

Newcastle: Lingard Hospital

Proposal Title : **Newcastle: Lingard Hospital**

Proposal Summary : **Currently zoned IN2 Light Industrial, this land across Merewether Street from Lingard Private Hospital, provides opportunity to expand hospital health services close to the existing complex for efficiency and the convenience of patients and visitors. It allows the ongoing employment function of the land. However, 'health services facilities' are not permissible in the IN2 Light Industrial zone. Hence the planning proposal seeks to rezone the land to B5 Business Development; a zone cited in State Environmental Planning Policy-Infrastructure as a zone within which 'health services facility' is defined as infrastructure and is made permissible even though it is prohibited under the B5 zoning table in the Newcastle Local Environmental Plan**

PP Number : **PP_2013_NEWCA_007_00**

Dop File No : **13/06905**

Proposal Details

Date Proposal Lodged with DOP : **17-Apr-2013**

Date Proposal Uploaded to Public Website : **10-May-2013**

Proposal Assessment

Is Public Hearing Required by PAC? **No**

Agencies Requested to Consult : **None**

Gateway Determination

Decision Date : **28-May-2013**

Gateway Determination : **Passed with Conditions**

Due Date of LEP : **04-Sep-2014**

Implementation

Implementation Start Date : **04-Jun-2013**

Exhibition Duration : **15**

Agency consultation consistent with recommendation : **Yes**

If No, comment :

Agency Objections : **No**

If Yes, comment : **The Mine Subsidence Board was consulted as required by the Gateway. The MSB did not raise any objections to the Planning Proposal. No other objection was received from a public authority in relation to the draft Plan.**

Documentation consistent with Gateway : **Yes**

If No, comment : **DOCUMENTATION CONSISTENT WITH GATEWAY**

Council resolved not to accept the Minister's plan making delegations on 12 March 2013.

The PP will rezone land from IN2 Light Industrial Zone to B5 Business Development Zone to enable the establishment of a health services facility on the land.

PUBLIC PARTICIPATION

The Planning Proposal was exhibited for a total of 14 days in accordance with the Gateway Determination from 24 February to 10 March 2013. Three (3) submissions were received.

Submissions expressed a preference for the site to be zoned B4 Mixed Use based on its proximity to Newcastle city centre. No planning justification was provided and therefore it was not supported as the B4 zone could result in a loss of business uses to housing development. Another submission expressed a requirement to continue light industrial development on an adjacent property. Light industrial is permitted in the B5 zone.

It is considered that Council has adequately justified the B5 zone.

S117 DIRECTIONS AND STATE POLICIES

The Director General's delegate agreed to the minor inconsistency with Direction 4.3 Flood Prone Land as part of the Gateway determination.

The Gateway required s117 Directions 4.2 Mine Subsidence and Unstable Land to be addressed and consultation with the Mine Subsidence Board. The Planning Proposal is consistent with Direction 4.2.

SEPP 55 – Remediation of Land – The Gateway required that a contamination investigation report be prepared prior to exhibition because the site contains a fuel storage area. A Stage 1 Preliminary Site Investigation prepared by Douglas Partners found that the rezoning would not increase risk to health given that it does not introduce more sensitive land uses. The report recommends that should development consent be sought for sensitive uses such as child care centre, then Stage 2 Detailed Site Investigation will be required. As required by SEPP 55, it is considered that the land is suitable after remediation for the purposes permissible in the B4 zone.

4.3 Flood Prone Land – the PP is consistent with Direction 4.3 as it is consistent with the Flood Planning Manual and the PP is rezoning existing IN1 zoned land. BMT WBM Pty Ltd prepared a letter report containing a high level review associated with flooding and identified the land as a flood storage area. The review recommended limitations to future development in order to avoid risk. The Planning Proposal is consistent with all other Ministers S117 Directions and State policies.

MAKE THE PLAN

A PC Opinion was issued on 12 September 2014. Council was consulted in accordance with s59(1) and accepted the drafting of the instrument.

PARLIAMENTARY COUNSEL OPINION

Legal drafting of the instrument was requested on 30 June 2014 and the PC Opinion was issued on 12 September 2014. There has been no change to the draft instrument since the PC Opinion was issued.

Council was formally consulted on the draft LEP pursuant to s59(1) of the EP&A Act on 9 September 2014. Council agreed with the instrument on 10 September 2014.

LEP Assessment

Date Received from RPA : **26-Jun-2014**

LEP Determination

DatePublishNotification

Date sent to Parliamentary Council to Draft LEP : **27-Aug-2014**

Determination Date :

Determination Decision :

Notification Date :