



AGENDA FOR THE ORDINARY MEETING OF COUNCIL

held in the Council Chamber, Civic Centre, Elizabeth Street, Moss Vale
on Wednesday, 28 November 2012

V-CS2 PLANNING PROPOSAL TO PERMIT THE DEVELOPMENT OF A COMMUNITY HOSPICE ON LOT 2 DP 587573, 11 EDWARD STREET BOWRAL.

Reference: File No 5901, PN 467200
Responsible Officer: Manager Strategic and Assets

PURPOSE

The purpose of this report is to present to Council a Planning Proposal Submission to amend Wingecarribee Local Environmental Plan 2010 (WLEP 2010) to permit the development of a Community Hospice on Lot 2, DP 587573, 11 Edward Street, Bowral adjoining St Simon and St Judes Church Bowral.

SUMMARY

A request has been received from the Southern Highlands Community Hospice Inc by letter dated 25 September 2012 (Attachment 1) to undertake a planning proposal to allow the establishment of a Community Hospice on vacant land owned by St Simons and St Judes.

The subject site is zoned R2 Low Density Residential under WLEP 2010 with a minimum lot size of 2,000m². The area of the site is 6,298m². The site is surrounded on all sides by R2 Low Density Residential land which has a minimum lot size of 2,000m². The majority of adjoining lots are occupied with single detached dwellings with the exception of the St Simon and St Judes Church grounds adjoining the north western corner of the site.

Development Consent for the purpose of a 4 lot subdivision was granted by Council on 8 June 2011 over the subject lot.

Under the provisions of Wingecarribee LEP 2010, a Hospice fits within the definition of a Hospital. The current zoning of the site R2 Low density Residential prohibits hospitals therefore a Planning Proposal is required to amend the provisions of the Wingecarribee LEP 2010 to make such a development permissible on the site.

It is recommended that Council proceed with the preparation of a Planning Proposal to enable the establishment of a Hospice on the subject land and that it be submitted to the Department of Planning and Infrastructure for a Gateway determination to proceed.

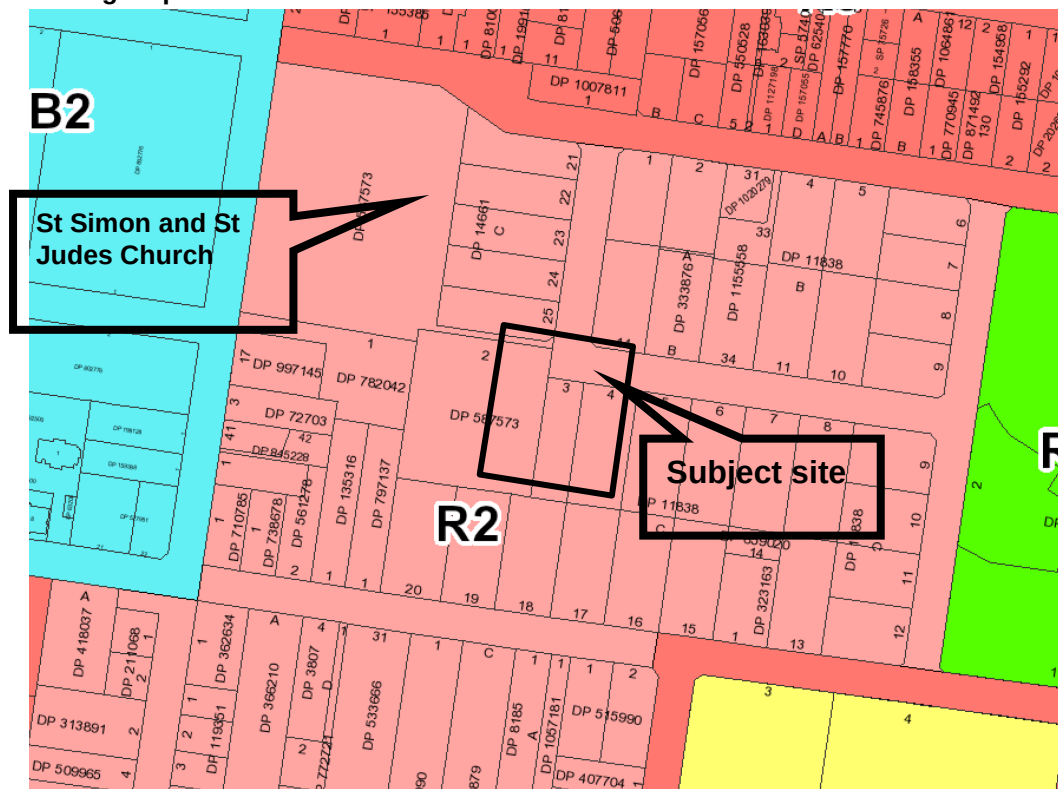
DESCRIPTION OF PROPOSAL

Background

The subject site is owned by St Simons and St Judes Church and is vacant of any buildings. In the past the site was used as an overflow play area for Bowral Public School for many years during weekdays and on weekends is used by parishioners attending church services at the nearby Church and on various other occasions.

The property is known as Lot 2, DP 587573, 11 Edward Street, Bowral and is identified in both the zoning map extract aerial photograph below. The property is zoned R2 Low Density Residential with a minimum lot size of 2,000m². The area of the property is 6,298m². The site is surrounded on all sides by R2 Low Density Residential land which has a minimum lot size of 2,000m². The majority of adjoining lots are occupied with single detached dwellings with the exception of the St Simon and St Judes Church grounds adjoining the north western corner of the site. It is noted that the church and adjoining properties fronting Bendooley Street are listed as heritage items under Wingecarribee LEP 2010.

Zoning Map



Aerial Map

The ERF Hospice Foundation Ltd has now completed the purchase of the subject site.

The proposed development will facilitate a single storey building accommodating up to 10 in-patient beds and ancillary services. On-site parking is proposed to be accommodated within a basement to the building with lift access. This will enable the majority of the site to be landscape with gardens and outdoor quiet areas.

Should the Planning Proposal be supported by Council and the Department of Planning and Infrastructure leading to changes to the Wingecarribee LEP 2010, the next step in the development process will be a land use application which will include detailed designs for assessments and public comment.

STATUTORY ASSESSMENT

Wingecarribee Local Environmental Plan 2010 (WLEP 2010)

The subject site is zoned R2 Low Density Residential under WLEP 2010 with a minimum lot size of 2,000m².

Under the provisions of Wingecarribee LEP 2010, a Hospice fits within the definition of a Hospital. The current zoning of the site R2 Low density Residential prohibits hospitals therefore a Planning Proposal is required to amend the provisions of the Wingecarribee LEP 2010 to make such a development permissible on the site.

In terms of amending the Wingecarribee LEP 2010, there are 2 options

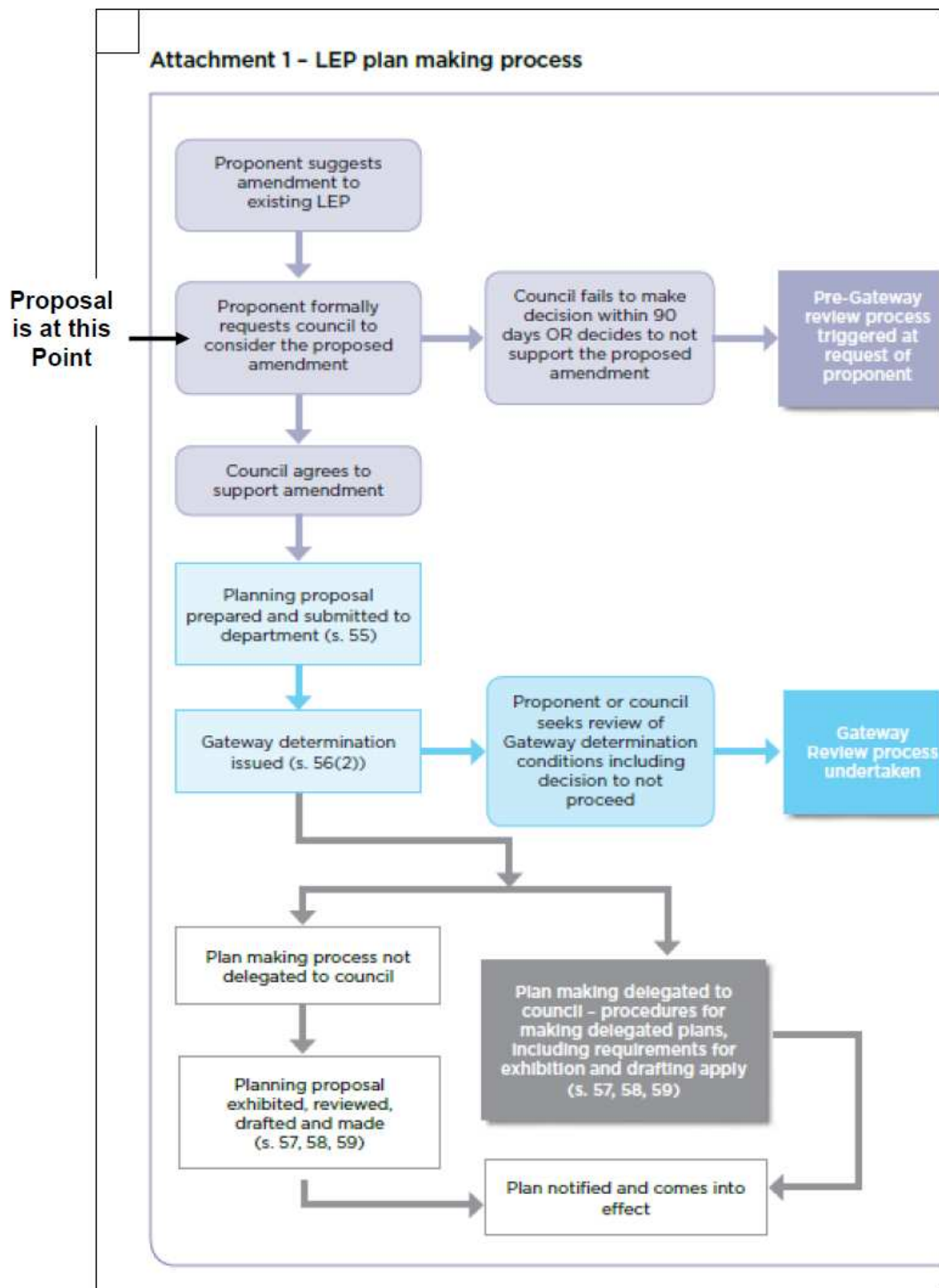
1. Include the details of the subject site in Schedule 1 WLEP 2010 which lists properties with additional permitted uses.

Comment: This is the preferred option as the R2 Low Density Residential Development zone is retained and the only permissible additional use for the site would be the Hospice. In the past the Department of Planning and Infrastructure has been reluctant to support the use of Schedule 1 and will only do so as a last resort.

2. Change the zoning of the site to R3 Medium Density Residential

Comment: This option would result in the site being placed in a zone which would allow a significant number of additional land uses such as medium density housing in a location which does not have such development in existence due to the heritage nature of the surrounding area. This may become an issue if the proposal for the Hospice was discontinued for whatever reason and the site was on-sold which could be acquired by a developer and an application for medium density housing could be lodged.

Accordingly, it is recommended that Council support the Planning Proposal option of inserting the subject property into Schedule 1 with an additional use of a Hospice.



The above flow chart illustrates for Council's benefit where the planning proposal is under the LEP making process in accordance with the Environmental Planning and Assessment Act.

Development Control Plans (DCPs)

No DCP assessment is relevant to this Planning Proposal.

State Environmental Planning Policies (SEPPs)

If the Planning Proposal were to proceed, compliance with all SEPPs would need to be demonstrated.

Section 79C (Environmental Planning & Assessment Act 1979) Evaluation

No section 79C assessment is required at this stage.

Relevant State Legislation

No other State legislation is relevant at this stage.

CONSULTATION

Pre-Lodgment Meetings

The proponents first approached Council staff in early 2011 to seek assistance from Council on possible sites, both Council and privately owned, where such a development could be considered. After providing information on a number of sites some of which either required an amendment to the Wingecarribee LEP 2010 and development application or just a development application, the proponents have subsequently settled on the vacant church land.

The matter was considered by the Local Planning Strategy Steering Committee Sunset Working Group on 21 November 2012 including a presentation by the proponents.

Internal Referrals

No internal referrals have been undertaken at this stage pending the confirmation that the Community Hospice had acquired the site and would subsequently go ahead.

Public Participation

No formal public participation has occurred via Council. It is noted that the Southern Highlands Community Hospice (SHCH) has undertaken their own Community Consultation with adjoining landowners. Advice conveyed by the SHCH is that very few concerns have been raised. One issue that has been raised is traffic generation and parking. Should the Planning Proposal proceed and receive a Gateway Determination, a traffic report will be required to be prepared which will formulate part of the exhibition material.

It is further noted that should the Planning Proposal proceed and receive a Gateway Determination from the Department of Planning and Infrastructure, the Determination will specify the length of the exhibition period and with whom.

SUSTAINABILITY ASSESSMENT

• Environment

The proposed use of the site as a Community Hospice is considered to be compatible with the nature of the surrounding developments. The proponents

are proposing to establish a 'homely' environment for people who are nearing the end of their life and their families. The site is on the fringe of the Bowral Commercial Business District and also has other non residential development in close proximity including churches, schools and commercial uses.

- **Social**

The development of a Community Hospice for the Southern Highlands has received widespread support from the residents of the Shire. The establishment of a Hospice will provide residents of the Shire with a facilitate providing full palliative care for end of life. The Shire is experiencing a rapid growth in the aging of the population and such a facility will enable persons nearing the end of their life and their families to receive full care in a tranquil homelike environment as an alternative to hospitalization.

- **Broader Economic Implications**

The establishment of the Hospice will generate further employment opportunities in aged and medical care.

- **Culture**

There are no cultural implications associated with this matter.

- **Governance**

There are no governance implications for Council associated with this proposal.

RELATIONSHIP TO CORPORATE PLANS

Goal 2.3 of the Wingecarribee Community Strategic Plan addresses the desire for Services and facilities to be provided locally to meet the needs of our community.

Strategy 2.3.1 relates specifically the maintenance and provision of strong public institutions and facilities in the district to match the evolving needs of the community.

BUDGET IMPLICATIONS

There are no specific budget implications associated with this Proposal. A Planning Proposal application fee will be required should the Planning Proposal receive a positive Gateway determination from the Department of Planning and Infrastructure should Council resolve to proceed.

RELATED COUNCIL POLICY

There are no related Council Policies other than those already considered.

CONCLUSION

It is concluded the proposed development of a Community Hospice in the community is well recognised and supported. The use of the subject site which is currently vacant and has an approval for a 4 lot subdivision to accommodate potentially 4 single detached residential dwellings will be better served in the community by the development of a Hospice. The site is close to all necessary

services including hospital and medical, retail and community facilities including religious.

It is therefore commended to Council that the Planning Proposal to alter the provisions of Wingecarribee LEP 2010 to enable the establishment of the Southern Highlands Community Hospice be supported.

OPTIONS

Three options are available to Council:

Option 1: Resolve to support the request to prepare a Planning Proposal to amend the provisions of Wingecarribee LEP 2010 to accommodate the establishment of a Community Hospice on the subject site.

Comment: This is the preferred option.

Option 2: Resolve not to support the request to prepare a Planning Proposal on the subject site to accommodate the establishment of a Community Hospice.

Comment: This option is not supported.

Option 3: Council defer the request for further information before making a decision

Comment: This option is not supported as it is considered sufficient information is available at this point in time to seek a Gateway Determination from the department of Planning and Infrastructure to commence the process of assessing the merits of establishing a Community Hospice on the subject site.

ATTACHMENTS

There is one (1) attachment to this report as follows:

Attachment 1: Applicant's Planning Proposal Submission letter.

RECOMMENDATION

1. **THAT** in accordance with Section 55 of the Environmental Planning and Assessment Act 1979 and the Guide to Preparing Local Environmental Plans, Council prepare and lodge with the NSW Department of Planning and Infrastructure, a Planning Proposal to amend Schedule 1 of Wingecarribee LEP 2010 with the inclusion of Lot 2, DP 587573, 11 Edward Street, Bowral for the purpose of a Hospice.
2. **THAT** the applicant be advised of Council's decision.

Voting on the Motion