

## Planning Proposal – Charlestown Swim and Leisure Centre LEP Amendment

### Amendment No. 4 to *Lake Macquarie Local Environmental Plan 2014*

*(PP\_2014\_LAKEM\_005\_00)*

<b>Local Government Area:</b>	Lake Macquarie City Council (LMCC)
<b>Name of Draft LEP:</b>	Amendment No. 4 to <i>Lake Macquarie Local Environmental Plan 2014</i> – Charlestown Swim and Leisure Centre  PP_2014_LAKEM_005_00
<b>Subject Land:</b>	Lot 970 in DP 755233 – 19 Mulbinga Street, Charlestown  Lot 971 in DP 755233 – 17A Mulbinga Street, Charlestown  Lot 1 in DP 113863 – 17 Mulbinga Street, Charlestown
<b>Land Owner:</b>	Lake Macquarie City Council
<b>Applicant:</b>	Council Initiated
<b>Maps:</b>	<ul style="list-style-type: none"> <li>• Locality Map (Figure 1)</li> <li>• Subject Land and Aerial Photography (Figure 2)</li> <li>• Existing Zoning – <i>LMLEP 2014</i> (Figure 3)</li> <li>• Proposed Zoning – <i>LMLEP 2014</i> (Figure 4)</li> <li>• Existing Height of Building Map – <i>LMLEP 2014</i> (Figure 5)</li> <li>• Proposed Height of Building Map – <i>LMLEP 2014</i> (Figure 6)</li> <li>• Existing Minimum Lot Size Map – <i>LMLEP 2014</i> (Figure 7)</li> <li>• Proposed Minimum Lot Size Map – <i>LMLEP 2014</i> (Figure 8)</li> </ul>

## Part 1 – Objectives or Intended Outcome

Lake Macquarie City Council intends to redevelop the existing Charlestown Swim and Leisure Centre in accordance with Council's Pool Service Delivery Model.

The objective of this Planning Proposal is to amend *Lake Macquarie Local Environmental Plan 2014 (LMLEP 2014)* to permit the redevelopment of the Charlestown Swim and Leisure Centre.

## Part 2 – Explanation of Provisions

The proposed objective of enabling the expansion of the Charlestown Swim and Leisure Centre will be achieved by amending *LMLEP 2014* by:

**Table 1: Proposed changes to the LMLEP 2014 map and instrument**

Amendment Applies to:	Explanation of Provision
Land Zoning Map	Rezone part of the subject land from R3 Medium Density Residential to RE1 Public Recreation on the Land Zoning Map (as shown in Figure 5).
Height of Buildings Map	Amend the maximum building height for the subject land from 8.5m and 10m to a maximum of 13 metres on the Height of Buildings Map (as shown in Figure 7)
Lot Size Map	Change the minimum lot size for part of the part of the subject land from 900m <sup>2</sup> to Not Specified (as shown in Figure 9)

## **Part 3 – Justification**

### **A. NEED FOR THE PLANNING PROPOSAL**

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

The Planning Proposal seeks to facilitate the redevelopment of the existing Charlestown Swim and Leisure Centre in accordance with Council's Pool Service Delivery Model. A concept plan for the redevelopment may be found at [haveyoursaylakemac.com.au/swim-centres](http://haveyoursaylakemac.com.au/swim-centres) and includes the following:

- 25 metre, 10 lane indoor heated pool with disability ramp entry.
- Renovated outdoor 50 metre heated pool.
- 1,000m<sup>2</sup> (approx.) Health and Fitness Centre.
- New café and kiosk facility.
- Updated amenities and administration centre.

The subject land is within Council's ownership. However, part of the subject land is zoned R3 Medium Density Residential, which does not allow recreation facilities (indoor) such as swimming pools, and requires to be rezoned to RE1 Public Recreation to facilitate the redevelopment.

The redevelopment is also proposed to be up to 13m, and will exceed the current maximum building height of 8.5m applying to most of the subject land. Therefore, an amendment to the Height of Building Map is required.

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

The Planning Proposal is the best way of permitting the desired development outcomes for the site. Upon the completion of the Local Environmental Plan amendment, the site will accommodate a district level recreation facility, serving the needs of both the existing, and forecast population and workforce.

### **B. RELATIONSHIP TO STRATEGIC PLANNING FRAMEWORK**

#### **3. *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)?***

The Planning Proposal is consistent with the objectives and actions contained within the Lower Hunter Regional Strategy 2006.

The Lower Hunter Regional Strategy identifies Charlestown as one of six Major Regional Centres in the Lower Hunter. The Strategy states that these Major Regional Centres should be a concentration of business, higher order retailing, employment, professional services, and civic functions.

The proposed amendment will permit the expansion of the Charlestown Swim and Leisure Centre and increase the supply of recreation zoned land to the locality. Upon its completion, the Swim and Leisure Centre will provide recreation facilities to the additional 4,400 people and 3,600 jobs identified for the Charlestown area within the Lower Hunter Regional Strategy.

#### **4. Is the Planning Proposal consistent with the local council's Community Strategic plan, or other local strategic plan?**

The Planning Proposal is consistent with Council's Lifestyle 2030 Strategic Plan, Community Strategic Plan, Pool Service Delivery model, and Charlestown Master Plan.

##### **Lifestyle 2030**

Lifestyle 2030 (LS2030) is Council's Citywide strategic planning document that informed the preparation of *LMLEP 2014*. Charlestown is identified as a Major Regional Centre. Part of the City Vision in Lifestyle 2030 is to promote a fulfilling lifestyle, enhance health and social well-being, and to provide opportunities to encourage participation in sport and recreation.

Specifically, Strategic Direction Six, which relates to the wellbeing of Lake Macquarie residents, specifies that aquatic facilities are to be upgraded to meet increases community needs.

The proposed amendment to *LMLEP 2014*, and the subsequent redevelopment of the site for recreation purposes, is consistent with the vision of Lifestyle 2030.

##### **Community Strategic Plan 2013 – 2023**

The City of Lake Macquarie Community Strategic Plan is a 10 year strategy that presents the main priorities of the community, and sets out the strategies to respond to these priorities. The Community Strategic Plan identifies that:

- The provision and servicing of swimming centres and programs are deemed to be of High Importance to the community.
- A balanced range of well-maintained and accessible recreation, community, education, sporting, arts and cultural facilities should be provided across the City.
- Strategies and actions include maintaining and providing access to swimming pools.

The Planning Proposal will facilitate objectives and actions within the Community Strategic Plan.

##### **Lake Macquarie Pool Services Delivery Model**

Lake Macquarie City Council adopted the Pool Service Delivery Model (PDSM) as the strategy for the future development of the City's public swimming pools in 2009. The PDSM identified that the Charlestown Swim and Leisure Centre should be redeveloped as a district leisure facility, with a short-term priority.

As a district level facility, the Charlestown Swim and Leisure Centre was identified requiring the following components:

- 25 metre, 10 land indoor heated pool with disability ramp entry.
- Renovated outdoor 50 metre heated pool.
- 1,000m<sup>2</sup> (approx.) Health and Fitness Centre.
- New café and kiosk facility.
- Updated amenities and administration centre.

The proposed Planning Proposal supports the objectives of redeveloping the Charlestown Swim and Leisure Centre within Council's PSDM.

### Charlestown Master Plan

Council adopted the Charlestown Master Plan in January 2008 after broad ranging input from stakeholders, the community, and technical specialists at three "Enquiry by Design" workshops, and during a public exhibition period. The Master Plan contains a range of urban design principles and strategies, aimed at ensuring that development in the Charlestown centre achieves the objectives of the LHRS and supports the overall vision of making Charlestown an 'accessible, vibrant, healthy, attractive and sustainable place to live, work and play'.

The Planning Proposal is consistent with the key Urban Design Principles within the adopted Master Plan

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

The Planning Proposal has been assessed to the provisions of the relevant SEPPs in Table 3 below.

**Table 2: Comparison of the Planning Proposal to relevant SEPPs**

SEPP	Relevance	Implications
<i>SEPP 14 – Coastal Wetlands</i>	The aim of this policy is to ensure that the coastal wetlands are persevered and protected in the environmental and economic interest of the State.	This Planning Proposal does not affect any coastal wetlands.
<i>SEPP 19 – Bushland in Urban Areas</i>	Aims to prioritise the consideration of bushland in urban areas, and requires consideration of aims in preparing a draft amendment.	This Planning Proposal does not affect any bushland within urban areas.
<i>SEPP 32 – Urban Consolidation</i>	The aims and objectives of this policy are to propose orderly and economic development of urban land no longer required for its original use or for redevelopment for multi-unit housing. The policy	The Planning Proposal is consistent with the aims, and objectives of the SEPP. The Planning Proposal seeks to rezone 670m <sup>2</sup> of land from residential to public open space purposes to permit redevelopment of an existing indoor swimming pool complex. The

	requires that a draft LEP must give consideration to implementing the aims and objectives of this policy.	land is not suitable for multi-dwelling housing as it is too small.
<i>SEPP 44—Koala Habitat Protection</i>	SEPP 44 applies to the Lake Macquarie local government area.	This Planning Proposal does not affect koala Habitat.
<i>SEPP 55 – Remediation of Land</i>	<p>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:</p> <p>(a) the planning authority has considered whether the land is contaminated, and</p> <p>(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</p> <p>(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.</p> <p>Note. In order to satisfy itself as to paragraph (c), the planning authority may need to include certain provisions in the environmental planning instrument.</p>	<p>The Planning Proposal is generally consistent with the aims, and clause 6 of the SEPP.</p> <p>The Planning Proposal seeks to rezone a small parcel of land currently utilised for passive recreation purposes from R3 Medium Density Residential to RE1 Public Recreation.</p> <p>The proposal has the potential to be specified under Clause 6(4)(c) of the SEPP as it will permit the permissibility of recreation, education, and child care purposes on the site.</p> <p>However, a preliminary investigation is not considered necessary for the following reasons:</p> <ul style="list-style-type: none"> <li>It is unlikely that development of the land for the purpose shown in table 1 of the Managing Land Contamination Planning Guidelines has occurred on the site. Council records and review of historic aerial photography indicate that the site was utilised for residential purposes, prior to the demolition and clearing of the site in 2003.</li> <li>Recreation, education, and child care purposes are also already permitted on the site</li> </ul> <p>Despite this, a site inspection does indicate that the land is likely to contain some minor fill on the site, and may have the potential for land contamination. However, a Stage 2 Detailed Investigation, and determining any applicable remediation actions, would be undertaken as part of the development application for the proposed recreation facility, in accordance with clause 7 of the SEPP.</p>
<i>SEPP Mining, Petroleum Production and Extractive Industries 2007</i>	The aim of this policy is to provide for the propose management and development of mineral, petroleum, and extractive material resources.	The Planning Proposal does not propose to change the land use zoning that would affect the permissibility of mining on the subject lands.

## 6. Is the Planning Proposal consistent with applicable Ministerial Directions (s.117 directions)?

An assessment has been undertaken to determine the level of consistency the Planning Proposal has with the Ministerial Directions issued under Section 117 of the *Environmental Planning and Assessment Act 1979*. The assessment is provided below.

**Table 3: Consistency with applicable Section 117 Ministerial Directions**

Ministerial Direction	Relevance	Implications
<b>1.1 - Business and Industrial Zones</b>	This Direction applies when a relevant planning authority prepares a planning proposal that will affect land within an existing or proposed business or industrial zone.	Not applicable.
<b>1.3 – Mining, Petroleum Production and Extractive Industries</b>	The aim of this Direction is to protect the future extraction of State or regionally significant reserves of coal, minerals, petroleum and extractive industries.	<b>Consistent</b> – The Planning Proposal does not affect provisions relating to the winning of extractive materials or restrict the potential development of coal other minerals, petroleum or extractive materials.
<b>2.1 – Environmental Protection Zones</b>	This Direction requires that a Planning Proposal contain provisions to facilitate the protection of environmentally sensitive land.	<b>Consistent</b> – The Planning Proposal does not affect environmental sensitive areas.
<b>2.2 – Coastal Protection</b>	This Direction aims to implement the principles in the NSW Coastal Policy.	The study lands are not located within the coastal zone. This Direction is <b>not applicable</b> .
<b>2.3 – Heritage Conservation</b>	The Direction provides that a Planning Proposal must contain provisions that facilitate the conservation of European heritage and Aboriginal areas, objects or places with heritage significance to Aboriginal culture and people.	<b>Consistent</b> – The land to which this amendment applies is not mapped as a sensitive Aboriginal landscape area under <i>LMLEP 2014</i> . There are no known heritage items or places of heritage significance in the vicinity of the site or on the subject site.
<b>2.4 – Recreation Vehicles Areas</b>	This Direction restrict a Planning Proposal from enabling land to be development for a recreation vehicle area.	<b>Consistent</b> – This Planning Proposal does not enable land to be development for a purpose of a recreation vehicle area.
<b>3.1 Residential Zones</b>	This Direction requires a Planning Proposal to include provision that facilitate housing choice, efficient use of infrastructure, and reduced land consumption on the urban fringe.	<p><b>Inconsistent</b> – The Planning Proposal will, in theory, reduce the supply of land zoned residential.</p> <p>However, it is considered that this inconsistency is of a minor significance on the following grounds:</p> <ul style="list-style-type: none"> <li>• The site is approximately 670m<sup>2</sup> in size, and is unlikely to yield any significant residential development.</li> <li>• There is adequate supply of land where residential development is permitted within the locality. This includes significant areas of high density within 200m from the site.</li> <li>• The site is owned by Council and has been vacant since 2003.</li> </ul>

		<p>Council has no intention of redeveloping the site for residential purposes, or disposing of the site.</p> <ul style="list-style-type: none"> <li>• The site forms an informal recreational area adjacent to the existing Charlestown Swim and Leisure Centre.</li> <li>• The development of which this Planning Proposal aims to enable, will provide a district level recreation facility to serve both the existing, and projected population of the Major Regional Centre of Charlestown.</li> <li>• The Planning Proposal is consistent with the aims and objectives of the Lower Hunter Regional, Lifestyle 2030, Lake Macquarie Community Plan, the Charlestown Master Plan, and the Pool Service Delivery Model as discussed above.</li> </ul> <p>Concurrence from the Director General of the Department of Planning and Environment was sought for this minor inconsistency with this Ministerial Direction. The Gateway determination advised that this inconsistency was of minor significance.</p>
<b>3.2 – Caravan Parks and Manufactured Home Estates</b>	The Direction requires a draft LEP to maintain provisions and land use zones that allows the establishment of Caravan Parks and Manufactured Home Estates	<b>Consistent</b> – The Planning proposal is not identifying or affecting zones, location, or provisions regarding caravan parks or manufactured home estates.
<b>3.3 Home Occupations</b>	The Direction requires that a draft LEP include provisions to ensure that Home Occupations are permissible without consent.	<b>Consistent</b> - This Planning Proposal does not affect the carrying out of home occupations in dwelling houses without consent.
<b>3.4 – Integrating Land Use and Transport</b>	The direction requires consistency with State policy in terms of positioning of urban land use zones.	<b>Consistent</b> - This Planning proposal is consistent with the objectives and requirements of this Direction.
<b>4.1 – Acid Sulfate Soils</b>	The Direction applies to land that has been identified as containing potential Acid Sulfate Soils (ASS)	The subject site is not identified as containing ASS and therefore, this direction is <b>not applicable</b> .
<b>4.2 – Mine Subsidence and Unstable Land</b>	The Direction requires consultation with the Mine Subsidence Board (MSB) where a draft LEP is proposed for land within a mine subsidence district.	This Planning Proposal affects land within a mine subsidence district. Consultation has occurred with the Mine Subsidence Board and they advised of construction standards. The Board advised that all other applications outside of the designated guideline for residential construction will need to be assessed on their merit. The Mine Subsidence Board's approval will need to be sought for the Swim Centre at development application stage.
<b>4.3 – Flood Prone Land</b>	This Direction aims to ensure that development of flood	<b>Consistent</b> - The subject land is not identified as flood prone land or low lying

Development of flood prone land should be consistent with the NSW Government's Flood Prone Land Policy	prone land is consistent with the NSW Government's Flood Prone Land Policy and the principle over the Floodplain Development Manual. Furthermore, provisions of an LEP on flood prone land is commensurate with flood hazard and includes consideration of the potential flood impacts both on and off the subject land.	land on Council's property conditions. Any overland flow issues on the subject land can be resolved as part of any development application.
<b>4.4 – Planning for Bushfire Protection</b>	This Direction applies to land that has been identified as bushfire prone, and requires consultation with the NSW Rural Fire Service, as well as the establishment of Asset Projection Zones where required.	<b>Not Applicable</b> – The subject site is not identified as bushfire prone on Council's Bushfire Prone Land Map (2011).
<b>5.1 – Implementation of Regional Strategies</b>	Planning proposals must be consistent with a regional strategy released by the Minister for Planning.	<b>Consistent</b> – The Planning Proposal applies to land within the Lower Hunter Regional Strategy. The Planning Proposal is consistent with the objectives contained within the Strategy. Further details on the consistency may be located in Part B of this Planning Proposal.
<b>6.1 – Approval &amp; Referral Requirements</b>	The Direction Prevents a Planning Proposal from requiring concurrence from, or referral to, the Minister of Public authority.	<b>Consistent</b> – The Planning Proposal does not include any provisions that require concurrence, consultation, or referral of development application for the Minister, or any public authority.
<b>6.2 Reserving Land for Public Purposes</b>	This Direction prevents a Planning Proposal from alternating available land for public use.	<b>Inconsistent</b> – The Planning Proposal seeks to rezone land for recreation purposes. The proposal does not seek reserve the land for acquisition.  The proposal is inconsistent with the Direction, as approval is required from the Director-General of the Department of Planning and Environment to alter land use zonings for public purposes. The Gateway determination advised that the creation of the land for public purposes was agreed to, on the basis of the land's small size and that no further approval is required.
<b>6.3 – Site Specific Provisions</b>	This Direction aims to reduce restrictive site-specific planning controls where a Planning Proposal amendment another environmental planning instrument in order to allow a particular development proposal to proceed. Planning Proposals are encouraged to use existing zones rather than site-specific exceptions	<b>Consistent</b> – The Planning Proposal does not propose any site specific planning controls that permit particular developments to proceed.

## C. ENVIRONMENTAL, SOCIAL, AND ECONOMIC IMPACT

**7. 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?**

There is no likelihood of adverse impact on threatened species, populations, ecological communities, or critical habitat as a result of this Planning Proposal.

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

No adverse environmental effects are anticipated as a result of the Planning Proposal. A detailed assessment of any environmental issues associated with the redevelopment of the Charlestown Swim and Leisure Centre will be undertaken as part of any development application.

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

The Planning Proposal will result in positive social benefits to the local community as it will permit the construction of a significant recreation facility on the subject sites.

The sites are currently utilised for recreation, and passive recreation purposes. The Planning Proposal will facilitate the redevelopment of the existing, underutilised Swim and Leisure Centre into a district level facility. The capital cost of the redeveloped facility is likely to exceed \$25,000,000 with significant multiplier effects across the local economy. Furthermore, once operational, the expanded facility will result in the creation of multiple jobs adding a further economic benefit to the locality.

Increased Building Heights

The Planning Proposal will increase the existing building height limit from 8.5 and 10m to 13m. The increase in building height is not anticipated to significantly impact the adjoining residential land. An assessment of any potential overshadowing will be undertaken and resolved as part of any development application.

**10. Is there adequate public infrastructure for the Planning Proposal?**

The subject site is serviced by reticulated water, sewer, as well as gas, electricity and telecommunications services.

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

Section 117 Ministerial Direction No. 4.2 along with the Gateway Determination required consultation to be undertaken with the Mine Subsidence Board (MSB).

The MSB advised that the property is located within a Mine Subsidence District and advised of construction standards for improvements to be:

- single or two storey timber or steel framed improvements clad with weatherboards or other similar materials,
- single or two storey brick veneer, or
- full masonry and other types of improvements under the Boards Graduated Guidelines for Residential Construction.

The MSB advised that building applications outside of the Guideline for Residential Construction will need to be assessed on their own merit and during the planning and design of proposed improvements, applicants should consult with the MSB. Approval will be required from the MSB.

*Planning Comment:*

Council will need to consult with the Mine Subsidence Board and seek approval for the Swim Centre at development application stage.

## Part 4 – Mapping

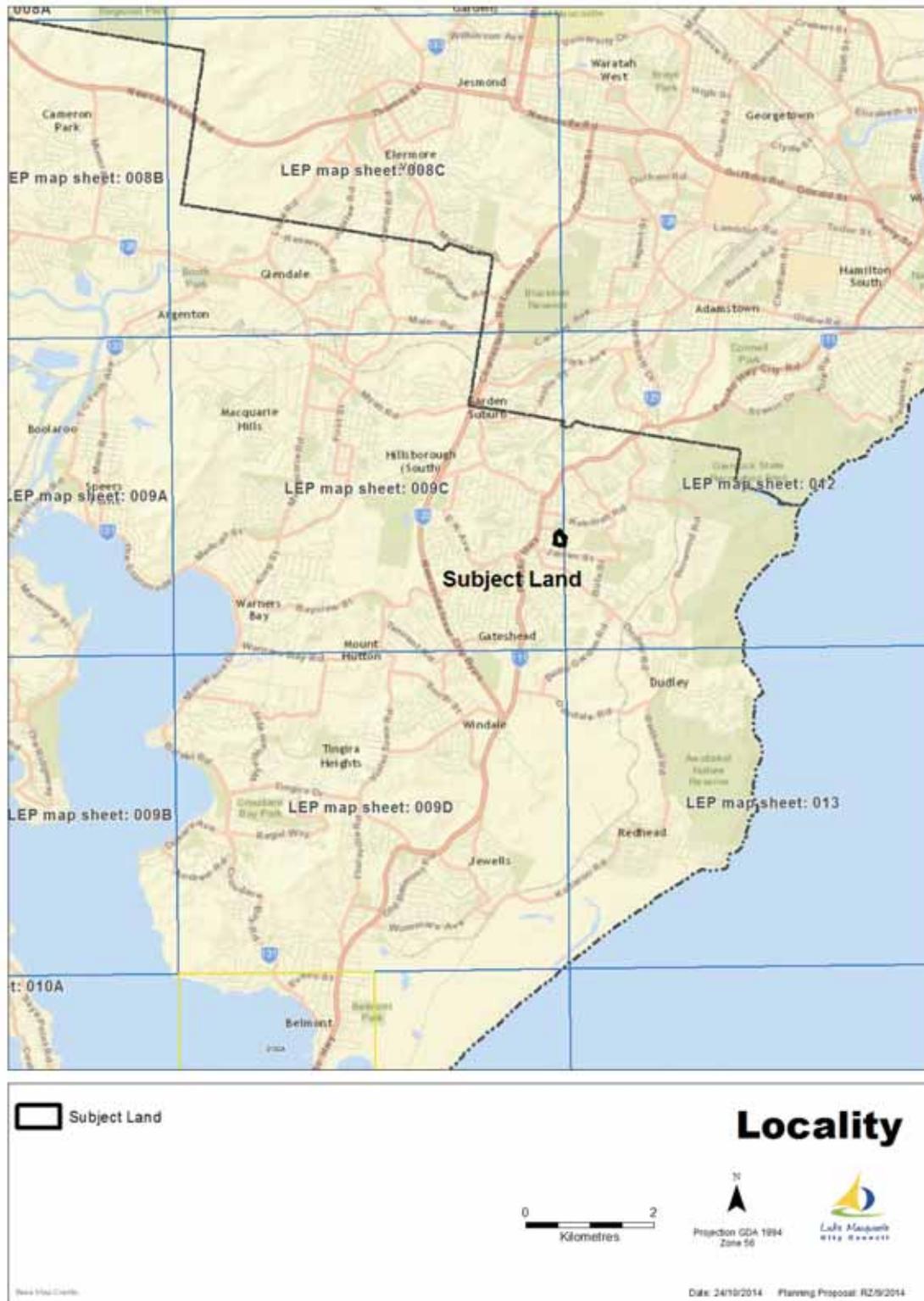


Figure 1 - Locality Map



Figure 2 - Subject Land and Aerial Photography

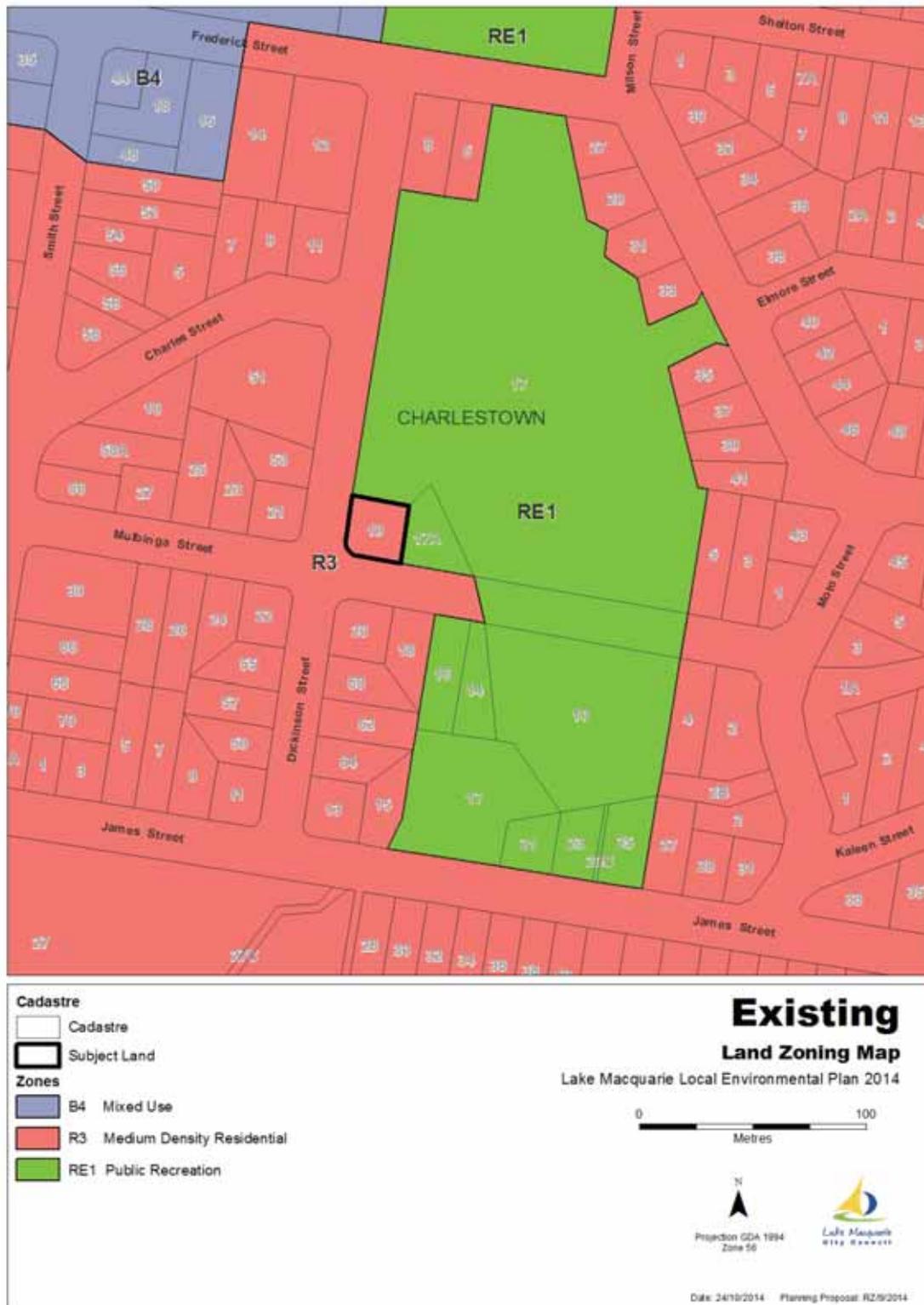


Figure 3 - Existing Zoning



Figure 4 - Proposed Zoning

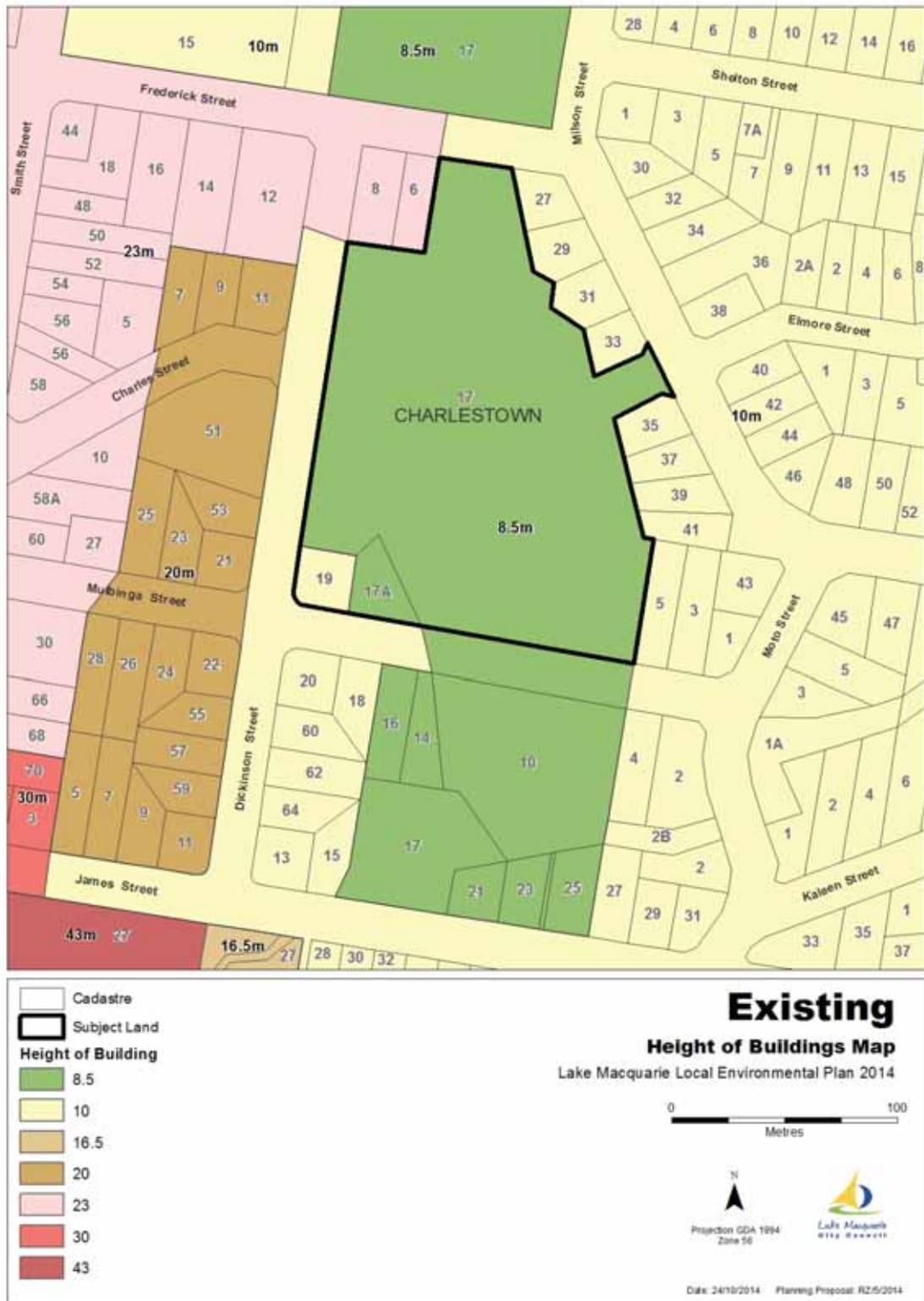


Figure 5 - Existing Height of Buildings

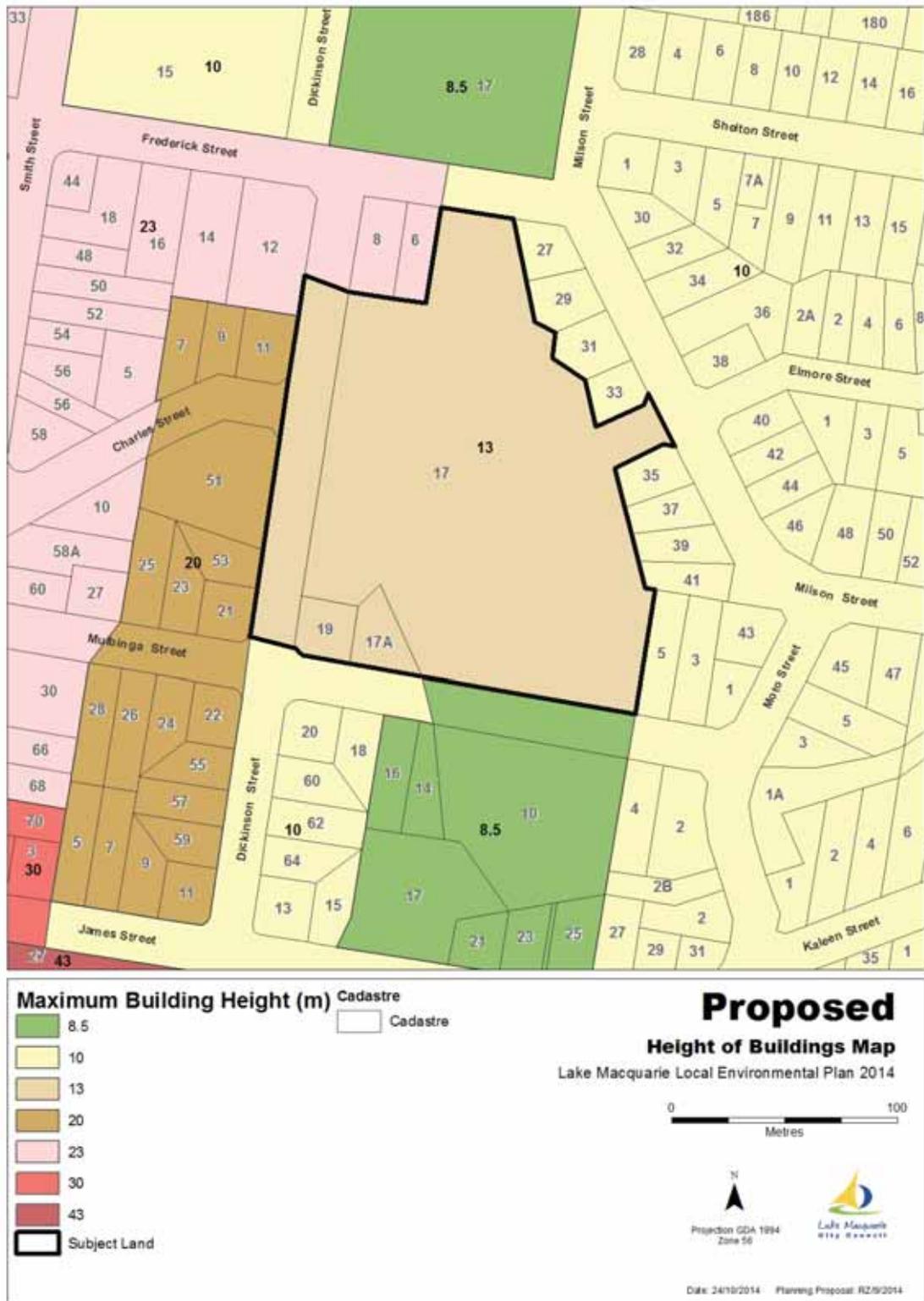


Figure 6 - Proposed Height of Buildings

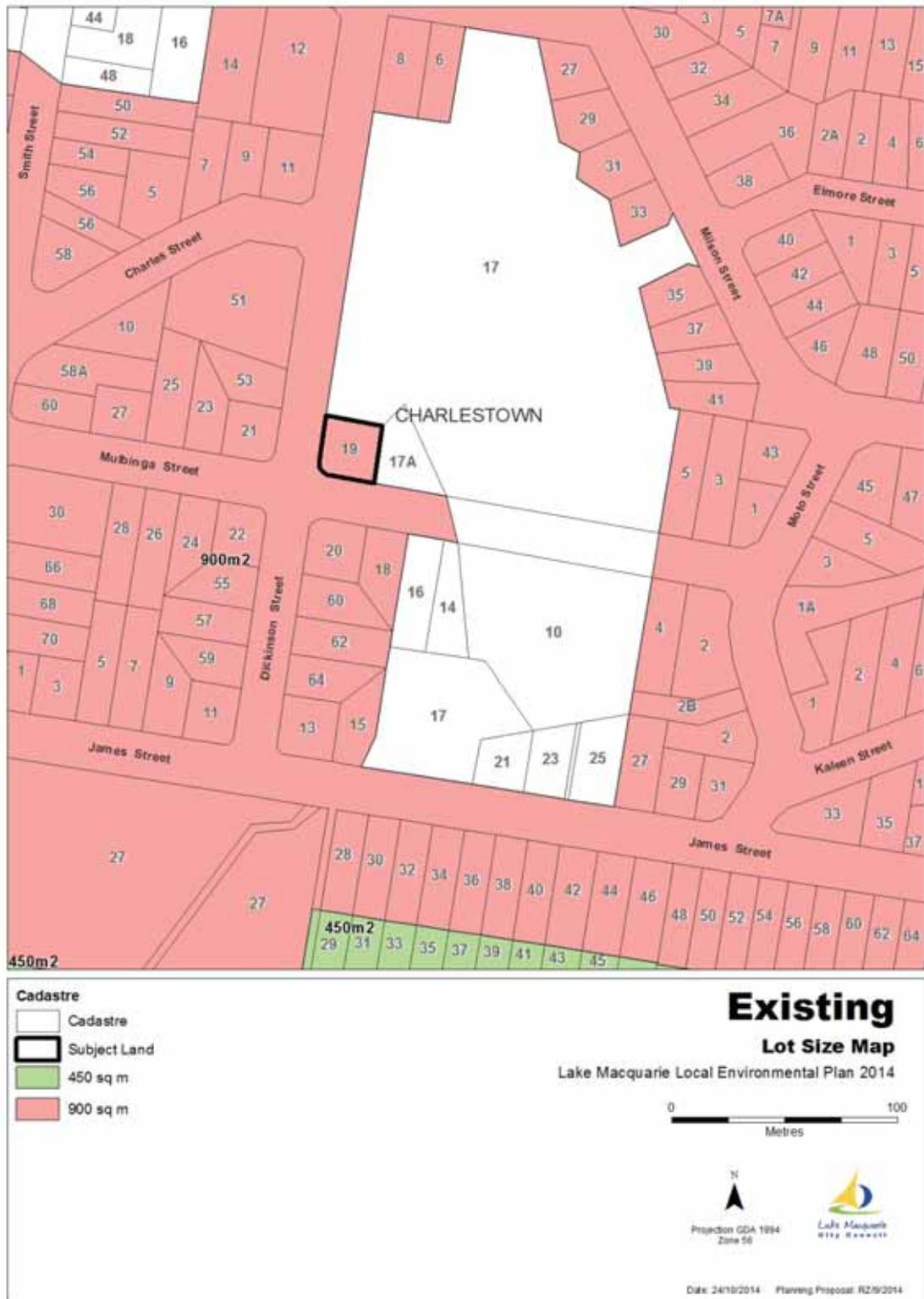


Figure 7 - Existing Lot Sizes

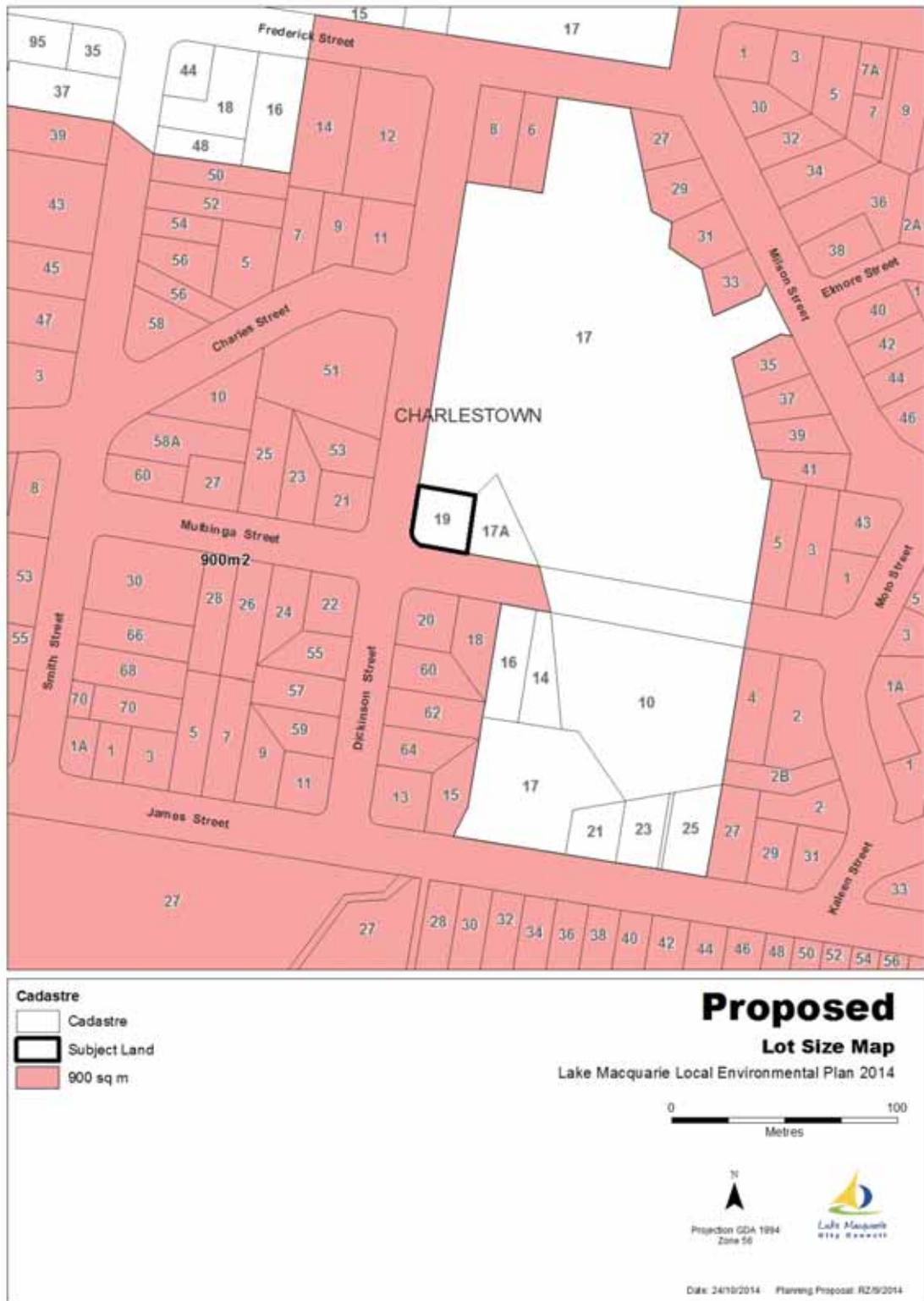


Figure 8 - Proposed Lot Sizes

## Part 5 – Details of Community Consultation

Consultation with the community occurred in accordance with Section 57 of the *Environmental Planning and Assessment Act 1979* and the Gateway determination.

The Planning Proposal was exhibited for 28 days from 19 January 2015 to 16 February 2015 in accordance with the Department of Planning and the Environment's LEP Guideline. The exhibition was advertised in the Newcastle Herald, the free local newspaper, and on Council's website. In addition, adjoining and affected landowners were notified in writing of the proposal. No submissions were received.

## Part 5 – Project Timeline

Task	Timeline
Gateway Determination	December 2014
Public Exhibition	January/February 2015
General Manager's Delegation Report	March 2015
Submission to the Department of Planning and Environment	March 2015
Publication of LEP Amendment	10 June 2015