

## City Strategy Committee Meeting 10 October 2016

---

### 16STRAT038 Planning Proposal - Toronto Road, Booragul

Council Ref: RZ/6/2016 - D07919686

Report By: Strategic Landuse Planner - Angel Troke

#### Précis:

A rezoning proposal has been submitted by Anglican Aged Care to rectify land use zone anomalies affecting their existing aged care facility at 87 and 89 Toronto Road, Booragul. When this proposal was submitted, it was identified that there are also zone anomalies associated with a past proposal for road widening along Toronto Road on privately owned land. This planning proposal includes mechanisms to address both zone anomalies.

This report seeks a resolution of Council to support the preparation of an amendment to Lake Macquarie Local Environmental Plan 2014 and to forward the Planning Proposal to the Department of Planning and Environment (DoPE) for a Gateway determination. The Gateway determination will set the public exhibition period, consultation requirements and timeframes for finalisation of the amendment.

#### Recommendation:

Council:

- A. Supports the preparation of a Planning Proposal to amend *Lake Macquarie Local Environmental Plan 2014 (LMLEP 2014)* to rezone the sites from SP1 Special Activities and SP2 Infrastructure to R2 Low Density Residential, and the removal of an acquisition layer (see Attachment 1).
- B. Requests a Gateway determination from the Department of Planning and Environment, pursuant to the *Environmental Planning and Assessment Act 1979 (EP&A Act 1979)*, in relation to the Planning Proposal.
- C. Requests the use of delegations in respect of the Minister for Planning's plan making function under section 59 of the *EP&A Act 1979* for the Planning Proposal.
- D. Undertakes consultation with State Government agencies and service authorities in accordance with the Gateway determination.
- E. Places the Planning Proposal on public exhibition in accordance with the Gateway determination.
- F. Makes the Plan provided no objections are received during the public exhibition period.

#### Background:

The aged care facility located at 87 and 89 Toronto Road, Booragul is largely zoned R2 Low Density Residential, however there are small areas zoned SP1 Special Activities – Mines and SP2 Infrastructure. The SP2 Infrastructure zone was placed on the property due to a possible road widening proposal, however the acquisition was taken off this property some years ago. The NSW Roads and Maritime Service (RMS) have advised this land is no longer required.

## City Strategy Committee Meeting 10 October 2016

---

The aged care facility is partially located on the land zoned SP1 Special Activities – Mines which does not reflect the current land use. The planning proposal will apply a consistent R2 Low Density Residential zoning for the aged care facility.

Opposite the aged care facility, three residential properties (29 Rens Street, 116 and 118 Toronto Road, Booragul) also contain a small portion of SP2 Infrastructure zoning. As the road widening is no longer proposed, this land will also be proposed to be rezoned to R2 Low Density Residential and the acquisition layer removed.

### **Proposal:**

The proposal is to amend LMLEP 2014 to rezone the subject land from SP2 Infrastructure and SP1 Special Activities - Mines to R2 Low Density Residential to reflect current use of these sites, and to remove the acquisition layer off land no longer required for road widening.

### **Consultation:**

The Planning Proposal was considered by Council's Rezoning Advisory Panel with no objections being raised. The RMS have advised the area zoned SP2 Infrastructure is no longer required for road widening purposes and raised no objection to rezoning these parcels. Further consultation with the community and government agencies would occur in accordance with the Gateway determination.

### **Implications:**

#### ***Policy Implications:***

#### Lake Macquarie Local Environmental Plan 2014 (LMLEP 2014)

The Planning Proposal will rezone the subject land under *LMLEP 2014* from SP1 Special Activities – Mines and SP2 Infrastructure to R2 Low Density Residential.

#### Lifestyle 2030 Strategy

The Lifestyle 2030 Strategy (LS2030) provides the long-term direction for the overall development of the City and is a long-range land use strategic plan and policy document. The proposal is consistent with the Lifestyle 2030 Strategy. The site is within reasonable distance to the Toronto town centre, as well as services and facilities offered in the north of Lake Macquarie LGA (Speers Point and Glendale). The site also has good access to Booragul train station and transport connections.

#### Lower Hunter Regional Strategy (LHRS)

The primary purpose of the LHRS is to ensure that adequate land is available and appropriately located to sustainably accommodate the projected housing and employment needs of the Region's population until 2031. The proposal addresses actions in the strategy as it will help address Sustainability Criteria 1 - Housing Diversity as it assists with providing aged, disabled or affordable housing. The proposed rezoning will confirm the existing use of the site and allow for effective ongoing management for a residential aged care facility that has been on the site for over 40 years.

#### Lake Macquarie Development Control Plan (DCP) 2014

Any new development on the site would need to be consistent with the provisions of the DCP.

#### State Environmental Planning Policies (SEPPs)

## City Strategy Committee Meeting 10 October 2016

---

An assessment of the relevant SEPPs has been undertaken and is provided in the Planning Proposal (see Attachment 1).

### Ministerial Directions

An assessment of the relevant Ministerial Directions has been undertaken and is provided in the Planning Proposal (see Attachment 1).

### ***Environmental Implications:***

The Planning Proposal has minimal environmental implications and the zone changes will reflect the current use of each site.

### ***Social Implications:***

The planning proposal will have minimal social implications. The rezoning however will allow for any necessary upgrades to this aged care facility.

### ***Infrastructure Asset Implications:***

There are unlikely to be any infrastructure implications from this Planning Proposal.

### ***Financial Implications:***

There are no major financial implications resulting from the Planning Proposal. This is an administrative amendment.

### ***Risk and Insurance Implications:***

The risk associated with preparing a Planning Proposal is minimised by following the process outlined in the *Environmental Planning & Assessment Act 1979*, the *Environmental Planning & Assessment Regulation 2000*, and Council's LEP Amendment Procedure.

### **Options:**

1. Council supports the Planning Proposal and adopts the recommendation to pursue an amendment to *Lake Macquarie Local Environmental Plan 2014* to rezone the subject land. This is the recommended option.
2. Council does not support the Planning Proposal and ceases the process. This is not the preferred option as four private properties will continue to be burdened with zoning that does not reflect current circumstances.

### **Conclusion:**

The Planning Proposal seeks an amendment to *Lake Macquarie Local Environmental Plan 2014* to rezone the subject land to reflect the current land use of an aged care centre as well as amendments to remove the road reserve that is no longer required off privately owned residential properties. It is recommended that Council support the Planning Proposal to rezone the subject land.

Manager - Integrated Planning - Sharon Pope

### **Attachments:**

1. Planning Proposal - Toronto Road, Booragul      D07929647

**City Strategy Committee Meeting  
10 October 2016**

---