

35 Water Street Wahroonga - Rezone the land from 5(a) Special Uses - Hospital to E4 Environmental Living.

Proposal Title :	35 Water Street Wahroonga - Rezone the land from 5(a) Special Uses - Hospital to E4 Environmental Living.		
Proposal Summary :	The purpose of the planning proposal is to rezone the land from 5(a) Special Uses - Hospital to E4 Environmental Living to permit limited residential subdivision with a minimum lot size of 1500sqm and conserve the ecological and heritage values of the site.		
PP Number :	PP_2013_KURIN_001_00	Dop File No :	13/07599

Proposal Details

Date Planning Proposal Received :	01-May-2013	LGA covered :	Ku-Ring-Gai
Region :	Sydney Region West	RPA :	Ku-ring-gai Council
State Electorate :	KU-RING-GAI	Section of the Act :	55 - Planning Proposal
LEP Type :	Spot Rezoning		

Location Details

Street :	35 Water Street		
Suburb :	Wahroonga	City :	Wahroonga
Land Parcel :	Lot 1 DP 375262	Postcode :	2076

DoP Planning Officer Contact Details

Contact Name :	Michael Druce
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RPA Contact Details

Contact Name :	Rthna Rana
Contact Number :	0294240991
Contact Email :	rrana@kmcc.nsw.gov.au

DoP Project Manager Contact Details

Contact Name :	
Contact Number :	
Contact Email :	

Land Release Data

Growth Centre :		Release Area Name :	
Regional / Sub Regional Strategy :	Metro North subregion	Consistent with Strategy :	Yes

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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 3
(where relevant) :

Gross Floor Area : 0

No of Jobs Created : 0

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

If No, comment : At this point in time, to the best of the regional team's knowledge, the Department's Code of Practice in relation to communications and meetings with lobbyists has been complied with. No such communications or meetings have occurred.

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

If Yes, comment :

Supporting notes

Internal Supporting
Notes :

External Supporting
Notes :

Adequacy Assessment

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

Is a statement of the objectives provided? Yes

Comment : The overarching objective of the planning proposal is to provide a zoning for the land that is more appropriate to the sites context, its ecological values and the residential uses of adjoining land.

The rezoning from Special Uses - Hospital to E4 Environmental Living will enable a small number of 1500 sqm (minimum) lots to be created whilst retaining and enhancing the existing heritage listed Rippon Grange house and to also maintain and enhance the existing Critically Endangered Ecological Community - Blue Gum High Forest.

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

Is an explanation of provisions provided? Yes

Comment : The explanation of provisions is generally adequate. Reference is also given to the attached Appendix C which provides a suggested wording of a draft planning instrument.

The planning proposal intends to amend the Ku-ring-gai Planning Scheme Ordinance (KPSO) by amending the zoning maps and including a new E4 Environmental Living Zone (based on the Standard Instrument zone of the same name). It also specifies a minimum lot size of 1500 sqm, a maximum building height of 9.5 metres and a floor space ratio as per the formula detailed in Appendix C. The planning proposal also seeks to include a Heritage Incentives clause.

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

2.1 Environment Protection Zones

2.3 Heritage Conservation

3.1 Residential Zones

3.4 Integrating Land Use and Transport

4.4 Planning for Bushfire Protection

6.3 Site Specific Provisions

7.1 Implementation of the Metropolitan Plan for Sydney 2036

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

c) Consistent with Standard Instrument (LEPs) Order 2006 : **No**

d) Which SEPPs have the RPA identified?

SEPP No 19—Bushland in Urban Areas

SEPP No 55—Remediation of Land

SREP No. 20 - Hawkesbury–Nepean River (No. 2 - 1997)

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

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

If No, explain :

The planning proposal has adequately addressed the relevant SEPPs (and deemed SEPPs) along with the relevant s117 directions. As such there is no impediment on this basis to the planning proposal proceeding.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment :

The maps provided with the planning proposal are adequate for exhibition purposes.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment :

The planning proposal requests that the Gateway determine the community consultation required. Council anticipates that there is likely to be widespread community support for the proposal. As it is a minor proposal it is recommended that the planning proposal be exhibited for 14 days.

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 :

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Proposal Assessment

Principal LEP:

Due Date : December 2013

Comments in relation to Principal LEP :

It is noted that Ku-ring-gai Council is now exhibiting the draft Ku-ring-gai Local Environmental Plan 2013 (KLEP 2013) to replace the Ku-ring-gai Planning Scheme Ordinance. Draft KLEP 2013 proposes to rezone the subject land part R2 - Low density residential and part E4 - Environmental Living. Although draft KLEP 2013 has now passed the public exhibition stage, Council still intends to continue with a spot rezoning to progress the objectives of the Water Street proposal.

Assessment Criteria

Need for planning proposal :

A significant level of Council and Community concern exists in relation to the environmental, heritage and amenity impacts of constructing a large private hospital on the site, which is allowable under the existing zoning and for which consent has been granted under Part 3A of the EP&A Act 1979. The current site owner has put forward this planning proposal in response to those concerns.

Draft KLEP 2013 proposes to change the existing 5(a) Special Uses zoning to part R2 Low Density Residential and part E4 Environmental Living. This planning proposal is for the whole site to be zoned E4 to provide better recognition of the environmental and heritage values of the site whilst allowing for an appropriate level of development.

Although draft KLEP 2013 is now at post exhibition stage, it is argued that due to the uncertainty of timing for making of the LEP, it could unduly delay the commencement of any development application for the site.

The heritage item, Rippon Grange, is in urgent need of repair and restoration and the eventual outcomes of this planning proposal is viewed as making this economically feasible.

Consistency with strategic planning framework :

The planning proposal is generally consistent with the Sydney Metropolitan Plan 2031 and the draft North Subregional Strategy. It is consistent in that it is encouraging new housing within an existing established urban area with accessible public transport and on land suitable for residential purposes.

In addition it meets objectives relating to a "Healthy and Resilient Environment (particularly Objective 23 - protect, enhance and rehabilitate our biodiversity). The introduction of an E4 Environmental Living zone for the site recognises the significant area of Blue Gum High Forest (a critically endangered ecological community) and will assist in its conservation.

Environmental social economic impacts :

Approximately two thirds of the site is identified by Council as having biodiversity significance. The eastern and southern sectors of the site contain the critically endangered ecological community Blue Gum High Forest. Council assessment has concluded that limited residential subdivision of the land would result in a reduced impact than under the current approved hospital proposal. Nevertheless, the proposal should be referred to the Office of Environment and Heritage at this rezoning stage.

The site was previously used as a hospital from 1952 to 2004 and has potential for site contamination. A Preliminary Stage 1 Contamination Assessment was undertaken in 2004, for previous development proposals for the land. This assessment did not indicate any significant contamination constraint for future residential or hospital uses of the site. An updated contamination assessment confirms the findings of the 2004 study.

The site contains the heritage house and gardens of Rippon Grange House. The outcome of the planning proposal is likely to have a positive conservation impact on Rippon Grange as redevelopment of the site for a limited number of dwellings can fund the restoration of

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the Rippon Grange heritage item.

Assessment Process

Proposal type : **Minor** Community Consultation Period : **14 Days**

Timeframe to make LEP : **9 Month** Delegation : **RPA**

Public Authority **Office of Environment and Heritage**
 Consultation - 56(2)(d) **Office of Environment and Heritage - NSW National Parks and Wildlife 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. :

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
Signed Copy cover letter to DP&I - Planning Proposal - 35 Water Street Wahroonga.pdf	Proposal Covering Letter	Yes
As Amended- Final Planning Proposal with Timeline 35 Water Street Wahroonga.pdf	Proposal	Yes

Planning Team Recommendation

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

S.117 directions: **2.1 Environment Protection Zones**
2.3 Heritage Conservation
3.1 Residential Zones
3.4 Integrating Land Use and Transport
4.4 Planning for Bushfire Protection
6.3 Site Specific Provisions
7.1 Implementation of the Metropolitan Plan for Sydney 2036

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

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1. Community consultation is required under sections 56(2)(c) and 57 of the EP&A Act 1979 for a period of 14 days;

2. It is recommended that consultation be undertaken with the Office of Environment and Heritage regarding the proposal.

3. The timeframe for completing the local environmental plan is to be 9 months from the week following the date of the Gateway determination; and

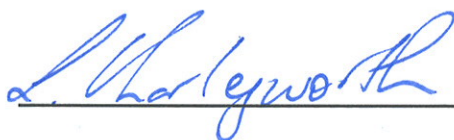
4. Delegation is to be given for Council to exercise the Minister's plan making powers.

Supporting Reasons :

The proposal is to rezone the subject land from 5(a) Special Uses - Hospital to E4 Environmental Living to enable a future residential subdivision of a limited portion of the land which will facilitate the restoration of the existing heritage building for use as a residence.

The planning proposal is the best way to achieve this outcome.

Signature:



Printed Name:

LILLIAN CHARLESWORTH

Date:

10/5/13

A/Team Leader