

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

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.

Supporting Reasons :

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.

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.

Panel Recommendation

Recommendation Date : **16-May-2013**

Gateway Recommendation : **Passed with Conditions**

Panel**Recommendation :**

The planning proposal should proceed subject to the following conditions:

1. Council's proposal to rezone the subject land at Merewether to B5 Business Development is supported. However, the permissibility of health service facilities under Newcastle LEP 2012 is to be made consistent with the uses permissibility under State Environmental Planning Policy (SEPP) Infrastructure. Consequently, the planning proposal is to be amended to permit health service facilities within the B5 zone of Newcastle LEP 2012.
2. Council is to ensure that the planning proposal satisfies the requirements of State Environmental Planning Policy (SEPP) 55 – Remediation of Land. If required, Council is to prepare an initial site contamination investigation report to demonstrate that the site is suitable for rezoning to the proposed zone. This report is to be included as part of the public exhibition material.
3. 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).
4. Consultation is required with the Mine Subsidence Board as per the requirements of S117 Direction 4.2 Mine Subsidence and Unstable Land. No other consultation is required under section 56(2)(d) of the EP&A Act. The Board is to be provided with a copy of the planning proposal and any relevant supporting material, and given at least 21 days to comment on the proposal. If necessary, the planning proposal is to be updated to take into consideration any comments made by the Board, prior to undertaking public exhibition.
5. 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).
6. The timeframe for completing the LEP is to be 12 months from the week following the date of the Gateway determination.

Signature:

M. Selman

Printed Name:

MEK Selman

Date:

23/5/13