

ITEM NO: 11

SUBJECT: DRAFT AMENDMENT TO LEP 2005 (AMENDMENT NO. 11) –
PROPOSED REZONING OF LOT 2 DP 26492, NO. 8 NEW STREET,
LAWSON

FILE NO: F01994

Recommendations:

1. *That the Council, pursuant to Section 54 of the Environmental Planning and Assessment Act 1979, resolve to prepare a draft amendment to Blue Mountains Local Environmental Plan 2005 (“LEP 2005”), which amends LEP 2005 by rezoning 8 New Street, Lawson (Lot 2 DP26492) from Village-Housing to Village–Town Centre and changing the Precinct Controls from VH-LA03 to VTC-LA01.*
 2. *That in submitting its report to the Director-General pursuant to Section 54(4) of the Act that:*
 - a) *the Council seek ‘Written Authorisation to Exercise Delegation’ in relation to Section 65 of the Act to enable the public exhibition of the draft LEP,*
 - b) *the Council seek ‘Written Authorisation to Exercise Delegation’ in relation to Section 69 of the Act,*
 - c) *the Council not prepare an environmental study for the purposes of Section 57 of Act.*
 3. *That in accordance with Section 62 of the Environmental Planning & Assessment Act 1979, the Council consult with relevant public authorities or bodies, and land owners directly affected by the proposed rezoning.*
-

Report by Group Manager, Community and Corporate:

Introduction

The Mid Mountains Animal Health Centre has lodged a rezoning application with the Council that seeks to rezone 8 New Street (Lot 2 DP26492) to Village – Town Centre so that the site can legally be used for a veterinary establishment.

Background

The subject site has been operating as a veterinary establishment since 2004. The site was purchased by J Alexander and H Ryan on 7 November 2003. The owner and operator of the veterinary practice is Mr Alexander.

Development application X1749/2003 was lodged on 26 November 2003 for the conversion of the existing residence to a veterinary surgery. A veterinary surgery is a prohibited land use under LEP 4, (which applied to this site at the time), and this application was withdrawn on 6 January 2004. On the same day a development application, X0012/2004, was lodged for the conversion of the existing residence into professional offices. Whilst professional offices

were a permissible land use, it was established that the intended use was for a veterinary establishment and this was considered by the Council to fall outside the definition of professional offices. In addition the proposed use was a prohibited use under draft LEP 2002. This development application was refused.

The owner of the site has been in constant contact with various Council staff in an endeavor to resolve outstanding issues of permissibility of land use. On 5 November 2007, the Council wrote to Mr Alexander. The letter detailed some of the history associated with discussions that had been held with the Council and stated the need for a rezoning application to be lodged as a matter of urgency. The rezoning request was lodged with the Council on 20 December 2007.

Proposal

The proposal by the Mid Mountains Animal Health Centre is to rezone 8 New Street, Lawson from Village – Housing to Village – Town Centre (in effect a minor extension to the south of the existing Village-Town Centre zone. See Attachment 3). This site is to the south of Council owned land at the corner of New and Benang Streets (4 & 6 Benang Street) which is vacant land. To the west of the subject site is the Mid Mountains Community Centre. To the south and east of the site is residential development. The site has a fall to the rear and it is occupied by a dwelling house which is currently operating as a veterinary establishment known as the Mid Mountains Animal Health Centre. The rear yard is available for car parking.

Assessment of Proposal

A review of the applicant's submission and an assessment of the site indicate that there are no impediments to proceeding with this rezoning. The applicant seeks this rezoning in order to seek an approval for a veterinary establishment as this is prohibited within the Village – Housing zone.

The Mid Mountains Animal Health Centre commenced business at 6-8 Staples Street in 1993. Being aware of the plans for the new Lawson town Centre, the practice relocated to 8 New Street in 2004 and has not generated any complaints. The Staples Street premises have subsequently been demolished to facilitate the highway widening and Lawson town centre redevelopment. It is considered that the practice provides a much needed community service.

There is a lengthy history as to why this practice was established without development consent. The applicant has, however, made various attempts to resolve this situation since the time of commencement, the current rezoning request being part of that process. Should the rezoning occur a Development Application could be lodged for a veterinary establishment as well as other uses such as commercial premises. If the rezoning application is unsuccessful then the use would need to relocate or cease. In initial discussions with the Department of Planning it has been advised that there is little objection in principal to an extension to the Village - Town Centre zone.

Existing Zoning

The existing zoning of 8 New Street (Lot 2 DP26492) is Village – Housing with Precinct Controls VH-LA03. (see Attachment 2)

Tenure of Land

8 New Street (Lot 2 DP26492) is in the ownership of Mr J P Alexander and Ms H J Ryan. The current use of this site is for a veterinary establishment which is a prohibited land use within the Village-Housing zone.

Financial Implications

Not applicable.

Legal and Risk Management Issues for the Council

Not applicable.

Sustainability Assessment

This Report has addressed the benefits of retaining the veterinary practice in the mid mountains and in particular the Lawson Town Centre. The rezoning process adheres to the requirements of the Environmental Planning and Assessment Act which governs the controls related to the appropriate use of land.

External Consultation

At this stage there has been no general external consultation, however future consultation during the process of possible rezoning would occur pursuant to Part 3 of the Environmental Planning & Assessment Act 1979.

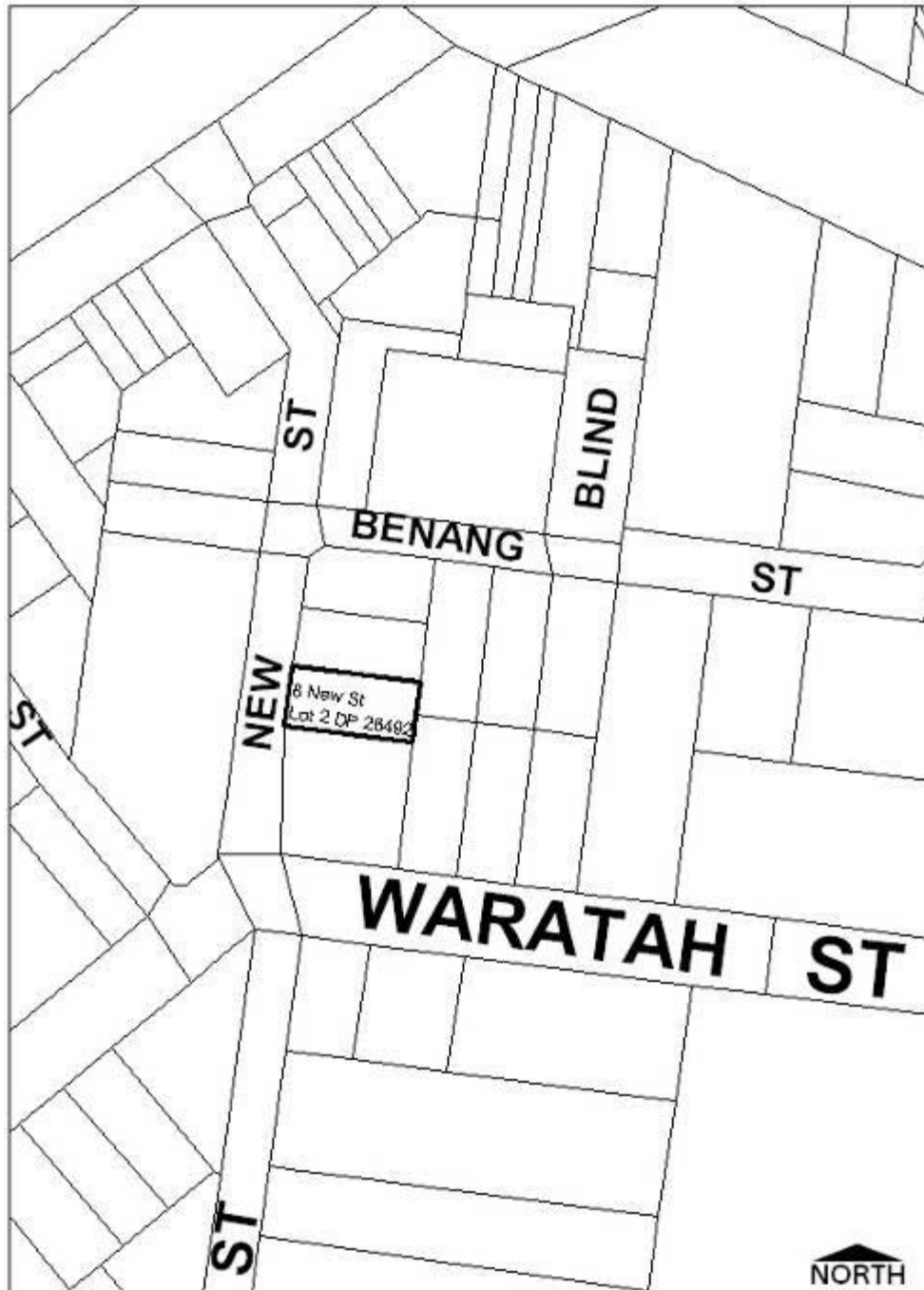
Conclusion

There are no significant planning reasons not to proceed to seek rezoning of this site. The Mid Mountains Animal Health Centre has been established in Lawson for nearly 15 years. The practice relocated from Staples Street as a result of impending demolition. The practice continues to serve the mid mountains community and remains in a location on the periphery of the Town Centre also being located adjacent to other community facilities. This is considered to be an appropriate use of this site and it is therefore recommended to seek a draft amendment to the Blue Mountains LEP to rezone No. 8 New Street, Lawson.

* * * * *

Attachment 1

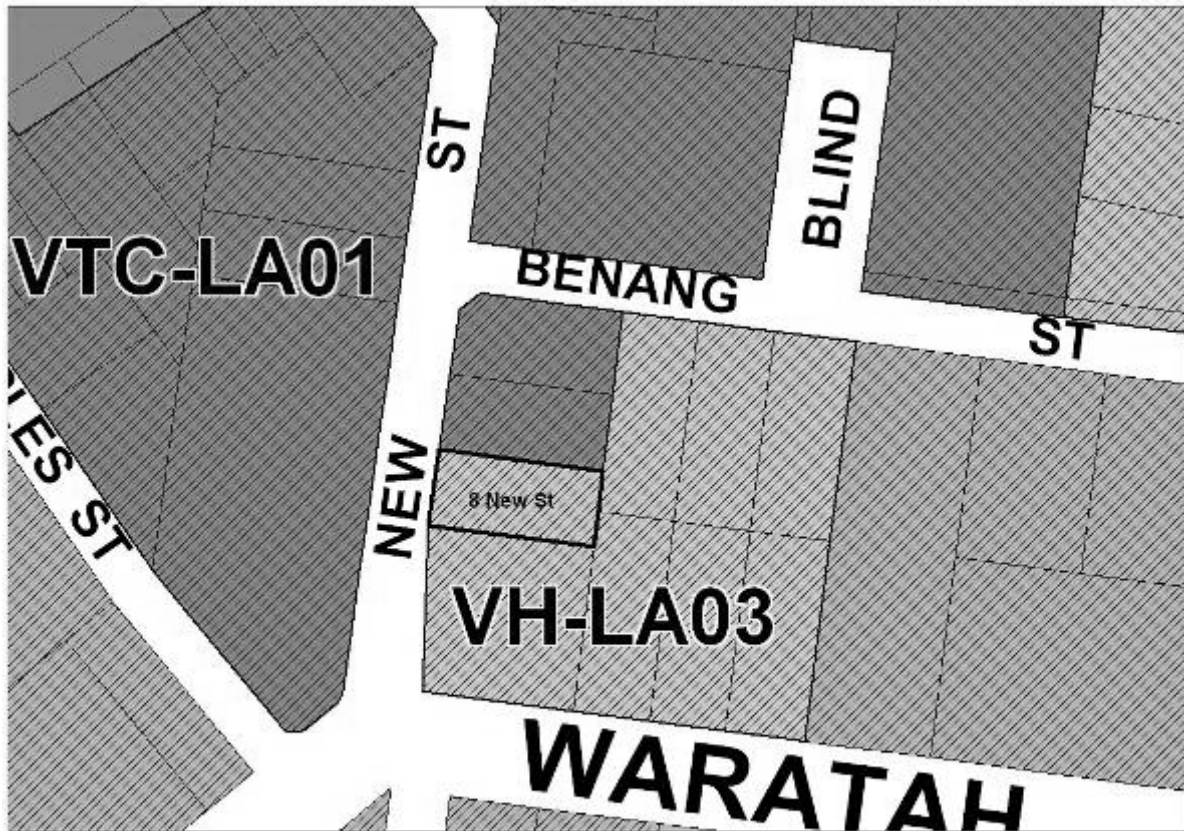
Locality Map






 SUBJECT SITE

LOCALITY: LAWSON


Attachment 2
Current Zone




Zones


-  Village - Town Centre
-  Village - Housing
-  Living - General

Provisions

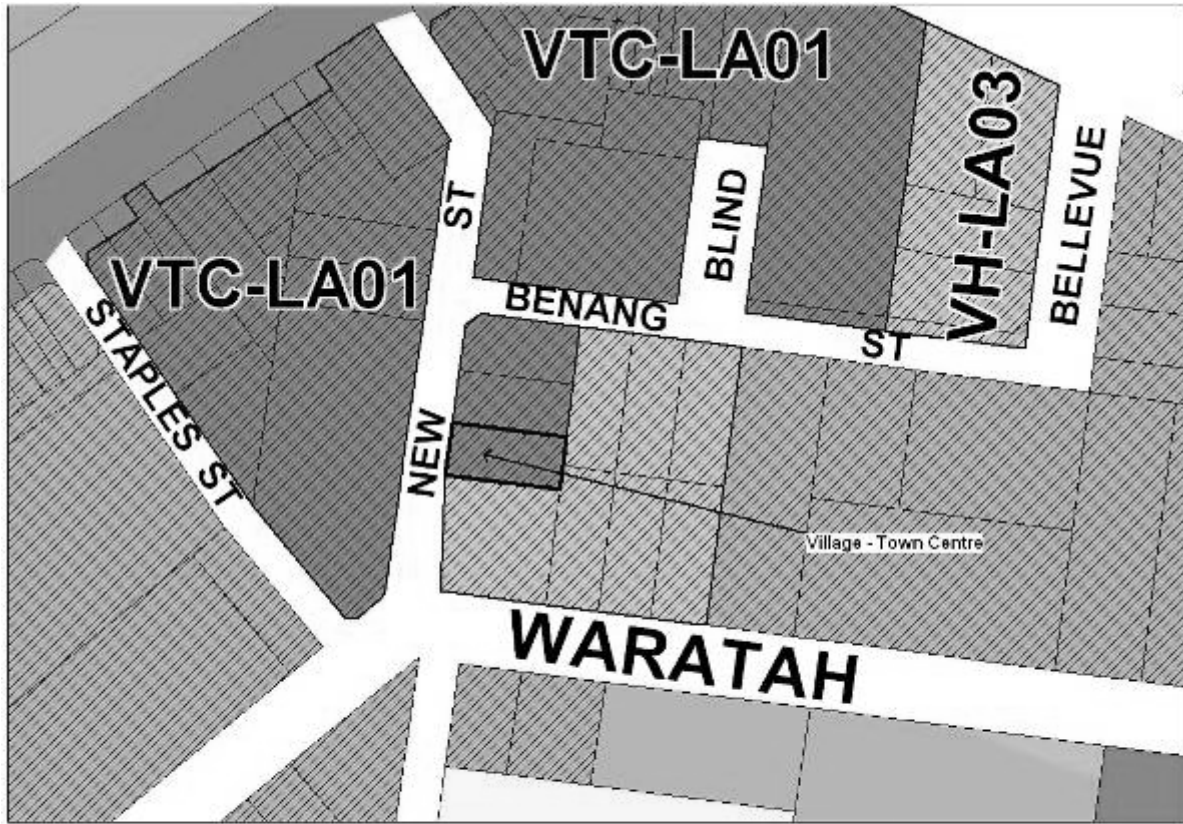
-  Accessible Housing Area

Precincts

-  Village - Town Centre

-  Subject Properties

Attachment 3
Proposed Zone



Zones

- Village - Town Centre
- Village - Housing
- Living - General

Provisions

- Accessible Housing Area

Provisions

- Village - Town Centre

- Subject Properties