

Planning Proposal

Part of the Former Swansea Bowling Club Rezoning at Charles Street and Lake Road, Swansea

Draft Amendment No. 26 to Lake Macquarie Local Environmental Plan 2014

As Published 28/02/2018

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|---|--|
| Local Government Area: | Lake Macquarie City Council (LMCC) |
| Name of Draft LEP: | Draft Amendment No. 26 to Lake Macquarie Local Environment Plan 2014 |
| Subject Land: | <ul style="list-style-type: none"> • 2 Charles Street, SWANSEA (Lot 100, DP613065) • 2 Charles Street, SWANSEA (Lot C, DP402886) • 27 Lake Road, SWANSEA (Lot 63, DP18797) • 29 Lake Road, SWANSEA (Lot 103, DP613065) • 31 Lake Road, SWANSEA (Lot 102, DP613065) • 37 Lake Road, SWANSEA (Lot 1, DP507899) |
| Land Owner: | Belmont 16ft Sailing Club Limited |
| Applicant: | ADW Johnston |
| Department of Planning and Environment Reference Number: | PP_2015_LAKEM_006_00 |
| Gateway Determination Dates: | 3 July 2015 (Original Gateway Determination) 9 July 2016 (Altered Gateway Determination 1) 30 May 2017 (Altered Gateway Determination 2) |
| Council Reference Number: | RZ/1/2014 (Document number: D08436366) |
| Document Date: | 28 February 2018 |
| Document Author: | Grant Alderson - Senior Strategic Landuse Planner |

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Part 1 – OBJECTIVES OR INTENDED OUTCOMES

To enable redevelopment of part of the former Swansea Bowling Club at Charles Street and Lake Road, Swansea, to allow flood adaptable, low-density residential housing.

Part 2 – EXPLANATION OF PROVISIONS

The planning proposal will amend LMLEP 2014 as outlined below. The proposal mapping modifications and changes to clause 7.20 are detailed in detailed in Part 4 of this planning proposal.

| Amendment Applies to | Explanation of provision |
|---|---|
| Land Use Zones Map | Rezone the subject land from RE2 Public Recreation zone and R3 Medium Density Housing zone to R2 Low Density Residential zone |
| Lot Size Map | Change the existing minimum lot size for the subject land from 900m ² to 550m ² |
| Height of Buildings Map | Change the existing maximum building height for the subject land from 8.5m to 10m |
| Environmentally Sensitive Land Map | Add the subject land to the Environmentally Sensitive Land map |
| Clause 7.20 Development on environmentally sensitive land | Modify the definition of environmentally sensitive land to include flooding. |

Part 3 – JUSTIFICATION

Section A – Need for the Planning Proposal

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

No. The subject land is part of the former Swansea Bowling Club (lawn bowling). Following closure of the Club, the landowner submitted a request to Council to rezone part of the site from private recreation use to medium-density residential housing. The land is located adjacent to the Swansea town centre near shops and public transport. Rezoning the land is not anticipated to have a significant impact on the supply of land zoned for private recreation purposes, as outlined in Appendix 1. However, the site is flood prone and vulnerable to the impacts of sea level rise.

To determine the most appropriate landuse zone for the site, Council conducted a rezoning investigation (contained in Appendix 2), which included:

- preparation of a flood and sea level rise study in accordance with Gateway determination conditions issued by the Department of Planning and Environment, and
- evaluation of several zoning options for the land including:
 - Option 1: Rezoning the recreation zoned land to allow redevelopment for medium-density housing,
 - Option 2: Deferring consideration of any zone changes until Council prepares a flood and sea level rise adaptation plan and flood evacuation plan, and
 - Option 3: Rezoning the whole site to R2 to allow a limited amount of flood adaptable, low-density housing on the land.

The rezoning investigation recommended Option 3, as the option achieves appropriate management of flood and sea level rise impacts, while allowing redevelopment and economic renewal in Swansea.

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

Yes. The subject land is currently zoned RE2 Private Recreation and R3 Medium Density Housing under LMLEP 2014, which allows public recreation uses and medium density housing. Rezoning the land to R2 Low Density Residential, with a 550m² minimum lot size and 10m building height, is required to allow redevelopment of the land for flood adaptable, low-density residential housing.

Note: The planning proposal will result in a pocket of land zoned R2 Low Density Housing, surrounded by land that is zoned R3 Medium Density Housing. This is considered a justifiable interim amendment to Council's planning controls. Council intends to undertake sea level rise adaptation planning for the locality of Swansea over the next few years, which will identify flood and sea level rise mitigation actions and provide long-term zoning recommendations for Swansea. However, the timing and outcomes of the adaptation planning process are unknown. Rezoning the land R2 Low Density Housing in the interim allows the landowner the option of redeveloping the site in the short-term, or waiting for the outcomes of adaptation planning in the longer term. Low density residential development has a 50 year design life, and the more significant impacts of sea level rise are not likely to occur in this timeframe.

Identifying the subject land as Environmentally Sensitive Land will ensure that residential development cannot be undertaken as complying development under *State Environmental Planning Policy (Exempt and Complying Development Codes) 2008*. Prohibiting complying development is required to ensure that the proposal is consistent with part 6.e) of S117 *Direction 4.3 Flood Prone Land* as identified in Appendix 2, which states that:

"A planning proposal must not contain provisions that apply to the flood planning areas which: permit development to be carried out without development consent except for the purposes of agriculture (not including dams, drainage canals, levees, buildings or structures in floodways or high hazard areas), roads or exempt development."

The land is located in a flood planning area. Rezoning the land without identification as Environmentally Sensitive Land will allow complying development for residential houses to occur, which would be inconsistent with the direction. Permitting complying development would also allow houses to be constructed on lots without consideration of the planning controls for flood adaptable housing contained in Council's development control plan.

Section B – Relationship to Strategic Planning Framework

3. *Is the planning proposal consistent with the objectives and actions of the applicable regional or sub-regional strategy (including the Sydney Metropolitan Strategy and exhibited draft strategies)?*

Hunter Regional Plan

The planning proposal is generally consistent with the Hunter Regional Plan's Greater Newcastle Plan, as the subject land is located in an area identified as a centre and identified as housing and employment land.

The planning proposal is also generally consistent with the following Direction and Actions in the Hunter Regional plan relating to climate change and flooding:

Direction 16: Increase resilience to hazards and climate change

Action 16.1 – *Manage the risks of climate change and improve the region's resilience to flooding, sea level rise, bushfire mine subsidence and land contamination.*

Response: The planning proposal considers and manages the risks of climate change and seeks to improve the region's resilience to flooding by reducing the residential development intensity permitted on flood prone land and promoting flood adaptable, low density residential housing.

Action 16.3 – Incorporate new knowledge on regional climate projections and related cumulative impacts in local plans for new urban development

Response: The planning proposal has incorporated climate change projections for sea level rise when considering flooding matters.

4. Is the planning proposal consistent with a council's local strategy or other local strategic plan?

Lifestyle 2030 Strategy (LS2030)

The Lifestyle 2030 Strategy (LS2030) provides the long-term direction for the overall development of the City and is a long-range land use strategic plan and policy document.

The Strategic Directions identified in LS2030 describe the overall desired outcomes and general intentions sought by Council for future development in the City. In particular, the planning proposal aligns with the following strategic directions and outcomes:

Strategic Direction 1: A city responsive to the environment

Outcome 1.12: The LGA is prepared for the impacts of climate change, including adaptable infrastructure and buildings.

Strategic Direction 3: A well designed adaptable and liveable city

Outcome 3.1: The role of centres is consistent with the Centres Hierarchy as discussed, and shown on the Urban Structure map.

Strategic Direction 4: A well serviced and equitable city

Outcome 4.2: The capacity of existing urban areas to support more intensive urban development has been assessed and density provisions applied accordingly.

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

The planning proposal is generally consistent with the following relevant State Environmental Planning Policies (SEPPs) outlined in Table 1.

Table 1: Assessment of the Planning Proposal against relevant SEPPs

| SEPP | Relevance | Implications |
|----------------------------|--|---|
| SEPP (Infrastructure) 2007 | The aims of the policy are to facilitate the effective delivery of infrastructure. | The proposal is considered to be consistent with the aim of the policy. The proposal is not anticipated to require new infrastructure or impact on major infrastructure proposals in the area. The proposal is also not considered to be traffic generating development. |

| SEPP | Relevance | Implications |
|-------------------------------|---|--|
| SEPP 55 – Remediation of Land | The aims of the policy are to promote the remediation of contaminated land for the purpose of reducing the risk of harm to human health or any other aspect of the environment. | <p>The proposal is considered to be generally consistent with the aims of the policy. An initial evaluation outlined in Appendix 3 identifies that the subject land is not anticipated to be significantly contaminated from past uses. However, the site has the potential for asbestos contamination from current and demolished structures, and has the potential for contamination from the presence of imported fill on the site.</p> <p>Should the land contain asbestos and contaminated fill, Council considers that the land can be remediated using established practices. In addition, Clause 7 of SEPP 55 ensures that land contamination is considered at the development application stage and the land will be remediated, if required, prior to use for residential purposes. Subsequently, no further investigation into land contamination matters is considered necessary at the rezoning stage.</p> |
| SEPP 71 – Coastal Protection | The aims of the policy are to protect and preserve the coastal area. | <p>The proposal is considered to be generally consistent with the aims of the policy. The proposal is located in the coastal zone. However, the proposal is not anticipated to have an adverse impact on the coastal area. The proposal will not result in significant development and is located within an established urban area 500m from the Lake Macquarie waterway.</p> |

6. Is the planning proposal consistent with applicable Ministerial Directions (s.117 (2) directions)?

The planning proposal is consistent with relevant Ministerial Directions, except for *Directions 3.1 Residential Zones* and *4.3 – Flood Prone Land*, as outlined in Table 2 below. The inconsistency is considered to be of minor significance, and approval from the Director General is required for the inconsistency.

Table 2: Consistency with applicable Section 117(2) Ministerial Directions

| Ministerial Direction | Objective/s | Consistency / Comment |
|--|---|---|
| 1.3 Mining, Petroleum Production and Extractive Industries | Ensure that the future extraction of State or regionally significant reserves of coal, other minerals, petroleum and extractive materials are not compromised by inappropriate development. | The proposal is not anticipated to restrict mining, petroleum production or extractive industries, and is considered to be consistent with this direction. |

| Ministerial Direction | Objective/s | Consistency / Comment |
|---|---|---|
| 2.2 Coastal Protection | Implement the principles in the NSW Coastal Policy. | The proposal is considered to be consistent with this direction. The proposal is located in the coastal zone. However, the proposal is not anticipated to have an adverse impact on the coastal area. The proposal will not result in significant development and is located within an established urban area 500m from the Lake Macquarie waterway. |
| 2.3 Heritage Conservation | Conserve items, areas, objects and places of environmental heritage significance and indigenous heritage significance. | The proposal is considered to be consistent with this direction as there are no known heritage items or places of heritage significance in the vicinity of the site. |
| 3.1 Residential Zones | (a) Encourage a variety and choice of housing types to provide for existing and future housing needs, (b) Make efficient use of existing infrastructure and services and ensure that new housing has appropriate access to infrastructure and services, and (c) Minimise the impact of residential development on the environment and resource lands. | The proposal is considered to be inconsistent with part 5(b) of this direction as it contain provisions which will reduce the permissible residential density of land. The inconsistency is considered to be of minor significance , as rezoning the land R2 Low Density Housing is the most suitable housing option given the flood and sea level rise impacts affecting the site (Refer to Appendix 2 of this planning proposal for details). A delegate for the Minister for Planning has determined that the inconsistency is of minor significance (refer to Appendix 5). |
| 3.2 Caravan Parks and Manufactured Home Estates | (a) Provide for a variety of housing types, and (b) Provide opportunities for caravan parks and manufactured home estates. | The proposal is considered to be consistent with this direction. The existing RE2 Private Recreation zone applying to the land permits caravan parks. However, the area of private recreation zoned land is only 4,800m ² and is considered to be too small to allow development for the purpose of a caravan park. |

| Ministerial Direction | Objective/s | Consistency / Comment |
|--|--|--|
| 3.4 Integrating Land Use and Transport | <p>Ensure that urban structures, building forms, land use locations, development designs, subdivision and street layouts achieve the following planning objectives:</p> <p>(a) improving access to housing, jobs and services by walking, cycling and public transport, and</p> <p>(b) increasing the choice of available transport and reducing dependence on cars, and</p> <p>(c) reducing travel demand including the number of trips generated by development and the distances travelled, especially by car, and</p> <p>(d) supporting the efficient and viable operation of public transport services, and</p> <p>(e) providing for the efficient movement of freight.</p> | <p>The proposal is considered to be consistent with this direction. The proposal will rezone land for residential purposes 400m from the Swansea town centre, which provides public transport and employment opportunities.</p> |
| 4.1 Acid Sulfate Soils | <p>Avoid significant adverse environmental impacts from the use of land that has a probability of containing acid sulfate soils.</p> | <p>The proposal is considered to be consistent with this direction. The land is identified as having class 2 acid sulfate soils. Provisions in LMLEP 2014 (clause 7.1) ensure that development on the site will occur in accordance with relevant acid sulfate soil guidelines. These provisions will continue to apply to the site if it is rezoned.</p> |
| 4.2 Mine Subsidence and Unstable Land | <p>Prevent damage to life, property and the environment on land identified as unstable or potentially subject to mine subsidence.</p> | <p>The direction does not apply as the land is not located within a proclaimed Mine Subsidence district, and is not identified as unstable.</p> |
| 4.3 Flood Prone Land | <p>(a) Ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the <i>Floodplain Development Manual 2005</i>, and</p> <p>(b) Ensure that the 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.</p> | <p>The direction applies, as the subject land is flood prone and the flood risk will increase with predicted sea level rise.</p> <p>The proposal is inconsistent with part 5 of this direction, as it seeks to rezone the subject land from a recreational zone to a residential zone. The inconsistency is considered to be of minor significance as detailed in Appendix 4.</p> <p>A delegate for the Minister for Planning has determined that the inconsistency is of minor significance (refer to Appendix 5).</p> |

| Ministerial Direction | Objective/s | Consistency / Comment |
|--|---|---|
| 4.4 Planning for Bushfire Protection | (a) Protect life, property and the environment from bush fire hazards, by discouraging the establishment of incompatible land uses in bush fire prone areas, and (b) Encourage sound management of bush fire prone areas. | The direction does not apply as the land is not bush fire prone. |
| 5.1- Implementation of Regional Strategies | The objective of this direction is to give effect to regional strategies. | The proposal is considered to be consistent with this direction. The proposal is generally consistent with the Hunter Regional Plan. |
| 6.2 Reserving Land for Public Purposes | (a) Facilitate the provision of public services and facilities by reserving land for public purposes, and (b) Facilitate the removal of reservations of land for public purposes where the land is no longer required for acquisition. | The direction does not apply as the land is zoned for 'private' recreation, and not 'public' recreation purposes. |

Section 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?*

No. Critical habitat or threatened species, populations or ecological communities, or their habitats, are not located on the land or adjacent to the land.

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

No. The subject land is flood prone and in an area vulnerable to the impacts of future sea level rise. These matters have been addressed as part of preparing the proposal, as outlined in Appendix 2.

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

Rezoning the subject land is not anticipated to have a significant impact on the supply of land zoned for private recreation purposes, as outlined in Appendix 1 of this document.

Rezoning the subject land for residential housing is also generally consistent with NSW government and Council strategic land use plans.

Section D – State and Commonwealth Interests

10. *Is there adequate public infrastructure for the planning proposal?*

Yes. The subject land is located within an existing urban area. Infrastructure such as roads serving the land are not anticipated to be permanently inundated by sea level rise over the asset life of the residential houses proposed to be built on the land (50-year asset life estimated). See Appendix 2 for further details.

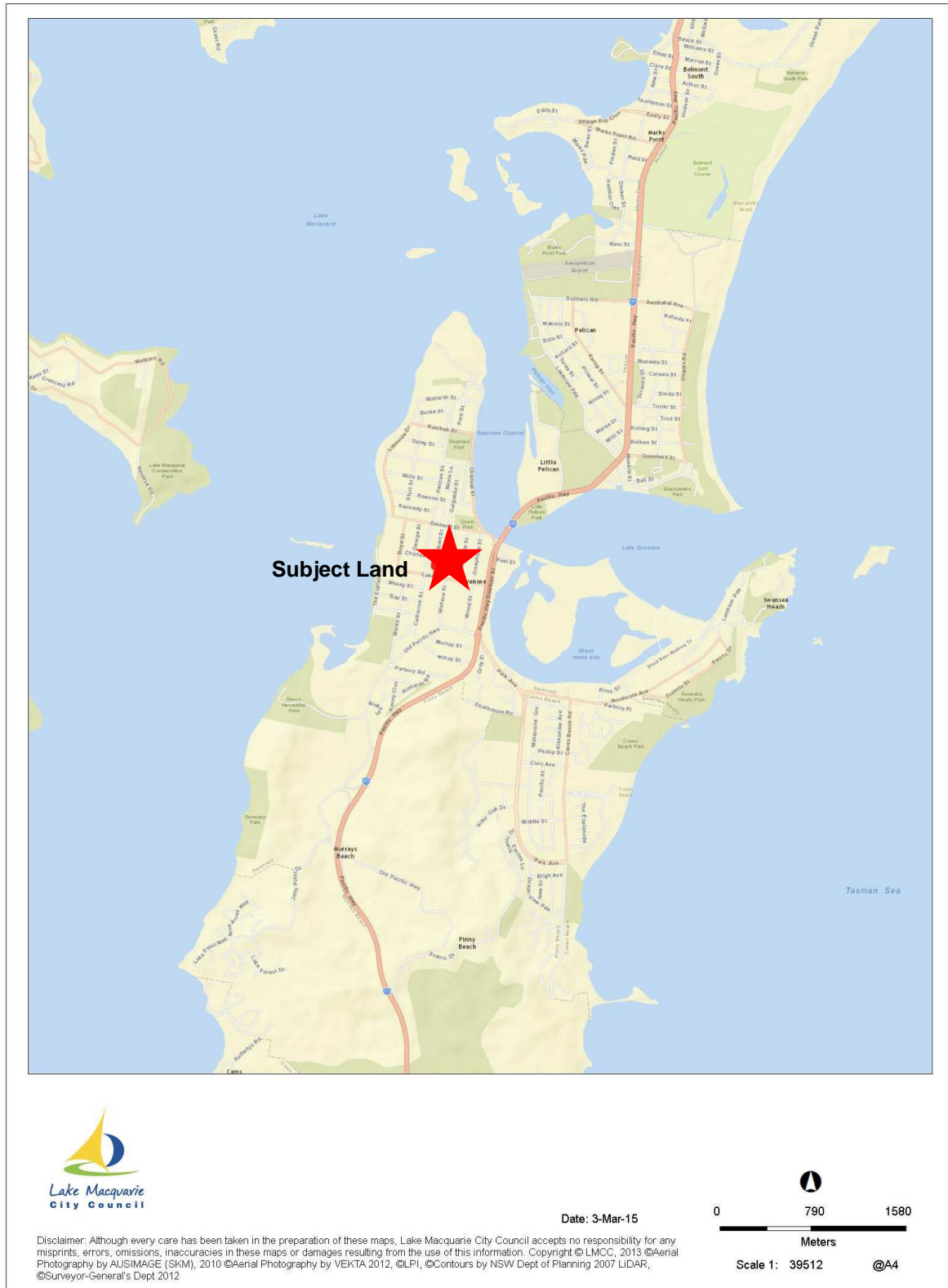
11. *What are the views of State and Commonwealth public authorities consulted in accordance with the Gateway determination?*

Consultation with State public authorities was undertaken prior to public consultation in accordance with the Gateway determination. Outcomes from the consultation is outlined below:

- NSW Office of Environment and Heritage (OEH): Council forwarded the planning proposal to NSW SES for formal comment in April 2017. OEH advised that the proposal has merit, as outlined in Appendix 6.
- NSW State Emergency Service (SES): Council received preliminary feedback from NSW SES in August 2016 on the draft Flood and Sea Level Rise study identified in Appendix 2. Council forwarded the planning proposal to NSW SES for comment in April 2017, and did not receive any comment on the planning proposal.

Part 4 – MAPPING AND MODIFICATION TO CLAUSE 7.20

Map 1 – Locality Map



Map 2 – Aerial photograph



- Land Parcel
- Subject Land

Air Photo

2014 Aerial Photography
Sinclair Knight Merz 2014

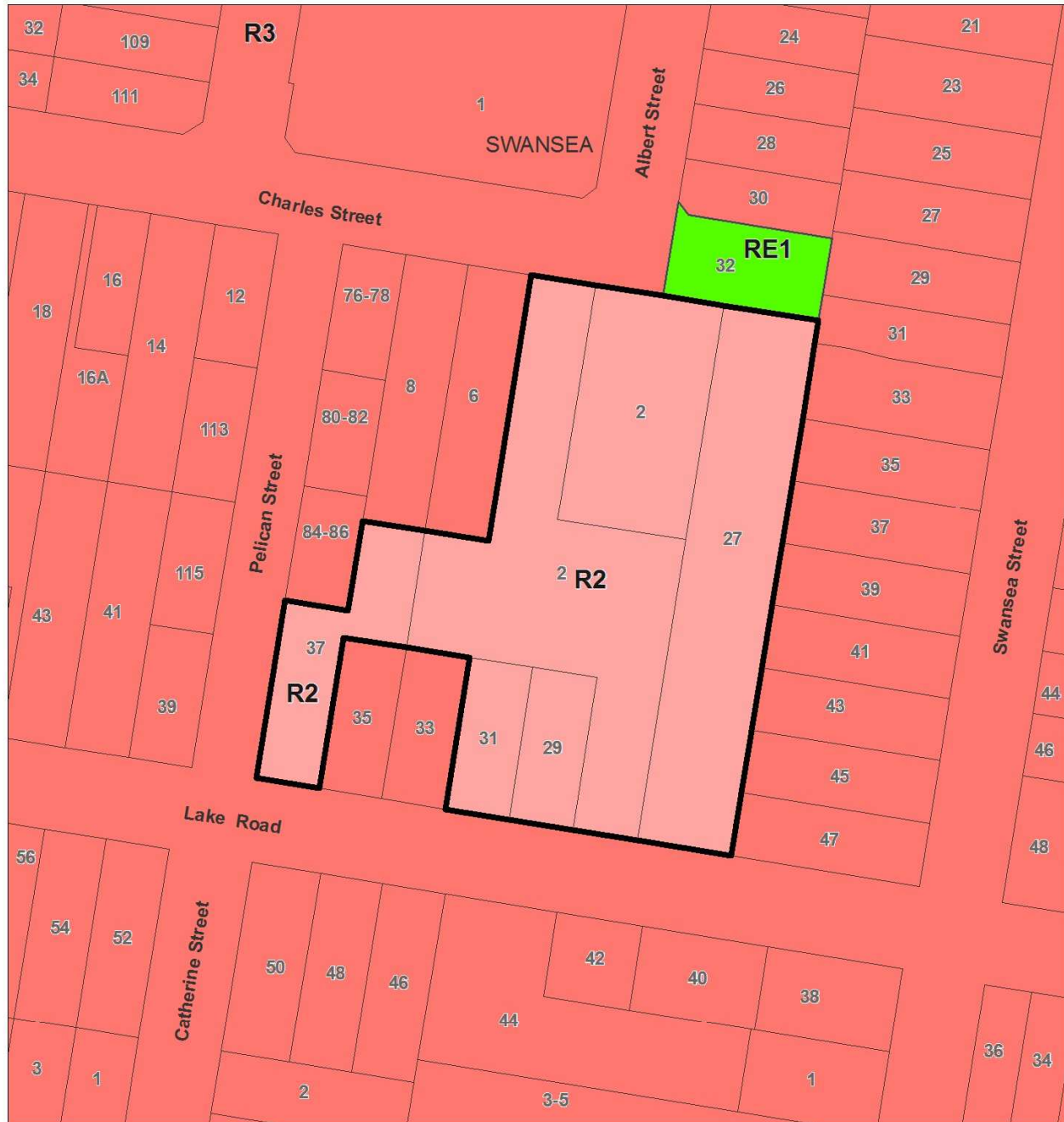


Projection GDA 1994
Zone 56



Date: 14/03/2017 Planning Proposal: RZ/1/2014 Swansea Bowling Club

Map 4 – Proposed Landuse Zone



- Land Parcel
- Subject Land

Land Zoning

- R3 Medium Density Residential
- RE1 Public Recreation
- R2 Low Density Residential

Proposed

Land Zoning Map

Lake Macquarie Local Environmental Plan 2014



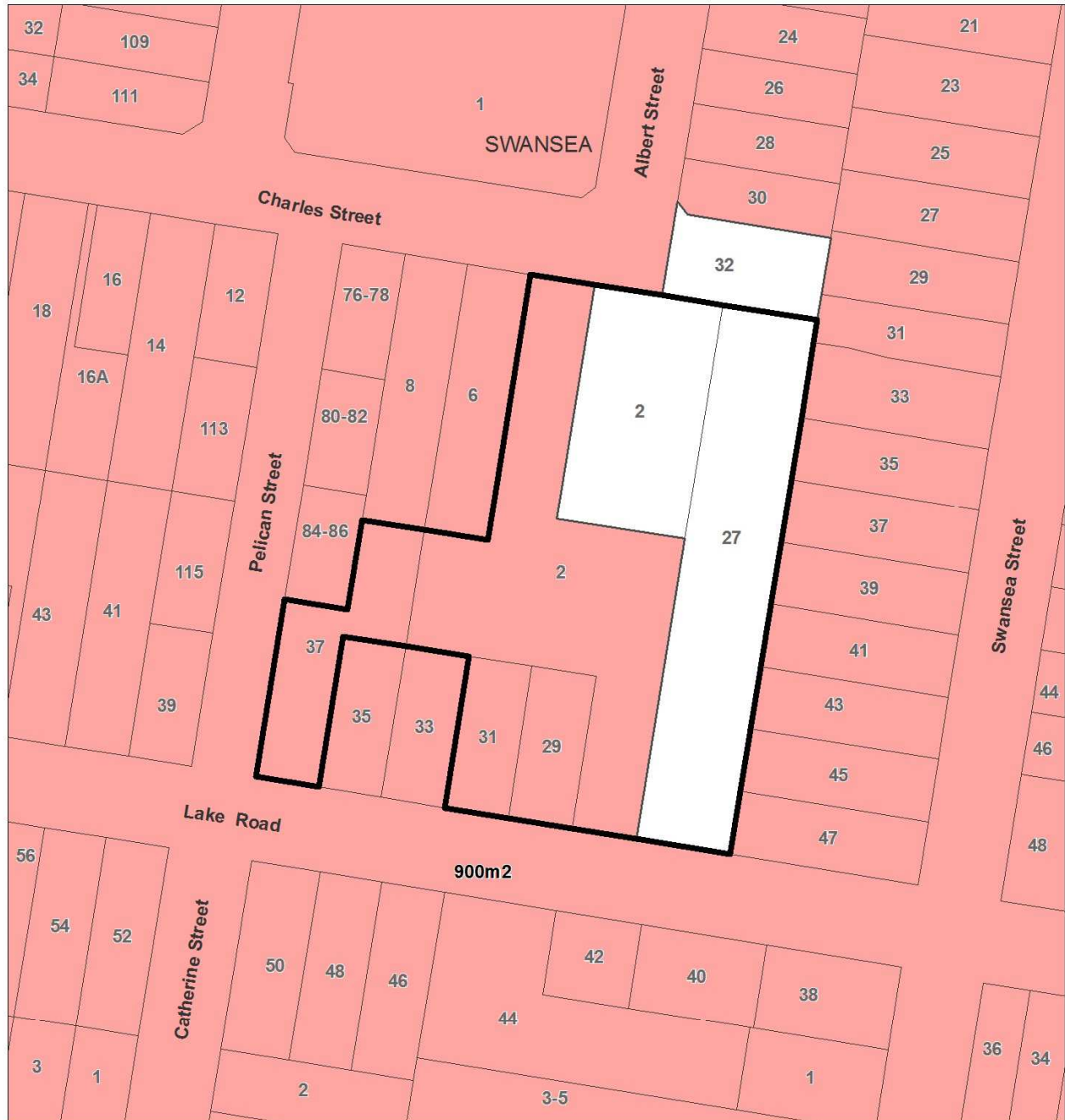
Projection GDA 1994
Zone 56



Date: 14/03/2017

Planning Proposal: RZ/1/2014 Swansea Bowling Club

Map 5 – Existing Lot Size Map



- Land Parcel
- Subject Land
- Lot Size**
- 900 sq m

Existing

Lot Size Map

Lake Macquarie Local Environmental Plan 2014



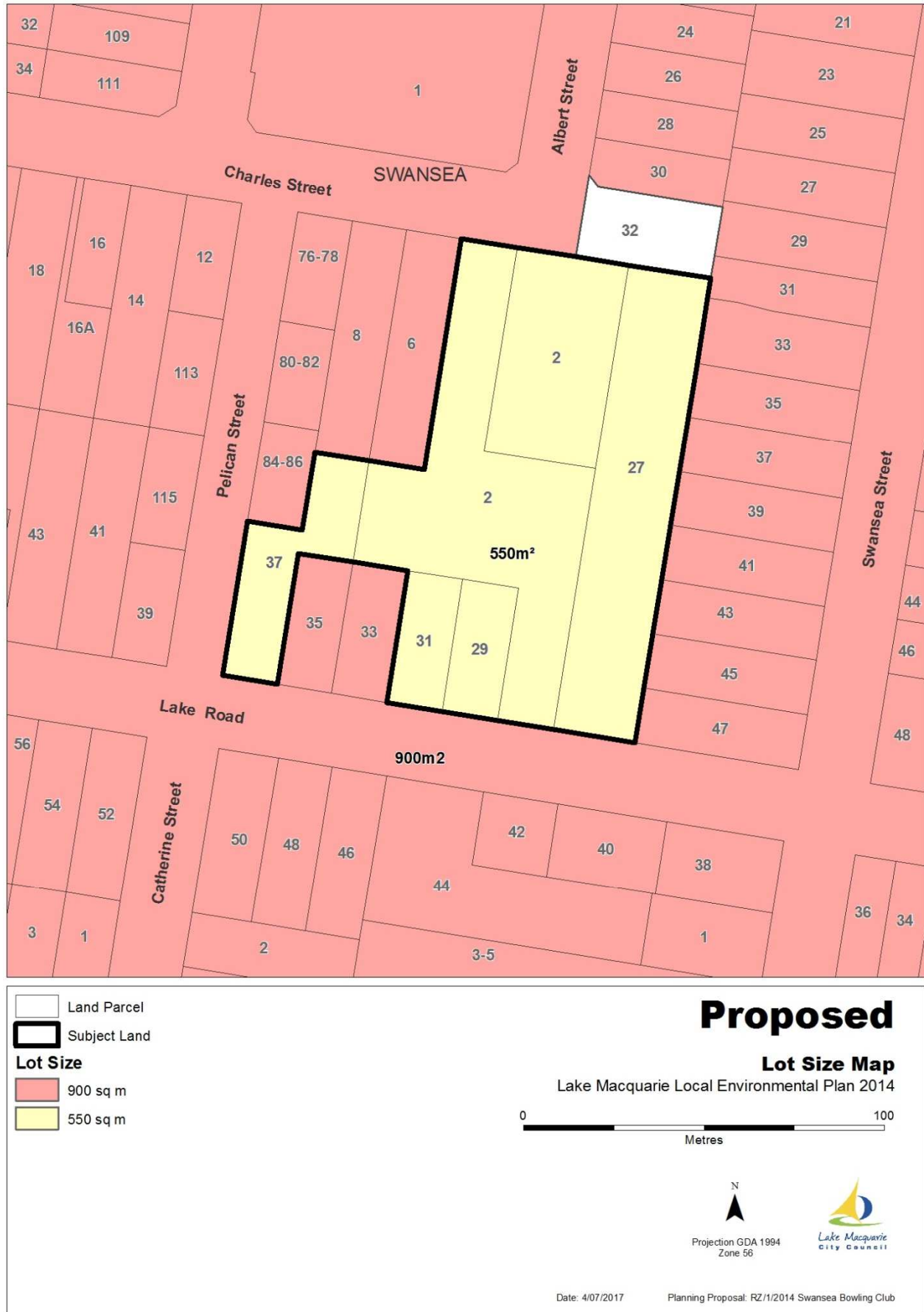
Projection GDA 1994
Zone 56



Date: 14/03/2017

Planning Proposal: RZ/1/2014 Swansea Bowling Club

Map 6 – Proposed Lot Size Map



Map 7 – Existing Height of Buildings Map



- Land Parcel
- Subject Land

Maximum Building Height (metres)

- 8.5
- 10

Existing

Height of Buildings Map

Lake Macquarie Local Environmental Plan 2014



Projection GDA 1994
Zone 56



Date: 14/03/2017

Planning Proposal: RZ/1/2014 Swansea Bowling Club

Map 8 – Proposed Height of Buildings Map



- Land Parcel
- Subject Land

Maximum Building Height (metres)

- 8.5
- 10

Proposed

Height of Buildings Map

Lake Macquarie Local Environmental Plan 2014



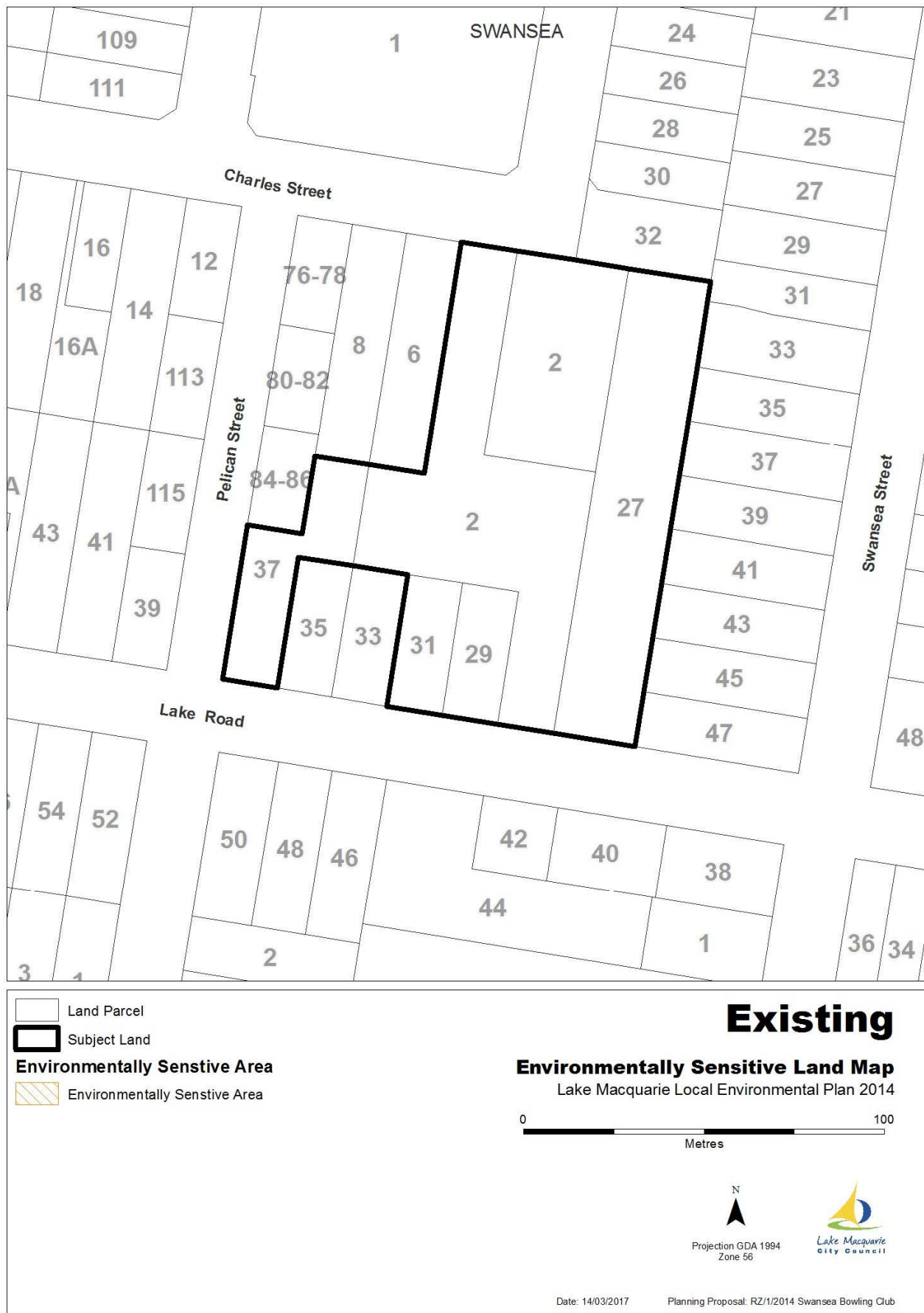
Projection GDA 1994
Zone 56



Date: 14/03/2017

Planning Proposal: RZ/1/2014 Swansea Bowling Club

Map 9 – Existing Environmentally Sensitive Land Map



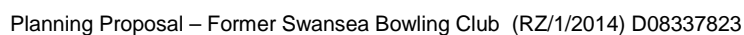


Table 3 – Proposed Changes to Clause 7.20

The proposed changes to clause 7.20 are shown in 'red text':

7.20 Development on environmentally sensitive land

(1) *The objectives of this clause are as follows:*

- (a) to ensure that adverse impacts of development on environmentally sensitive land are minimised or offset,*
- (b) to ensure that the location of development on environmentally sensitive land is appropriate having regard to the management of bush fire risk, flood risk and achieving biodiversity outcomes.*

(2) *This clause applies to land identified as “Environmentally sensitive land” on the Environmentally Sensitive Land Map.*

(3) *When assessing a development application for development on land to which this clause applies, the consent authority must consider:*

- (a) whether the development will have an adverse impact on the condition and significance of the vegetation on the land, and*
- (b) the importance of that vegetation to the growth and survival of native fauna, and*
- (c) whether the development has the potential to fragment, disturb or diminish the biodiversity values of the land, or will be adversely impacted by natural and environmental hazards, including bush fire and flooding.*

(4) *Before granting development consent to development on land to which this clause applies, the consent authority must be satisfied that:*

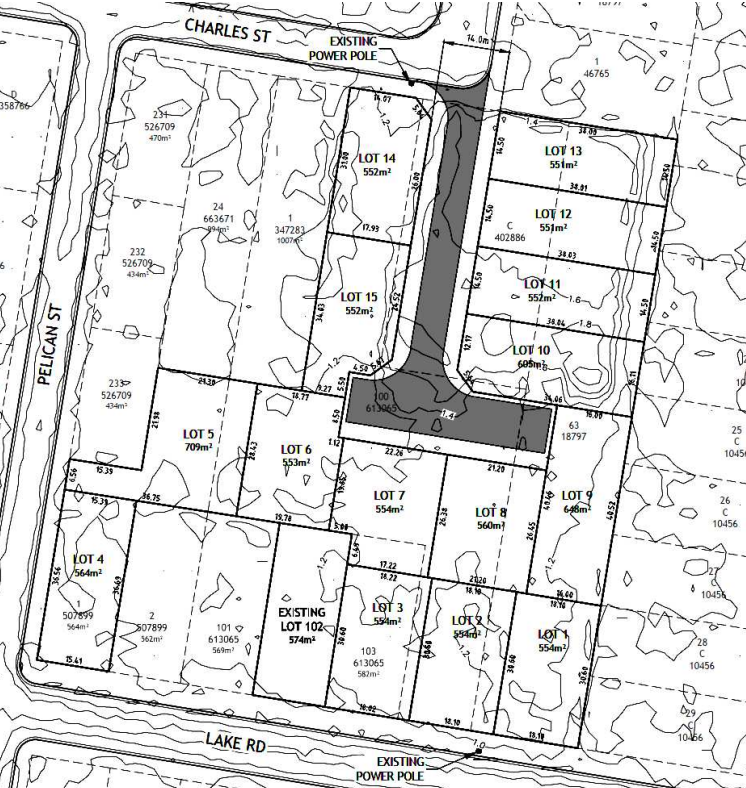
- (a) the development is sited, designed and managed to avoid potential adverse environmental impacts and avoid natural and environmental hazards, including bush fire and flooding, or*
- (b) if an impact cannot be avoided by adopting feasible alternatives, the development will mitigate, minimise or offset that impact.*

Part 5 – COMMUNITY CONSULTATION

Public Exhibition occurred from Monday 5 June to Monday 3 July 2017, and included:

- Public notices in the Herald and Star newspapers;
- Notification letters to surround landowners (68 properties); and
- Provision of the exhibition material online, at Council's administration building and Swansea Library.

Council received 3 submissions from the community and resulted in the following changes to the Planning Proposal;

| Requested changes to Planning Proposal | Council response |
|---|--|
| <p>Reducing the minimum lot size from 700m² to 550m² in order to achieve an appropriate subdivision layout and yield</p> <p>The landowner states that the proposed 700m² minimum lot size was intended to deliver a development yield of approximately 15 lots. However, during the exhibition period the landowner prepared indicative subdivision plans and could not achieve an effective lot layout and yield due site constraints such as the shape of the land. Consequently, the landowner has requested reducing the minimum lot size from 700m² to 550m². An indicative subdivision plan based on a 550m² minimum size prepared by the landowner is presented in Figure 1, which would result in a development outcome of approximately 16 lots.</p>  <p>Figure 1 - Indicative subdivision plan based on a 550m² minimum lot size prepared for the site by the landowner</p> | <p><i>The request is supported. Council staff acknowledge the subdivision constraints associated with the irregular shape of the land. Council staff note that the proposed change would increase the potential subdivision yield from approximately 15 to 16 lots. However, the change:</i></p> <ul style="list-style-type: none"> • <i>would not significantly increase the development intensity on the site;</i> • <i>would still enable flood adaptable housing on the lots; and</i> • <i>is still generally consistent with the surrounding pattern of development.</i> |

Further detail of these submissions and Council staff responses to the submissions can be found in Appendix 7- Council staff review of submissions.

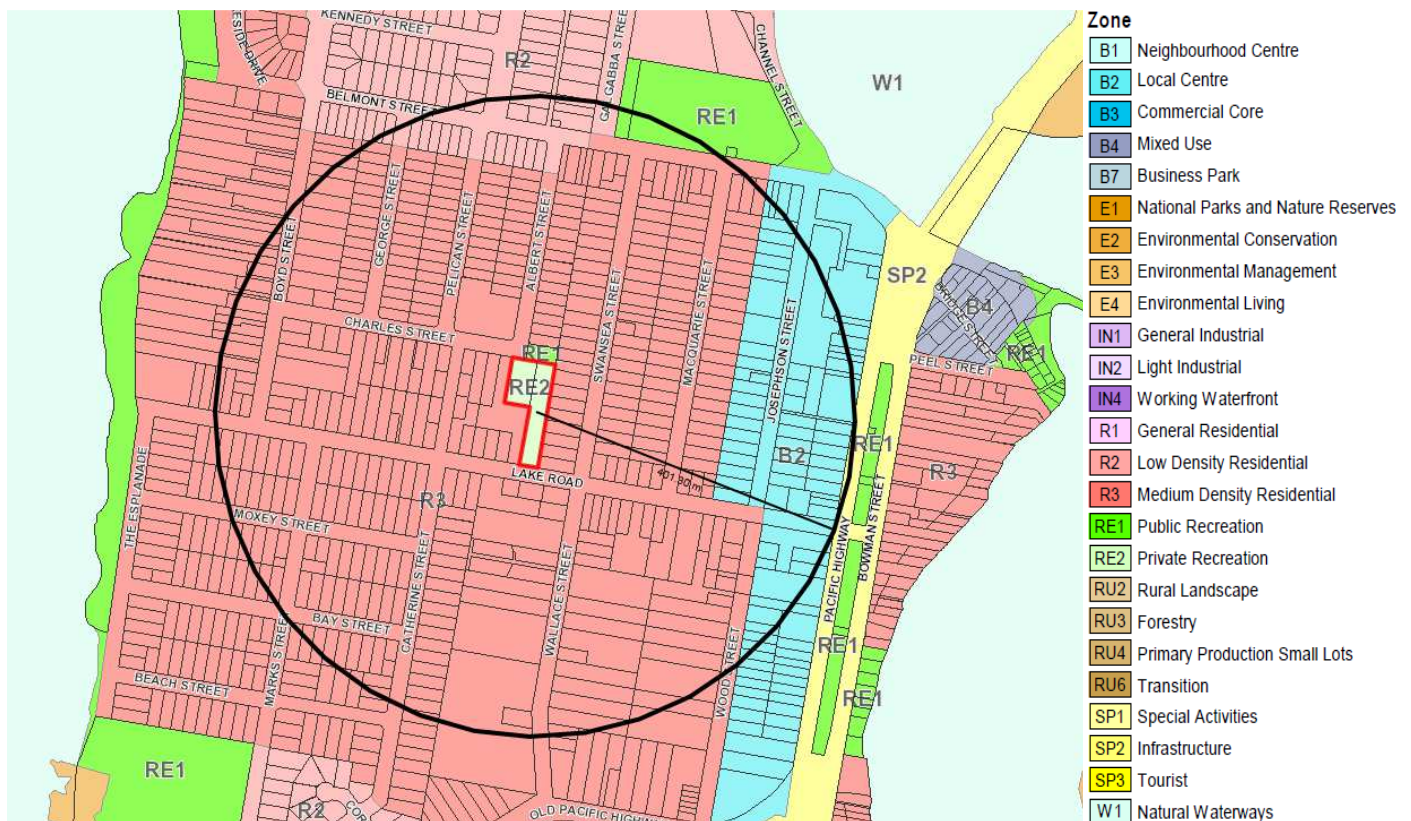
Part 6 – PROJECT TIMELINE

| Action | Timeframe |
|--|---------------------------|
| Timeframe for government agency consultation | Mid-April to End-May 2017 |
| Public exhibition (28 days) | June 2017 |
| Consideration of submissions | July 2017 |
| Report consultation findings to Council | August to September 2017 |
| Advise Department of Planning of Council's resolution to either make or discontinue with the planning proposal | September 2017 |

Appendix 1 – REVIEW OF LAND ZONED FOR PRIVATE RECREATION PURPOSES

The subject land is zoned RE2 Private Recreation under LMLEP 2014, which permits a broad range of private recreation and tourism uses. Rezoning the subject land to allow other land uses will not significantly impact on the potential for private recreation development in the surrounding area, as outlined below.

- The subject land is not a strategic tourism site (no direct lake / beach access or views), and is an irregular shape with a small land area (4,800m²). These constraints would likely limit redevelopment opportunities on the subject land for major private recreation facilities such as indoor swimming pools or tourists facilities such as visitor accommodation.
- Smaller scale private recreation uses such as gyms, squash courts and health studios could potentially be developed on the subject land. However, the Swansea town centre is located 400m from the subject land, and contains a large amount of B2 Local Centre zoned land (approximately 100,000m²), which also permits smaller scale private recreation uses such as gyms, squash courts and health studios. Subsequently, rezoning the subject land for another land use would only reduce the supply of land allowing smaller scale private recreation uses by 4,800m², or 5% of the total land supply for the uses in the surrounding area.



Land use zoning under LMLEP 2014

Appendix 2 – SWANSEA BOWLING CLUB REZONING INVESTIGATION SUMMARY

1. Background

In 2014, Council received a request to rezone part of the former Swansea bowling club to allow redevelopment of the land for medium-density housing. The site is located near shops and public transport, and part of the land is already zoned for medium-density housing. However, the land is also flood prone and parts may be at risk of impacts from predicted future sea level rise. Specifically, the land is located between 1m to 1.7m Australian Height Datum (AHD) and the estimated flood level affecting the land during a major flooding event is 1.5m AHD. The flood level is also estimated to increase to 2.32m AHD by the year 2100, when 0.9m of sea level rise is included.

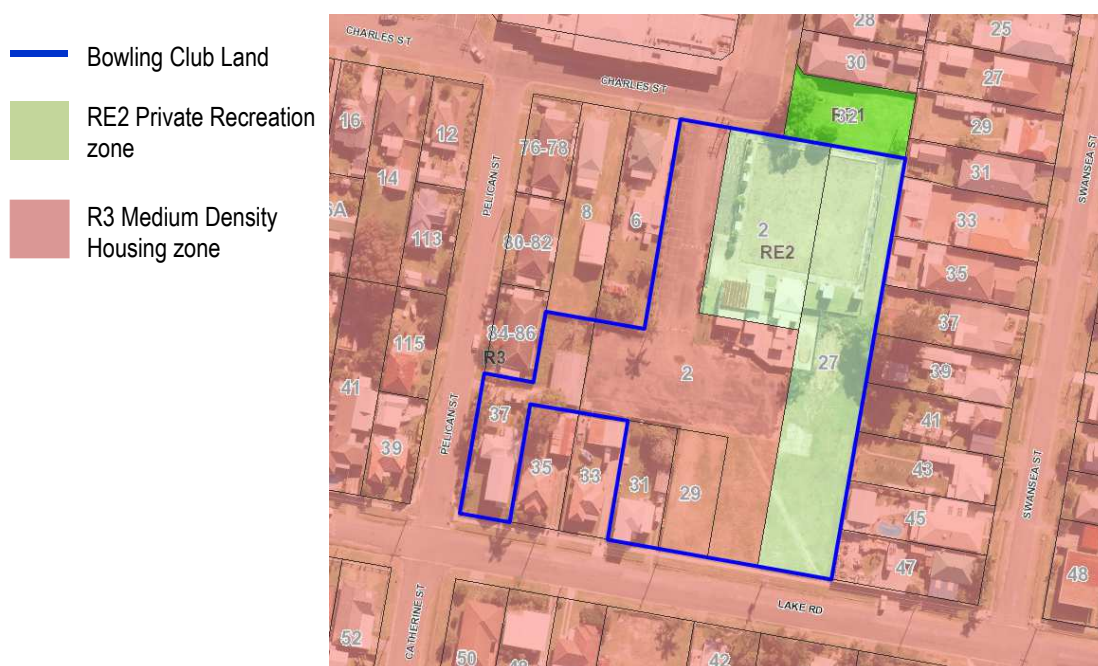


Figure 1 – Current zoning of the Swansea Bowling Club

2. Gateway determination

In 2015, Council resolved to initiate a Planning Proposal to investigate the rezoning request. Subsequently, the NSW government issued a gateway determination requiring preparation of a site-specific flood and sea level rise study to determine if:

- (i) *The land is suitable for intensification:*
 - a. *safe and acceptable evacuation routes are available from the subject land for the additional occupants in a flood event. An evacuation capacity assessment must consider cumulative impacts, considering the number of occupants expected from possible zoning options, and be prepared in consultation with NSW State Emergency Service documents.*
- (ii) *The land can support development which:*
 - a. *can effectively manage the flooding and sea level rise risks;*
 - b. *will not significantly impact the flood behaviour on adjacent properties; &*
 - c. *Council is assured could be approved under its existing development assessment controls*

3. Flood and sea level rise study

In 2016, an independent consultant prepared a flood and sea level rise study in accordance with the Gateway determination. The study was prepared by Umwelt (Australia) Pty Limited and is titled '*Flood and Sea Level Rise Management Study – Former Swansea Bowling Club (Final) – December 2016*'. The study identifies that residential development on the site could be designed to manage flood and sea level rise impacts, by raising floor levels above flood levels and by using flood resistant building materials. However:

- Infrastructure servicing the land may be impacted by predicated sea level rise in the future. Specifically, roads servicing the land are currently located below 0.8m AHD, and may be permanently inundated by a predicted 0.9m sea level rise by the year 2100. The cost to government to mitigate these issues are unknown until a local sea level rise adaptation plan for the locality of Swansea has been prepared.
- Evacuation from the Swansea area during a flood event has a high risk of failure. Council's adopted flood study for the Lake Macquarie Waterway identifies that Swansea probably only has a 6 to 12 hour effective warning and evacuation time in the event of a flood. However, an evacuation capacity assessment conducted as part of the flood and sea level rise study for the bowling club identifies that it could take between 9 to 11 hours to evacuate Swansea. In addition, evacuation routes from Swansea are flood prone and may experience between 0.7m to 1.8m depth of floodwater over the routes, meaning they may not be trafficable making safe evacuation from Swansea difficult. The evacuation capacity assessment was undertaken in accordance with NSW State Emergency Service (SES) guidelines, and assumes a worst-case scenario of evacuating houses via door knocking, as telecommunications may not be available during a storm event.

The study states that these factors should be thoroughly considered by Council in conjunction with any additional social, environmental and economic factors in determining the suitability of the site for rezoning. To assist in the assessment of the rezoning application, the study also recommends that Council prepare a local sea level rise adaptation plan and flood evacuation plan for the locality of Swansea.

4. Review of flood and sea level rise study

Council staff reviewed the findings and recommendations from the flood and sea level rise study, and identifies that:

- The land is impacted by significant flood and sea level rise constraints, that Council requires to consider these matters when determining the suitability of the site for rezoning,
- The study does not provide a clear land use zoning recommendation (e.g. low or medium density housing), and
- Deferring consideration of the rezoning request until Council prepares a flood and sea level rise adaptation plan and flood evacuation plan for the locality of Swansea, could assist determine the suitability of the site for rezoning.

5. Evaluation of zoning options

Following completion of the flood and sea level rise study, Council staff evaluated the zoning options for the land identified in figure 2. Details of the evaluation are summarised on the following pages.



Figure 2 - Zoning options evaluated by Council staff

Option1: Rezone the land to allow redevelopment for medium density housing

The option allows medium density housing on the land, which increases the number of dwellings permitted in an area with a high risk of evacuation failure. This is not consistent with the NSW government's Flood Prone Land Policy, which seeks to reduce the impact of flooding.

In addition, infrastructure servicing the land, such as roads and stormwater drainage is located below 1m AHD, and is predicted to be permanently inundated by future sea level rise. The option proposes medium density housing, which has a 100-year asset life (based guidance provided in Council's development control plan), and is expected to experience some of the more significant impacts of sea level rise over that time. This will result in a lake level of 1.0m AHD, as shown in figure 3.

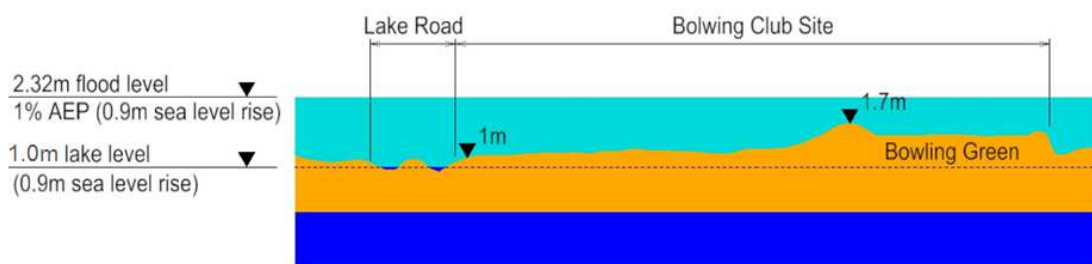


Figure 3 - Estimated flood levels for the land in the year 2100 (0.9m sea level rise)

Option 2: Defer consideration of the proposal until Council prepares a flood and sea level rise adaptation plan and flood evacuation plan for the locality of Swansea

The option is in accordance with the flood and sea level rise study recommendations. The option seeks to defer a decision on the rezoning proposal until more information is available. However, the timeframes to prepare an adaptation plan and flood evacuation plan, as well as the outcomes,

are unknown. As a result, the option could result in deferring any redevelopment of the land for an unknown period-of-time.

Option 3: Rezone the land to allow redevelopment for a limited amount of flood adaptable, low-density housing.

Option 3 was prepared in response to the limitations with option 1 and 2. Option 3 aims to balance the appropriate management of flood and sea level rise impacts and the promotion of redevelopment and economic renewal in Swansea. In regards to flooding and sea level rise impacts:

- Option 3 reduces the development intensity permitted on the land under the existing zoning. Currently, residential flat buildings (up to three storeys) are permitted over half of the site. Option 3 redistributes and reduces the residential development intensity permitted on the land down to detached dwellings permitted over the entire site. This reduces the number of dwellings permitted on land, and the potential burden on NSW SES services to evacuate and rescue people in the event of a significant flood. Whilst, not completely mitigating flood evacuation risk, the option is consistent with the primary objective of NSW government's Flood Prone Land Policy, which is to reduce the impact of flooding. The policy also recognises that flood prone land should not be unnecessarily sterilised.
- The option proposes detached housing, which has a 50-year asset life (based guidance provided in Council's development control plan and the Building Code of Australia). Sea level rise increase is forecast to experience approximately 0.4m sea level rise over that time. This will result in a lake level of 0.5m AHD, as shown in figure 4. Infrastructure servicing the land, such as roads and stormwater drainage, is located below 1m AHD, and is not predicted to be permanently inundated by predicted sea level rise.

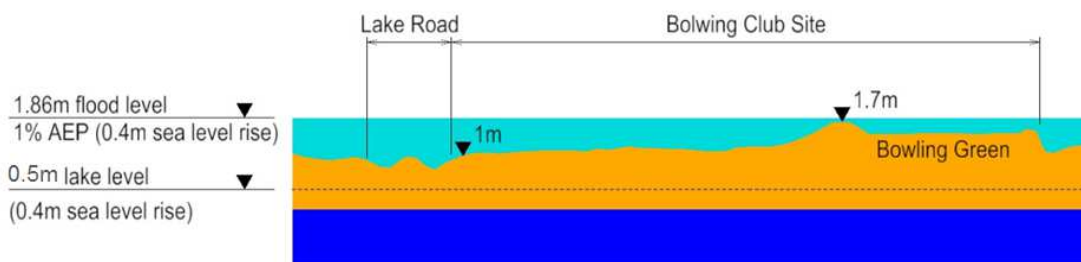


Figure 4 - Estimated flood levels in the year 2050 (0.4m sea level rise)

In regards to redevelopment and renewal of Swansea:

- Option 3 allows redevelopment of the land consistent with the existing low-density residential character and lot sizes in the surrounding area.
- Option 3 also allows the landowner to redevelop the land in the short-term, or wait for the outcomes of adaptation and evacuation planning, which potentially may allow redevelopment of the land for a higher density in the longer-term.

6. Rezoning Investigation Recommendation

Based on the outcomes of the rezoning investigation, Council staff recommend option 3, as it balances and achieves both appropriate management of flood and sea level rise impacts, and promotion of redevelopment and economic renewal in Swansea.

Option 3 is also considered to comply with the Gateway determination issued for the land, as outlined in table 1.

Table 1 – Option 3 compliance with Gateway determination

| Gateway conditions | Option 3 compliance |
|--|--|
| <p><i>(i) The land is suitable for intensification:</i></p> <p><i>a. safe and acceptable evacuation routes are available from the subject land for the additional occupants in a flood event. An evacuation capacity assessment must consider cumulative impacts, considering the number of occupants expected from possible zoning options, and be prepared in consultation with NSW State Emergency Service documents.</i></p> | <p>An evacuation capacity assessment was conducted for the land in accordance with NSW SES guidelines, as part of the flood and sea level rise study. The evacuation capacity assessment identifies that the land is at high risk of evacuation failure in the event of a flood. Specifically, roads and houses may be inundated by floodwater before people can safely evacuate.</p> <p>Option 3 reduces the number of dwellings permitted on the land, reducing the potential burden on NSW SES services to evacuate and rescue people in the event of a flood.</p> <p>Whilst, not completely mitigating flood evacuation risk, option 3 is consistent with the primary objective of NSW government's Flood Prone Land Policy, which is to reduce the impact of flooding. The policy also recognises that flood prone land should not be unnecessarily sterilised.</p> |
| <p><i>(ii) The land can support development which:</i></p> <p><i>a. can effectively manage the flooding and sea level rise risks;</i></p> <p><i>b. will not significantly impact the flood behaviour on adjacent properties; &</i></p> <p><i>c. Council is assured could be approved under its existing development assessment controls</i></p> | <p>Residential development on the site can be designed to manage flood and sea level rise impacts, by raising floor levels above flood levels and by using flood resistant building materials.</p> <p>Also, infrastructure servicing the land will not be impacted by predicted sea level rise under option 3.</p> <p>The site contains existing development (a former bowling club). Redevelopment of the land to allow a limited amount of flood adaptable, low-density housing is not anticipated to exacerbate flooding within the Lake Macquarie flood catchment, or significantly impact on adjacent properties.</p> <p>To ensure that Council can grant consent for development under option 3, a site specific Area Plan will be prepared and included in <i>Lake Macquarie Development Control Plan 2014</i>.</p> |

Appendix 3 – INITIAL EVALUATION OF THE POTENTIAL FOR LAND CONTAMINATION

1. Initial Evaluation

The following initial evaluation is generally in accordance with Section 3.2 of the *MANAGING LAND CONTAMINATION PLANNING GUIDELINES* (the Guidelines), published by the Department of Urban Affairs and Planning / Environment Protection Authority.

- 1. Have any previous investigations relating to land contamination been conducted on the property, or adjacent land, that indicate the potential for land contamination?**

No. The Lake Macquarie Contaminated Land or Potentially Contaminated Land Database does not identify that any studies have been conducted, or that the land, or adjacent land, is contaminated.

- 2. Has the property at any time been zoned for industrial, agricultural or defence purposes?**

No. The subject land was zoned for public or private recreation purposes under the Northumberland District Planning Scheme 1960, and Lake Macquarie Local Environmental Plan (LMLEP) 1984 and 2004. The subject land is current zoned for private recreation purposes under LMLEP 2014.

- 3. Has an activity listed in Table 1 ever occurred on the property or been approved on the property?**

No.

- 4. Has the property ever been regulated through licensing or other mechanisms in relation to any activity listed in Table 1?**

No

- 5. Are there any land use restrictions on the property relating to possible contamination, such as notices issued by the EPA or other regulatory authority?**

No

- 6. Does a site inspection suggest that the property may have been associated with any activities listed in Table 1?**

No

- 7. Are you aware of information of contamination on land immediately adjacent to the property, which may result in potential contamination of the property?**

No

Table 1 - Some Activities that may Cause Contamination (referenced from p. 12 of the Guidelines)

| | | |
|--|---|---------------------------------|
| • acid/alkali plant and formulation | • engine works | • power stations |
| • agricultural/horticultural activities | • explosives industry | • railway yards |
| • airports | • gas works | • scrap yards |
| • asbestos production and disposal | • iron and steel works | • service stations |
| • chemicals manufacture and formulation | • landfill sites | • sheep and cattle dips |
| • defence works | • metal treatment | • smelting and refining |
| • drum re-conditioning works | • mining and extractive industries | • tanning and associated trades |
| • dry cleaning establishments | • oil production and storage | • waste storage and treatment |
| • electrical manufacturing (transformers) | • paint formulation and manufacture | • wood preservation |
| • electroplating and heat treatment premises | • pesticide manufacture and formulation | |

2. Additional Considerations

The following matters were considered as they are potential land contamination sources specific to the Lake Macquarie LGA.

8. Is it likely that any current structures on the property contain asbestos building materials?

Yes. Aerial photographs indicate that several structures were constructed on the subject land between the year 1950 and 1979. Council has no records of the structures. Asbestos was commonly used in building products between the 1940s and 1980s. Subsequently, the structures could have contained asbestos.



Aerial Photograph 1950



Aerial Photograph 1979



Aerial Photograph 2014

9. Have any structures been demolished on the property that could have contained asbestos building materials?

Yes. Aerial photographs indicate that several structures were located on the subject land in the year 1950 that have been demolished. Council has no records of the structures or their demolition. Asbestos was commonly used in building products between the 1940s and 1980s. Subsequently, the structures could have contained asbestos.

10. Have any parts of the property been excavated that have the potential for acid sulphate soils?

Potentially. Council's Potential for Acid Sulphate Soil map identifies that the subject land has class 2 acid sulphate soils. Excavation is anticipated to have occurred on the land as part of constructing structures on the land and servicing the land.

11. Have any parts of the property been filled with off-site material that could include:

- i. black slag from the former Pasminco Cockle Creek lead smelter;
- ii. fill contaminated with asbestos; and/or
- iii. any other unidentified potentially contaminated material?

Potentially. The site has some fill under bowling greens, which has not been tested for contamination.

12. Is the site categorized by Department of Defence as having substantial or slight potential of containing Unexploded Ordnance (UXO)? (applicable to the localities of Redhead, Jewells, Belmont North, Belmont South and Catherine Hill Bay only)

No.

Appendix 4 – EVALUATION OF S117 DIRECTION 4.3 FLOOD PRONE LAND

An evaluation of the proposal's consistency with S117 Direction 4.3 Flood Prone Land is outlined below.

S117 Direction 4.3 Flood Prone Land

Objectives

- (1) The objectives of this direction are:
 - (a) to ensure that development of flood prone land is consistent with the NSW Government's Flood Prone Land Policy and the principles of the *Floodplain Development Manual 2005*, and
 - (b) to ensure that the 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.

Where this direction applies

- (2) This direction applies to all relevant planning authorities that are responsible for flood prone land within their LGA.

When this direction applies

- (3) 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.

What a relevant planning authority must do if this direction applies

- (4) A planning proposal must include provisions that give effect to and are consistent with the NSW Flood Prone Land Policy and the principles of the *Floodplain Development Manual 2005* (including the *Guideline on Development Controls on Low Flood Risk Areas*).

*Response: The proposal is **consistent** with the primary objective of NSW government's Flood Prone Land Policy, which is to reduce the impact of flooding. The proposal is located in a flood prone area and the outcomes of the rezoning will reduce the number of dwellings currently permitted on the land. Specifically, the proposal redistributes and reduces the development intensity permitted on the land under the current zoning from residential flat buildings (up to three storeys) over half of the site to approximately a dozen low-density, detached houses permitted over the entire site. Given this, the proposal has the overall effect of reducing the number of people located in flood prone area, and reduces the potential burden of SES services to evacuate and rescue people in the event of a significant flood.*

- (5) A planning proposal must not rezone land within the flood planning areas from Special Use, Special Purpose, Recreation, Rural or Environmental Protection Zones to a Residential, Business, Industrial, Special Use or Special Purpose Zone.

*Response: The proposal is **inconsistent** with the direction as it rezones land from private recreation and medium density housing uses to low density residential housing uses. The inconsistency is of **minor significance**, as the outcome of the rezoning will reduce the intensity of development permitted on the land, and reduce the potential burden of SES services to evacuate and rescue people in the event of a significant flood.*

- (6) A planning proposal must not contain provisions that apply to the flood planning areas which:
 - (a) permit development in floodway areas,

*Response: The proposal is **consistent** with the direction, as it is not identified as located in a floodway area.*

- (b) permit development that will result in significant flood impacts to other properties,

*Response: The proposal is **consistent** with the direction as it will reduce the intensity of development permitted on the land, and is not anticipated to result in any significant filling of the land and exacerbate flooding within the flood catchment.*

- (c) permit a significant increase in the development of that land,

*Response: The proposal is **consistent** with the direction, as it will reduce the intensity of development permitted on the land.*

- (d) are likely to result in a substantially increased requirement for government spending on flood mitigation measures, infrastructure or services, or

*Response: The proposal is **consistent** with the direction, as it is not identified as a floodway area.*

- (e) permit development to be carried out without development consent except for the purposes of agriculture (not including dams, drainage canals, levees, buildings or structures in floodways or high hazard areas), roads or exempt development.

*Response: The proposal is **consistent** with the direction, as the land will be identified as Environmentally Sensitive Land, which will result in complying development not being able to be undertaken on the land.*

- (7) A planning proposal must not impose flood related development controls above the residential flood planning level for residential development on land, unless a relevant planning authority provides adequate justification for those controls to the satisfaction of the Director-General (or an officer of the Department nominated by the Director-General).

*Response: The proposal is **consistent** with the direction, as it does not impose flood related development controls above the residential flood planning level.*

- (8) For the purposes of a planning proposal, a relevant planning authority must not determine a flood planning level that is inconsistent with the Floodplain Development Manual 2005 (including the *Guideline on Development Controls on Low Flood Risk Areas*) unless a relevant planning authority provides adequate justification for the proposed departure from that Manual to the satisfaction of the Director-General (or an officer of the Department nominated by the Director-General).

*Response: The proposal is **consistent** with the direction, as it does not determine a flood planning level.*

Consistency

- (9) A planning proposal may be inconsistent with this direction only if the relevant planning authority can satisfy the Director-General (or an officer of the Department nominated by the Director-General) that:

- (a) the planning proposal is in accordance with a floodplain risk management plan prepared in accordance with the principles and guidelines of the Floodplain Development Manual 2005, or

- (b) the provisions of the planning proposal that are inconsistent are of minor significance.

*Response: The **inconsistency** with part 5 of this direction is considered of **minor significance**. Approval from the Director General is required for the inconsistency.*

Appendix 5 – APPROVAL FOR INCONSISTENCIES WITH S117 DIRECTIONS 3.1 AND 4.3



Mr Brian Bell
General Manager
Lake Macquarie City Council
Box 1906
Hunter Region Mail Centre NSW 2310

Our ref: PP_2015_LAKEM_006_00 (15/06980)

Attention: Grant Alderson

Dear Mr Bell

Planning Proposal PP_2015_LAKEM_006_00 – Alteration of Gateway Determination

I refer to your email of 11 April 2017 in relation a revised planning proposal for the Swansea Bowling Club, and a request to consider if an amendment is required to the Gateway Determination, dated 3rd July 2015.

I have determined as the delegate of the Minister, in accordance with section 56(7) of the Environmental Planning and Assessment Act, 1979, to alter the Gateway determination dated 3 July 2015 for PP_2015_LAKEM_006_00 (as altered on 9 June 2016). The Alteration of the Gateway Determination is enclosed.

I have Altered the Gateway Determination in relation to:

- o Inclusion of additional land from the disused bowling club,
- o Clarification of the proposed residential zone, i.e. R2 Low Density Residential,
- o Clarification of the minimum lot size, i.e. 700m²,
- o Clarification of the maximum height of buildings, i.e. 10m,
- o Adding the land to the environmentally sensitive land map, and
- o Modifying cl 7.20 to include flooding as a matter for consideration for environmentally sensitive land.

I have not supported Council's request to include the land as an Urban Release Area, as the site is not intended to be development more intensively with the new zoning. I encourage Council to identify an alternative mechanism for promoting flood adaptable housing. Council must update the planning proposal prior to exhibition in relation to the explanation of provisions.

I have agreed the planning proposal's inconsistencies with Section 117 Direction 3.1 Residential Land and 4.3 Flood Prone Land are of minor significance, as they are a direct response to the flooding and sea level rise impacts and are reducing the intensity of residential development. No further approval is required in relation to these Directions.

The Gateway Determination has been altered to extend the time to complete the proposal. The Proposal is now due for completion on 10 December 2017.

If you have any questions in relation to this matter, I have arranged for Ben Holmes to assist you. Mr Holmes can be contacted on (02) 4904 2709.

Yours sincerely



30/5/2017

Monica Gibson
Director Regions, Hunter and Central Coast
Planning Services

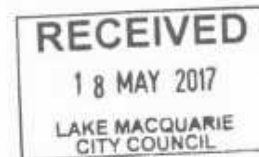
Encl:
Alteration of Gateway Determination

Appendix 6 – NSW OEH COMMENT ON THE PLANNING PROPOSAL



Office of
Environment
& Heritage

DOC17/224967
RZ/1/2014



The General Manager
Lake Macquarie City Council
1906 HRMC
NSW 2310

Attention: Mr Grant Alderson

Rezoning of the Former Swansea Bowling Club Site

I refer to your request for comment on the proposal to rezone the site of the former Swansea Bowling Club to permit detached housing. The site is subject to flooding, which may be exacerbated by sea level rise. The following comments relate to flooding and the proposal's consistency with s117 Direction 4.3 Flood Prone Land.

OEH understands that the combined site totals approximately 10,600m² and that it is proposed to yield a maximum of 15 residential lots. Dwellings built on these lots will be required to be flood adaptable. The minimum floor level will be set by council's Flood Planning Level (FPL), which for detached dwellings includes an allowance of 0.4m for sea level rise. These provisions would adequately protect the owners from flood-related losses for the life of the dwellings.

Of the total site area, 4,800m² is presently zoned RE2, which permits private recreation including function centres, restaurants and accommodation. The balance is zoned R3, which permits medium density residential of up to three stories. The proposal to rezone the entire site to R2 therefore represents a significant reduction in potential development intensity.

The roads that provide access to and egress from the site are subject to flooding. The depth of flooding at the peak of 1% Annual Exceedance Probability (AEP) and greater events is such that evacuation would be dangerous, even for wading. As such, the emergency response will rely on timely evacuation. The preliminary evacuation assessment that was undertaken to support the rezoning proposal (and which employed conservative parameters for warning time, notification method and occupancy) concluded that there was a high risk of evacuation failure. OEH acknowledges that council has invested in an improved flood warning system for the Lake Macquarie waterway and that recent and emerging technology in rainfall prediction means that the warning times assumed in the preliminary assessment will be significantly extended in future events. The current probable maximum flood is only marginally above the FPL for the subject site and so, in a worst case scenario, sheltering in place would involve limited risk to life.

On the Swansea peninsula there are presently 1594 properties affected by flooding in the 1% AEP event with 498 of these experiencing above-floor flooding. With just 0.4m of sea level rise these figures will grow to 1775 and 1399, respectively. As sea level continues to rise, roads, services and some properties will experience regular and eventually permanent tidal inundation. OEH acknowledges council's intention to develop a Local Adaptation Plan (LAP) to respond to the risk posed by flooding and sea level rise.

Locked Bag 1002 Dangar NSW 2309
Level 4, 26 Honeysuckle Drive Newcastle NSW 2300
ABN 30 841 387 271
www.environment.nsw.gov.au

The current proposal will increase the number of properties affected by flooding by less than 1%. It will not increase the number that experience above-floor flooding (for the life of the development) and would have minimal impact on evacuation times. The addition of 15 dwellings does not substantially increase the total risk and will not constrain future adaptation options. Nor will it increase the cost of maintaining services to the area in the face of rising sea levels.

On balance, OEH believes that the rezoning proposal has merit. Whilst it is inconsistent with s117 Direction 4.3 in respect of the parcel currently zoned RE2, it back zones a larger parcel currently zoned R3 and has achieved a net reduction in the development intensity of the flood prone land. Accordingly, its inconsistency with the s117 direction is considered minor.

The local adaptation planning process is yet to commence and any strategies arising from it are likely to be implemented over a considerable period of time. In the meantime, council needs to be satisfied that it has an effective evacuation plan in place. As the preliminary assessment has found that there is a potential for evacuation failure, OEH recommends that council consider bringing forward the evacuation planning process for Swansea.

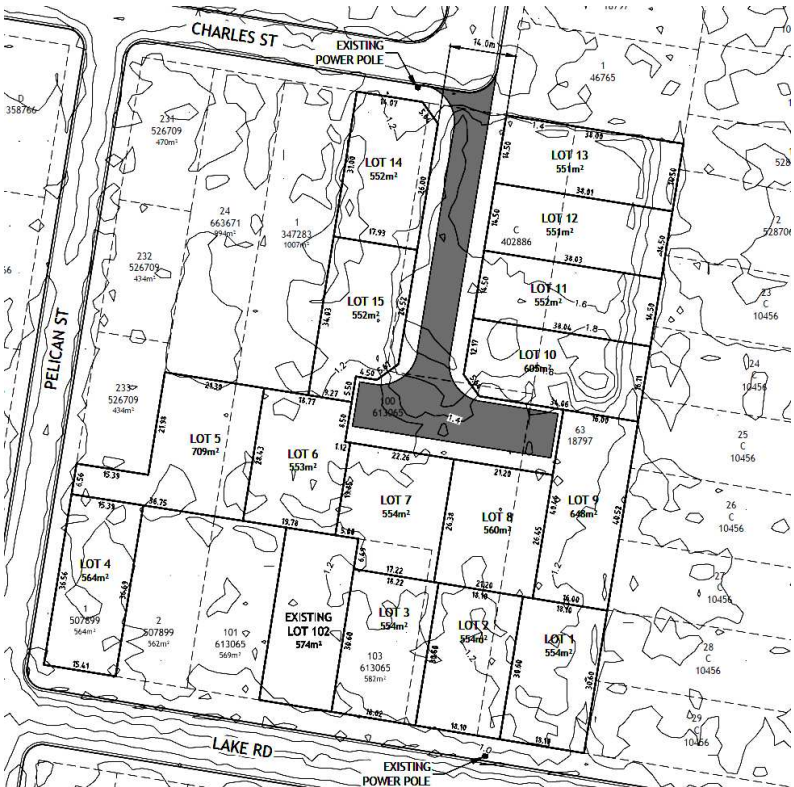
Yours sincerely

 9/5/2017

SHARON MOLLOY
Regional Director
Hunter Central Coast

Contact officer: PETER EVANS
(02) 4927 3107

Appendix 7 – COUNCIL STAFF REVIEW OF SUBMISSIONS

| Summary of key points raised in submissions | Council staff responses |
|---|--|
| <p>1) Bowling club site landowner (D08435615)</p> <p>The bowling club site landowner advised that they support the overall intention of the rezoning proposal and draft Area Plan, however, requested that Council consider the following changes to the development controls:</p> <p>i) Reducing the minimum lot size from 700m² to 550m² in order to achieve an appropriate subdivision layout and yield</p> <p>The landowner states that the proposed 700m² minimum lot size was intended to deliver a development yield of approximately 15 lots. However, during the exhibition period the landowner prepared indicative subdivision plans and could not achieve an effective lot layout and yield due site constraints such as the shape of the land. Consequently, the landowner has requested reducing the minimum lot size from 700m² to 550m². An indicative subdivision plan based on a 550m² minimum size prepared by the landowner is presented in Figure 1, which would result in a development outcome of approximately 16 lots.</p>  <p>Figure 1 - Indicative subdivision plan based on a 550m² minimum lot size prepared for the site by the landowner</p> | <p><i>The request is supported. Council staff acknowledge the subdivision constraints associated with the irregular shape of the land. Council staff note that the proposed change would increase the potential subdivision yield from approximately 15 to 16 lots. However, the change:</i></p> <ul style="list-style-type: none"> <i>would not significantly increase the development intensity on the site;</i> <i>would still enable flood adaptable housing on the lots; and</i> <i>is still generally consistent with the surrounding pattern of development.</i> |

| Summary of key points raised in submissions | Council staff responses |
|---|---|
| <p>ii) Removing identification of the site as environmentally sensitive land</p> <p>The site is proposed to be identified under clause 7.20 in LMLEP 2014 as environmentally sensitive land. The landowner has stated that they would prefer that the land is not identified as environmentally sensitive, as it would be the only area in Swansea with such provisions.</p> | <p><i>The request is not supported. As identified in Section A.2 of the planning proposal, identifying the site as environmentally sensitive land is essential to ensure that the rezoning proposal complies with NSW government flood planning requirements. Specifically, the land is flood prone and identifying the land as environmentally sensitive ensures that residential housing cannot be constructed on the site as complying development under State Environmental Planning Policy (Exempt and Complying Development Codes) 2008. Exempt development is still possible when land is identified as environmentally sensitive.</i></p> |
| <p>iii) Amending draft Area Plan control 3.1(2)(ii) to reduce ambiguity</p> <p>The control states that new roads and infrastructure are not permitted unless it can be demonstrated that they can mitigate the adverse effects of projected sea level rise and increases in flood levels. The landowner states concern about what the control actually means, which in turn creates uncertainty about the potential to develop the site.</p> | <p><i>The request is supported. The Council staff note that the control is ambiguous and recommend removal of the control. Removal of the control is not considered to have significant impacts as LMDCP 2014 already provides adequate guidance regarding standards for roads and infrastructure.</i></p> |
| <p>2) Resident adjacent to the bowling club site (D08429263)</p> | |

| Summary of key points raised in submissions | Council staff responses |
|--|---|
| <p>The local resident advised Council that:</p> <ul style="list-style-type: none"> • a sewer main is located along the eastern boundary of the site; and • stormwater runoff from the site currently affects their backyard . <p>The resident also wanted to know if houses would be built over the sewer main and information regarding there drainage concerns.</p> | <p><i>The submission is noted. Council staff informed the resident that before the land can be developed a detailed subdivision and stormwater plan would need to be prepared by the developer, and approved by Council and Hunter Water. The plan would need to adequately address site constraints such as location of sewer mains and effective stormwater management. The resident raised no further questions or concerns with Council staff.</i></p> |
| 3) Resident adjacent to the bowling club site (D08438494) | |
| <p>The local resident advised Council of the following concerns:</p> <p>i) Consistency with S117 Directions</p> <p>States that approval from the Director General is required for the planning proposal's inconsistency with Section 117 Direction 3.1 Residential Zones and Direction 4.3 – Flood Prone Land</p> <p>ii) Areas of significant environmental value</p> <p>States that part of the site is an important breeding ground for native frog species. Specifically:</p> <p><i>... a small portion included the development area that is an important breeding ground for native frog species, and that this may represent a "significant environmental value". This area centers on a drain - currently completely clogged and covered by soil and plant growth - in the western quadrant of the parking area, next to the old church hall. In times of rain this area comes alive with a number of species of native frogs seeking to breed. I have definitely heard and seen at least two types.</i></p> <p>Proposes a combined access way for people and green zone for frogs to protect the area. Advises that they would have liked to have seen an independent survey of the environmental impacts and a more detailed plan for the proposed development.</p> | <p><i>Approval for the inconsistency was granted 30 May 2017 as detailed in the revised planning proposal. No changes are recommend in response to the submission.</i></p> <p><i>The site is located within an existing urban area that was formerly a bowling club, with several buildings, a bitumen car park and mown grass areas.</i></p> <p><i>Council records do not indicate the presence of any remnant native vegetation, natural waterways or recordings of endangered native fauna on the site.</i></p> <p><i>In addition, Council staff inspected the site 4/7/2017 and did not identify the potential for any significant areas of native remnant vegetation or natural waterways on the site.</i></p> <p><i>Consequently, there is insufficient justification to conduct an independent environmental investigation or identify part of the site for native habitat protection.</i></p> |

| Summary of key points raised in submissions | Council staff responses |
|--|---|
| <p>iii) Provisions of an access way across the site</p> <p>States that the site has for decades been an access way for pedestrians, and suggests a paved access lane across the site. Specifically:</p> <p><i>In Swansea there is a large amount of pedestrian activity and many residents have used the access allowed by the open site to shorten their journey to Charles and Albert Streets, and beyond to northern Boyd St etc. Further, many people in Swansea use mobility scooters. At present these members of the public must go the long way round to Charles and Albert Streets, partially forced to use the road itself.</i></p> <p>States they believe the suggestion would be closer to Council's desire for "A well serviced and equitable city".</p> <p>iv) Increased building heights</p> <p>States that the site proposes to have a maximum building height of 10m, and at a dwelling of 10m would be about twice the height of those around. States that this would:</p> <p><i>...impinge on the pleasant aspects of the area with it's current housing heights, looming over the residents living adjacent to the site and thus reducing the amount of sunlight which now falls on the dwellings to the east and west of the development</i></p> <p>States that the maximum building height should be consistent with those already adjacent to the site.</p> <p>v) Loss of recreational land</p> <p>States the development will result in the loss of recreational land and that:</p> <p><i>Any loss of recreational land is an undesirable 'social outcome'. The area of grass containing the old netball courts has traditionally been virtually public recreational land, even though not officially designated as such since the sale of the land to Bowling Club...</i></p> <p><i>Many locals walk their dogs there, play cricket, learn to ride pushbikes etc. on the field that included the netball courts and have done so for decades. The development area contains the closest thing to a park in this part of Swansea.</i></p> <p>State that part of the site should be retained as a public park.</p> | <p><i>Part of the site (27 Lake Road) was previously public open space, however, Council resolved to sell the land to the bowling club in the year 2011 (See Council report 11COPR025). Consideration was given to retention of an access way along the eastern boundary of the site, however, Council received objections to the proposal from surrounding landowners. Based on past investigations and resolutions of Council, provision of an access way is not supported.</i></p> <p><i>The land surrounding the former bowling club site consists of single storey houses, which have a 10m maximum building height permitted under LMLEP 2014.</i></p> <p><i>The proposed maximum building height on the former bowling club site is 10m, which is consistent with the surrounding area. No changes are recommend in response to the submission.</i></p> <p><i>Part of the site (27 Lake Road) was previously public open space, however, Council resolved to sell the land to the bowling club in the year 2011 (See Council report 11COPR025).</i></p> <p><i>The former bowling club site is privately owned and zoned R3 Medium Density Residential and RE2 Private Recreation under LMLEP 2014. As is identified in the planning proposal, rezoning the land to R2 Low Density Residential will not significantly impact on the supply of 'private' recreational uses such as private gyms, squash courts etc, as these uses can be developed in the Swansea town centre.</i></p> <p><i>No changes are recommend in response to the submission.</i></p> |