

Planning proposal to permit hospital uses and amend the FSR control for 10 Herbert Street, St Leonards

Proposal Title :	Planning proposal to permit hospital uses and amend the FSR control for 10 Herbert Street, St Leonards		
Proposal Summary :	The planning proposal seeks to amend Willoughby Local Environmental Plan 2012 to permit hospital uses and amend the floor space ratio controls for a site at 10 Herbert Street (fronting Frederick Street), St Leonards.		
PP Number :	PP_2015_WILLO_001_00	Dop File No :	15/08675

Proposal Details

Date Planning Proposal Received :	23-Apr-2015	LGA covered :	Willoughby
Region :	Metro(CBD)	RPA :	Willoughby City Council
State Electorate :	WILLOUGHBY	Section of the Act :	55 - Planning Proposal
LEP Type :	Spot Rezoning		

Location Details

Street :	10 Herbert Street		
Suburb :	St Leonards	City :	Sydney
		Postcode :	2065
Land Parcel :	part Lot C, DP 401303		

DoP Planning Officer Contact Details

Contact Name :	Belinda Morrow
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RPA Contact Details

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DoP Project Manager Contact Details

Contact Name :	Tim Archer
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Land Release Data

Growth Centre :	Release Area Name :
Regional / Sub Regional Strategy :	Consistent with Strategy :

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MDP Number :		Date of Release :	
Area of Release (Ha) :		Type of Release (eg Residential / Employment land) :	
No. of Lots :	0	No. of Dwellings (where relevant) :	0
Gross Floor Area :	0	No of Jobs Created :	165

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 :

Supporting notes

Internal Supporting Notes : **DELEGATION OF PLAN MAKING FUNCTIONS**
Willoughby Council is seeking delegation to carry out the Minister's functions under section 59 of the Environmental Planning and Assessment Act 1979 (EP&A Act) to progress this planning proposal. Council has provided Attachment 4 - Evaluation criteria for the delegation of plan making functions. Delegation is considered appropriate.

External Supporting Notes :

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 redevelopment of the site for a mental health hospital and associated ancillary uses.**

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

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

Comment : **It is proposed to retain the existing IN2 Light Industrial Zoning on the site, and to permit an additional permitted use of 'health services facility' on the central and western portions of the site by an amendment to Schedule 1 of Willoughby LEP 2009.**

It is proposed to increase the maximum permissible floor space ratio on the central portion of the site to 2.5:1, to accommodate the proposed design of the future hospital, with the eastern and western portions of the site retaining the existing maximum permissible floor space ratio of 1:1 (which may be increased to 1.5:1 in accordance with clause 4.4A of Willoughby LEP 2012).

The site is not currently subject to a maximum building height, and Council is not proposing to amend this. The planning proposal states the proposed maximum floor space ratio will ensure the bulk and scale of the proposed development is appropriately controlled.

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Justification - s55 (2)(c)

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

b) S.117 directions identified by RPA :

1.1 Business and Industrial Zones

3.4 Integrating Land Use and Transport

6.1 Approval and Referral Requirements

6.3 Site Specific Provisions

7.1 Implementation of A Plan for Growing Sydney

* May need the Director General's agreement

Is the Director General's agreement required? **N/A**

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

d) Which SEPPs have the RPA identified?

SEPP No 55—Remediation of Land

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

CONTAMINATION:

A Phase 1 Environmental Due Diligence Report submitted with the planning proposal found the site represents a moderate risk of environmental liability and recommended a Targeted Investigation should be undertaken in relation to environmental issues. Council's Environmental Health Officer has requested that the applicant provide the Targeted Investigation report prior to the exhibition of the Planning Proposal.

NOISE IMPACTS:

Council's Environmental Health Officer has requested a comprehensive noise assessment be submitted with any future Development Application, considering both the impact of noise generated by the proposed use on the surrounding area and the impacts of noise from surrounding development on the proposed use. It is important that a new land use does not sterilise future uses permissible under the surrounding IN1 land for general industrial uses as intended. Council has advised that this has been addressed through draft amendments proposed to the Willoughby Development Control Plan.

Have inconsistencies with items a), b) and d) being adequately justified? **N/A**

If No, explain :

Mapping Provided - s55(2)(d)

Is mapping provided? **No**

Comment :

The planning proposal involves amending the Floor Space Ratio map. The planning proposal describes how this map would be amended, however does not include a copy of the proposed map.

The planning proposal describes the land in three portions - 'east', 'central' and 'west', with a motor showroom on the eastern portion. The proposal states Council will prepare the proposed map amendments to identify that the central and western portions of the site will be subject to the additional permitted use as described in Schedule 1 of the LEP, and that the central portion will also be subject to an amended floor space ratio of 2.5:1.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment :

Council has stated that public exhibition will be in accordance with the Department's Gateway determination requirements, and should include the draft Willoughby Local Environmental Plan 2012 (written instrument and maps, the draft Willoughby Development Control Plan Site Specific Requirements in Part F4.2).

This would involve appropriate notification and receipt of submissions on the documents from relevant State agencies and the general community.

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An exhibition period of 28 days is considered appropriate in this instance and therefore recommended.

Additional Director General's requirements

Are there any additional Director General's requirements? **N/A**

If Yes, reasons :

Overall adequacy of the proposal

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

If No, comment : **The planning proposal meets the adequacy criteria.**

Delegation of plan making functions is considered to be appropriate in this instance.

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation to Principal LEP :

Willoughby Local Environmental Plan 2012 was notified on 31 January 2013.

Assessment Criteria

Need for planning proposal :

The planning proposal seeks to facilitate the use of the site as a private mental health hospital with consulting rooms, which is a use currently not permitted within the zone. It was considered appropriate to allow this use as a specific additional permitted use for this site, rather than a rezoning.

The application of State Environmental Planning Policy (Infrastructure) would not be appropriate in this instance, as industrial zones are not prescribed zones under this instrument. A planning proposal is the most appropriate method to enable this use to occur.

It should be noted that Council is currently undertaking an economic development study of the local government area, including business and industrial zones. It would be beneficial to consider the area around Royal North Shore Hospital precinct in a strategic manner, paying particular attention to supporting uses and thus appropriate zones.

The proposed floor space ratio appears to be a suitable control for the proposed design of the future hospital. There is no height limit associated with this site, as height controls do not apply in the industrial zones in the Willoughby local government area. However, it is recommended that Council applies an appropriate height control to this site to accommodate the proposed design of the future hospital and to respond to the surrounding urban form.

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Consistency with strategic planning framework :

'A Plan for Growing Sydney' includes directions aimed at planning for education and health services to meet Sydney's growing needs. The Plan also seeks to support health-related land uses and infrastructure around Royal North Shore Hospital.

Council's community strategic plan provides a number of goals and strategies that support the outcome of this proposal.

The Council report indicates Council is currently undertaking an economic development study of the local government area, including the business and industrial zoned lands. It would be beneficial to consider the area around Royal North Shore Hospital precinct in a strategic manner, paying particular attention to supporting uses and thus appropriate zones.

Environmental social economic impacts :

SOCIAL:

There is a growing need for mental health services on the lower north shore. This site satisfies the operational requirements for such a use, meeting the spatial and operational requirements of a mental health facility and being in proximity to the Royal North Shore Hospital psychiatric emergency care centre.

ENVIRONMENTAL:

The location of this use in an industrial zone is not ideal, and there are some concerns over possible future restrictions on the operation of surrounding industrial land, particularly the effects of noise.

The draft amendment to the Willoughby Development Control Plan would require a noise assessment as part of any future development application for the site and building design to ensure noise emitted from future permissible land uses on the IN1 General Industrial and IN2 Light Industrial zoned surrounding land would not impact on the internal spaces of the proposed hospital use of the site.

The site currently comprises a motor showroom facing Herbert Street and existing industrial warehouse buildings, and is located in the Artarmon Industrial Area. A Phase 1 Environmental Due Diligence Report found the site represents a moderate risk of environmental liability and recommended a Targeted Investigation should be undertaken in relation to environmental issues, specifically the underground storage tank(s) located on the site.

TRANSPORT:

Council's Transport Branch commented that the increase in traffic generation is not likely to have any significant negative impact on the existing traffic network and that the proposed parking should be adequate.

Assessment Process

Proposal type :	Routine	Community Consultation Period :	28 Days
Timeframe to make LEP :	9 months	Delegation :	RPA
Public Authority Consultation - 56(2)(d) :	Department of Health Medical Council of NSW Transport for NSW - Sydney Trains Transport for NSW - Roads and Maritime Services Adjoining LGAs		

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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 :

Council's Environmental Health Officer has requested a Targeted Investigation report should be undertaken in relation to contamination issues (including existing underground storage tanks), and provided prior to exhibition.

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
Appendix A - Architectural Drawings.pdf	Drawing	No
Appendix B - Assessment of s117 Directions and Aims and Objectives of LEP.pdf	Proposal	No
Appendix C - Services Infrastructure Due Dilligence Report.pdf	Study	No
Appendix D - Assessment of Traffic and Parking Implications.pdf	Study	No
Appendix E - Phase 1 Environmental Due Diligence Assessment.pdf	Study	No
Appendix E - Phase 2 Environmental Site Investigation.pdf	Study	No
Council Meeting Minutes.pdf	Proposal	No
Council report.pdf	Proposal	No
Evaluation criteria for delegation.pdf	Proposal	No
Planning Proposal_JBA_Frederick Street St Leonards Health Services Facility Preliminary Planning Proposal_22Dec14.pdf	Proposal	No
Signed letter to Gateway.pdf	Proposal Covering Letter	No

Planning Team Recommendation

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

S.117 directions: **1.1 Business and Industrial Zones
3.4 Integrating Land Use and Transport
6.1 Approval and Referral Requirements
6.3 Site Specific Provisions
7.1 Implementation of A Plan for Growing Sydney**

Additional Information : **The planning proposal should proceeds subject to the following conditions:**

1. Prior to public exhibition, the applicant is to provide a targeted contamination investigation to demonstrate that the proposed future use is able to be developed on the

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site, in accordance with SEPP 55. This investigation should be placed on exhibition with the planning proposal.

2. Prior to undertaking public exhibition, the planning proposal is to be updated to:
- (a) update the Floor Space Ratio Map/s to clearly show both the existing and proposed controls for the site;
 - (b) update the Height of Building Map/s to include an appropriate height limit for the site, to accommodate the proposed design of the future hospital and respond to the surrounding urban form; and

Note: Maps should be prepared to the standards identified in Standard Technical Requirements for LEP Maps (Department of Planning & Infrastructure 2013).

3. The draft Willoughby Development Control Plan with Site Specific Requirements is to be placed on public exhibition along with the planning proposal documents.

4. Community consultation is required under sections 56(2)(c) and 57 of the EP&A Act as follows:

- (a) the planning proposal must be made publicly available for a minimum of 28 days; and
- (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 5.5.2 of A Guide to Preparing LEPs (Department of Planning and Environment 2013).

5. Consultation is required with the following public authorities under section 56(2)(d) of the Environmental Planning and Assessment Act and/or to comply with the requirements of relevant S117 Directions:

- NSW Health
- Medical Council of NSW
- Transport for NSW – Sydney Trains
- Transport for NSW – Roads and Maritime Services
- Adjoining LGA's

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal.

6. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

7. The timeframe for completing the LEP is to be 9 months from the week following the date of the Gateway determination.

8. A written authorisation to exercise delegation under section 59 of the Environmental Planning and Assessment Act, 1979 is issued to Council in relation to the planning proposal.

Supporting Reasons :

The planning proposal is supported because:

- the proposal will provide a service to respond to a growing need for mental health services on the lower north shore;
- the proposed site meets the specialised technical, transport, spatial, and servicing requirements of a mental health hospital, and is in close proximity to the Royal North Shore Hospital psychiatric emergency care centre;
- the additional permitted use is the most appropriate mechanism to enable the proposed use in this particular circumstance.

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Signature:



Printed Name:

Tim Archer

Date:

27/5/15