



State Environmental Planning Policy (Infrastructure) 2007 – Amendment - Lake Eraring Sport and Recreation Centre

Explanation of Intended Effect

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Executive Summary

An amendment is proposed to *State Environmental Planning Policy (Infrastructure) 2007* (Infrastructure SEPP) to provide a planning pathway for a new Sport and Recreation Centre at Lake Eraring in Lake Macquarie local government area. The Centre will replace the Myuna Bay Sport and Recreation Centre which was forced to close in 2019 due to safety concerns associated with the Eraring Power Station ash dam wall.

NSW Office of Sport - Sport and Recreation Centres

The New South Wales Office of Sport owns and operates 10 'Sport and Recreation Centres' set in scenic river, beach, bush or alpine locations around the State. The Sport and Recreation Centres are integral community assets that provide for outdoor recreation, education, sports and catered accommodation. The client base extends from schools and community groups to corporate and sporting events.

The Sport and Recreation Centres have also recently provided emergency accommodation and support during the NSW bushfires, quarantine and isolation during COVID-19, as well as drought relief accommodation for children under the 'Drought Break' program across regional NSW.

Background to the Infrastructure SEPP

State Environmental Planning Policies created under the *Environmental Planning and Assessment Act 1979* (EP&A Act) facilitate the protection, improvement or utilisation of land in NSW. The Infrastructure SEPP facilitates flexible and orderly planning pathways for the development of essential infrastructure in NSW, including hospitals, parks, roads and railways. The Infrastructure SEPP facilitates the effective delivery of infrastructure across the State by improving regulatory certainty and efficiency through a consistent planning regime.

Key aims of the *State Environmental Planning Policy (Infrastructure) 2007* (Infrastructure SEPP) which support the proposed amendment include:

- *providing greater flexibility in the location of infrastructure and service facilities, and*
- *providing for consultation with relevant public authorities about certain development during the assessment process or prior to development commencing*

Further to the aims of the Infrastructure SEPP, this proposed amendment also supports the following objects of the EP&A Act:

- *to promote the social and economic welfare of the community and a better environment by the proper management, development and conservation of the State's natural and other resources, and*
- *to promote the orderly and economic use and development of land.*

Proposed Lake Eraring Sport and Recreation Centre

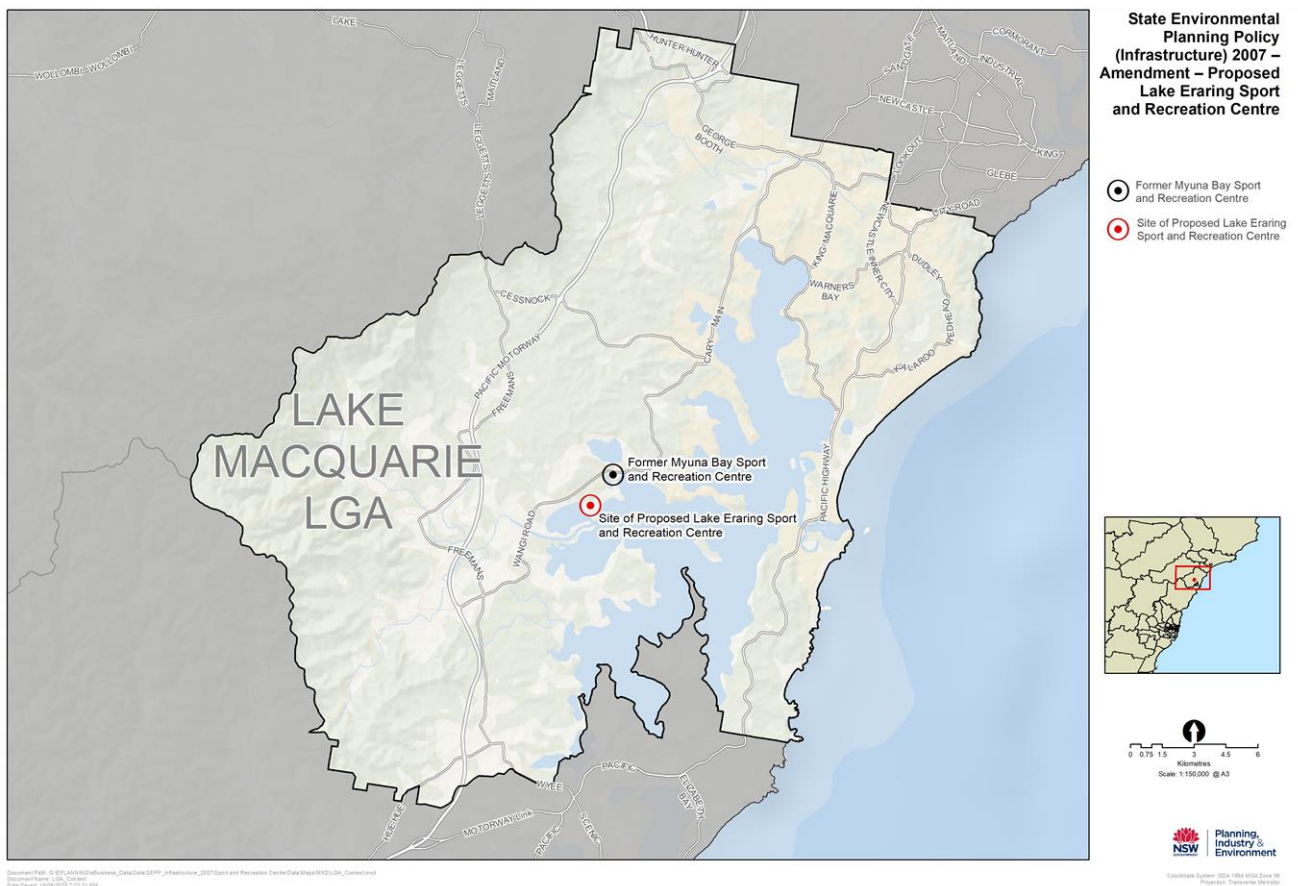
The NSW Office of Sport established the Myuna Bay Sport and Recreation Centre on a waterfront land at Lake Macquarie in 1961. On 29 March 2019, following an assessment by Origin Energy of the engineering integrity and safety of its ash dam wall for the nearby Eraring Power Station, the Myuna Bay Sport and Recreation Centre was closed by NSW Office of Sport.

Following further assessment and investigation of the engineering and safety aspects of the wall, on 12 December 2019 the NSW Government decided to permanently close the Myuna Bay Sport and Recreation Centre. The buildings of the former Myuna Bay Centre will be demolished, and its site will be revegetated by Origin Energy, the owner of the Eraring power station. The Myuna Bay

site will be returned to community use after the remediation of the ash dam wall. Origin Energy has entered into an agreement with the NSW Office of Sport to construct a replacement sport and recreation centre at Lake Eraring on land currently owned by Origin Energy. The Office of Sport has selected a 17.5 hectare parcel of land on the northern foreshore of Lake Eraring as its preferred site, about 1 kilometre south-west of the former Myuna Bay Centre. The ownership of the Lake Eraring site is to be transferred to the NSW Government.

The locations of the former Myuna Bay Sport and Recreation Centre and the proposed Lake Eraring Sport and Recreation Centre within the City of Lake Macquarie local government area are shown in **Figure 1** below.

Figure 1 - Locations of the two Sport and Recreation Centre sites in Lake Macquarie



The locality of the former Myuna Bay Centre and the proposed Lake Eraring Sport and Recreation Centre is shown in **Figure 2**. The site of the proposed Lake Eraring Sport and Recreation Centre is shown on the aerial photograph at **Figure 3** below.

Figure 2 – Locality of Former Myuna Bay Centre and Proposed Lake Eraring Centre



Figure 3 – Aerial photograph showing the locality of the proposed Lake Eraring Sport and Recreation Centre



Proposed Facilities

The proposed new Sport and Recreation Centre at Lake Eraring will be a state of the art complex with an estimated Capital Investment Value exceeding \$30 million. It is to include facilities:

- Accommodation for school groups, sporting groups and staff including sleeping areas, kitchens, dining rooms and bathrooms.
- Rectangular field (soccer, Rugby League and Rugby Union)
- Oval field (cricket and AFL)
- Beach volleyball court
- Multi-purpose/tennis court
- Indoor sports hall
- Gymnasium
- Swimming pool
- Archery range
- Boatshed and jetty (for lake sports)
- Running track
- Off road mountain bike trail
- Children's playground
- Outdoor classroom
- Barbecue areas
- Fire pits.

In addition to booked groups (e.g. school or corporate groups) some of the facilities such as fields and courts will be available for community use.

Proposed amendment to the Infrastructure SEPP

The former Myuna Bay Sport and Recreation Centre was made development permissible with consent under the Infrastructure SEPP by a map of the Centre being listed by name under 'Division 19A - State sport and recreation centres'. It is proposed to list a map of the proposed Lake Eraring Sport and Recreation Centre in the Infrastructure SEPP.

It is not proposed to delete the current listing of the map of the Myuna Bay Sport and Recreation Centre in the Infrastructure SEPP. Retaining the site's listing in the Infrastructure SEPP allows for maximum flexibility for its future use. This will enable the revegetation of the site without further planning approvals. Further, the site is likely be used for some community sporting and recreation purposes once the risks associated with ash dam wall are mitigated.

The Infrastructure SEPP provides that the following land uses are permissible with development consent when carried out by or on behalf of the State Sporting Venues Authority on land comprised in a State sport and recreation centre:

'agriculture, animal boarding or training establishments, backpackers' accommodation, bed and breakfast accommodation, boat launching ramps, boat sheds, camping grounds, community facilities, entertainment facilities, farm stay accommodation, function centres, information and education facilities, kiosks, markets, medical centres, public administration buildings, recreation facilities (indoor), recreation facilities (major), recreation facilities

(outdoor), restaurants or cafes, take away food or drink premises, water recreation structures'

The NSW Office of Sport is a State Sporting Venues Authority. With the proposed mapping and listing of the Lake Eraring site it would become a State sport and recreation centre for the purposes of the Infrastructure SEPP. An Office of Sport managed State sport and recreation centre falls within the definition of 'recreation facility (major)' and the proposed ancillary facilities for the Lake Eraring centre are all land uses within the above list.

Schedule 1 'State significant development – general' of the *State Environmental Planning Policy (State and Regional Development) 2011* (the State and Regional Development SEPP) lists certain types of development as State significant development. The consent authority for State significant development under the EP&A Act is the Minister for Planning or the Independent Planning Commission in some circumstances.

If a 'recreation facility (major)' has a Capital Investment Value exceeding \$30 million then, under Clause 13(1)(e) of Schedule 1 of the State and Regional Development SEPP, the proposal is State significant development. If the Capital Investment Value of the proposed Lake Eraring Sport and Recreation Centre is less than \$30 million, Lake Macquarie City Council would be the consent authority.

How to get involved

This document is being exhibited in line with the Department's Community Participation Plan. To make a submission on the amendments proposed in this document please go to <https://www.planningportal.nsw.gov.au/isepp-sport-and-rec> and complete the submission form.