

Planning and Assessment

IRF20/3526

Gateway determination report

LGA	Lake Macquarie
PPA	Lake Macquarie City Council
NAME	Belmont Sporties Club – Additional Permitted use
NUMBER	PP_2020_LAKEM_005_00
LEP TO BE AMENDED	Lake Macquarie Local Environmental Plan 2014
ADDRESS	2A and 2B Maude Street, and 3, 5, 7 Glover Street, Belmont
DESCRIPTION	Lot 201 DP1236307 Lot 202 DP1236307 Lot PT3 DP349743 Lot 100 DP1201767 Lot 814 DP802647
RECEIVED	20/07/2020
FILE NO.	IRF20/3526
POLITICAL DONATIONS	There are no donations or gifts to disclose and a political donation disclosure is not required.
LOBBYIST CODE OF CONDUCT	There have been no meetings or communications with registered lobbyists with respect to this proposal.

1. INTRODUCTION

1.1 Description of planning proposal

The planning proposal (**Attachment A**) seeks to:

- retain the RE2 Private Recreation zone so development for recreation purposes will continue to be an option for the site;
- extend seniors housing as an additional permitted use to 2A Maude Street (Lot 201 DP1236307); and
- increase the building height from 8.5m to 10m for both 2A and 2B Maude Street, as well as adjacent sites that are classified as community land.

The planning proposal extends the existing seniors housing additional permitted use over 2B Maude Street. When this amendment to the local environmental plan was made, it was intended the Belmont Sporties Club at 2A Maude Street would be retained for recreation use. However, the Belmont Sporties Club was placed in voluntary administration in 2018. Since then, 2A Maude Street has been largely underutilised and is no longer used for recreation purposes.

The proposed increase in heights across both 2A and 2B Maude Street will enable three storey development over the site. The increase in heights for the adjacent

community land will maintain consistency of height controls over the street block and provide more opportunities for redevelopment of these sites.

1.2 Site description

The subject site is situated approximately 400 metres from the Pacific Highway in Belmont and 15km south of Newcastle. The site comprises of five lots:

- Lot 201 DP1236307 (2A Maude Street, Belmont)
- Lot 202 DP1236307 (2B Maude Street, Belmont)
- Lot PT3 DP349743 (3 Glover Street, Belmont)
- Lot 100 DP1201767 (5 Glover Street, Belmont) and
- Lot 814 DP802647 (7 Glover Street, Belmont)

2A Maude Street is approximately 9,800m² and contains the two-storey Belmont Sporties Club building, associated car parking and an access handle at the rear of the site from Glover Street. (figure 1).

2B Maude Street is approximately 9,300m² and contains the former bowling greens and car parking associated with the former Belmont Sporties Club.

The land fronting Glover Street on the south of the site, 3, 5 and 7 Glover Street are owned by Lake Macquarie City Council and have a combined area of 6,500m². This land is classified as community land. The site currently contains a senior citizens centre, child care and single dwelling.



Figure 1 – Subject site

1.3 Existing planning controls

Both 2A and 2B Maude Street are zoned RE2 Private Recreation. Both sites have no minimum lot size and a maximum building height of 8.5m (see figure 2).

In 2013, an amendment to the *Lake Macquarie Local Environmental Plan 2014* established the 'Belmont Area 1' additional permitted use over 2B Maude Street to enable the development of seniors housing. The intention was to retain the Belmont Sporties Club on 2A Maude Street for recreation. Development of seniors housing on 2B Maude Street has not occurred.

Numbers 3, 5 and 7 Glover Street are zoned RE1 Public Recreation and are owned by Lake Macquarie City Council.

Land to the east and south forming part of the Belmont Sports Fields is zoned RE1 Public Recreation. Land directly to the north and south is zoned R3 Medium Density Residential and B4 Mixed Use to the west.

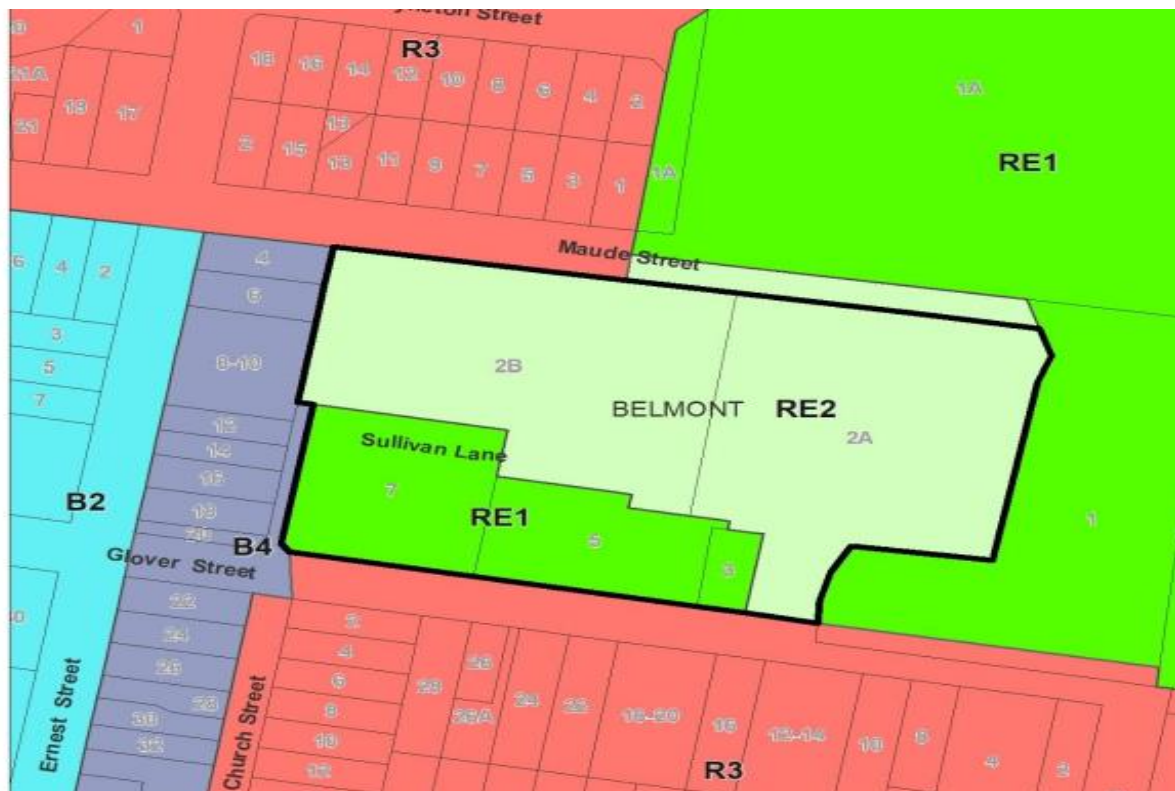


Figure 2 – Existing zoning

1.4 Surrounding area

The subject site is located 400m east of the Pacific Highway in Belmont, 200m to the east of Belmont Town Centre.

The surrounding area is a mix of open space, low density detached housing, medium rise apartment blocks and a commercial strip. To the east of the site is the Belmont Sports Field precinct and to the north-west and south of the site is land zoned R3 Medium Density Residential.

The site is well located to public transport, open space, shops, services and well connected to the road network.

2. PROPOSAL

2.1 Objectives or intended outcomes

The planning proposal seeks to extend the additional permitted use of seniors housing to 2A Maude Street Belmont and increase the maximum building height over the entire street block.

The objectives are clear and do not require updating.

2.2 Explanation of provisions

The planning proposal seeks to amend the *Lake Macquarie Local Environmental Plan 2014* to:

- apply an additional permitted use to 2A Maude Street (Lot 201 DP1236307) for seniors living in schedule 1 – Belmont Area 1;
- increase the building height from 8.5m to 10m for all five lots, which is in line with the nearby R3 Medium Density Residential and B4 Mixed Use zones..

2.3 Mapping

The planning proposal includes amendments to the *Lake Macquarie Local Environmental Plan 2014* maps as follows:

- Additional permitted use (figures 3 and 4); and
- height of building (figures 5 and 6).

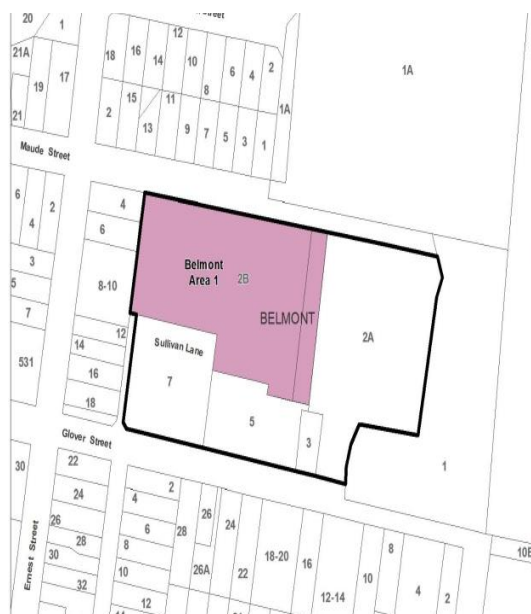


Figure 3 – Existing additional permitted use



Figure 4 – Proposed additional permitted use



Figure 5 – Existing height

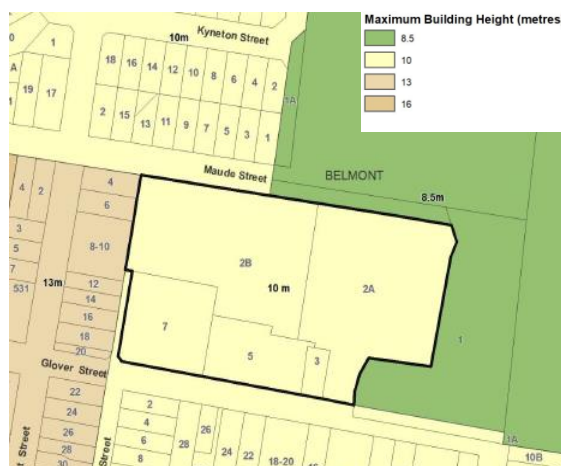


Figure 6 – Proposed height

3. NEED FOR THE PLANNING PROPOSAL

The planning proposal is not the result of a strategic study and is proponent initiated. The *Lake Macquarie Housing Strategy 2020* does adopt a place-based approach to residential development, including seniors housing. Belmont is identified as a location that ranks well for liveability and is particularly well suited for seniors housing given its provision of retail, health and recreation services.

The site has a history with seniors housing approved as an additional permitted use on 2B Maude Street in 2013. At the time this did not apply to 2A Maude Street as it was intended to retain the club facility in its existing form. However, the Belmont Sporties Club has since ceased operating and this planning proposal seeks to extend the seniors housing to site 2A Maude street as well.

There are a number of mechanisms available to achieve the objective of allowing seniors housing on 2A Maude Street including:

- an application for a site compatibility certificate (SCC) for seniors housing under the *SEPP (Housing for Seniors or People with a Disability) 2004*;
- rezoning the site to R1 General Residential, R2 Low Density Residential or R3 Medium Density Residential where seniors housing is permissible; or
- extend the additional permitted use to site 2A Maude Street.

Lake Macquarie Council state they have been advised by the Department of Planning, Industry and Environment that the proposal does meet the requirements of clause 4 of the *SEPP (Housing for Seniors or People with a Disability) 2004* and the SEPP does not apply to the site.

The other alternative is to rezone the land a residential zone that permits seniors housing. Land adjoining the site is zoned R3 Medium Density Residential. It would be considered appropriate to zone the site R3 Medium Density Residential or B4 Mixed Use. These are land uses that adjoin the site. Lake Macquarie Council advises both these zones permit a variety of housing types and commercial uses and there is no mechanism to ensure only seniors housing occurs on the site.

Lake Macquarie Council considers there is sufficient land zoned for residential and mixed use purposes in Belmont town centre. However, there is a specified need for seniors housing in town centres. In addition, Council does not consider the loss of private recreation land for residential purposes a net community benefit. However, they consider the development for seniors housing would have a community benefit.

Lake Macquarie Council's preferred option is to extend the additional permitted use to site 2A Maude Street as it retains the existing RE2 Private Recreation zone, whilst ensuring that the site is used for seniors housing, tourism or recreation land uses, rather than other land uses permitted with consent in the adjoining residential and mixed-use zones. This will allow the development of seniors housing in a location that well located close to existing facilities and services and signals the intent to the community.

The site has many merits for being zoned as R3 Medium Density Residential or B4 Mixed Use, given the close proximity and easy walking distance to urban services and connection to infrastructure that can efficiently augmented to support increased density. In other circumstances, this would be the recommended approach over applying unnecessarily restrictive site specific planning. However, the precedent is set by the adjacent additional permitted use of Belmont Area 1 in schedule 1 of the *Lake Macquarie Local Environmental Plan 2014*.

Maintaining a single set of height controls across street blocks provide a degree of clarity of potential future development. The intention to increase heights across the entire block (including community land) is supported and is justified.

4. STRATEGIC ASSESSMENT

4.1 State

There are no State strategic plans that are relevant to the proposal.

4.2 Regional

Hunter Regional Plan 2036

The planning proposal is consistent with the strategic directions of the *Hunter Regional Plan 2036* to provide higher density residential development in the form of seniors housing close to an existing urban centre.

The regional plan identifies the ageing population and dispersed population as two key regional challenges facing the Hunter. By 2036 the Hunter is expected to be home to around 69,500 more people aged over 65 years. In order to improve infrastructure efficiency and access to services, the plan aims for increased housing diversity and densities around well serviced town centres, such as Belmont.

The planning proposal will specifically contribute to the following directions of the regional plan:

- *Direction 21: Create a compact settlement:* The planning proposal seeks development of housing in a location with established services and infrastructure. The site is located in the Charlestown-Belmont Urban Renewal Corridor.

- *Direction 22: Promote housing diversity:* The planning proposal responds to the demand for housing and services for the ageing community.
- *Direction 23: Grow centres and renewal corridors:* The planning proposal seeks to contribute to the growth of Belmont, a local centre within the Charlestown-Belmont Urban Renewal Corridor.

Greater Newcastle Metropolitan Plan 2036

The planning proposal is consistent with the *Greater Newcastle Metropolitan Plan 2036* (GNMP), which seeks to locate new homes near infrastructure and open space.

The planning proposal contributes to Greater Newcastle's network of connected centres, which enable mixed use functionality and offer a range of housing choice and other services.

The site is identified as an Existing Urban Area with Infill Housing Opportunities within the Housing Opportunities Map in the GNMP and will assist in meeting the projections of 13,700 new dwellings in Lake Macquarie by 2036.

4.3 Local

Local Strategic Planning Statement

The Lake Macquarie Local Strategic Planning Statement (LSPS) lists Belmont as an Economic Centre, which seeks to redevelop under-developed sites and land between the lake and the Pacific Highway with multi-storey mixed use and residential development. The LSPS identifies Belmont as an urban intensification area and strategic centre, and is located within the North East Growth Area. The planning proposal is consistent with the LSPS.

Lake Macquarie Housing Strategy

The Housing Strategy emphasises an increasing need for medium density and special needs housing in 'liveable' areas. The planning proposal is considered consistent with the strategy as it provides medium density seniors housing for the local government area in an area ranked well for liveability.

4.4 Section 9.1 Ministerial Directions

Direction 2.2 – Coastal Management

The site falls within the mapped coastal zone within the *State Environmental Planning Policy (Coastal Management) 2018*. The planning proposal is of minor significance to the coastal zone. The proposed development is not likely to cause increased risk of coastal hazards. The planning proposal is consistent with this direction.

Direction 2.6 – Remediation of Contaminated Land

Lake Macquarie Council is required to consider the potential of contamination for planning proposals involving residential development.

The site contamination assessment dated June 2012 which sampled Lot 201, indicated that contamination levels were below the adopted National Environment Protection Measure guidelines for residential development of the site. It also indicated a low risk of potential acid sulfate conditions.

Although the previous assessment cannot confirm contamination conditions of Lot 202, it indicates a low to medium risk of contamination and acid sulfate conditions due to proximity and historical shared use of the lots.

As a condition of Gateway determination, it is recommended that a Phase 1 Contamination Assessment is prepared prior to exhibition. Following the preparation of this study, consistency with direction may then be determined.

Direction 3.1 – Residential Zones

The planning proposal will facilitate housing choice by providing a form of housing which is in high demand. The site is located within an existing centre on previously developed land, and so does not contribute to the consumption of land at the urban fringe. The planning proposal also makes use of existing infrastructure. The planning proposal is consistent with this direction.

Direction 4.1 – Acid Sulfate Soils (ASS)

The subject land has the potential for Class 3 acid sulfate soils.

As a condition of Gateway determination, it is recommended that an acid sulfate soils study is prepared prior to exhibition. Following the preparation of this study, consistency with direction may then be determined.

Direction 4.2 – Mine Subsidence and Unstable Land

The site is located within Lake Macquarie Mine Subsidence District. Consultation with the Subsidence Advisory NSW is required before consistency with this direction may be determined.

Direction 5.1 – Implementation of Regional Plans

As discussed, the planning proposal is consistent with the *Hunter Regional Plan 2036*.

Direction 6.3 – Site Specific Provisions

The objective of this direction is to discourage unnecessary restrictive site specific planning controls. The direction applies because the planning proposal 'will amend another environmental planning instrument in order to allow a particular development proposal to be carried out.'

Whilst the planning proposal would not restrict land uses, it would permit seniors housing as an additional permitted use.

The extension of the existing additional permitted use is justified in this instance by the precedent set by the adjoining Belmont Area 1 in schedule 1 of the *Lake*

Macquarie Local Environmental Plan 2014. Therefore, the planning proposal is justifiably inconsistent as of minor significance.

4.5 State environmental planning policies (SEPPs)

SEPP (Coastal Management) 2018

The provisions of *State Environmental Planning Policy (Coastal Management) 2018* apply to the subject site because it is located within the coastal zone. The planning proposal is considered consistent with the SEPP and will further considered at the development application stage.

5. SITE-SPECIFIC ASSESSMENT

5.1 Social

The planning proposal will enable seniors housing to be developed on the site and the existing RE2 Private Recreation Zone will be also retained should the seniors housing not eventuate. This will ensure that recreational and tourism land uses continue to be an option for development and use of the site.

There is a demand for increased housing diversity and seniors housing in the immediate area. Future development can be designed to interface with the Belmont Sport Field complex and provide passive surveillance to this public recreation area.

Overall the planning proposal is considered to have a positive social impact and the impacts of any future development application for seniors housing will be required to consider any social impacts as part of a social impact assessment.

5.2 Environmental

The site is highly disturbed and is not located in any existing wildlife corridors identified on Lake Macquarie City Council's native vegetation and corridors map.

Traffic

The planning proposal would generate increased traffic on the local network and intersection with the Pacific Highway. A traffic impact assessment was provided, it assumes a 90 bed aged care facility and 120 - 130 independent living units on the subject site to understand the potential traffic implications.

An assessment estimated that 70 vehicles per hour will be added to the surrounding road network, but these additional vehicles will not have any impact on the efficiency or capacity of the Pacific Highway or Maude Street that will provide the main access to the site. The surrounding road network will not require any upgrade works as a result of the planning proposal.

Currently, the main access point to the site from Maude Street is shared with Belmont Sports Field. Council's Development Assessment Team determined access arrangements can be resolved at the development application stage. A traffic impact assessment that specifically considers the proposed design and potential impacts of any future development application would need to be submitted with any development application.

Flooding

The planning proposal states the site is not identified as flood prone land, and therefore section 9.1 Ministerial direction 4.3 – Flood Prone Land is not applicable.

The *Lake Macquarie Development Control Plan 2014* addresses sensitive use developments, requiring seniors housing to set internal floor heights at the Probable Maximum Flood Level (PMF) level. At the development application stage a site-specific flood study will be required to identify the PMF as well as the 1% Annual Exceedance Probability (AEP) flood to the Australian Rainfall and Runoff 2019 Guideline.

Amenity

The existing 8.5m height limit, generally enables two storey development. The planning proposal aims to increase this maximum to accommodate a three-storey building on the site. This height increase is considered visually appropriate and within the character of the future urban form of Belmont and consistent with the adjoining R3 Medium Density Residential zone to the south and diagonally adjoining to the north.

5.3 Economic

The former use of the site as a registered club, which was reflected in the RE2 private recreation zone, has ceased and is understood to be due to declining patronage and financial viability.

It is anticipated that the planning proposal will have a positive economic benefit on the local community.

6. CONSULTATION

6.1 Community

It is recommended that the planning proposal be exhibited for 28 days.

6.2 Agencies

Consultation is required with Subsidence Advisory NSW in relation to the relevant section 9.1 Ministerial direction.

7. TIMEFRAME

Lake Macquarie Council indicated an 11 month timeframe from date of the gateway determination to finalise the proposed. However, given some of the COVID-19 consultation limitations, the Department recommends a 12 month timeframe.

8. LOCAL PLAN-MAKING AUTHORITY

Lake Macquarie Council requests the use of delegations in respect of the Minister for Planning, Industry and Environment's plan making function. However, as Council owns part of the subject site, delegation is not recommended to be provided in this instance.

9. CONCLUSION

It is considered that the planning proposal should proceed subject to conditions because:

- the planning proposal is an extension of an already existing additional permitted use;
- the site is well located for aged living in terms of its proximity to public transport, existing centres and open space in the Lake Macquarie area; and
- the proposal is consistent with both local and regional plans.

10. RECOMMENDATION

It is recommended that the delegate of the Secretary:

1. agree that any inconsistencies with section 9.1 Ministerial directions 2.2 Coastal Management and 6.3 Site Specific Provisions is minor or justified; and
2. note that the consistency with section 9.1 Ministerial directions 2.6 Remediation of contaminated land, 4.1 Acid Sulfate Soils and 4.2 Mine Subsidence and Unstable Land are unresolved and will require justification.

It is recommended that the delegate of the Minister determine that the planning proposal should proceed subject to the following conditions:

1. Prior to community consultation the proposal should be updated to include a Phase 1 Contamination assessment and acid sulfate soils study;
2. The planning proposal should be made available for community consultation for a minimum of 28 days;
3. Consultation is required with the following public authorities:
 - Subsidence Advisory NSW
4. The timeframe for completing the LEP is to be 12 months from the date of the Gateway determination.



Caitlin Elliott
Manager
Central Coast and Hunter Region



28/09/2020
Dan Simpkins
Director
Central Coast and Hunter Region
Planning and Assessment

Assessment officer: Michael Ellis
Planner, Strategic Planning
Phone: 8289 6880