

Planning Proposal

For

**7 Ellamatta Avenue
Mosman**



Introduction

Until early 2012, 7 Ellamatta Avenue Mosman (Lot 11 DP 875220) was owned by the NSW Health Services Corporation and used as the Mosman Day Centre, a day respite centre for elderly residents of the Mosman community.

The site has an area of 878m² and is currently zoned SP2 Infrastructure (Health Services Facility) under Mosman Local Environmental Plan 2012 (LEP 2012).

In May 2013, the property was sold by the NSW Health Services Corporation to Jennifer Lee Berry, who wishes to renovate the property for residential purposes.

This Planning Proposal seeks to rezone the site to R2 Low Density Residential, which is consistent with the zoning of surrounding properties.

Background

The original sub-division of land that included 7 Ellamatta Avenue Mosman occurred in the early 1900s and the original land use was for single residential dwellings. As at 27 June 1951 the zoning of the land was recorded as 'Residential' and this use of the land continued until at least 1975 when the use and zoning for this and the surrounding sites was Residential 2(A2).

In September 1972 the property was acquired by the Mosman & District Community Hospital, which owned the land at 1 and 1A Ellamatta Avenue Mosman, from which a hospital was operated. The Hospital sought to acquire Numbers 3 and 5 Ellamatta Avenue with the intent that 3, 5 and 7 Ellamatta Avenue would be used for the expansion of the Hospital to meet its future needs.

The acquisition of 3 and 5 Ellamatta Avenue did not eventuate and in late 1975 the hospital sought to commence operating a Geriatric Day Centre and Mental Health Centre from 7 Ellamatta Avenue and lodged a Development Application for this purpose. Records show that the use of the property up to that time was 'Vacant, Residential Flats'. Consent was granted in March 1976. Subsequent Mosman planning instruments (MLEP 1 and MLEP 1998) re-zoned the land to SP2 Infrastructure (Health Services Facility), consistent with its then use.

The Mosman Day Centre closed in 2012 and in 2013 the site was sold. The new owner intends to reinstate the property as a single residential dwelling for residential use, consistent with the use of the surrounding properties.

A report on this Planning Proposal was considered at the Council meeting of 8 October 2013 where it was resolved that:

1. Council prepare a planning proposal as detailed in this report to allow for the change in zoning of 7 Ellamatta Road from SP2 Infrastructure (Health Services Facilities) to R2 Low Density Residential.
 2. The planning proposal be referred to the NSW Department of Planning and Infrastructure for approval to undertake community consultation.
 3. A further report be submitted to Council on the results of the community consultation.
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Part 1 – Objectives or Intended Outcomes

To enable the former Mosman Day Centre building at 7 Ellamatta Avenue to be used for the purpose of a dwelling house.

Part 2 – Explanation of Provisions

The site is currently zoned SP2 Infrastructure (Health Services Facilities) under the provisions of Mosman LEP 2012.

To achieve the intended outcome it is proposed to amend Mosman LEP 2012 Land Zoning Map, Height Map, Floor Space Ratio Map, and Lot Size Map to the same development standards as the adjoining sites to the east and west, that is:

- Zone the site R2 Low Density Residential;
- Set a maximum height limit of 8.5m;
- Set a maximum floor space ratio of 0.5:1 (within Area 1 – subject to Clause 4.4A)
- Set a minimum lot size of 700m².

Part 3 – Justification

Section A - Need for the Planning Proposal

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

No, the planning proposal is not a result of any strategic study or report.

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

Yes, the planning proposal is the best means of achieving the intended outcome. The site is no longer being used by the NSW Department of Health and has recently been sold. The site is located within a low density residential area and new owner intends to use the property for residential purposes however the current zoning does not permit the building to be used for a dwelling house.

3.3 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 planning proposal is consistent with the Sydney Metropolitan Strategy and draft Inner North Sub-regional Strategy.

3.4 Is the planning proposal consistent with a council's local strategy or other local strategic plan?

The planning proposal is consistent with Mosman's Community Strategic Plan.

3.5 Is the planning proposal consistent with applicable State Environmental Planning Policies?

The planning proposal is consistent with State Environmental Planning Policies (SEPP's). Refer to Attachment 1.

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

The planning proposal is consistent with relevant Ministerial Directions (s.117 directions). Refer to Attachment 1.

3.7 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?

The proposal does not apply to land that has been identified as containing critical habitats or threatened species, populations or ecological communities, or their habitats.

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

No, there are no other environmental effects as a result of the planning proposal.

3.9 Has the planning proposal adequately addressed any social and economic effects?

The Planning Proposal will provide for an adaptive re-use of the site in a manner consistent with the surrounding properties.

NSW Health made a decision in 2009 to move out of providing aged day centre services such as were provided at the Mosman Day Centre. Services previously provided at the site are now being provided by Chesalon (part of Anglicare) at St.Luke's Church Mosman. The Saturday respite service that was also previously provided at the site is now provided by Council in the Seniors Centre.

3.10 Is there adequate public infrastructure for the planning proposal?

Yes, there is adequate existing public infrastructure to meet the needs of the proposal.

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

No consultation has been carried out at this stage and it is considered that State or Commonwealth Public Authorities would not need to be consulted due to the minor nature of this proposal.

Part 4 – Mapping

Refer to attached Maps

Part 5 - Community Consultation

For the purpose of public notification, this planning proposal is considered a low impact planning proposal as the proposal is consistent with the pattern of surrounding land uses. Therefore a 14 day exhibition period is proposed.

The community consultation will involve:

- Notice in the local newspaper at the start of the exhibition period;
- Notice on Council's web site for the duration of the exhibition period;
- Written notification sent to landowners within the surrounding area.

Part 6 – Project Timeline

Commencement date	Following Gateway determination – anticipated October/November 2013
Completion of required studies	N/A
Government agency consultation	N/A
Public exhibition period	2 weeks – November 2013
Public hearing	N/A
Consideration of submissions	2 weeks
Consideration of proposal post exhibition	2 weeks
Anticipated date RPA will make plan (if delegated)	December 2013
Anticipated date RPA will forward to the Department for notification	December/ January 2013

ATTACHMENT 1 – CONSIDERATION OF STATE ENVIRONMENTAL PLANNING POLICIES AND SECTION 117 DIRECTIONS

ENVIRONMENTAL PLANNING INSTRUMENTS

A. State Environmental Planning Policies

State Environmental Planning Policies (SEPPs)	(tick only one)			Comment
	Not relevant	Consistent	Justifiably inconsistent	
SEPP 1 – Development Standards	✓			
SEPP 4 – Development Without Consent & 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	✓			
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		✓		Contamination report confirms that site is suitable for residential development
SEPP 59 – Central Western Sydney Economic and Employment Area	✓			
SEPP 60 – Exempt & Complying Development	✓			
SEPP 62 – Sustainable Aquaculture 2000	✓			
SEPP 64 – Advertising and Signage	✓			
SEPP 65 – Design Quality of Residential Flat Development	✓			
SEPP 70 – Affordable Housing (Revised Schemes)	✓			
SEPP 71 – Coastal Protection	✓			
SEPP (Building Sustainability Index: BASIX) 2004		✓		

A. State Environmental Planning Policies (continued)

State Environmental Planning Policies (SEPPs)	(tick only one)			Comment
	Not relevant	Consistent	Justifiably inconsistent	
SEPP (Housing for Seniors or People with a Disability) 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 (Infrastructure) 2007		✓		
SEPP (Kosciuszko National Park – Alpine Resorts) 2007	✓			
SEPP (Rural Lands) 2008	✓			
SEPP (Exempt and Complying Development Codes) 2008		✓		
SEPP (Western Sydney Parklands) 2009	✓			
SEPP (Western Sydney Employment Area) 2009	✓			
SEPP (Affordable Rental Housing) 2009		✓		
SEPP (State and Regional Development) 2011		✓		
Draft SEPP (Competition) 2010		✓		

B. Deemed State Environmental Planning Policies (formerly regional environmental plans)

Regional Environmental Plans (REPs)	(tick only one)			Comment
	Not relevant	Consistent	Justifiably inconsistent	
Sydney REP 5 – Chatswood Town Centre	✓			
Sydney REP 8 – Central Coast Plateau Areas	✓			
Sydney REP 9 – Extractive Industry (No. 2)	✓			
Sydney REP 11 – Penrith Lakes Scheme	✓			
Sydney REP 13 – Mulgoa Valley	✓			
Sydney REP 16 – Walsh Bay	✓			
Sydney REP 17 – Kurnell Peninsula (1989)	✓			
Sydney REP 18 – Public Transport Corridors	✓			
Sydney REP 19 – Rouse Hill Development Area	✓			
Sydney REP 20 – Hawkesbury-Nepean River (No. 2 1997)	✓			
Sydney REP 24 – Homebush Bay Area	✓			
Sydney REP 25 – Orchard Hills	✓			
Sydney REP 26 – City West	✓			
Sydney REP 28 – Parramatta	✓			
Sydney REP 29 – Rhodes Peninsula	✓			
Sydney REP 30 – St Marys	✓			
Sydney REP 33 – Cooks Cove	✓			
Sydney REP (Sydney Harbour Catchment) 2005		✓		

MINISTERIAL DIRECTIONS (COMMENCED ON 19 JULY 2007)

<i>New Ministerial Directions under s.117 of the EP&A Act</i>	<i>(tick only one)</i>			<i>Comment</i>
	<i>Not relevant</i>	<i>Consistent</i>	<i>Justifiably inconsistent</i>	
D1.1 Business and Industrial Zones	✓			
D1.2 Rural Zones	✓			
D1.3 Mining, Petroleum Production and Extractive	✓			
D1.4 Oyster Aquaculture	✓			
D2.1 Environmental Protection Zones	✓			
D2.2 Coastal Protection	✓			
D2.3 Heritage Conservation		✓		
D2.4 Recreation Vehicle Areas	✓			
D3.1 Residential Zones		✓		
D3.2 Caravan Parks and Manufactured Home Estates	✓			
D3.3 Home Occupations		✓		
D3.4 Integrating Land Use and Transport		✓		
D3.5 Development Near Licensed Aerodromes	✓			
D4.1 Acid Sulfate Soils	✓			
D4.2 Mine Subsidence and Unstable Land	✓			
D4.3 Flood Prone Land	✓			
D4.4 Planning for Bushfire Protection	✓			
D5.1 Implementation of Regional Strategies	✓			
D5.2 Sydney Drinking Water Catchments	✓			
D5.3 Farmland of State and Regional Significance on the NSW Far North Coast	✓			
D5.4 Commercial and Retail Development along the Pacific Highway, North Coast	✓			
D5.5 Development in the vicinity of Ellalong, Paxton and Millfield (Cessnock LGA)	✓			
D5.6 Sydney to Canberra Corridor	✓			
D5.7 Central Coast	✓			
D5.8 Second Sydney Airport: Badgerys Creek	✓			
D6.1 Approval and Referral Requirements		✓		
D6.2 Reserving Land for Public Purposes		✓		
D6.3 Site Specific Provisions		✓		
D7.1 Implementation of the Metropolitan Plan for Sydney 2036		✓		