

Amendment to Lake Macquarie 2004 to permit medical centre & the reclassification of land at Cardiff

Proposal Title : Amendment to Lake Macquarie 2004 to permit medical centre & the reclassification of land at Cardiff

Proposal Summary : The Planning Proposal aims to permit a medical centre and associated car parking at No.52 and part 60 Ada Street, Cardiff, by inserting an additional permitted land use in the LEP schedule. The subject land is currently zoned 6(2) Tourism and Recreation under Lake Macquarie LEP 2004 and medical centres are prohibited.

It is also proposed to reclassify part Part 60 Ada Street from community to operational land, so that the land can be sold to the proponents of the proposed medical centre.

PP Number : PP_2012_LAKEM_010_00 **Dop File No :** 12/16955

Proposal Details

Date Planning Proposal Received :	25-Oct-2012	LGA covered :	Lake Macquarie
Region :	Hunter	RPA :	Lake Macquarie City Council
State Electorate :	LAKE MACQUARIE	Section of the Act :	55 - Planning Proposal
LEP Type :	Spot Rezoning		

Location Details

Street :	No.52 & Part 60 Ada St		
Suburb :	Cardiff	City :	Lake Macquarie
		Postcode :	2285
Land Parcel :			

DoP Planning Officer Contact Details

Contact Name : Trent Wink
Contact Number : 0249042716
Contact Email : trent.wink@planning.nsw.gov.au

RPA Contact Details

Contact Name : Simon Gunasekara
Contact Number : 0249210470
Contact Email : sgunasekara@lakemac.nsw.gov.au

DoP Project Manager Contact Details

Contact Name :
Contact Number :
Contact Email :

Amendment to Lake Macquarie 2004 to permit medical centre & the reclassification of land at Cardiff

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 :		Date of Release :	
Area of Release (Ha) :		Type of Release (eg Residential / Employment land) :	
No. of Lots :	0	No. of Dwellings (where relevant) :	0
Gross Floor Area :	0	No of Jobs Created :	20
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 : Council has resolved to insert medical centres as an additional permitted use in its LEP schedule. Council's decision is not consistent with the Department's Draft Practice Note which discourages the use of additional permitted uses where land use permissibility can be addressed through zones and in land use tables.

It is recommended that medical centres be made permissible in the 6(2) Tourism and Recreation zone (or the equivalent zone under the SI) under Lake Macquarie LEP 2004. The 6(2) Tourism and Recreation zone already permits a broad range of land uses such as clubs, educational establishments, hotels, places of public worship and pubs. The draft SI LEP, currently on exhibition, is primarily a conversion and permits similar land uses in the proposed RE2 Private Recreation zone. If made permissible, the development assessment process will determine whether the proposed development is suitable and this option is considered more transparent than inserting an additional permitted land use in the LEP schedule.

Alternatively, the subject land could be rezoned 2(2) Residential Urban Living, the same as the adjoining zone, which is proposed to be converted to R3 Medium Density Residential under the draft SI LEP. The SEPP (Infrastructure) 2007 permits health services facilities (including medical centres) with development consent on land zoned R3 Medium Density Residential. The draft SI LEP reflects this and permits with consent health service facilities within the zone. If the site is not redeveloped as a medical centre, existing use rights would apply to the existing squash courts and swimming pool.

External Supporting Notes :

Adequacy Assessment

Amendment to Lake Macquarie 2004 to permit medical centre & the reclassification of land at Cardiff

Statement of the objectives - s55(2)(a)

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

Comment : **Council clearly explains its intentions. Council will be advised to combine the two planning proposals (draft amendment No.70 & 73) into one.**

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

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

Comment : **Council has resolved to insert medical centres, a shop (limited to 50m2 GFA) and associated car park, as an additional permitted use in its LEP schedule and to reclassify part of No. 60 Ada Street from community to operational land, so it can be developed as a carpark.**

However this approach is not supported and it is recommended that medical centres be made permissible in the 6(2) Tourism and Recreation zone (or equivalent zone under the SI) under Lake Macquarie LEP 2004. The proposed health food shop with a maximum area of 50sm can be assessed as being ancillary to the medical centre.

Justification - s55 (2)(c)

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

b) S.117 directions identified by RPA :

1.3 Mining, Petroleum Production and Extractive Industries

2.1 Environment Protection Zones

2.2 Coastal Protection

2.3 Heritage Conservation

3.2 Caravan Parks and Manufactured Home Estates

3.3 Home Occupations

3.4 Integrating Land Use and Transport

4.1 Acid Sulfate Soils

4.2 Mine Subsidence and Unstable Land

4.3 Flood Prone Land

4.4 Planning for Bushfire Protection

5.1 Implementation of Regional Strategies

6.1 Approval and Referral Requirements

6.2 Reserving Land for Public Purposes

6.3 Site Specific Provisions

* May need the Director General's agreement

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

c) Consistent with Standard Instrument (LEPs) Order 2006 : **No**

d) Which SEPPs have the RPA identified?

SEPP No 19—Bushland in Urban Areas

SEPP No 55—Remediation of Land

SEPP (Infrastructure) 2007

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

SEPP 55 - Council is satisfied that the site is not contaminated.

SEPP (Infrastructure) - Depending on the panel's decision, the ISEPP may be relevant. If the land is rezoned 2(2) Residential Urban Living or the equivalent R3 Medium Density Residential under the draft SI LEP. The SEPP (Infrastructure) 2007 will permit health services facilities (includes medical centres) with development consent.

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

If No, explain :

The Planning Proposal (reclassification of land at part No.60 Ada Street, Cardiff) requires the Director General's approval under Direction 6.2 Reserving Land for Public Purposes because it is reducing the amount of available public land. Council's Community Planning Department advises that this is surplus land and not required for public use. The western side of No.60 Ada Street is being retained for the future construction of a cycle and pedestrian path along with landscaping. It is recommended that the Director General approves the reduction of land for public purposes.

Amendment to Lake Macquarie 2004 to permit medical centre & the reclassification of land at Cardiff

Council has identified the inconsistency with Direction 6.3 Site Specific Provisions because it has resolved to insert medical centres as an additional permitted use in its LEP schedule. It is recommended that medical centres be listed as a permissible land use in the 6(2) Tourism and Recreation zone. Depending on the Gateway Determination, the D-G's approval may be required for this inconsistency.

Mapping Provided - s55(2)(d)

Is mapping provided? **Yes**

Comment : Council will need to provide a reclassification information map to identify the part of No.60 Ada Street being reclassified.

Community consultation - s55(2)(e)

Has community consultation been proposed? **Yes**

Comment : Support Council's recommendation to exhibit the planning proposal for 28 days.

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 : **December 2013**

Comments in relation to Principal LEP : The draft SI LEP is on public exhibition until 24 December 2012. Expected to be completed by the end of 2013.

Assessment Criteria

Need for planning proposal : **Yes. A planning proposal is required to make the medical centre permissible and to reclassify land.**
Council's planning proposal indicates that a shortage of medical facilities has been identified within the LGA and that this proposal will provide the opportunity for additional facilities.

Amendment to Lake Macquarie 2004 to permit medical centre & the reclassification of land at Cardiff

Consistency with strategic planning framework :

Yes.

The Lower Hunter Regional Strategy (LHRS) and Council's Lifestyle 2020 Strategy promotes the provision of services within close proximity to centres to support the existing hierarchy. The site is surrounded by predominantly residential and recreational land uses and therefore rezoning the land to commercial is not supported.

The site is located within close proximity to the Glendale/ Cardiff emerging major regional centre, and the Main Road renewal corridor identified within the Lower Hunter Regional Strategy. The site is not specifically identified in the LHRS, however Council's assessment of the proposal against the LHRS sustainability criteria demonstrates that the development of a medical centre in this location is appropriate and will improve health services and provide a more efficient use of existing land and infrastructure.

It is recommended that medical centres be made permissible in the 6(2) Tourism and Recreation zone (or the equivalent zone under the SI) because the zone already permits a broad range of land uses such as clubs, educational establishments, hotels, places of public worship and pubs. Medical centres are considered compatible and of less impact than some of the other types of development permitted with consent. An extract of LEP 2004 and draft SI LEP land uses tables are provided as an attachment.

In addition, medical centres are considered appropriate in the 6(2) Tourism and Recreation zone and the equivalent RE2 Private Recreation zone on the basis of the Department's practice note (PN11_002) for the use of SI zones, which permits a range of compatible land uses in this zone. Inevitably the development assessment process will determine whether the proposed development is acceptable.

It should also be noted that the adjoining land is proposed to be zoned R3 Medium Density Residential under the draft SI LEP, with health service facilities permitted with consent. The SEPP (Infrastructure) 2007 permits health services facilities (includes medical centres) with development consent on this land.

Environmental social economic impacts :

Some vegetation is located on the lot 60 and will need to be removed to facilitate the proposed car park. Council indicates that the vegetation is not significant, however it is considered that a flora and fauna assessment will determine whether the proposed redevelopment will have any impact on threatened species.

The Planning Proposal will deliver a net community benefit by providing additional health services within the Lake Macquarie area, whilst enabling the retention of part of an existing recreational facility (squash court component) to continue to be used by the public. Council also advises that the swimming pool will be incorporated into the medical centre as a hydrotherapy pool.

The Subject site is located within a Mine Subsidence District and is mapped as bushfire prone, consultation with the Mine Subsidence Board and NSW Rural Fire Service is required. The Planning Proposal identified existing traffic issues associated with the adjoining intersection with Macquarie Road and it is considered that further consultation with Roads and Maritime Services regarding the proposal is required.

Assessment Process

Proposal type :	Routine	Community Consultation Period :	28 Days
Timeframe to make LEP :	12 Month	Delegation :	DG
Public Authority Consultation - 56(2)(d) :	Mine Subsidence Board NSW Rural Fire Service Transport for NSW - Roads and Maritime Services		

Amendment to Lake Macquarie 2004 to permit medical centre & the reclassification of land at Cardiff

Is Public Hearing by the PAC required? **No**

(2)(a) Should the matter proceed ? **Yes**

If no, provide reasons : **The Planning Proposal should proceed on the basis that medical centres become permissible in the 6(2) Tourism and Recreation zone or the equivalent zone under the SI LEP.**

Resubmission - s56(2)(b) : **No**

If Yes, reasons :

Identify any additional studies, if required. :

Flora

Fauna

Bushfire

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
Draft SI LEP zoning map.pdf	Map	No
Planning Proposal - Permit medical Centres _Amendment No.70_.DOC.pdf	Proposal	Yes
Planning Proposal - Reclassification _Amendment No.73_.DOC.pdf	Proposal	Yes
Lake Mac 6(2) Zone & Draft RE2 Private Recreation zone land use table.docx	Determination Document	No

Planning Team Recommendation

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

S.117 directions:

- 1.3 Mining, Petroleum Production and Extractive Industries**
- 2.1 Environment Protection Zones**
- 2.2 Coastal Protection**
- 2.3 Heritage Conservation**
- 3.2 Caravan Parks and Manufactured Home Estates**
- 3.3 Home Occupations**
- 3.4 Integrating Land Use and Transport**
- 4.1 Acid Sulfate Soils**
- 4.2 Mine Subsidence and Unstable Land**
- 4.3 Flood Prone Land**
- 4.4 Planning for Bushfire Protection**
- 5.1 Implementation of Regional Strategies**
- 6.1 Approval and Referral Requirements**
- 6.2 Reserving Land for Public Purposes**
- 6.3 Site Specific Provisions**

Additional Information : **It is recommended that:**

1. The Planning Proposal be supported, however the additional permitted use is not.

Amendment to Lake Macquarie 2004 to permit medical centre & the reclassification of land at Cardiff

2. Council be advised to make medical centres permissible in the 6(2) Tourism and Recreation zone (or the equivalent zone under the SI) under Lake Macquarie LEP 2004.

3. Council be advised to prepare an information map to identify the land being reclassified at No.60 Ada Street, Cardiff. This will need to be forwarded to the Department when requesting the drafting of the instrument.

4. Council be advised to amend the draft SI LEP zoning map to retain the RE2 Private Recreation zoning for the land being reclassified at No.60 Ada Street, Cardiff.

5. Council be advised to combine the two planning proposals (draft amendment No.70 & 73) into one. This will need to be forwarded to the Department when requesting the drafting of the instrument.

6. Community consultation is required under section 56(2)(c) and 57 of the Environmental Planning & Assessment Act 1979 ('EP&A' Act) as follows:

- (a) the Planning Proposal be made publicly available for 28 days;
- (b) the relevant authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be publicly available along with planning proposals as identified in section 4.5 of A guide to preparing LEPs (Department for Planning 2009).

7. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:

- Mine subsidence Board
- Rural fire Service
- Transport for NSW - Roads and Maritime Services

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning proposal.

8. The Director General (or delegate) approves the reduction of land for public purposes under the Minister's S117 Direction 6.1 Reserving Land for Public Purposes.

9. 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.

10. Compliance with the LEP Practice Note PN 09-003 Classification and reclassification of public land through a LEP.

11. The timeframe for completing the LEP is 12 months from the date of the Gateway Determination.

Supporting Reasons :

It is recommended that medical centres be made permissible in the 6(2) Tourism and Recreation zone (or the equivalent zone under the SI) under Lake Macquarie LEP 2004. The 6(2) Tourism and Recreation zone already permits a broad range of land uses such as clubs, educational establishments, hotels, places of public worship and pubs. The draft Lake Macquarie SI LEP is primarily a conversion and permits similar land uses in the proposed RE2 Private Recreation zone. Medical centres are considered compatible in this zone and of less impact than some the the other types of development permitted with consent. If made permissible, the development assessment process will determine whether the proposed development is suitable.

Amendment to Lake Macquarie 2004 to permit medical centre & the reclassification of land at Cardiff

Signature:



Printed Name:

KOFLAHERTY

Date:

7/11/12