

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 Planning **17-Apr-2013**

Proposal Received :

LGA covered :

Newcastle

Region : **Hunter**

RPA :

Newcastle City Council

State Electorate : **NEWCASTLE**

Section of the Act :

55 - Planning Proposal

LEP Type : **Spot Rezoning**

Location Details

Street : **Merewether**

Suburb : **Merewether**

City : **Newcastle**

Postcode : **2203**

Land Parcel : **Lots 1 to 11 SP 48635, Lots 3 and 10 in Section 3 of DP 111239, Lots 1 and 2 DP 198946, Lots 1 and 4 DP218920, Lot 7 DP 741487, Lot1564 DP 775503, and Lots 1to 3 DP 1027546**

DoP Planning Officer Contact Details

Contact Name : **Ken Phelan**

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RPA Contact Details

Contact Name : **Judy Jaeger**

Contact Number : **0249742000**

Contact Email : **jjaeger@ncc.nsw.gov.au**

DoP Project Manager Contact Details

Contact Name :

Contact Number :

Contact Email :

Land Release Data

Growth Centre :	N/A	Release Area Name :	N/A
Regional / Sub Regional Strategy :	Lower Hunter Regional Strategy	Consistent with Strategy :	Yes
MDP Number :	0	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 :	1,744.00	No of Jobs Created :	70

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 :

External Supporting Notes :

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

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

Comment : **To enable the establishment of a health services facility on land east of the existing Lingard Private Hospital in Merewether and provide for a range of business land uses on the land.**

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

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

Comment : **1. Amend the Land Zoning Map from IN2 Light Industrial Zone to B5 Business Development Zone.
2. Amend the Height of Building Map to include a maximum height of 10 metres.
3. Amend the Floor Space Ratio (FSR) Map to include a maximum FSR of 0.9.
It is noted that, as a non-residential precinct, the site is not currently assigned FSR's or height of building maxima.**

Justification - s55 (2)(c)

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

b) S.117 directions identified by RPA :

1.1 Business and Industrial Zones

2.1 Environment Protection Zones

* May need the Director General's agreement

4.1 Acid Sulfate Soils

4.2 Mine Subsidence and Unstable Land

4.3 Flood Prone Land

5.1 Implementation of Regional Strategies

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

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

d) Which SEPPs have the RPA identified?

SEPP No 44—Koala Habitat Protection

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

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

If No, explain :

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment :

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment :

Line-of-Sight:

As the future value of the land to be acquired depends on the SEPP Infrastructure rather than the B5 Business Development Zone, it would be appropriate for all existing owners and occupiers of the land to be advised of the sources of permissibility of future land uses in the interests of transparency and full public disclosure. In this regard Council could be advised to notify all existing owners and occupiers of the content and progression of the Planning proposal.

If the mechanism of rezoning to trigger SEPP Infrastructure is clarified to the community and existing owners and occupiers a 14 day period of public exhibition is considered sufficient.

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 :

Proposal Assessment

Principal LEP:

Due Date :

Comments in relation to Principal LEP : **Newcastle LEP, 2012 was Gazetted on 15 June, 2012**

Assessment Criteria

Need for planning proposal :

Lingard Private Hospital, across Merewether Street from the Planning Proposal, is built out to its boundaries as well as occupying a range of domestic-scale premises in nearby streets. The urban form of this beachside suburb and its desirable residential image would not be compatible with the hospital developing skywards.

The Planning Proposal states:

'Council has previously approved a number of development application for alterations and additions to the existing Lingard Private Hospital. As a consequence the existing site has exhausted its capacity to re-develop the existing hospital any further, however demand for increased and improved health services has dictated the hospital's current need to seek out additional land on which to expand their health services.

Medical facilities are prohibited within the current IN2 Light Industrial zoning of the land. However medical facilities are also prohibited within the proposed B5 Business Development Zone. Hospital and medical centre are separately defined but neither are listed as being permissible with consent in the B5 Zone. The applicant therefore intends to rely on the State Infrastructure SEPP which allows private (and public) medical facilities within the B5 Zone.

While the current intention of Lingard Pty Ltd may be to locate its hospital facilities on just 1938m² of the 1.36ha site, the planning proposal is to rezone the entire 1.36 ha street block to B5 Business Development, over which total area the SEPP Infrastructure will permit hospital and medical uses.

Consistency with strategic planning framework :

The proposal is consistent with the Lower Hunter Regional Strategy

Newcastle Urban Strategy:

The proposal addresses a number of objectives for this suburb in the Strategy. The suburb is described as " beach-side character and function as a convenient location offering high amenity, a diversity of housing types with improved local employment opportunities will be consolidated."

Compatibility of Land Uses

Proposed FSR at 0.9 and building height at 10m are compatible with nearby medium density house styles.

Newcastle Draft Urban Renewal Strategy:

The site is 2.8km or 5mins drive from the proposed Newcastle West business node under the exhibited Draft Newcastle Urban Renewal Strategy. The proposed zone could be seen as competing with the Newcastle West revitalisation strategy as similar businesses to those proposed operate in Newcastle's West End precinct and CBD generally. Clearly Lingard Private Hospital is well-established and specialised. The proposal cements its presence in Merewether, however the subject location is just a 2.7km/ 6min. drive from the planned Wickham Transport Interchange.

Relevant s117 directions

4.3- Flood Prone Land

The north-eastern part of the land is classified as 'flood storage area' and so is subject to the requirements of Section 117 Direction 4.3- Flood Prone Land.

The affected area serves as a channel in the charging and discharging of a local small basin in the topography during flood events. With appropriate design, it is considered that development would have a minor impact on the flood storage and drainage functions of the land.

Being 1% flood-affected at between 0.5m to 0.75m (classified flood storage) and Peak Maximum Flood at 1.0m to 1.5m (at least 5.5m AHD), a specialist flood management overview is submitted confirming development feasibility. Expert advice submitted is that an elevated ground-floor or upper floor refuge space will be provided above Peak Maximum Flood.

Minimal change to ground levels combined with building design to accommodate overland flows would ensure minimal impact on the flood function of this localised basin landform.

Council have considered a study into the flooding issue and determined that the matter can be addressed at development application stage. The rezoning of land from IN2 to B5 is not considered to significantly increase the flood risk and therefore any inconsistency is considered of minor significance.

4.2 Mine subsidence and unstable land.

The proposal is located within a mine subsidence district and as such consultation with the mine subsidence board is necessary under this direction.

3.4 Integrating Land Use and Transport

The short-term need is for some 1744m² of hospital floorspace which at 25m² per worker may generate about 70 jobs. If the whole street block was to be developed for a medical cluster at this employment density the upper range of jobs generated could be around 540 jobs. This demonstrates the need for a traffic and transport study at the development application stage.

On-street parking is an issue in streets surrounding Lingard Hospital during business hours.

Six bus stops are within 100m of the site. 'The Junction' district centre is 250m north-east of the site. The suburb's street-grid and traffic management are generally conducive to active transport.

The proposal is considered consistent with Section 117 Direction 3.4 Integrating Land Use and Transport because it seeks only to rezone the land. However further transport assessment at the development application stage is required.

Relevant SEPP's

It is noted that while SEPP 44 is applicable statewide, there is no Koala habitat involved in this fully developed street block.

Discussion regarding the role of SEPP Infrastructure 2007 in this proposal is discussed elsewhere within this report.

Environmental social
economic impacts :

Transport Infrastructure

On-street parking is a problem in streets surrounding Lingard Hospital. It is noted that some existing non-hospital uses also contribute to this.

Six bus stops are within 100m of the site. The Junction Shopping Centre is 250m north-east of the site. The suburb's street-grid, topography and traffic management are generally conducive to active transport.

A transport study commensurate with the scale of potential development is needed towards maximising use of public and active transport modes.

Environmental Impacts

The PP offers the prospect of activities more compatible with a residential area in terms of industrial process noise/ fumes, traffic type and urban/ built form and flood-sensitive planning. As a mixed commercial/ light industrial street block with some conflicting uses such as workshops surrounded by low and medium density beachside housing, there would be noise and traffic benefits in medical uses.

Negative effects could be exacerbated on-street parking, increased volumes of light-vehicle traffic, increased pedestrian-vehicle conflict and greater spread of operating hours.

The proposed FSR of 0.9 and maximum height of building of 10m are compatible with surrounding development and applicable codes.

Social Impacts

Positive social impacts may be increased client convenience in accessing a range of medical services in a cluster as well as the cluster being closer to bus services; but further from rail stations than existing services operating in Newcastle's West and Civic precincts. The cluster may provide new job opportunities if new tests, procedures or remote patient monitoring are offered- otherwise jobs may simply be displaced from elsewhere.

Economic Impacts

Higher employment densities are likely, better utilising the same area of employment lands

Synergies amongst a cluster of medical services are likely to capture greater market share for service providers, reduce costs and increase profitability.

Lunchtime and after-work stimulus to The Junction shopping/ business centre from medical workers and throughout the day from patients and visitors/ carers may result. It is noted that the B5 zone would not enable CBD core functions to be internalised.

Appreciation of house prices and increased returns on rental properties may be offset by

rental increases and reduced affordability.

Assessment Process

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

Timeframe to make LEP : **12 Month** Delegation : **DDG**

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. :

Other - provide details below

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 - Mitchell_Lingard_Merewether Streets Merewether.pdf	Proposal	Yes

Planning Team Recommendation

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

S.117 directions: **1.1 Business and Industrial Zones**
2.1 Environment Protection Zones
4.1 Acid Sulfate Soils
4.2 Mine Subsidence and Unstable Land
4.3 Flood Prone Land
5.1 Implementation of Regional Strategies

Additional Information : **That the Planning Proposal proceed through the Gateway subject to conditions:**

1. Existing owners and occupiers be notified of the content and progression of the planning proposal through the Gateway, of its exhibition period and venues as well as the mechanism of SEPP-Infrastructure by which the land is intended to transition to

increased medical use.

2. 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 classified as low impact as described in A Guide to Preparing LEPs (Department of Planning & Infrastructure 2013) and must be made publicly available for a minimum of 14 days; and
- (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 publicly available along with planning proposals as identified in section 5.5.2 of A Guide to Preparing LEPs (Department of Planning & Infrastructure 2013).

3. 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).

4. The timeframe for completing the LEP is to be 12 months from the week following the date of the Gateway determination.

It is also recommended that the Minister's delegate agree that the inconsistency with S117 Direction 4.3 Flood Prone Land is considered of minor significance.

Council has indicated that it does not want plan-making delegations for this proposal. However, given that the proposal is considered of minor impact there is no reason why Council should not be delegated plan-making functions.

Supporting Reasons :

Lingard Private Hospital, across Merewether Street from the Planning Proposal, is built out to its boundaries as well as occupying a range of domestic-scale premises in nearby streets. The urban form of this beachside suburb and its desirable residential image would not be compatible with the hospital developing skywards.

Medical facilities are prohibited within the current IN2 Light Industrial zoning of the land. However medical facilities are also prohibited within the proposed B5 Business Development Zone. Hospital and medical centre are separately defined but neither are listed as being permissible with consent in the B5 Zone. The applicant therefore intends to rely on the State Infrastructure SEPP which allows private (and public) medical facilities within the B5 Zone.

This will enable existing industrial uses to continue and for the business nature of the area to be retained.

Signature:



Printed Name:

KOFLAHERTY.

Date:

10/5/13