NSW GOVERNMENT | Planning

Planning Team Report

'Queen Victoria Memorial Hospital' Site

Proposal Title :	'Queen Victoria Memorial Hospital' Site
Proposal Summary :	To rectify an anomaly in the zoning of the Queen Victoria Memorial Hospital site by: - enabling seniors housing, and - protecting heritage significance and natural assets.
PP Number :	PP_2013_WOLLY_003_00
Dop File No :	13/05204

Proposal Details

Date Planning Proposal Received :	12-Mar-2013	LGA covered :	Wollondilly
Region :	Sydney Region West	RPA :	Wollondilly Shire Council
State Electorate :	WOLLONDILLY	Section of the Act :	55 - Planning Proposal
LEP Type :	Spot Rezoning		

Location Details

Street :	Thirlmere Way				
Suburb :	Thirlmere	City :	Sydney	Postcode :	2572
Land Parcel :	Lot 1 DP 264150 and Lots 31, 32 and 33 DP 1022462				

DoP Planning Officer Contact Details

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RPA Contact Details

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DoP Project Manager Contact Details

Contact Name :	Terry Doran
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Land Release Data

Growth Centre :	N/A	Release Area Name :	N/A
Regional / Sub Regional Strategy :	Metro South West subregion	Consistent with Strategy :	Yes

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MDP Number :		Date of Release :	
Area of Release (Ha) :	**0.00**	Type of Release (eg Residential / Employment land) :	**Residential**
No. of Lots :	**200**	No. of Dwellings (where relevant) :	**200**
Gross Floor Area :	**0**	No of Jobs Created :	**0**

The NSW Government Lobbyists Code of Conduct has been complied with : **Yes**

If No, comment :

Have there been meetings or communications with registered lobbyists? : **No**

If Yes, comment : **At this point in time, to the best of the Regional team's knowledge, the Department's Code of Practice in relation to communications with lobbyists has been complied with.**

Supporting notes

Internal Supporting Notes : **The regional team supports the proposal as it will enable appropriate growth of existing specialised health infrastructure and related services. Council seeks expeditious determination of the proposal.**

BACKGROUND

The subject land contains the Queen Victoria Memorial Hospital, which is a privately owned aged care facility with approximately 100 beds.

The former owner, Sydney South West Area Health Service (SSWAHS), sold the subject land with conditions, which included retaining the existing facility and its expansion in the future as a three tiered aged care facility.

To facilitate the disposal, the subject land was rezoned, in February 2011, from Rural 1(a3) under Wollondilly LEP 1991 to Zone SP2 Infrastructure (Health Services Facility) under Wollondilly LEP 2011.

However, Council subsequently became aware that seniors housing was inadvertently prohibited under the rezoning and, consequently, has prepared the proposal to rectify this matter.

DELEGATION

Delegation is to be given for Council to exercise the Minister's plan making powers.

External Supporting Notes :

Adequacy Assessment

Statement of the objectives - s55(2)(a)

Is a statement of the objectives provided? **Yes**

Comment : **The proposal seeks to:**

- make seniors housing permissible with consent on the subject land,

- continue and expand the use of the subject land for aged care accommodation and ancillary services and facilities for ageing in place and continuity of care, and

- maintain the heritage significance and natural assets of the subject land and its setting.

Explanation of provisions provided - s55(2)(b)

Is an explanation of provisions provided? **Yes**

Comment : **PROPOSAL**

In order to facilitate the objectives, Council proposes to:

- amend the zone name for part of the subject land from Zone SP2 Infrastructure (Health Services Facility) to Zone SP2 Infrastructure (Health Services Facility and Seniors Housing),

- rezone part of the subject land from SP2 Infrastructure (Health Services Facility) to part Zone E2 Environmental Conservation and part Zone E3 Environmental Management and/or include land on the Natural Resources – Biodiversity and Natural Resources – Water maps to the LEP for those parts of the subject land found to have biodiversity, riparian and conservation values,

- rezone part of the subject land from SP2 Infrastructure (Health Services Facility) to Zone RE2 Private Recreation to include an earth dam and remnant native vegetation in private recreational space,

- correspondingly amend building height limits (from 9m to 0m, 7.2m and 15m) that are compatible with the heritage, landscape and scenic values of the subject land and its setting,

- correspondingly amend the lot size control (from 0sqm to 16ha. and 100ha.) to reflect future development intent, land use constraints and conservation requirements, and

- identify a building ('Harmony House') as a new local heritage item.

Further details of the proposed controls are shown on the maps in Attachments 1-4 of the proposal document and a copy is provided in the 'Documents section of this report.

LEP INSTRUMENT AND MAP CHANGES

The proposed amendments will be facilitated under Wollondilly LEP 2011 by amending:

- the Land Zoning Map (sheets LZN_008C and LZN_008G),
- the Lot Size Map (sheets LSZ_008C and LSZ_008G),
- the Height of Buildings Map (sheets HOB_008C and HOB_008G),
- the Heritage Map (sheet HER_008G),
- the Natural Resources - Biodiversity Map (introduce sheet NRB_008),
- the Natural Resources - Water Map (sheet NRW_008), and
- Schedule 5 Environmental Heritage (by inserting item A14 (Lot 31, DP 1022462, 'Harmony House') as a local item under Part 3 - Archaeological Sites).

COMMENT

Maps:

The proposed location of Zone E3 Environmental Management is not shown on the maps attached to the proposal. Council is to ensure that it amends the proposal before public

exhibition to identify any land proposed to be zoned E3 Environmental Management.

Seniors Housing:

Item 3 of the land use table for Zone SP2 Infrastructure provides for land uses to be permissible with consent through their inclusion in the zone title on the Land Zoning Map. The use of this method in this case is consistent with LEP Practice Note PN 11-002 - Preparing LEPs Using the Standard Instrument: Standard Zones as:
- the subject land is generally consistent with the notion of a 'strategic site' under the Practice Note, and
- 'seniors housing' is a Standard Instrument LEP definition.

Existing Development:

The subject land currently contains seniors housing development, which the proposal will allow to expand. It is considered that the most appropriate means of facilitating the expansion is by changing the zone title as it avoids the use of Schedule 1 Additional Permitted Uses and the potential for uncertainty to arise surrounding existing use rights.

Justification - s55 (2)(c)

a) Has Council's strategy been agreed to by the Director General? **No**

b) S.117 directions identified by RPA :

* May need the Director General's agreement

1.3 Mining, Petroleum Production and Extractive Industries
2.1 Environment Protection Zones
2.3 Heritage Conservation
3.1 Residential Zones
3.4 Integrating Land Use and Transport
4.2 Mine Subsidence and Unstable Land
4.3 Flood Prone Land
4.4 Planning for Bushfire Protection
6.3 Site Specific Provisions
7.1 Implementation of the Metropolitan Plan for Sydney 2036

Is the Director General's agreement required? **Yes**

c) Consistent with Standard Instrument (LEPs) Order 2006 : **Yes**

d) Which SEPPs have the RPA identified?

SEPP No 55—Remediation of Land
SREP No. 20 - Hawkesbury–Nepean River (No. 2 - 1997)

e) List any other matters that need to be considered :

The proposal indicates that the following specialist studies will be required:

- **Flora, fauna and habitats**
- **Geotechnical**
- **Contamination**
- **Surface and groundwater**
- **Bushfire hazard management**
- **Aboriginal places and items of significance**
- **European heritage**
- **Rural land uses, scenic quality and setting**
- **Transport and movement**
- **Capacity of infrastructure, services and facilities, particularly taking into consideration the site-related requirements under SEPP (Housing for Seniors or People with a Disability) 2004 ('Seniors Housing SEPP').**

It is considered that these are to be made a formal requirement.

Have inconsistencies with items a), b) and d) being adequately justified? **Unknown**

If No, explain :

SECTION 117 DIRECTIONS

DIRECTION 1.3 - MINING, PETROLEUM PRODUCTION AND EXTRACTIVE INDUSTRIES

This Direction may apply as the proposal indicates that the area could be affected by a

proposed extension to an existing coal mine. It is considered that Council is to be required to consult with the Department of Trade & Investment - Mineral Resources & Energy (Minerals & Petroleum) to establish the applicability of, and, if necessary, consistency with, the Direction.

DIRECTION 2.1 - ENVIRONMENTAL PROTECTION ZONES

This Direction is applicable as the subject land contains remnant vegetation, riparian areas and steep slopes. The proposal seeks to apply Zone E2 Environmental Conservation and Zone E3 Environmental Management to protect and conserve these environmentally sensitive areas.

While the details of the remnant vegetation are not known, the subject land does not contain the more significant Priority Conservation Lands category of Cumberland Plain Woodland.

It is considered that:
- Council is to be formally required to prepare the proposed flora, fauna and habitats study,
- Council is to be required to consult with the Office of Environment and Heritage and demonstrate consistency with the Direction, and
- Council is to be reminded of the need to separately satisfy any requirements under s.34A of the EP&A Act 1979 and the Commonwealth EPBC Act 1999, if relevant.

DIRECTION 2.3 - HERITAGE CONSERVATION

This Direction applies as the subject land contains an existing local heritage item, i.e. the Queen Victoria Hospital, and proposes to create a new heritage item, i.e. Harmony House.

It is considered that Council is to be formally required to prepare the proposed studies relating to European and Aboriginal heritage/archaeology and subsequently demonstrate consistency with the Direction.

DIRECTION 3.1 - RESIDENTIAL ZONES

This Direction applies as the proposal will potentially permit significant residential development.

The proposal indicates that public infrastructure is currently available in the form of a public road network, potable water supply and electricity and telephone services and that there is also potential for connection to reticulated sewerage. The proposal will also broaden housing choice (Council has advised that the estimated potential dwelling yield is 200-300 dwellings. This would appear to be a gross figure, which includes existing (and approved) development).

It is considered that Council is to be required to consult with Sydney Water, Endeavour Energy, Roads and Maritime Services and other relevant service/public authorities. It is also considered that the proposed studies relating to transport and movement, site-related requirements under the Seniors Housing SEPP and capacity of infrastructure, services and facilities, is to be made a formal requirement.

It is noted that clause 7.1 - Essential Services of Wollondilly LEP 2011 will apply to the subject land. This clause requires essential services to be available or adequately arranged before development can proceed.

It is considered that Council is to be required to subsequently demonstrate consistency with the Direction.

DIRECTION 3.4 INTEGRATING LAND USE AND TRANSPORT

This Direction applies as the proposal will effectively alter a zone relating to urban land, i.e. SP2 Infrastructure (Health Services Facility). The Direction requires the proposal to, in part, have regard to 'Improving Transport Choice - Guidelines for Planning and Development (DUAP 2001)'.

The proposed study relating to site-related requirements under the Seniors Housing SEPP will further inform the consideration of this matter and allow the Director-General (or his delegate) to consider whether the inconsistency with the Direction is justified.

Notwithstanding the above, it is noted that the proposal:
- will benefit from existing aged care support services, and
- should strengthen the existing aged care infrastructure by increasing its viability, and
- will, more broadly, increase the mix and general supply of housing.

DIRECTION 4.2 - MINE SUBSIDENCE

This Direction applies as the subject land is located within a proclaimed Mine Subsidence District. Accordingly, Council must consult with the Mine Subsidence Board and subsequently demonstrate consistency with the Direction. It is considered that this is to be made a formal requirement as a condition of the Gateway determination.

DIRECTION 4.3 - FLOOD PRONE LAND

The proposed surface and groundwater study will determine the applicability of this Direction. It is considered that this is to be made a formal requirement and that Council is to also demonstrate consistency with the Direction following completion of the study.

DIRECTION 4.4 - PLANNING FOR BUSHFIRE PROTECTION

This Direction applies as the subject land is bush fire prone. Consultation with the Commissioner of the NSW Rural Fire Service is required to determine consistency with the Direction. It is considered that the bushfire management study proposed by Council and the above consultation is to be formally required as a condition of the Gateway determination.

DIRECTION 6.3 SITE SPECIFIC PROVISIONS

This Direction applies as the proposal will allow a particular development to be carried out. The proposal is inconsistent with the Direction as it will not meet the requirements under the Direction to:

(a) allow that land use to be carried out in the zone the land is situated on, or
(b) rezone the site to an existing zone already applying in the environmental planning instrument that allows that land use without imposing any development standards or requirements in addition to those already contained in that zone, or
(c) allow that land use on the relevant land without imposing any development standards or requirements in addition to those already contained in the principal environmental planning instrument being amended.

However, it is considered that, in view of the unique circumstances of the case, the inconsistency is justified on the basis that it is of minor significance.

DIRECTION 7.1 IMPLEMENTATION OF THE METROPOLITAN PLAN FOR SYDNEY 2036

This Direction requires the proposal to be consistent with the Metropolitan Plan for Sydney 2036. The proposal is considered to be generally consistent with the above plan in that it will provide housing opportunities for older people and people with a disability

and broaden housing choice.

SEPPs and DEEMED SEPPs

SEPP 55 - REMEDIATION OF LAND

This SEPP applies due to the former use of the subject land as a dairy farm. The SEPP requires Council to obtain a preliminary investigation into whether the land is contaminated, before it can be rezoned. Council proposes to arrange for an investigation and it is considered that this is to formally be required as a condition of the Gateway determination.

SREP 20 - HAWKESBURY-NEPEAN RIVER (No. 2 — 1997)

SREP 20 applies to the proposal and requires Council to give consideration to various general and specific planning matters and related recommended strategies. The proposal indicates that it is consistent with the SREP (deemed SEPP) and Council proposes to consult with the Hawkesbury-Nepean Catchment Management Authority. It is considered that the consultation is to be made a formal requirement.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : **The proposed zones and their boundaries will be refined following completion of the studies.**

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **Council proposes to publicly exhibit the proposal for a period of 28 days and it is considered that this length of time is appropriate.**

Additional Director General's requirements

Are there any additional Director General's requirements? **No**

If Yes, reasons :

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment :

Proposal Assessment

Principal LEP:

Due Date : **February 2011**

Comments in relation to Principal LEP : **Wollondilly LEP 2011 was notified in February 2011.**

Assessment Criteria

Need for planning proposal : **A planning proposal is the best means of facilitating the rezoning of the land.**

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Consistency with strategic planning framework :	**The proposal is consistent with the general direction of the Metropolitan Plan for Sydney 2036 and the draft South West Subregional Strategy as it provides housing opportunities and choice for older people and people with a disability.** **The proposal is also consistent with the draft Local Environmental Study prepared for the Picton Tahmoor Thirlmere locality in 2001-02, which included recommendations to increase housing diversity for the changing demographics of smaller and older households. The proposal will enable seniors housing development and ancillary services and activities that are integrated with the services and facilities provided by the existing hospital and care accommodation.**
Environmental social economic impacts :	**Potential environmental impacts will be addressed by:** **- proposed environmental zonings,** **- various supporting studies, and** **- site specific DCP controls.** **SOCIAL AND ECONOMIC** **No significant social and economic impacts are expected. This will be further considered by the proposed location suitability study.**

Assessment Process

Proposal type :	**Minor**	Community Consultation Period :	**28 Days**
Timeframe to make LEP :	**12 Month**	Delegation :	**DDG**
Public Authority Consultation - 56(2)(d) :	**Hawkesbury - Nepean Catchment Management Authority** **Office of Environment and Heritage** **Department of Trade and Investment** **Disability Council of NSW** **Mine Subsidence Board** **Fire and Rescue NSW** **NSW Rural Fire Service** **Transport for NSW - Roads and Maritime Services** **Sydney Water**		

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons : **Council proposes a timeframe of 13 months in which to finalise the LEP. It is considered that this length of time is generally reasonable and that a 12 month timeframe is to apply.**

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

Flora
Fauna
Heritage
Bushfire
Flooding
Other - provide details below
If Other, provide reasons :

In addition to the above studies, other studies as discussed in this report are recommended.

Identify any internal consultations, if required :

No internal consultation required

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Is the provision and funding of state infrastructure relevant to this plan? **No**

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
Planning_Proposal_and_Council_Report.pdf	**Proposal**	**Yes**
Council's_covering_letter.pdf	**Proposal Covering Letter**	**Yes**

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions:

1.3 Mining, Petroleum Production and Extractive Industries
2.1 Environment Protection Zones
2.3 Heritage Conservation
3.1 Residential Zones
3.4 Integrating Land Use and Transport
4.2 Mine Subsidence and Unstable Land
4.3 Flood Prone Land
4.4 Planning for Bushfire Protection
6.3 Site Specific Provisions
7.1 Implementation of the Metropolitan Plan for Sydney 2036

Additional Information :

It is recommended that the proposal proceed subject to the following conditions:

1. Community consultation is required under sections 56(2)(c) and 57 of the EP&A Act 1979 for a period of 28 days;

2. The timeframe for completing the local environmental plan is to be 12 months from the week following the date of the Gateway determination; and

3. Delegation is to be given for Council to exercise the Minister's plan making powers.

The matters below are to be addressed prior to community consultation, in consultation with the regional office.

4. Council is to amend the proposal to ensure that the maps show the location of the proposed Zone E3 Environmental Management;

5. Council is to undertake the following studies:

- **Flora, fauna and habitats**
- **Geotechnical**
- **Contamination**
- **Surface and groundwater**
- **Bushfire hazard management**
- **Aboriginal places and items of significance**
- **European heritage**
- **Rural land uses, scenic quality and setting**
- **Transport and movement**
- **Capacity of infrastructure, services and facilities, particularly taking into consideration the site-related requirements under SEPP (Housing for Seniors or People with a Disability) 2004;**

6. Council is to consult with the Department of Trade & Investment - Mineral Resources & Energy (Minerals & Petroleum) and subsequently demonstrate consistency with section 117 Direction 1.3 Mining, Petroleum Production and Extractive Industries;

7. Council is to consult with the Office of Environment & Heritage and the

Hawkesbury-Nepean Catchment Management Authority and subsequently demonstrate consistency with section 117 Direction 2.1 Environmental Protection Zones. Council is to also have regard to the need to separately satisfy any requirements under s.34A of the EP&A Act 1979 and the Commonwealth EPBC Act 1999;

8. Council is to demonstrate consistency with section 117 Direction 2.3 Heritage Conservation;

9. Council is to consult with Sydney Water, Endeavour Energy, Roads & Maritime Services, Fire & Rescue NSW and any other relevant service/public authorities (including, if necessary, the Disability Council of NSW) and demonstrate consistency with section 117 Direction 3.1 Residential Zones;

10. Council is to consult with the Mine Subsidence Board and subsequently demonstrate consistency with section 117 Direction 4.2 Mine Subsidence and Unstable Land;

11. Council is to demonstrate consistency with section 117 Direction 4.3 Flood Prone Land after undertaking the relevant study/studies;

12. Council is to consult with the Commissioner of the NSW Rural Fire Service and subsequently demonstrate consistency with section 117 Direction 4.4 Planning for Bushfire Protection; and

13. The Director General approves the inconsistency with section 117 Direction 6.3 Site Specific Provisions on the basis that it is of minor significance.

Supporting Reasons : **The proposal will provide additional housing opportunities and choice in a generally appropriate location.**

Signature: T Doran

Printed Name: T DORAN Date: 15/3/13