

## Planning Services

### Plan Finalisation Report

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Local Government Area: Willoughby LGA

File Number: IRF18/314

#### 1. NAME OF DRAFT LEP

Willoughby Local Environmental Plan 2012 (Amendment No 12) (draft LEP).

#### 2. SITE DESCRIPTION

The planning proposal applies to part of 12 Frederick Street, St Leonards as shown in Figure 1. The site has a total area of 6,194m<sup>2</sup> and is part of a larger 2.6ha site, with the legal description Lot 1 DP 591747. It is zoned IN1 General Industrial, with a maximum floor space ratio (FSR) of 1.5:1 and no applicable building height control.

The site is within the St Leonards and Crows Nest Station Precinct currently under investigation by the Department of Planning and Environment.



Figure 1: Subject site located at part 12 Frederick Street, outlined in red.

### 3. PURPOSE OF PLAN

The draft LEP seeks to:

- introduce hospital as an additional permitted use on the site; and
- increase the maximum FSR from 1.5:1 to 3:1.

The proposal is expected to generate approximately 166 jobs and provide 128 in-patient beds.

### 4. STATE ELECTORATE AND LOCAL MEMBER

The site falls within the state electorate of Lane Cove, with the Hon Anthony Roberts MP as State Member.

The site falls within the federal electorate of North Sydney, with the Hon Trent Zimmerman MP as Federal Member.

To the regional planning team's knowledge, neither MP has made any written representations regarding the proposal.

**NSW Government Lobbyist Code of Conduct:** There have been no meetings or communications with registered lobbyists with respect to this proposal.

**NSW Government reportable political donation:** There are no donations or gifts to disclose and a political donation disclosure is not required.

### 5. GATEWAY DETERMINATION AND ALTERATIONS

The Gateway determination issued on 19 September 2017 (**Attachment C**) determined that the proposal should proceed subject to conditions. The Gateway determination was altered on 30 August 2017 to extend the time frame for completing the LEP to 19 December 2017 (**Attachment D**).

The Gateway determination was also altered on 15 December 2017 to remove condition 4 (**Attachment D**). Condition 4 required that the planning proposal be updated to include a satisfactory arrangements provision for contributions to designated state public infrastructure identified as part of a draft or final strategic planning review for St Leonards.

Willoughby City Council did not update the planning proposal to reflect this condition as the draft land use and infrastructure plan for the St Leonards and Crows Nest Statopm Precinct had not been publicly exhibited. To date, there has been no exhibition by the Department of any special infrastructure contributions.

Further consultation was undertaken with the Department's Contributions team and Legal Services Branch. It was agreed that the satisfactory arrangements provision was not required as there is no demonstrated link to designated state infrastructure requirements (**Attachment E**).

### 6. PUBLIC CONSULTATION

In accordance with the Gateway determination, community consultation was undertaken by Council from 11 May 2017 to 8 June 2017. No submissions were received from the community.

## **7. ADVICE FROM PUBLIC AUTHORITIES**

In accordance with the Gateway determination, Council was required to consult the Department of Health, Medical Council of NSW, Transport for NSW – Sydney Trains (TfNSW), Roads and Maritime Services (RMS), State Emergency Service and adjoining LGAs.

Responses were received from Lane Cove Council, TfNSW and RMS.

Lane Cove Council was supportive of the planning proposal, noting that the potential for noise impacts both to and from the proposed hospital has been addressed through appropriate development control plan provisions.

TfNSW raised no objection to the proposal subject to a detailed traffic and transport assessment to be prepared at the development application stage.

RMS raised no objection to the proposal in principle, but sought clarification on the levying of contributions for state infrastructure within the Department's St Leonard and Crows Nest Station Precinct. The voluntary planning agreement associated with the site was amended following RMS's submission to include monetary contributions of \$250,000 to be used for community facilities and/or traffic management in the Willoughby LGA.

RMS subsequently provided support for Council's allocation of the contributions to traffic management measures to improve traffic flow and/or pedestrian accessibility associated with the development of the private hospital.

## **8. ASSESSMENT**

The Department has considered submissions received during public exhibition and amendments made post-exhibition. It is recommended the draft LEP be supported for the following reasons:

### Section 9.1 Directions

The proposal is considered consistent with section 9.1 Direction 1.1 Business and Industrial Zones. As the proposal seeks to introduce an additional permitted use rather than rezone the site, it will retain the existing industrial zone and not reduce the total potential floor space area for industrial uses.

### State environmental planning policies

The proposal is consistent with all relevant SEPPs, including State Environmental Planning Policy No 55 – Remediation of Land. A remediation action plan was prepared and exhibited for the site in accordance with condition 3 of the Gateway determination. According to the plan, the site is considered suitable for the proposed hospital use, subject to the remediation measures outlined in the report.

### Gateway conditions

The conditions of the Gateway determination were adequately satisfied prior to exhibition. In accordance with conditions 1, 2 and 3, a site identification map, FSR map, site-specific draft development control plan and stage 3 remediation action plan were placed on exhibition with the planning proposal.

Condition 7 of the Gateway determination required that, prior to finalisation, the planning proposal demonstrate consistency with available findings of the St Leonards and Crows Nest Station Precinct investigations. The St Leonards and Crows Nest Station Precinct Interim Statement was released in August 2017.

The interim statement describes the location of the subject site as Area 1: Artarmon Employment, which emphasises:

- protection of employment and urban services that build on regionally important industrial and service industries; and
- investigating opportunities to introduce smaller format incubator industries, retaining existing urban services, industry and mixed businesses associated with technology, IT and warehousing, attracting new businesses, improving connections and allowing employment to diversify and evolve over time.

The proposal is consistent with the objectives of the interim statement as it will facilitate the development of a hospital, generating approximately 166 jobs. As the proposal is for an additional permitted use only rather than a rezoning, it will protect employment land while enabling diversity in employment.

### Strategic plans

The proposal is consistent with A Plan for Growing Sydney, specifically Direction 1.10 aimed at planning for education and health services to meet Sydney's growing needs. The planning proposal also seeks to support health-related land uses and infrastructure around Royal North Shore Hospital, which is adjacent to the subject site.

The proposal is also consistent with the Greater Sydney Commission's Greater Sydney Region Plan and the North District Plan, both of which identify St Leonards as a strategic centre designed to facilitate employment growth, particularly in the health and education industries.

## **9. MAPPING**

There is one map and an associated map cover sheet with this amendment (**Attachments Maps and MCS**).

Council submitted the maps via the Department's e-Planning portal and these have been checked by the ePlanning data and information team.

## **10. CONSULTATION WITH COUNCIL**

Council was consulted on the terms of the draft instrument (**Attachment F**). Council confirmed on 19 March 2018 that it was satisfied with the draft and that the plan should be made.

## **11. PARLIAMENTARY COUNSEL OPINION**

On 19 March 2018, Parliamentary Counsel provided the final Opinion that the draft LEP could legally be made. This Opinion is provided at **Attachment PC**.

## **12. RECOMMENDATION**

It is recommended that the Greater Sydney Commission's delegate determine to make the draft LEP because:

- the proposal will facilitate the development of a hospital, generating approximately 166 addition jobs in the Willoughby LGA;
- the proposal is consistent with all relevant section 9.1 Directions, A Plan for Growing Sydney, the Greater Sydney Region Plan and the North District Plan;
- the proposal is consistent with the findings of the St Leonards and Crows Nest Station Precinct Interim Statement, released in August 2017; and

- Council has demonstrated that the proposal will not have unacceptable impacts in relation to traffic generation and acoustics and the site can be suitably remediated for the proposed use.

 19/3/2018  
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