

Cobar Local Environmental Plan 2012 - Include 'health services facilities' as being 'permitted with consent' in the R2 Low Density Residential Zone.

Proposal Title :	Cobar Local Environmental Plan 2012 - Include 'health services facilities' as being 'permitted with consent' in the R2 Low Density Residential Zone.		
Proposal Summary :	This planning proposal is required to facilitate the construction of a replacement hospital facility for Cobar at Lot 102 DP615721, 2 Nullamut Street Cobar. The effect of this planning proposal would see health services facilities become a land use which is permitted with consent across all land zoned R2 Low Density Residential under the Cobar LEP 2012. Given the R2 low density zone already permits the child term health consulting rooms , this term will be removed from part 3 of the land use table as the parent term, health services facility includes all child terms.		
PP Number :	PP_2017_COBAR_001_00	Dop File No :	17/09387

Proposal Details

Date Planning Proposal Received :	04-Jul-2017	LGA covered :	Cobar
Region :	Western	RPA :	Cobar Shire Council
State Electorate :	BARWON	Section of the Act :	55 - Planning Proposal
LEP Type :	Policy		

Location Details

Street :	Cobar		
Suburb :	Cobar	City :	Cobar
		Postcode :	2835
Land Parcel :	Applies to all land zoned R2 low density residential		

DoP Planning Officer Contact Details

Contact Name :	Tim Collins
Contact Number :	0268419180
Contact Email :	timothy.collins@planning.nsw.gov.au

RPA Contact Details

Contact Name :	Garry Ryman
Contact Number :	0268365888
Contact Email :	garry.ryman@cobar.nsw.gov.au

DoP Project Manager Contact Details

Contact Name :	Wayne Garnsey
Contact Number :	0268419180
Contact Email :	wayne.garnsey@planning.nsw.gov.au

Cobar Local Environmental Plan 2012 - Include 'health services facilities' as being 'permitted with consent' in the R2 Low Density Residential Zone.

Land Release Data

Growth Centre :	N/A	Release Area Name :	N/A
Regional / Sub Regional Strategy :	Far West Regional Plan 2036	Consistent with Strategy :	Yes
MDP Number :		Date of Release :	
Area of Release (Ha) :	0.00	Type of Release (eg Residential / Employment land) :	Employment Land
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 : Health Infrastructure NSW is proposing a replacement hospital facility at Cobar on land zoned R2 low density residential. Hospitals are currently not permitted in zone R2 and are not permitted under the SEPP Infrastructure.

It is proposed that the Cobar LEP 2012 be amended to include 'health services facilities' as being 'permitted with consent' in the R2 Low Density Residential Zone. The proposal would also remove 'health consulting rooms' as these are a type of health services facility, and would remain permitted with consent in the zone.

Amending the R2 Low Density Residential Zone table was the most appropriate mechanism to permit the development in this instance. Other options that were considered included:

- Rezoning the land to a zone in which hospitals are permitted. This option was discounted as it would not allow for any future expansion of the hospital beyond the immediate boundaries of the subject site. This option would require further rezoning to accommodate expansion in the future.
- Application of Schedule 1 to enable health services facilities to be included as an additional permitted use on the land. This option would require a further LEP amendment if the hospital required expansion in the future.
- Preliminary advice indicated that the proposed State Environmental Planning Policy (Infrastructure) 2007 would likely be amended to incorporate the R2 land use zone as a prescribed zone for health service facilities. However the timeframe to finalise the SEPP is not certain and did not marry up with the Health Infrastructure's timeframes for the construction of the hospital.

External Supporting Notes :

Adequacy Assessment

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

Is a statement of the objectives provided? **Yes**

Comment : The statement of objectives clearly states the intent of the planning proposal is to permit 'health services facilities' with consent' in the R2 Low Density Residential Zone. The proposal would also remove 'health consulting rooms' as these are a child term of health services facility, and would remain permitted with consent in the zone.

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

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

Comment : It is proposed that the CLEP 2012 be amended to include 'health services facilities' as being 'permitted with consent' in the R2 Low Density Residential Zone. The proposal would also remove 'health consulting rooms' as these are a child term of health services facility, and would remain permitted with consent in the zone.

Justification - s55 (2)(c)

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

b) S.117 directions identified by RPA : **3.1 Residential Zones**
* May need the Director General's agreement **5.10 Implementation of Regional Plans**

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

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 : **SEPP No. 55 – Remediation of Land - Clause 6 of SEPP 55 requires that a planning authority, when preparing an environmental planning instrument, not include land for the purpose of a hospital unless the planning authority has considered whether the land is contaminated, and if contaminated be satisfied that the land is suitable in its contaminated state, or will be suitable after remediation.**

A preliminary contamination investigation, prepared in accordance with the contaminated lands management planning guidelines prepared in accordance with Section 105 of the Contaminated Lands Management Act 1997 and SEPP 55 – Remediation of Land has been prepared. These investigations conclude that the site is suitable for commercial land use in the form of a Hospital. No further work is required as part of the planning proposal process.

Section 117 3.1 Residential Zones. The planning proposal will not introduce provisions which will reduce the permissible residential density of land, but will enable an additional non-residential use within the R2 Low Density Residential Zone.

The existing Cobar Hospital is located in the R2 Low Density Residential Zone. As this proposal seeks to provide a replacement facility, it will allow for the potential development of the existing hospital site for possible future residential purposes. In the context of the town of Cobar, the planning proposal will not reduce the permissible residential density in the zone. The Acting Director Regions, Western can be satisfied the proposal is consistent with this direction and no further work is required. Section 117 - 5.10 Regional Plans – The planning proposal is not inconsistent with the draft Far West Regional Plan.

Have inconsistencies with items a), b) and d) being adequately justified? **Yes**

If No, explain :

Cobar Local Environmental Plan 2012 - Include 'health services facilities' as being 'permitted with consent' in the R2 Low Density Residential Zone.

Mapping Provided - s55(2)(d)

Is mapping provided? No

Comment : The planning proposals seeks to add a new use in the land use table and no mapping amendments are proposed.

Community consultation - s55(2)(e)

Has community consultation been proposed? Yes

Comment : Council's proposed community consultation is acceptable because this is important health infrastructure. Council intends to publicly exhibit the planning proposal for a period of 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 : The planning proposal is adequate in the information provided.

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation to Principal LEP : Cobar LEP 2012 was made on 3 March 2012.

Assessment Criteria

Need for planning proposal : The planning proposal is required to include hospitals as a permissible use within the R2 Low Density Residential Zone.

Consistency with strategic planning framework : Cobar does not have any strategic planning framework that is relevant to the planning proposal.
The planning proposal is consistent with the relevant goals, directions and actions contained in the draft FWRP 2036.
This planning proposal provides the necessary mechanism to allow for further investment in the form of a health services facility to replace the existing Cobar hospital that will meet the needs of the community.

Environmental social economic impacts : There are no known specific environmental effects associated with the development of site for a health services facility. Any matter to arise can be resolved during the assessment of a development application.

The site does not contain any known items of European or Aboriginal cultural heritage.

The objective of the planning proposal is to allow for the development of a replacement hospital facility to service the needs of Cobar. In making health services facilities a permitted use in the R2 Low Density Residential Zone, this planning proposal will have a positive impact by improving the quality and range of health services available to the community.

Cobar Local Environmental Plan 2012 - Include 'health services facilities' as being 'permitted with consent' in the R2 Low Density Residential Zone.

There are no known significant environmental, social or economic outcomes identified.

Assessment Process

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

Timeframe to make LEP : **0 months** Delegation : **RPA**

Public Authority Consultation - 56(2)(d) :

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
Planning Proposal and Cover Letter.pdf	Proposal	Yes
Contamination Investigation Report.pdf	Study	Yes

Planning Team Recommendation

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

S.117 directions: **3.1 Residential Zones
5.10 Implementation of Regional Plans**

Additional Information : **The planning proposal to proceed subject to the following conditions:
1. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 (EP&A Act) as follows:**

(a) The planning proposal is required to be made publicly available on exhibition for 14 days as described in A Guide to Preparing LEPs (Department of Planning and Environment 2016).

(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

Cobar Local Environmental Plan 2012 - Include 'health services facilities' as being 'permitted with consent' in the R2 Low Density Residential Zone.

publicly available along with planning proposals as identified in section 5.5.2 of A Guide to Preparing LEPs.

No consultation with agencies is required.

2. 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).

3. The timeframe for completing the LEP is to be 6 months from the week following the date of the Gateway determination.

Supporting Reasons :

This planning proposal will be of significant benefit to the Shire of Cobar as it will allow for the development of a new hospital facility which will offer improved levels of health care to the community. The planning proposal is consistent with relevant SEPPs and Section 117 Ministerial directions as well as the goals and directions contained in the recently exhibited Draft Far West Regional Plan 2036 and in the public interest.

The planning proposal has strategic merit and is able to be supported by issuing a conditional Gateway determination.

Signature:



Printed Name:

TIM COLLINS

Date:

11/07/2017

Endorsed
Murray 11/7/2017
TLWR