

Planning Proposal – Lot 223 DP 551260, 27 Tiral Street Charlestown.

Draft Amendment No. 72 to

Lake Macquarie Local Environmental Plan (LM LEP) 2004

Local Government Area	Lake Macquarie City (LMCC)
Name of Draft LEP:	Lake Macquarie Local Environmental Plan (LMLEP) 2004 (Draft Amendment No. 72)
Subject Land:	Lot 223 DP 551260 27 Tiral St Charlestown Approximately 2.079 hectares
Maps:	Attachment 1 - Location Attachment 2 - Aerial Photograph Attachment 3 - Zoning Map Attachment 4 - Amendment to LMLEP 2004: Additional development allowed on certain land map

Part 1 – Objective of the Planning Proposal

The objective of the proposal is to allow development of the site for seniors housing, administrative offices and café.

The subject allotment is currently zoned part 2(2) Residential (Urban Living) and part 5 Infrastructure. The portion of the site zoned 5 (Infrastructure) contains an acquisition layer (in benefit of Council) for possible road widening purposes. The proposal does not seek to rezone or amend the acquisition status of the land.

Draft LMLEP 2012 – Standard Instrument LEP

This Planning Proposal considers both LMLEP 2004 and draft LMLEP 2012. The conversion of LMLEP 2004 to draft LMLEP 2012 as it relates to the subject site is summarised in Table 1 below.

Table 1: Conversions from LMLEP 2004 to draft LMLEP 2012 that affect the subject site and this Planning Proposal

Provisions LMLEP 2004	Standard Instrument Conversion
2(2) Residential (Urban Living)	Zone R3 Medium Density Residential
5 Infrastructure	Zone SP2 Infrastructure
Schedule 7 – Additional Development Allowed on Certain Land	Schedule 1 – Additional permitted uses

Part 2 – Explanation of the Provisions

This Planning Proposal seeks to add part of Lot 223 DP 551260 to 'Schedule 7 – Additional development allowed on certain land' of LMLEP 2004, to allow additional uses to support seniors housing with development consent. The additional uses would be:

- commercial premises (for the purpose of an office), and;

- restaurant.

The amendment proposes the following changes to LMLEP 2004:

Table 2: Proposed changes to the LMLEP 2004 map and instrument

Amendment Applies To	Explanation of the Provision
Instrument – Schedule 7 – Additional development allowed on certain land	Amend Schedule 7 ‘Additional development allowed on certain land’, to include Lot 223 DP 551260 in Column 1 and include the following in Column 2, ‘development for the purpose of commercial premises and restaurant is permitted with consent, but only if: (a) such commercial premises and restaurant have a combined gross floor area which does not exceed 50% of the final development gross floor area of the site. (b) such commercial premises and restaurant are to complement and support seniors housing on the site.
Instrument – Dictionary	Add “Lake Macquarie Local Environmental Plan 2004 (Amendment No 72)” to the definition of <i>the map</i> .
Map – Additional Development Allowed on Certain Land Map	Include 2(2) Residential (Urban Living) zoned land of Lot 223 DP 551 260 on the Additional Permitted Uses Map, as shown in Attachment 4.

The Planning Proposal would result in the following changes to Draft Lake Macquarie LEP 2012 (Council’s Standard Instrument LEP):

Table 3: Proposed changes to the draft LMLEP 2012

Amendment Applies To	Explanation of the Provision
Instrument – Schedule 1 – Additional permitted uses	Amend Schedule 1 ‘Additional permitted uses’ by adding: Use of certain land at Charlestown (1) This clause applies to land at Charlestown, identified as “Charlestown Area 1” Lot 223 DP 551260 on the <i>Additional Permitted Uses Map</i>. (2) Development for the purpose of office premises and restaurant is permitted with consent, but only if: (a) such office premises and restaurant have a combined gross floor area which does not exceed 50% of the final development gross floor area of the site. (b) such office premises, and restaurant are to complement and support seniors housing on the site.

LMLEP 2012 Standard Instrument – Minimum Lot Size Map	In the absence of proposed building dimensions and plans, the development will need to comply with the LMLEP 2012 Lot Size Map. The map specifies that the minimum lot size for the subject site is 900m ² .
LMLEP 2012 Standard Instrument – Building Height Map	The site is already subject to various building heights, including: • O3- 16.5m on the eastern and western sections of the site. • W- 43m on the northern, centre section of the site. • U1- 30m on the southern, centre section of the site. No change to the Building Height Map Layer is proposed.

Part 3 – Justification

Section A - Need for the Planning Proposal

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

Lower Hunter Regional Strategy

The subject land is not specifically identified in the strategy due to its relatively small size, however, the site is located in Charlestown which is identified as a major regional centre in the LHRS. The Proposal is consistent with the objectives and outcomes in the LHRS.

The LHRS notes that an ageing population is one of the 'regional challenges' facing the Hunter and encourages 'greater opportunities for housing to be provided within the existing urban areas'. Future development associated with the draft amendment will reinforce Charlestown's position within the centres hierarchy and accommodate the Hunter's ageing population by providing seniors housing and a range supporting services.

Lifestyle 2020 Strategy/ Draft Lifestyle 2030 Strategy

The subject site is not specifically identified in Lifestyle 2020 due to its relatively small size, however, the site is located in Charlestown which is identified as a sub-regional centre in the strategy. Lifestyle 2020 is Council's citywide strategic planning document that informed preparation of the current LMLEP 2004. Lifestyle 2020 strategy provides long-term direction for overall development of the City and is a tool for managing private and public development in Lake Macquarie. The proposal is consistent with the goals of Lifestyle 2020 in relation to:

- Encouraging opportunities for housing that meets special needs, such as older people or people with physical or psychological disabilities';
- Focusing activities at centres to maximise accessibility;
- Reinforcing and strengthening the Charlestown major regional centre;
- Providing a facility for seniors housing and supporting uses close to public transport and other services.

Draft Lifestyle 2030 Strategy is a revised version of Lifestyle 2020, reflecting shifts in planning policy and social, economic, and environmental trends through the period 2000 to 2012. This Planning Proposal is consistent with the provisions of draft Lifestyle 2030.

Charlestown Master Plan

Adopted in 2008, the Master Plan was the precursor to the draft Charlestown Area Plan. The Master Plan is a strategic plan to guide the long-term development and growth of Charlestown. The subject land is situated in the 'Town Centre Periphery' on the lower edge of the boundary of the Master Plan and is seen as an interface with surrounding residential development. The periphery of the town centre provides a transition – in both scale and uses – between the core area and the surrounding low density residential areas of Charlestown. This precinct supports the role and functioning of the Charlestown town centre core. The Charlestown Master Plan identifies the site as being capable of supporting a mixture of uses and heights and encourages “higher-density residential buildings in the southern parts of the town centre, especially on sites that are undeveloped or changing in use (such as the old TAFE site).”

The planning proposal generally conforms with the urban design principles and strategies contained within the Master Plan.

Lake Macquarie Town Centres Development Control Plan - Charlestown Area Plan

The subject land is identified in the Charlestown Area Plan component of the Lake Macquarie Town Centres Development Control Plan (adopted in August 2012). The Area Plan envisages future development of the subject site contributing to the range of community facilities and/or services available in Charlestown. At the Rezoning Assessment Panel Meeting on 31 May 2012, the proponent indicated that the preliminary concept plan for the site would be approximately:

- 2-4 storey on the Western Boundary
- 8-12 storey middle of the site
- 2-4 storey possibly 6 at the rear of the property

The draft amendment will result in development that is consistent with the envisaged built form, mix of uses, and scale of service and facility identified in the Area Plan and is consistent with the height maps in the draft LMLEP 2012.

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

The subject land is currently zoned 2(2) Residential (Urban Living) under LMLEP 2004. The objectives and permissible uses of the zone do not accommodate the proposed mix of uses envisaged for the site, particularly:

- commercial premises, and;
- restaurants.

A number of options were considered to proceed with the development of seniors housing and supporting uses on the site:

- Rezoning the land to B4 Mixed use, R1 General Residential, or B1 Neighbourhood Centre to enable a range of uses as permissible with development consent in the zone;
- Amend the 2(2) Residential (Urban Living) zone in LMLEP 2004 to accommodate the additional envisaged uses across the whole LGA, and;
- The use of an enabling clause to the 2(2) Residential (Urban Living) zone and the R3 Medium Density Residential zone to allow additional permitted uses to support seniors housing on the site.

An assessment these three options is provided below.

Rezoning

B4 Mixed Use Zone

The objectives of the B4 Mixed Use zone are:

- (a) to provide for a mixture of compatible land uses, and

- (b) to integrate suitable business, office, residential, retail and other development in accessible locations so as to maximise public transport patronage and encourage walking and cycling, and
- (c) to enable development that complements and enhances the core retail function and trading performance of the local area within the regional retail hierarchy.

The B4 zone is in the current LMLEP 2004 and will be converted to the requirements of the Standard Template as part of draft LMLEP 2012. The uses permitted with consent in the B4 zone that are relevant to the future development of the Tiral Street site include:

Business premises, child care centres, community facilities, health services facility, medical centres, neighbourhood shops, office premises, places of public worship, restaurants, and seniors housing.

The B4 Mixed Use zone also allows many other land uses, such as, retail premises, which include bulky goods premises, food and drink premises, landscaping material supplies, and shops. Food and drink premises includes pubs.

Rezoning the site to allow all the uses permitted in the B4 zone is not appropriate for this location in Charlestown. These uses are not compatible with, and may affect the residential amenity of, the adjoining medium density residential zone to the north and low density residential zones to the south. The permissibility of retail premises on the subject land could also potentially compromise the viability of the Charlestown commercial centre by permitting uses on the site that are more appropriately located in the existing Charlestown commercial zones.

As illustrated in Attachment 3, a B4 Mixed Use zone would not be an appropriate extension of the commercial zone southwards as it would not adjoin and amalgamate with the surrounding B4 zones. A spot rezoning would have the effect of enclosing the residential zoned land to the north of the site with zones primarily intended for commercial development. Low density residential zoned land to the south of the site would also immediately adjoin the Mixed Use zone, potentially impinging on residential amenity. For these reasons, rezoning the subject land B4 Mixed Use is not recommended.

R1 General Residential Zone

The R1 General Residential zone is a new zone in draft LMLEP 2012 that is not contained in LMLEP 2004. The objectives of the zone are:

- To provide for the housing needs of the community;
- To provide for a variety of housing types and densities;
- To enable other land uses that provide facilities or services to meet the day to day needs of residents;
- To provide for sensitive development of land at North Wallarah Peninsula.

The following uses permitted with consent in the R1 zone relevant to the future development of the Tiral Street site include:

Child care centres, community facilities, neighbourhood shops, places of public worship, seniors housing, and restaurants or cafes.

The R1 General Residential zone proposed in draft LMLEP 2012 does not include office premises or health services facilities as permitted uses.

An objective of the R1 zone is specific to land at the North Wallarah Peninsula, as are additional permitted uses within Schedule 1 of the draft LMLEP 2012. Rezoning the Tiral Street site to R1 would require the objectives of the zone to be altered, and the provisions of the R1 zone would need to be incorporated into LMLEP 2004. For these reasons, this is not the recommended option.

B1 Neighbourhood Centre Zone

The B1 Neighbourhood Centre zone is a new zone in draft LMLEP 2012 that is not contained in LMLEP 2004. Part of the subject site could be rezoned B1 Neighbourhood Centre to accommodate the administration/commercial use component of the seniors housing development. It is considered that only the western portion of the site would be zoned B1 in order to maintain consistency and amalgamate with the neighbouring business zones to the north. The objectives of the zone are:

- To provide a range of small-scale retail, business and community uses that serve the needs of people who live or work in the surrounding neighbourhood;
- To encourage employment opportunities in accessible locations;
- To create urban centres for safe and vibrant social, cultural, recreational and community activity;
- To provide for shop-top housing within mixed use developments.

The uses permitted with consent in the B1 zone that are relevant to the future development of the Tiral Street site include:

Business premises, child care centres, community facilities, health services facility, medical centres, neighbourhood shops, office premises, places of public worship, restaurants, and seniors housing.

Rezoning the site to allow all the uses permitted in the B1 zone is not Council's preferred option for the following reasons:

- The objectives of the zone are commercially focused. This may cause issues at the Development Application stage when the proponent proposes a use (Seniors Housing) that is not consistent with the zoning. SEPP (Housing for Seniors or People with a Disability) 2004 would not apply because it does not apply to land where dwelling houses, residential flat buildings etc. are not permitted, this includes the B1 zone;
- The proponent's intent for the site is to provide a holistic service to its occupants and the wider community by incorporating into the development seniors housing and supporting uses. Rezoning the western portion of the site to accommodate commercial uses will have the effect of segregating the uses, which is inconsistent with the proponents intent for the site;
- Development parameters need to be specified in order to determine the area of land to be rezoned B1 to accommodate the proposed commercial uses. The proponent has indicated that a master plan has not been prepared for the site, and will be considered at a later stage;
- The provisions of the B1 Zone would need to be incorporated into LMLEP 2004. This option is a far less transparent approach, for the community, than the use of an enabling clause to allow an additional use on the site.

In summary, the use of a B1 Neighbourhood Centre Zone would restrict the potential development layout for the site for a proposed seniors housing development. If the development does not proceed, Council will be left with a B1 Neighbourhood Centre Zone in the Major Regional Centre of Charlestown – a zone which is inconsistent with the hierarchy of zones for commercial centres in draft LEP 2012 and the NSW Standard Instrument.

Amend the 2(2) Residential (Urban Living)/R3 Medium Density Residential Zone

A further option is to amend the 2(2) Residential (Urban Living) zone under LMLEP 2004, and the R3 Medium Density Residential zone under the draft LMLEP 2012 to accommodate the envisaged supporting uses, i.e. permit restaurants and commercial premises in these zones.

The site is within 800 metres of the Charlestown Town Centre, which incorporates a bus interchange and major bus routes. The site has access to urban services such as water,

sewer, electricity, telecommunications, public transport, retail shopping, banking, and recreational land.

Although the site has attributes that make the additional supporting uses suitable on the subject land, it is considered unsuitable to include these uses in residential areas across the LGA, many of which are not supported by major bus interchange and have ready access to public transport, retail shopping etc. It would also be inconsistent with the principles of LS2020 and draft LS2030 to reinforce and strengthen the City's Centres. For these reasons, this is not the preferred option.

The use of an enabling clause to allow additional permitted uses to support seniors housing on the site.

Under the draft LMLEP 2012, the zone conversion of 2(2) Residential (Urban Living) zone is R3 Medium Density Residential zone. The objectives of the zone are:

- To provide for the housing needs of the community within a medium density residential environment.
- To provide a variety of housing types within a medium density residential environment.
- To enable other land uses that provide facilities or services to meet the day to day needs of residents.
- To maintain and enhance the residential amenity and character of the surrounding area.

The R3 zone permits, with consent, child care centres, community facilities, health services facilities, neighbourhood shops, places of public worship, and seniors housing. The permissible uses of the R3 zone excludes office premises and restaurants.

Including part of Lot 223 DP 551260 within 'Schedule 7- Additional development allowed on certain land' of LMLEP 2004 is Council's preferred option for the following reasons:

- The additional supporting services envisaged for the site (i.e. office premises and restaurants) can be accommodated.
- The development outcome would be consistent with the Charlestown Area Plan, providing a use and scale appropriate to the development of Charlestown in the next 20 years.
- The proposed Seniors Housing development on the site would be consistent with the 2(2) Residential (Urban Living) and the R3 Medium Density Residential zone objectives. This ensures that a facility to accommodate seniors housing and additional permitted supporting services could be developed on the site, rather than a potential commercial and retail focussed complex that is permissible under a B4 zone.
- The viability of the commercial centre of Charlestown would not be compromised by additional commercial and retail uses on the periphery of the Centre.
- The planning proposal is consistent with the strategic vision for Charlestown pursuant to the LHRS, Lifestyle 2020/draft Lifestyle 2030, Charlestown Master Plan and the Charlestown Area Plan. The seniors housing and supporting services will provide for the housing needs of the community within a medium density residential environment and will enable other land uses that provide facilities or services to meet the day-to-day needs of residents.
- An enabling clause transparently articulates Council's support for seniors housing on the subject site, as well as Council's preference to maintain the residential amenity of the surrounding R2 Low Density Residential and the R3 Medium Density Residential zones.

For these reasons, the most appropriate LEP Amendment mechanism to assure seniors housing on the site is a site-specific enabling clause.

4. Is there a net community benefit?

The proposal will facilitate the development of the site for seniors housing and associated uses close to the Charlestown Town Centre. Table 4 below assesses the Proposal against relevant criteria listed in the Draft Centres Policy for determining a Proposal's merits.

Table 4: Net Community Benefit Test

Criteria	Planning Comment
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 metres of a transit node)?	Yes. The draft amendment is consistent with the strategic directions of the LHRS to provide higher density aged care facilities close to an existing urban centre. The LHRS notes that an ageing population is one of the 'regional challenges' facing the Hunter. The Lower Hunter is characterised by a population which is older than, and continuing to age at a rate faster than, the NSW average. The site is within 800 metres of a transit node. Charlestown contains major bus routes, particularly along the Pacific Highway.
Is the LEP located in a global/regional city, strategic centre or corridor nominated within the Metropolitan Strategy or other regional/subregional strategy?	Yes. The site is located within Charlestown. Charlestown has been identified as Major Regional Centre in the Lower Hunter Regional Strategy.
Is the LEP likely to create a precedent or create or change the expectations of the landowner or other landholders?	Other landholders of 2(2) Residential zoned land may expect that they will be able to add additional permitted uses to their land. However, the subject site has a specific attributes that makes it suitable for seniors housing and associated uses, and avoids setting a negative precedent for 2(2) zoned lands in Lake Macquarie. Specifically, the site is identified in the Charlestown Master Plan as being suitable for a mixture of uses and heights. The draft amendment will create minimal precedent for other developments in the area that are not identified in the Charlestown Master Plan or the Charlestown Area Plan.
Have the cumulative effects of other spot rezoning proposals in the locality been considered? What was the outcome of these considerations?	Yes. The proposal is consistent with the Lower Hunter Regional Strategy in terms of projected population growth for the urban areas of Lake Macquarie. Together with other anticipated development in the locality, there will be an increase in population and therefore increased pressure on local services and facilities. However, the additional population can be catered for mainly through spare capacity in existing infrastructure. The proposal is also not of a scale that would create significant adverse social and economic impact, and would be limited by the provisions outlined in LMLEP 2004 and the Charlestown Area Plan. The provision s.94 developer contributions will assist in funding necessary services/facilities.
Will the LEP facilitate a permanent employment	Yes. The LEP will facilitate employment

generating activity or result in a loss of employment lands?

opportunities within the development of any future facility for seniors housing and support services. The Proposal will not result in a loss of employment lands.

Will the LEP impact upon the supply of residential land and therefore housing supply and affordability?

Yes. The LEP will allow seniors housing development in close proximity to the Charlestown Town Centre, where infill and higher density development is encouraged. The LHRS notes that an ageing population is one of the 'regional challenges' facing the Hunter.

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 existing public infrastructure is capable of servicing the proposed site. All necessary services including water, sewer, electricity and telephone are available for connection to future development.

Vehicular and pedestrian access within the site and between adjacent residential areas will be maintained with future built form positioned to encourage visual and physical access throughout the site.

Bus transport is readily accessible. The site is located on Newcastle Buses route 322 Newcastle to Belmont and route 111 Charlestown to Mount Hutton. The site is located less than one kilometre to Charlestown's transport interchange (Pearson Street) from which a large number of additional bus services are available.

Footpaths are located along Dudley Road and the Pacific Highway providing good pedestrian access between the site and surrounding areas of Charlestown.

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?

Yes. The site will provide seniors housing and support services including office premises restaurant/café and other associated uses in close proximity to Charlestown Town Centre. This will have a positive impact in reducing commuter distances and associated environmental and financial costs.

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?

The proposal would result in a small increase in patronage of government bus services. Council's Transportation Asset Planning section has reviewed the proposal and indicated that a Traffic Impact Assessment is required at development application stage.

The proposal will also have a minor impact on the electricity, water, wastewater, and telecommunication network. Connection to these services will be funded by the developers and would need to be determined at Development Application (DA) stage.

Will the proposal impact on land that the Government has identified a need to protect (e.g.

The subject site is not land that the Government has identified as having a need to protect.

land with high biodiversity values) or have other environmental impacts? Is the land constrained by environmental factors such as flooding?

Council's sustainability department advise that the biodiversity value of the site is low; however, a flora and fauna assessment is required from the applicant in order to confirm this. It is recommended that the assessment focus on the value of the site and trees for fauna and include a seven part test. These studies will be conducted post-gateway determination.

The site has not been identified as being prone to localised flooding. Council's sustainability department will determine whether a site-specific flood study is necessary post-gateway determination at the development application assessment stage. The study must be undertaken in accordance with the NSW Governments Floodplain Development Manual, April 2005.

Council's Waste and Environment Rangers (WER) department have advised that further soil sampling for arsenic may be needed to determine whether they exceed the National Environment Protection (Assessment of Site Contamination) Measure (NEPM) criteria for human health. Soil sampling and remedial action plan (if needed) will be carried out post-gateway determination at the development application stage. Remediation and validation if required are to be carried out prior to the issue of a Construction Certificate or Occupation Certificate.

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 LEP will be compatible with the surrounding land uses. The surrounding area is one of urban land used for low and medium density residential purposes and mixed use development. The subject land is located within walking distance of the Charlestown Urban Centre (Core) 3(1) zone and the proposed B3 Commercial Core zone under the draft LMLEP2012.

Impacts on amenity in the location and the wider community will be minimal as the site contains cleared and vegetated areas but does not contribute significantly to the scenic quality of the area. The visual impact of the future built form will be addressed in detail at development stage.

Impacts on the public domain are minimal because the site is privately owned. Consideration of Council's Development Control Plan at the DA stage will help to avoid the impacts of any development on the public domain.

Will the proposal increase choice and competition by increasing the number of retail and commercial premises operating in the area?

Yes. The site will be developed for seniors housing and supporting services. The supporting uses will also be made available to the community at large, increasing choice and

If a stand-alone proposal and not a centre, does the proposal have the potential to develop into a centre in the future?

competition in the Charlestown area.

No. The subject land is located south of the 'Town Centre Core' in the 'Town Centre Periphery'. The proposal is consistent with the strategic vision for Charlestown pursuant to the LHRS, Lifestyle 2020/draft Lifestyle 2030, Charlestown Master Plan and the Charlestown Area Plan. The proponents envisaged facility to accommodate seniors housing and supporting services will provide for the housing needs of the community within a medium density residential environment and will enable other land uses that provide facilities or services to meet the day-to-day needs of residents.

The proposal will support the commercial 'Town Centre Core' of Charlestown, without competing with it. The proposal itself does not have the potential to develop into a centre in the future.

What are the public interest reasons for preparing the draft plan? What are the implications of not proceeding at that time?

The Proposal addresses the need for seniors housing and supporting uses in a Local Government Area experiencing an increasing need for housing options for older people, with the number of people aged 65 years and over forecast to increase from 30,755 (in 2006) to 56,270 in 2025, as described by the LMCC Social Plan.

The proposal will also facilitate the implementation of the urban design principles and strategies outlined in the Charlestown Master Plan and will assist in the development of Charlestown as envisaged in the plan.

Not proceeding at this time reduces the opportunity to implement the urban design principles and strategies of the Charlestown Master Plan, and the site will continue to be underutilised.

Section B - Relationship to strategic planning framework

5. 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

The Proposal is consistent with the objectives and outcomes in the LHRS. The site is located in Charlestown, which is identified as a major regional centre in the LHRS. The LHRS notes that an ageing population is one of the 'regional challenges' facing the Hunter and encourages 'greater opportunities for housing to be provided within the existing urban areas'. Future development associated with the draft amendment will reinforce Charlestown's position within the centres hierarchy and accommodate the Hunter's ageing population by providing seniors housing and supporting services. The Proposal is consistent with the objectives and outcomes in the LHRS.

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

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

Lifestyle 2020 and draft Lifestyle 2030 provide the long-term direction for the overall development of the City and describes Council's high level policies for managing private and public development in Lake Macquarie. LS2020 has served the Lake Macquarie community for ten years; Draft Lifestyle 2030 Strategy is a revised version of that Strategic Plan, reflecting shifts in planning policy and social, economic and environmental trends through the period 2000 to 2012. The following assessment of the proposal has been undertaken against the Strategic Directions of LS2020 and draft LS2030:

A City Responsive to its Environment

LS2020 and draft LS2030 aim to protect the integrity and sustainability of Lake Macquarie's significant natural assets. It is considered that the draft amendment will be consistent with this strategic direction as development of the site could occur and:

- not adversely impact on areas of ecological and visual significance;
- ensure that undeveloped Greenfield sites are not disturbed in accommodating the demand for housing and commercial land, and;
- reuse degraded and disturbed land previously used as an educational establishment (TAFE).

Design measures will need to be implemented to mitigate any potential environmental impacts resulting from the development. These will be addressed as a component of the Development Application following the LEP amendment.

A Well Serviced and Equitable City

The aims of LS2020 and draft LS2030 are to maximise existing opportunities in order to limit the extent of urban expansion, to provide more efficient use of existing land and infrastructure, and to recognise community, commercial and investor needs through accommodating the City's projected population growth within centres and established areas (where feasible). It is considered that the draft amendment will be consistent with this strategic direction given that it would:

- encourage opportunities for housing that meets special needs, such as older people or people with physical or psychological disabilities;
- ensure an increased population within an existing centre and will assist in strengthening the viability and ability of Charlestown to serve community needs;
- encourage additional housing and services in a location that will support an existing centre and existing public transport, and;
- accommodate the City's projected population growth within established areas, which would reduce the need for more Greenfield sites on the periphery of urban areas.

A Well Designed and Liveable City

LS2020 and draft LS2030 aim to recognise, retain and enhance the character and attributes of the City that make it an attractive and liveable environment for residents, workers, investors and visitors. The proposal would be consistent with this objective as the envisaged development encourages the integration of business services, cultural activities, community facilities and services, seniors housing and public transport in Centres. Furthermore, the proposal will not:

- result in the loss of views or privacy from surrounding properties;
- adversely impact on places of cultural or heritage significance, and;
- have a significant adverse impact on the green system identified in Lifestyle 2020/draft Lifestyle 2030.

A City of Progress and Prosperity

LS2020 and draft LS2030 aim to maintain and expand the breadth and strength of the City's economic base in a responsible manner that takes into account its liveability, natural resources and locational advantages. It is considered that the draft amendment will be consistent with this direction for the following reasons:

- The proposal will enable the growth of an existing centre and suburban residential area that will in turn support the function and capacity of the existing movement systems and public infrastructure, and;
- The additional residents will facilitate multiplier effects related to the increased economic viability of businesses within Charlestown, business expansion, employment growth and the long-term viability of the centre.

An Easily Accessible City

LS2020 and draft LS2030 aim to ensure future development reduces reliance on private vehicles and supports an efficient and accessible movement system. It is considered that the draft amendment will be consistent with this direction by:

- the provision of development which is within an existing urban catchment;
- providing development that locates to support existing services/facilities and public transport;
- providing development that maintains and enhances connectivity within existing and emerging areas, and;
- encouraging mixed-use development within a 5 and 10-minute walk of Centres and transport nodes or stops.

The urban structure map contained within Lifestyle 2020 (p20) encourages mixed use development that includes housing in Centres such as Charlestown. Charlestown is a Major Regional Centre that provides a range of retail and commercial activities, social services and community facilities, is located on the Pacific Highway, and is major destination for the local bus service, all of which are important criteria for the location of seniors housing and supporting facilities.

Charlestown Town Centre Area Plan

Charlestown Area Plan was adopted in August 2012 as part of Lake Macquarie Town Centres Development Control Plan 2012. The Area Plan envisages future development of the subject site contributing to the range of community facilities and/or services available in Charlestown.. The Area Plan provides the following objectives and controls for development on the site:

“Objectives

- a. To ensure that development on the former TAFE site capitalises on the opportunities presented by a single consolidated site, in close proximity to a major regional centre.
- b. To ensure that development on the former TAFE site occurs in an orderly manner.
- c. To ensure that development on the former TAFE site contributes to the range of community facilities and/or services available in Charlestown.

Controls

1. Prior to Council consenting to any significant development on Lot 223 in DP 551260, a Concept Plan for the site must be approved by Council.
2. The Concept Plan must include the following:
 - i. A comprehensive site and context analysis
 - ii. Measures to retain views and vistas;
 - iii. Measures to retain significant vegetation;

- iv. Proposed uses and facilities
- v. Site plan and elevations showing built form, heights, setbacks;
- vi. Indicative building character and materials
- vii. Measures to minimise impacts on adjoining residential areas.”

The draft amendment concurs with the objectives of the Charlestown Area Plan in that it will capitalise on the opportunities presented by the site’s close proximity to a major regional centre. The range of development opportunities is restricted to primarily residential development under the current zoning. Including part of the site within ‘Schedule 7- Additional development allowed on certain land’ of LMLEP 2004 will enable the site to be developed as a regional hub for aged housing provision and supporting uses, while prohibiting land uses which are not appropriate on the site.

The proposal will also ensure that development of the subject site contributes to the range of community facilities and/or services available in Charlestown. The draft amendment will support the development of a facility in Charlestown that not only provides seniors housing, but a range of services and facilities that encourage social interaction between the site’s residents and the wider community.

In accordance with the Area Plan, a site Concept Plan will be provided to Council in support of a future development application.

Charlestown Master Plan

Adopted in 2008, the Master Plan was the precursor to the Charlestown Area Plan. The Master Plan is a strategic plan to guide the long-term development and growth of Charlestown. The subject site is situated in the ‘Town Centre Periphery’ on the lower edge of the boundary of the Master Plan and is seen as an interface with surrounding residential development. The periphery of the town centre provides a transition – in both scale and uses – between the core area and the surrounding low density residential areas of Charlestown. This precinct supports the role and functioning of the Charlestown town centre core. The Charlestown Master Plan identifies the site as being capable for a mixture of uses and heights and encourages “higher-density residential buildings in the southern parts of the town centre, especially on sites that are undeveloped or changing (such as the old TAFE site).”

The planning proposal generally concurs with the urban design principles and strategies contained within the Master Plan that aim to ensure development of the Centre supports the overall objective of making Charlestown an ‘accessible, vibrant, healthy, beautiful, and sustainable place to live, work, and play’.

Lake Macquarie Community Plan 2008-2018

The Lake Macquarie Community Plan 2008-2018 is Council’s response to the aspirations of the people of Lake Macquarie and reflects the community’s needs and priorities. The community plan identifies and sets out short, medium, and long-term strategies and objectives. It is considered that the draft amendment will be consistent with the objectives of the Lake Macquarie Community Plan 2008-2018 as the proposal will:

- not adversely impact on areas of ecological and visual significance;
- encourage opportunities for housing that meets special needs, such as older people or people with physical and psychological disabilities;
- enable the establishment of a facility to accommodate seniors housing and supporting services that provides a holistic service to its occupants and the wider community;
- facilitate multiplier effects related to the increased economic viability of businesses within Charlestown, business expansion, employment growth and the long-term viability of the centre.
- provide development that locates to support existing services, facilities and public transport.

7. Is the planning proposal consistent with applicable State Environmental Planning Policies?

The Planning Proposal is consistent with the relevant State Environmental Planning Policies (SEPP) as detailed below:

Table 5: Comparison of the proposal to relevant SEPPs

SEPPs	Relevance	Implications
SEPP No. 19 – Bushland in Urban Areas	The SEPP aims to protect and preserve bushland within certain urban areas, as part of the natural and cultural heritage or for recreational, educational, and scientific purposes.	The Lake Macquarie Native Vegetation and Corridors Map show the site as supporting areas of scattered remnant vegetation along the southern boundary. Prior to Council consenting to any significant development on Lot 223 in DP 551260, the Charlestown Area Plan requires a Concept Plan for the site to be approved by Council. The Concept Plan must include a comprehensive site and context analysis and measures to retain significant vegetation. The proposal would be consistent with this SEPP.
SEPP 32- Urban Consolidation (Redevelopment of Urban Land)	The SEPP aims to ensure a greater diversity of housing types within a locality to meet the demand generated by changing demographic and household needs.	The proposal seeks to utilise the site for multi-unit residential development and associated uses, which is consistent with the aims and objectives of this SEPP.
SEPP No. 44 – Koala Habitat Protection	The SEPP encourages conservation and management of natural vegetation areas that provide habitat for koalas to ensure permanent free-living populations will be maintained over their present range.	The subject land does not contain potential Koala habitat.
SEPP 55- Remediation of Land	The SEPP aims to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment.	Clause 6 of SEPP 55 requires ‘a preliminary investigation’ of land for LEP Amendments that propose to carry out development for ‘residential, educational, recreational, or child care purposes’ where ‘there is no knowledge (or incomplete knowledge) as to whether development for a purpose referred to in Table 1 to the contaminated land planning guidelines has been carried out’. A Phase 1 Environmental Site

SEPPs	Relevance	Implications
		Assessment (conducted 26 May 2009) and Site Contamination Assessment (conducted 24 March 2004) were prepared for the site by Coffey Geosciences Pty Ltd. Council's Waste and Environment Rangers (WER) department have reviewed the studies and advise that further soil sampling for arsenic may be needed to determine whether they exceed the National Environment Protection (Assessment of Site Contamination) Measure (NEPM) criteria for human health. Soil sampling and a remedial action plan (if needed) will be carried out post-gateway determination. This can be carried out as part of the development application. Remediation and validation if required are to be carried out prior to the issue of a Construction Certificate or Occupation Certificate.
SEPP (Housing for Seniors or People with a Disability) 2004	The SEPP aims to encourage the development of high quality accommodation for an ageing population and for people who have disabilities. In some instances, the SEPP sets aside local planning controls that would prevent the development of housing for seniors or people with a disability that meets the development criteria and standards specified in this Policy. The SEPP also sets out design principles and ensures support services are provided for seniors or people with a disability.	The proposal is consistent with the aims and objectives of the SEPP to provide opportunities for senior's housing development in the Lake Macquarie area.
SEPP (Infrastructure) 2007	The SEPP aims to provide a consistent planning regime for the delivery of infrastructure and the provision of services. It also provides for consultation and assessment with public authorities during the assessment process.	Development resulting from the proposal may require implementation of the provisions of the SEPP. Council's Transportation Asset Planning section have advised that a Traffic Impact Assessment is required at development application stage. Connections to the electricity, water, wastewater, and

SEPPs	Relevance	Implications
SEPP Building Sustainability Index: BASIX 2004	The SEPP aims to manage the development of land in a sustainable manner and provides controls to promote requirements for energy and water consumption	telecommunication network will be funded by the developers and would need to be determined at the development application stage. The proposal would be consistent with this SEPP. Development resulting from the proposal will need to comply with the BASIX requirements for energy and water consumption. The proposal is consistent with this SEPP.

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

An assessment of the Planning Proposal against the applicable Ministerial Directions is provided in Table 6. The Table addresses whether the Proposal is consistent with 'what a relevant planning authority must do' if a direction applies.

Table 6: Consistency with applicable Section 117 Ministerial Directions

Ministerial Direction & Relevance	What a relevant planning authority must do if this direction applies	Consistency / Comment
1.1 Business and Industrial Zones	This direction aims to encourage employment growth, protect employment land in business and industrial zones, and support the viability of strategic centres.	The draft amendment will enable the development of a facility to accommodate seniors housing and supporting uses. The range of envisaged uses on the site (i.e. child care centres, community facilities, health services facilities, neighbourhood shops, places of public worship, office premises, and restaurants) will encourage employment growth and support the commercial 'Town Centre Core' of Charlestown. Maintaining the 2(2) Residential zone on the site would also ensure that the viability of the commercial centre of Charlestown would not be compromised by additional commercial and retail uses that may be premature and incompatible with surrounding land uses. The proposal is consistent with this direction.
1.2 Rural Zones	This direction aims to protect the agricultural production value of	N/A

Ministerial Direction & Relevance	What a relevant planning authority must do if this direction applies	Consistency / Comment
	rural lands.	
1.3 – Mining, Petroleum Production and Extractive Industries	This direction aims to protect the future extraction of State or regionally significant reserves of coal, minerals, petroleum and extractive industries.	The Planning Proposal is not consistent with this direction. However, the provisions of the proposal that are inconsistent are of minor significance as the subject land will remain zoned 2(2) Residential (Urban Living), with the additional supporting uses permitted under Schedule 7 of LMLEP 2004.. Concurrence will be sought from the Director-General of the Department of Primary Industries (DPI) as part of the consultation process post-gateway determination.
1.4 – Oyster Aquaculture	This direction aims to ensure that Priority Oyster Aquaculture Areas and oyster aquaculture are adequately considered when preparing a planning proposal,	N/A
1.5 Rural Lands	This direction 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.	N/A
2.1 - Environmental Protection Zones	The direction requires that a draft LEP contain provisions to facilitate the protection of environmentally sensitive land.	N/A
2.2 Coastal Protection	The direction requires a draft LEP to include provisions that give effect to, and are consistent with the NSW Coastal Policy, Coastal Design Guidelines, & the NSW Coastal Management Manual, where the draft LEP applies to land in the coastal zone.	N/A
2.3 – Heritage Conservation	The direction requires that a draft LEP include provisions to facilitate the protection and conservation of Aboriginal and European heritage items.	N/A
2.4 – Recreation Vehicle Areas	The direction restricts a draft LEP from enabling land to be developed for a recreation vehicle area.	N/A
3.1 – Residential	This direction aims to encourage a variety and choice of housing	The Planning Proposal is consistent with the objectives of this Direction.

Ministerial Direction & Relevance	What a relevant planning authority must do if this direction applies	Consistency / Comment
Zones	types to provide for existing and future housing needs, to make efficient use of existing infrastructure and services, and to minimise the impact of residential development on the environment and resource lands.	The draft amendment will enable seniors housing and supporting services, for which there is currently a shortfall in Lake Macquarie. The proposal will help to broaden the choice of building types and locations. The subject land is located in close proximity to public transport routes and the Charlestown regional centre and will therefore make more efficient use of existing infrastructure and services. The proposal reduces the consumption of land for housing and associated development on the urban fringe by infilling a strategically located site.
3.2 – Caravan Parks and Manufactured Home Estates	The direction requires a draft LEP to maintain provisions and land use zones that allow the establishment of Caravan Parks and Manufactured Home Estates.	N/A
3.3 – Home Occupations	The direction requires that a draft LEP include provisions to ensure that Home Occupations are permissible without consent.	N/A
3.4 – Integrating Land Use and Transport	This direction aims to ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following: ▪ improving access to housing, jobs and services by walking, cycling and public transport, and ▪ increasing the choice of available transport and reducing dependence on cars, and ▪ reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and ▪ supporting the efficient and viable operation of public transport services, and ▪ providing for the efficient movement of freight.	The Planning Proposal is consistent with this direction. The site is adjacent to the Charlestown Regional Centre, which is an existing public transport node. Concentrating development around Charlestown Regional Centre encourages walking and cycling as alternative forms of transport. A number of cycle facilities and walkways are likely to be provided which provide linkages to the existing township.
3.5 –	This direction aims to ensure the	N/A

Ministerial Direction & Relevance	What a relevant planning authority must do if this direction applies	Consistency / Comment
Development Near Licensed Aerodromes	effective and safe operation of aerodromes.	
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.	N/A
4.1 – Acid Sulfate Soils	The direction applies to land that has been identified as having a probability of containing acid sulfate soils, and requires that a draft LEP is consistent with the Acid Sulfate Soil component of the model Local Environmental Plan (ASS model LEP), or be supported by an environmental study.	The Acid Sulphate Soils Maps produced by the former Department of Land and Water Conservation indicate that the site is not potentially affected by Acid Sulphate Soils. Therefore, the proposal is consistent with this direction.
4.2 – Mine Subsidence and Unstable Land	The direction aims to prevent damage associated with mine subsidence.	The site is within a proclaimed Mine Subsidence District pursuant to section 15 of the Mine Subsidence Compensation Act 1961. The site has not been identified as unstable land. The proponent advised that preliminary investigations have taken place to determine the potential impacts of mine subsidence on the site. The Mine Subsidence Board reviewed the preliminary findings and advised that it would consider future high rise development of the site subject to the provision of further supporting information. Further consultation will occur with the Mine Subsidence Board prior to public exhibition (s57).
4.3 – Flood Prone Land	This direction seeks to ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy.	The proposal is consistent with this direction. The subject site has not been identified as flood prone land. Council's sustainability department will determine whether a site-specific flood study is necessary for localised flooding. If necessary, the study will be undertaken in accordance with the NSW Governments Floodplain Development Manual, April 2005.
4.4 – Planning for Bushfire Protection	The direction applies to land that has been identified as bushfire prone, and requires consultation with the NSW Rural Fire Service,	The Planning Proposal is not consistent with this direction. The site is partially bush fire prone land pursuant to the Lake Macquarie Bush

Ministerial Direction & Relevance	What a relevant planning authority must do if this direction applies	Consistency / Comment
	as well as the establishment of Asset Protection Zones.	Fire Prone Land Map 2007. Consultation must be sought from the Commissioner of the NSW Rural Fire Service following 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. This assessment can be undertaken post-gateway determination at development application stage.
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 LHRs strategic directions by providing: - Housing and support services of appropriate density, location and suitability that responds to the needs of the ageing population. - Greater housing choice and support services for ageing residents - Housing form that is smaller and easier to maintain. - A concentration of businesses, employment, professional services, civic functions and facilities within the Charlestown Major Regional Centre.
5.2 – Sydney Drinking Water Catchment	This direction aims to protect water quality in the Sydney drinking water catchment.	N/A
5.3 Farmland of State and Regional Significance on the NSW Far North Coast	This direction aims to provide more certainty on the status of the best agricultural land, thereby assisting councils with their local strategic settlement planning.	N/A
5.4 Commercial and retail Development along the Pacific Highway, North Coast	This direction aims to protect the Pacific Highway's function, that is to operate as the North Coast's primary inter- and intra-regional road traffic route;	N/A

Ministerial Direction & Relevance	What a relevant planning authority must do if this direction applies	Consistency / Comment
6.1 – Approval & Referral Requirements	The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.	The draft amendment has been prepared in accordance with the EP&A Act 1979. Appropriate assessment has been undertaken in accordance with relevant plans, policies, and guidelines. The draft amendment will be consistent with this requirement.
6.2 – Reserving Land for Public Purposes	The direction aims to facilitate land for the provision of public services as well as to remove reservations of land for public purposes where the land is no longer required for acquisition.	A small portion of the site located at the corner of James Street and Dudley Road is reserved for road widening pursuant to Lake Macquarie LEP 2004 and draft LEP 2012. The proposal does not seek to amend the acquisition status of the land. The draft amendment is consistent with this direction.
6.3 – Site Specific Provisions	This direction contains provisions that discourage unnecessarily restrictive site specific planning controls.	The draft LEP is inconsistent with this Direction in permitting commercial premises (for the purposes of an office) and a restaurant on the subject site but not permitting such uses on all lands zoned 2(2) Residential (Urban Living). This option has been considered in the report. Council is not seeking to allow a range of additional uses to be carried out in all land zoned 2(2) Residential (Urban Living) because much of the zone across the LGA is not of suitable size, location and characteristics to accommodate a facility for seniors housing and supportive uses. It is considered that permitting commercial premises and a restaurant on the subject site would generate similar impacts to those uses already permitted in the zone. By restricting the extent of the additional uses and requiring such development to be constructed as part of the seniors housing development, the additional uses would have a relatively minor impact compared to the cumulative impact of the seniors housing development. In this regard, the draft LEP is not consistent with Direction No. 6.3 and the Director-General of the Department of Planning will need to

Ministerial Direction & Relevance	What a relevant planning authority must do if this direction applies	Consistency / Comment
		determine that these matters are of minor significance or not relevant in the circumstances.
7.1 – Implementation of the Metropolitan Plan for Sydney 2036	The objective of this direction is to give legal effect to the vision, transport and land use strategy, policies, outcomes and actions contained in the Metropolitan Plan for Sydney 2036.	N/A

Section C – Environmental, Social and Economic Impact

9. 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 site is heavily disturbed due to previous development and demolition activities, and as such, is predominantly cleared. The Lake Macquarie Native Vegetation and Corridors map does not identify any wildlife crossing points on the site, but the subject land does support areas of partially cleared remnant native vegetation.

A Preliminary Tree Assessment Report was prepared for the site by Treeology Pty, dated 4 December 2011. The report identifies that the major constraints to the site for development are areas around the southern and south western boundaries, and some of the northern side of the site.

Council's Sustainability Department advise that a flora and fauna assessment is required from the applicant in order to confirm the biodiversity value of the site. The assessment would be in accordance with the Lake Macquarie Flora and Fauna Guidelines, however, it would be modified to take into consideration the level of disturbance of the site. It is recommended that the assessment focus on the value of the site and trees for fauna and include a seven part test. These studies will be conducted post-gateway determination as the biodiversity value of the site is suspected to be low.

10. 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.

Flooding

The site has not been identified as being prone to flooding. Council's sustainability department have advised that they will determine whether a site-specific flood study is necessary for localised flooding post-gateway determination at the DA assessment stage. If required, the study will be undertaken in accordance with the NSW Governments Floodplain Development Manual, April 2005.

Contamination

The site was previously used as a TAFE campus, with a focus on horticultural studies. Horticulture is listed as an activity that may cause contamination pursuant to 'Managing Land Contamination Planning Guidelines – SEPP 55 Remediation of Land'.

A Phase 1 Environmental Site Assessment (conducted 26 May 2009) and Site Contamination Assessment (conducted 24 March 2004) were prepared for the site by Coffey Geosciences Pty Ltd. Council's Waste and Environment Rangers (WER) department have reviewed the studies and advise that further soil sampling for arsenic concentrations may be needed to determine whether they

exceed the National Environment Protection (Assessment of Site Contamination) Measure (NEPM) criteria for human health.

Soil sampling and remedial action plan (if needed) will be carried out post-gateway determination at development application stage. Remediation and validation if required, is to be carried out prior to the issue of a Construction Certificate or Occupation Certificate.

Noise

The development of a facility for seniors housing and supporting uses on the site could potentially create noise impacts for the surrounding residential development. However, due to the small-scale of the development, noise impacts are suspected to be negligible.

At its closest point, the subject land is approximately 120 metres from the intersection of Dudley Road and the Pacific Highway, and is within 800 metres of the Charlestown Town Centre. The Pacific Highway is a major transport route and contains many of Charlestown's major bus routes. The site may be susceptible to road noise from the Pacific Highway, however, impacts associated with road noise are suspected to be minor. A Noise Impact Assessment for the subject land may be required post-gateway determination.

Visual

According to LMCC's Scenic Quality Guidelines (SQG) the site is rated as having a Moderate Scenic Quality Rating. The area containing the site falls within Zone C- Scenic Quality Zone. Quoting from the guidelines, "Zone C is assigned to those areas of moderate to low Scenic Quality and Visual Accessibility and where the landscape values, while not making a significant contribution to the City image and attractiveness, do not detract significantly from that image or amenity."

A Visual Impact Assessment for the site may be required post-gateway determination.

Bushfire

As outlined above, the site is partially bush fire prone land pursuant to the Lake Macquarie Bush Fire Prone Land Map 2007. Bush Fire Vegetation Category 2 is located along the eastern and southern boundaries.

Seniors living is classified as a 'Special Purpose Building' and requires an assessment under section 100B of the Rural Fires Act. The planning proposal submitted by the proponent indicates that a Bushfire Preliminary Constraints Analysis has assessed the site's suitability to support seniors housing and supporting services against the requirements of s100B of the Rural Fires Act 1997.

Further consultation will be sought from the Commissioner of the NSW Rural Fire Service following 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. This assessment can be undertaken at development application stage.

Geotechnical

The site is identified as being within Geotechnical Zones T3 and T5. As outlined above, the site is within a proclaimed Mine Subsidence District pursuant to section 15 of the Mine Subsidence Compensation Act 1961. Further consultation will be sought from the Mine Subsidence Board following receipt of gateway determination.

The Acid Sulphate Soils Maps produced by the former Department of Land and Water Conservation indicate that the site is not potentially affected by Acid Sulphate Soils.

Heritage

The site does not contain and is not within proximity to any known heritage or Aboriginal heritage items. The site is not identified in the Lake Macquarie Local Environmental Plan 2012 Sensitive Aboriginal Landscape Map.

11. How has the planning proposal adequately addressed any social and economic effects?

Consistent with most areas in NSW, Lake Macquarie local government area supports an ageing population. Lake Macquarie City Council's *Ageing Population Plan 2008-2017* estimates that by 2022, 25% of Lake Macquarie's population will be aged 65 years and over. The relative increase in the proportion of older people in the population is an important factor weighing on the future provision of seniors housing and supporting services as well as having implications for economic growth. There is a clear need for a diverse range of housing and services that meet the needs of the ageing population. The draft amendment will cater for the needs of an ageing population and improve the lifestyle opportunities for aged residents in Lake Macquarie by enabling the development of a holistic facility that provides residential, administration, medical, child care and community services. It is intended that these services also be available to the public in order to promote integration of residents into the community.

The proposal will have a positive economic impact on the commercial core of Charlestown. The draft amendment will supplement the commercial core of Charlestown by facilitating support services and uses, and will increase the density of development for the town centre within a walkable catchment. Additional residents will facilitate multiplier effects related to the increased economic viability of businesses within Charlestown, business expansion, and the long-term viability of the centre, as well as provide employment opportunities within any future facility to accommodate seniors housing and associated uses.

Council's social and community planning department support the draft amendment and confirm that from a social planning perspective, no issues or concerns exist with the proposal. The proposed additional uses permissible under an enabling clause will have a positive impact on the social environment by improving the quality and range of services and facilities available to existing and future residents of Charlestown. It will also provide ease of access to day to day services for aged care residents who are restricted in their mobility. The draft amendment will integrate different land uses and activities, minimising travel distances and making them readily accessible in one location. This encourages the creation of interesting and vibrant streets through the diversification of activities, and helps create more socially diverse environments as everyone has equal access to facilities, regardless of whether they own a car. The range of uses will also promote visitation to the site and interaction between residents and the community.

The proposed LEP Amendment meets the objectives of both the *Ageing Population Plan* and the *Social Plan 2009 – 2014* by providing an opportunity for well-located seniors housing and supporting services that are connected, sustainable, and accessible to public transport and town centre services and facilities. The site is within a five minute walk of the Charlestown Town Centre and it has access to urban services such as water, sewer, electricity, telecommunications, public transport, retail shopping, banking, and recreational land. Furthermore, the site is over 1 hectare in size, is not a prime tourism site, is relatively free of physical constraints, and contains and is surrounded by land of generally low gradient for easy pedestrian access.

The *Section 94 Contributions Plan Citywide - Charlestown Catchment* outlines that it is important that people residing in larger scale retirement complexes (25 units or more) have access to facilities such as communal meeting areas, barbeque facilities, outdoor seating, and some recreational facilities, as well as bus services. The needs of future residents, such as the need for common meeting and recreational space and services such as meals and house keeping, are details that can be resolved as part of any DA. The proponent will also be required to demonstrate compliance with the site criteria, design principles and other provisions of SEPP (Housing for Seniors or People with a Disability) 2004 as part of any DA.

Section D – State and Commonwealth Interests

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

Yes. Connectivity between the site and adjoining areas such as the Charlestown commercial centre and surrounding centres is high. Bus transport is readily available. The site is located on Newcastle Buses route 322 Newcastle to Belmont and route 111 Charlestown to Mount Hutton, and less than 1

kilometre to Charlestown's transport precinct (Pearson Street) from which a large number of additional bus services are available.

The site is in close proximity to the Charlestown police station, fire station, ambulance service and private/public hospitals, in addition to doctor's surgeries and medical services, Medicare/Medibank and public open space.

Footpaths are located along Dudley Road and the Pacific Highway providing good pedestrian access between the site and surrounding areas of Charlestown. Connections to the electricity, water, wastewater, and telecommunication network will be funded by the developers and would be determined at the DA stage. These services are already available in the area and consultation with service providers following Gateway determination will determine whether they need to be augmented to accommodate development on the site.

Council's Transportation Asset Planning section have advised that a Traffic Impact Assessment is required at development application stage.

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

Consultation with State and Commonwealth public authorities will be undertaken in accordance with the Gateway Determination. It is proposed that consultation will occur with the following agencies:

- Hunter Water Corporation
- Ausgrid
- Hunter New England Health Service
- Roads and Maritime Services
- Department of Industry and Investment
- Department of Planning and Infrastructure
- Rural Fire Service
- Awabakal – Local Aboriginal Land Council
- Awabakal Traditional Owners Aboriginal Corporation and the Awabakal Descendents Traditional Owners Aboriginal Corporation.
- Mine Subsidence Board
- Ministry of Transport
- Department of Water and Energy
- Department of Environment, Climate Change, and Water
- Office of Environment and Heritage (OEH)

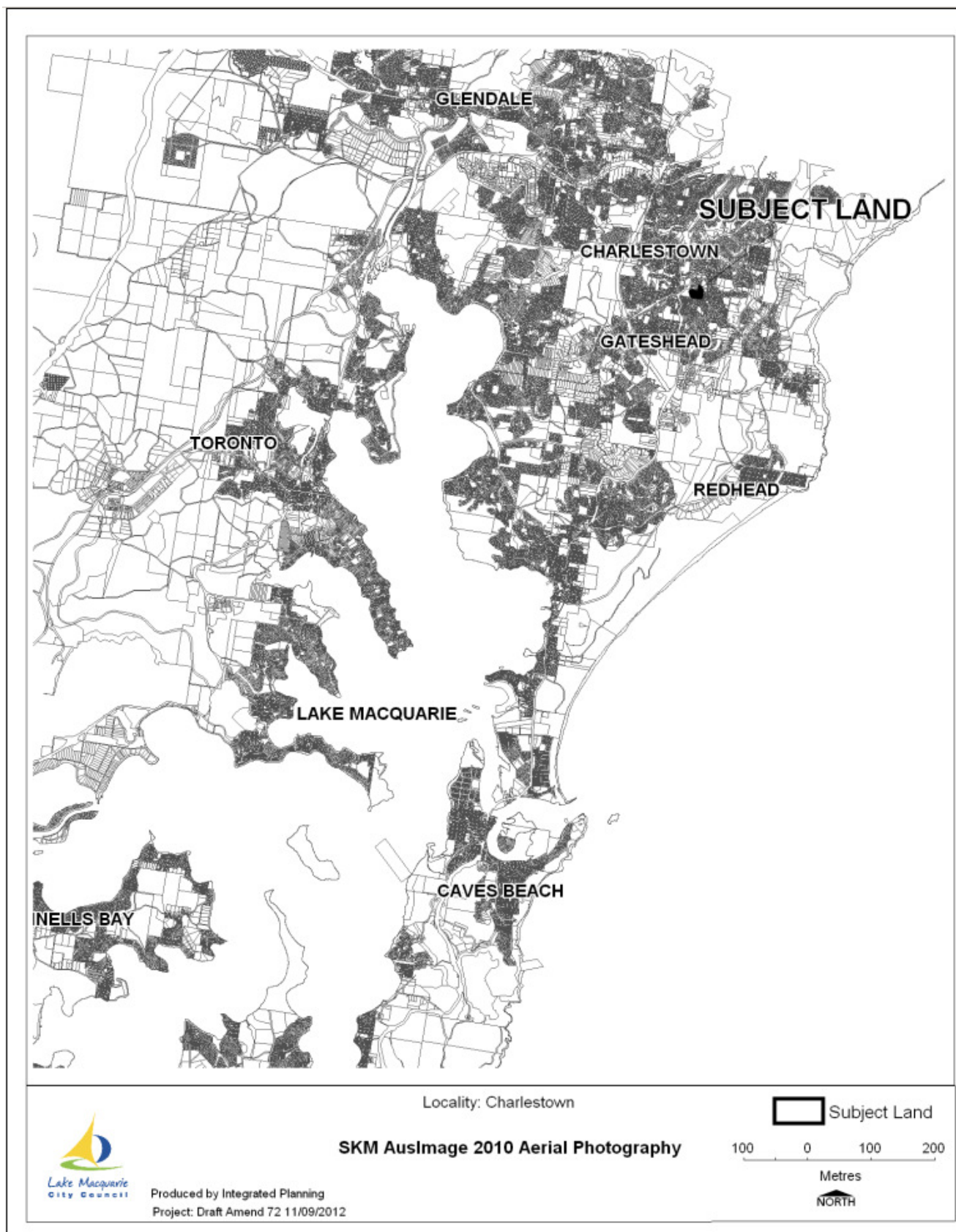
Part 4 – Details of Community Consultation

There has been no previous public consultation regarding this planning proposal. 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.

Attachment 1
Location



Attachment 2
Aerial Photograph



Locality: Charlestown

EXTRACT FROM EXISTING LMCC LEP2004 ZONINGS
SKM AusImage 2010 Aerial Photography

 Subject Land

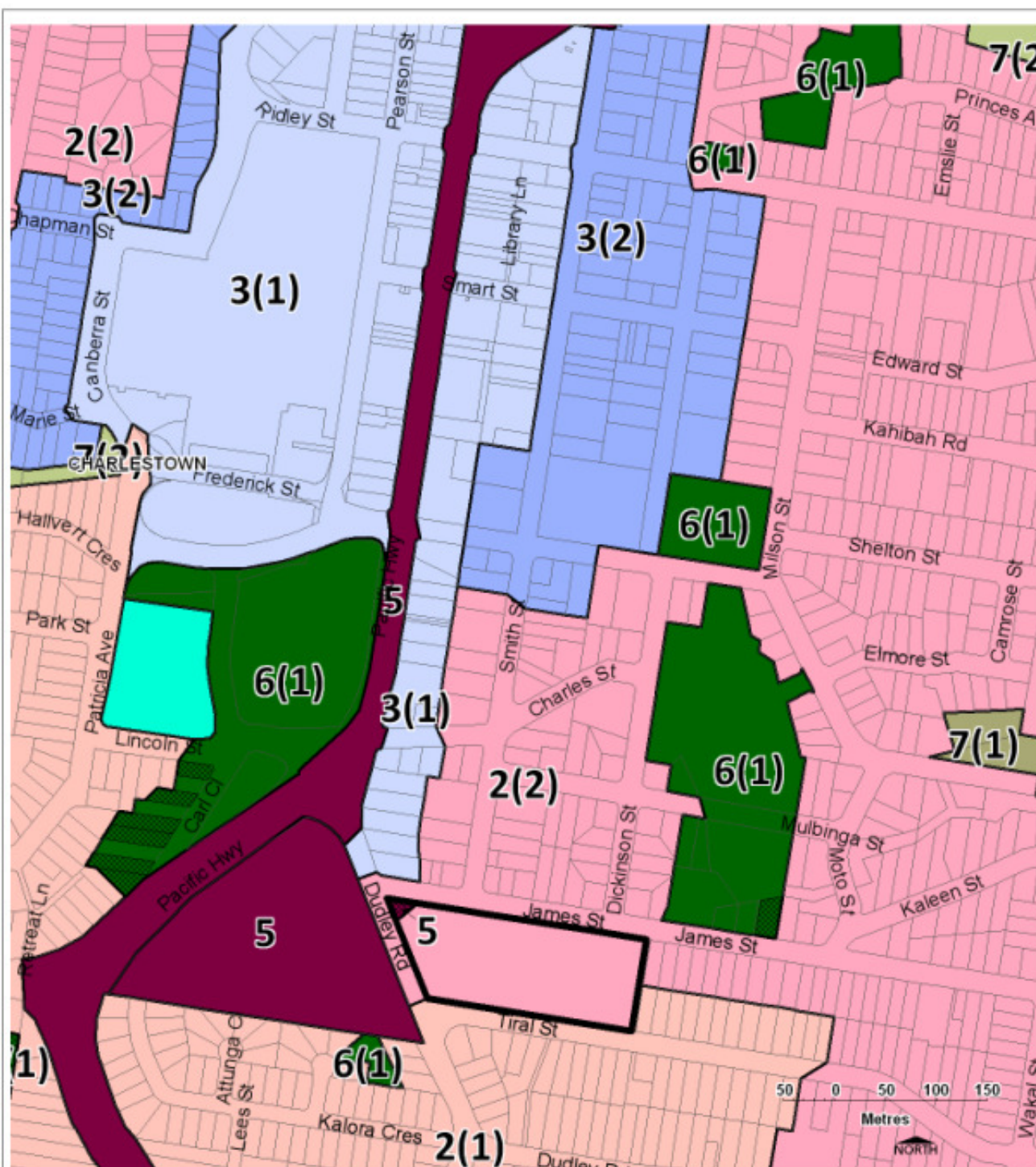


Produced by Integrated Planning
Project: DRAFT Amend72 11/09/2012

20 0 20 40 60
Metres
Scale: 1:2,000

Attachment 3

Zoning Map



Locality: Charlestown

Extract from current LEP 2004 Zoning

 Subject Land
 Acquisition



Produced by Integrated Planning
 Project: 2012/1860 08/05/2012

Attachment 4

Amendment to LMLEP 2004: Additional development allowed on certain land map

