

Planning Proposal – Belmont Sportsman’s Club
Draft Amendment No. 65 to Lake Macquarie Local
Environmental Plan (LM LEP) 2004

Local Government Area:	Lake Macquarie City Council (LMCC)
Name of Draft LEP:	Lake Macquarie Local Environmental Plan (LMLEP) 2004 (Draft Amendment No. 65)
Subject Land:	Lot 20 DP 1046905 2A Maude Street, Belmont
Tables:	Table 1: Conversions from LMLEP 2004 to draft LMLEP 2012 that affect the subject site and this Planning Proposal Table 2: Proposed changes to the LMLEP 2004 map and instrument Table 3: Proposed changes to the draft LMLEP 2012 map and instrument Table 4: Comparison of the Planning Proposal against the Draft Centres Policy Table 5: Comparison of the Planning Proposal against the LHRS Sustainability Criteria Table 6: Comparison of the Planning Proposal to relevant SEPPs Table 7: Consistency with applicable Section 117 Ministerial Directions
Attachments:	Attachment 1 – Locality Map Attachment 2 - Aerial showing proximity of the subject site to Belmont Town Centre Attachment 3 – Aerial Map and Current Zones Attachment 4 – Amendment to draft LMLEP 2012: Additional permitted uses map

Part 1 – Objectives or Intended Outcome

This Planning Proposal seeks to add part of the subject site (approximately 1.05 hectares) to ‘Schedule 7 – Additional development allowed on certain land’ of LMLEP 2004, to enable seniors housing as permissible with development consent. The Planning Proposal applies to the western portion of the site, which contains three existing bowling greens. The Sportsman’s Club building and associated car parking on the eastern portion of the site is not part of this Planning Proposal.

The subject allotment is currently zoned 6(1) Open Space (approximately 0.25 hectares) and 6(2) Tourism and Recreation (approximately 1.75 hectares). Although the allotment has a split zoning, it is entirely in the private ownership of the Belmont Sportsman's Club.

The Proposal does not seek to rezone any of the land from the current open space and recreation zonings, only to add an enabling clause to Schedule 7 of the LMLEP 2004.

Draft LMLEP 2012 – Standard Instrument LEP

The NSW Government introduced a Standard Instrument for new LEPs in all local government areas to create consistent LEP terminology and format across the state. LMCC is in the process of preparing a draft LMLEP 2012 to comply with the Standard Instrument Template.

As far as possible, the Standard Instrument LEP for Lake Macquarie will be a conversion of the current LMLEP 2004 to fit the Standard Instrument requirements.

At the time of writing, draft LMLEP 2012 is likely to be finalised in late 2012 or early 2013. Therefore, this Planning Proposal considers both LM LEP2004 and draft LMLEP 2012. The conversion of LMLEP 2004 to draft LM LEP2012 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
6(1) Open Space	Zone RE1 – Public Recreation
6(2) Tourism and Recreation zone	Zone RE2 – Private Recreation
Schedule 7 – Additional development allowed on certain land	Schedule 1 – Additional permitted uses and inclusion on the Additional Permitted Uses Map

Part 2 – Explanation of Provisions

While the location and characteristics of the subject site meet the requirements for seniors housing, the recreational zoning and its relationship with adjoining land prohibits the use of the site for seniors housing under both the SEPP (Housing for Seniors or People with a Disability) and clause 41 of LMLEP 2004, as described below in Part 3, Question 2. Therefore, the applicant has requested an LEP amendment to enable seniors housing on the site.

To retain the potential use of the site for recreational and tourism land uses, while also allowing seniors housing, the preferred option is to provide a site specific enabling clause under Schedule 7 of the LEP 2004 to permit 'seniors housing' on part of the site.

Table 2 outlines the changes proposed to the LMLEP 2004 map and instrument under this Planning Proposal.

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

Amendment Applies to:	Explanation of Provision
Instrument – Schedule 7 – Additional development allowed on certain land	Include part of Lot 20 DP 1046905 as an item in Schedule 7 of the LMLEP 2004 to enable seniors housing as permitted with development consent on the site.
Instrument – Dictionary	Add “Lake Macquarie Local Environmental Plan 2004 (Amendment No xx)” to the definition of <i>the map</i> .

The LEP Amendment proposes the following changes to the draft LMLEP 2012 instrument and maps:

Table 3: Proposed changes to the draft LMLEP 2012 map and instrument

Amendment Applies to:	Explanation of Provision
Instrument – Schedule 1 – Additional permitted uses	Include part of Lot 20 DP 1046905 as an item in Schedule 1 of the draft LM LEP 2012 to enable development for the purpose of seniors housing as permitted with development consent on the site.
Map – Additional Permitted Uses Map	Include approximately 1.05 hectares of the western portion of Lot 20 DP 1046905 on the Additional Permitted Uses Map, as shown in Attachment 4.

Part 3 – Justification

A. NEED FOR THE PLANNING PROPOSAL

1. Is the Planning Proposal a result of any strategic study or report?

The subject site is not identified in the Lower Hunter Regional Strategy 2006 (LHRS), but the Planning Proposal does fulfil the objectives and vision of the LHRS to focus infill development around centres and to cater for the needs of an aging population.

Lifestyle 2020 is Council’s citywide strategic planning document that informed preparation of the current LMLEP 2004. The subject site is not specifically identified in Lifestyle 2020, but the Proposal does fulfil the strategic directions to retain social diversity across the City by ‘encouraging opportunities for housing that meets special needs, such as older people or people with physical or psychological disabilities’ and of focusing ‘activities at Centres to maximise accessibility’.

The urban structure map contained within Lifestyle 2020 (p20) encourages medium density housing, including ‘retirement homes’ and seniors housing within a ten minute walk of town centres such as Belmont, a five minute walk of bus stops, and in high amenity areas, such as ‘adjacent to public open spaces’, as is the case with the Belmont Sportsman’s Club site. Belmont is a town centre that provides a range of retail and commercial activities, social services and community facilities, is located on the Pacific Highway, and is a major destination for the local bus service, all of which are important criteria for the location of seniors housing.

2. Is the Planning Proposal the best means of achieving the objectives or intended outcomes, or is there a better way?

A number of options were considered to proceed with 'seniors housing' development at the Belmont Sportsman's Club site, as outlined below.

SEPP 1 – Development Standards and Clause 41 of the LMLEP 2004

SEPP 1 aims to make development standards more flexible. It allows determining authorities to approve a development proposal that does not comply with a set standard where the standard is shown to be unreasonable or unnecessary in the circumstances of the case.

Clause 41 of the LM LEP 2004, permits development for the purpose of retirement villages 'in appropriate locations' where the land satisfies the criteria specified in subclause (5). Clause 41 applies to land within Zone 2(1) and 'land that is not within Zone 2(1), 7(1), 7(4), 8 or 9, but part of or all of which immediately adjoins, or is within 400 metres of, land within the 2(1) zone'. The subject site is approximately 620 metres south-east of land zoned 2(1) residential in Belmont and therefore exceeds the distance requirements of Clause 41.

Legal advice received from Council's City Solicitor, dated 4 May 2004 indicates that the dimension of 400 metres reflects 'a development standard amenable to the provisions of SEPP 1'. However, the 620 metre distance between the subject site and the 2(1) zone would equate to a 64.5% variation to the 400m development standard, which is a substantial variation.

The proponent would also need to address Clause 41(5)(a) of the LEP 2004, which requires that 'the land on which the development will be carried out is of sufficient size to accommodate a minimum 70 unit retirement village development'. The concept plan provided to Council for pre-lodgement discussions was for the development of 42 residential units.

Therefore, the Proposal is substantially inconsistent with two of the land use planning standards contained in Clause 41 of the LMLEP 2004. Given the departures required, it is considered that SEPP 1 cannot be used to progress seniors housing on the site.

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.

Clause 24 of the SEPP provides that a Site Compatibility Certificate may be sought on 'land that is used for the purposes of an existing registered club' and 'land that adjoins land zoned primarily for urban purposes' where seniors housing is otherwise prohibited by local planning controls. While the subject site fulfils this requirement by containing the Belmont Sportsman's Club, Clause 4(5) of the SEPP provides that:

(5) Application of Policy to land zoned for special uses and existing registered clubs

For the purposes of this Policy (and for the avoidance of doubt), a consent authority must not treat:

- a) land on which development for the purposes of special uses is permitted, or*
- b) land that is being used for the purposes of an existing registered club,*

as being land zoned primarily for urban purposes unless it is satisfied that most of the land that it adjoins is land zoned for urban purposes.

The proponent sought a Site Compatibility Certificate from the Department of Planning and Infrastructure (DoPI) in July 2011 to allow the Proposal to be assessed under the SEPP because the site contains an 'existing registered club' and adjoined 'land zoned primarily for urban purposes'. DoPI determined that the proposed development does not comply with the requirements of the SEPP as, Clause 4(6)(a) provides through Schedule 1 that the SEPP does not apply to land zoned Open Space, as it is not considered to be used primarily for urban purposes. Therefore, the Site Compatibility Certificate was not granted.

Rezoning

'Seniors housing' is permitted with development consent in the 2(1) Residential Zone, 2(2) Residential (Urban Living) Zone, 3(1) Urban Centre (Core) Zone, 3(2) Urban Centre (Support) Zone, and the B4 Mixed Use under LMLEP 2004.

'Seniors housing' is also permitted with development consent in the R1 – General Residential, R2 – Low Density Residential, R3 – Medium Density Residential, the B1 – Neighbourhood Centre, B2 – Local Centre, B3 – Commercial Core, and B4 – Mixed Use Residential Zones under the draft LMLEP 2012.

Therefore, there is an option to rezone the subject site to a zone that permits seniors housing with development consent. However, these zones permit land uses other than seniors housing, such as medium to high density standard residential development, so there would be no guarantee that seniors housing would be pursued on the site.

Amending the Land Use Table for the 6(2) Tourism and Recreation Zone

Council is not seeking to allow seniors housing as permissible with consent in the 6(2) Tourism and Recreation generally because much of the land with this zone, across the LGA, is not of suitable size, location and characteristics to accommodate seniors housing.

Enabling Clause

The preferred option is to include part of Lot 20 DP 1046905 within Schedule 7 of the LMLEP 2004, which provides for additional development on certain land. The additional development permitted on the site would be limited to 'seniors housing'.

Standard Instrument LEP

The draft SI LEP for Lake Macquarie is a conversion from the existing LEP 2004 and is therefore not an appropriate mechanism to undertake an LEP Amendment. Therefore, this matter will be progressed independent of the draft LMLEP 2012, either before or after its gazettal.

3. Is there a net community benefit?

The Proposal will deliver a net community benefit. It will facilitate seniors housing within easy walking distance of the Belmont Town Centre. Table 4 below assesses the Proposal against the relevant criteria for determining a proposal's merits listed in the Draft Centres Policy.

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

Draft Centres Policy Criteria	Comparison against the Planning Proposal
Will the LEP be compatible with agreed State and regional strategic direction for development in the area (e.g. land release, strategic corridors, development within 800 metres of a transit node)?	Yes. The Proposal for seniors housing 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 ageing of the population requires a different approach to the provision of housing, as smaller and easier to maintain dwellings become necessary. Belmont contains major bus routes, particularly along the Pacific Highway. At present seven different bus routes service Belmont. The site is within a 400 metre walk of bus stops on the Highway. It is also approximately a 200-250 metre walk from the site to the Belmont Bus Terminus located at Lake Macquarie Retirement Village on Gibson Street to the southeast of the Belmont Sportsman's Club. Therefore, the site is well within 800 metres of a transit node.
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 LHRS encourages 'greater opportunities for housing to be provided within the existing urban areas' and specifically identifies Belmont as a 'Town Centre' which provides a 'shopping and business centre for the district, including health and professional services mixed with medium density and higher density residential.'
Is the LEP likely to create a precedent, or create or change the expectations of the landowner or other landholders?	Other landholders of 6(2) Tourism and Recreation zoned land may expect that they will be able to add seniors housing as an additional permitted use to their land. However, the subject site has a specific list of attributes that makes it suitable for seniors housing and avoids setting a negative precedent for 6(2) zoned lands in Lake Macquarie. The cover letter from the Department of Planning and Infrastructure (DOPI) for the section 65 certificate to exhibit draft LM LEP 2012, dated 3 April 2012, 'recognises that Council needs to undertake further investigations to identify opportunities for seniors housing in existing urban areas close to urban services.' The intent is to produce a report and a series of maps to be reported to Council and included in the section 68 report for draft LM LEP 2012. The maps will identify land within 400m of an urban zone that is free of significant constraints, has access to adequate urban services, and is of sufficient size to accommodate aged accommodation. Land proposed to be zoned SP3 Tourist is excluded from the study because these are considered to be prime tourism sites. However, the subject site is zoned RE2 Private Recreation, and while tourist related land uses are permitted with consent on the site, it is not considered a prime tourism site. The site meets the majority of criteria contained in the brief for the strategic seniors housing study being undertaken by Council at the request of DOPI. It is unlikely that many other 6(2) Tourism and Recreation zoned landholdings would meet these criteria. Within Belmont for example, the other 6(2) zoned lands include the Lake

	Macquarie Yacht Club, the Belmont 16 Foot Sailing Club, and Spinnakers Leisure Park, which would be excluded from seniors housing because of their potential significance to tourism.
Have the cumulative effects of other spot rezoning proposals in the locality been considered? What was the outcome of these considerations?	As outlined above, other 6(2) zoned lands within Belmont are unlikely to be suitable for uses other than tourism and recreation due to their significance, size, environmental attributes and location.
Will the LEP facilitate a permanent employment generating activity or result in a loss of employment lands?	Yes. The Proposal will not result in a loss of employment lands. The LEP will facilitate employment opportunities within any future seniors housing development, as well as generating demand for support services.
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 Belmont Town Centre, where infill and higher density development is encouraged. This will increase the supply of smaller and easier to maintain dwellings in a well serviced location.
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 site is well serviced by major infrastructure and utilities. The Traffic Impact Assessment and preliminary discussions with the Roads and Maritime Service (RMS) indicate that the proposed development will not significantly influence the existing road network capacity and function. The site is within 400 metres or a 5 minute walking distance of the Belmont Town Centre. The surrounding road network contains pedestrian footpath infrastructure. Shared cycle and pedestrian paths along the Lake foreshore and the Fernleigh Track provide recreational and commuter access for Belmont residents. Seven bus routes currently service the Pacific Highway, Belmont, providing access to a variety of destinations. The Belmont Bus Terminus is located at Lake Macquarie Retirement Village on Gibson Street to the south-east of the Belmont Sportsman's Club, less than a 5 minute walk away. Three bus routes run along Glover Street, to the immediate south of the Belmont Sportsman's Club.
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 housing within 5 minutes walking distance of the Belmont Town Centre. This will have a positive impact in reducing distances that residents will have to travel to access retail, commercial, medical, recreational, and other services, thereby reducing associated environmental and financial costs. Reduced car use will have a positive outcome on greenhouse gas emissions, personal vehicle operating costs, and local traffic.
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 Pacific Highway is an RMS road. The Traffic Study submitted by the proponent and preliminary discussions with the RMS indicates that the proposed development will not significantly affect the existing road network capacity and function. Connections to the electricity, water, wastewater, and telecommunication network will be funded by the developers and would need to be determined at Development Application (DA) stage. The subject allotments is affected by an easement for overhead electricity lines, an easement for an electricity sub-station and an easement for underground electricity cables, which are co-located in the north of the site. Any future DA on the site would be required to demonstrate that it has considered and designed in accordance with this infrastructure.
Will the Proposal impact on land that the Government has identified a need to protect (e.g. land with high biodiversity values) or have other environmental impacts? Is	The subject site is not land that the Government has identified as having a need to protect. The site is part of the urban fabric of Belmont and does not have biodiversity or ecological value. The site is identified as Acid Sulfate Soils Class 3. Douglas

the land constrained by environmental factors such as flooding?	Partners prepared an Acid Sulfate Soil Data Assessment for the site, dated 7 March 2012, that recommends soils and groundwater exposed by excavation or dewatering to be managed in accordance with an Acid Sulfate Soils Management Plan. A copy of an Acid Sulfate Soils study must be provided to the Director-General prior to undertaking community consultation in satisfaction of section 57 of the EP&A Act 1979 in order to fulfil the requirements of Section 117 Direction 4.1. The applicant will be required to provide this information following Gateway determination and prior to undertaking community consultation. A Preliminary Flooding Assessment found that the subject site is affected by localised ponding of runoff due to the sites location in a natural drainage depression. The Assessment establishes a Probable Maximum Flood (PMF) level for this site. Any DA for seniors housing on the site would need to ensure that all proposed floor levels are located above the PMF level, which is achievable. Refer to Section C, Question 9 for more details. The land is not considered to have any other significant environmental factors that constrain the development of the land.
Will the LEP be compatible/ complementary with surrounding land uses? What is the impact on amenity in the location and wider community? Will the public domain improve?	Yes. The Proposal for seniors housing is consistent with existing urban development located to the northwest, west, and south of the subject site. The Proposal will not affect existing public recreational lands to the northeast and east because the Study Area is separated from these sites by an access road and the Club building. 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. Compatibility between any future seniors housing development, the existing Club building, and the adjoining Seniors Citizen Centre and Child Care Centre to the south, are matters for consideration in the detailed design of a DA.
Will the Proposal increase choice and competition by increasing the number of retail and commercial premises operating in the area?	Not applicable – the Proposal does not involve retail and commercial premises.
If a stand-alone proposal and not a centre, does the Proposal have the potential to develop into a centre in the future?	Not applicable – the western boundary of the subject site is zoned 3(2) Urban Centre (Support) and forms part of the Belmont Town Centre.
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 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 Social Impact Assessment (SIA) submitted by the applicant states that approximately 30 Bowling Club member's use one of the greens 2-3 times per week and the other two greens has been unused for at least 3 years. The Belmont Sportsman's Club is therefore seeking a more viable use of the western portion of the subject site. The implications of not proceeding at this time are that the Belmont Sportsman's Clubs bowling greens will continue to be underused or that the Club will pursue another land use that is permissible with consent under LM LEP 2004. The result will be a missed opportunity for well located seniors housing.

B. RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK

4. Is the Planning Proposal consistent with the objectives and actions contained within the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?

Lower Hunter Regional Strategy (LHRS) 2006

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' and identifies Belmont as a 'Town Centre' that provides a 'shopping and business centre for the district, including health and professional services mixed with medium density and higher density residential.'

Appendix 1 of the LHRS contains sustainability criteria for proposed development sites outside the designated areas of the Strategy. Table 5 contains an assessment of the Proposal against the sustainability criteria of the LHRS, demonstrating that the site is an innovative LEP Amendment proposal that has merit to be considered even though it is outside of the regional strategy process.

Table 5: Comparison of the Planning Proposal against the LHRS Sustainability Criteria

LHRS Sustainability Criteria	Response to Sustainability Criteria
1. Infrastructure Provision Mechanisms in place to ensure utilities, transport, open space, and communication are provided in a timely and efficient way.	The Proposal is generally consistent with the objectives of the LHRS, with Lifestyle 2020, and with section 117 directions, as outlined elsewhere in this report. The provision of infrastructure to the site, including utilities and communications is economically and technically feasible, given that the existing Club building has access to these services and the site is adjacent to the Belmont Town Centre and associated residential development. The traffic impact assessment indicates that the proposed development will not significantly influence the existing road network capacity and function. Refer to Section C, Question 9 for more details of the traffic impacts of the Proposal. If the LEP Amendment proceeds, any future DA for seniors housing will be would be levied for Section 94 Contributions subject to relevant legislation, ministerial directions, and the contributions plan in place at the time of development approval. These levies may provide funds for the provision and embellishment of public open space and recreation land, as well as community facilities. Any other requirements for infrastructure provision would also be included as conditions of consent on a DA to ensure their timely and efficient delivery.
2. Access Accessible transport options for efficient and sustainable travel between homes, jobs, services and recreation to be existing or provided.	The site is within 400 metres or a 5 minute walking distance for the Belmont Town Centre. The surrounding road network contains pedestrian footpath infrastructure. The site is adjacent to significant recreational facilities, including the Belmont Senior Citizens Centre and Belmont Community Child Care Centre to the south and Belmont Park recreational facilities to the north and north-east. Shared cycle and pedestrian paths along the Lake foreshore and the Fernleigh Track provide recreational and commuter access for Belmont residents. Seven bus routes currently service the Pacific Highway, Belmont, providing access to a variety of destinations. The Belmont Bus Terminus is located at Lake Macquarie Retirement Village on Gibson Street to the south-east of the Belmont Sportsman's Club, approximately 200-250 metres away or less than a 5 minute walk.

	Three bus routes run along Glover Street, to the immediate south of the Belmont Sportsman's Club. The site is well located in relation to accessible transport options for efficient and sustainable travel between homes, jobs, services, and recreation. The Proposal will have no net negative impact on the performance of existing subregional road, bus, rail, or freight networks.
3. Housing Diversity Provide a range of housing choices to ensure a broad population can be housed.	The Planning Proposal contributes to the provision of aged housing, which is a key objective of State, regional and local strategic planning documents. Council's <i>Ageing Population Plan</i> notes that older people who move from their own home are often constrained by a lack of suitable housing alternatives within their local community and there is a need for additional supply in well located, well serviced areas. The subject site meets the criteria for well located seniors housing.
4. Employment Lands Provide regional/local employment opportunities to support the Lower Hunter's expanding role in the wider regional and NSW economies.	The Proposal does not involve the provision of employment generating land, however any future seniors housing development will provide local employment and business opportunities.
5. Avoidance of Risk Land use conflicts, and risk to human health and life, avoided	A Preliminary Flooding Assessment found that the subject site is affected by localised ponding of runoff due to the sites location in a natural drainage depression. The Assessment establishes a Probable Maximum Flood (PMF) level for this site. Any DA for seniors housing on the site would need to ensure that all proposed floor levels are located above the PMF level, which is achievable. Refer to Section C, Question 9 for more details. In order to satisfy the requirements of SEPP 55, a preliminary contamination assessment is required, including soil sampling and spot sampling of the areas of concern. The preliminary investigations are to be carried out in accordance with the contaminated land planning guidelines. The report will be required following Gateway determination and prior to the commencement of community consultation under section 57 of the Act. Refer to Question 9 for more details of potential contamination risks. The site is not constrained by high slope, high erosion, bushfire, or coastal hazards. Potential land use conflicts between the proposed seniors housing with the Belmont Senior Citizens Centre and Belmont Community Child Care Centre to the south, the Belmont Park recreational facilities to the north and north-east, and the existing Club building on the subject site, can be resolved at the DA stage through good design and impact assessment.
6. Natural Resources Natural resource limits not exceeded/environmental footprint minimised	The Proposal does not have a significant affect on natural resources. The Proposal will not affect agricultural or resource land.
7. Environmental Protection Protect and enhance biodiversity, air quality, heritage and waterway health	The subject site contains three existing bowling greens and other hardstand areas and does not contain any native vegetation or habitat. The Proposal will not impact on animals (within the meaning of the Threatened Species Conservation Act 1995) and plants (within the meaning of that Act), and their habitats. The subject site is not located within any existing wildlife corridors identified on Council's Native Vegetation and Corridors Map. Seniors housing development is not expected to impact on air quality. Water quality and stormwater management planning can be undertaken at the DA stage.

8. Quality and Equity in Services Quality health, education, legal, recreational, cultural and community development and other Government services are accessible	Appendix 2 of the LHRS lists major infrastructure projects planned for the Hunter region. Between 2006 and 2015, Belmont is identified as receiving the following major infrastructure projects and upgrades: • Belmont Hospital – transitional care unit refurbishment • Belmont Hospital – upgrade • Belmont High School – new hall /gymnasium • Belmont wastewater treatment works, refurbishment clarifiers • Belmont wastewater treatment works, Stage 3 construction upgrade • Belmont wastewater treatment works, upgrade • Windale to Belmont wastewater treatment system Hunter New England Health is the key provider of health services used by older residents. Services include inpatient and outpatient treatment at Belmont and John Hunter Hospital's. General practitioners (GP's) are the first point of contact for assistance for many older people and a variety of GP's and allied medical services are available in the Belmont Town Centre. Council's <i>Ageing Population Plan</i> states that in March 2007 the Eastlake area had better access to general practitioner's (GP) services (1 GP for every 1,586 residents) than the Westlake area (1 GP for every residents 1,884), although the rate is still lower than the NSW average (1 GP for every residents 1,392). General Practitioner Access After Hours (HPAAH) services have been established and are located at John Hunter Hospital, Belmont Hospital, and Toronto Polyclinic to help address this shortage. Council's Section 94 Plans state that open space and recreation land is provided at a rate higher than the state average for Lake Macquarie residents. Community consultation undertaken to inform Council's <i>Sporting Facilities Strategy</i> notes that the Belmont Park recreational facilities adjoining the subject site currently experience medium to high levels of usage, with additional capacity available. Bowling facilities are duplicated at the Belmont Bowling Club, which is located in the centre of Belmont. The Belmont Bowling Club, constructed in 2008, offers a more modern bowling green than the Belmont Sportsman's Club does. The Belmont Sportsman's Club currently offers Tombola, Social and Competition Darts, Bingo and Housie, Line Dancing, Poker, and raffles activities, with capacity for additional activities. The Belmont Senior Citizens Centre and Belmont Community Child Care Centre adjacent to the subject site offers cultural and community services. The Belmont Senior Citizens Centre is the highest ranked facility in Council's <i>Community Facilities Strategy</i> because it has 'very high levels of utilisation, is in very good condition having had a major upgrade in 2009/10, and is suitable for its function'. No further intervention or upgrades are planned in the short term. Regular hirers of the facility include the Belmont Senior Citizens, the CWA, a karate group, and dance groups. Alternative facilities available for cultural and community events include Belmont Community Centre, Belmont Neighbourhood Centre, Belmont Library Meeting Room, Marks Point Community Hall, and various local Club facilities.
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5. Is the Planning Proposal consistent with the local council's Community Strategic plan, or other local strategic plan?

Lifestyle 2020 Strategy (LS 2020) and draft Lifestyle 2030 Strategy (draft LS 2030)

The Planning Proposal is consistent with the aims and objectives of LS 2020 Strategy by contributing to 'a well serviced and equitable city', a 'well designed and liveable city', and an 'easily accessible city'. The strategy encourages medium density housing, including retirement housing, in proximity to centres.

The Urban Structure Map contained within LS 2020 encourages medium density housing, including 'retirement homes' and seniors housing within a ten minute walk of town centres such as Belmont, a five minute walk of bus stops, and in high amenity areas, such as 'adjacent to public open spaces', as is the case with the Belmont Sportsman's Club site.

Draft LS 2030 is a review of the performance of LS 2020 and includes updated demographic, land supply, and biodiversity information, as well as updated regional and state government policy. Draft LS 2030 will be exhibited for public comment with draft LMLEP 2012. This Planning Proposal is consistent with the provisions of draft Lifestyle 2030.

6. Is the Planning Proposal consistent with applicable state environmental planning policies (SEPPs)?

The Proposal is compared to the provisions of the relevant SEPPs in Table 6 below.

Table 6: Comparison of the Planning Proposal to relevant SEPPs

SEPP	Relevance	Implications
SEPP 1 – Development Standards	SEPP 1 aims to make development standards more flexible. It allows determining authorities to approve a development proposal that does not comply with a set standard where the standard is shown to be unreasonable or unnecessary in the circumstances of the case.	Not Applicable - Clause 41 of the LM LEP 2004, permits development for the purpose of retirement villages 'in appropriate locations' where the land satisfies the criteria specified in subclause (5). Clause 41 applies to land within Zone 2(1) and 'land that is not within Zone 2(1), 7(1), 7(4), 8 or 9, but part of or all of which immediately adjoins, or is within 400 metres of, land within the 2(1) zone'. While, the dimension of 400 metres reflects 'a development standard amenable to the provisions of SEPP 1' the subject site is approximately 620 metres southeast of land zoned 2(1) residential, which is a substantial variation of 64.5% from the 400m development standard. The proponent would also need to address Clause 41(5)(a) of the LEP 2004, which requires that 'the land on which the development will be carried out is of sufficient size to accommodate a minimum 70 unit retirement village development'. The concept plan provided to Council for pre-lodgement discussions was for the development of 42 residential units. Given the substantial variations sought to Clause 41 of the LEP 2004, it is considered that SEPP 1 cannot be used to progress seniors housing on the site.

SEPP 55 – Remediation of Land	The SEPP provides planning controls and provisions for the remediation of contaminated land. Clause 6 of the SEPP provides that, when preparing an environmental planning instrument, a planning authority is not to change the use of land, unless: (a) the planning authority has considered whether the land is contaminated, and (b) if the land is contaminated, the planning authority is satisfied that the land is suitable in its contaminated state (or will be suitable, after remediation) for all the purposes for which land in the zone concerned is permitted to be used, and (c) if the land requires remediation to be made suitable for any purpose for which land in that zone is permitted to be used, the planning authority is satisfied that the land will be so remediated before the land is used for that purpose. Note. In order to satisfy itself as to paragraph (c), the planning authority may need to include certain provisions in the environmental planning instrument.	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’. The study area contains three bowling greens and hardstand areas. The bowling greens are likely to be underlain by fill material, which may be contaminated. It is also likely that the site has been used to store equipment and chemicals for maintaining the bowling greens, which may have also resulted in localised contamination. In order to satisfy the requirements of SEPP 55, a preliminary contamination assessment, including soil sampling and spot sampling of the areas of concern, is required. To comply with the provisions of SEPP 55, the preliminary investigations are to be ‘carried out in accordance with the contaminated land planning guidelines’. The report will be required following Gateway determination and prior to the commencement of community consultation under section 57 of the Act. Depending on the outcomes of the preliminary contamination assessment, further contamination investigations and can be undertaken prior to finalising the LEP Amendment, or at the DA stage. Further assessment and remediation of the site can be enforced by including provisions in an environmental planning instrument or planning agreement. Once the preliminary contamination assessment has been undertaken, this Planning Proposal will be updated.
SEPP 71 – Coastal Protection	The provisions of SEPP 71 apply to the subject site because it is located within the coastal zone. The matters for consideration set out in Clause 8 of the SEPP need to be taken into account by council when it prepared a draft local environmental plan.	The Proposal complies with the matters for consideration under SEPP 71. Matters (b), (c), (e), (f), (j), and (k) are not applicable because the subject site is not located on or adjacent to the coast, is not visible from the coast, is not affected by coastal processes, and is not directly accessible from the coast. The Proposal fulfils matter for consideration (a) by meeting the aims of the SEPP, set out in Clause 2. The Proposal will have minimal impact on native vegetation and heritage. The subject site is not located in a coastal area, so the Proposal will not impact directly on the coast. Visual amenity can be maintained by ensuring that the type, bulk, scale and size of development is appropriate for the location and protects and improves the natural scenic quality of the surrounding area at the DA planning stage. Seniors housing is a suitable development for the site because it is compatible with the surrounding residential and urban land, in

		fulfilment of matter for consideration (d). The Proposal will not impact on animals (within the meaning of the <i>Threatened Species Conservation Act 1995</i>) and plants (within the meaning of that Act), and their habitats, in accordance with matter for consideration (g). It also will not impact on fish (within the meaning of Part 7A of the <i>Fisheries Management Act 1994</i>) and marine vegetation (within the meaning of that Part), and their habitats, in accordance with matter for consideration (h). The subject site is not located within any existing wildlife corridors identified on Council's <i>Native Vegetation and Corridors Map</i>, in accordance with matter for consideration (i). The Proposal will not impact on known Aboriginal heritage items or places or other heritage items, in accordance with matter for consideration (l) and (n). Stormwater management to reduce the impacts of development on the water quality of coastal water bodies can be addressed at the DA stage, in accordance with matter for consideration (m). The Proposal contributes to compact development around the Belmont Town Centre in accordance with matter for consideration (o).
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.	Clause 24 of the SEPP provides that a Site Compatibility Certificate may be sought on 'land that is used for the purposes of an existing registered club' and 'land that adjoins land zoned primarily for urban purposes' where seniors housing is otherwise prohibited by local planning controls. The applicant sought a Site Compatibility Certificate from DOPI in July 2011 to allow a DA for seniors housing to be assessed under SEPP (Housing for Seniors or People with a Disability) because the site contains an 'existing registered club' and adjoins 'land zoned primarily for urban purposes'. Pre-lodgement meetings with Council's Development Assessment and Compliance (DAC) department, as well as communications with the Department of Planning and Infrastructure (DOPI), have indicated that the proposal for seniors housing is not permitted under the provisions of LMLEP 2004 or State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004. Clause 4(5) of the SEPP provides that a consent authority must not treat land being used for the purposes of an existing registered club as 'land zoned primarily for urban purposes' unless it is satisfied that most of the land that it adjoins is land zoned for urban purposes'. DOPI advice indicating that the SEPP does not apply in this instance because land zoned Open Space is not considered to be used 'primarily for urban purposes'. While the north-eastern and eastern boundaries of

		the site adjoin medium density residential and urban centre support zones, the majority of the site boundaries abut land zoned 6(1) Open Space. Although the Proposal fulfils the objectives and intentions of the SEPP, it does not meet the legal requirements for obtaining a Site Compatibility Certificate due to the wording and interpretation of Clause 4(5) of the SEPP. DOPI have encouraged Council to proceed with an LEP Amendment as a way of progressing seniors housing on the site.
SEPP (Infrastructure) 2007	This policy requires the RMS to be consulted in relation to certain types of traffic generating development. It also contains provisions relating to the development of infrastructure.	The Proposal does not qualify as traffic generating development, as listed in Schedule 3 of the SEPP. The subject site does not have direct access to a classified road and is located approximately 150m from the intersection of Maude Street with the Pacific Highway, which is a classified state highway. Apartments and residential flat buildings of 300 or more dwellings are classified as traffic generating development, but the Proposal will facilitate development of approximately 42 units. Any other purpose not listed in the table must generate 200 or more motor vehicles before it becomes classified development. Even though SEPP (Infrastructure) does not apply to the site, consultation with the RMS is required prior to undertaking community consultation in satisfaction of section 57 of the Environmental Planning and Assessment Act 1979 (the Act).

7. 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 7. The Table addresses whether the Proposal is consistent with 'what a relevant planning authority must do' if a direction applies.

A copy of an Acid Sulfate Soils study must be provided to the Director-General prior to undertaking community consultation in satisfaction of section 57 of the EP&A Act 1979 in order to fulfil the requirements of Section 117 Direction 4.1.

Table 7: Consistency with applicable Section 117 Ministerial Directions

Ministerial Direction & Relevance	What a relevant planning authority must do if this direction applies	Consistency / Comment
1.3 – Mining, Petroleum Production and Extractive Industries The aim is to protect the future extraction of State or regionally significant reserves of coal, minerals, petroleum and extractive industries.	A relevant planning authority is required to consult with the Department of Primary Industries (DPI) to identify any mineral, petroleum and extractive resources in the area subject to the Planning Proposal.	The Planning Proposal is consistent with this direction. The subject site is located within an existing urban area and contains existing urban development, it is therefore considered unnecessary to consult with the DPI.

2.2 Coastal Protection This direction applies to the coastal zone.	A Planning Proposal must include provisions that give effect to and are consistent with relevant NSW Government coastal policy.	The Planning Proposal is of minor significance to the coastal zone, as described by the comparison of the Proposal to SEPP 71 in Table 6. The Proposal is therefore consistent with this direction.
3.1 – Residential Zones The objectives of this direction are to include provisions in a draft LEP that facilitate housing choice, efficient use of infrastructure, and reduce land consumption on the urban fringe.	(4) A planning proposal must include provisions that encourage the provision of housing that will: (a) broaden the choice of building types and locations available in the housing market, and (b) make more efficient use of existing infrastructure and services, and (c) reduce the consumption of land for housing and associated urban development on the urban fringe, and (d) be of good design. (5) A planning proposal must, in relation to land to which this direction applies: (a) contain a requirement that residential development is not permitted until land is adequately serviced (or arrangements satisfactory to the council, or other appropriate authority, have been made to service it), and (b) not contain provisions which will reduce the permissible residential density of land.	This direction applies when a relevant planning authority prepares a Planning Proposal that will affect land within an existing or proposed residential zone and in any other zone in which significant residential development is permitted or proposed to be permitted. This direction applies because seniors housing is a type of residential development. The Proposal is consistent with this direction as follows: (4)(a) the Proposal is for seniors housing, for which there is currently a shortfall in Lake Macquarie, so the Proposal will help to broaden the choice of building types and locations, (4)(b) the Proposal is located in close proximity to the Belmont Town Centre and public transport routes and will therefore make more efficient use of existing infrastructure and services, (4)(c) the subject site is surrounded by urban development to the north-west, east, and south. Therefore, the Proposal reduces the consumption of land for housing and associated development on the urban fringe by infilling a strategically located site. (4)(d) N/A – the design aspects will be assessed at the DA stage. (5)(a) the applicant will be required to demonstrate that satisfactory arrangements have been made to adequately service the site for seniors housing development prior to obtaining development consent. Further consultation to be undertaken with service providers following Gateway determination and prior to community consultation under section 57 of the Act would help to determine whether a voluntary planning agreement is necessary to ensure the provision of services to the site, (5)(b) the Planning Proposal does not contain provisions that reduce the permissible residential density of land.
3.4 – Integrating Land Use and Transport The direction requires consistency with State policy in terms of positioning of urban land use zones.	A planning proposal must locate zones for urban purposes and include provisions that give effect to and are consistent with the aims, objectives and principles of: (a) Improving Transport Choice – Guidelines for planning and development (DUAP 2001), and (b) The Right Place for Business and Services –	The Planning Proposal is consistent with the aims objectives and principles of <i>Improving Transport Choice</i> and <i>The Right Place for Business and Services</i> because it is in close proximity to Belmont Town Centre, which is an existing public transport node. Concentrating development around Belmont Town Centre encourages walking and cycling as alternative forms of transport. The Planning Proposal complies with the principles of concentrating development in centres, mixing uses in centres, aligning centres within transport corridors (the Pacific Highway), linking public transport with land

	Planning Policy (DUAP 2001).	use strategies, and improving opportunities for pedestrian and cycle access.
4.1 – Acid Sulfate Soils The direction applies to land that has been identified as containing potential Acid Sulfate Soils (ASS)	This principle requires that a draft LEP is consistent with the ASS component of the model Local Environmental Plan (ASS model LEP), or that it is supported by an environmental study. A relevant planning authority must not prepare a planning proposal that proposes an intensification of land uses on land identified as having a probability of containing ASS on the ASS Planning Maps unless the relevant planning authority has considered an ASS study assessing the appropriateness of the change of land use given the presence of ASS.	Consistency with this Direction is yet to be determined. The subject land has the potential for Class 3 ASS, which applies to works beyond 1 metre below the natural ground surface and works by which the watertable is likely to be lowered by more than 1 metre below natural ground surface level. Douglas Partners prepared an Acid Sulfate Soil Data Assessment for the site, dated 7 March 2012, that recommends soils and groundwater exposed by excavation or dewatering be managed in accordance with an Acid Sulfate Soils Management Plan. However, the Assessment does not include sampling to test for the presence of ASS on the site. A relevant planning authority must not prepare a Planning Proposal that proposes an intensification of land uses on land identified as having a probability of containing ASS on the Acid Sulfate Soils Planning Maps unless the relevant planning authority has considered an ASS study assessing the appropriateness of the of land use change given the presence of ASS. Therefore, the applicants will be required to prepare such a study following Gateway determination. A copy of any such study will be provided to the Director-General prior to undertaking community consultation in satisfaction of section 57 of the Act to fulfil the requirements of this s117 direction. ASS provisions within Council's LEP and DCP apply to any future development of the site and seek to avoid any significant adverse environmental impacts from land identified as having a potential acid sulfate soils risk.
4.2 – Mine Subsidence and Unstable Land This seeks to prevent damage associated with mine subsidence	The direction requires consultation with the Mine Subsidence Board (MSB) where a draft LEP is proposed for land within a mine subsidence district.	This provision is not applicable. The applicant has provided a letter from the Mines Subsidence Board, dated 5 July 2011 confirming that the site is not located within a Mine Subsidence District. Therefore, consultation is not required with the Mines Subsidence Board.
4.3 – Flood Prone Land This seeks to ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy	This direction applies when a relevant planning authority prepares a planning proposal that creates, removes, or alters a zone or a provision that affects flood prone land.	This provision is not applicable because the subject land is not identified as flood prone land or low lying land on Council's property conditions. In a DA pre-lodgement meeting on 19 April 2011, Council advised the applicant that additional flooding provisions apply to retirement villages. A Preliminary Flooding Assessment found that the subject site is affected by localised ponding of runoff due to the sites location in a natural drainage depression. The Assessment establishes a Probable Maximum Flood (PMF) level for this site. Any DA for seniors housing on the site would need to ensure that all proposed floor levels are located above the PMF level,

		which is achievable. Refer to Section C, Question 9 for more details.
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 strategic directions of the LHRS to provide higher density aged care facilities close to an existing urban centre. The LHRS encourages 'greater opportunities for housing to be provided within the existing urban areas' and identifies Belmont as a 'Town Centre' that provides a 'shopping and business centre for the district, including health and professional services mixed with medium density and higher density residential.' Appendix 1 of the LHRS contains sustainability criteria for proposed development sites outside the designated areas of the Strategy. Table 5 contains an assessment of the Proposal against the sustainability criteria of the LHRS, demonstrating that the site is an innovative LEP Amendment proposal that has strategic merit.
6.1 – Approval & Referral Requirements The objective of this direction is to ensure that LEP provisions encourage the efficient and appropriate assessment of development.	This direction seeks to minimise the inclusion of provisions in planning instruments that require the concurrence, consultation, or referral of development applications to a Minister or public authority (a). It also sets out consultation and approval requirements, if such provisions are to be included in a planning instrument (b), or if a planning instrument identifies development as designated development (c).	The Proposal is consistent with the direction as follows: (a) consultation is being undertaken with government agencies at the LEP Amendment stage of the development to reduce the need for concurrence, consultation, and referrals at the DA stage. None of the provisions outlined in Tables 2 or 3 at the start of this document will create excessive concurrence, consultation, or referral requirements. (b) N/A – No Ministerial or public authority concurrence, consultation or referral requirements are generated by the Planning Proposal. (c) N/A – The Planning Proposal does not identify any development as designated development.
6.2 – Reserving Land for Public Purposes	This direction provides that a planning proposal (4) must not create, alter, or reduce existing zonings or reservations of land for public purposes without the approval of the D-G of DOPI. It also contains requirements for (5) the acquisition of land under the <i>Land Acquisition (Just Terms Compensation) Act 1991</i> , (6) stipulations for the use of any land reserved for a public purpose, and (7) the removal of reservations for acquisition at the request of a public authority.	The draft LEP will not involve the reservation or acquisition of land for public purposes, and is therefore the Proposal consistent with the direction. The Proposal also maintains the current 6(1) Open Space Zone and 6(2) Tourism and Recreation Zone on the site.
6.3 – Site Specific Provisions	This direction contains provisions that discourage unnecessarily restrictive site specific planning controls.	This Direction applies because the Planning Proposal 'will amend another environmental planning instrument in order to allow a particular development proposal to be carried out.'

		The Planning Proposal is consistent with this direction because it proposes to allow seniors housing 'on the relevant land without imposing any development standards or requirements in addition to those already contained in the principal environmental planning instrument being amended'. Furthermore, this Planning Proposal does not 'contain or refer to drawings the show details of the development proposal'. Council is not seeking to allow seniors housing to be carried out in all land zoned 6(2) Tourism and Recreation because much of the zone across the LGA is not of suitable size, location and characteristics to accommodate seniors housing. Council is also not pursuing to rezone the subject site to a residential, mixed use or urban centre zone in order to permit seniors housing with development consent because it would result in the permanent loss of land zoned for recreation and open space purposes. Other zones permit land uses other than seniors housing, such as medium to high density standard residential development, so there would be no guarantee that seniors housing would be pursued on the site. Therefore, site specific provisions are justified in this instance.
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C. ENVIRONMENTAL, SOCIAL, AND ECONOMIC IMPACT

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

The subject site contains three existing bowling greens and other hardstand areas and does not contain any vegetation or habitat. The Proposal will not impact on animals (within the meaning of the *Threatened Species Conservation Act 1995*) and plants (within the meaning of that Act), and their habitats. The subject site is not located within any existing wildlife corridors identified on Council's Native Vegetation and Corridors Map.

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

The applicant has provided environmental investigations to support the LEP Amendment request. A summary of the environmental issues is provided below.

Hydrology, Water Quality, and Flooding

The Preliminary Flooding Assessment prepared by Northrop Consulting Engineers, dated 8 August 2011, found that the subject site is affected by flooding from localised ponding of runoff due to the sites location in a natural drainage depression.

Survey details indicate that piped stormwater discharge from the subject site is limited to an existing 600mm diameter pipe which runs east underneath Belmont Sportsman's Club. It is anticipated that once the capacity of this pipe is reached water will pond within the subject site to the existing natural drainage depression threshold level of 4.75m Australian Height Datum (AHD). At this level, overflow

would occur at several places around the perimeter of the depression including Maude Street, Cahill Oval, and along the southern side of the Club. A peak flood level of 4.8m AHD was adopted for the site for a 1% Average Exceedance Probability (AEP) / the 1 in 100 year storm event. Figure 2 of the Preliminary Flooding Assessment indicates that the existing bowling green surfaces are above the 1% AEP event, so it will be achievable to construct the habitable floor levels of the proposed seniors housing development about the flood level.

The proposed development recommendations of the report are as follows:

- Habitable floor levels of the building are recommended to be set at a minimum of 5.3m AHD to give a freeboard of 500mm above the 1% AEP flood levels, as per the provisions of Lake Macquarie Development Control Plan No. 1 (DCP No. 1).
- Due to the nature of the site, the existing flood levels are governed by weir overflow and not by flow conveyance. To maintain the existing site flood levels, the proposed development must maintain and / or develop and overland flow route through the site to Maude Street. Preliminary calculations indicate that this can be achieved with an overflow weir width of 10 metres and a maximum threshold level of 4.55m AHD.
- Fill material must not be placed where it may affect or dam the existing peak flows.
- Development must allow for the conveyance of stormwater flows from Ernest Street in the west and Glover Street to the south to and through the subject site.

Stormwater management and design can be further investigated at the DA stage, but the Preliminary Flooding Assessment demonstrates that it will be possible to address localised ponding of water in the study area to make the site suitable for seniors housing development.

Traffic

Based on the RTA's Guide to Traffic Generating Development, the proposed seniors living development could generate up to 17 additional vehicles per hour to and from the site during the morning and afternoon road network peak periods. The Traffic Impact Assessment prepared for the site by Intersect Traffic, dated September 2011, finds the additional traffic would not cause the local road network to reach its mid block technical capacity threshold.

Sidra modelling of the existing intersection of the Pacific Highway and Maude Street shows that the intersection is currently operating at or exceeding its capacity. As a result, delays, queues, and poor levels of service are experienced, particularly during afternoon peak hour traffic. The Traffic Impact Assessment finds that 'the additional traffic generated by this development is negligible compared to the existing traffic volumes through the intersection' and will have 'very little impact in terms of additional delay and queue length at the intersection over the assessment period of 10 years'. The Traffic Impact Assessment concludes that it is unreasonable to require this Planning Proposal to upgrade the intersection, as the problem is an existing network issue.

The Traffic Impact Assessment also notes that the development is unlikely to warrant the provision of additional cycle infrastructure, but that the southern side of Maude Street does not contain an existing footpath. To facilitate safe pedestrian movements, there is likely to be a need to construct a concrete footpath on the southern side of Maude Street from the subject site to the Pacific Highway in the east

and a pedestrian refuge may be required on the southern leg of the Ernest Street and Maude Street intersection.

Contamination

As discussed elsewhere in this report, a preliminary contamination assessment, including soil sampling and spot sampling of the areas of concern, will be undertaken following Gateway determination and prior to commencing community consultation in accordance with section 57 of the Act.

Noise

The Proposal will need to assess the potential noise impact from the existing Club on any future seniors housing development. A Noise Impact Assessment will be required as part of any future DA.

Visual

Andrews Neil Urban Design Group prepared a draft Visual Impact Statement for the site, dated July 2011. Under the LMCC *Scenic Quality Guidelines 2004*, the subject site is within the Belmont North Landscape Setting Unit, with a scenic quality rating of moderate, and a moderate viewing level. Development in the surrounding area comprises a mixture of single and two storey residences, with a medium density residential flat building adjoining the subject land to the west. Seniors housing would be visually complementary to the surrounding residential land uses.

To mitigate the visual impact of development, any future DA will need to provide a Landscape Plan and demonstrate that the design achieves integration with surrounding land uses and built form.

Bushfire

The site is not bushfire prone land.

Geotechnical

The site is not identified as having any significant geotechnical constraints.

A letter from the Mines Subsidence Board, dated 5 July 2011 confirms that the site is not located within a Mine Subsidence District. No further consultation is required with the Mines Subsidence Board.

Heritage

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

10. How has the Planning Proposal adequately addressed any social and economic effects?

HDB Town Planning & Design prepared a Social Impact Assessment (SIA) for the Proposal dated March 2012. The two main social and economic effects of the Proposal are the need for seniors housing and the potential loss of recreational land. These two impacts are outlined in more detail below.

Seniors Housing

The social profile of Belmont contained within the SIA and strategic documents such as the *Lower Hunter Regional Strategy, Lifestyle 2020*, and Council's *Ageing Population Plan* outline the need to provide housing for an aging population in Lake Macquarie. The LHRS notes that an ageing population is one of the 'regional challenges' facing the Hunter and there is a need for smaller, easier to maintain dwellings for seniors. The Planning Proposal will meet this need by facilitating the

provision of approximately 42 x 1 and 2 bedroom seniors housing units. Lifestyle 2020 encourages medium density housing, including retirement housing, in proximity to centres within the City's Urban Area.

Council has an *Ageing Population Plan 2008-2017* that outlines (pp7-8) that over the coming decades Lake Macquarie will have more people aged 65 years and over than is currently the case, at the same time as experiencing a decrease in the proportion of the population that is young and an increase in the proportion that is aged. The Plan notes that older people who move from their own home are often constrained by a lack of suitable housing alternatives within their local community and there is a need for additional supply in well located, well serviced areas. The Planning Proposal will help to meet this need.

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 that is connected, sustainable, and accessible to public transport and town centre services and facilities. The Proposal will facilitate seniors housing in a location that offers close proximity to services such as public transport, retail and banking facilities, medical services and recreational land.

The *Section 94 Contributions Plan Citywide - Belmont Catchment* outlines that it is important that people residing in larger scale retirement complexes of 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. Prior to lodgement of a DA, the applicant would be required to update the SIA to better evaluate the availability and capacity of community, recreational, and transport facilities in the area and detail the onsite facilities that might reasonably be provided to meet the needs of residents.

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.

Recreational Land

The Proposal potentially affects the supply of privately owned recreational land, by permitting seniors housing with development consent on the site.

The SIA states that approximately 30 Bowling Club member's use one of the greens 2-3 times per week and the other two greens have been unused for at least 3 years. The Belmont Sportsman's Club is therefore seeking a more viable use of the western portion of the subject site. An alternative, modern bowling facility is available at the Belmont Bowling Club, located off Singleton Street, within the Belmont Town Centre. The Belmont Sportsman's Club hosts rugby league, baseball, cricket, and soccer sporting clubs, in addition to the bowling club, which will not be impacted by this Proposal. The onsite impacts of the Planning Proposal on recreation are reduced by the availability of alternative local facilities and the ongoing role of the Club within the sporting and recreation community.

While the Proposal will enable the three bowling greens to be replaced with aged care housing, the existing 6(2) Tourism and Recreation Zone will be retained. This will ensure that recreational and tourism land uses continue to be an option for development and use of the subject site.

The *Lake Macquarie City Council Sports Facility Strategy* acknowledges that Council is the main financial contributor to the development and embellishment of sports

facilities. Council funds many of these works through Section 94 contributions levied on new development. A DA seeking seniors housing on land at Belmont Sportsman's Club would be levied for Section 94 Contributions subject to relevant legislation, ministerial directions, and the contributions plan in place at the time of development approval. These levies may provide funds for the provision and embellishment of public open space, recreation land, and community facilities in Lake Macquarie to meet identified needs of LGA residents.

Prior to lodgement of a DA, the applicant would be required to update the SIA to better evaluate the availability and capacity of community, recreational, and transport facilities in the area and detail the onsite facilities that will be provided to meet the needs of residents. The Section 94 Contributions Plan Citywide - Belmont Catchment outlines that it is important that people residing in larger scale retirement complexes of 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 proponent will also be required to demonstrate compliance with the site criteria, design principles and other provisions of State Environmental Planning Policy (Housing for Seniors or People with a Disability) 2004.

Net benefit

The site is a good location for seniors housing because it is within 400 metres or a five minute walk of the Belmont Town Centre and it has access to urban services such as water, sewer, electricity, telecommunications, public transport, retail shopping, banking, medical practitioners, 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 current 6(2) Tourism and Recreation Zone permits many uses that could replace the existing bowling greens and Club with development consent without providing for recreational use, such as hotel and motel accommodation and function centres. As the land is privately owned, Council lacks the ability to require specific recreational facilities, if any, to be provided on the site.

In this instance, it is considered that the community benefit resulting from the provision of seniors housing outweighs the loss of private recreational land.

11. Is there adequate public infrastructure for the Planning Proposal?

The site offers ready access to existing public infrastructure. Belmont contains major bus routes, particularly along the Pacific Highway. At present seven different bus routes service Belmont. The site is within a 400 metre walk of bus stops on the Highway. It is also approximately a 200-250 metre walk from the site to the Belmont Bus Terminus located at Lake Macquarie Retirement Village on Gibson Street to the south-east of the Belmont Sportsman's Club.

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.

The Traffic Impact Assessment indicates that the Proposal will not significantly influence the existing levels of service and capacity of the local road network.

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

Limited consultation with State and Commonwealth public authorities has been undertaken to date. A letter from the Mines Subsidence Board, dated 5 July 2011 confirms that the site is not located within a Mine Subsidence District. No further consultation is required with the Mines Subsidence Board.

It is considered that the following consultation with state authorities is required prior public exhibition of the Planning Proposal:

- Hunter Water Corporation
- Telstra
- Ausgrid
- Hunter New England Health Service
- Roads and Maritime Services (RMS)

Part 4 – Details of Community Consultation

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

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

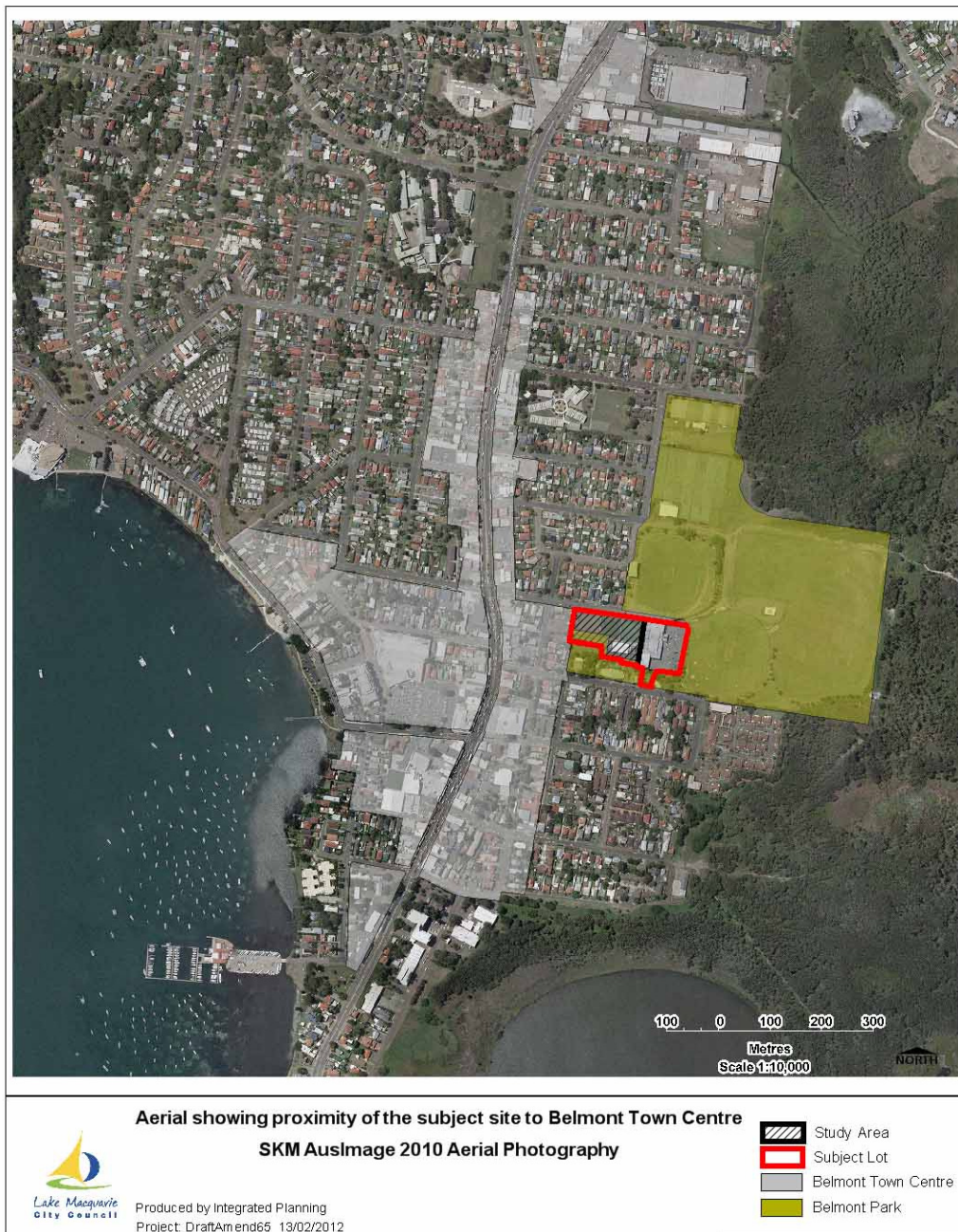
The Proposal does not fit the definition of a 'Low impact Planning Proposal' and Council believes it should therefore be exhibited for at least 28 days.

Details of future government authority consultation are provided in response to Question 12 above.

Attachment 1 – Locality Map



Attachment 2 – Aerial showing proximity of the subject site to Belmont Town Centre



Attachment 3 – Aerial Map and Current Zones



Attachment 4 – Amendment to draft LM LEP 2012: Additional permitted uses map

