

Planning Proposal to amend Woollahra LEP 2014 to amend "Schedule 1 – Additional Permitted Uses" for land at 190-200 Boundary Street, Paddington (approximately 55 jobs)

Proposal Title :	Planning Proposal to amend Woollahra LEP 2014 to amend "Schedule 1 – Additional Permitted Uses" for land at 190-200 Boundary Street, Paddington (approximately 55 jobs)		
Proposal Summary :	The planning proposal seeks to amend the Woollahra Local Environmental Plan 2014 (WLEP 2014) by amending "Schedule 1 – Additional Permitted Uses" to allow office premises, but only if they are ancillary to and associated with St Vincent's Private Hospital, as a permissible use at 190-200 Boundary Street, Paddington.		
PP Number :	PP_2017_WOOLL_004_00	Dop File No :	17/06453

Proposal Details

Date Planning Proposal Received :	09-May-2017	LGA covered :	Woollahra
Region :	Metro(CBD)	RPA :	Woollahra Municipal Council
State Electorate :	SYDNEY	Section of the Act :	55 - Planning Proposal
LEP Type :	Spot Rezoning		

Location Details

Street :	190 Boundary Street		
Suburb :	Paddington	City :	Sydney
Land Parcel :	Lot 3 DP 223679		Postcode : 2021
Street :	192 Boundary Street		
Suburb :	Paddington	City :	Sydney
Land Parcel :	Lot 2 DP 223679		Postcode : 2021
Street :	194 Boundary Street		
Suburb :	Paddington	City :	Sydney
Land Parcel :	Lot 1 DP 223679		Postcode : 2021
Street :	196 – 200 Boundary Street		
Suburb :	Paddington	City :	Sydney
Land Parcel :	Lot 3 DP 84504		Postcode : 2021

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DoP Planning Officer Contact Details

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RPA Contact Details

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DoP Project Manager Contact Details

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Land Release Data

Growth Centre :	Release Area Name :
Regional / Sub Regional Strategy :	Consistent with Strategy :
MDP Number :	Date of Release :
Area of Release (Ha) :	Type of Release (eg Residential / Employment land) :
No. of Lots : 0	No. of Dwellings 0 (where relevant) :
Gross Floor Area : 0	No of Jobs Created : 55

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

If No, comment : **The Department of Planning and Environment's Code of Practice in relation to communication and meetings with lobbyists has been complied with. Sydney Region East has not met any lobbyists in relation to this proposal, nor has the Director been advised of any meetings between other Department officers and lobbyists concerning this proposal.**

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

If Yes, comment :

Supporting notes

Internal Supporting
Notes : **The planning proposal seeks to amend Schedule 1 of the Woollahra Local Environmental Plan 2014 to permit development for the purposes of office premises, but only if they are ancillary to and associated with St Vincent's Private Hospital, for land at 190-200 Boundary Street, Paddington.**

The planning proposal is supported as it will provide jobs near existing employment generating uses and in close proximity to local services and public transport. The use of Schedule 1 means the planning proposal will not reduce the amount of residential zoned

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External Supporting
Notes :

land in the local government area.

In December 2016, Woollahra Council received a request for a planning proposal from SJB Planning on behalf of St Vincent's Private Hospital, for land at 190-200 Boundary Street, Paddington (the site). The planning proposal sought to amend Schedule 1 of Woollahra Local Environmental Plan 2014 (WLEP 2014) to permit development for the purposes of office premises, but only if they are ancillary to and associated with St Vincent's Private Hospital.

The site is zoned R2 Low Density Residential. Office premises are permitted in the zone, but only if there is a history of lawfully commenced non-residential use on the land, and Council is satisfied the use will not have an adverse impact on adjoining land or an adverse heritage conservation impact. As there is no evidence of a previous lawfully commenced non-residential use, the proposed amendment is required to permit this use.

The proposal does not seek any other amendments to the WLEP 2014 or Woollahra Development Control Plan 2015.

Council is seeking delegation to carry out the Minister's plan-making functions under section 59 of the Environmental Planning and Assessment Act 1979 (the EP&A Act). Delegation is considered appropriate as the matter is of local significance.

Adequacy Assessment

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

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

Comment : The objective of the planning proposal is to facilitate the use of the site at 190-200 Boundary Street, Paddington for the purpose of office premises, but only if they are ancillary to and associated with St Vincent's Private Hospital.

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

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

Comment : The site is zoned R2 Low Density Residential under the WLEP 2014. Office premises are permitted in the zone, but only if there is a history of lawfully commenced non-residential use on the land, and Council is satisfied the office premises will not have an adverse impact on adjoining land or an adverse heritage conservation impact.

The planning proposal seeks to amend Schedule 1 of the WLEP 2014. It is proposed to add an additional clause to the schedule to permit development on the site for the purpose of office premises, but only if they are ancillary to and associated with St Vincent's Private Hospital.

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

- 1.1 Business and Industrial Zones
- 2.3 Heritage Conservation
- 3.1 Residential Zones
- 3.3 Home Occupations
- 3.4 Integrating Land Use and Transport
- 4.1 Acid Sulfate Soils
- 4.3 Flood Prone Land
- 4.4 Planning for Bushfire Protection
- 6.1 Approval and Referral Requirements
- 6.2 Reserving Land for Public Purposes
- 6.3 Site Specific Provisions
- 7.1 Implementation of A Plan for Growing Sydney

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Is the Director General's agreement required? **No**

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

d) Which SEPPs have the RPA identified?

SEPP No 32—Urban Consolidation (Redevelopment of Urban Land)
SEPP No 33—Hazardous and Offensive Development
SEPP No 55—Remediation of Land
SEPP No 64—Advertising and Signage
SEPP No 65—Design Quality of Residential Flat Development
SEPP No 70—Affordable Housing (Revised Schemes)
SEPP (Building Sustainability Index: BASIX) 2004
SEPP (Exempt and Complying Development Codes) 2008
SEPP (Housing for Seniors or People with a Disability) 2004
SEPP (Infrastructure) 2007

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

2.3 HERITAGE CONSERVATION

The site is located within the Paddington Heritage Conservation Area (HCA) under the WLEP 2014. The buildings located on the site are contributory to the character of the area. Whilst the site is located in a HCA, there are no heritage items located within the vicinity of the site.

The planning proposal was accompanied by a Heritage Impact statement, which concluded that the proposal will not have any significant adverse effect on the conservation and heritage significance of the Paddington Heritage Conservation Area.

The planning proposal and statement of heritage impact was referred to Council's Heritage Planner. Council's Heritage Planner commented that the proposed additional use of the site is sympathetic to the existing mix of development within the vicinity of St Vincent's Hospital. No objection was raised to the proposal.

3.1 RESIDENTIAL ZONES

The planning proposal will provide additional employment opportunities within a residential zone, but will not sterilise the potential of the site or adjacent sites to be developed for residential purposes.

An indicative design concept for the site was submitted by the applicant as part of the planning proposal request. The concept comprises:

- adaptive re-use of the terraces at 190-194 for offices; and
- demolition and redevelopment of the existing terraces at 196-200 for offices.

Whilst it is acknowledged that the rezoning will result in the physical loss of a residential dwelling and the construction of a non-residential dwelling, the development does not affect the sites ability to be redeveloped for residential purposes.

The planning proposal is considered consistent with this Direction.

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

If No, explain :

Mapping Provided - s55(2)(d)

Is mapping provided? **No**

Comment : **The planning proposal does not require any amendments to the WLEP 2014 maps.**

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **Community consultation for a minimum period of 14 days is recommended.**

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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 : **Yes, the proposal is considered adequate and sufficient detail has been provided.**

Proposal Assessment

Principal LEP:

Due Date : **January 2015**

Comments in relation to Principal LEP : **Woollahra Local Environmental Plan 2014 was notified on Friday 23 January 2015 and commenced in May 2015.**

Assessment Criteria

Need for planning proposal : **Office premises are currently a permitted use in R2 Low Density Residential zones. Under Clause 6.6 of the WLEP 2014, non-residential uses in residential areas are only permitted if there is a history of a lawfully commenced non-residential use on the land, and Council is satisfied the use will not have an adverse impact on adjoining land or an adverse heritage conservation impact.**

As there is no evidence of a previous lawfully commenced non-residential use, the proposed amendment is required to permit this use.

Consistency with strategic planning framework : **The planning proposal is consistent with the goals and objectives of A Plan for Growing Sydney and the draft Central District Plan. The planning proposal does not propose any changes to the strategic direction of the Woollahra Local Environmental Plan 2014.**

Environmental social economic impacts : **ENVIRONMENT**
It is agreed that there are no known critical habitats or threatened species, populations or ecological communities or their habitats which will be affected by the proposal.

LAND CONTAMINATION

Council states that historical information identified that the site was, or may have been, used in the past for various uses that may have contaminated the site. These uses include a scrap yard, second-hand building material sales and storage, liquid soap manufacturing and panel beating. Council considers that a Stage 1 contamination assessment should be undertaken to support the proposal.

Given the current uses of the site and the nature of the planning proposal, Council's request for the applicant to undertake land contamination investigations for the site is considered to be pre-emptive. Any future DA for the site will be subject to the standard assessment requirements under State Environmental Planning Policy 55 - Remediation of Land, which is seen as an appropriate time to address such issues.

ECONOMIC AND SOCIAL IMPACT

It is considered that the planning proposal will have positive social and economic effects. In summary, these include:

- providing the potential for additional employment in a location accessible to public transport and walking and cycling options;**
- the proposal will support the functions of St Vincent's Hospital which provides a subregional social benefit of specialist and general health care services; and**

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- the rezoning will not sterilise the site from being used for residential purposes.

Assessment Process

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

Timeframe to make LEP : **6 months** Delegation : **RPA**

Public Authority Consultation - 56(2)(d)

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. :

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
Cover Letter.pdf	Proposal Covering Letter	Yes
Council Planning Proposal.pdf	Proposal	Yes
Delegation evaluation.pdf	Proposal	Yes
SJB Planning Proposal.pdf	Proposal	Yes
Attachment 1- Built Form & Urban Study.pdf	Proposal	Yes
Statement of Heritage Impact.pdf	Proposal	Yes

Planning Team Recommendation

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

S.117 directions:

- 1.1 Business and Industrial Zones**
- 2.3 Heritage Conservation**
- 3.1 Residential Zones**
- 3.3 Home Occupations**
- 3.4 Integrating Land Use and Transport**
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- 6.1 Approval and Referral Requirements
- 6.2 Reserving Land for Public Purposes
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Additional Information : It is recommended that the planning proposal proceeds subject to the following conditions:

1. No Public Authority consultation under 56(2)(d).
2. The planning proposal must be made publicly available for a minimum of 14 days.
3. A public hearing is not required under 56(2)(e).
4. The timeframe for completing the LEP is to be 6 months.

Supporting Reasons : The planning proposal is supported as it:

- provides jobs near employment generating uses, local services and public transport;
- supports the functions of St Vincent's Hospital; and
- does not sterilise the site from being for residential uses in the future.

The proposal is consistent with all relevant state and local environmental planning instruments, strategies, plans and policies, and will not result in any adverse environmental or amenity impacts on the site or neighbouring land.

Signature:



Printed Name:

MARTIN COOPER

Date:

6/06/2017

