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| 16SP063 | Planning Proposal LEP Administrative Amendment for Belmont North Business Park Precinct    |
| Council Ref: | RZ/1/2016 - D07927046 |
| Report By: | Student Landuse Planner - Adam Kennedy   |

Précis:

Properties within the Belmont North Business Precinct were zoned 4(2) Industrial (General) under *Lake Macquarie Local Environmental Plan 2004 (LMLEP2004)*. Within this zone *Vehicle Body Repair Workshop* and *Timber Yards* were permissible with consent.

Conversion to *Lake Macquarie Local Environmental Plan 2014 (LMLEP2014)* resulted in a B7 Business Park zone being applied to the precinct. This zone is consistent with the predominant uses occurring in the Belmont North Business Precinct, however, *Vehicle Body Repair Workshops* and *Timber Yards* are now prohibited uses within this zone.

Council has been requested to consider amending the *LMLEP2014*, to make *Vehicle Body Repair Workshops* and *Timber Yards* permissible with consent on specified allotments within the B7 Business Park zone, as these uses already occur on these lots.

The purpose of this report is to seek Council’s support for a Planning Proposal to amend *LMLEP 2014*  to permit *Vehicle Body Repair Workshop* on Lot 8 DP 536711, 411 Pacific Highway, Belmont North, and Lot 1 DP 739866, 28 Bluebell Street, Belmont; while permitting *Timber Yards* on Lot 127 DP 861468, 10 Bluebell Street and Lot 1 DP 449422, 24 Bluebell Street Belmont.

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| **Recommendation:****Council:**1. Supports the preparation of a Planning Proposal to amend *Lake Macquarie Local Environmental Plan 2014 (LMLEP 2014)* to permit *Vehicle Body Repair Workshop* on Lot 8 DP 536711, 411 Pacific Highway, Belmont North, and Lot 1 DP 739866, 28 Bluebell Street, Belmont; while permitting *Timber Yards* on Lot 127 DP 861468, 10 Bluebell Street and Lot 1 DP 449422, 24 Bluebell Street Belmont, by inserting additional items in Schedule 1 (see Attachment 1).
2. Requests a Gateway determination from the Department of Planning and Environment, pursuant to the *Environmental Planning and Assessment Act (EP&A Act) 1979,* in relation to the Planning Proposal*.*
3. Requests the use of delegations in respect of the Minister for Planning’s plan making function under section 59 of the *EP&A Act 1979* for the Planning Proposal.
4. Undertakes consultation with State Government agencies and service authorities in accordance with the Gateway determination.
5. Places the Planning Proposal on public exhibition in accordance with the Gateway determination.
6. Makes the Plan provided no objections are received during the public exhibition. period.
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Background:

The Belmont North Business Precinct, which includes the subject lots, was zoned 4(a) General Industry under *Lake Macquarie Local Environmental Plan 1984*. Subsequently, the land was zoned 4(2) Industrial (General) under the *LMLEP 2004*. The zoning reflected the general industrial nature of the Belmont North Business Precinct at that time.

In preparing *LMLEP 2014*, a B7 Business Park zone was predominately applied to the Belmont North Business Precinct (refer Attachment 1 – Map 3). The B7 Business Park zone was considered consistent with the uses occurring in the Belmont North Business Precinct, which include bulky goods, retail, hardware, storage facilities and vehicle repair.

Draft *LMLEP 2014* was extensively exhibited, however, individual landowners across the City were not directly contacted regarding changes. Staff have recently been contacted by a concerned owner about the impact of the zone conversion.

Conversion of the zone resulted in the current land use of *Vehicle Body Repair Workshop* at Lot 8 DP 536711, 411 Pacific Highway Belmont North, and Lot 1 DP 739866, 28 Bluebell Street, Belmont, and *Timber Yards* at Lot 127 DP 861468, 10 Bluebell Street and Lot 1 DP 449422, 24 Bluebell Street, Belmont, being prohibited. This has the potential to limit expansion of these businesses.

Proposal:

It is proposed that Council support the preparation of a Planning Proposal to insert two additional items in Schedule 1 Additional Permitted Uses, as shown in Attachment 1.

As the lots have historically been used for these purposes, allowing the proposal to proceed will enable the business to continue, with potential to expand operations, subject to development consent. Any future intensification of business operations would be subject to design requirements in Lake Macquarie Development Control Plan 2014 (DCP 2014).

Consultation:

The proposal was discussed by Council’s Rezoning Advisory Panel (RAP), which includes representatives from a range of Council departments, including Integrated Planning, Development Assessment and Compliance, Sustainability, Property and Business Development, Transportation Planning, and Community Planning. The details of the options considered are outlined in the Planning Proposal (Attachment 1).

Consideration was given to the future role of the Belmont North Business Precinct, and whether the subject lots should be rezoned IN1 General Industrial or IN2 Light Industrial. Concern was raised that permitting a wider range of industrial uses, as compared to the service industry uses that occur now, might create potential for land use conflicts with adjoining residential areas, particularly related to air and noise pollution. Also, the industrial uses have the potential to create environmental pressures within the E2 Environmental Conservation zone to the east of 10 and 24 Bluebell Street (see Attachment 1 – Map 3).

Consideration was also given to the relationship of the Business Precinct to the Belmont town centre. A broader strategic investigation is considered appropriate, however proceeding with the subject LEP amendment, to enable additional permitted uses, would not compromise future considerations. The LEP amendment would recognise the current uses of *Vehicle Body Repair Workshops* and *Timber Yards* currently being undertaken within the Precinct.

Maintaining the B7 Business Park zone for the Belmont North Business Precinct will signal that the area’s future desired character will continue to be low impact industrial and commercial operations. The B7 Business Park zone was determined to be best suited to the surrounding residential zoning to minimise land conflicts of noise and pollution.

The manufacturing business (Vogue Joinery) located on the rear portion of Lot 8 DP 536711, 411 Pacific Highway Belmont North, has not been included in the LEP amendment. This business was initially considered*,* however, due to a history of complaints by neighbouring residents, regarding excessive noise pollution, this property was not included in the planning proposal. The business can continue to operate but substantial increases in floor space or activity would be prohibited.

The Gateway determination will outline additional consultation requirements including Government agencies to be consulted, and public exhibition timeframes.

Implications:

Policy Implications:

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

The LEP amendment will add new items to Schedule 1 Additional Permitted Uses. These uses will include *Vehicle Body Repair Workshop* on Lot 8 DP 536711, 411 Pacific Highway, Belmont North, and Lot 1 DP 739866, 28 Bluebell Street, Belmont, while permitting *Timber Yards* on Lot 127 DP 861468, 10 Bluebell Street, and Lot 1 DP 449422, 24 Bluebell Street, Belmont. The additional uses will only apply to the specified properties within the B7 Business Park zone.

Lifestyle 2030 Strategy (LS2030)

LS2030 provides the long-term direction for the overall development of the City and is a long-range land use strategic plan and policy document. The subject land is within an intensification corridor along with being in a potential and existing employment land zone.

Therefore, the proposal will support the future objectives of employment lands and increased development.

Draft Hunter Regional Plan (DHRP)

The DHRP sets out a vision for the Hunter City Region to connect communities through a range of housing choices, employment, amenities and services. This draft Plan encourages investing in a diverse economy promoting innovation and growth concentrated in centres throughout the region. The proposal is consistent with the aims and strategic direction of the DHRP:

* Grow and connect service-based industries to support regional communities and provide a competitive edge to business
* Identify and manage the supply of industrial lands to support manufacturing, construction, transport and supply chain industries
* Provide the right regulatory environment to support small business

Lower Hunter Regional Strategy (LHRS)

The primary purpose of the LHRS is to ensure that adequate land is available and appropriately located to sustainably accommodate the projected housing and employment needs of the Region’s population until 2031. The proposal is consistent with the aims and strategic direction of the LHRS:

* Provide local employment opportunities for residents and to promote economic development consistent with the Local Government Area’s natural locational and community resources.
* There is sufficient supply of industrial land/commercial business parkland and a diversity of lot sizes to meet user’s needs, and having land devoted to commerce and/or manufacturing rather than private residences.
* Promote employment generating business activity.

State Environmental Planning Policies (SEPPs)

Assessment of the relevant SEPPs has been undertaken as contained in the Planning Proposal (see Attachment 1). No inconsistencies were found.

Ministerial Directions

Assessment of the relevant Ministerial Directions have been undertaken as contained in the Planning Proposal (see Attachment 1). Inconsistencies were found within Direction 4.1 Acid Sulfate Soils, 4.2 Mine Subsidence, 4.3 Flood Prone Land, and 4.4 Planning for Bushfire Protection. It is considered these inconsistencies are minor and the Director-General’s concurrence will be sought that they are of minor significance.

Environmental Implications:

Future redevelopment or intensification of the subject lots would need to consider the susceptibility to a flooding hazard. Flooding constraints will be addressed when Council receives any development applications. Assessment will follow Council’s Flood Management Guidelines, which are consistent with the NSW Government’s Flood Prone Land Policy. As the subject lots are mostly developed, the inconsistency with *s117 Direction 4.3 Flood Prone Land* is considered minor and the Director-General’s concurrence will be sought.

The sites of Lot 127 DP 861468, 10 Bluebell Street, and Lot 1 DP 449422, 24 Bluebell Street are located in a buffer bushfire hazard zone. Any future redevelopment would have to be assessed under the NSW Rural Fire Service *Planning for Bushfire Protection 2006 Guidelines*. Consideration of constraints will be addressed when Council receives future development applications. The NSW Rural Fire Service will be consulted following gateway determination.

All lots have an industrial legacy, which may amount to the possibility of contamination. Due to the lots retaining their industrial uses, the immediate risks to humans are negligible. Prior to the future development of any lot, it will be necessary for the land owner to provide a preliminary site investigation dealing with contamination of the subject area.

Future intensification of the subject lots could result in land use conflicts with neighbouring residents. These potential conflicts could include noise, traffic, air quality, and drainage, and could affect residents’ wellbeing and health. Limiting the additional permitted uses and maintaining the B7 Business Park zone will limit the potential for land use conflicts. Furthermore, controls in Lake Macquarie Development Control Plan - Part 3 - Development in Residential Zones, and Part 5 - Development in Industrial, Business Park and Infrastructure Zones, will assist in any conflict that arises in the case of a future development application.

Social Implications:

The amendment will facilitate the use of land for *Vehicle Body Repair Workshops* and *Timber Yard* operations on sites where these activities already occur. Allowing these uses to continue will provide services and employment for the surrounding community. Business expansion and intensification will need future development applications. Those applications will consider the impacts to neighbouring residential dwellings to mitigate noise and air pollution.

Infrastructure Asset Implications:

In terms of infrastructure asset implications for Council, the Planning Proposal and subsequent additional permissible uses will be negligible. Access to the lots is already well established via the Pacific Highway (State road), Bluebell Street, or a rear access road on Cobbin Parade (Council asset).

Financial Implications:

There will be no specific financial implications for Council apart from staff resources involved in the processing of the LEP amendment in accordance with Council’s LEP Amendment Procedure.

Risk and Insurance Implications:

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

Options:

1. Council supports the Planning Proposal as outlined in Attachment 1, and adopts the recommendation to pursue an amendment to *Lake Macquarie Local Environmental Plan 2014* to insert an enabling clause. This is the recommended option.
2. Council does not support the Planning Proposal and ceases the process.

Conclusion:

The proposed Amendment is considered to have strategic merit as it seeks to facilitate the operation of *Vehicle Body Repair Workshops* and *Timber Yards* that operated with consent prior to the adoption of *LMLEP2014*. Any intensification of these uses would require assessment and resolution if a development application for the site were lodged in the future. However, the proposal will amend intermediate issues raised by landowners providing certainty over expanding business operations and contributing to future employment generation.

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Manager - Integrated Planning - Sharon Pope

Attachments:

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| **1.**  | Planning Proposal |  | D07995055 |