

# **Planning Proposal**

**LAKE MACQUARIE CITY COUNCIL**

**Amendment No. 73**

**To schedule 3 of the Lake Macquarie Local Environmental Plan 2004**

**And**

**To schedule 4 of the Draft Lake Macquarie Local Environmental Plan  
2012**

Subject land:

Lot 21 DP 245962 (60 Ada Street Cardiff)

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## Part 1- Objective of the Planning Proposal

The Planning Proposal seeks to amend Schedule 3 of the Lake Macquarie Local Environmental Plan 2004 (LMLEP 2004), and Schedule 4 of the Draft Lake Macquarie Local Environmental Plan 2012 (Draft LMLEP 2012). The objective is to reclassify part lot 21 DP 245962, 60 Ada Street Cardiff, from Community Land to Operational land. The reclassification will enable sale of the land for a carpark associated with an adjoining proposed Medical Centre at 52 Ada Street, Cardiff.

The subject allotment is currently zoned 6(2) Tourism and Recreation. The Proposal does not seek to rezone any of the land from the current recreation zoning.

## Part 2- Explanation of Provisions

The proposal will amend the LMLEP 2004 and Draft LMLEP 2012 by reclassifying the following parcels from community land to operational land:

Amendment Applies To	Explanation of Provision
Schedule 3 – Reclassification of Community Land to Operational Land	Minor amendments are proposed to the Schedule as follows: <ul style="list-style-type: none"><li>Part lot 21 DP 245962 (60 Ada Street Cardiff)</li></ul>

It is intended that the Planning Proposal will amend Lake Macquarie LEP 2004. However Council is currently preparing a new comprehensive LEP based on the Standard Instrument. Should the Planning Proposal apply to the new comprehensive LEP, the Planning Proposal will result in the following changes to draft Lake Macquarie Local Environmental Plan 2012 (Council's Standard Instrument LEP):

Amendment Applies To	Explanation of Provision
Schedule 4 – Classification and reclassification of public land	The following properties to be reclassified are added to Part 1 of the Schedule: <ul style="list-style-type: none"><li>Part lot 21 DP 245962 (60 Ada Street Cardiff)</li></ul>

## Part 3 – Justification for the Provisions

### Section A - Need for the Planning Proposal

#### 1. Is the planning proposal a result of any strategic study or report?

The Planning Proposal is not the result of a strategic study or report. The Planning Proposal is a minor LEP Amendment to allow for the sale of land to be used as carpark in addition to an adjoining proposed health centre at 52 Ada Street, Cardiff.

The site at 52 Ada Street, Cardiff has been used for the purpose of an indoor recreational facility for the last 30 years, and includes a two to three-storey brick building and car park. The site holds approvals for the following uses:

- Squash courts and attached residence – approved 28 August 1973.
- Indoor swimming pool and table tennis area (plus an additional car park for 36 cars) – approved approximately 1974/1975.
- Coffee lounge – approved 15 April 1977.

The Planning Proposal has been prepared to facilitate the development for a medical facility in a locality where there is a high demand for such facilities but with limited suitable sites. The Planning Proposal is also designed to ensure the continued use of an important recreation facility (squash courts).

#### 2. Is the planning proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

The land at 60 Ada Street, Cardiff, is classified as Community land under the Local Government Act 1993. Community land cannot be sold or leased for any purpose other than a Community use. Therefore, to enable use of the land for carparking associated with the adjoining proposed health centre, the land needs to be reclassified to Operational land under the Environmental Planning and Assessment Act 1979.

As the land was not dedicated to Council in accordance with section 94 contributions, the land cannot be reclassified under the Local Government Act 1993.

#### 3. Is there a net community benefit?

The Planning Proposal will inadvertently deliver a net community benefit by enabling the development of health services within the Lake Macquarie area, whilst enabling the retention of part of an existing recreational facility used by the public.

A net community benefit test is provided in the following table.

Draft Centres Policy Criteria	Comparison against the Planning Proposal
Will the LEP be compatible with agreed State and regional strategic direction for development in the area (e.g. land release, strategic corridors, development within 800 meters of a transit node)?	<p>Yes. The proposal for rezoning is consistent with the strategic directions of the LHRS in particular improving access to employment and health services. The site is located near to the emerging major regional centre of Glendale/Cardiff and the Warners Bay town centre as identified in the LHRS.</p> <p>The proposal will facilitate improved access to health, community, personal and leisure services to support the growing and ageing population within the Lower Hunter.</p> <p>The squash courts in the existing building provide an</p>

	<p>important recreational activity for the community and its retention and continued operation not only supports the vision of overall health and wellness of the proposed development, but also reinforces the need to retain the 6(2) Tourism and Recreation zone.</p> <p>The subject site is serviced by a bus route provided by Newcastle Buses, which connects the site with Glendale, Cardiff (incl. Cardiff Railway Station), Kotara, and Newcastle. The bus trip from Cardiff station is approximately 15 minutes or a 1.7km walk. The site is not located within 800 metres of a transit node. However, there are connections via bus and train in a relatively close proximity. The site is also easily accessible by vehicle.</p>
Is the LEP located in a global/regional city, strategic centre or corridor nominated within the metropolitan strategy or other regional/ subregional strategy?	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 strategy promotes the provision of services within close proximity to centres to support the hierarchy of centres and to reduce the need for people to travel – for this reason other options for amending the LEP have been rejected..
Is the LEP likely to create a precedent, or create or change the expectations of the landowner or other landholders.	Other landholders of 6(2) Tourism and Recreation zoned land may expect that they will be able to undertake similar commercial developments on their land. However, the development is very site specific due to the nature of the development as a current recreational facility and its new use as a Medical Centre with some of the recreation aspects remaining, as well as its location near to Cardiff/ Glendale and Warners Bay. The LEP is unlikely to create or change expectations of the landowner or other landholders.
Will the LEP facilitate a permanent employment generating activity or result in a loss of employment lands?	Yes. The proposed land use will establish a permanent business, and will not result in the loss of employment lands.
Will the LEP impact upon the supply of residential land and therefore housing supply and affordability?	No. The site is currently zoned 6(2) Tourism and Recreation under LMLEP 2004, and is proposed to be zoned RE1 Public Recreation under the Draft Standard Instrument LEP 2012.
Is the existing public infrastructure (roads, rail, utilities) capable of servicing the proposed site? Is there good pedestrian and cycling access? Is public transport currently available or is there infrastructure capacity to support future public transport?	<p>Yes. The subject site is well serviced by major infrastructure and utilities including, roads, rail, water and electricity.</p> <p>The Planning Proposal will not significantly affect the existing road network capacity and function. A Traffic Assessment was prepared by TPK consultants on behalf of the proponent and further details of the results of this are provided later in this Planning Proposal. Consultation with RMS will be undertaken following Gateway Determination.</p> <p>A portion of 60 Ada Street, adjoining Macquarie Road, has been potentially ear marked for inclusion in the current cycleway network and the proponent supports this as it supports their vision of an 'overall health and wellness' centre.</p> <p>Public transport is currently available in the form of a local bus route, which links to larger centres and transport nodes, including Cardiff Railway Station.</p>

<p>Will the Proposal result in changes to the car distances travelled by customers, employees, and suppliers? If so, what are the likely impacts in terms of greenhouse gas emissions, operating costs, and road safety?</p>	<p>The location of the proposal within close proximity to the Glendale/ Cardiff emerging major regional centre, the Warners Bay Town Centre, and residential communities, will not significantly alter car travel distances on average. The provision of this Medical Centre with its varied services, in one location, will reduce the need for people to travel to other locations outside the area.</p>
<p>Are there significant Government investments in infrastructure or services in the area whose patronage will be affected by the Proposal? If so, what is the expected impact?</p>	<p>No. there are no known significant Government investments in infrastructure within the locality whose patronage could be affected by the proposal. The proposal complements Government investment in health and well-being of the community.</p>
<p>Will the proposal impact on land that the Government has identified a need to protect (e.g. land with high biodiversity values) or have other environmental impacts? Is the land constrained by environmental factors such as flooding?</p>	<p>No. the subject land is not considered to contain high biodiversity values.</p> <p>Whilst the subject land is mapped as bushfire prone (bushfire vegetation buffer), and is located within a Mine Subsidence District, the proposal is to facilitate additional uses to the existing building on site, and as such is not considered to be constrained by such environmental factors.</p> <p>The subject site is not considered to have any other significant environmental factors that constrain the development of the land.</p>
<p>Will the LEP be compatible/ complementary with surrounding land uses? What is the impact on amenity in the location and wider community? Will the public domain improve?</p>	<p>Yes. The the adjoining property has been used for the purpose of a recreational facility (squash courts and swimming pool) for approximately 30 years, and has been compatible with surrounding residential, industrial, religious, and other recreational uses, which includes tennis courts, and soccer fields. The proposed health centre, which will continue to operate a recreational use, as well as providing additional health services to the community, will complement, and integrate well with the surrounding uses, particularly residential and other recreational uses.</p>
<p>Will the Proposal increase choice and competition by increasing the number of retail and commercial premises operating in the area?</p>	<p>The proposal will increase availability and choice of much-needed health services within the area.</p>
<p>If a stand-alone proposal and not a centre, does the Proposal have the potential to develop into a centre in the future?</p>	<p>The proposal is a stand-alone development and is not expected to develop into a centre. The subject site is bounded by land zoned 2(1) Residential, 2(2) Residential (Urban Living) and 7(3) Environmental Protection (General). Essentially the site is surrounded by residential development and little to no opportunity for commercial or retail development exists.</p>
<p>What are the public interest reasons for preparing the draft plan? What are the implications of not proceeding at that time?</p>	<p>This planning proposal will facilitate an increase in much needed health care services within the Lake Macquarie area, whilst allowing for retention of an existing recreational land use.</p> <p>Not proceeding with the proposal would delay the provision of much needed, additional health services within the area,</p>

	and result in maintenance of the status quo and the continued under utilisation of the site.
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## Section B – Relationship to Strategic Planning Framework

### **4. Is the planning proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including exhibited draft strategies)?**

A focus of the LHRS is to redirect development in the Lower Hunter towards a future that is sustainable, affordable, prosperous, and liveable; where there is access to quality infrastructure and services, including education and health.

The LHRS notes that an ageing population is one of the 'regional challenges' facing the Hunter:

The Lower Hunter is characterised by a population which is older than, and continuing to age at a rate faster than, the NSW average... projections suggest that a much greater proportion of the population will be ages 65 and over in the future. This has implications for the Region's social diversity and future infrastructure and servicing needs, including health, education, and transport needs.

The site is located within an existing residential area between the emerging major regional centre of Cardiff/Glendale and the Warners Bay town centre. As a result, it is not considered appropriate to rezone the land to a commercial zone and detract from the reinforcement of the nearby town centres. The site is not specifically identified in the LHRS. In saying this, the Planning Proposal is consistent with the strategic directions of the LHRS especially in the provision of and access to health services.

### **5. Is the planning proposal consistent with the local council's Community Strategic plan, or other local strategic plan?**

#### **Lifestyle 2020 Strategy (Draft Lifestyle 2030 Strategy)**

The draft LEP will be consistent with Lake Macquarie City Council's Lifestyle 2020 Strategy and Draft Lifestyle 2030 Strategy. The draft LEP will ensure that land use zones affecting the subject sites are appropriately located and that the land will be given the appropriate classification and use. While incremental, the changes in classifications will contribute to the overall good design and high standard of liveability of the city.

#### Justification

The draft LEP will be consistent with Lake Macquarie City Council's Lifestyle 2020 Strategy, which aims to achieve:

- A city responsive to its environment  
The draft LEP will have little impact on the environment given that the development is proposed in a mostly cleared area.
- A well serviced and equitable city  
The draft LEP will assist in the provision of needed facilities in the area. The reclassification of land will allow Council to appropriately deal with land.
- A well designed and liveable city

The draft LEP will not effect the efficient city design.

- A city of progress and prosperity

The reclassification of land will contribute to the progress and prosperity of the city.

- An easily accessible city

The draft LEP will not degrade the provision of an “easily accessible city”.

**6. Is the planning proposal consistent with applicable state environmental planning policies (SEPPs)?**

SEPPs	Relevance	Implications
SEPP 19 – Bushland in Urban Areas	The SEPP aims to prioritise the conservation of bushland in urban areas, and requires this to be considered in preparing a draft LEP.	The draft LEP does propose to release land for development that currently contains urban bushland. However, the land is already somewhat cleared and the loss of bushland is not significant considering the amount of bushland in the area. The loss would not interfere with wildlife corridors.
SEPP 44 – Koala Habitat Protection	The SEPP aims to provide proper conservation and management of Koala habitat by requiring the identification, conservation, and management of actual and potential Koala habitat.	The draft LEP does not propose to rezone land that would result in a loss of actual or potential Koala habitat.
SEPP 55 – Remediation of Land	The SEPP requires the subject land to be suitable for its intended use in terms of the level of contamination, or where the land is unsuitable due to the level of contamination, remediation measures are required to ensure that the subject land is suitable for its intended use.	<p>The proposal complies with Clause 6(4) of the SEPP in the following ways:</p> <p>(a) The subject land is not in an investigation area;</p> <p>(b) The subject site is not known to have any of the purposes referred to in Table 1 of the contaminated land planning guidelines;</p> <p>The proposal is consistent with this SEPP as the subject site is not known to have any contamination issues.</p>
SEPP 71 – Coastal Protection	The SEPP requires Council to consider whether a draft LEP will	The draft LEP does not propose changes within or near coastal reserves or

	restrict access to, or reduce the amenity of coastal reserves or foreshore areas, including overshadowing, loss of views, or reduction in scenic quality.	foreshore areas.
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**7. Is the planning proposal consistent with applicable Ministerial Directions (s.117 directions)?**

Section 117 Ministerial Directions

The draft LEP must be consistent with the Ministerial Directions under section 117 of the Environmental Planning and Assessment Act 1979, or justify an inconsistency with the Direction. The draft LEP will take into account a number of relevant s117 directions as outlined below.

Ministerial Direction	Relevance	Implications
1.1 – Business and Industrial Zones	Requires that business and industrial lands are maintained and that new zones are established in accordance with strategic policy directions.	The draft LEP does not propose to rezone any lands. The proposal supports the establishment of business in accordance with Council's strategic policies and is <b>consistent</b> with this direction.
2.1 – Environmental Protection Zones	Requires that a draft LEP contain provisions to facilitate the protection of environmentally sensitive land	The draft LEP will alter the permitted use of the land to allow the land to be developed. However, the land is not within an Environmental Protection Zone and is therefore <b>consistent</b> with this direction.
2.2 – Coastal Protection	Requires a draft LEP to include provisions that are consistent with State Government coastal policy documents.	The draft LEP does not propose to rezone any sites within the coastal zone to facilitate residential development. The proposal is <b>consistent</b> with this direction.
2.3 – Heritage Conservation	Requires that a draft LEP include provisions to facilitate the protection and conservation of aboriginal and European heritage items.	There are no locally listed items of heritage significance located on the lands and the proposal is therefore <b>consistent</b> with this direction.
2.4 – Recreation Vehicle Areas	Restricts a draft LEP from enabling of a recreation	The draft LEP will not propose a recreation vehicle area, and is

	vehicle area.	<b>consistent</b> with the direction.
3.1 – Residential Zones	Requires a draft LEP to include provisions that facilitate housing choice, efficient use of infrastructure, and reduce land consumption on the urban fringe.	The draft LEP does not propose changes within residential zones and is <b>consistent</b> with this direction.
3.2 – Caravan Parks and Manufactured Home Estates	Requires a draft LEP to maintain provisions and land use zones that allow the establishment of Caravan Parks and Manufactured Home Estates.	The draft LEP will not affect provisions relating to Caravan Parks or Manufactured Home Estates and is <b>consistent</b> with this direction.
3.3 – Home Occupations	Requires that a draft LEP include provisions to ensure that Home Occupations are permissible without consent.	The draft LEP is <b>consistent</b> with this direction as it will not affect provisions relating to Home Occupations, and will retain the provisions of the principal LEP in this regard.
3.4 – Integrating Land Use and Transport	Requires consistency with State policy in terms of positioning of urban land use zones.	No changes are proposed that will affect land use and transport, the proposal is therefore <b>consistent</b> with this direction.
4.1 – Acid Sulfate Soils	Applies to land that has been identified as having a probability of containing acid sulfate soils, and requires that a draft amendment be consistent with the Acid Sulfate Soil component of the model Local Environmental Plan (ASS model LEP), or be supported by an environmental study.	Lake Macquarie LEP 2004 is consistent with the ASS model LEP. The draft LEP does not propose to alter any of these provisions. The land is not within a potential acid sulfate soils area, therefore the proposal is <b>consistent</b> with this direction.
4.2 – Mine Subsidence and Unstable Land	The direction requires consultation with the Mine Subsidence Board where a draft LEP is proposed for land within a mine subsidence district.	The Mine Subsidence Board will be consulted, as the site is located within a mine subsidence district, pursuant to Section 62 of the Environmental Planning and Assessment Act 1979. The proposal is <b>consistent</b> with this

		direction.
4.3 – Flood Prone Land	Applies where the draft LEP will effect provisions to flood prone land.	The subject land is not identified as flood prone. The proposal is <b>consistent</b> with this direction.
4.4 – Planning for Bushfire Protection	Applies to land that has been identified as bushfire prone, and requires consultation with the NSW Rural Fire Service, as well as the establishment of Asset Protection Zones.	The Rural Fire Service will be consulted, as the subject site is identified as bushfire prone (Vegetation Buffer), it is not anticipated that an Asset Protection Zone will be required . The proposal is consistent with this direction.
5.1 – Implementation of Regional Strategies	The direction requires a draft amendment to be consistent with the relevant State strategy that applies to the Local Government Area.	The Proposal is <b>consistent</b> with the 'vision for the future' of the LHRS to facilitate a development which will provide 'access to quality infrastructure and services, including education and <b>health</b> '. The LHRS states that an ageing population will have 'implications for the Region's social diversity and future infrastructure and servicing needs, including <b>health</b> , education and transport needs', so there is an ongoing need for medical facilities in the region.
6.1 – Approval and Referral Requirements	Prevents a draft LEP from requiring concurrence from, or referral to, the Minister or a public authority.	Referral requirements will be directed by the Department of Planning & Infrastructure as part of the Gateway Determination. The proposal is <b>consistent</b> with this direction.
6.2 – Reserving Land for Public Purposes	Aims to facilitate the reservation of land for public purposes, and to facilitate the removal of such reservations where the land is no longer required for acquisition. A Council must seek the Minister's or public authority's agreement to create, alter or reduce existing zonings or	This direction is relevant to all reclassification proposals. Council is proposing to reclassify community land to operation land.  In accordance with this direction, consultation with the Director – General shall occur. It is Council's opinion that the

	reservations in an LEP. A Council can also be requested to rezone or remove a reservation by the above.	reclassification is of minor significance and the proposal is therefore <b>consistent</b> with this direction.
6.3 – Site Specific Provisions	The direction requires that a draft LEP make use of existing land use zone categories and not introduce additional controls.	The draft LEP does not propose to implement provisions in addition to those already existing within Lake Macquarie LEP 2004 or the Draft Lake Macquarie LEP 2012, the proposal is therefore <b>consistent</b> with this proposal.

Section C – Environmental, Social and Economic Impact

**8. Is there any likelihood that critical habitat or threatened species, populations or ecological communities, or their habitats, will be adversely affected as a result of the proposal?**

The subject site is not known to contain any critical habitat or threatened species, populations or ecological communities, or their habitats. The part of the site which utilises 60 Ada Street to provide car parking, will involve the potential removal of some trees, however, these trees have not been identified as having a high biodiversity value.

The Proposal will not impact on animals (within the meaning of the Threatened Species Conservation Act 1995) and plants (within the meaning of that Act), and their habitats. Part of the subject site is identified on Council’s Native Vegetation and Corridors Map, but only as partially cleared remnant native vegetation’

**9. Are there any other likely environmental effects as a result of the planning proposal and how are they proposed to be managed?**

A summary of the environmental issues is provided below. Further investigation into these will be undertaken after the Gateway Determination if required.

Hydrology, Water Quality, and Flooding

The site is not affected by any issues relating to hydrology, water quality and flooding.

Traffic

A Traffic Impact Assessment was undertaken by TPK Traffic Management and Safety Consultants on the potential implications of the proposed development. The assessment concluded that the additional volume of traffic created by the future proposed development, would not be significant enough to warrant this project being held accountable for the total cost of intersection improvements.

The traffic assessment noted that the existing traffic demands at the intersection create an unacceptable delay on the side streets. While the proposed future development will increase traffic demand, it is considered that the worst case peak hour generation would be between 25-30 trips; these trips would be heavily biased to inwards in the am peak.

There are a number of potential development projects that have already been assessed in the precinct that will impact the intersection performance of Macquarie Road, Ada Street and Wentworth Roads, Cardiff.

Councils Traffic Engineers have advised that it will be likely that a revised intersection count and analysis will be required for the Development Application. This will need to include analysis for ten years after the development is operational.

Further consultation with Roads and Maritime Services (RMS) will be conducted as part of the Planning Proposal and following Gateway determination.

#### Contamination

There are no known contaminants on the site and the subject land has not previously been used for any of the purposes outlined in Table 1 of the contaminated land planning guidelines. The existing building on the site will facilitate the medical centre and continued use of the squash courts, no further buildings are proposed. The required car parking to facilitate the development will be predominantly located on land that is mostly cleared with grass and a few trees, there is no known previous development on this area.

#### Noise

There are no anticipated noise impacts associated with the planning proposal. Vehicular traffic will be restricted to business hours aside from the patronage of the squash courts which is an existing use at the site.

#### Visual

Under the LMCC Scenic Quality Guidelines 2004, the subject site has a medium scenic quality rating and high viewing level. The building that is to be for the development already exists and therefore there will be a minimal impact on the visual landscapes of the proposal.

To mitigate the visual impact of development, any future DA will need to provide a Landscape Plan and demonstrate that the design achieves integration with surrounding land uses and built form. It is anticipated that any physical changes to the buildings exterior will positively affect the visual landscape. A vegetated buffer is proposed for the Macquarie Road boundary of the subject site to improve the visual impact of the car park.

#### Bushfire

The site is identified as Bushfire prone land and consultation with the NSW Rural Fire Service will be undertaken following Gateway determination.

#### Geotechnical

The site is not identified as having any significant geotechnical constraints. The subject site is however, located within a Mine Subsidence district and consultation with the Mine Subsidence Board will be undertaken following Gateway determination.

#### Heritage

The site does not contain and is not within proximity to any known heritage or Aboriginal heritage items.

### **10. How has the planning proposal adequately addressed any social and economic effects?**

The two main social and economic effects of the Proposal are the need for medical services and the potential loss of recreational land and community land. These impacts are outlined in more detail below.

#### Medical services

The proposal is expected to deliver a net social and economic benefits, by facilitating the retention of an existing recreational use within the Lake Macquarie area, whilst also contributing to an increase in much needed integrated health care services for the community, and generating increased employment opportunities compared to the current employment provided by the existing facility.

The location of the proposal near to the Cardiff/Glendale emerging major regional centre and the Warners Bay town centre will provide the community with greater access and the reduced need to travel outside of the area.

The proposal also integrates the continued operation of the existing squash courts that currently operate in the building. This will continue to provide the community with access to this activity and exemplifies the proposals willingness to be an 'overall health and wellness' centre.

### Recreational and Community Land

Whilst the proposal will facilitate the changing of the existing use of the building on the subject site, as mentioned above, the squash courts will continue to operate. The swimming pool will also remain in operation, but only for staff and patients usage, however this rehabilitation facility provides an essential service for the community and will provide a strong social benefit as part of the proposal.

While the bulk of the land to the east of the subject site (currently 60 Ada Street) is intended to provide car parking to support the proposed development, the reduction of available community land will not have significant impacts on the community. This land is not currently utilised by the community or for the community, and there are no current plans for this to occur, particularly due to its location near to the busy Macquarie Road. Currently, 60 Ada Street is not utilised for any purpose other than over flow car parking for various activities. As part of the proposal, the proponent has indicated support for part of the land to be dedicated as a cycleway as there total land required for the car parking does not fill the entire area of 60 Ada Street. This provision will provide further benefit to the community.

If required by the DoPI a Social Impact Assessment can be undertaken following the Gateway Determination.

### Net Benefit

The proposal aims to provide a health centre that will help meet current and future health needs by providing integrated healthcare for individual clients, community, and professional education, with a primary focus on preventative health care.

The proposal will provide the opportunity to expand community services that are lacking at present. Services such as a health store, organic café, rehabilitation gyms and hydrotherapy services. The development of this facility will regenerate what is currently an underutilised recreational facility for the community.

The location of this development also provides benefit for the community, as it is centrally located between a number of key town centres in the Lake Macquarie LGA. This also for greater access to health services for the community.

In this instance, it is considered that the community benefit resulting from the LEP amendment to enable the development of a Health Centre outweighs the change of use of recreation and community land.

## **11. If the provisions of the planning proposal include the extinguishment of any interests in the land, an explanation of the reasons why the interests are proposed to be extinguished.**

- There is no public reserve status on the land.

- The caveat K200000P regarding public reserves needs to be extinguished as it is not relevant to the land.
- The covenant C514088 is a Memorandum of Transfer and relates to the land before it was subdivided, mostly concerning fencing, and is no longer relevant. Therefore it needs to be extinguished.

#### Section D – State and Commonwealth Interests

##### **12. Is there adequate public infrastructure for the planning proposal?**

The site is already serviced by all essential infrastructure including electricity, water and sewer. The anticipated development of the site is not expected to warrant significant upgrades to existing public infrastructure.

It is not anticipated that the Proposal will significantly influence the existing levels of service and capacity of the local road network. The Roads and Maritime Service (RMS) will be consulted if requested by the DoPI.

##### **13. Details of the community consultation that is to be undertaken on the planning proposal.**

Council proposes that the planning proposal be exhibited consistent with the requirements of section 57 of the Environmental Planning and Assessment Act 1979 (EP & A Act) and section 29 of the Local Government Act 1993 and/or any other requirements as determined by the Gateway under section 56 of the E P & Act.

Limited consultation with State and Commonwealth public authorities has been undertaken to date. It is considered that the following consultation with state authorities is required prior to public exhibition of the Planning Proposal:

- NSW Rural Fire Service
- Mine Subsidence Board
- Roads and Maritime Services
- Minerals DPI
- Transport NSW

No community consultation has been undertaken so far, except in the case where directly adjacent land owners have been notified. No submissions regarding the proposal have been received. Subject to the gateway determination, it is proposed that a 28 day exhibition be undertaken, and a public hearing.

##### **14. The concurrence of the landowner, where the land is not owned by the relevant planning authority.**

Lake Macquarie City Council is the owner of the subject parcel of land.