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SECTION 1 – INTRODUCTION AND BACKGROUND

1 Summary

In December 2016 Woollahra Council received a request for a planning proposal from SJB Planning on behalf of St Vincent's Private Hospital (the applicant), for land at 190-200 Boundary Street, Paddington (the site). The documentation submitted with the request, including a planning proposal report, is included as Attachment 1.

The request seeks to amend Schedule 1 of the *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.

Council supports this request because it has strategic merit. At its meeting on 13 March 2017, Council resolved to:

- prepare this planning proposal supporting the permissibility of the requested uses on the site,
- forward the planning proposal to the Greater Sydney Commission requesting a gateway determination, and
- request delegation of the plan-making steps under section 59 of the *Environmental Planning and Assessment Act 1979*.

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 amendment will apply only to this site. The proposal does not seek any other amendments to the WLEP 2014 or *Woollahra Development Control Plan 2015* (WDCP 2015).

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.

This planning proposal is divided into 2 sections. Section 1 provides introductory and background information about the site, planning controls and development concepts. Section 2 provides the strategic justification for the planning proposal, following the guidelines in the NSW Department of Planning and Environment (DP&E) document, *A Guide to Preparing Planning Proposals* (August 2016).

2 The site and surrounding context

2.1 Location and context

The site is located on the southern side of Barcom Avenue / Boundary Street, Paddington, as shown below in Figure 1. Barcom Avenue / Boundary Street forms part of the boundary between the Woollahra and City of Sydney local government areas (LGAs). In this report, the boundary between the LGAs is shown on the maps by a green line.

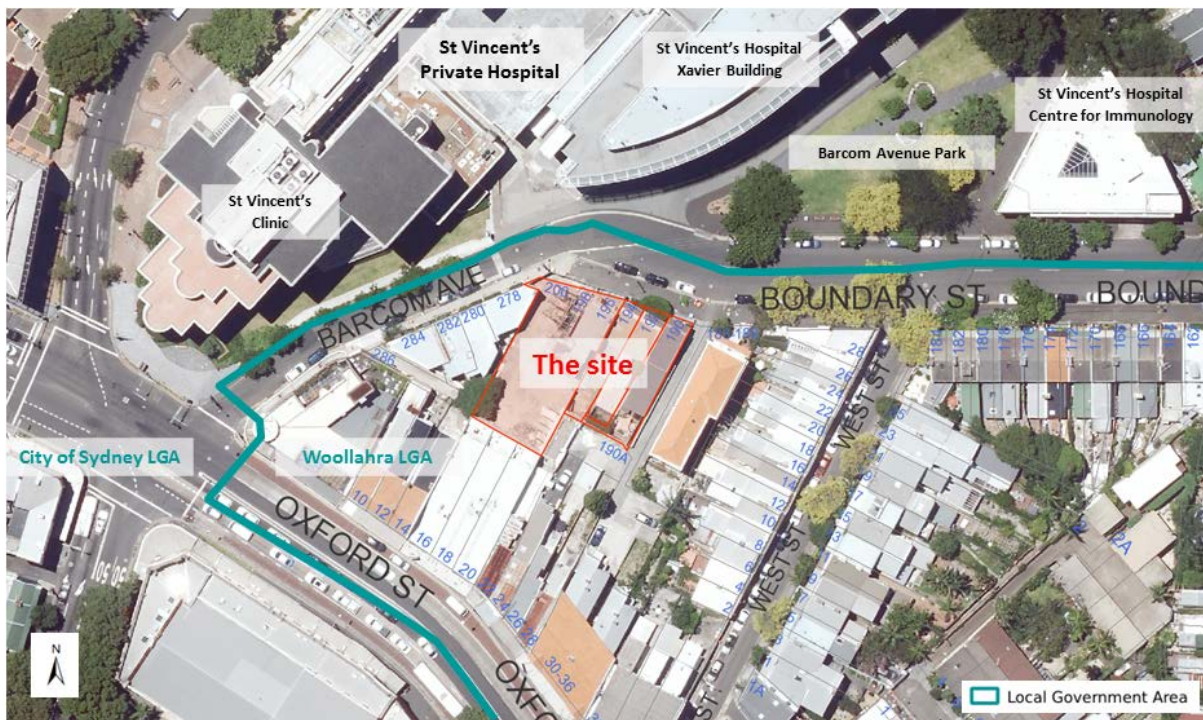


Figure 1: Local area map

Surrounding development consists of:

- North: St Vincent's Hospital precinct and Barcom Avenue Park are located on the opposite side of Barcom Avenue / Boundary Street.
- South: Commercial / retail shops orientated to Oxford Street. Oxford Street forms part of the boundary between Woollahra Council and the City of Sydney local government areas.
- East: A four storey residential flat building at 186 Boundary Street. This building is separated from the site by an access handle driveway approximately 2.9m wide. The driveway provides access from Boundary Street to the rear of No. 30-36 Oxford Street, and neighbouring properties on Oxford Street.
- West: Residential terrace houses on four separately owned lots at 278-284 Barcom Avenue.

The site is highly accessible by public transport. The site is approximately one minute walk from numerous bus services along Oxford Street connecting the Sydney CBD and various eastern suburbs locations, including Bondi Junction and Bondi Beach. The site is approximately five minutes walk to Taylor Square, where numerous bus services connect the Sydney CBD and various other eastern suburbs locations such as Randwick, the University of NSW, Coogee, Maroubra and beyond. The site is approximately fifteen minutes

walk from the Sydney CBD, and also from Museum train station which connects to all locations in the City Rail network.

2.2 Site description

The site consists of four adjoining lots described below:

- 190 Boundary Street (Lot 3 DP 223679)
- 192 Boundary Street (Lot 2 DP 223679)
- 194 Boundary Street (Lot 1 DP 223679)
- 196 – 200 Boundary Street (Lot 3 DP 84504)

A cadastral map showing property information is included below as Figure 2. The site is highlighted in red.

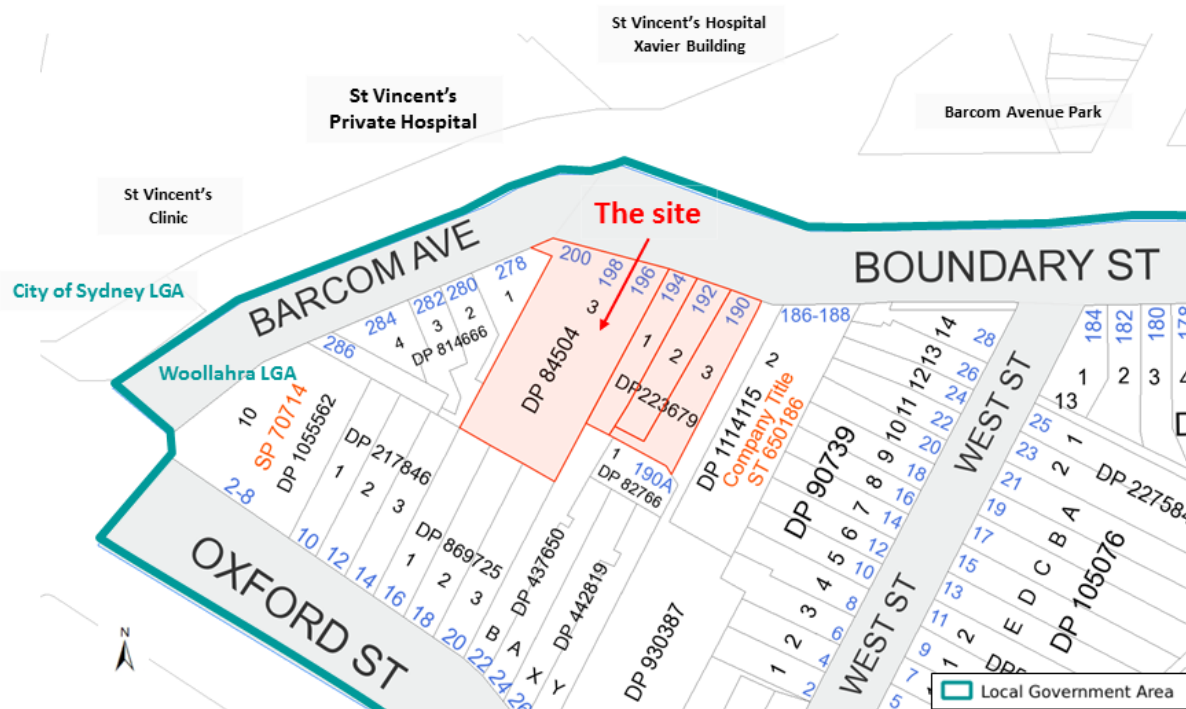


Figure 2: Cadastral map

The site has a total area of approximately 889 sqm. The site has a total frontage of approximately 34m to Barcom Avenue / Boundary Street, and a maximum depth of approximately 33.7m. The site slopes approximately 3m from the south west to the north east, and has a minimal amount of vegetation.

The site is currently developed with five terrace houses dating from the late Victorian / early Federation period. The terraces vary in size and height.

- 190-194 contains three single storey terraces. These terraces are currently used and inhabited for residential purposes.
- 196-200 contains two double storey terraces. These terraces are dilapidated and currently uninhabitable. A significant portion of the site is unbuilt on. This unbuilt portion adjoins the western and southern boundary.

Site photos of the existing development on the site are included as Figures 3 and 4.



Figure 3: Existing single storey terraces at 190-194 Boundary Street (source SJB)



Figure 4: Existing dilapidated double storey terraces at 196-200 Boundary Street (source SJB)

3 Background

3.1 Request for a planning proposal

In December 2016, Woollahra Council received a request for a planning proposal from SJB Planning on behalf of the applicant for the site. The applicant submitted the following supporting documentation with their request for a planning proposal:

- Planning proposal report prepared by SJB Planning, dated December 2016.
- Built Form & Urban Study prepared by SJB Architects, dated 9 November 2016
- Statement of Heritage Impact prepared by Cracknell and Lonergan Architects, dated 3 November 2016

The documentation submitted with the request is included as Attachment 1.

3.2 Council resolution

On 27 February 2017, Council's Urban Planning Committee considered the request for a planning proposal. The committee supported the request and made a recommendation to Council that a planning proposal be prepared and submitted to the Greater Sydney Commission for a gateway determination.

On 13 March 2017, Council resolved the following:

- A. That Council prepare a planning proposal which explains a proposed amendment to Woollahra LEP 2014, which will permit development for office premises on land at 190-200 Boundary Street, Paddington, but only if they are ancillary to and associated with St Vincent's Private Hospital.
- B. That the planning proposal described in point A above be forwarded to the Greater Sydney Commission requesting a gateway determination to allow public exhibition.
- C. That when requesting a gateway determination for the planning proposal, the Council seek delegation of the plan-making steps under section 59 of the *Environmental Planning and Assessment Act 1979*.

The Urban Planning Committee report and Council resolution are included as Attachment 2.

3.3 Preparation of the planning proposal

This planning proposal has been prepared in accordance with section 55 of the *Environmental Planning and Assessment Act 1979* and the two documents prepared by the DP&E, titled *A Guide to Preparing Planning Proposals* (August 2016) and *A Guide to Preparing Local Environmental Plans* (August 2016).

SECTION 2 – PLANNING PROPOSAL REPORT

Part 1 Objective of planning proposal

Part 1.1 Objective

The objective of the planning proposal is to facilitate the use of the site at 190-200 Boundary Street, Paddington for the purpose of an office premises, but only if they are ancillary to and associated with St Vincent's Private Hospital. It is intended that the site will remain zoned as R2 Low Density Residential and the proposed office premises use will be in addition to the current permissible uses.

It is intended that the existing built form controls applicable to the site will remain in place; no changes are proposed to those controls (including the maximum height of buildings, floor space ratio (FSR) and setback controls).

Currently, the development of the site for the purpose of an office premises associated with St Vincent's Private Hospital is at the conceptual stage. The design for a new building at the site will be detailed as part of a future development application and should be in accordance with the current applicable built form controls.

Part 1.2 Design concept

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.

The applicant has stated in their request that the concept will not accommodate medical facilities, treatment rooms, clinical facilities or the like, so will not generate public use or access. Additionally, car parking will not increase as the functions to be accommodated are currently occurring in the existing hospital building and car parking is already provided in the hospital building. However, they also state that there is capacity to accommodate car parking onsite with any future development if it is deemed necessary.

The detailed design of development is a matter to be considered at the development application stage, and does not affect this planning proposal.

Part 2 Explanation of provisions

Part 2.1 Existing planning controls

The planning controls that apply to the site, and are relevant to this planning proposal are described below.

Zoning

The site is zoned R2 Low Density Residential under the WLEP 2014. The land use table controls that apply to the site under WLEP 2014 are shown below.

Zone R2 Low Density Residential

1 Objectives of zone

- To provide for the housing needs of the community within a low density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To provide for development that is compatible with the character and amenity of the surrounding neighbourhood.
- To ensure that development is of a height and scale that achieves the desired future character of the neighbourhood.

2 Permitted without consent

Home occupations; Roads

3 Permitted with consent

Attached dwellings; Bed and breakfast accommodation; Boarding houses; Business premises; Child care centres; Community facilities; Dual occupancies; Dwelling houses; Environmental protection works; Group homes; Home occupations (sex services); Information and education facilities; Office premises; Public administration buildings; Recreation areas; Respite day care centres; Secondary dwellings; Semi-detached dwellings; Shops

4 Prohibited

Any development not specified in item 2 or 3

The zone generally permits development of low density residential uses, such as dwelling houses and dual occupancies, as well as other land uses that provide facilities or services to meet the day to day needs of residents, such as shops and child care centres.

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. These pre-requisites are detailed in clause 6.6 of the WLEP 2014 : Part 6 Additional Local Provisions. There is historical information that part of the site, specifically 200 Boundary Street, and possibly 198 Boundary Street was used, or may have been used in the past for non-residential uses, such as a scrap yard, second-hand building material sales and storage, liquid soap manufacturing and panel beating. This information is sourced from the statement of heritage impact, past editions of the Wise Directory and Council's records. However, there is no evidence of lawful commencement of these non-residential uses. Additionally, there is no historical information of non-residential uses on the remainder of the

site, being 190-196 Boundary Street. Therefore, the proposed amendment to the WLEP is required to permit this use.

Adjacent land along Oxford Street is zoned B4 Mixed Use under the WLEP 2014. The zone generally permits development of a mixture of compatible uses such as business, office, retail and residential.

The hospital land to the north, across Barcom Avenue / Boundary Street is zoned SP2 Infrastructure (Health Services Facilities) under the *Sydney Local Environmental Plan 2012* (SLEP 2012). The zone permits development for the purposes of health services facilities, including any development that is ordinarily incidental or ancillary to development for that purpose. Zoning for the site and surrounding land is shown below in Figure 5.

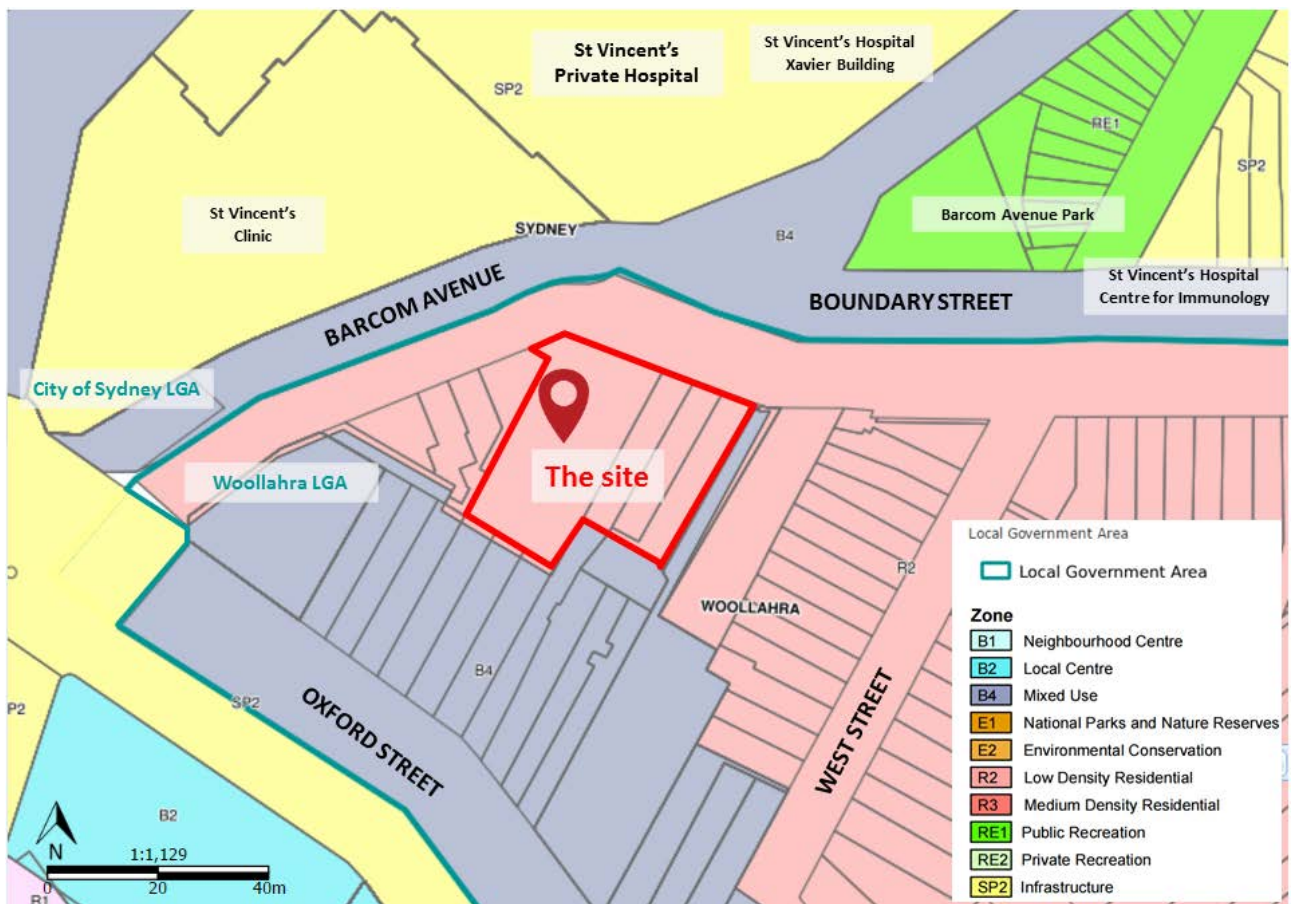


Figure 5: Existing WLEP 2014 and Sydney LEP 2012 land use zoning
 (source: Department of Planning & Environment - Planning Viewer)

Heritage

The site is located within the Paddington Heritage Conservation Area under the WLEP 2014. The buildings located on the site are contributory to the character of the area. There are no heritage items located within the vicinity of the site. The location of existing heritage conservation areas and heritage items applying to the site and surrounding land is shown below in Figure 6.



Figure 6: Existing WLEP 2014 and Sydney LEP 2012 heritage conservation
(source: Department of Planning & Environment - Planning Viewer)

Land reservation acquisition

At the junction of Barcom Avenue and Boundary Street, a small portion of the site (approximately 3 square metres in size) is shown on the Land Reservation Acquisition Map of WLEP 2014 as land to be acquired for the purpose of a classified road. The Roads and Maritime Services (RMS) are identified as the relevant authority to acquire the land (clause 5.1 – Relevant acquisition authority). Council must not grant consent on that portion of the site for any development other than for the purpose of a road (clause 5.1A – Development on land intended to be acquired for public purposes). The location of land reservation acquisition area applying to the site is shown below in Figure 7.

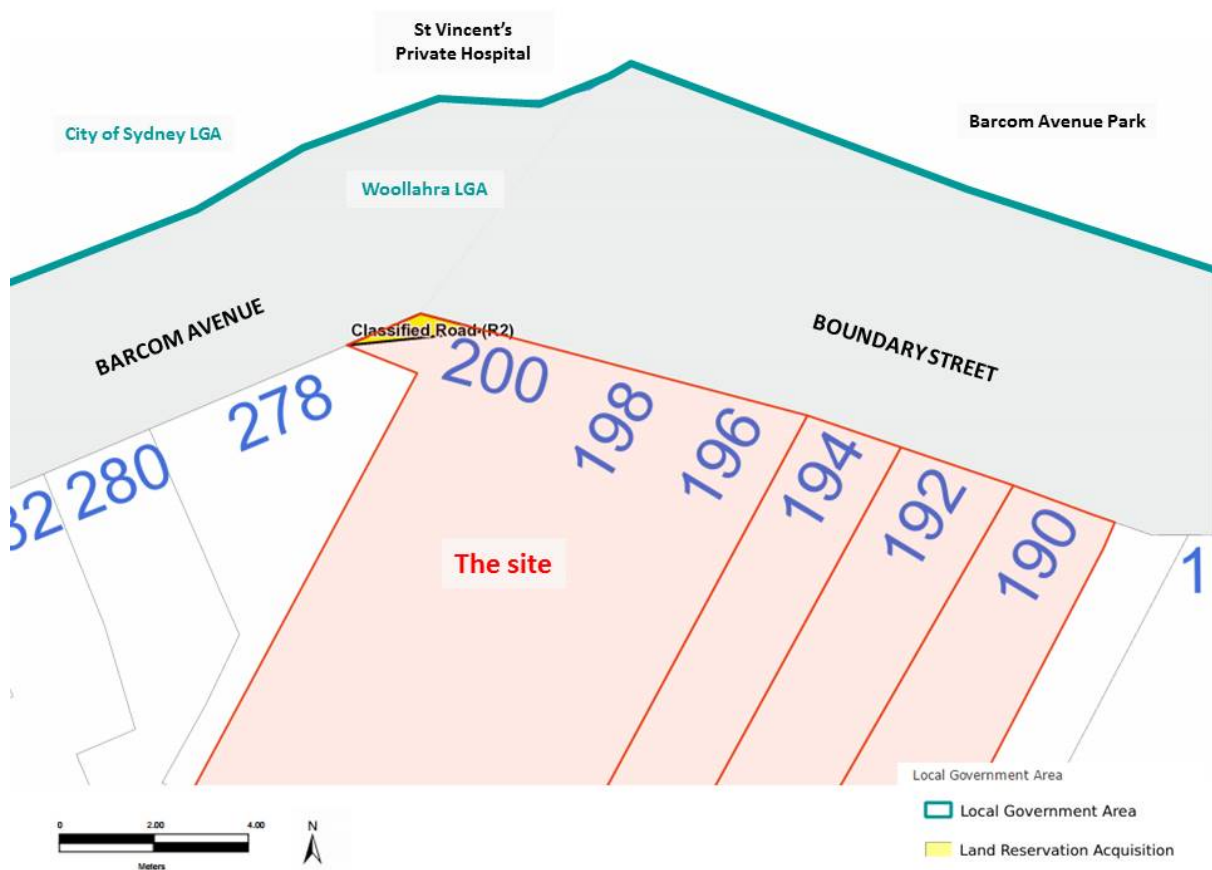


Figure 7: Existing WLEP 2014 land reservation acquisition area
(source: Woollahra Council)

Land contamination

The site may be contaminated. Historical information identified in the Statement of Heritage Impact, past editions of the Wise Directory and Council's oral history records show that the site was, or may have been, used in the past for various uses that may have contaminated the site. These past uses include a scrap yard, second-hand building material sales and storage, liquid soap manufacturing and panel beating. These uses are identified under the provisions of both *State Environmental Planning Policy No. 55 – Remediation of Land* (SEPP 55), and WDCP 2015 – Chapter E4: Contaminated Land, as activities that may cause contamination. The uses may be categorised under descriptions specifically referred to in the two documents as activities that may cause contamination, such as scrap yards, acid / alkaline plant and formulation, chemical manufacture and formulation, metal treatment, oil production and storage, service stations and waste storage and treatment activities.

The provisions of both SEPP55 and WDCP 2015 require Council to consider whether the land is contaminated and if so, whether the land is suitable in its current form, or after remediation, for all the purposes which will be permitted on the land as a result of a planning proposal.

This issue is discussed in further detail in Part 3.3.

Part 2.2 Proposed controls

The planning proposal seeks to amend Schedule 1 of the WLEP 2014. Schedule 1 identifies additional permitted uses on certain sites within the Woollahra LGA. 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.

This is a simple and effective way of resolving the land use permissibility issue to achieve the desired outcome of the planning proposal. The planning proposal does not seek to amend any other provision of the WLEP 2014.

Part 3 Justification

The planning proposal has strategic merit and is consistent with all relevant state and local planning strategies and controls. The proposal is also consistent and sympathetic to the existing mix of development within the Paddington Heritage Conservation Area located within the vicinity of St Vincent's Hospital.

This strategic merit is justified by the proposal being consistent with the following strategies:

- NSW Government's document *A Plan for Growing Sydney* (2014) – Central subregion – Priorities for Strategic Centres.
- NSW Government's *Draft Central District Plan* (2016) – Liveability Priority 12: Support planning for health infrastructure.
- *WDCP 2015*, Chapter C1 Paddington Heritage Conservation Area.
- Council's *Community Strategic Plan, Woollahra 2025 – our community our place our plan*, in particular Goal 4 Well planned neighbourhoods.
- All relevant State Environmental Planning Policies (SEPPs).
- All relevant section 117 directions issued by the Minister for Planning.

Additionally, the strategic merit is justified by the proposal providing the following planning benefits:

- The proposal does not impact on land identified with any environmental constraints.
- The proposal will enable an economic benefit of 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 sub-regional social benefit of specialist and general health care services.

This justification is discussed in detail below.

Part 3.1 Need for planning proposal

1. Is the planning proposal a result of any strategic study or report?

No. The planning proposal is the result of the land owners' intention to develop the site for ancillary uses to St Vincent's Private Hospital.

2. Is the planning proposal the best means of achieving the objectives, or is there a better way?

Yes. This planning proposal is the best means of achieving the objective of facilitating the use of the site for the purpose of an office premises in conjunction with St Vincent's Private Hospital. Currently, office premises are only permitted in the zone 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 (Clause 6.6 of the WLEP 2014, in Part 6 Additional Local Provisions). As there is no

evidence of a previous lawfully commenced non-residential use, the proposed amendment is required to permit this use. This planning proposal will achieve the amendment in an efficient manner by limiting the change required to the WLEP 2014, and limiting the impact of the amendment specifically to the site and under a specific circumstance, ie. office premises associated with St Vincent's Private Hospital.

Other options to achieve the objective would be more complicated than the proposed amendment. These include:

- Rezoning the site to an existing zone under the WLEP 2014 which permits development for the purposes of office premises. These zones are the business zones: B1 Neighbourhood Centre, B2 Local Centre and B4 Mixed Use.

This option is not acceptable for the site or area. The amendment would permit a range of commercial premises and similar uses on the site, such as retail premises, entertainment facilities and restricted premises. The site is not an appropriate location for these types of uses, as they are not consistent with the existing low density residential character of the immediate vicinity.

- Amending the clause 6.6 of the WLEP 2014 to allow office premises in all residential areas without the need to satisfy the tests regarding previous lawfully commenced, non-residential usage of a site and impacts on both adjoining land and heritage significant.

This option is not acceptable. The amendment would permit the use of land for office premises throughout all residential zones of the LGA. This would undermine the objectives of these zones which focus on maintaining a predominantly residential character, but with some recognition of previous non-residential uses in some parts of the LGA where this is characteristic of the area, such as heritage conservation areas.

Part 3.2 Relationship to strategic planning framework

3. Is the planning proposal consistent with the objectives and actions contained within the applicable regional, subregional strategy or district plan or strategy (including exhibited draft plans or strategies)?

Yes. The planning proposal is consistent with the objectives of *A Plan for Growing Sydney* and the initiatives of the *Draft Central District Plan (2016)*. These plans are discussed in detail in Attachment 3.

4. Is the planning proposal consistent with a council's local strategy or other local strategic plan?

Yes. The planning proposal is consistent with WDCP 2015 and Woollahra 2025.

WDCP 2015

The planning proposal will permit development which is consistent with the objectives and desired future character for the Paddington Heritage Conservation Area, as outlined in WDCP 2015, Chapter C1 Paddington Heritage Conservation Area. The planning proposal is

consistent and sympathetic to the existing mix of development within the Paddington Heritage Conservation Area located within the vicinity of St Vincent's Hospital.

Woollahra 2025

The planning proposal is consistent with Woollahra 2025, which is Council's 15 year strategic plan for the LGA. Woollahra's future planning is based on the principle of sustainability. That is, meeting the needs of the present, without compromising the ability of future generations to meet their own social, economic, environmental and civic leadership needs.

The planning proposal is consistent with Theme 2 - Quality places and spaces: Goal 4 - Well planned neighbourhoods. The proposal will:

- encourage and support sustainable development by providing employment opportunities within a highly accessible location for public transport, walking and cycling, and near existing housing.
- maintain Paddington's mostly low rise (no amendment to the WLEP 2014 height control is proposed), mixed urban form, architecture and heritage.

5. Is the planning proposal consistent with applicable State Environmental Planning Policies?

Yes. The planning proposal is consistent with the *Standard Instrument – Principal Local Environmental Plan* and all other applicable *State Environmental Planning Policies* (refer to Attachment).

6. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?

Yes. The planning proposal is consistent with applicable section 117 directions (refer to Attachment).

Part 3.3 Environmental, social and economic impact

7. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?

No. There are no critical habitat areas, threatened species, populations or ecological communities or their habitats present on the subject land. Accordingly, the proposal will not have any impact in this regard.

8. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?

Yes. Refer to the comments below.

Land contamination

The site may be contaminated. Historical information identified in the Statement of Heritage Impact, past editions of the Wise Directory and Council's oral history records show that the site was, or may have been, used in the past for various uses that may have contaminated the site. These past uses include a scrap yard, second-hand building material sales and storage, liquid soap manufacturing and panel beating. These uses are identified under the provisions of both *State Environmental Planning Policy No. 55 – Remediation of Land* (SEPP 55), and WDCP 2015 – Chapter E4: Contaminated Land, as activities that may cause contamination. The uses may be categorised under descriptions specifically referred to in the two documents as activities that may cause contamination, such as scrap yards, acid / alkaline plant and formulation, chemical manufacture and formulation, metal treatment, oil production and storage, service stations and waste storage and treatment activities.

The provisions of both SEPP55 and WDCP 2015 require Council to consider whether the land is contaminated and if so, whether the land is suitable in its current form, or after remediation, for all the purposes which will be permitted on the land as a result of a planning proposal.

Given the possibility of contamination on the site, we recommend that the gateway determination include conditions to facilitate the following:

- The applicant is to undertake land contamination investigations for the site, as outlined in SEPP 55, clause 6, "Contamination and remediation to be considered in zoning or rezoning proposal".
- The findings of these investigations must be submitted to Council so that it can form part of the information placed on public exhibition.
- Council is to consult with Environmental Protection Authority (EPA) as part of the public exhibition process.

Acid sulfate soils

The site is identified on the WLEP 2014 Acid Sulfate Soils Map as Category 5. Any environmental impact of this soil type can be managed through the development application process and does not affect this proposal.

Other Environmental Effects

Any other environmental effects that might arise through the redevelopment of this site can be identified and managed through the development application process. Good design and conditions of consent will limit these effects.

9. Has the planning proposal adequately addressed any social and economic effects?

Yes. Refer to the comments below.

Heritage

The site is located in 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.

Land reservation acquisition

A small portion of the site (approximately 3 sqm in size) is shown as land to be acquired for the purpose of a classified road by the RMS. Council must not grant consent on that portion of the site for any development other than for the purpose of a road. This is a matter to be considered at the development application stage, and does not affect this proposal. However, consultation with the RMS will be undertaken as part of the public exhibition process.

Other social and economic effects

The planning proposal will have positive social and economic effects because it:

- is consistent with *A Plan for Growing Sydney* (2014), in that it will support health-related land uses and infrastructure around St Vincent's Hospital;
- is consistent with the *Draft Central District Plan* (2016) in supporting planning for health infrastructure;
- provides additional employment opportunities in an area that is well serviced by multiple transport options;
- provides an incentive for the existing owner to develop a dilapidated parcel of land which has been vacant for many years; and
- will not prevent the site from being developed for residential uses in the future.

Part 3.4 State and Commonwealth interests

10. Is there adequate public infrastructure for the planning proposal?

Yes. The site is connected to water, sewer, electricity and telephone services. The site is in proximity to regular and frequent public transport services.

It is not anticipated that any significant infrastructure demand will result from the planning proposal. The existing services that are available to the site are suitable for the proposal and appropriate for the requirements of office premises.

11. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

Council will consult with all government departments required by the gateway determination during the public exhibition of the planning proposal, including Transport for NSW, RMS and EPA.

Part 4 Mapping

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

Part 5 Community consultation

The public exhibition will be undertaken in accordance with the requirements of the Act and the *Environmental Planning and Assessment Regulation 2000*.

The planning proposal will be exhibited for a minimum of 28 days.

Public notification of the exhibition will comprise:

- a weekly notice in the local newspaper (the Wentworth Courier) for the duration of the exhibition period,
- a notice on Council's website,
- a letter to any relevant public agency, including the EPA and RMS,
- a letter to land owners in the vicinity of the site,
- a letter to local community groups including the Paddington Society and Paddington Business Partnership, and
- a letter to the City of Sydney Council.

During the exhibition period, the following material will be available on Council's website and in the customer service area at Woollahra Council offices:

- the planning proposal, in the form approved by the gateway determination,
- the gateway determination,
- the request for a planning proposal, and
- information relied upon by the planning proposal (such as investigations into land contamination and any other relevant reports).

Part 6 Project timeline

The project timeline is to be determined by Council. However, a preliminary timeline is outlined below:

Planning Proposal Stage	Estimated Completion
Urban Planning Committee recommends proceeding	27 February 2017
Council resolution to proceed	13 March 2017
Submit planning proposal to DP&E for a gateway determination	Early May 2017
Gateway determination	May 2017
Government agency consultation	June/July 2017 (28 days)
Public exhibition period	June/July 2017 (28 days)
Submissions assessment	August 2017
Council assessment of submissions to the public exhibition	August 2017
Urban Planning Committee consideration	September 2017
Council decision	September 2017
Subject to Council decision, liaise with Parliamentary Counsel to prepare LEP amendment (if delegated)	September 2017
Forward LEP amendment to DP&E for notification	October 2017
Notification of the approved LEP	October 2017