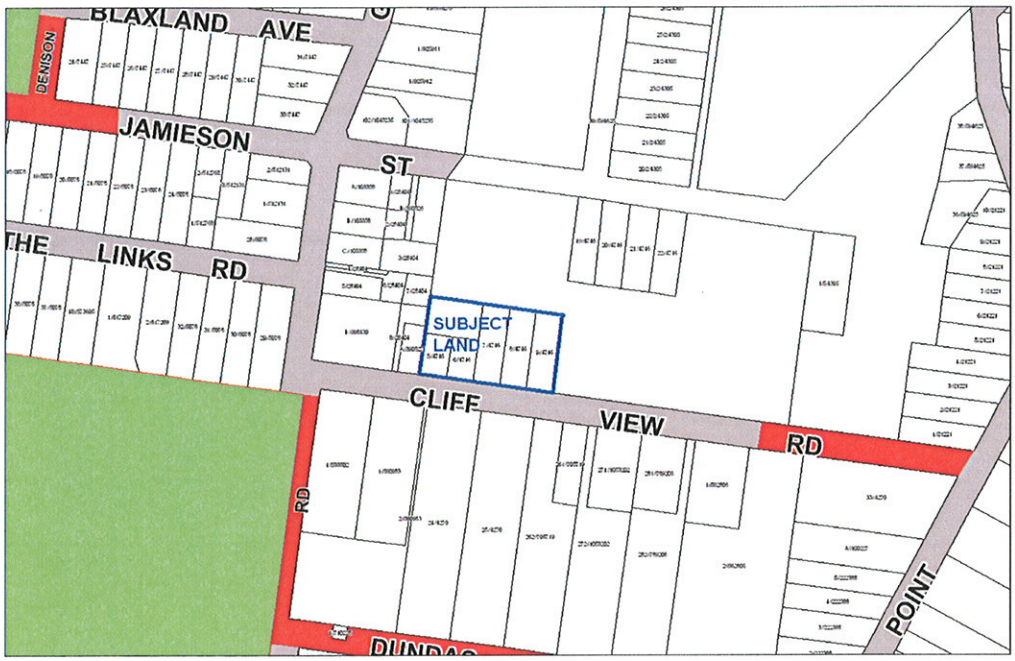
TABLE OF CONTENTS

PART 1 OBJECTIVES OR INTENDED OUTCOMES

The object of this Planning Proposal is to rezone a parcel of land from Recreation – Private to Living – Conservation with the aim of selling the land so it can be developed for residential purposes.

The subject land includes the following allotments:

- Lot 5 DP 4746
- Lot 6 DP 4746
- Lot 7 DP 4746
- Lot 8 DP 4746
- Lot 9 DP 4746
- part of Lot 2 DP 718861



Locality Plan

Aerial Photo

Subject land looking west towards adjoining dwellings

Subject land looking north down the fairway

Subject land looking east

Cliff View Road looking east subject land on right

Cliff View Road looking east, subject land on left

View towards the south from the site

PART 2 EXPLANATION OF PROVISIONS

Amendment of the following map panels of the Blue Mountains Local Environmental Plan 2005:

- Map Panel A: Zones, Precincts and Provisions
- Map Panel B: Protected Areas
- Map Panel C: Heritage Conservation and Special Use

in the form shown in Attachment 1.

Map Panel B and C are not altered by this proposal.

PART 3 JUSTIFICATION:

Section A - A Need for the Planning Proposal

1. Is the planning proposal a result of any strategic study or report?

This planning proposal is not a result of any strategic study or report.

2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The proposal has arisen from the financial need of the Leura Golf Club. The Leura Golf Club Board and Management have undertaken a detailed examination of alternatives to alleviate their financial position and identified a rezoning and subsequent subdivision of sale of land as the only solution to the clubs immediate financial position. The Leura Golf Club have identified land and improvements on the land as their primary assets.

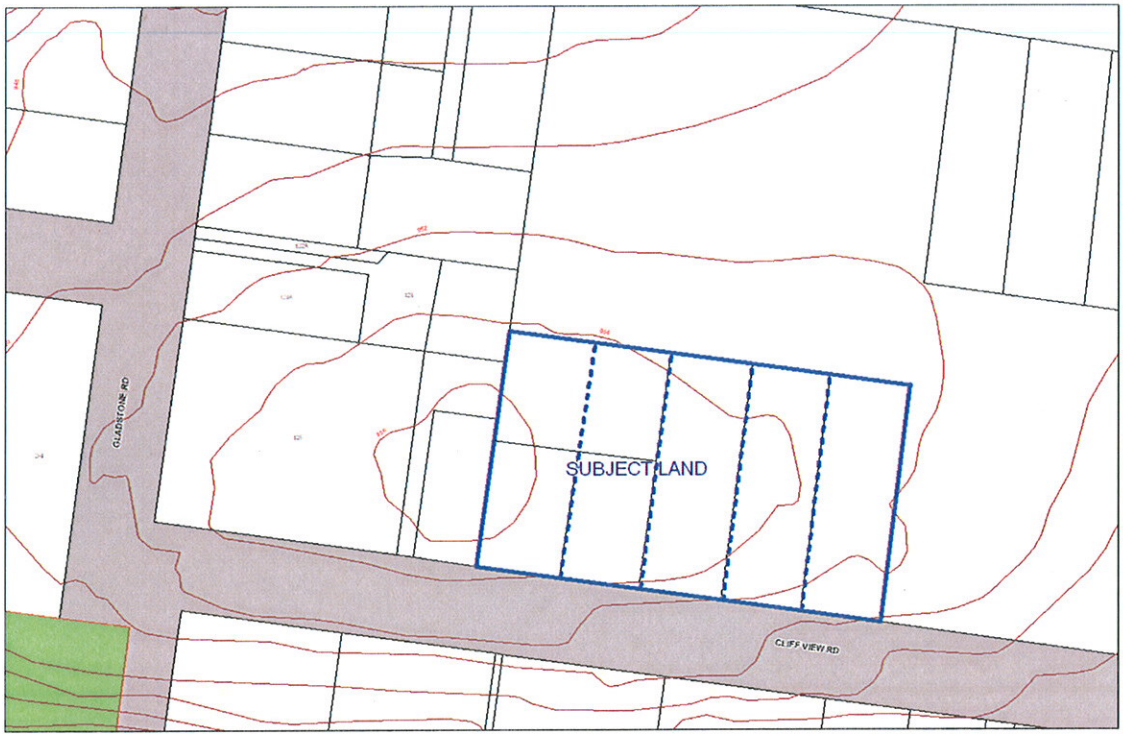
The Leura Golf Club recognise this is a one-off submission and this parcel of land is the only identifiable asset that can be realised to save the Club from the current dire financial position in the first instance. The Leura Golf Club have noted that the sale of any land will not sustain the Club far into the future, however it will allow an injection of funds to allow much needed upgrade of the clubhouse to occur which will initiate a managed financial recovery of the facility. The club advise they have introduced major promotional, marketing and sponsorship activities over the past eight months.

The subject land is located approximately 2.5kms south-east of the Leura town centre . Adjoining and adjacent land is zoned Living – Conservation by LEP 2005 and Residential – Bushland Conservation by LEP 1991. The golf course is zoned Recreation – Private. It is proposed to rezone the subject land to Living – Conservation which is consistent with the zoning of adjoining land. Adjoining land to the west and south is developed for residential purposes with substantial dwellings and gardens on allotments which vary in size from less than 600m^2 to over 6,000m^2. The proposed allotments will be 1200m^2 with a 20m frontage to Cliff View Road. Adjoining land to the north and east is the Leura Golf Course.

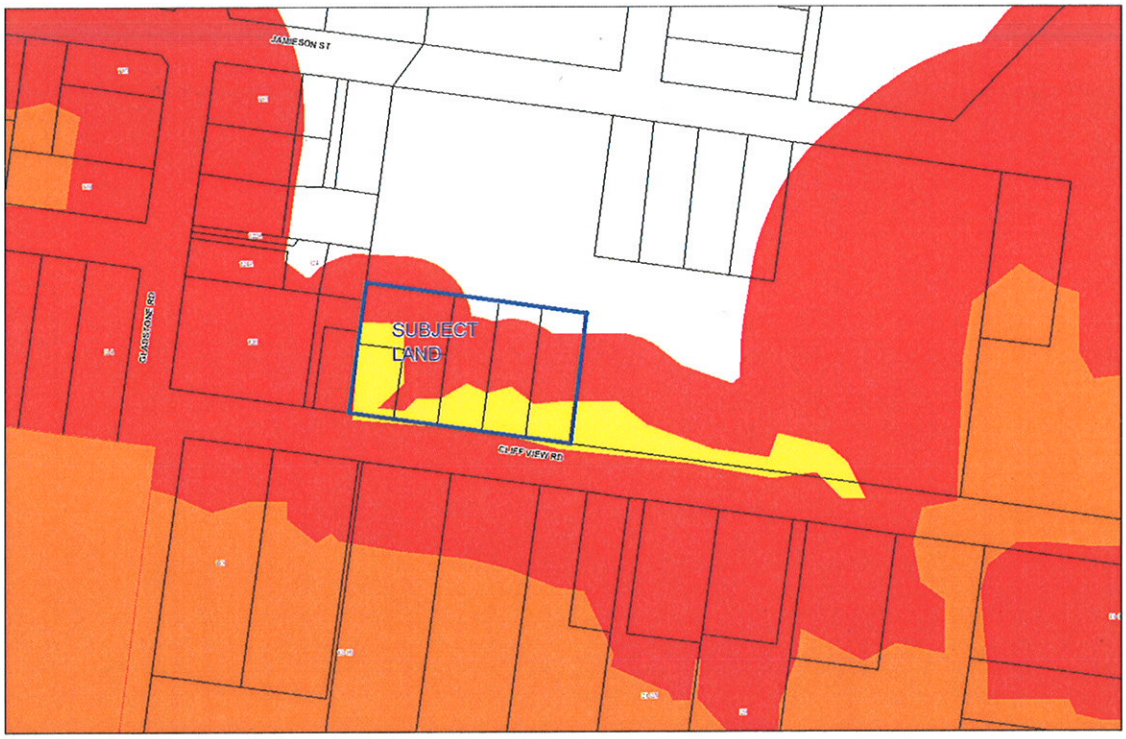
Aerial photo showing the context of the subject land to the Leura Golf Course

Aerial photo highlighting the property boundaries and development patterns

Detailed aerial photo highlighting the existing vegetation on the site



Subject land with contours at 2 metre intervals



Bush fire map

The subject land is grassed and is largely clear of vegetation, building sites would be achievable without significantly altering the topography or clearing existing trees. The subject land is mapped as containing "modified bushland" and does not contain any listed flora. Due to extensive and long term alterations to the vegetation, and the regular golfing activities occurring on the site, the site it is unlikely to contain any listed fauna. The allotments will run north/south providing solar access to each new allotment.

Due to the scarcity of undeveloped residential land in Leura, there is demand.

Dwelling houses are permissible, with consent, in the following zones of LEP 2005:

- Village – Town Centre

- Village – Neighbourhood Centre
- Village – Tourist
- Village – Housing
- Living – General
- Living – Conservation
- Living – Bushland Conservation
- Employment – Enterprise
- Regional Transport Corridor

The most suitable zone to permit dwellings in this location is Living – Conservation. The objectives of the Living – Conservation zone are:

(a) To retain and enhance the character of residential areas that are formed by larger allotments and single dwelling houses within a prominent traditional garden setting.
(b) To enhance the landscape character and setting along roads of heritage significance where the road forms a visually significant entrance to a village or a linkage/pathway between major visitor destinations.
(c) To ensure development, including development within adjoining road reserves, retains the prominence of landscape elements and traditional garden settings.
(d) To ensure that established gardens are retained or landscape settings are re-established as part of any development of land, including development involving major alterations and additions.
(e) To allow for a limited range of non-residential land uses where these are conducted in association with a predominantly residential land use and are consistent with the retention of a residential character based on a landscape or open space setting.

It is the expressed intention of the Leura Golf Club to create 5 allotments of 1200m2 each and that these are sold and developed for residential purposes. Additional land uses, permissible with or without consent, are noted in the comparison table below.

Existing Zone: Recreation - Private	**Proposed Zone: Living - Conservation**
Accessible housing	
Advertising structures	Advertising structures
Animal establishments	
Arts & craft galleries	
	Bed & breakfast establishments
Bush regeneration	Bush regeneration
Bush fire hazard reduction	Bush fire hazard reduction
Camping sites	
Caravan parks	
Caretakers' dwellings	
Child care centres	Child care centres
clubs	

Community buildings	
Community centres	
Dams	
	Development ancillary to a dwelling house
Display gardens	Display gardens
Domestic swimming pools	Domestic swimming pools
	Dwelling houses
Educational establishments	
	Exhibition homes
	General stores
	Granny flats
	Health care practice
	Holiday lets
Home businesses	Home businesses
Home occupations	Home occupations
	Integrated housing
Land management works	Land management works
Nature-based recreation	
Parking	Parking
Permaculture	Permaculture
Places of assembly	
Places of worship	
Public buildings	
Public utility undertakings	Public utility undertakings
Recreation areas	
Recreation facilities	
Refreshment rooms	
Remediation of contaminated land	Remediation of contaminated land
Roads	Roads
Special uses	Special uses
Telecommunications facilities	Telecommunications facilities

Utility installations	Utility installations
Visitor facilities	Visitor facilities

The proposed zone objectives and permissible developments are compatible with existing adjacent and adjoining land uses.

3. Is there a net community benefit?

The Leura Golf Course provides a number of benefits to the local community such as:

- Employment for 14 staff as well as employment for local suppliers and contractors;
- Tourist attraction with economic benefits for the Leura and upper Blue Mountains business communities;
- Proposed future residential development will provide construction jobs for local contactors;
- Allotments for five additional residences, and therefore five families will be provided;
- The land is infill development with no impact on bushland interface
- The proposed lot layout, size and shape is consistent with adjoining and adjacent developments
- There will be negligible impact on the golf course facility and features with a redesign of the 5th and 7th tees.

The following table addresses the evaluation criteria for conducting a "net community benefit test" within the Draft Centres Policy (2009) as required by the guidelines for preparing a planning proposal.

Evaluation Criteria	Y/N	Comment
Will the LEP be compatible with agreed State and regional strategic direction for development in the area (e.g. land release, strategic corridors, development within 800m of a transit node)?	Y	The proposed rezoning is compatible with the Metropolitan Strategy and Draft North West Subregional Strategy for the following reasons: It will contribute to achieving the housing growth target for Council of 7,000 new dwellings by 2031 (page 78). It aligns with the direction to minimise Greenfield development and encourage the majority of dwelling growth as infill development in established areas (C1.3) It will protect the highly significant biodiversity of plants and animals in the LGA as the site has been determined not to have any significant impact on any threatened species, populations or endangered communities.
Is the LEP located in a global/regional city, strategic centre or corridor nominated within the Metropolitan Strategy or other regional/subregional strategy?	Y	The subject site is not identified within a key strategic centre or corridor. The site is situated within the urban area of the village of Leura. Whilst the site is not situated immediately within or adjacent to the town centre, the

Evaluation Criteria	Y/N	Comment
		site offers an opportunity to provide for additional residential development within the existing urban area.
Is the LEP likely to create a precedent or create or change the expectations of the landowner or other landholders?	N	There is unlikely to be a precedent created by this proposal as there is limited opportunity within Leura due to the existing development patterns as well as the constraints of the Blue Mountains National Park, the topography and the natural flora and fauna in the locality. The proposal is unlikely to create a precedent as the Leura Golf Course Management aim to realise a financial gain from the sale of the land which is the first stage in their financial recovery, thereby preserving the golf club from receivership and subsequent possible development of the entire course for a more intense land use. The Leura Golf Club have contacted adjoining landowners and advised of their intention and the reason why. This proposal will see the development of the land to a use and density which is consistent with adjoining and adjacent residential developed land.
Have the cumulative effects of other spot rezoning proposals in the locality been considered? What was the outcome of these considerations?	Y	There are no known other spot rezoning's in the locality that are being considered. The rezoning of land adjacent to the Katoomba Golf Course is being proposed at the same time, however that proposal is unlike this proposal in that the land is in Katoomba, it is proposed to be zoned Village – Housing and developed as multi-housing. Furthermore approval is current on the Katoomba site for a hotel and tourist accommodation. While both the proposals involve land that is or was once golf course, the intended outcomes are different. Blackheath Golf Club have approached Blue Mountains City Council about rezoning a portion of their golf course for up to 4 lots, similar to Leura.
Will the LEP facilitate a permanent employment generating activity or result in a loss of employment lands?	N	The site is not proposed to be zoned to facilitate employment, nor will it result in a loss of employment land. The proposal will create employment through the construction jobs to install the infrastructure and build the 5 homes therefore delivering a small economic benefit to the community.
Will the LEP impact upon the supply of residential land and therefore housing	Y	The proposal will have a positive impact on the residential supply by adding to the

Evaluation Criteria	Y/N	Comment
supply and affordability?		amount of available residential land.
Is the existing public infrastructure (roads, rail, utilities) capable of servicing the proposed site? Is there good pedestrian and cycling access? Is public transport currently available or is there infrastructure capacity to support future transport?	Y	The existing public infrastructure is adequate to meet the needs of the proposal. The site is fully serviced and is contained within an established urban area. The site has sealed road frontage and is approximately 2.5kms from the Leura town centre. There is no regular public transport to the locality and pedestrian and cycling is possible on the public roads and road reserves.
Will the proposal result in changes to the car distances travelled by customers, employees and suppliers? If so, what are the likely impacts in terms of greenhouse gas emissions, operating costs and road safety?	N/A	N/A
Are there significant Government investments in infrastructure or services in the area where patronage will be affected by the proposal? If so, what is the expected impact?	N	No. the proposal does not require further investment in public infrastructure, it will utilise the existing infrastructure and services. The developer will extend and upgrade infrastructure to service the development at no cost to government.
Will the proposal impact on land that the Government has identified a need to protect (e.g. land with high biodiversity values) or have other environmental impacts? Is the land constrained by environmental factors such as flooding?	N	The site is currently open space and not 'environmental conservation'. The site is largely cleared – refer to previous photos of the site. The site is not subject to flooding.
Will the LEP be compatible/ complementary with surrounding adjoining land uses? What is the impact on the amenity in the location and wider community? Will the public domain improve?	Y	The proposal is compatible and consistent with adjoining land uses. The public domain will not be altered by the proposal. Some localised alterations to the golf course will be required.
Will the proposal increase choice and competition by increasing the number of retail and commercial premises operating in the area?	N/A	N/A
If a stand-alone proposal and not a centre, does the proposal have the potential to develop into a centre in the future?	N/A	N/A
What are the public interest reasons for preparing the draft plan? What are the implications of not proceeding at that time?	-	The proposal will provide five vacant allotments suitable for residential development with desirable attributes of aspect, slope, size, proportion, access to utilities and services, amenity and views. If the rezoning was not supported, the site would remain a golf course and it is probable that the Leura Golf Course could go into receivership. Should this occur, the

Evaluation Criteria	Y/N	Comment
		most valuable asset, the land could be rezoned or redeveloped in the future. The short and medium term result of the proposal not proceeding would be the golf course land being unmaintained and falling into disrepair with possible results being an unsightly expanse of land containing weeds and adding to the bush fire threat in the locality. Forty three (43) detached dwelling currently adjoin or are directly opposite the golf course. Furthermore, the opportunity to develop this area for residential purposes would not be realised for at least the medium term.

Overall, the proposal will provide a net community benefit for the following reasons:

- It constitutes an appropriate use of land that is in keeping with the surrounding residential character.
- The proposal will contribute to Council's requirement to facilitate new dwelling growth, in accordance with the Subregional Strategy target.
- It is located within the existing Leura town area and has adequate infrastructure to support the development.
- The proposal will not result in any significant environmental impacts.
- It will create local employment opportunities through the construction jobs to carry out the building works to the benefit of the local economy.
- The site will offer residential allotments with a spectacular outlook over the Leura Golf Course and the Blue Mountains National Park for the future residents.
- It will constitute a logical extension to the existing pattern of residential development in the locality to create a desirable living environment.

Section B - Relationship to strategic planning framework

4. Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub – regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

The key strategic planning framework at the State level is embodied in the 2005 "*City of Cities: A Plan for Sydney's Future*", known as the Metropolitan Strategy.

The Metropolitan Strategy provides a broad framework for promoting and managing Sydney's growth over the next 25 years, in which it is expected that such growth will entail an additional 1.1 million people, requiring 640,000 new homes and capacity for 550,000 new jobs by 2031. A key outcome of the Metropolitan Strategy was the preparation of Subregional Strategies.

The Blue Mountains LGA is one of 5 LGAs that fall within the Draft North West Subregional Strategy. The Strategy contains directions and actions to guide each Council's strategic planning in a regional focus. Achieving the housing and employment targets are key directions that are shaping strategic planning for all Councils in order to meet the needs of the forecast population growth over the next 20 years.

The Draft North West Subregional Strategy states that the Blue Mountains LGA has experienced minor negative population growth in recent years. The Blue Mountains

area is also identified as a major tourist destination, being one of the top three tourist destinations in Australia.

The key directions for the Subregion are embodied within seven key outcomes. The relevant direction is to meet housing capacity targets. The North West Subregion has a target to accommodate 140,000 new dwellings by 2031. Whilst 60,000 dwellings are to be accommodated within the North West Growth Centre the remaining 80,000 dwellings are to be located in other areas, with the majority to be located within close proximity to centres to ensure accessibility to jobs and services. The Blue Mountains LGA is expected to accommodate a capacity target of 7,000 new dwellings to year 2031. This proposal complies with the requirement that LGA's are to plan for housing capacity targets in existing areas.

With respect to employment, Katoomba is identified as the largest employment land area in the Blue Mountains LGA and Lawson is the second largest area with potential for capacity for expansion and growth, dependent on constraints on spatial expansion. Leura is located between the towns of Katoomba and Lawson.

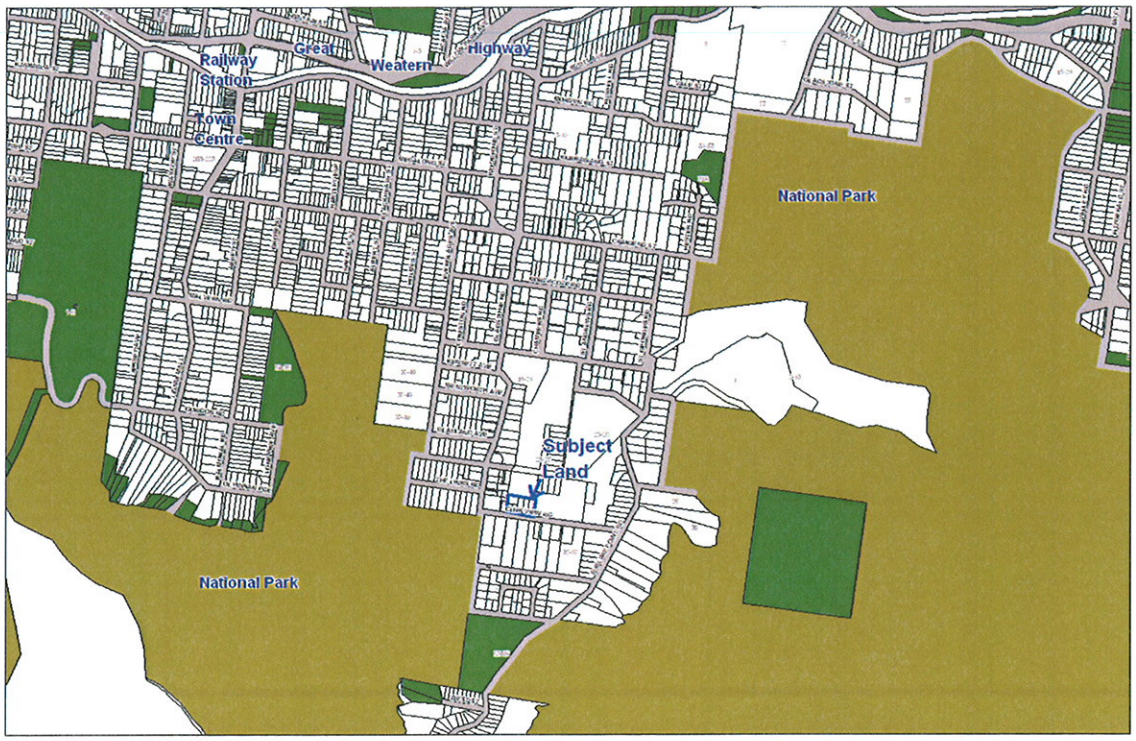
Leura is categorised as a "village" and Katoomba categorised as a "town centre". Leura is serviced by a railway station and local shopping centre and services. Katoomba is the largest centre in the Blue Mountains LGA, reflecting the importance in strengthening it's viability with anticipated enhanced employment activities and services.

5. Is the planning proposal consistent with the local council's Community Strategic Plan, or other local strategic plan?

Blue Mountains City Council are currently undertaking strategic background works to assist in the preparation of a standard instrument LEP as required by the Department of Planning. However the immediate focus is on repealing Blue Mountains LEP 1991.

The Blue Mountains Recreation & Sports Strategy 2002 aims to provide Council with clear objectives, principles and rationale to base the provision of sport and recreation services and facilities. The LGA was divided into areas and Leura is contained within Area 2 in the strategy. The strategy makes the following observations:

- Leura has 2.1 hectares of open space per 1000 people which is greater that the LGA average of 1.6 hectares of open space per 1000 people with adjoining towns having above average ratios;
- Leura has 1.5 hectares of open space (parkland) per 1000 people which is greater than the LGA average of 1.1 hectares with adjoining towns having above average ratios;
- Leura has 0.6 hectares of open space (sports grounds) per 1000 people which is greater that the LGA average of 0.5 hectares with adjoining towns having above average ratios;
- The provision of open space for sporting ovals is 1.3 hectares being below the standard for 1000 persons and a number of clubs have expressed the need for more ovals across the mountains; and
- A strategic recommendation is that the Council investigate opportunities to maximise the use of existing sports grounds before attempting to provide more ovals.



Map of Leura with Crown and Council sport and recreation areas highlighted

The Leura Golf Course will continue to operate as an 18 hole course with minor adjustments to the greens required, following the rezoning and subdivision.

6. Is the planning proposal consistent with applicable state environmental planning policies?

Note:

[1] **Not Relevant**: This provision or planning instrument does not apply to land within the Draft Amendment to Draft LEP 2005

[2] **Consistent**: This provision or planning instrument applies; the Draft Amendment to Draft LEP 2005 meets the relevant requirements and is in accordance with the provision or planning instrument.

[3] **Justifiably Inconsistent**: This provision or planning instrument applies, and is considered to be locally inappropriate.

State Environmental Planning Policies in force		NOT RELEVANT [1]	CONSISTENT [2]	JUSTIFIABLY INCONSISTENT [3]
SEPP 1	Development Standards		✓	
SEPP 4	Development without Consent and Miscellaneous Complying Development		✓	
SEPP 6	Number of Storeys in a Building	✓		
SEPP 14	Coastal Wetlands	✓		
SEPP 15	Rural Landsharing Communities	✓		
SEPP 19	Bushland in Urban Areas		✓	
SEPP 21	Caravan Parks	✓		
SEPP 22	Shops and Commercial Premises	✓		
SEPP 26	Littoral Rainforests	✓		
SEPP 29	Western Sydney Recreation Area	✓		
SEPP 30	Intensive Agriculture	✓		

State Environmental Planning Policies in force		NOT RELEVANT [1]	CONSISTENT [2]	JUSTIFIABLY INCONSISTENT [3]
SEPP 32	Urban Consolidation (Redevelopment of Urban Land)		✓	
SEPP 33	Hazardous and Offensive Development	✓		
SEPP 36	Manufactured Home Estates	✓		
SEPP 39	Spit Island Bird Habitat	✓		
SEPP 41	Casino/Entertainment complex	✓		
SEPP 44	Koala Habitat Protection	✓		
SEPP 47	Moore Park Showground	✓		
SEPP 50	Canal Estate Development	✓		
SEPP 52	Farm Dams and Other Works in Land and Water Management Plan Areas	✓		
SEPP 53	Metropolitan Residential Development	✓		
SEPP 55	Remediation of Land	✓		
SEPP 59	Central Western Sydney Economic and Employment Area	✓		
SEPP 60	Exempt and Complying Development	✓		
SEPP 62	Sustainable Aquaculture	✓		
SEPP 64	Advertising and Signage	✓		
SEPP 65	Design quality of Residential Flat Development	✓		
SEPP 70	Affordable Housing (Revised Schemes)	✓		
SEPP 71	Coastal Protection	✓		
SEPP	(Housing for Seniors or People with a Disability) 2004		✓	
SEPP	(Building Sustainability Index: BASIX) 2004	✓		
SEPP	(Development on Kurnell Peninsula) 2005	✓		
SEPP	(Major Development) 2005	✓		
SEPP	(Sydney Region Growth Centres) 2006	✓		
SEPP	(Mining, Petroleum Production and Extractive Industries) 2007	✓		
SEPP	(Temporary Structures) 2007	✓		
SEPP	(Kosciuszko National Park – Alpine Resorts) 2007	✓		
SEPP	(Infrastructure) 2007		✓	
SEPP	(Rural Lands) 2008	✓		
SEPP	(Exempt and Complying Development Codes) 2008	✓		
SEPP	(Western Sydney Parklands) 2009	✓		
D SEPP	(Application of Development Standards) 2004	✓		

State Environmental Planning Policies in force		NOT RELEVANT [1]	CONSISTENT [2]	JUSTIFIABLY INCONSISTENT [3]
SEPP	(Western Sydney Employment Area) 2009	✓		
SEPP	Sydney Regional Environmental Plan No. 20 Hawkesbury – Nepean River (No. 2 – 1997)		✓	
SEPP	Drinking Water Catchments Regional Environmental Plan No 1		✓	
SEPP	State Environmental Planning Policy (Affordable Rental Housing) 2009		✓	

7. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)

Note:

[1] **Not Relevant**: This provision or planning instrument does not apply to land within the Draft Amendment to Draft LEP 2005

[2] **Consistent**: This provision or planning instrument applies; the Draft Amendment to Draft LEP 2005 meets the relevant requirements and is in accordance with the provision or planning instrument.

[3] **Justifiably Inconsistent**: This provision or planning instrument applies, and is considered to be locally inappropriate.

Directions under Section 117(2)		NOT RELEVANT 1	CONSISTENT 2	JUSTIFIABLY INCONSISTENT 3
1.	**EMPLOYMENT AND RESOURCES**			
1.1	Business and Industrial Zones	✓		
1.2	Rural Zones	✓		
1.3	Mining, Petroleum Production and Extractive Industries	✓		
1.4	Oyster Aquaculture	✓		
1.5	Rural Lands	✓		
2.	**ENVIRONMENT AND HERITAGE**			
2.1	Environmental Protection Zones	✓		
2.2	Coastal Protection	✓		
2.3	Heritage Conservation	✓		
2.4	Recreation Vehicle Areas	✓		
3.	**HOUSING, INFRASTRUCTURE AND URBAN DEVELOPMENT**			
3.1	Residential Zones		✓	
3.2	Caravan Parks and Manufactured Home Estates	✓		
3.3	Home Occupations		✓	
3.4	Integrating Land Use and Transport			✓
3.5	Development Near Licensed Aerodromes	✓		
4.	**HAZARD AND RISK**			
4.1	Acid Sulfate Soils	✓		
4.2	Mine Subsidence and Unstable Land	✓		
4.3	Flood Prone Land	✓		
4.4	Planning for Bushfire Protection		✓	
5.	**REGIONAL PLANNING**			
5.1	Implementation of Regional Strategies	✓		
5.2	Sydney Drinking Water Catchments		✓	
5.3	Farmland of State and Regional Significance on the NSW Far North Coast	✓		
5.4	Commercial and Retail Development along the Pacific Highway, North Coast	✓		

Directions under Section 117(2)		NOT RELEVANT 1	CONSISTENT 2	JUSTIFIABLY INCONSISTENT 3
5.5	Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)	✓		
5.6	Sydney to Canberra Corridor (Revoked 10 July 2008. See amended Direction 5.1)	✓		
5.7	Central Coast (Revoked 10 July 2008. See amended Direction 5.1)	✓		
5.8	Second Sydney Airport: Badgerys Creek	✓		
6.	**LOCAL PLAN MAKING**			
6.1	Approval and Referral Requirements		✓	
6.2	Reserving Land for Public Purposes			✓
6.3	Site Specific Provisions	✓		
7.	**METROPOLITAN PLANNING**			
7.1	Implementation of the Metropolitan Strategy		✓	

The relevant considerations are:
Direction 3.1 – Residential Zones
Direction 3.3 – Home Occupations
Direction 3.4 – Integrating Land Use and Transport
Direction 4.4 – Planning for Bushfire Protection
Direction 5.2 – Sydney Drinking Water Catchments
Direction 6.1 – Approval and Referral Requirements
Direction 6.2 – Reserving Land for Public Purposes

The rezoning proposal is consistent with the Ministerial Directions, pursuant to Section 117(2) of the EP&A Act as demonstrated by the following:

The site is consistent with the Direction 3.1 – Residential zones direction because:

- The proposal does not seek to reduce the amount of residential land but rather contribute to additional lands that may assist Blue Mountains in reaching its housing targets.
- The site is serviced with the appropriate road and utility infrastructure to enable residential development.

The site is justifiably inconsistent with the Direction 3.4 – Integrating Land use and Transport direction because:

- Regular bus services run within 500m of the site 10-12 times per day. The bus service runs to Katoomba and Leura town centres and railway stations.
- The road between the subject site and the bus route is paved road with unpaved footpaths and low traffic volumes.
- The proposal is considered to be minor impact as it involves a maximum of 5 allotments.

The site is consistent with the 'Direction 4.4 – Planning for Bushfire Protection' direction because:

- The proposal will be forwarded to the Commissioner of the NSW Rural Fire Service following exhibition and prior to community consultation or as required by the Gateway Determination.
- The site is largely cleared having been developed as a golf course and tree species have been planted which are compatible with this use. Perimeter trees are not a listed community or species and are not within an environmental protection zone.

- Development of the land will result in the removal of a number of existing trees that contribute to the bushfire classification of the land, therefore reducing fuel loads.
- The proposal is an infill development and adjacent land to the south and west is developed for residential purposes. The nearest point of the site to the nearest boundary of the National Park is approximately 90m to the west.
- Access to the site is via a two-way bitumen sealed road and water is available via a piped potable supply.

The site is consistent with the 'Direction 5.2 – Sydney Drinking Water' because:

- Water and sewer are available in the locality. The applicant sought a 'Feasibility Application' from a consultant, however the consultant has advised they are unable to confirm this service until the land is rezoned.
- Future developments will be required to comply with Council provisions including stormwater provisions of the Better Living Development Control Plan.

The site is consistent with the 'Direction 6.1 – Approval and Referral Requirements' direction because:

- The proposal does not alter the provisions relating to approval and referral requirements.

The site is justifiably inconsistent with the 'Direction 6.2 – Reserving Land for Public Purposes' because:

- The site is currently zoned Recreation – Private and utilised as a golf course. The Leura Golf Club are proposing the rezoning as a means to raise revenue with the intention of continuing to operate the facility. The playing golf on the course will not be impacted by the excision of the subject land.
- The Blue Mountains Recreation & Sports Strategy 2002 identified that Leura has above average areas for recreation purposes and this has been discussed above in Section B5.

Section C - Environmental, Social and Economic Impact

8. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

A flora and fauna assessment has not been undertaken for the site as it has been significantly altered by the golf club over many years. The site is within the urban area and does not adjoin the national park or a reserve. The existing trees are not a listed community. It is unlikely that any threatened species, populations or ecological communities or their habitats will be adversely affected as a result of the proposal.

9. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

There are no likely environmental impacts, apart from those discussed previously in this Planning Proposal.

10. How has the planning proposal adequately addressed any social and economic effects?

The Planning Proposal has previously addressed social and economic impacts. Summarising the main social and economic impacts the following information is provided:

- The financial position of the Leura Golf Club is the catalyst for the proposal. The rezoning, and subsequent boundary adjustment and sale of the proposed 5 allotments will be the first stage in the financial recovery of the golf club.

- The site attributes are considered suitable for development for residential purposes due to adjacent developments and negligible environmental issues within the site and surrounding locality.
- The proposed allotment will be 5, 1200m2 rectangular blocks which is consistent with adjacent subdivision patterns.
- The golf course will continue to operate as an 18 hole course, following minor works to the green impacted by the proposed subdivision.
- Leura has greater than the LGA average for open space (parklands) and open space (sports grounds) per head of population and the Blue Mountains Sports and Recreation Strategy 2002 recommends that exiting sports grounds are maximized as preference to providing more ovals.
- The Leura Golf Club provides employment, sporting and social facilities for the community. The Leura Golf Club is a tourist attraction in the Blue Mountains. Maintaining the Leura Golf Course is in the interests of not only the adjoining residents but also the wider Leura, Blue Mountains and the tourist community.

Section D - State and Commonwealth Interests

11. Is there adequate public infrastructure for the planning proposal?

The existing public infrastructure is adequate to meet the needs of the proposal. The site has access to all necessary utilities which will be extended onto the site. The site is within the existing urban area and will not place unnecessary or additional demands on the public infrastructure.

The site is proximate to retail, medical and professional services on offer in Leura town centre and accessible by public train or bus to services at Katoomba town centre.

12. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

This section is proposed to be completed following consultation with State and Commonwealth public authorities identified in the Gateway Determination.

PART 4 COMMUNITY CONSULTATION

This part should outline the community consultation that is to be undertaken, having regard the requirements set out in the "*A Guide to Preparing Local Environmental Plans*". If a great period of public notifications is required or that a public hearing should be held it should be explained here.

If the gateway determination is different to what is set out here then the planning proposal needs to be amended to reflect the terms of the gateways determination.

ATTACHMENT 1

MAP PANELS

FOR

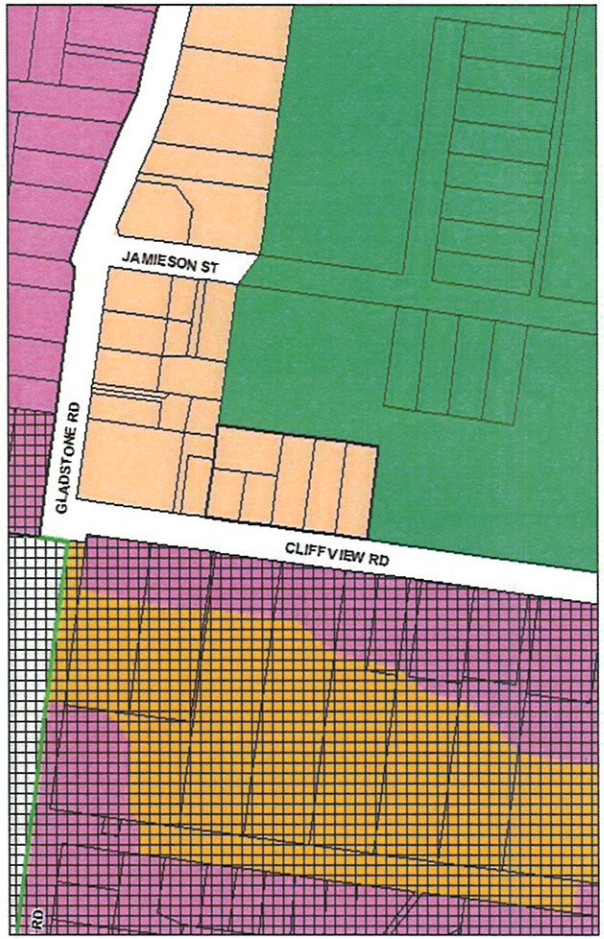
certain land adjoining the Leura Golf Course

MAP PANEL B: PROTECTED AREAS

WATER SUPPLY CATCHMENT

LEP 1991 AREA

LEP 2005 AREA



MAP PANEL A: ZONES, PRECINCTS AND PROVISIONS

LEP2005 ZONES

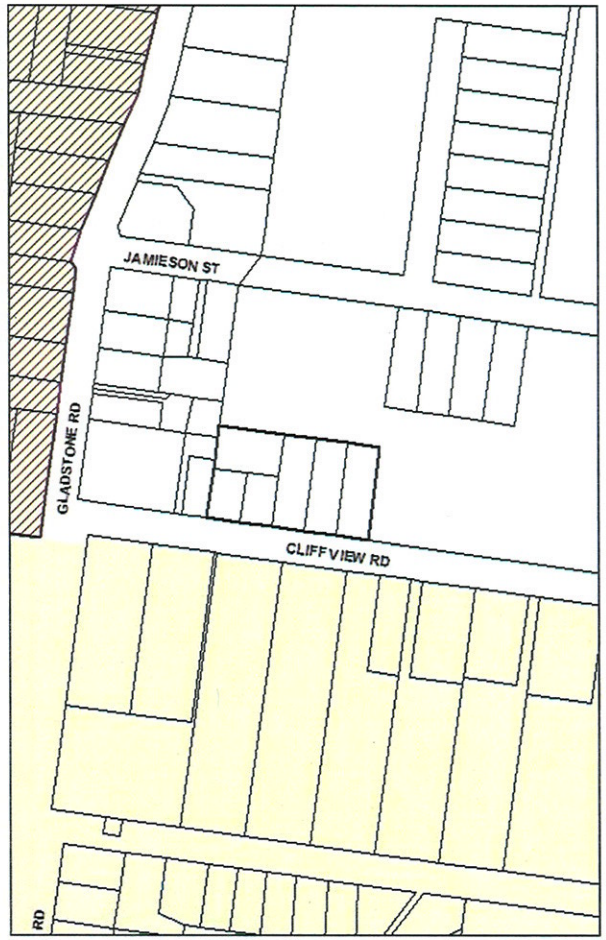
VILLAGE-TOWN CENTRE

LIVING-CONSERVATION

RECREATION-PRIVATE

LEP2005 PRECINCTS, PROVISIONS

PRECINCT



MAP PANEL C: HERITAGE CONSERVATION AND SPECIAL USE

LEGEND

HERITAGE ITEM

LEGEND

SHEET 1 OF 1

ENVIRONMENTAL PLANNING & ASSESSMENT ACT, 1979.

BLUE MOUNTAINS LOCAL ENVIRONMENTAL PLAN 2005 (AMENDMENT NO 18)

50 0 50 100 150

Metres

Land Subject to this Plan

LOCALITY:

23-25 Fitzroy Street, Leura

NORTH

DRAWN BY -	Michaela Denny	DATE -	01.04.2010
PLANNING OFFICER	Erica Duffy	DATE -	01.04.2010
CERTIFICATE PLAN NUMBER -			
FILE No. COUNCIL F06001	DEPT. OF PLANNING		
GATEWAY DETERMINATION UNDER SEC. 56 EPA ACT		DATE -	

STATEMENT OF RELATIONSHIP WITH OTHER PLANS

Amends Blue Mountains Local Environmental Plan 2005

CERTIFIED IN ACCORDANCE WITH THE ENVIRONMENTAL PLANNING AND ASSESSMENT ACT 1979 AND REGULATIONS

GENERAL MANAGER DATE

PUBLISHED ON LEGISLATION WEBSITE ON