

Lake Macquarie Local Environmental Plan 2004 - Amendment No. 65 - Belmont Sportsman's Club

Proposal Title : Lake Macquarie Local Environmental Plan 2004 - Amendment No. 65 - Belmont Sportsman's Club

Proposal Summary : To permit seniors housing on part of the subject site, being the Belmont Sportsman's Club, and correct a zoning anomaly.

PP Number : PP_2012_LAKEM_005_00 Dop File No : 12/10103

Planning Team Recommendation

Preparation of the planning proposal supported at this stage : **Recommended with Conditions**

S.117 directions : **2.2 Coastal Protection**
 4.1 Acid Sulfate Soils
 6.2 Reserving Land for Public Purposes
 6.3 Site Specific Provisions

Additional Information : **1. Support the Planning Proposal as a rezoning of land to zone 2(2) Residential Urban Living under Lake Macquarie Local Environmental Plan 2004 or equivalent, instead of introducing an enabling clause for the site.**

2. An acid sulfate soil study is required to be prepared in accordance with the requirements of s 117 Direction 4.1 Acid Sulfate Soils to assess the appropriateness of the changes in land use given the possible presence of acid sulfate soils within the site. The study is to be placed on public exhibition with the planning proposal.

3. A preliminary site investigation (contamination study) is to be prepared in accordance with cl. 6(1) of State Environmental Planning Policy (SEPP) No. 55 - Remediation of Land. This study is to be placed on public exhibition with the planning proposal.

4. Community consultation is required under section 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979, as follows:
 (a) the Planning Proposal be made publicly available for 28 days;
 (b) the relevant authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be publicly available along with planning proposals as identified in section 4.5 of "A guide to preparing LEPs" (Department of Planning, 2009).

5. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - Transport for NSW (Roads and Maritime Service)
 - Hunter Water Corporation
 - relevant telecommunication authorities
 - relevant energy authorities

6. The Director General (or delegate) agree with the following section 117 Direction inconsistencies;
 - **3.2 Caravan Parks and Manufactured Home Estates as the inconsistency is of minor significance because a variety of housing options can be provided as a result of the proposal.**
 - **6.2 Reserving Land for Public Purposes as the inconsistency is of minor significance because the small area of land zoned 6(1) is not community land or publicly owned.**

7. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it

Lake Macquarie Local Environmental Plan 2004 - Amendment No. 65 - Belmont Sportsman's Club

may otherwise have to conduct a public hearing.

8. The timeframe for completing the LEP is 12 months from the date of the Gateway Determination.

9. Council should exhibit the planning proposal with sufficient information and maps to inform the community how the planning proposal will amend both the existing Lake Macquarie Local Environmental Plan 2004 and the draft Standard Instrument Lake Macquarie Local Environmental Plan 2012.

Supporting Reasons : The use of an enabling clause to permit seniors housing is not supported in this instance. The land is within the Belmont urban boundaries, is close to Belmont town centre and adjoins land zoned 2(2) Residential Urban Living where seniors housing is permitted with consent. The objectives of the 6(2) zone do not encourage residential development and it is therefore likely that the site will eventually be rezoned to an appropriate urban zoning should the seniors housing be constructed. A 2(2) Residential Urban Living zone is considered the most appropriate zone for the site, and seniors housing would be consistent with objectives that provide for medium and high density living where residents have good access to a range of urban services and facilities. Medium density housing is consistent with local and regional strategic objectives.

Panel Recommendation

Recommendation Date : 05-Jul-2012

Gateway Recommendation : Passed with Conditions

Panel Recommendation : The Planning Proposal should proceed subject to the following variations and conditions:

1. The proposed inclusion of 'seniors housing' as an additional permitted use on land at Maude Street, Belmont is not supported in this circumstance. Council is to proceed with the planning proposal as a rezoning. The planning proposal is to be amended and the land zoned to 2(2) Residential Urban Living under the Lake Macquarie LEP 2004 or R3 Medium Density Residential under the draft Lake Macquarie LEP 2012. Council is to provide the Department's Regional Team with a copy of the revised planning proposal prior to the commencement of public exhibition.
2. A preliminary site contamination investigation is to be prepared in accordance with Clause 6(1) of State Environmental Planning Policy No. 55 – Remediation of Land. The study is to be placed on public exhibition with the planning proposal.
3. An acid sulphate soil study is to be prepared in accordance with the requirements of S117 Direction 4.1 Acid Sulfate Soils. The study should consider the appropriateness of the change in land use given the potential existence of acid sulphate soils within the site. The study is to accompany the planning proposal for the purposes of public exhibition.
4. Community consultation is required under sections 56(2)(c) and 57 of the Environmental Planning and Assessment Act 1979 ("EP&A Act") as follows:
 - (a) the planning proposal must be made publicly available for 28 days; and
 - (b) the relevant planning authority must comply with the notice requirements for public exhibition of planning proposals and the specifications for material that must be made publicly available along with planning proposals as identified in section 4.5 of A Guide to Preparing LEPs (Department of Planning 2009).
5. Consultation is required with the following public authorities under section 56(2)(d) of the EP&A Act:
 - Hunter Water Corporation
 - Transport for NSW – Roads and Maritime Services

Each public authority is to be provided with a copy of the planning proposal and any relevant supporting material. Each public authority is to be given at least 21 days to comment on the proposal, or to indicate that they will require additional time to comment

Lake Macquarie Local Environmental Plan 2004 - Amendment No. 65 - Belmont Sportsman's Club

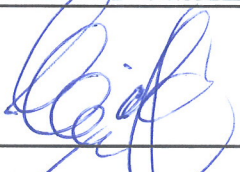
on the proposal. Public authorities may request additional information or additional matters to be addressed in the planning proposal.

6. A public hearing is not required to be held into the matter by any person or body under section 56(2)(e) of the EP&A Act. This does not discharge Council from any obligation it may otherwise have to conduct a public hearing (for example, in response to a submission or if reclassifying land).

7. The timeframe for completing the LEP is to be 12 months from the week following the date of the Gateway determination.

Signature: _____

Printed Name: _____


Neil McGaffin

Date: _____

11.7.12.