

Planning proposal to undefer Manly Hospital and Dalwood Children's Home sites by rezoning to part SP2 Infrastructure and part E2 Environmental Conservation

Proposal Title :	Planning proposal to undefer Manly Hospital and Dalwood Children's Home sites by rezoning to part SP2 Infrastructure and part E2 Environmental Conservation		
Proposal Summary :	The planning proposal seeks to amend Manly Local Environmental Plan 2013 (MLEP 2013) by removing the deferred status of the Manly Hospital and Dalwood Children's Home sites by rezoning to part SP2 Infrastructure (Health Services Facility) and part E2 Environmental Conservation.		
PP Number :	PP_2014_MANLY_003_00	Dop File No :	14/19202

Proposal Details

Date Planning Proposal Received :	12-Nov-2014	LGA covered :	Manly
Region :	Metro(CBD)	RPA :	Manly Council
State Electorate :	MANLY	Section of the Act :	55 - Planning Proposal
LEP Type :	Spot Rezoning		

Location Details

Street :	150 Darley Road		
Suburb :	Manly	City :	Sydney
Land Parcel :	LOT 2727 DP 752038, LOT 2619 DP 752038, LOT 2728 DP 752038, LOT 2774 DP 752038		
Street :	21 Dalwood Avenue		
Suburb :	Seaforth	City :	Sydney
Land Parcel :	Various lots. Refer to attached planning proposal documents.		
Street :	150 Darley Road		
Suburb :	Manly	City :	Sydney
Land Parcel :		Postcode :	2095
Street :	21 Dalwood Avenue		
Suburb :	Seaforth	City :	Sydney
Land Parcel :		Postcode :	2092

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DoP Planning Officer Contact Details

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DoP Project Manager Contact Details

Contact Name :
Contact Number :
Contact Email :

Land Release Data

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

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**

Manly Council has accepted the Minister's offer to delegate her plan-making functions under the Environmental Planning and Assessment Act 1979 (EP&A Act). Council is seeking delegation to carry out the Minister's functions under section 59 of the 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.

THE SITES - Manly Hospital and Dalwood Children's Home

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The sites are owned by NSW Ministry of Health (NSW Health) and are currently identified as a 'deferred matter' in the MLEP 2013. Manly Hospital currently operates at 150 Darley Road, Manly. It is planned to close the hospital in 2018. The hospital operations are to be moved to the new Northern Beaches Hospital located in Frenches Forest.

Dalwood Children's Services, a child and family health care facility, currently operates at 21 Dalwood Avenue, Seaforth.

REASON FOR DEFERRAL FROM MLEP 2013

The Manly Local Environmental Plan 1988 (MLEP 1988) currently applies to the sites. Under MLEP 1998, the sites are zoned as No. 5 Special Uses (Hospital). The then draft Manly Local Environmental Plan 2011 (draft MLEP 2011) proposed zoning for the sites was SP2 Infrastructure (Health Services Facility) and E2 Environmental Conservation. The then draft MLEP 2011 was exhibited from 30 April 2012 and 29 June 2012. During the exhibition period, one submission was received by NSW Health in relation to the proposed zoning of the sites. NSW Health objected to the proposed E2 zoning on part of both sites because it would prohibit any further expansion for hospital development. The proposed E2 zoning would equal to 30% or 2.3ha of Manly Hospital and 1.36ha of the Dalwood Children's Home sites.

On 16 July 2012, despite NSW Health's submission, Council resolved not to amend the exhibited development standards for the sites. Council's reasoning was to protect the land proposed as E2 that was of 'high ecological, scientific, cultural and aesthetic value' and considered the existing environmental values should take precedence.

On 4 April 2013, the sites were deferred from MLEP 2013 to enable NSW Health to complete further investigation of the ecological significance of the proposed E2 portion and explore development options.

On 21 August 2014, NSW Health advised Council it has no objection to the proposed E2 zoning on the two sites (refer to Attachment 1 - NSW Health letter).

Council supports this planning proposal for the following reasons:

- NSW Health has no objection to the proposed rezoning of both sites;
- the deferred matter status of Manly Hospital and Dalwood Children's Home sites has been resolved at a Council meeting; and
- the proposed development standards were exhibited as part of the then draft MLEP 2011.

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 proposal is to resolve two deferred matters in MLEP 2013, known as Manly Hospital and Dalwood Children's Homes sites, by applying the development standards of the exhibited draft MLEP 2011 for the sites.

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

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

Comment : The explanation of provision states the planning proposal will amend the MLEP 2013 at sites known as Manly Hospital and Dalwood Children's Home, in the following ways:

- amend the land application map by removing DM Deferred Matter from the land within the sites;

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- amend the land zoning maps from Deferred Matter to part SP2 Infrastructure (Health Services Facility) and part E2 Environmental Conservation on both sites as exhibited in draft MLEP 2011;
- amend the heritage maps to reflect the heritage listing of Manly Hospital and Dalwood Home under Schedule 5 of MLEP 2013 as exhibited in draft MLEP 2011;
- amend the acid sulfate soils map to identify the classification 'Class 5' for the Dalwood Children's Home site as exhibited in draft MLEP 2011;
- amend the terrestrial biodiversity maps to identify land containing biodiversity on both sites as exhibited in draft MLEP 2011;
- amend the foreshore scenic protection area maps to identify land as foreshore scenic protection areas on both sites as exhibited in draft MLEP 2011; and
- amend the key sites map to identify the requirement of a development control plan (DCP) for the Manly Hospital site.

The Department notes the key sites map exhibited in the then draft MLEP 2011 indicated that the Dalwood Children's Home site required a DCP. Council has confirmed that the planning proposal should be amended to reflect consistency with the then draft MLEP 2011 exhibited key sites map.

Council indicates the requirement for a DCP for both sites reflect the nature of the two sites potential to be redeveloped in the future once the hospital is closed in 2018 and their importance to the community. Council will investigate preparing site specific DCPs once options for the sites have been furthered by NSW Health and relevant stakeholders.

The planning proposal seeks to add Manly Hospital as a heritage item under Schedule 5. This amendment is not necessary as Manly Hospital is already identified as a heritage item in MLEP 2013.

No height of building, floor space ratio or minimum lot size development standards relate to the subject sites. Council state this is consistent with similar zoned land in Manly local government area (LGA) and the draft MLEP 2011. The Department supports this decision.

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

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

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

d) Which SEPPs have the RPA identified? **N/A**

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

The planning proposal does not specifically refer to any section 117 directions and State Environmental Planning Policies (SEPPs). However, it does state consistency with section 117 directions and SEPPs.

Section 117 direction - 2.1 Environment Protection Zones

The planning proposal is consistent with this direction as it seeks protect environmentally sensitive areas on both sites by rezoning to E2 Environmental Conservation. This is consistent with the recommendation of the Natural Assets Study prepared by Eco Logical consultants on behalf of Council for the then draft MLEP 2011.

Section 117 direction - 4.4 Planning for Bushfire Protection

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This direction is applicable as the subject sites are identified as Category 1 on Council's bushfire prone map prepared under section 146 of the EP&A Act. Should the proposal receive a Gateway determination, consultation with the NSW Rural Fire Service is required prior to public exhibition of the planning proposal.

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

If No, explain : **The Department considers there are no inconsistencies with other relevant section 117 directions and SEPPs.**

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : **Council has provided existing and proposed maps.**

The key sites map will need to be updated prior to public exhibition to reflect the requirement of a development control plan for the Dalwood Children's Home site.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : **Council has proposed a 14 day public exhibition for the planning proposal. Given the proposed development standards have been exhibited previously, a community consultation period of 14 days is considered appropriate.**

PROJECT TIMELINE

Council's estimated project timeline for completion of the plan is February 2015. The Department considers a 6 month project timeline for completion is adequate.

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 :

Proposal Assessment

Principal LEP:

Due Date : **April 2013**

Comments in relation to Principal LEP :

On 5 April 2013, MLEP 2013 was published on the NSW Legislation website and came into effect on 19 April 2013.

Assessment Criteria

Need for planning proposal :

The planning proposal arises from the recommendation of an ecological study prepared for the then draft MLEP 2011. The study provided evidence for Council to identify land of environmental value within the LGA. As previously highlighted, NSW Health do not have any objection to the proposed rezoning.

The provisions of MLEP 1988 currently only apply to the subject sites and no other site in the LGA. Therefore, the planning proposal will undefer the sites from MLEP 2013, and

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repeal MLEP 1988. The planning proposal is the best means of applying development standards under MLEP 2013.

Consistency with strategic planning framework :

The planning proposal is consistent with the Metropolitan Plan for Sydney 2036, draft Metropolitan Strategy for Sydney 2031 and draft North East Subregional Strategy. Removing the deferred status for the sites will allow Council to apply the Standard Instrument LEP to the sites. This will remove uncertainty with regards to planning controls and development standards that apply to the sites.

Environmental social economic impacts :

1. Heritage

The sites are heritage listed under Schedule 5 Environmental Heritage of MLEP 2013, however not highlighted on the heritage maps. The planning proposal will update the heritage maps to reflect consistency with the written instrument.

2. Environmental

As previously highlighted, the sites are identified as being bushfire prone. The planning proposal is to comply with the requirements of section 117 direction - 4.4 Planning for Bushfire Protection. It is recommended the Gateway determination condition consultation with NSW Rural Fire Service.

The proposed E2 zoning at the Manly Hospital site is adjacent to Sydney Harbour National Park. It is recommended that consultation with NSW National Parks and Wildlife Service occur during the public exhibition period of the planning proposal.

No known critical habitat, threatened species, populations, ecological communities or their habitats would be adversely affected by the planning proposal. A portion of both sites are proposed to be rezoned as E2 Environmental Conservation to reflect any sensitive ecological issues on the land as recommended by Council's Natural Assets Study prepared in July 2011 to support the then draft MLEP 2011.

Assessment Process

Proposal type :	Minor	Community Consultation Period :	14 Days
Timeframe to make LEP :	6 months	Delegation :	RPA
Public Authority Consultation - 56(2)(d) :	Office of Environment and Heritage - NSW National Parks and Wildlife Service Department of Health NSW Rural Fire 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 :

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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
Planning Proposal.pdf	Proposal	Yes
Council cover letter.pdf	Proposal Covering Letter	Yes
Manly Hospital existing and proposed maps.pdf	Map	Yes
Dalwood Children's Home existing and proposed maps.pdf	Map	Yes
Council meeting agenda 13 October 2014.pdf	Proposal	Yes
Council meeting minutes 13 October 2014.pdf	Proposal	Yes
INFORMATION CHECKLIST Manly Hospital and Dalwood Children's Home.pdf	Proposal	Yes
ATTACHMENT 4 EVALUATION CRITERIA FOR THE DELEGATION OF PLAN MAKING FUNCTIONS Manly Hospital and Dalwood Children s Home.pdf	Proposal	Yes
Attachment 1 - NSW Health letter.pdf	Proposal	Yes

Planning Team Recommendation

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

S.117 directions:

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

1. The planning proposal be considered as low impact and exhibited for a minimum period of 14 days.

2. Prior to public exhibition of the planning proposal, the explanation of provisions is to be updated to reflect the requirement of a development control plan for the Dalwood Children's Home site on the key sites map. In addition, reference to include Manly Hospital as a heritage item under Schedule 5 Environmental Heritage is to be removed.

3. Consultation is to occur with the following public agencies under section 56(2) of the EP&A Act:

- Office of Environment and Heritage - NSW National Parks and Wildlife Service;**
- NSW Rural Fire Service; and**
- NSW Ministry of Health.**

Each public authority is to be provided with a copy of the planning proposal and the additional technical assessments and given at least 21 days to comment on the proposal.

Consultation with the NSW Rural Fire Service consistent with Direction 4.4 Planning for Bushfire Protection is required prior to undertaking community consultation under section 57 of the EP&A Act.

4. A public hearing is not required.

5. Council to update the key sites map to indicate the requirement of a development control plan for the Dalwood Children's Home site prior to public exhibition of the planning proposal.

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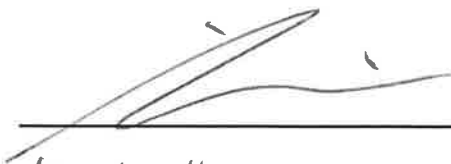
6. A written authorisation to exercise delegation under section 59 of the Environmental Planning and Assessment Act 1979 is issued to Council in relation to the planning proposal.

7. The planning proposal is to be completed within 6 months from the week following the date of the Gateway determination.

Supporting Reasons :

The planning proposal should be approved as it removes the deferred status of the Manly Hospital and Dalwood Children's Home sites from MLEP 2013. This will provide greater certainty about planning controls for the sites and guide future DAs for the sites. Council proposes to progress the planning proposal under delegation. The matter is considered to be of local significance and the use of Council's delegation is supported.

Signature:



Printed Name:

W. Williamson

Date:

15/12/2014.