

Blue Mountains Local Environmental Plan 2005 - Amendment 27

Proposal Title : **Blue Mountains Local Environmental Plan 2005 - Amendment 27**

Proposal Summary : **The proposal seeks to facilitate further development of 'Blue Mountains Villages', a not-for-profit affordable accommodation facility for seniors and people with disability, by rezoning six lots from Living - Bushland Conservation to Living - General. In addition, the proposal seeks to better reflect an existing use by rezoning one lot from Living - Bushland Conservation to Regional Transport Corridor (Road).**

PP Number : **PP_2013_BLUEM_001_00** Dop File No : **13/02702**

Proposal Details

Date Planning Proposal Received : **09-Jan-2013** LGA covered : **Blue Mountains**

Region : **Sydney Region West** RPA : **Blue Mountains City Council**

State Electorate : **BLUE MOUNTAINS** Section of the Act : **55 - Planning Proposal**

LEP Type : **Spot Rezoning**

Location Details

Street : **2-4 Queens Road**

Suburb : **Leura** City : **Blue Mountains** Postcode : **2780**

Land Parcel : **Lot 4 DP1066824 and Part Lot 7 DP626827**

Street : **6-10 Queens Road**

Suburb : **Leura** City : **Blue Mountains** Postcode : **2780**

Land Parcel : **Lot 3 DP545699, Lot 4 DP545699 and Lot 6 DP626827**

Street : **14 Queens Road**

Suburb : **Leura** City : **Blue Mountains** Postcode : **2780**

Land Parcel : **Lot 19 Section 1 DP5140**

Street : **171 Great Western Highway**

Suburb : **Leura** City : **Blue Mountains** Postcode : **2780**

Land Parcel : **Lot 8 DP1066824**

DoP Planning Officer Contact Details

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RPA Contact Details

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Land Release Data

Growth Centre :	N/A	Release Area Name :	
Regional / Sub Regional Strategy :	Metro North West subregion	Consistent with Strategy :	Yes
MDP Number :	N/A	Date of Release :	
Area of Release (Ha) :	0.00	Type of Release (eg Residential / Employment land) :	N/A
No. of Lots :	0	No. of Dwellings (where relevant) :	0
Gross Floor Area :	0	No of Jobs Created :	0

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

If No, comment : **To the best of the knowledge of the regional team, the Department's Code of Practice in relation to communications and meetings with Lobbyists has been complied with. Sydney West has not met with any lobbyist in relation to this proposal, nor has the Regional Director been advised of any meetings between other departmental officers and lobbyists concerning this proposal.**

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

If Yes, comment : **The Department's Lobbyist Contact Register has been checked on 1 February 2013, and there have been no records of contact with lobbyists in relation to this proposal.**

Supporting notes

Internal Supporting Notes : **THE SITE**

The site is located on a ridge extending along the western side of Queens Road from the Great Western Highway and occupies an area of 1.855 hectares. It is bounded on the west by Blue Mountains District Anzac Memorial Hospital, on the north by vegetated lots zoned Living - Bushland Conservation, on the south by the Great Western Highway and the Blue Mountains railway line, and on the east (on the other side of Queens Road) by residential

land zoned Living - Bushland Conservation. Due to mature trees and the slope, the residential lots on the other side of Queens Road do not have sight lines to the site.

The Great Western Highway is the major arterial road of the Blue Mountains. The site is located approximately 700m from the nearest railway station (Leura) and approximately 200m from the nearest bus stop.

BACKGROUND

The planning proposal is the result of a rezoning application lodged with Blue Mountains City Council by Blue Mountains Villages Pty Ltd (the landowner). The current zoning of Living - Bushland Conservation does not permit 'accessible housing' (a category of development under Blue Mountains LEP 2005 that is effectively residential accommodation for older people or people with a disability), and the seniors living facility operates at present under existing use rights. The landowner wishes to redevelop and expand the facility, and cannot do so under the existing zoning.

The southernmost lot of the site, Lot 8 DP1066824 (171 Great Western Highway) has previously been dedicated for road widening, and this road widening is now complete. Given that the lot is now a road, it is proposed that it be rezoned from Living - Bushland Conservation to Regional Transport Corridor (Road).

External Supporting
Notes :

Adequacy Assessment

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

Is a statement of the objectives provided? Yes

Comment : The objectives of the proposal are to permit 'accessible housing' with consent, legitimising the current use and allowing for its expansion, and to regularise the portion of the site that was previously dedicated for road widening and is now a road.

Council's report is attached.

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

Is an explanation of provisions provided? Yes

Comment : The proposal's intent is to rezone the subject land by amending Blue Mountains LEP 2005 Map Panel A: Zones, Precincts and Provisions (see attached map). Lot 8 DP1066824 will be rezoned from Living - Bushland Conservation to Regional Transport Corridor (Road), and the remainder of the subject lots will be rezoned from Living - Bushland Conservation to Living - General.

This will permit the proponent to undertake development for 'accessible housing', as this use is not permitted in the Living - Bushland Conservation zone but is permitted with consent in the Living - General zone.

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

3.1 Residential Zones

4.4 Planning for Bushfire Protection

5.2 Sydney Drinking Water Catchments

6.1 Approval and Referral Requirements

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 : **No**

d) Which SEPPs have the RPA identified?

SEPP No 55—Remediation of Land
SEPP No 65—Design Quality of Residential Flat Development
SEPP (Building Sustainability Index: BASIX) 2004
SEPP (Housing for Seniors or People with a Disability) 2004
SREP No. 20 - Hawkesbury–Nepean River (No. 2 - 1997)
SEPP (Affordable Rental Housing) 2009

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

The proposal will amend Blue Mountains LEP 2005, which is not a Standard Instrument LEP.

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

If No, explain :

3.1 RESIDENTIAL ZONES

The planning proposal seeks to provide additional housing, to broaden housing choice and to make use of existing infrastructure. It is therefore consistent with this direction.

4.4 PLANNING FOR BUSHFIRE PROTECTION

The north-western corner of the site is mapped as Category 2 Bushfire Prone Land, and the remainder of the site is mapped as Bushfire Buffer. The planning proposal includes a Bushfire Protection Assessment, which offers recommendations based on the proposed Master Plan and concludes that it is capable of complying with bushfire safety provisions.

Council must consult the Commissioner of the Rural Fire Service prior to undertaking community consultation under section 57 of the Act, and must obtain written advice from the Commissioner to the effect that the Rural Fire Service does not object to the progression of the planning proposal.

5.2 SYDNEY DRINKING WATER CATCHMENTS

This direction serves to protect the water quality of the Sydney drinking water catchment, and requires that planning proposals adhere to the principle of having a neutral or beneficial effect on water quality. As this planning proposal is for a small intensification of residential use on an existing property, and is located away from streams and rivers, it is likely to have a neutral effect on water quality.

6.1 APPROVAL AND REFERRAL REQUIREMENTS

The objective of this direction is to minimise approval and referral requirements for development. This planning proposal requires the approval of the Commissioner of the Rural Fire Service, and it will be a condition of the Gateway Determination that this approval is obtained prior to community consultation under section 57 of the Act. Compliance with this Gateway condition will make the proposal consistent with this direction.

7.1 IMPLEMENTATION OF THE METROPOLITAN PLAN FOR SYDNEY 2036

The proposal will assist in delivering the Metropolitan Plan's housing objectives, and does not undermine the achievement of its vision, land use strategy, policies, outcomes or actions. It is thus consistent with this direction.

SEPP 55 - REMEDIATION OF LAND

The SEPP aims to promote the remediation of contaminated land that poses a risk to health. This site has not been identified as contaminated, and the proposal is therefore consistent with the SEPP.

SEPP 65 - DESIGN QUALITY OF RESIDENTIAL FLAT DEVELOPMENT

The SEPP aims to ensure a high standard of residential flat design throughout NSW. There is nothing in the planning proposal that is inconsistent with the provisions of SEPP 65, but the SEPP will need to be taken into account in the consideration of any development applications applying to the site.

SEPP (BUILDING SUSTAINABILITY INDEX: BASIX) 2004

The SEPP aims to ensure that sustainability is taken into account in residential development throughout NSW. There is nothing in the planning proposal that is inconsistent with the provisions of the SEPP, but it will need to be taken into account in the consideration of any development applications applying to the site.

SREP 20 - HAWKESBURY-NEPEAN RIVER (NO. 2 - 1997)

The aim of SREP 20 is to protect the environment of the Hawkesbury-Nepean River system by ensuring that the impacts of future land uses are considered in a regional context. As this planning proposal seeks a small intensification of residential development on an existing site, it will have little to no effect on the Hawkesbury-Nepean River system, and is therefore not inconsistent with SREP 20.

SEPP (AFFORDABLE RENTAL HOUSING) 2009

The SEPP seeks to provide consistency and to facilitate delivery of affordable rental housing. This planning proposal's intent is to deliver affordable rental housing for seniors and people with disability, it is consistent with the SEPP.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : The planning proposal is to amend Blue Mountains LEP 2005 Map Panel A: Zones, Precincts and Provisions, and Council has provided a copy of the draft map.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : Council has said that it will undertake community consultation in accordance with the Gateway Determination. Consultation will be notified in the local newspaper, and will occur for a minimum of 28 days. Neighbouring landowners will be notified by mail, and the planning proposal will be available on Council's website.

Additional Director General's requirements

Are there any additional Director General's requirements? **Yes**

If Yes, reasons : The site is adjacent to the Blue Mountains District Anzac Memorial Hospital, and shares with it an isolated position: the two sites are bounded by the Great Western Highway to the south, an oval to the west, bushland and a cemetery to the north, and visually isolated residential land to the east, and are further isolated by their ridge-top position. As such, together they form a small healthcare and senior living precinct.

Both sites are currently zoned Living - Bushland Conservation, which is not in keeping with their current use. If rezoning the Blue Mountains Village site to Living - General, it is logical to do the same with the hospital site. Council should explore this possibility in its consideration of the planning proposal.

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? Yes

If No, comment :

Proposal Assessment

Principal LEP:

Due Date : **September 2014**

Comments in relation to Principal LEP : **Blue Mountains City Council resolved in late 2012 to prepare a Principal LEP.**

Assessment Criteria

Need for planning proposal : **The planning proposal is the result of an application from the landowner, and stems from a need to improve the viability of this not-for-profit facility (with the resulting public benefit of increased beds for seniors and people with disability).**

The need for the inclusion of Lot 8 DP1066824 stems from its being currently a mapping anomaly due to its existing use as a road.

Consistency with strategic planning framework : **The planning proposal is consistent with the following strategic documents.**
DRAFT NORTH WEST SUBREGIONAL STRATEGY

The planning proposal will help to meet the draft Strategy's housing capacity target of 7,000 new dwellings for the Blue Mountains LGA by 2031. The draft Strategy also predicts that the proportion of the LGA's population over 65 will increase from 8% in 2001 to 16% in 2031, resulting in a 'higher demand for smaller dwellings and various forms of seniors living accommodation with good access to services and public transport.'

BLUE MOUNTAINS ACCESSIBLE HOUSING STRATEGY 2002

The strategy states that there is a need for accessible housing in the Blue Mountains. Part 3.1.1 of the Strategy reiterates that the aged population of the LGA is likely to double over the next 20 years, and that there is a need to provide appropriate and affordable housing for the ageing population.

Environmental social economic impacts : **ENVIRONMENTAL**

A preliminary Ecological Assessment has been submitted with the planning proposal. This assessment recorded no threatened species, but did identify the locally significant vegetation community Eucalyptus oreades on a corner of the site. As a result, a Flora and Fauna assessment should be carried out prior to exhibition.

The site is mapped as bushfire prone (see Adequacy section above); as such, any future development will be referred to the Rural Fire Service and must comply with 'Planning for Bushfire Protection 2006'.

The site is located within the Sydney Drinking Water Catchment. The Sydney Catchment Authority has been consulted and has raised no issues of concern.

SOCIAL

As the proposal is for a slight intensification of the current use, it is unlikely to have any adverse social impacts. Given that the intent is to increase the stock of affordable housing for seniors and people with disability, it is likely to have a net positive social impact.

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No heritage items or sites or places of Aboriginal cultural significance have been identified on the site.

ECONOMIC

There is likely to be a small economic benefit from the construction and ongoing operation of a larger facility.

Assessment Process

Proposal type : **Routine** Community Consultation Period : **28 Days**

Timeframe to make LEP : **12 Month** Delegation : **RPA**

Public Authority Consultation - 56(2)(d) : **Sydney Catchment Authority
Office of Environment and Heritage
NSW Rural Fire Service**

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

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

If no, provide reasons :

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

If Yes, reasons :

Identify any additional studies, if required. :

Flora

Fauna

Bushfire

If Other, provide reasons :

Identify any internal consultations, if required :

No internal consultation required

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

If Yes, reasons :

Documents

Document File Name	DocumentType Name	Is Public
Blue Mountains LEP 2005 Amd 27 - Section 55 Letter.pdf	Proposal Covering Letter	Yes
Blue Mountains LEP 2005 Amd 27 - Planning Proposal.pdf	Proposal	Yes
Blue Mountains LEP 2005 Amd 27 - Map - Proposed Zoning.pdf	Map	Yes
Blue Mountains LEP 2005 Amd 27 - Maps - Current Zoning & Locality Plan.pdf	Map	Yes
Blue Mountains LEP 2005 Amd 27 - Preliminary Ecological Assessment.pdf	Study	Yes
Blue Mountains LEP 2005 Amd 27 - Prelim Bushfire Threat Assessment.pdf	Study	Yes

Planning Team Recommendation

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

S.117 directions: **3.1 Residential Zones**
 4.4 Planning for Bushfire Protection
 5.2 Sydney Drinking Water Catchments
 6.1 Approval and Referral Requirements
 7.1 Implementation of the Metropolitan Plan for Sydney 2036

Additional Information : **It is recommended that the proposal proceed with the following conditions:**

- (1) The Director General's delegate agrees that the inconsistency with section 117 direction 4.4 Planning for Bushfire Protection is of minor significance;
- (2) The Relevant Planning Authority, in its consideration of the planning proposal, considers the possibility of also rezoning the adjacent hospital site to Living - General in order to provide better consistency with existing uses and avoid any complications for any future development of the hospital;
- (3) Consultation with the Rural Fire Service and Sydney Catchment Authority and Office of Environment and Heritage;
- (4) Community consultation for 28 days;
- (5) The timeframe for completing the local environmental plan is to be 12 months from the week following the date of the Gateway determination.

Blue Mountains City Council has requested written authorisation to exercise delegation over this planning proposal. Given this proposal's minor nature, this request is supported.

Supporting Reasons : The proposal is consistent with the strategic directions in the draft North West Subregional Strategy and in the Blue Mountains Accessible Housing Strategy 2002. It will assist in providing affordable housing for seniors and people with disability, and it will rectify a mapping anomaly that has come about as a result of road widening. It is unlikely to have any significant negative impact on the environmental, social or economic fabric of the Blue Mountains.

Signature:



Printed Name:

DERRAN JOHN

Date:

1 FEB 2013