

Planning Proposal – 52 and 60 Ada Street Cardiff

Draft Amendment No. 70 to Lake Macquarie Local Environmental Plan (LMLEP) 2004

Local Government Area:	Lake Macquarie City Council (LMCC)
Name of Draft LEP:	Lake Macquarie Local Environmental Plan (LMLEP) 2004 (Draft Amendment No. 70)
Subject Land:	• Lot 22 DP 245962 (52 Ada Street, Cardiff) • Part Lot 21 DP 245962 (60 Ada Street, Cardiff)
Tables:	Table 1: Comparison of areas of proposed zones under the LM LEP 2004 and the Standard Instrument LEP Table 2: Proposed changes to the LM LEP 2004 map and instrument Table 3: Proposed changes to the draft Standard Instrument LEP map and instrument Table 4: Comparison of the proposal against the Draft Centres Policy Table 5: Comparison of the proposal to the relevant SEPPs Table 6: Consistency with applicable Section 117 Ministerial Directions
Attachments:	Attachment 1 – Locality Map Attachment 2 – Aerial Map and Current Zones Attachment 3 – Proposed Zones under LM LEP 2004: Additional permitted uses map

Part 1 – Objectives or Intended Outcome

The objective of the Planning Proposal is to amend Lake Macquarie Local Environmental Plan 2004 (LMLEP 2004) to permit a Medical Centre and associated car parking on land currently zoned 6(2) Tourism and Recreation at 52 and 60 Ada Street, Cardiff (being Lot 22 DP 245962 and Part Lot 21 DP 245962).

The proposal is to facilitate the development of a 'Medical Centre' (Integrated Health and Wellness Centre) within an existing building on 52 Ada Street Cardiff. This building currently houses indoor squash courts and an indoor swimming pool. Land at 60 Ada Street Cardiff is required to provide sufficient car parking for the development.

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, only to add an enabling clause to Schedule 7 of the LMLEP 2004.

Background to the draft LMLEP 2012

Lake Macquarie Council is in the process of preparing a Standard Instrument LEP in accordance with the NSW Government directions. As far as possible, the Standard Instrument LEP for Lake Macquarie will be a conversion of the current LMLEP 2004 to fit the Standard Instrument requirements. As a result, most properties in the city will

experience little difference in the nature of development permissible on the land, although the name of the land use zone may change.

The exhibition of draft LMLEP 2012 will take place between 24 September 2012 and 24 December 2012. The draft LMLEP 2012 is likely to be finalised in 2013. Therefore, this Planning Proposal includes both the zoning and provisions for the Medical Centre under LM LEP 2004 (Attachment 3) and the zoning under the draft SI LEP (Attachment 4). Refer to Table 1 below for details.

Table 1: Comparison of areas of zones under the LM LEP 2004 and the draft LMLEP 2012

Property Description	Existing zone under LMLEP 2004	Proposed zone under draft LMLEP 2012	Area
Lot 22 DP 245962 (52 Ada Street, Cardiff)	6(2) Tourism and Recreation	Zone RE2 – Private Recreation	0.3ha
Part Lot 21 DP 245962 (60 Ada Street, Cardiff)	6(2) Tourism and Recreation	Zone RE1 – Public Recreation	0.17ha
			Total – 0.47ha

Part 2 – Explanation of Provisions

The amendment proposes the following changes to LM LEP 2004 map and instrument:

Table 2: Proposed changes to the LM LEP 2004 map and instrument

Amendment Applies to:	Explanation of Provision
Map	No changes to LM LEP 2004 map
Instrument	Amend Schedule 7 'Additional development allowed on certain land', to include the subject land in Column 1 and include the following in Column 2, 'development for the purpose of a medical centre, shop, and associated car parking on Lot 22 DP 245962 and Part Lot 21 DP 245962, but only if: (a) The shop has a gross floor area of no greater than 50 square metres.

The Planning Proposal would result in the following changes to draft LMLEP 2012:

Table 3: Proposed changes to the draft SI LEP map and instrument

Amendment Applies to:	Explanation of Provision
Map	The subject site will be added to the additional permitted uses map.
Instrument	Amend Schedule 1 'Additional permitted uses' by adding: Use of certain land at Cardiff (1) This clause applied to land at Cardiff, identified as Cardiff Area 1 on the <i>Additional Permitted Uses Map</i>. (2) Development for the purpose of a health services facility, retail premises and associated car parking, but only if: a. The shop has a gross floor area no greater than 50 square metres.

Part 3 – Justification for the Provisions

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 additional uses of the existing building at 52 Ada Street, Cardiff.

The proposed additional uses include the following:

- Medical centre – including consulting rooms, ancillary office space, training/seminar rooms, gym and hydrotherapy pool:
- Small health store (limited to a maximum of 50m²); and
- Café

The existing squash courts, gym, and pool will be retained.

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 continuing 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?

Three options were considered to facilitate the development of a Medical Centre at 52 Ada Street Cardiff.

- 1) Rezone the land to either 3(1) Urban Centre or 3(2) Urban Centre (Support) zone under LMLEP 2004; or
- 2) Amend LMLEP 2004 to permit Medical Centres on 6(2) zoned land; or
- 3) Amend Schedule 7 'Additional development allowed on certain land' in LMLEP 2004 to allow the use on the identified land.

Option 1 – Rezoning to 3(1) Urban Centre or 3(2) Urban Centre (Support)

Council's strategic plans, Lifestyle 2020 (LS2020) and Draft Lifestyle 2030 (LS2030) aim to concentrate commercial activities near town centres and a proposed commercial zone at this location would divert commercial and retail activity from the nearby Cardiff and Warner's Bay town centres. Under the Town Centres Hierarchy in LS2030, Cardiff will provide a range of mixed use, retail and commercial activities, professional, social services and community facilities. These characteristics are similar to those of the Warners Bay Town Centre (See Attachment 1).

The option to rezone is not deemed suitable for this site as they permit a wide range of uses and there would be no guarantee that a medical centre would be pursued on the site. Land to the north of the site, which was previously a sport fields has recently been rezoned to Residential. Retention of the Squash courts would provide a further recreational activity for present and future residents.

Option 2 - Amending the Permitted Uses in the Land Use Table for the 6(2) Tourism and Recreation Zone

Generally the land zoned 691) or 6(2), across the LGA, is not of suitable for medical centres due to their size, location, and site characteristics. A reduction in the available 6(2) (or proposed RE2) zoned land would also further reduce the amount of recreational land in the area and in the LGA as a whole.

Option 3 - Amend Schedule 7 'Additional development allowed on certain land'

This is the preferred option to facilitate the development. The change will enable some of the current recreational uses occurring in the building to continue (squash courts and swimming pool) , while also accommodating health care services, which are needed in the community.

The need for additional health care services in the Lake Macquarie LGA, has been identified as part of the *LMCC Social Plan 2009-2014*. The attributes of the subject land are suitable for a medical centre as the site is located in close proximity to existing bus routes along Macquarie Road and First Street, and within close proximity to the existing town centres of Warners Bay and Cardiff.

This is the preferred option to facilitate the development, as it will enable this stand-alone site to be utilised more efficiently. It is preferable that the existing recreational use of the site be maintained and this would be best achieved under the current zoning. As outlined above, the existing recreational uses are intended to remain as part of this proposed development, maintaining the existing zone limits, and any cumulative affects on the availability of 6(2) zoned lands in the City.

3. Is there a net community benefit?

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 used by the public.

A net community benefit test is provided in Table 4 below.

Table 4: Comparison of the Planning Proposal against the Draft Centres Policy

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)?	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. The proposal will facilitate improved access to health, community, personal and leisure services to support the growing and ageing population within the Lower Hunter. The squash courts in the existing building provide an 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. 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.
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.
Have the cumulative effects of other spot rezoning proposals in the locality been	One option that was explored was to enable Medical Centres to be a permitted use within all 6(2) zone lands. Council were only prepared to consider this development on

considered? What was the outcome of these considerations?	this particular site to limit cumulative effects on all 6(2) zoned land stocks. Other spot rezoning would need to be assessed on their individual merits and this Proposal will not act as precedent due to its individual circumstances.
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 LM LEP 2004, and is proposed to be zoned RE1 Public Recreation (60 Ada Street) and RE2 Private Recreation (52 Ada Street) 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?	Yes. The subject site is well serviced by major infrastructure and utilities including, roads, rail, water and electricity. 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. 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. 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.
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?	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.
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?	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.
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	No. the subject land is not considered to contain high biodiversity values. 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.

flooding?	The subject site is not considered to have any other significant environmental factors that constrain the development of the land.
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?	Yes. The existing building 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.
Will the Proposal increase choice and competition by increasing the number of retail and commercial premises operating in the area?	The proposal will increase availability and choice of much-needed health services within the area.
If a stand-alone proposal and not a centre, does the Proposal have the potential to develop into a centre in the future?	The proposal is a stand-alone development and is not expected to develop into a centre, particularly as the 6(2) zoning will remain. 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.
What are the public interest reasons for preparing the draft plan? What are the implications of not proceeding at that time?	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. Not proceeding with the proposal would delay the provision of much needed, additional health services within the area, and result in maintenance of the status quo and the continued under utilisation of the site.

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 the Sydney Metropolitan Strategy and exhibited draft strategies)?

Lower Hunter Regional Strategy (LHRS) (2006)

A focus of the Lower Hunter Regional Strategy is to redirect development in the Lower Hunter towards the strengthening of vibrant centres. The site is located within an existing urban area of Lake Macquarie between the emerging major regional centre of Cardiff/Glendale and the Warners Bay town centre. Due to the predominantly residential and recreational uses that surround the site, 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.

Appendix 1 of the LHRS contains sustainability criteria for proposed development sites outside the designated areas of the Strategy. Table 5 contains an assessment of the Proposal against the sustainability criteria of the LHRS, demonstrating that the site is

an innovative LEP Amendment proposal that has merit to be considered even though it is outside of the regional strategy process.

TABLE 5: Comparison of the Planning Proposal against the LHRs Sustainability Criteria

LHRs Sustainability Criteria	Responsibility to Sustainability Criteria
1. Infrastructure Provision Mechanisms in place to ensure utilities, transport, open space, and communication are provided in a timely and efficient way.	The Proposal is generally consistent with the objectives of the LHRs, with Lifestyle 2020, Draft Lifestyle 2030, and with section 117 directions, as outlined elsewhere in this report. Given that the building that will be used for the development is existing, there is already access to utilities and communication. The Proposal will have no significant impact on the current road network. An upgrade of the intersection of Ada Street and Macquarie Road adjoining the site is programmed in association with development of a nearby site. An additional upgrade is not anticipated as a result of this Planning Proposal has been identified for future upgrades without taking into account the proposal.
2. Access Accessible transport options for efficient and sustainable travel between homes, jobs, services and recreation to be existing or provided.	The subject site is serviced by one bus route, which provide access to Glendale, Cardiff, Kotara and Newcastle. A bus stop is located a short walk from the subject. The site is located approximately 2km from Cardiff Railway Station which can be accessed by car or using the bus service. The site is located near to other emerging and major regional centres such as Glendale and Charlestown, as well as the Warners Bay town centre. The location of the site near to these major locations provides great access to the local and broader community. The proposal will have no net negative impact on the performance of the existing subregional road, bus, rail, or freight networks.
3. Housing Diversity Provide a range of housing choices to ensure a broad population can be housed.	The proposal does not involve provisions for housing diversity, as it is not a residential development. The land is zoned 6(2) Tourism and Recreation.
4. Employment Lands Provide regional/local employment opportunities to support the Lower Hunter's expanding role in the wider regional and NSW economies	The Proposal will provide employment opportunities to a number of medical professionals and associated staff involved in the administration and functioning of the medical centre and its facilities, including the squash courts. This proposal will help to improve the existing levels of subregional employment in the area.
5. Avoidance of Risk Land use conflicts, and risk to	There are no major land use conflicts associated with the proposal. The subject site is not identified as flood

LHRS Sustainability Criteria	Responsibility to Sustainability Criteria
human health and life, avoided	prone or low-lying land. The subject land is not known to have any contamination issues and the proposal complies with the requirements of SEPP 55. Further information is provided in Table 6 of this Planning Proposal. The site is identified as bushfire prone land (vegetation buffer) and consultation with the Commissioner of the NSW Rural Fire Service will need to be undertaken following the receipt of a Gateway determination under section 56 of the Act, and prior to undertaking community consultation in satisfaction of section 57 of the Act. The subject site is also within a Mine Subsidence District and the Mine Subsidence Board will need to be consulted after the Gateway determination. There will be no significant land use conflicts as the building already exists and this Planning Proposal is not looking to intensify the development.
6. Natural Resources Natural resource limits not exceeded/environmental footprint minimised	The Proposal will not have a significant effect on natural resources. The proposal will not affect agricultural or resource land.
7. Environmental Protection Protect and enhance biodiversity, air quality, heritage and waterway health	The site - 52 Ada Street itself is not identified in Council's Native Vegetation and Corridors Map, however 60 Ada Street does contain partially cleared remnant native vegetation. The Proposal will not impact on animals (within the meaning of the Threatened Species Act 1995) and plants (within the meaning of that Act), and their habitats. Stormwater management and landscaping will be required for development of No. 60 as a car park to be addressed at the Development Application stage. Due to the fact that the building for the medical centre already exists, there is no expected impact on air or water quality issues.
8. Quality and Equity in Services Quality health, education, legal, recreational, cultural and community development and other Government services are accessible	The planning proposal itself is to facilitate the development of a health service for the surrounding community. The overall health and wellness centre that is proposed will provided a much needed service that is easily accessible to the community. While the subject site is not located within an existing commercial centre such as the town centres of Warners Bay or Cardiff, its location is in close proximity to a number of centres and will service a wide area. The proposal will also ensure the continued operation of the recreational squash courts, which are open to the public. The proposal is also adjacent to existing Lake

LHRS Sustainability Criteria	Responsibility to Sustainability Criteria
	Macquarie Tennis Centre, the Cardiff Golf Driving Range and the sports fields to the south of the tennis courts. The Golf and Soccer grounds have recently been rezoned to a residential. This has reduced the private recreational land in Cardiff, and a proposal that allows retention of the squash courts is supported by Direction 6.2 of the Section 117(2) Ministerial directions.

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

Lifestyle 2020 Strategy (LS2020) and Draft Lifestyle 2030 Strategy (Draft LS2030)

The Planning Proposal is consistent with the aims and objectives of the Lifestyle 2020 Strategy. The strategy aims to concentrate commercial activities near town centres to enable better use of transport, reduce kilometres travelled by people by encouraging multi-purpose trips to town centres, and encourage activity in town centres. Rezoning the land for commercial and retail purposes would be contrary to this aim, and therefore is not recommended.

In accordance with the Lifestyle 2020 vision for Lake Macquarie, the combination of retaining a recreational focus on the site, whilst also providing for an expanded health service within the Lake Macquarie LGA, contributes to the following outcomes:

- Promotes of a healthy lifestyle
- Enhancement of health and social well-being,
- Encourages positive and healthy lifestyle choices,
- Participation in sport and recreation for Lake Macquarie residents

The Proposal contributes to 'a well serviced and equitable city' and 'retaining social diversity across the city', which are Strategic Directions of LS2020. The strategy aims to maximise existing opportunities in order to limit the extent of urban expansion and to provide more efficient use of existing land and infrastructure. The proposal does this by making use of an existing building and maximising the potential of the existing site by providing a much needed service to the community as well as retaining the recreational facilities of the building.

Draft LS 2030 is a review of the performance of LS 2020 and includes updated demographic, land supply, and biodiversity information, as well as updated regional and state government policy. This Planning Proposal is consistent with the provisions of Draft Lifestyle 2030.

6. Is the planning proposal consistent with applicable state environmental planning policies?

The planning proposal is consistent with the following relevant State Legislation. The proposal aims to change the zoning of the site to enable efficient and appropriate use of the subject land.

The Proposal is assessed against the provisions of the relevant SEPPs in Table 6 below.

Table 6: Comparison of the Planning Proposal to relevant SEPPs

SEPP	Relevance	Implications
SEPP (Infrastructure) 2007	Aims to more efficiently facilitate the delivery of infrastructure through the establishment of consistent planning provisions for infrastructure and services. The policy requires the RMS to be consulted in relation to certain types of traffic generating development.	<i>Health Services facilities</i> are identified in Division 10 of the SEPP and includes medical centres within its definition. This division allows the development for the purpose of health services facilities by any person with consent within a <i>prescribed</i> zone. The RE2 or equivalent 6(2) zone is not listed as a prescribed zone, and as a result, consent would not be issued for this proposal under this SEPP, unless a rezoning was proposed. This SEPP also identifies proposed development that requires referral to RMS prior to the determination of any future development applications. It is understood that any future development application will be referred to RMS when lodged. The proposal does not qualify as traffic generating development, as listed in Schedule 3 of the SEPP. Development on the subject site is existing and intensification is not intended. The traffic that the site generates will have a minor affect on the surrounding road network. The proposal is consistent, as the zoning will not preclude infrastructure works by public authority.
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 Planning Proposal does propose to release land for development that currently contains scattered bushland. However, the loss of bushland is not significant considering the amount of bushland in the area. The loss would not interfere with wildlife corridors.
SEPP 55 – Remediation of Land	The SEPP provides planning controls and provisions for the remediation of contaminated land. Clause 6 of the SEPP provides that, when preparing an environmental planning instrument, a planning authority is not to change the use of land, unless: (a) the planning authority has considered whether the land	The proposal complies with Clause 6(4) of the SEPP in the following ways: (a) The subject land is not in an investigation area; (b) The subject site is not known to have any previous uses referred to in Table 1 of the contaminated land planning guidelines; (c) The proposed future development that this proposal

SEPP	Relevance	Implications
	is contaminated, and (b) if the land is contaminated, the planning authority is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for all the purposes for which land in the zone concerned is permitted to be used, and (c) if the land requires remediation to be made suitable for any purpose for which land in that zone is permitted to be used, the planning authority is satisfied that the land will be so remediated before the land is used for that purpose.	is to facilitate is not for the purposes of residential, educational, childcare purposes, or for the purposes of a hospital. The existing building on the site will continue to have recreational activities operating. The proposal does not involve any construction of new buildings. The part of the subject land required for car parking on 60 Ada Street has not been developed, and there are no indication of potential contamination. This car park will require the land to be cleared of grass and some trees. The proposal is consistent with this SEPP as the subject site is not known to have any contamination issues.
SEPP 71 – Coastal Protection	Aims to ensure that development in the NSW coastal zone is appropriate and suitable located, and a consistent and strategic approach to coastal planning and management is undertaken for the coastal zone.	The site is not identified within the NSW Coastal zone.

7. Is the planning proposal consistent with applicable Ministerial Directions (s.117 (2) directions)?

The planning proposal is consistent with the following relevant Ministerial Directions. The proposal aims to correct a minor zoning discrepancy to enable efficient and appropriate use of the subject land. An assessment of the Planning Proposal against the applicable Ministerial Directions is provided in Table 7.

Table 7: Consistency with applicable Section 117(2) Ministerial Directions

Ministerial Direction & Relevance	What a relevant planning authority must do is this direction applied	Consistency / Comment
1.1 – Business and Industrial Zones Aims to encourage employment growth in suitable locations, protect employment land in business and industrial zones and to support the viability of identified strategic corridors.	Applies when a planning proposal affects land within an existing or proposed business or industrial zone.	N/A
1.2 – Rural Zones Aims to protect the agricultural value of rural land.	Applies when a planning proposal affects land within and existing or proposed rural zone.	N/A
1.3 – Mining, Petroleum Production and Extractive Industries The aim is to protect the future extraction of State or regionally significant reserves of coal, minerals, petroleum and extractive industries	A relevant planning authority is required to consult with the Department of Primary Industries (DPI) to identify any mineral, petroleum, and extractive resources in the subject area to the Planning Proposal.	The Planning Proposal is consistent with this direction. The proposal is utilising an existing building without intensification and it is therefore considered unnecessary to consult with the DPI.
1.4 – Oyster Aquaculture Aims to ensure that Priority Oyster Aquaculture Areas and oyster aquaculture outside such an area are adequately considered, and protected from land uses that may result in adverse impacts on water quality and the health of oysters and consumers.	Applies when a planning proposal could result in adverse impacts on a Priority Oyster Aquaculture Area or current oyster aquaculture lease in the national parks estate or results in incompatible use of land between oyster aquaculture in a Priority Oyster Aquaculture Area or current oyster aquaculture lease in the national parks estate and other land uses.	N/A

Ministerial Direction & Relevance	What a relevant planning authority must do is this direction applied	Consistency / Comment
1.5 – Rural Lands Aims to protect the agricultural production value of rural land; and facilitate the orderly and economic development of rural lands for rural and related purposes.	Applies to local government areas to which State Environmental Planning Policy (Rural Lands) 2008 applies and prepares a planning proposal that affects land within an existing or proposed rural or environmental protection zone.	N/A
2.1 – Environmental Protection Zones	Applies to protect and conserve environmentally sensitive areas. Applies when the relevant planning authority prepares a planning proposal.	The proposal is consistent with this direction and will not impact on the 7(3) Environmental (General) Zone to the southwest of the site. It is proposed that the existing building footprint be maintained.
2.2 – Coastal Protection This direction applies to the coastal zone.	A Planning Proposal must include provisions that give effect to and are consistent with relevant NSW Government coastal policy.	The subject site is not located within the Coastal Zone and is thus consistent with this direction.
2.3 – Heritage Conservation This direction aims to conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance.	A planning proposal must contain provisions that facilitate the conservation of items, places, buildings, works, relics, moveable objects or precincts of environmental heritage significance to an area (Including Aboriginal heritage).	No known Aboriginal or European heritage items have been identified within the subject land. The proposal does not involve any intensification of the current buildings and is not likely to identify any Aboriginal or European Heritage items. The Planning Proposal is consistent with this direction.
2.4 – Recreation Vehicle Areas	Aims to protect sensitive land or land with significant conservation values from adverse impacts from recreational vehicles. Applies when the relevant planning authority prepares a planning proposal.	N/A

Ministerial Direction & Relevance	What a relevant planning authority must do is this direction applied	Consistency / Comment
3.1 – Residential Zones The objectives of this direction are to include provisions in a draft LEP that facilitate housing choice, efficient use of infrastructure, and reduce land consumption on the urban fringe.	(4) A planning proposal must include provisions that encourage the provisions of housing that will: (a) broaden the choice of building types and locations available in the housing market, and (b) make more efficient use of existing infrastructure and services, and (c) reduce the consumption of land for housing and associated urban development on the urban fringe, and (d) be of good design.	N/A
	(5) A planning proposal must, in relation to land to which this direction applies: (a) contain a requirement that residential development is not permitted until land is adequately serviced (or arrangements satisfactory to the council, or other appropriate authority, have been made to service it), and (b) not contain provisions which will reduce the permissible residential density or land.	

Ministerial Direction & Relevance	What a relevant planning authority must do is this direction applied	Consistency / Comment
3.2 – Caravan Parks and Manufactured Home Estates The objectives of this direction are to provide a variety of housing types, and opportunities for caravan parks and manufactured home estates.	A planning proposal must: (a) take into account the categories of land set out in Schedule 2 of SEPP 36 as to where MHEs should not be located, (b) take into account the principles listed in clause 9 of SEPP 36 (which relevant planning authorities are required to consider when assessing and determining the development and subdivision proposals) and, (c) include provisions that the subdivision of MHEs by long term lease of up to 20 years or under the Community Land Development Act 1989 be permissible with consent.	The proposal will maintain the existing 6(2) Tourism and Recreation zone, which provides that caravan parks and manufactured home estates are permissible with development consent. Therefore, the Proposal is consistent with this direction.
3.3 – Home Occupations The direction aims to encourage the carrying out of low impact small business in dwelling houses.	A planning proposal must permit home occupations to be carried out in dwelling houses without the need for planning consent.	The proposal is consistent with this direction. The proposal does not affect provisions relating to home occupations in appropriate areas.
3.4 – Integrating Land Use and Transport The direction requires consistency with State policy in terms of positioning of urban land use zones	A planning proposal must locate zones for urban purposes and include provisions that give effect to and are consistent with the aims, objectives and principles of: (a) Improving Transport Choice – Guidelines for planning and development (DUAP 2001), and (b) The Right Place for Business and Services – Planning Policy (DUAP 2001)	While the proposal is outside an identified 'town centre' in Council and State government strategic plans, it is considered the proposal is consistent with this direction as it is located in close proximity to existing public transport services, existing industrial development to the north west and a church to the west. The area is well serviced and is close to other centres, such as the Glendale/ Cardiff emerging major centre, and the Warners Bay town centre.

Ministerial Direction & Relevance	What a relevant planning authority must do is this direction applied	Consistency / Comment
3.5 – Development Near Licensed Aerodromes The direction aims to ensure the effective and safe operation of aerodromes, and that their operation is not compromised by development which constitutes an obstruction, hazard or potential hazard to aircraft flying in the vicinity.	Applies when a planning proposal creates, alters or removes a zone or provision relating to land in the vicinity or a licensed aerodrome.	N/A
3.6 – Shooting Ranges	This direction aims to maintain appropriate levels of public safety and amenity when rezoning land adjacent to an existing shooting range and to reduce land use conflict.	N/A
4.1 – Acid Sulfate Soils The direction applies to land that has been identified as containing potential Acid Sulfate Soils (ASS)	The principle requires that a draft LEP is consistent with the ASS component of the model Local Environmental Plan (ASS model LEP), or that it is supported by an environmental study. A relevant planning authority must not prepare a planning proposal that proposes an intensification of land uses on land identified as having a probability of containing ASS on the ASS Planning Maps unless the relevant planning authority has considered an ASS study assessing the appropriateness of the change of land use given the presence of ASS.	The subject land is not within a potential acid sulfate soils area and no extension to the existing building footprint is proposed. The proposal is consistent with this direction.

Ministerial Direction & Relevance	What a relevant planning authority must do is this direction applied	Consistency / Comment
4.2 – Mine Subsidence and Unstable Land This seeks to prevent damage associated with mine subsidence	The direction requires consultation with the Mine Subsidence Board where a draft LEP is proposed for land within a mine subsidence district.	Consultation with the Mines Subsidence Board will be undertaken as the site is located within a mine subsidence district. The development on the site is existing and this proposal will not see further intensification on the site, therefore, no excavation will occur. The Proposal is considered consistent with this direction.
4.3 – Flood Prone Land This seeks to ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy	This direction applies when a relevant planning authority prepares a planning proposal that creates, removes, or alters a zone or provision that affect flood prone land.	The subject land is not identified as flood prone. The Proposal is considered consistent with this direction.
4.4 – Planning for Bushfire Protection This seeks to protect life, property and the environment from bush fire hazards by discouraging the establishment of incompatible land uses in bush fire prone areas.	The direction 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. A planning proposal must have regard to <i>Planning for Bushfire Protection 2006</i>.	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 based on an existing development footprint. Consultation with the Rural Fire Service will be undertaken and a Bushfire Assessment provided. The Planning Proposal is consistent with this direction.

Ministerial Direction & Relevance	What a relevant planning authority must do is this direction applied	Consistency / Comment
5.1 – Implementation of Regional Strategies	Planning proposals must be consistent with a regional strategy released by the Minister for Planning.	The Proposal is consistent with the 'vision for the future' of the LHRS to provide access to quality infrastructure and services, including education and health'. The LHRS states that an ageing population will 'have implications for the Region's social diversity and future infrastructure and servicing needs, including health , education and transport needs', so there is an ongoing need for medical facilities in the region. Appendix 1 of the LHRS contains sustainability criteria for proposed development sites outside the designated areas of the Strategy. Table 5 contains an assessment of the Proposal against the sustainability criteria of the LHRS, demonstrating that the site is an innovative LEP Amendment proposal that has strategic merit.
5.2 – Sydney Drinking Water Catchment	This direction aims to protect water quality in the hydrological catchment.	N/A
5.3 – Farmland of State and Regional Significance on the NSW Far North Coast	The direction aims to ensure that the best agricultural land will be available for current and future generations to grow food and fibre; provide more certainty on the status of the best agricultural land, assisting councils with strategic settlement planning; and reduce land use conflict arising between agricultural use and non-agricultural use of farmland caused by urban encroachment into farming areas.	N/A
5.4 – Commercial and Retail Development along the Pacific Highway, North Coast	This direction aims to manage commercial and retail development along the Pacific Highway, North Coast.	N/A

Ministerial Direction & Relevance	What a relevant planning authority must do is this direction applied	Consistency / Comment
6.1 – Approval and Referral Requirements The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development	This direction seeks to minimise the inclusion of provisions in planning instruments that require the concurrence, consultation, or referral of development applications to a Minister or public authority (a). It also sets out consultation and approval requirements, if such provisions are to be included in a planning instrument (b), or if a planning instrument identifies development as designated development (c).	The Proposal will not impose any additional provisions relating to the assessment of development and is consistent with the direction as follows: (a) Consultation is being undertaken with Government agencies at the LEP Amendment stage to reduce the need for concurrence, consultation, and referrals. It is not anticipated that any of the provisions outlined in Tables 2 and 3 at the start of this document will create excessive concurrence, consultation, or referral requirements. (b) N/A – No Ministerial or public authority concurrence, consultation or referral requirements are generated by the Planning Proposal. (c) N/A – The Planning Proposal does not identify any development as designated development.

Ministerial Direction & Relevance	What a relevant planning authority must do is this direction applied	Consistency / Comment
6.2 – Reserving Land for Public Purposes This direction aims to facilitate the provisions of public services and facilities by reserving land for public purposes, and To facilitate the removal of reservations of land for public purposes where the land is no longer required for acquisition.	This direction provides that a planning proposal (4) must not create, alter, or reduce existing zonings or reservations of land for public purposes without the approval of the D-G of DoPI. It also contains requirements for (5) the acquisition of land under the <i>Land Acquisition (Just Terms Compensation) Act 1991</i>, (6) stipulates for the use of any land reserved for a public purpose, and (7) the removal of reservations for acquisition at the request of a public authority.	The Planning Proposal is inconsistent with the direction as it is reducing the amount of available public land. It is believed that this is of minor significance and approval by the Director General is being sought. The amendment is to add a clause to Schedule 7 of LM LEP 2004 permitting the use of land at 52 & 60 Ada Street for a Medical Centre, shop, and associated car parking. The development provides a net community benefit that supports the use of the land in this way. While the Amendment is not formally rezoning the land, the use of 60 Ada Street as carparking to support the development of 52 Ada Street is reducing the available land for public purposes. The land at 60 Ada Street, currently zoned 6(2) Tourism and Recreation, will remain zoned in this way. It has been indicated by Council's Community Planning Department that the bulk of this land is not required for public use. There is the potential need of a small portion of the land for a cycle and pedestrian path which can be provided along with a vegetated buffer and still allow the use of the land for the development.

Ministerial Direction & Relevance	What a relevant planning authority must do is this direction applied	Consistency / Comment
6.3 – Site Specific Provisions	The direction states that a planning proposal that will amend an Environmental planning instrument in order to allow a particular development proposal to be carried out must either: (a) allow that land use to be carried out in the zone the land is situated on, or (b) rezone the site to an existing zone already applying in the environmental planning instrument that allows that land use without imposing any development standards or requirements in addition to those already contained in that zone, or (c) allow that land use on the relevant land without imposing any development standards or requirements in addition to those already contained in the principal environmental planning instrument being amended.	The proposal is inconsistent with this direction as it proposes site specific planning controls by requesting an amendment to Schedule 7 of LMLEP 2004, rather than requesting that medical centres and shops become a permissible use with development consent in the existing 6(2) zone. It was considered this option was inappropriate as, unlike this site, a number of 6(2) land parcels across the city are not located in areas in close proximity to existing town centres or transport routes. The proposal also takes advantage of an existing building and recreational facilities, which ensures the economic viability and social benefits of the facility. The rezoning of the site was also considered, however it was preferable that the 6(2) zone remain in order to retain the existing recreational uses of the site, which is proposed under this request. A commercial zoning outside of the identified 'hierarchy of centres' in Lifestyle 2020 strategy is not considered appropriate. There are currently no provisions in the principal environmental planning instrument that would allow the land use on the relevant land without additional requirements being included. Due to the particular attributes of the site, and the benefits to the community of the proposed 'health and wellness centre', which also minimises environmental impacts by utilising an existing building, including the retention of the existing recreation services on site, it is considered the inconsistencies of this proposal to the direction is of minor significance and should proceed. Approval of the Director-General is sought.

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 proposal is to facilitate the proposed change of use of the existing building on part of the subject site, and as such no flora and fauna will be affected by the proposal on the 52 Ada Street area of the subject site. 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.

Council's 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. All operations of the medical centre will occur within the building and vehicular traffic will be restricted to business hours aside from the patronage of the squash courts which is an existing use on 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. 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.

12. What are the views of State and Commonwealth public authorities consulted in accordance with the gateway determination?

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:

- a. NSW Rural Fire Service
- b. Mine Subsidence Board
- c. Roads and Maritime Services
- d. Minerals DPI

- e. Transport NSW
- f. NSW Department of Family and Community Services

Part 4 – Details of Community Consultation

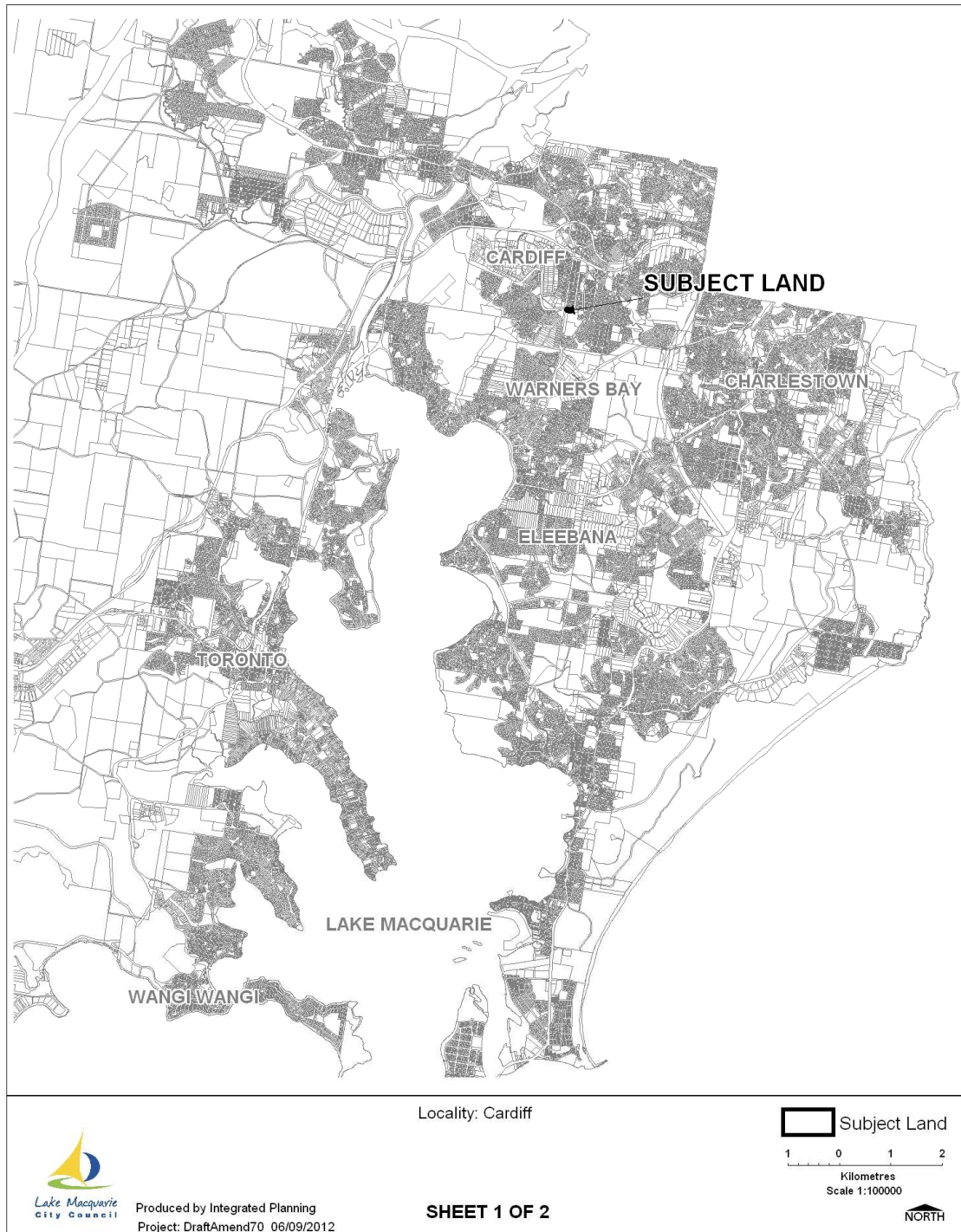
The public would have the opportunity to view and comment on the Planning Proposal once the Gateway endorses the Proposal to go on public exhibition in accordance with section 57 of the EP&A Act.

The Director-General must approve the form of the Planning Proposal following any revisions to comply with the gateway determination before community consultation is undertaken.

The Proposal does not fit the definition of a 'Low impact Planning Proposal' and Council believes it should therefore be exhibited for at least 28 days.

Details of future Government authority consultation will be provided in response to Question 12 above.

Attachment 1 – Locality Map



Attachment 2 – Aerial map and Current zones



Attachment 3 – Amendment to LM LEP 2004: Additional permitted uses map

