

Community Hospice, 11 Edward St, Bowral

Proposal Title : **Community Hospice, 11 Edward St, Bowral**

Proposal Summary : **The proposal is to amend the Wingecarribee LEP 2010 to permit the development of a community hospice on 11 Edward Street, Bowral.**

PP Number : **PP_2013_WINGE_003_00**

Dop File No :

13/02119-1

Proposal Details

Date Planning : **21-Jan-2013**

LGA covered :

Wingecarribee

Proposal Received :

Region : **Southern**

RPA :

Wingecarribee Shire Council

State Electorate : **GOULBURN**

Section of the Act :

55 - Planning Proposal

LEP Type : **Policy**

Location Details

Street : **11 Edward Street**

Suburb : **Bowral**

City :

Postcode : **2576**

Land Parcel : **Lot 2, DP 587573**

DoP Planning Officer Contact Details

Contact Name : **Meredith McIntyre**

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RPA Contact Details

Contact Name : **Mark Pepping**

Contact Number : **0248680851**

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DoP Project Manager Contact Details

Contact Name : **Mark Parker**

Contact Number : **0242249468**

Contact Email : **mark.parker@planning.nsw.gov.au**

Land Release Data

Growth Centre : **N/A**

Release Area Name :

N/A

Regional / Sub : **Sydney-Canberra Corridor**

Consistent with Strategy :

Yes

Regional Strategy : **Regional Strategy**

MDP Number :

Date of Release :

Area of Release (Ha)

Type of Release (eg

Residential /

Employment land) :

No. of Lots : 0

No. of Dwellings : 0

(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 :

Have there been No

meetings or

communications with

registered lobbyists? :

If Yes, comment :

Supporting notesInternal Supporting
Notes :

"Hospice" is not a defined term in the Standard Instrument, however it is considered that it falls under the definition of 'hospital'.

Council's strong preference is for schedule 1 to be used to allow this use and it believes that the use of schedule 1 is justified in this instance. Council would like the opportunity to address the Panel in support of the use schedule 1 if the Panel does not support its use.

External Supporting
Notes :

The Southern Highlands Community Hospice is seeking to develop a community hospice on the subject land to provide a facility for the palliative care of 10 in-patients. This will potentially free up beds in the nearby Bowral Hospital as no such facility currently exists in Bowral.

The R2 Low Density Residential zoning of the site under Wingecarribee LEP 2010 does not permit the use, nor does the State Environmental Planning Policy (Infrastructure)2007.

The land is vacant, however in 2011, Council approved a 4 lot subdivision on the site. This approval has not been commenced.

Adequacy Assessment**Statement of the objectives - s55(2)(a)**

Is a statement of the objectives provided? Yes

Comment : The objective is to permit the development of a community hospice on the subject land.

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

Is an explanation of provisions provided? Yes

Comment : The Council is proposing to amend Schedule 1 Additional Permitted Uses in the Wingecarribee LEP 2010 to permit the proposed use on the subject land and to amend map sheet CL1_007C to identify the site.

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

2.3 Heritage Conservation

3.1 Residential Zones

3.4 Integrating Land Use and Transport

5.1 Implementation of Regional Strategies

5.2 Sydney Drinking Water Catchments

6.1 Approval and Referral Requirements

6.3 Site Specific Provisions

Is the Director General's agreement required? **Yes**

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

d) Which SEPPs have the RPA identified?

Drinking Water Catchments Regional Environmental Plan No. 1

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

Have inconsistencies with items a), b) and d) being adequately justified? **No**

If No, explain :

Council's consideration of the s117 Directions is inadequate. It has only identified those that are not relevant or where the proposal is consistent (the proposal is not considered inconsistent with any Directions). It has not provided any discussion about why the proposal is consistent with the relevant Directions.

Council has identified that Direction 2.3 Heritage Conservation applies and that the proposal is consistent. It has not provided any assessment as to whether the proposal to permit a Hospital on the subject land will impact on the two adjoining heritage items (being St Jude's Anglican Church Group or Eldon Cottage) and the Bowral Conservation Area that it is located within.

While it is acknowledged that heritage issues would be considered in detail in any development assessment, Council should be required to undertake an initial assessment of the proposal against the local heritage items and the conservation area prior to public exhibition. This assessment should be used by the Council to determine whether the proposal is consistent or inconsistent with s117 Direction 2.3. If inconsistent the Council would then need to satisfy the Director General that the proposal is acceptable.

Council has identified that the proposal is consistent with Direction 3.1 Residential Zones. If the Director-General issues a Gateway Determination supporting the Department's recommended Option 4 (to rezone the subject land to SP1 Special Activities - Hospital) rather than Council's proposed Option 1 to amend Schedule 1 of the LEP, then the Director-General will need to approve the inconsistency of the Planning Proposal against this s117 Direction. The inconsistency is considered to be minor in nature.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment :

However, the Recommendation to the Panel will involve the preparation of a different map amendment to the zoning map.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment :

Council is proposing to publicly exhibit for 28 days.

Additional Director General's requirements

Are there any additional Director General's requirements? **Yes**

If Yes, reasons : **Council should undertake a heritage assessment to consider the potential impact of the proposed development on the adjoining heritage items and the applicable heritage conservation area and consistency with the s.117 Direction.**

Overall adequacy of the proposal

Does the proposal meet the adequacy criteria? **Yes**

If No, comment : **The majority of the Planning Proposal is adequate and has provided sufficient detail to enable it to proceed to the Panel for consideration. Council could have considered additional options for achieving the desired objective and more adequately addressed the s117 Directions.**

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation to Principal LEP : **Council's Principal LEP was notified in 2010.**

Assessment Criteria

Need for planning proposal : **The subject land is currently zoned R2 Low Density Residential with a minimum lot size of 2,000sqm. The subject land is a total of 6,298sqm and located in a R2 zoned area.**

A 'hospice' is included in the definition of a 'Hospital'. 'Hospitals' are prohibited in the R2 zone and R2 is not a prescribed zone within the Infrastructure SEPP for 'Health Services Facilities'.

To enable this development on this site, the zoning or Schedule 1 of the LEP must be amended.

Council has proposed two options for permitting the development:

Option 1 is Council's strong preference that Schedule 1 of the Wingecarribee LEP 2010 be amended to permit the development on the subject land.

Option 2 is that the subject land be rezoned to R3 Medium Density Residential that does permit Hospitals with consent. However, Council does not favour this option as if the development did not proceed for any reason, the development of medium density units in the area would not be in keeping with the Council's strategic direction or the character of the neighbourhood.

There are other options that Council has not identified that can be considered. These include:

Option 3, rezone the subject land R1 General Residential and permit hospitals with consent. This zone is not currently in the LEP and the introduction of a new zone in the LEP is considered to be a complicated way to permit a single use on a single site. Additionally, it is unclear whether Council would support the introduction of this zone in this locality as the Standard Instrument requires that 'Multi dwelling housing' be permitted with consent. If the Hospice development did not proceed, this zoning could potentially result in up to 12 dwellings (a consent currently exists for a 4 lot subdivision). For these reasons this option is not favoured.

Option 4 is to rezone the subject land SP2 Special Infrastructure and identify that 'Hospitals' are permitted on the site. This is the preferred option. This option would require the amendment of the Land Zoning Map LZN_007F to rezone the subject land from R2 to SP2.

It should also be noted that the nearby Bowral Hospital is currently zoned SP2 Infrastructure - Health Services Facility, therefore, this proposal would be consistent with a nearby similar facility.

Consistency with strategic planning framework :

The proposal is not inconsistent with the strategic planning framework.

Environmental social economic impacts :

The proposal would have positive social impacts by providing a facility for the palliative care of 10 in-patients. This will potentially free up beds in the nearby Bowral Hospital as no such facility currently exists in Bowral.

It will create additional employment opportunities.

Assessment Process

Proposal type : **Routine** Community Consultation Period : **28 Days**

Timeframe to make LEP : **12 Month** 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 : **Subject to the appropriate conditions, the proposal should proceed.**

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

Heritage

If Other, provide reasons :

Council has not requested to use its delegation in this instance, however, given the minor nature of the proposal, it would be appropriate for the Gateway to include approval for Council to use delegation to complete the process.

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
PP Letter - Hospice, Edward St.pdf	Proposal Covering Letter	Yes
Planning Proposal - Hospice.pdf	Proposal	Yes

Council report - Hospice, Edward St.pdf	Proposal	Yes
Resolution - Hospice.pdf	Proposal	Yes
Draft Map Sch1 - Hospice.pdf	Map	Yes
s.117 Directions - Hospice, Edward St.pdf	Proposal	Yes
Zoning Map - Hospice Bowral.pdf	Map	Yes
SCA Response - hospice.pdf	Proposal	Yes

Planning Team Recommendation

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

S.117 directions:

- 2.3 Heritage Conservation
- 3.1 Residential Zones
- 3.4 Integrating Land Use and Transport
- 5.1 Implementation of Regional Strategies
- 5.2 Sydney Drinking Water Catchments
- 6.1 Approval and Referral Requirements
- 6.3 Site Specific Provisions

Additional Information : It is recommended that the delegate of the Minister for Planning and Infrastructure determine under section 56(2) of the EP&A Act, that an amendment to the Wingecarribee LEP 2010 to rezone Lot 2, DP 587573, 11 Edward Street, Bowral to SP2 Infrastructure - Hospital should proceed subject to the following conditions:

1. Prior to public exhibition, Council should undertake an assessment of the impact of the proposal on the Bowral Heritage Conservation Area and the adjoining heritage items. This assessment should be included in the public consultation material and be used to consider whether the proposal is consistent with s117 Direction 2.3. If Council considers that the proposal is inconsistent with S.117 Direction 2.3 it would need to satisfy the Director General that the proposal is acceptable.
2. Prior to public exhibition Council should be requested to provide the Director-General with a project timeline. It should ensure the project timeline and appropriate maps are included in the planning proposal that is publicly exhibited.
3. Community consultation should be undertaken for a minimum of 28 days under section 56(2) of the EP&A Act. Consultation with specific agencies is not required.
4. No public hearing is required to be held into the matter 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.
5. The timeframe for completing the LEP is to be 12 months from the week following the date of the Gateway Determination.
6. Council be offered the Minister's plan making delegation under sections 59(2),(3)&(4) of the EP&A Act.
7. SECTION 117 DIRECTIONS - It is recommended that:
 - (a) The Director General can be satisfied that the Planning Proposal is consistent with all relevant s117 Directions except for Direction 2.3 Heritage Conservation, and
 - (b) Council will need to satisfy the Director-General that the proposal is consistent with s117 Direction 2.3 Heritage Conservation or justify any inconsistency prior to finalising the draft plan under section 59 of the EP&A Act, and
 - (d) no further consultation or referral is required in relation to s117 Directions (other than Direction 2.3 Heritage Conservation).
8. The planning proposal is considered to be consistent with all relevant SEPPs.

Community Hospice, 11 Edward St, Bowral

Supporting Reasons : The proposal to permit a hospice on the subject land has merit and should proceed to public exhibition. However, Council has not yet demonstrated that s117 Direction 2.3 Heritage Conservation has been adequately considered and a heritage study is required. This issue does not prevent Council from utilising its delegation.

Signature:

Graham Towers A/Local Planning Manager

Printed Name:

Graham Towers

Date:

24/1/13

